

**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON EDUCATION
(*Nevada Revised Statutes* 218.5352)
April 11, 2000
Reno, Nevada**

The seventh meeting of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218.5352) for the 1999-2000 interim was held on Tuesday, April 11, 2000, at 10:30 a.m. in the Alumni Room of the Jot Travis Student Union Building, University of Nevada, Reno. Pages 2 and 3 contain the "Meeting Notice and Agenda."

COMMITTEE MEMBERS PRESENT:

Assemblyman Wendell P. Williams, Chairman
Senator Bernice Mathews
Senator Raymond D. Rawson
Senator Maurice E. Washington
Assemblyman Marcia de Braga
Assemblywoman Barbara K. Cegavske
Assemblyman Mark A. Manendo

COMMITTEE MEMBER NOT PRESENT:

Senator William J. Raggio, Vice Chairman

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

H. Pepper Sturm, Chief Principal Research Analyst
Kristin C. Roberts, Senior Deputy Legislative Counsel
Melinda Braun, Education Program Analyst
Maureen C. Kirkman, Senior Research Secretary
Gabriela Garcia, Receptionist/Research Technician

MEETING NOTICE AND AGENDA

Name of Organization	Legislative Committee on Education (<i>Nevada Revised Statutes</i> [NRS] 218.5352)
Date and Time of Meeting:	Tuesday, April 11, 2000 10:30 a.m.
Place of Meeting:	Alumni Room Jot Travis Student Union Building University of Nevada, Reno North Virginia Street Reno, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative Web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

A G E N D A

- I. Opening Remarks
Assemblyman Wendell P. Williams, Chairman
- *II. Charter Schools
 - A. Charter Schools in Nevada – Status Report, Review and Discussion of Potential Issues
Tom McCormack, Nevada’s Department of Education
 - B. Need for State-level Evaluations of Charter Schools
George Perreault, Department of Educational Leadership, University of Nevada, Reno
- *III. School District Policies Concerning Attention Deficit Hyperactivity Disorder (ADHD) and Ritalin
 - A. Staff Overview of Nevada School District Survey Concerning Medications/ADHD
H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB)
 - B. Diagnosis and Prescribing Issues Relating to ADHD

Textbooks in Nevada Public Schools
- *IV.
 - A. Overview of Nevada Textbook Adoption Policies and Procedures
Nevada’s Department of Education Representative
 - B. Textbook Quality Issues – Approaches Used in Other States to Address Textbook Errors
H. Pepper Sturm, Chief Principal Research Analyst, Research Division, LCB
- V. Public Comment
- VI. Adjournment

*Denotes items on which the committee may take action

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 Maureen C. Kirkman 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 for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue. Notice of this meeting was faxed for posting to the following Reno, Nevada, location: Jot Travis Student Union Building, University of Nevada, Reno, North Virginia Street.

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OPENING REMARKS

Chairman Wendell P. Williams

Chairman Williams requested that Committee on Education staff compile material on all aspects of education within the State of Nevada, encompassing a comprehensive review of education material, and submit it to the committee within two months for review and consideration.

CHARTER SCHOOLS

CHARTER SCHOOLS IN NEVADA – STATUS REPORT, REVIEW AND DISCUSSION OF POTENTIAL ISSUES

Tom McCormack

Tom McCormack, a part-time Charter School Consultant with Nevada's Department of Education (DOE), referenced his handout, titled "Nevada Charter Schools, April 2000 Status" (Exhibit A), addressing:

1. The status of five charter schools under current operation in Nevada; and
2. A review of new charter schools applications, with issues and concerns.

Further, a discussion ensued among Chairman Williams, Senator Mathews, Senator Washington, and Mr. McCormack regarding:

- Applicants and organizations interested in starting a charter school;
- "Tech World" applications and the operation of charter schools in other states; and
- Charter school operating factors.

Mary L. Peterson

Mary L. Peterson, Superintendent of Public Instruction, Nevada's Department of Education, discussed governing body issues and concerns, which school districts are raising.

Additionally, a lengthy discussion ensued between Chairman Williams, Senator Mathews, Senator Rawson, Mrs. de Braga, Mr. Manendo, Mr. McCormack and Ms. Peterson concerning:

- Specifics for granting "conditional charters," i.e., current statute provisions for equipment, facilities, and faculty issues;
- A letter to Mark Shellinger, Superintendent of White Pine County School District (in Exhibit A), concerning home study instruction;
- Application, funding, and status of the Nova Center in White Pine County;
- Distance learning concerns (especially in rural communities) i.e., home school computer instruction and adequate regulations to ensure compliance, and provisions for instruction via the parent or Odyssey;
- Home schooling, an Odyssey Charter School "count date" report of a 336 student enrollment and attendance audit concerns;
- Odyssey Charter School application funding, budget, and enrollment log accountability; and
- Whether the definition of "at-risk" students includes students with learning or physical disabilities and the intent of current legislation in Nevada serving "at-risk" students.

