NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON EDUCATION
(*Nevada Revised Statutes* 218.5352)

SUMMARY MINUTES AND ACTION REPORT

The ninth meeting and Work Session of the Nevada Legislature's Legislative Committee on Education was held on Thursday, August 21, 2008, at 9 a.m. in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 website at www.leg.state.nv.us/74th/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:

Assemblywoman Bonnie Parnell, Chairwoman
Senator William J. Raggio, Vice Chairman
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman Moises Denis

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Barbara K. Cegavske
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Carol M. Stonefield, Supervising Principal Research Analyst, Research Division
Melinda Martini, Senior Research Analyst, Research Division
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division
Joi Davis, Program Analyst, Fiscal Analysis Division
Maryann Elorreaga, Senior Research Secretary, Research Division

OPENING REMARKS

Chairwoman Parnell called the meeting to order and welcomed everyone in attendance.

APPROVAL OF MINUTES OF THE MINUTES OF THE MAY 22, 2008, AND THE JUNE 19, 2008, MEETINGS

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO APPROVE THE MINUTES OF THE MEETINGS HELD ON MAY 22, 2008, AND JUNE 19, 2008. ASSEMBLYMAN DENIS SECONDED THE MOTION, WHICH PASSED WITH SENATOR MATHEWS ABSTAINING.

PUBLIC COMMENT

(At the direction of the Chairwoman, this item was heard out of order)

Lonnie Shields, Nevada Association of School Administrators (NASA), commented on sections B and C of Proposal 6 in the Work Session Document. He said NASA strongly supported the $100,000 allocation for professional development of administrators.

Anne Loring, representing the Washoe County School District (WCSD), said the WCSD particularly liked Proposal 1; using the Growth model for testing. She said the district had rather grave concerns about Proposal 28 (A) and (B) because of its potential fiscal impact but WCSD would certainly support Proposal 28 (C) regarding the ratio of counselors to pupils to be included in the district's accountability reports.

Cindy Frank, Program Coordinator/Interpreting Professor, American Sign Language Deaf Studies, Western Nevada College (WNC), asked the Legislative Committee on Education to support the application from WNC to the United States Department of Education for a grant under the Individuals with Disabilities Education Act, entitled *Personnel Development to Improve Services and Results for Children with Disabilities* (CFDA 84.325K). She said the grant funds would enable WNC to enhance its Deaf Studies/Interpreter preparation courses.

WORK SESSION—DISCUSSION AND ACTION ON RECOMMENDATIONS

- Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), introduced the Work Session Document (Exhibit B). She said the document was assembled by the Committee staff under the direction of Chairwoman Parnell. It set out proposals for recommendations from the

Committee based on testimony in public hearings and other communications with either the Chairwoman or the staff. She said the options available to the Committee included accepting, rejecting, modifying, or taking no action on any of the proposals.

WORK SESSION DOCUMENT

Legislative Committee on Education
(Nevada Revised Statutes 218.5352)

August 21, 2008

The following "Work Session Document" has been prepared by the Chairwoman and staff of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218.5352). Pursuant to NRS 218.2429, the Committee is limited to ten legislative measures and must make its bill draft requests by September 1, 2008, unless the Legislative Commission authorizes submission of a request after that date.

The document contains a summary of proposals for bill draft requests (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. The approved recommendations for legislation resulting from these deliberations will be prepared as bill drafts and submitted to the 2009 Legislature.

Ø Melinda Martini, Senior Research Analyst, Research Division, LCB, reviewed Proposal 1.

PROPOSALS RELATING TO STATEWIDE TESTING

Growth Model

1. Amend the NRS (primarily at NRS 385) to require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year. Require schools, school districts, and the State Board of Education to apply the model and report findings, based on the use of the model, in their annual accountability reports along with the measures used to determine adequate yearly progress as provided in NRS 385. The Department of Education shall adopt the model by July 1, 2010.
(Based on a proposal by the Clark County School District, in response to the requirements of Senate Bill 110 (Chapter 229, Statutes of Nevada 2007) to submit a report to the Legislative Committee on Education that includes recommendations regarding testing)

Chairwoman Parnell said Proposal 1 would be amended to specify that the growth model would be utilized in grades 3 through 8.

The Committee **APPROVED THE FOLLOWING ACTION:**

SENATOR WASHINGTON MOVED TO ADOPT PROPOSAL 1 AS AMENDED. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal 2 (A) and (B).

Writing Portion of the High School Proficiency Examination

2. A. Amend the NRS (primarily at NRS 389.805) to provide that a pupil may be eligible to obtain a high school diploma according to alternative criteria if the pupil has failed the writing portion of the high school proficiency examination at least twice before beginning grade 12. Existing statutes provide that the writing portion must have been failed at least three times before beginning grade 12; however, under existing practice, a pupil has only two opportunities to take the writing portion before grade 12.
(Discussed at the December 13, 2007, meeting)

AND/OR

B. Send a letter to the Superintendent of Public Instruction directing him to monitor the participation of pupils in the alternative writing assessment. Direct him to report, at minimum, the number of pupils that were eligible to take the alternative assessment, the number of pupils that took the alternative assessment, and the number that passed the alternative assessment. In addition, the report should include the number and description of any testing irregularities associated with the administration of the alternative assessment. Finally, the report should include recommendations, if any, to the Legislative Committee on Education by January 1, 2010.
(Based upon information received from the Department of Education)

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR WASHINGTON MOVED TO ADOPT PROPOSAL 2 (A). THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND CARRIED. SENATOR CEGAVSKE AND ASSEMBLYMEN MUNFORD AND STEWART VOTED NAY.

