



**NEVADA LEGISLATURE**  
**LEGISLATIVE COMMITTEE ON EDUCATION**  
*(Nevada Revised Statutes 218E.605)*

**SUMMARY MINUTES AND ACTION REPORT**

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The fourth meeting of the Nevada Legislature's Committee on Education was held on Wednesday, April 27, 2016, at 9:30 a.m. in Room 4401, Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138, Legislative Building, 401 South Carson Street, Carson City, 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 <http://www.leg.state.nv.us/interim/78th2015/committee/>. In addition, copies of the audio or video record are available through the Legislative Counsel Bureau's Publications Office (e-mail: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775/684-6835) and may be available online at <http://www.leg.state.nv.us/Granicus/>.

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblywoman Melissa Woodbury, Chair  
Senator Becky Harris, Vice Chair  
Senator Michael Roberson  
Senator Joyce Woodhouse  
Assemblyman Nelson Araujo  
Assemblyman Randy Kirner  
Assemblyman Lynn D. Stewart

**COMMITTEE MEMBER ABSENT:**

Senator Scott T. Hammond

**LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:**

Todd M. Butterworth, Senior Research Analyst, Research Division

Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division

Karly O’Krent, Deputy Legislative Counsel, Legal Division

Julie Waller, Senior Program Analyst, Fiscal Analysis Division

Jaimarie Dagdagan, Program Analyst, Fiscal Analysis Division

Adam Drost, Program Analyst, Fiscal Analysis Division

Christina Harper, Senior Research Secretary, Research Division

*Items taken out of sequence during the meeting have been placed in agenda order.*

**AGENDA ITEM I—CALL TO ORDER**

Chair Woodbury called the meeting to order. She welcomed members, presenters, and the public to the fourth meeting of the Legislative Committee on Education (LCE). Chair Woodbury provided opening remarks and testimony guidelines.

**AGENDA ITEM II—PUBLIC COMMENT**

Chair Woodbury called for public comment; however, no testimony was presented.

**AGENDA ITEM III—APPROVAL OF MINUTES OF THE MEETING HELD ON MARCH 30, 2016, IN LAS VEGAS, NEVADA**

**MOTION:** Assemblyman Kirner moved to approve the minutes of the meeting held on March 30, 2016, in Las Vegas, Nevada. The motion was seconded by Senator Woodhouse and passed unanimously.

**AGENDA ITEM IV—PRESENTATION REGARDING THE DETERMINATION OF CLASS SIZES BASED UPON PERFORMANCE EVALUATION RATINGS OF TEACHERS**

Michael Hansen, Ph.D., Senior Fellow, The Brookings Institution, and Deputy Director, Brown Center for Education Policy, presented information on right-sizing the classroom ([Exhibit B](#)) and the report, *Right-sizing the Classroom: Making the Most of Great Teachers* ([Exhibit B-1](#)).

Discussion ensued between Assemblyman Stewart and Dr. Hansen regarding the process to identify outstanding teachers and the movement of students from classroom to classroom.

**AGENDA ITEM V—DISCUSSION CONCERNING THE ENROLLMENT OF AT-RISK PUPILS IN PUBLIC HIGH SCHOOLS**

Jeanne Allen, Senior Fellow and President Emeritus, Center for Education Reform, discussed the statistics of high school graduates required to enroll in college remedial courses. She reviewed information regarding graduation rates in her presentation ([Exhibit C](#)).

There was discussion between Chair Woodbury and Ms. Allen regarding school accountability, the creation of models for student success, waivers of graduation requirements, and the implementation of assessments to reflect what students are learning.

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees, introduced Robert Mars, Principal, Silverado College

Preparatory and Career/Technical High School, Clark County School District, (CCSD), and Antonio Rael, Principal, The Mojave High School, CCSD, to provide their perspectives on this issue.

Mr. Mars discussed the challenges with the “one-size-fits-all” approach. He outlined how all students are counted in the graduation rate and opportunities to improve graduation rate accuracy ([Exhibit D](#)). Mr. Mars stressed that class sizes matter for a student’s success. He indicated the need for flexible accountability measures to reflect the issue(s) of a specific school. Mr. Mars reviewed the following student classification categories inclusion issues with the graduation rate cohort:

- All special education and English Language Learner (ELL) students;
- Students who enroll for a limited time;
- Credit deficient students; and
- Fifth year seniors.