Senator Washington then requested a copy of Odyssey Charter School logs and count dates reflecting the enrollment of 336 students and 23 teachers for fall 1999, as well as a copy of the Department of Education's recent charter school audit.

In conclusion, Mr. McCormick discussed issues and concerns regarding:

1. A lack of charter school curriculum and instruction measured in observable terms;
2. Needing an “At-Risk” charter school definition in Nevada statute;
3. Charter school application requirements, i.e., a timeframe for which certain academic or educational results must be achieved;
4. Charter school service areas, i.e., legislative intent to deliver instruction in facilities located outside the sponsoring district’s county;
5. The conversion of private schools to charter schools, i.e., a timeframe where a closed private school can apply to re-open as a charter school;
6. Distance learning and home studies (especially in rural communities) where outside entities provide curriculum, grades, hardware, instruction, and software to a student who is at home and not on campus; and
7. School district concerns, i.e., administrative qualifications, governing bodies, and reemployment of charter school personnel.

NEED FOR STATE-LEVEL EVALUATIONS OF CHARTER SCHOOLS

George Perreault

George Perreault, Department of Educational Leadership, University of Nevada, Reno, discussed charter school growing pains. He advised that charter school legislation is enacted with the idea of flexibility concerning adjustments; which need to be made. Moreover, other states are going through this same learning process. Mr. Perreault further discussed issues concerning:

- Multiple count dates for charter and public schools which deal with transience; and
- The difficulty in evaluating charter schools due to their diversity.

Mr. Perreault additionally provided an informational packet (Exhibit B) containing the following items, which he authored:

- “A Proposal for Case Study Evaluations of Nevada’s Charter Schools, where he recommends that the Legislature contract with one individual as Principal Investigator to guide the development of cases on each charter school”; and
- An article from “Planning and Changing”; an educational leadership and policy journal excerpt.

A discussion ensued among Chairman Williams, Senator Washington, and Mr. Perreault concerning his proposal to study charter schools:

- Budget proposals;
- North Carolina’s charter school program; and
- Anticipated school costs including per diem and start-up fees.

Debbie Cahill

Debbie Cahill, Director of Government Relations, Nevada State Education Association (SNEA), discussed the

following topics:

- “Great Basin Academy” (GBA) applicant information and their affiliation with “abcEd.com” (Exhibit C);
- Concerns about Nevada’s statutes which address charter schools;
- Student enrollment assisting the enabling of an Internet operation at \$7,000 per student;
- Internet connectivity for public and private K-12 schools; and
- A presentation by GBA to the Lincoln County School Board proposing to return \$700 per child to the board for each student enrolled in the Academy.

In conclusion, a discussion ensued between Senator Washington and Ms. Cahill regarding on-line services with the Internet and money spent to bring teachers “up to speed” with technology. Ms. Cahill emphasized the need to review computer applications to ensure accountability as an obligation to the student. They further discussed the following topics:

- Proficiency examinations for students;
- \$7,000 per student costs at the expense of the taxpayers;
- Class size reduction costs to the taxpayers; and
- Present statutes requiring the participation of three licensed teachers in the governing body of charter schools.

Ricci Elkins

Ricci Elkins, Director of the Nevada Charter School Alliance, discussed current charter school legislation issues (Exhibit D). She emphasized issues relating to charter schools; which need to be addressed during the 2001 Legislative Session:

- Funding concerns, i.e., accessing transportation dollars, “special education” costs, and the financing of charter school facilities;
- Charter school start-up costs and “funding pools”;
- Personnel issues related to negotiated agreements; and
- Home schooling laws and exemplary charters.

Ms. Elkins stressed her concern regarding:

- At-risk enrollment and its definition on an initial charter school application; and
- Grassroots versus entrepreneurial movements to establish charter schools.

Additionally, she provided information concerning:

- Charter school support networking services; and
- Nevada Charter School Alliance and National Charter School Week data.

A discussion ensued among Senator Washington, Mrs. Cegavske, and Ms. Elkins regarding the clarification of the charter school alliance and contacts with other charters in operation. They further discussed:

- Special education funding, regulations, and testing issues of concern;
- Accountability issues, i.e., multiple audits, count dates, and start-up funds; and
- Distance learning on the state and national level.