Ø Joi Davis, Program Analyst, Fiscal Analysis Division, LCB presented Proposal 3.

PROPOSALS RELATING TO FUNDING AND BUDGET REDUCTIONS

Economic Hardship

3. Amend the NRS (primarily at NRS 387.206) to provide that during times of economic hardship school districts shall, upon application, not be required to expend the minimum amount for textbooks, instructional hardware, and instructional supplies. Provide that a school district shall submit its application for a waiver from or reduction in the required minimum amount to the Department of Education for review. If the Department approves the request, the Department shall forward the application to the Interim Finance Committee (IFC) for action on the request. The IFC will determine, on a case-by-case basis, whether an economic hardship exists and whether a waiver or reduction is an appropriate remedy.
(Based on a proposal from the Washoe County School District; communication with Committee staff)

The Committee members agreed to reserve a BDR regarding economic hardship as it relates to mandated expenditures for textbooks, instructional supplies, and instructional hardware. The details would be discussed during the final Work Session.

Ø Ms. Davis presented Proposal 4.

4. Send a letter 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 of the staff positions in the Department of Education provided by the 74th Legislature and the 23rd Special Session. State that the Committee recognizes the State's extraordinary fiscal situation and that it strongly supports rescinding the hiring freeze and restoring these funds as State General Fund revenues allow. Include in the letter the following positions:

- Parent involvement coordinator;
- Gifted and talented coordinator; and
- Empowerment coordinator.

(Discussed at the January 10, 2008, meeting)

The Committee **APPROVED THE FOLLOWING ACTION**:

ASSEMBLYMAN DENIS MOVED TO ADOPT PROPOSAL 4. THE MOTION WAS SECONDED BY SENATOR WASHINGTON AND CARRIED. SENATORS CEGAVSKE AND RAGGIO VOTED NAY.

Ø Ms. Davis presented Proposal 5.

5. Send a letter 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 74th 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:

- Expansion of full-day kindergarten;
- Planning for and establishment of empowerment schools;
- Biennial funding of educational technology;
- Expansion of career and technical education programs;
- Support for gifted and talented programs;
- Allocations to the school districts in meeting electricity, heating, and cooling costs; and
- Appropriations to the Account for Programs for Innovation and the Prevention of Remediation to be awarded as grants by the Commission on Educational Excellence.

(Discussed at the January10, 2008, meeting)

- The Committee **APPROVED THE FOLLOWING ACTION**:

  ASSEMBLYMAN DENIS MOVED TO ADOPT PROPOSAL 5. THE MOTION WAS SECONDED BY SENATOR MATHEWS AND CARRIED. SENATORS CEGAVSKE AND RAGGIO VOTED NAY.

  Ø Ms. Davis presented Proposals 6A, 6B, and 6C.

<u>Regional Training Programs</u>

6. A. Provide an appropriation from the State General Fund to the Distributive School Account for transfer to the four school districts serving as fiscal agents for the continuation of the four Regional Professional Development Programs (RPDPs). Section 10 of Assembly Bill 627 (Chapter 343, *Statutes of Nevada 2007*) provided $12,889,934 in Fiscal Year 2008 and $13,313,162 in Fiscal Year 2009. The estimated cost in Fiscal Year 2010 is $13,500,741 and in Fiscal Year 2011 is $13,647,070.
(Proposed by the Regional Training Programs in communication with Committee staff)

AND

B. Provide an appropriation from the State General Fund to the Distributive School Account for transfer to the Statewide Coordinating Council to continue statewide training for educational administrators. In the 2007-2009 biennium, pursuant to the provisions of Section 12 of Assembly Bill 627, $100,000 per fiscal year was transferred to the Statewide Coordinating Council for administrator training. The estimated cost in the 2009-2011 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 Distributive School Account for allocation to the Legislative Bureau of Educational Accountability and Program Evaluation to contract with a consultant to review the evaluations of the RPDPs. Section 11 of Assembly Bill 627 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 due to the budget reductions. The estimated cost for evaluation in the 2009-2011 biennium is also $100,000 per fiscal year.
(Proposed for the Committee's consideration as a continuing expenditure)

Senator Raggio said he would support appropriations to fund the regional training programs with the understanding that they were subject to available revenue.

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO ADOPT PROPOSAL 6 (A),(B), AND (C). THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND CARRIED. SENATOR CEGAVSKE AND ASSEMBLYMAN STEWART VOTED NAY.

Ø Ms. Davis presented Proposal 7.