Mr. Rael clarified the high school graduation rate calculating formula in Nevada as the number of students who have an Option 1 diploma divided by the number of students in the four-year cohort. He categorized the students who earn an Option II diploma: 1) “dropouts”; 2) students with disabilities incapable of passing the high school proficiency test; and 3) students who did not graduate within a four-year period.

Mr. Rael outlined issues negatively affecting a school’s graduation rate:

- Students who earn an Option II diploma. Nevada’s graduation policy requires students with a disability to graduate in the same four-year period (cohort) as their nondisabled peers. The Individuals with Disabilities Education Act allows students with individualized education programs to attend school until they are 22 and one half years old;
- Students who enroll late in their high school career and are credit deficient; and
- Students enrolled for one day and never return to that school.

Mr. Rael emphasized the continuously enrolled graduation rate at 82 percent for students enrolled for four consecutive years and 95 percent for students with disabilities, with the number of ELL students removed, for The Mojave High School. He stressed Nevada cannot hold all students accountable under the same standard; current graduation rates do not reflect the actual state of what is happening in Nevada’s schools.

Mr. Rael recommended the following:

- Report the cohort graduation rate, but include Option II diplomas or provide for extended graduation plans for students with barriers; and
- Report continuously enrolled graduation rates.

Mr. Mars responded to questioning by Senator Harris, outlining the different types of diplomas and the possibility to subcategorize diplomas to reflect a student's success.

Mr. Rael discussed Mojave's "The Academy," a school within a school for students identified as at-risk of being a nongraduate. He stated The Academy has created a unique learning environment to help at-risk students learn and graduate.

Discussion ensued among LCE members, Mr. Mars, and Mr. Rael regarding:

- Bridging the gap between high school students and remediation at the university level ([Exhibit D-1](#));
- Understanding not every student will go onto postsecondary education;
- Improving dual-credit course offerings in the high schools;
- Tracking students who do not graduate in four years;
- Providing a test-out option for students;
- Publicizing all graduation statistics;
- Revamping the reporting of statistics;
- Counting fifth year students when they graduate, not as drop outs in the fourth year; and
- Establishing accountability on a level playing field.

Patrick Gavin, Executive Director, State Public Charter School Authority (SPCSA), responded to previous statements adding that the graduation bar needs to be adjusted to show whether our students are college and career ready. In response to Senator Roberson, he stated charter schools provide an option for Nevada's diverse student population.

Mr. Gavin gave a presentation regarding charter high school graduation rates ([Exhibit E](#)) and a review of the four- and five-year cohort graduation rates ([Exhibit E-1](#)).

Discussion ensued between Assemblyman Araujo and Mr. Gavin regarding student diversity, growth, and the increase in the graduation rate for Hispanic students versus the decrease for African-American students. Assemblyman Araujo requested a follow-up report on student diversity within Clark County charter schools.

Mr. Gavin elaborated on the challenges and efforts to expand student diversity. He explained that the Charter School Harbor Master program provides funding to low income students to attend charter schools.

Mr. Gavin provided information on the following:

- Efforts to improve charter schools with persistently low graduation rate performance;
- The benefits of distance education learning;
- The unique learning environment of charter schools; and
- School choice.

Senator Woodhouse requested a breakdown of the charter school student diversity numbers, including ELL and free and reduced lunch students. In addition, she requested written reports from school districts that sponsor charter schools on the percentage of online, distance-learning, and virtual learning schools and their impact on student learning.

In response to Senator Woodhouse, Mr. Gavin indicated there is a specific subset of students that do well in charter schools.

## **AGENDA ITEM VI—PRESENTATIONS CONCERNING NEVADA’S CLASS-SIZE REDUCTION PROGRAM**

Melinda (Mindy) Martini, Deputy Superintendent for Business and Support Services, Nevada’s Department of Education (NDE), presented information on Nevada’s class-size reduction (CSR) program ([Exhibit F](#)).