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SCHOOL DISTRICT POLICIES CONCERNING ATTENTION DEFICIT HYPERACTIVITY DISORDER (ADHD) AND RITALIN

STAFF OVERVIEW OF NEVADA SCHOOL DISTRICT SURVEY CONCERNING MEDICATIONS/ADHD

H. Pepper Sturm

H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB) discussed the following topics regarding children with Attention Deficit Hyperactivity Disorder (ADHD):

- The long-term impairments and adverse effects on academic performance, vocational success, and social-emotional development having a profound impact on families, schools, and society;
- Allegations of the misuse of Ritalin, i.e.,
 - o Failure by parents and physicians to administer appropriate diagnosis;
 - o Inappropriate prescribing of methylphenidate for children with behavior disorders other than ADHD; and
 - o Infrequent monitoring of the child during the course of therapy.
- A recently conducted survey of 17 school districts regarding their existing ADHD and/or medication policies; and
- Barriers concerning the lack of insurance coverage and integration with educational services.

Mr. Sturm additionally stated that although an independent diagnostic test for ADHD does not exist, there is evidence supporting the validity of the disorder. Additionally, further research is needed on the dimensional aspects of ADHD, as well as the comorbid (coexisting) conditions present in both childhood and adult form.

During his presentation, Mr. Sturm provided the committee with the following handouts as addendums to Exhibit E:

- “Children With ADHD Current Medical Statements and School District Policies Concerning the Administration of Medications.” (which appears as Item 1 of Exhibit E);
- “NIH Consensus Statement,” Diagnosis and Treatment of Attention Deficit Hyperactivity Disorder (ADHD) (which appears as Item 2 of Exhibit E);
- “Student Enrollment vs. Total Patients Receiving Methylphenidate – Nevada 1997 - 1999” (which appears as Item 3 of Exhibit E); and
- A memorandum titled “School District Policies Concerning Attention Deficit Disorder and Ritalin,” dated April 7, 2000, which includes a copy of the Carson City School District Board of Trustees Administrative Regulation No. 511.2 “Guidelines for the Discussion of Medication” (which appears as Item 4 of Exhibit E).

In conclusion, Mr. Sturm stated that despite progress in the assessment, diagnosis, and treatment of ADHD, this disorder and its treatment have remained controversial, especially the use of psycho-stimulants for both short and long term treatment.

Please see Exhibit E for further details of Mr. Sturm's presentation.

Senator Washington requested that School District Administrative Regulation No 511.2 be placed on the committee's work session agenda for consideration. Chairman Williams agreed with Senator Washington's request.

DIAGNOSIS AND PRESCRIBING ISSUES RELATING TO ADHD

Dr. Henry Watanabe

Dr. Henry Watanabe, Associate Professor of Psychiatry of the School of Medicine, University of Nevada, Reno, addressed current factors of ADHD and stated it is the most common behavioral problem seen within the school system for which medications are being prescribed to children. Dr. Watanabe referenced ADHD issues and presented slides (Exhibit F) concerning:

- "Historic Overview of Attention Deficit Hyperactivity Disorder (Slide 1)
- "ADHD: Importance to Medical Practitioners" (Slide 2);
- "ADHD: Core Symptoms" (Slide 6);
- "ADHD: Patient Evaluation Procedures" (Slide 17);
- "ADHD: Child-Focused Intervention" (Slide 48);
- "ADHD: Recommendations for the Clinician After the Child is Diagnosed" (Slide 50); and
- "Therapeutic Management of Attention Deficit Disorder" (Table II).

A discussion ensued among Senator Mathews, Senator Rawson, Senator Washington, Mrs. Cegavske, Mr. Manendo, and Dr. Watanabe regarding:

- Ritalin and its prescription pattern as noted by 1,590 physicians, and the ratio of physicians treating children with Ritalin;
- Competency concerns of family doctors making a diagnosis and/or referral regarding the ADHD disorder;
- The cost for assessments;
- Society's pressure on parents to medicate children who have ADHD;
- The side effects/derivative of Ritalin on a short and/or long-term basis; and
- Age, population, and social economics diagnosis.

Audrey Bull

Audrey Bull, a resident of northern Nevada, discussed:

- The effects of Ritalin, i.e., hair growth and violent behavior on/with her grandson, Billy;

- Her two-page letter to United States Representative Congressman Jim Gibbons, (R Nevada), dated April 4, 2000, which among other things, express her support for the “Social Intervention Program” (Exhibit G), which deals with drugs and other related issues; and
- School involvement in transferring Billy to another school facility and their regulations concerning physical behavior.