Educational Technology

7. A. Provide an appropriation from the State General Fund to the Department of Education 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 Assembly Bill 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 2009-2011 biennium, the total appropriation would again be $10.78 million. A portion of the funding for the 2007-2009 biennium was reverted for the purpose of budget reductions.
(Discussed at the June 19, 2008, meeting and proposed for the Committee's consideration as a continuing expenditure)

AND

B. Amend the NRS (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.
(Discussed at the June 19, 2008, meeting)

The Committee **APPROVED THE FOLLOWING ACTION**:

ASSEMBLYMAN STEWART MOVED TO ADOPT PROPOSAL 7 (A) AND (B). THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Davis presented Proposal 8.

Parent Information

8. Provide an appropriation from the State General Fund to the IFC to continue contractual services to provide a web-based program designed to provide parents with individualized criterion-referenced test results and resources aimed at improving student performance. Section 2 of Assembly Bill 3 (Chapter 10, *Statutes of Nevada 2007, 23rd Special Session*) appropriated $475,000 in each fiscal year of the 2007-2009 biennium. For the 2009-2011 biennium, The Grow Network estimates the cost would again be $475,000 in each fiscal year of the biennium.
(Discussed at the June 19, 2008, meeting)

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO ADOPT PROPOSAL 8. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND CARRIED. SENATOR CEGAVSKE AND ASSEMBLYMEN MUNFORD AND STEWART VOTED NAY.

Ø Ms. Stonefield presented Proposal 9 (A), (B), (C), and (D).

PROPOSALS RELATING TO CHARTER SCHOOLS

Statewide Authorizers

9. A. (1) Maintain the current statutory structure for sponsorship of charter schools.

AND

(2) Send a letter to the State Board of Education clarifying that, in the event the State Board neither approves nor denies an application (in the case of a tie vote) to form a charter school, the Board shall include in a written notice to the applicant the deficiencies in the application identified by members voting no.

AND

(3) Further, provide an appropriation from the State General Fund to the Department of Education to fund a 1.0 full-time equivalent (FTE) special education/curriculum consultant for the assistance, monitoring, and oversight of the special education needs of charter schools. The estimated appropriation would be $69,000 in Fiscal Year 2009-2010 and $91,000 in Fiscal Year 2010-2011.

AND

(4) Authorize the Department to utilize funding from sources other than the State General Fund to support the following positions for the oversight of charter schools:

- Auditor (0.5 FTE), funding provided through the cost allocation mechanism utilized for the general administrative, accounting, and auditing costs of the Department of Education;
- Program analyst (1.0 FTE), funding provided with administrative fees; and
- General education/curriculum consultant (1.0 FTE), funding provided with administrative fees.

(Proposed by the Superintendent of Public Instruction and the Director of Fiscal Accountability, Department of Education, testimony before the Committee, February 21, 2008, meeting, and communication with Committee staff)

AND

(5) Send a letter 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 including funding for these positions in the *Executive Budget* for the 2009-2011 biennium.
(Discussed at the February 21, 2008, meeting)

OR

B. (1) Amend the NRS (primarily at NRS 386.500 et seq.) to establish a statewide charter school board with the authority to approve or deny applications for state-sponsored charter schools, and to sponsor charter schools, including the authority to revoke a charter of a school that it has sponsored. Unless the Committee prescribes a different membership, provide that the new board shall be composed of:

- Three members of the State Board of Education, selected by the State Board;
- One member appointed by the Senate Majority Leader (not to be a legislator);
- One member appointed by the Speaker of the Assembly (not to be a legislator);
- One member appointed by the Governor; and
- One member appointed by a state charter school association.

Appointing authorities shall ensure that appointees include among the members individuals with knowledge of elementary and secondary education, school finance, management, assessment, technology, and charter school law. Unless the Committee prescribes a different term, except for initial appointments, a term will be four years.

Further provide that the Department of Education will continue to provide technical assistance, oversight, and monitoring. Allow charter schools currently sponsored by the State Board of Education to remain with the State Board or apply for sponsorship by the charter school board and prohibit the State Board from sponsoring any new charter schools.
(Based on a proposal from the Nevada State Charter School Leadership Team, in communication with Committee staff)

AND

(2) Further, provide an appropriation from the State General Fund to the Department of Education to fund a 1.0 FTE special education/curriculum consultant for the assistance, monitoring, and oversight of the special education needs of charter schools. The estimated appropriation would be $69,000 in Fiscal Year 2009-2010 and $91,000 in Fiscal Year 2010-2011.

AND

(3) Authorize the Department to utilize funding from other sources than the State General Fund to support the following positions for the oversight of charter schools:

- Auditor (0.5 FTE), funding provided through the cost allocation mechanism utilized for the general administrative, accounting, and auditing costs of the Department of Education;
- Program analyst (1.0 FTE), funding provided with administrative fees; and
- General education/curriculum consultant (1.0 FTE), funding provided with administrative fees.

AND

(4) Send a letter 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 including funding for these positions in the *Executive Budget* for the 2009-2011 biennium.
(Based on staffing and fiscal information provided by the Department of Education)

OR

C. (1) Amend the NRS (primarily at NRS 386.500 et seq) to establish a charter school institute as an independent entity, to be operational in the 2010-2011 school year. The board of the institute will have rule-making authority. Further amend the NRS to repeal the grant of authority to the State Board of Education to sponsor charter schools, effective in the 2010-2011 school year. Unless the Committee prescribes different membership, the charter school institute shall consist of seven members, appointed for staggered terms, including:

- Two members appointed by the Senate Majority Leader (not to be legislators);
- Two members appointed by the Speaker of the Assembly (not to be legislators);
- Two members appointed by the Governor; and
- One member appointed by a state charter school association.