Dana Embro, Management Analyst, School District Support and Reporting, Office of District Support, NDE, provided information on class-size ratios and policy provisions ([Exhibit F](#)).

In response to Assemblyman Stewart, Ms. Martini stated student transiency does affect CSR plans. She referenced the list of schools requesting variances for the second quarter of School Year 2015–2016 ([Exhibit F-1](#)).

There was discussion among LCE members and Ms. Martini regarding the effects of CSR and penalties for CSR noncompliance.

Lindsay Anderson, Director, Department of Government Affairs, Washoe County School District (WCSD), indicated CSR works on a district-wide level. She outlined the challenges with the current reporting system. Ms. Anderson recommended a semiannual or annual report, an October report due date, and longer reporting periods.

Discussion ensued between Assemblyman Stewart and Ms. Anderson regarding CSR reporting requirements. Ms. Anderson suggested using the average daily attendance as a basis to determine the CSR funding and staffing needs of districts.

Nicole Rourke, Interim Associate Superintendent, CCSD, provided a brief overview of the CCSD reporting mechanism.

Andre Long, Co-Interim Chief Human Resources Officer, CCSD, reported on the implementation of CSR from a human resources viewpoint. He outlined the challenges as student numbers rise, the hiring of additional CSR teachers, and the effects of student transiency. Mr. Long described the manual reporting process. He recommended a semiannual or annual report, an October report due date, and teacher allocation flexibility for one- and two-star schools. Mr. Long suggested districts be allowed to submit one district wide CSR variance request as opposed to single school CSR requests.

Pamela Simone, Principal, Arturo Cambeiro Elementary School, CCSD, described the role that CSR plays in student achievement. She emphasized the following positive outcomes:

- Enriched student trust;
- Enhanced student relationships and family engagement;
- Improved school attendance;
- Fewer behavior referrals;
- Better classroom management leading to individualization of student instruction;
- One-on-one student conferences to set goals;
- Quicker interventions; and
- Improved teacher morale.

Discussion ensued among LCE members, Mr. Long, and Ms. Simone regarding the positive impacts of CSR and Zoom initiatives on low performing schools and the process to determine which schools receive additional teachers according to the CSR plan.

Assemblyman Stewart suggested that WCSD and CCSD work with rural school districts to propose an effective and workable reporting plan.

Upon questioning by Chair Woodbury, Ms. Martini recommended the following reporting requirements:

- A biannual reporting requirement at the beginning and end of the school year;
- The State provide CSR teacher allocations for the upcoming fiscal year; and
- Amend the statute to grant authority to the State superintendent to approve CSR variance requests to ensure timely compliance.

Ms. Martini explained that in response to audit of this process the statute was amended to reflect the current variance request requirement from each school.

Patrick Gavin, previously identified, emphasized that CSR is the single largest source of categorical funding for schools, for which charter schools are ineligible. He stated statutory provisions designate charter schools are eligible for all public school funding; the challenge is to reconcile conflicting provisions within statute. Mr. Gavin noted the majority of charter schools comply with CSR. He highlighted that CSR funding would benefit charter school students.

#### **AGENDA ITEM VII—INFORMATION, PRESENTATIONS, AND DISCUSSION CONCERNING FACILITY NEEDS AND CONSTRUCTION UPDATES FOR PREK–12 PUBLIC SCHOOLS IN NEVADA**

Nancy C. Brune, Ph.D., Executive Director, Guinn Center for Policy Priorities, presented information on Nevada school facilities, maintenance, and construction ([Exhibit G](#)). She also submitted the [report](#) prepared for the Spending and Government Efficiency Commission ([Exhibit G-1](#)). Dr. Brune outlined recommendations to improve the ability of school districts to meet their capital facility needs:

- Strengthen the role of the State by considering whether there are fiscal benefits to be realized by giving the State a greater role;
- Establish uniform criteria for assessing the condition of facilities and prioritizing needs;
- Identify new sources of financial support and recommend the Office of Economic Development, Office of the Governor, consider a formal assessment of school capital needs and facilities impact prior to the approval of development incentives;
- Consider the impact of instructional requirements, recommend the State assess and quantify the impact of new instructional requirements/programs on school facilities, and recommend

the Commission on Educational Technology, NDE, establish standards for the application of technology in school facilities;