Subsequent to the committee meeting, and in conjunction with the above topic, Dotty Merrill, Director, Washoe County School District Student Testing and Assessment Program, presented an informational memorandum for consideration dated April 25, 2000, from Ms. Merrill to Mr. Sturm (previously mentioned on page 8 of these minutes) (regarding the social intervention program at Bennett Elementary School (see Exhibit G).

Rhonda Bull

Rhonda Bull, aunt to “Billy,” discussed with Senator Mathews the age at which her nephew began taking Ritalin, and an episode where Billy became disoriented and eventually lost for some time before being located.

TEXTBOOKS IN NEVADA PUBLIC SCHOOLS

OVERVIEW OF NEVADA TEXTBOOK ADOPTION POLICIES AND PROCEDURES

Mary L. Peterson, previously identified on page 4 of these minutes, stated that the State Textbook Adoption Program is based on Chapter 390, *Nevada Revised Statutes* (NRS), (Exhibit H). She then reviewed the textbook process and referenced exhibits:

- A copy of Chapter 390, “Textbooks,” of the *Nevada Revised Statutes* (Item 1);
- “Certification of Compliance,” a Department of Education form dated March 31, 2000 (Item 2);
- An “Evaluation Procedure Form,” dated March 31, 2000 (Item 3);
- A Department of Education questionnaire form titled “Special Criteria,” dated March 31, 2000, for history, literature, and social science books (Item 4); and
- A list titled “Nevada’s web site URL for the State Adopted Textbook Program” (Item 5).
- Deadlines for submittal of evaluation reports.

A discussion ensued among Chairman Williams, Mrs. Cegavske, and Ms. Peterson regarding:

- State contract for purchasing textbooks;
- Textbook costs and the responsibility to the taxpayers for those costs;
- A concern for lack of staff in Nevada to monitor textbook errors; and
- Charter school exemptions from textbook regulations.

Ms. Peterson stated those who review the textbooks are a committee made up of administrators, parents, teachers, and anyone else the district would assign to the committee. In conclusion, Mrs. Cegavske asked Ms. Peterson for recommendations to resolve textbook problems, wherein Ms. Peterson suggested strengthening the process at the district level.

TEXTBOOK QUALITY ISSUES – APPROACHES USED IN OTHER STATES TO ADDRESS TEXTBOOK ERRORS

H. Pepper Sturm (previously identified on page 8 of these minutes), referenced his handout titled “Textbook Quality Issues Approaches Used in Other States to Address Textbook Errors” (Exhibit I), and further discussed:

- An article titled “States Setting Strategies to Reduce Mistakes in Textbooks,” which conveys the costs associated with correcting hundreds of typographical or factual errors located in California textbooks; and
- Textbook errors (ABC News “20/20 Transcript Report”).

Mr. Sturm mentioned that both articles note instances in which state textbook “watchdogs” have encountered significant factual errors in texts used by public schools within their states.

Please see Exhibit I for details of these documents.

In conclusion, Mrs. Cegavske recommended for the upcoming work session that the committee review accountability means for textbook errors and revise the current statute.

PUBLIC COMMENT

Bob Conrad

Bob Conrad, graduate student, University of Nevada, Reno, discussed:

- His personal experience with ADHD;
- ADHD as an evolutionary perspective; and
- Clinical implications i.e., changing the environment of a child with ADHD rather than prescribing medication and adaptations.

Please see Exhibit J for further details.

In conclusion, Senator Mathews and Mr. Conrad discussed classroom size ratio’s and learning capabilities/difficulties.

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ADJOURNMENT

There being no further business to come before the Committee, Chairman Williams adjourned the meeting at 3:15 p.m.

Exhibit K is the “Attendance Record” for this meeting.

Respectfully submitted,

Maureen C. Kirkman
Senior Research Secretary

H. Pepper Sturm

APPROVED BY:

Assemblyman Wendell P. Williams, Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a handout provided by Tom McCormack, part-time Charter School Consultant with Nevada's Department of Education, which consists of two items:

1. "Nevada Charter Schools, April 2000 Status," dated April 4, 2000, itemizing charter schools currently operating in Nevada.
2. A letter to Mark Shellinger, Superintendent of White Pine County School District, dated March 29, 2000, from Mary L. Peterson, Superintendent of Public Instruction, Nevada's Department of Education, concerning home study instruction.