Appointing authorities shall ensure that appointees include among the members individuals with knowledge of elementary and secondary education, school finance, management, assessment, technology, and charter school law. Unless the Committee prescribes a different term, except for initial appointments, a term will be four years.

The institute shall serve as a local education agency for its sponsored charter schools. It may receive applications from charter school committees and may approve them for sponsorship. It may revoke a charter for the reasons currently available to other charter school sponsors. It may refuse to renew a charter if it determines it is not in the best interest of pupils to do so.

AND

(2) Provide for a transitory section for an orderly transition by providing:

- An appropriation from the State General Fund in the 2009-2011 biennium to the charter school institute to fund staff positions for the assistance, monitoring, and oversight of charter schools, office space and equipment, and other operational expenses, provided that this is a one-time appropriation for costs associated with starting the institute and that future funding derives from administrative fees; and

- Sponsorship of charter schools currently sponsored by the State Board of Education shall be transferred to the charter school institute board in the 2010-2011 school year.

AND

(3) Amend the NRS (primarily at NRS 386.570) to provide that administrative fees paid by charter schools sponsored by the charter school institute shall be credited to the institute beginning in Fiscal Year 2010-2011. Authorize the institute board to accept gifts, grants, and bequests on behalf of the institute and to expend those funds for operations of the institute.

AND

(4) Amend the NRS (primarily at NRS 386.570) to provide that the charter school institute may receive up to 2 percent of the total amount of money apportioned to the charter school in each year pursuant to NRS 387.124. Currently, in the second year the State Board may receive up to 1.5 percent of the apportionment of charter schools it sponsors and school districts may receive up to 1 percent of apportionment of the district-sponsored charter schools.

If the Committee wishes to pursue this option, the Committee staff will obtain a fiscal estimate.
(Based on a proposal from the Charter School Association of Nevada, in communication with Committee staff)

OR

D. Provide for a transitory section directing the Chairman of the Legislative Committee on Education to appoint a subcommittee to study charter school sponsorship in Nevada during the

2009-2011 biennium. The subcommittee would report its findings and recommendations to the full Committee which shall consider its recommendations and submit a report of the subcommittee to the 2011 Session of the Legislature.
(Based on a proposal by the Superintendent of Public Instruction, Department of Education, testimony before the Committee, February 21, 2008, meeting)

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR WASHINGTON MOVED TO ADOPT PROPOSAL 9 (C). THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

Ø Ms. Stonefield presented Proposal 10.

Governing Body Membership

10. Amend the NRS (primarily at NRS 386.549) to provide that a sponsor of a charter school may appoint one member of a charter school governing body in addition to those required by NRS 386.549.
(Based on a proposal by the Superintendent of Public Instruction, Department of Education, testimony before the Committee, February 21, 2008, meeting)

· The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO ADOPT PROPOSAL 10. THE MOTION WAS SECONDED BY SENATOR WASHINGTON AND PASSED UNANIMOUSLY.

Ø Ms. Stonefield presented Proposal 11.

Resources for Sponsors and the Department of Education

11. Amend the NRS (primarily at NRS 386.570) to change the current yearly payment to quarterly payments of administrative fees from the charter school to the sponsor.
(Based on a proposal by the Superintendent of Public Instruction, Department of Education, testimony before the Committee, February 21, 2008, meeting)

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR CEGAVSKE MOVED TO ADOPT PROPOSAL 11. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Stonefield presented Proposal 12.

Basic Support

12. Amend the NRS (primarily at NRS 387) to change the formula for calculating the apportionments to charter schools.
(Proposed by the Superintendent of Public Instruction, Department of Education, testimony before the Committee, February 21, 2008, meeting)

The Committee took no action on Proposal 12.

Ø Ms. Stonefield presented Proposal 13.

Renewal application

13. Amend the NRS (primarily at NRS 386.530) to require the submission of the renewal application not less than 120 days prior to the expiration of the current charter.
(Proposed by Washoe County School District, communication with Committee staff)

· The Committee **APPROVED THE FOLLOWING ACTION**:

ASSEMBLYMAN DENIS MOVED TO ADOPT PROPOSAL 13. THE MOTION WAS SECONDED BY SENATOR WASHINGTON AND CARRIED. SENATOR CEGAVSKE AND ASSEMBLYMAN STEWART VOTED NAY. CHAIRWOMAN PARNELL WAS ABSENT FOR THE VOTE.

Ø Ms. Stonefield presented Proposal 14.

Surety Bond

14. Amend the NRS (primarily at NRS 386) to require a charter school to post a surety bond in an amount sufficient to ensure payment of certain expenses if the charter school ceases to exist. The bond must be executed by a surety company qualified and authorized to do business in Nevada. The bond must cover the period of the written charter for the charter school and be payable to the State of Nevada. The Superintendent of Public Instruction shall require the bond

before the school becomes operational. In lieu of a bond, the charter school may deposit with the Department of Education lawful money of the United States or a certified check in an amount sufficient to ensure payment if the school ceases to exist.