- Improve efforts to secure land for schools by exploring ways to contain the costs of identifying and selecting new school sites;
- Develop design guidelines and standards;
- Improve the delivery method to consider the benefits of the State assisting small school districts with design and project management, extend the ability to use the Construction Manager At Risk process (CMAR), and recommend school districts explore incentives for contractors to finish under budget or ahead of schedule;
- Improve financing options by a legislative review of the Permanent School Fund and expand the definition of capital expenditures; and
- Explore new facility funding options for charter schools.

Patrick Gavin, previously identified, reported on the growing number of charter schools. He emphasized the need to address the issue of funding equity.

Discussion ensued regarding the continued use of CMAR as a construction delivery method.

James (Jim) McIntosh, Chief Financial Officer, Business and Finance Division, CCSD, presented information on CCSD's 2015 Capital Improvement Program ([Exhibit H](#)).

There was discussion among LCE members and Mr. McIntosh on the following issues:

- Closing the needs and funding gap;
- Flexibility to meet technical job vacancies with resources and coursework; and
- Land acquisition.

Richard Stokes, Superintendent, Carson City School District, reported on the following:

- Facility and construction needs of the rural school districts;
- The impact of growth on schools, facilities, and school districts;
- The process for successful construction bond passage; and
- The importance of keeping the public informed of school district plans.

Michael A. Mitchell, Manager, Mike Mitchell Management, LLC, provided information to help understand public school construction and operation costs for both urban and rural school districts ([Exhibit I](#)). He highlighted the need to utilize local resources, promote public awareness of the benefit of utilizing local talents and resources, and the conflicts of interest concerns inhibiting the use of local talent and resources. Mr. Mitchell outlined the need to look at the per-pupil funding mechanisms for the facility maintenance process, especially to address the needs of rural school districts.

Pete Etchart, Chief Operations Officer, Office of the Superintendent, WCSD, presented information on WCSD's bond rollover, property and government service taxes, and capital needs ([Exhibit J](#)).

Lindsay Anderson, previously identified, provided information on funding issues and expressed appreciation for the rollover bond extension approved by the 2015 Legislature. She reported on the 2016 WCSD school construction ballot question.

There was discussion among Assemblyman Kirner, Ms. Anderson, and Mr. Etchart regarding property taxes, tax caps, and options if the ballot question is not successful.

#### **AGENDA ITEM VIII—DISCUSSION CONCERNING THE CLARK COUNTY SCHOOL DISTRICT'S MANDARIN CHINESE LANGUAGE PROGRAM**

Roger West, Director, Humanities, Instruction Unit, CCSD, presented information regarding The Confucius Institute, which provides instruction in the Mandarin Chinese language ([Exhibit K](#)).

Holli Ratliff, Ed.D., Principal, C. T. Sewell Elementary School, CCSD, reported on the success of the Mandarin Chinese language program at her school. She stated all Kindergarten through Grade 5 students participate and appreciate the Mandarin Chinese language acquisition and culture program.

Assemblyman Stewart added that he had the opportunity to tour this program and was pleased to see the enthusiasm of the teachers and students.

The presenters answered questions from LCE members regarding the following issues:

- Inclusion of this program into high school programs;
- Expansion of the program within the CCSD;
- Teacher licensure process;
- Student fluency and pass rates;

- The frequency of when the classes are offered;
- Comparison to dual language immersion courses; and
- Benefits of this program containing language and cultural components.

Mr. West noted the challenges with the teacher licensure process. He advised of the collaboration with NDE to make the licensure process easier, quicker, and more advantageous for teachers coming from out of the country to teach specific courses. Upon a request from Assemblyman Stewart, Mr. West will provide information on the licensing process from other states for these types of teachers.

### **AGENDA ITEM IX— PUBLIC COMMENT**

Chair Woodbury called for public comment.