Exhibit B is a packet of information provided by George Perreault, Department of Educational Leadership, University of Nevada, Reno, containing two items:

1. An undated document titled "A Proposal for Case Study Evaluations of Nevada Charter Schools," outlining topics concerning cost factors, evaluation, and procedure for charter schools.
2. An article written by George Perreault titled "Learning in Our Hearts What We Know in Our Heads," from *Planning and Changing* (1999 Volume Thirty/Number 3&4, pages 144 through 153).

Exhibit C, a handout dated March 17, 2000, and titled "Company Information" provided by Debbie Cahill, Director of Government Relations, Nevada State Education Association (SNEA), concerning abcEd.com's affiliation with "Great Basin."

Exhibit D consists of an undated outline of the presentation of Ricci Elkins, Director, Nevada Charter School Alliance, concerning charter school issues.

Exhibit E, provided by H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, contains the following documents:

- “Children With ADHD Current Medical Statements and School District Policies Concerning the Administration of Medications.” (which appears as Item 1 of Exhibit E);
- “NIH Consensus Statement,” Volume 16, Number 2, November 16-18, 1998 (which appears as Item 2 of Exhibit E);
- “Student Enrollment vs. Total Patients Receiving Methylphenidate – Nevada 1997 - 1999” (which appears as Item 3 of Exhibit E);
- A memorandum titled “School District Policies Concerning Attention Deficit Disorder and Ritalin,” dated April 7, 2000, from Michelle L. Van Geel, Research Analyst, Legislative Counsel Bureau, which includes a copy of the Carson City School District Board of Trustees Administrative Regulation No. 511.2 “Guidelines for the Discussion of Medication” (which appears as Item 4 of Exhibit E); and

Exhibit F, provided by Dr. Henry Watanabe, Associate Professor of Psychiatry of the School Of Medicine, University of Nevada, Reno, contains multiple slides of reference concerning Attention Deficit Hyperactivity Disorder (ADHD):

- “Historic Overview of Attention Deficit Hyperactivity Disorder” (Slide 1)
- “ADHD: Importance to Medical Practitioners” (Slide 2);
- “ADHD: Core Symptoms” (Slide 6);
- “ADHD: Patient Evaluation Procedures” (Slide 17);
- “ADHD: Child-Focused Intervention” (Slide 48);
- “ADHD: Recommendations for the Clinician After the Child is Diagnosed” (Slide 50); and
- “Therapeutic Management of Attention Deficit Disorder” (Table II).

Exhibit G, contains the following two documents:

1. A two-page letter provided by Audrey Bull, a resident of northern Nevada, to United States Representative Congressman Jim Gibbons (R-Nevada), dated April 4, 2000; and
2. A handout from Dotty Merrill, Director, Washoe County School District Student Testing and Assessment Program, dated April 25, 2000, titled “Social Intervention Program, Bennett Elementary School” to H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau.

Exhibit H, provided by Mary L. Peterson, Superintendent of Public Instruction, Nevada’s Department of Education, is a document titled “Overview of the State Textbook Adoption Program,” which contain the following documents:

1. A copy of Chapter 390, “Textbooks,” of the *Nevada Revised Statutes* (which appears as Item 1 of Exhibit H);
2. “Certification of Compliance,” a Department of Education form dated March 31, 2000 (which appears as Item 2 of Exhibit H);
3. An “Evaluation Procedure Form,” dated March 31, 2000 (which appears as Item 3 of Exhibit H);
4. A Department of Education questionnaire form titled “Special Criteria,” dated March 31, 2000, concerning history, literature, and social science books (which appears as Item 4 of Exhibit H); and
5. A list titled “Nevada’s web site URL for the State Adopted Textbook Program” (which appears as Item 5 of

Exhibit H).

Exhibit I, provided by H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, consists of the following documents:

1. “Textbook Quality Issues--Approaches Used in Other States to Address Textbook Errors,” dated April 11, 2000, remarks by H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, to the Legislative Committee on Education.
2. ABC Transcript No. 2027 from the September 6, 1999, ABC News *20/20 Monday* television segment titled “Book Report.”
3. An article titled “States Setting Strategies to Reduce Mistakes in Textbooks,” by Kathleen Kennedy Manzo, from the June 2, 1999, edition of *Education Week on the WEB*.

Exhibit J is an excerpt from an article provided by Bob Conrad, graduate student, University of Nevada, Reno, titled “ADHD as a Disorder of Adaptation,” dated December 1997.

Exhibit K is the “Attendance Record@ for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775) 684-6827.

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