The Committee may consider the following options, or any combination thereof, to determine what expenses the surety or deposit must cover.

- The Committee may require the surety or deposit to be in an amount sufficient to reimburse the State for any payment made from the State Distributive School Account (DSA) to the charter school for a school year or part of a school year for which the charter school is not in operation.

- The Committee may require the surety or deposit to be in an amount sufficient to reimburse all public entities for outstanding debts. This would include the DSA, as noted above, and any other money due to a public entity, including, without limitation, the Public Employees' Retirement System (PERS).

- The Committee may require the surety or deposit to be in an amount sufficient to cover all outstanding debts of the charter school including payment due to all public and private debtors. This would include, without limitation, the DSA and PERS, as noted above, as well as private debts such as rent, utilities, and teachers' salaries.

- The Committee may require the surety or deposit to be in an amount sufficient to cover any malfeasance of an officer, employee or authorized agent of the charter school.

The Committee should also consider whether:

- Existing charter schools should be grandfathered in, meaning they would be exempt from the surety requirement; OR

- To require a charter school that is already in operation to comply with the surety requirement. If existing charter schools must comply, will there be a delayed effective date to allow sufficient time for each charter school to obtain the surety or deposit?

(Based on a proposal by the Chair)

The Committee took no action on proposal 14.

Ø Ms. Stonefield presented Proposal 15.

<u>Professional Development</u>

15. Amend the NRS (primarily at NRS 391.512) to require each regional training program to provide services to teachers and administrators who are employed in charter schools sponsored by the State or the Nevada System of Higher Education if the school is located in the region of the training program.
(Based on Committee staff communication with member of the State Board of Education)

Chairwoman Parnell said the proposal would be amended to include the university schools for profoundly gifted students.

The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR CEGAVSKE MOVED TO ADOPT PROPOSAL 15, AS AMENDED. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal 16.

PROPOSALS RELATING TO SCHOOL AND CAMPUS SAFETY

16. Amend the NRS (primarily at NRS 388.121 et seq) to define bullying as follows: a student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more students. Negative actions may include such low-level nonverbal harassment as stares and glares as well as cruel teasing, social ostracism, malicious gossip, sexual harassment, ethnic slurs, unreasonable territorial bans, destruction of property, extortion, and serious physical assault. Further amend the NRS to include bullying in the training, data collection, and reporting required of school districts for a safe and respectful learning environment.
(Proposed by the Nevada Attorney General, based on the National Association of Attorneys General's Report on the Task Force on School and Campus Safety; definitions provided by the Department of Education in communication with Committee staff)

· The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO ADOPT PROPOSAL 16. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal 17.

PROPOSALS RELATING TO THE COMMISSION ON EDUCATIONAL EXCELLENCE

Evaluation

17. Amend the NRS (primarily at NRS 385.379) to specify that the evaluation of programs for which money may be allocated from the Account for Programs for Innovation and the Prevention of Remediation may not exceed $225,000 in any fiscal year. Existing statutory provisions include a biennial cap of $450,000.
(Discussed at the April 17, 2008, meeting)

ASSEMBLYMAN DENIS MOVED TO ADOPT PROPOSAL 17. THE MOTION DIED FOR LACK OF A SECOND.

Ø Ms. Martini presented Proposal No. 18 A and B.

List of Effective Remedial Programs

18. A. Amend the NRS (primarily at NRS 385.3785) to require that in funding commercially available (off-the-shelf) remediation programs, the Commission on Educational Excellence must only approve grant applications that include approved programs on the list of effective remedial programs. Existing provisions of NRS 218.5354 provide that the Legislative Committee on Education makes recommendations to the Department of Education and the Commission regarding programs of remediation. These provisions would not be amended.
(Discussed and approved as an item for the work session at the March 27, 2008, meeting)

OR

B. Amend the NRS (primarily at NRS 218.5354 and 385.3785) to provide that the Commission on Educational Excellence shall develop a list of remedial programs proven to be successful in improving the academic achievement of pupils. The Commission must only approve grant applications that include approved programs on the list of effective remedial programs when allocating funds from the Account for Programs for Innovation and the Prevention of Remediation. The Commission shall revise its list following each evaluation of programs, if applicable, and provide the Legislative Committee on Education with the revised list. The Committee may review and comment on the list and may make recommendations to the Commission to revise it as necessary. The Commission shall include the list in the annual report required pursuant to NRS 385.3789. The provisions of NRS 218.5354 relating to the recommendations from the Committee to the Department are repealed.
(Discussed at the March 27, 2008, meeting)

· The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR CEGAVSKE MOVED TO ADOPT RECOMMENDATION 18 (A). THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal No. 19.

Audit

19. Amend the NRS (primarily at NRS 385.3789) to provide that the Legislative Auditor shall include in his biennial audit of the programs funded by the Commission on Educational Excellence a study that reviews the movement of funds from the Commission to the grant recipients. The study shall include a review of the length of time it takes for schools or consortia of schools to receive funding as approved by the Commission. Further require the Legislative Auditor to determine if the funds were used at the school or consortia level for the program for which the funds were received. The Legislative Auditor's report must include recommendations for the most efficient use of State funds at the school or consortium level.
(Discussed at the March 27, 2008, meeting)

- The Committee **APPROVED THE FOLLOWING ACTION**:

  SENATOR CEGAVSKE MOVED TO ADOPT RECOMMENDATION 19. THE MOTION WAS SECONDED BY SENATOR WASHINGTON AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal No. 20.

Contents of Application

20. Amend the NRS (primarily at NRS 385.3785) to require an applicant for a grant to 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 application 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 Excellence from the Account for Programs for Innovation and the Prevention of Remediation.
(Discussed at the March 27, 2008, meeting)

- The Committee **APPROVED THE FOLLOWING ACTION**:

  SENATOR CEGAVSKE MOVED TO ADOPT RECOMMENDATION 20. THE MOTION WAS SECONDED BY SENATOR MATHEWS AND PASSED UNANIMOUSLY.

Ø Ms. Stonefield presented Proposal No. 21.

PROPOSALS RELATING TO PERSONNEL

Teacher Preparation

21. Send letters to the deans and heads of the colleges, schools, and departments of education at the institutions of the Nevada System of Higher Education and to the State Board of Education, asking them to work together to ensure that teacher education programs, at all levels of licensure and in all subject endorsements, include instruction in the following:

- Strategies for teaching students from culturally diverse backgrounds;
- Strategies for teaching limited English proficient students;
- Strategies for teaching students who have individualized education programs;
- Recognizing and managing gang activities;
- Understanding the ethics of teaching;
- Understanding and working with parents of students;
- Using technology in instruction;
- Managing a classroom;
- Methods for instructing reading; and
- Integrating curriculum.

Require them to report on the status of this request to the Legislature and the chairs of the standing committees on education by January 1, 2009.
(Based on testimony before the Committee at the April 17, 2008, meeting)

Chairwoman Parnell said the recommendations for teacher education programs were based on suggestions from Committee members and the testimony of three teachers in their second year of teaching.

Senator Raggio said the Committee should not wait until January 2009 to send the letters; they should be sent out as soon as possible.

Senator Cegavske asked that methods for teaching mathematics and teaching to the academic standards be included in the recommendations.

Chairwoman Parnell agreed to amend the recommendation to include those two items.

- The Committee **APPROVED THE FOLLOWING ACTION**:

  SENATOR RAGGIO MOVED TO ADOPT RECOMMENDATION 21 AS AMENDED. THE LETTERS WOULD BE SENT OUT AS SOON AS POSSIBLE AND THE RESPONSE DATE WOULD BE MOVED TO DECEMBER 1, 2008. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Stonefield presented Recommendation No. 22.

22. Amend the NRS (primarily at NRS 391.019, 391.037, and 391.038) to require the Commission on Professional Standards in Education to prescribe by regulation the standards for approval of teacher education programs in higher education institutions in Nevada. Further provide that the Commission shall review, evaluate, and approve teacher education programs. The provisions of the NRS relating to the authority of the State Board of Education to approve teacher education programs would be repealed.
(Based on testimony before the Committee at the April 17, 2008, meeting)

The Committee took no action on Proposal 22.

Ø Ms. Stonefield presented Proposal 23.

Teacher Licensing

23. Amend the NRS (primarily at NRS 391.032) by eliminating the requirement that an applicant for licensure from another state pursuant to a reciprocal agreement must have previous experience in teaching or in performing other educational functions in another state, if the examinations required by that state are substantially equivalent to all of the examinations required by the Commission on Professional Standards in Education. The determination of equivalency shall be made by the Commission on Professional Standards.
(Proposed by the Superintendent of Public Instruction, in communication with Committee staff)

Ø Ms. Stonefield presented Proposal 24.

Substitute Teachers

24. A. Amend the NRS (primarily at NRS 391) to provide that the Commission on Professional Standards shall promulgate regulations on training programs for substitute teachers. At minimum, the training should include classroom management, curriculum, and academic standards. Further provide that the Commission shall report to the Legislative Committee on Education on the provisions of the training program by March 1, 2010, and the plan shall be in place by July 1, 2010. Further amend the NRS to provide that the Commission on Professional Standards shall provide for a waiver of the training requirement to any individual who holds a current or expired Nevada teaching license or presents evidence of licensure in a state with a reciprocal agreement with Nevada.
(Discussed at the June 19, 2008, meeting)

AND

B. Further amend the NRS to provide that a regional training program shall provide this training for the member school districts of that region. A school district may opt out of the training provided by a regional training program but must offer a training program in accordance with the program approved by the Commission. Provide that the Department of Education shall record the completion of a substitute training program by a substitute teacher licensee.
(Discussed at the June 19, 2008, meeting)

AND

C. Amend the NRS to provide that an individual seeking to be licensed as a substitute teacher must complete the training program. Further provide that after July 1, 2011, a school district shall not employ as a long-term substitute teacher or a short-term substitute teacher, as defined in NRS 385.3469, any individual who has not received the training.
(Discussed at the June 19, 2008, meeting)

Ø Ms. Martini presented Proposal 25.

Funding of Recruitment and Compensation

25. A. Provide an appropriation from the State General Fund to the Department of Education for transfer to the school districts for continued support of signing bonuses for newly hired teachers. Pursuant to the provisions of Section 25 of Assembly Bill 627, the Legislature appropriated $7.2 million in Fiscal Year 2007-2008 and $7.6 million in Fiscal Year 2008-2009. For the 2009-2011 biennium, the total appropriation would again be approximately $15 million. A portion of the funding for the 2007-2009 biennium was reverted because the increase in enrollment was not as large as estimated.
(Discussed at the January 10, 2008, meeting and proposed for the Committee's consideration as a continuing expenditure)

AND

B. Send a letter to the Superintendent of Public Instruction expressing the intent of the Legislative Committee on Education that he monitor the impact of teacher signing bonuses. Ask him to report to the Committee by January 1, 2009, on the cohort of teachers who received signing bonuses in the 2007-2008 school year, the number of those in the cohort who completed the school year, and the number of those in the cohort who signed a contract to teach in the 2008-2009 school year. If these data are unavailable, express the intent of the Committee that the Superintendent begin to collect these data so that he can report the requested information by July 1, 2010.
(Discussed at the January 10, 2008, meeting)

AND/OR

C. Provide for a transitory section directing the Superintendent of Public Instruction to conduct a study of the effectiveness of the signing bonus. Establish for the study a cohort of newly hired teachers each school year who receive the signing bonus. Determine the number who complete the first year of employment in a Nevada school district, the number who are retained by the original school district for a second year of employment and for subsequent years as data are available. Report on those who exit the initial district for employment in another Nevada school district or who leave the State. Submit the report to the Legislative Committee on Education and the Legislature in July 2010.
(Discussed at the January 10, 2008, meeting)

Ø Ms. Martini presented Proposal 26.

26. A. Send a letter 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 of the pilot program of performance pay and enhanced compensation program for the recruitment and retention of licensed teachers funded pursuant to the provisions of Assembly Bill 3 (Chapter 10, *Statutes of Nevada 2007, 23rd Special Session*). State that the Committee recognizes the State's extraordinary fiscal situation and that it strongly supports restoration of these funds as State General Fund revenues allow.
(Discussed at the January 10, 2008, meeting)

B. Provide for a transitory section which, if funding is provided for the establishment of a pilot program of performance pay and enhanced compensation based on the provisions of Assembly Bill 3, clarifies that the component of career leadership advancement options to maximize the retention of teachers in the classroom includes the support of a teacher mentoring program.
(Discussed at the January 10, 2008, meeting)

- Ms. Stonefield presented Proposals 27 and 28.

PROPOSALS RELATING TO SCHOOL COUNSELORS

Limitation on Administrative Activities of Counselors

27. Amend the NRS (primarily at NRS 391.274) to provide that a licensed school counselor shall spend at least 75 percent of work time each week providing direct counseling related to students and shall devote no more than 25 percent of work time to administrative activities.
(Discussed at the June 19, 2008, meeting)

Ratio of Counselors to Pupils

28. A. Provide for a transitory section that requires each school district to develop a plan for the school district to achieve and maintain by the 2012-2013 school year a ratio of 1 school counselor for every 250 pupils enrolled in the school district and submit that plan to the Department of Education. Require the Department to summarize the plans and submit a report to the Legislative Committee on Education in January 2010. The district's plan must identify priorities for providing counseling services and a distribution among grade levels. The plan must also include estimates for the cost of achieving the goal.

OR

B. State in the Committee's final report that school districts should set a goal of achieving a counselor to pupil ratio of 1 to 250 pupils as recommended by the American School Counselors Association.

AND/OR

C. Amend the NRS (primarily at NRS 385.347 and 385.3469) to require school districts and the State Board of Education to include in their accountability reports the ratio of counselors to pupils by elementary, middle, and high school level.

(Discussed at the June 19, 2008, meeting)

- The Committee **APPROVED THE FOLLOWING ACTION**:

  SENATOR RAGGIO MOVED TO RESERVE A BDR TO ADDRESS PERSONNEL ISSUES. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

Ø Ms. Martini presented Proposal 29.

PROPOSALS RELATING TO GOVERNANCE

29. Provide an appropriation from the State General Fund to the Legislative Commission in the amount of $150,000 to fund an external consultant to conduct an analysis and evaluation of the statewide public elementary and secondary school governance structure in Nevada, including all boards, councils, and commissions with responsibilities directly relating to elementary and secondary education. Such responsibilities include teacher licensing and approval of teacher education programs, establishment and revision of academic standards, oversight of educational technology, and distribution of funds for innovative or remedial programs.

The consultant is to be selected by a request for proposal process. The consultant is to complete the review and submit a draft report to the Legislative Commission and the Legislative Committee on Education by July 2010. A final report with recommendations would be due January 2011.

The Legislative Commission may establish an advisory committee to work with the consultant during the study. Membership on the advisory committee may include individuals with knowledge in planning and goal-setting, organizational behavior, management, and quality assurance, as well as school finance, educational research, and academic performance.
(Based on a discussion at the April 17, 2008, meeting)

The Committee took no action on Proposal 29.

Senator Cegavske said she would like to reserve a BDR to address school governance based on the concepts put forth in Senate Bill 540 of the 2007 Legislative Session. She said the details would be discussed at the Committee's final Work Session.

- The Committee **APPROVED THE FOLLOWING ACTION**:

  SENATOR CEGAVSKE MOVED TO RESERVE A BDR TO ADDRESS PROVISIONS GOVERNING THE SYSTEM OF PUBLIC EDUCATION IN NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND CARRIED. SENATOR MATHEWS, ASSEMBLYMAN DENIS, AND CHAIRWOMAN PARNELL VOTED NAY.

Ø Ms. Martini presented Proposal 30.

PROPOSALS RELATING TO MIDDLE SCHOOL AND HIGH SCHOOL

Transition from Middle School to High School

30. A. Amend the NRS (primarily at NRS 392.033) to require a board of trustees to provide a summer school course of study for an eighth grade pupil who has not successfully completed all courses required for promotion to ninth grade. Require the local board, or its designee, to consult with the parent or guardian about the pupil's deficiencies, which prevent him from being promoted to ninth grade. Further amend the NRS to provide that in order to be promoted to ninth grade, the pupil must successfully complete the summer school remedial course of study in the area(s) in which he is deficient. In cases of hardship, the parent or guardian of the pupil may sign a waiver from the summer school attendance requirement. If he attends summer school and does not successfully complete the summer school course of study, provide that the board of trustees, or designee, must meet with the parent or guardian to determine whether the pupil should be promoted to the ninth grade on academic probation with continued remediation or retained in eighth grade. If the pupil is promoted to ninth grade on probation, the parent or guardian shall be informed of the potential impact to the pupil of completing the required ninth grade curriculum while also completing the remedial eighth grade curriculum.

AND/OR

B. Amend the NRS (primarily at NRS 385.3785) to provide that, to the extent money is available for grants to programs for grades 7 to 12 from the Account for Programs for Innovation and the Prevention of Remediation, the Commission on Educational Excellence shall allocate funds first to proposals from schools to establish summer school programs to assist eighth grade students who have not completed the courses required for promotion to ninth grade. Provide that eligible grants may include the cost of providing instruction as well as the cost of transportation. Further provide in the transitory section that if applications exceed the allocated amounts, the Commission may award grants on a pro rata basis.
(Discussed at the May 22, 2008, meeting)

Ms. Stonefield presented Proposal 31.

Training to Teach Advanced Placement Courses

31. A. Send a letter to each of the regional training programs, established pursuant to NRS 391.500 et seq., urging its governing body to determine the need in the region for teachers to be certified to teach Advanced Placement (AP) courses offered by the College Board and to determine the cost of assisting these teachers to become certified. The governing body is encouraged, as needed, to set aside funds for the purpose of providing support (travel, per diem, registration, and so forth) for teachers in the region to obtain training to qualify to teach AP courses.
(Proposed by the Director, Southern Nevada Regional Professional Development Program, in communication with Committee staff, July 2008)

Chairwoman Parnell said the term "certified" would be replaced by the term "trained."

AND

B. Amend the NRS (primarily at NRS 391.552) to include in the annual report of the regional training program the estimated need and the actual number of teachers who participated in the AP training program that year. In addition, describe where the training was received by teachers. *(Based on the discussion at the May 22, 2008, meeting)*

Ms. Martini presented Proposal 32.

32. Provide an appropriation from the State General Fund to the IFC to fund a research study through a competitive request for proposals process to measure the alignment of assignments in Algebra, including Algebra I, in grades 8 and 9 to standards upon which portions of the high school proficiency examination are based. The proposed study would involve approximately 190 schools and include observations of 20 full-period classroom sessions.

A cost estimate of $198,000 has been provided by The Standards Company, which conducted the alignment of student assignments to State standards in elementary grades during the 2007-2009 Interim. This cost estimate includes a study of courses titled Geometry and Geometry I.
(Proposed by the Director, Southern Nevada Regional Professional Development Program, in communication with Committee staff, July 2008)

· The Committee **APPROVED THE FOLLOWING ACTION**:

SENATOR RAGGIO MOVED TO RESERVE A BDR TO ADDRESS ISSUES RELATED TO MIDDLE SCHOOL AND HIGH SCHOOL. THE MOTION WAS SECONDED BY ASSEMBLYMAN DENIS AND PASSED UNANIMOUSLY.

After a brief discussion, the members of the Legislative Committee on Education agreed to support the application from WNC to the United States Department of Education for a grant under the Individuals with Disabilities Education Act.

PUBLIC COMMENT

No one came forward for public comment.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:50 p.m.

Respectfully submitted,

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Maryann Elorreaga
Senior Research Secretary

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Carol M. Stonefield
Supervising Principal Research Analyst

APPROVED BY:

_____

Assemblywoman Bonnie Parnell, Chairwoman

Date: _____

LIST OF EXHIBITS

Exhibit A is the Meeting Notice and Agenda provided by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

Exhibit B is the "Work Session Document," provided by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.