Donna Hutchison, Ph.D., Vice President, Western Region, Connections Academy, shared positive student measurement information from the Connections Academy. She indicated the importance of taking into account student transiency rates, a school's acceptance of students who are credit deficient and qualify for free and reduced lunch, and nongraduates who enroll for a limited amount of time. Dr. Hutchins conveyed the importance of continuously enrolled student graduation statistics.

Laura Granier, J.D., Attorney, Connections Academy, reported the elementary school is in good standing with the SPCSA and the middle school has a four-star rating. She stated the sole concern is the high school graduation rate reporting and student dropout designation. Ms. Granier indicated the SPCSA is issuing a closure notice to Connections Academy based solely on the graduation rate. She said they have provided the SPCSA with information on the students enrolled, credit deficiencies, and an improvement plan.

The following documents were submitted for the record:

- Written testimony from Elissa Wahl, Las Vegas, Nevada, expressing concerns with information provided by the Center for Education Reform ([Exhibit L](#));
- Written testimony from Daniel Benway, Las Vegas, Nevada, regarding high school proficiency exams ([Exhibit M](#)); and
- Written testimony from Bill Hanlon, Las Vegas, Nevada, addressing how issues in Nevada's public education system negatively affect students ([Exhibit N](#)).

**AGENDA ITEM X—ADJOURNMENT**

There being no further business to come before the Committee, the meeting was adjourned at 4:07 p.m.

Respectfully submitted,

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Christina Harper  
Senior Research Secretary

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Todd M. Butterworth  
Senior Research Analyst

APPROVED BY:

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Assemblywoman Melissa Woodbury, Chair

Date: \_\_\_\_\_

## EXHIBITS

EXHIBIT	WITNESS/ENTITY	DESCRIPTION
<a href="#">Exhibit A</a>	Todd M. Butterworth, Senior Research Analyst, Research Division, Legislative Counsel Bureau	Agenda
<a href="#">Exhibit B</a>	Michael Hansen, Ph.D., Senior Fellow, Brookings Institution, and Deputy Director, Brown Center for Education Policy	Microsoft PowerPoint presentation
<a href="#">Exhibit B-1</a>	Michael Hansen, Ph.D., Senior Fellow, Brookings Institution, and Deputy Director, Brown Center for Education Policy	<i>Right-sizing the Classroom: Making the Most of Great Teachers</i> report
<a href="#">Exhibit C</a>	Jeanne Allen, Senior Fellow and President Emeritus, Center for Education Reform	Microsoft PowerPoint presentation
<a href="#">Exhibit D</a>	Robert Mars, Principal, Silverado College Preparatory and Career/Technical High School, Clark County School District (CCSD)	Nevada high school graduation information
<a href="#">Exhibit D-1</a>	Robert Mars, Principal, Silverado College Preparatory and Career/Technical High School, CCSD	Data from <i>2014–2015 District Accountability Report</i>
<a href="#">Exhibit E</a>	Patrick Gavin, Executive Director, State Public Charter School Authority (SPCSA)	Microsoft PowerPoint presentation
<a href="#">Exhibit E-1</a>	Patrick Gavin, Executive Director, SPCSA	Cohort graduation rate information
<a href="#">Exhibit F</a>	Melinda (Mindy) Martini, Deputy Superintendent for Business and Support Services, Nevada’s Department of Education (NDE)	Microsoft PowerPoint Presentation
<a href="#">Exhibit F-1</a>	Melinda (Mindy) Martini, Deputy Superintendent for Business and Support Services, NDE	Second Quarter School year 2015–2016 Class-size reduction variance requests
<a href="#">Exhibit G</a>	Nancy C. Brune, Ph.D., Executive Director, Guinn Center for Policy Priorities	Microsoft PowerPoint presentation
<a href="#">Exhibit G-1</a>	Nancy C. Brune, Ph.D., Executive Director, Guinn Center for Policy Priorities	<i>Nevada School Facilities Construction and Maintenance</i> report

<a href="#">Exhibit H</a>	James (Jim) McIntosh, Chief Financial Officer, Business and Finance Division, CCSD	Microsoft PowerPoint presentation
<a href="#">Exhibit I</a>	Michael A. Mitchell, Manager, Mike Mitchell Management, LLC	Public school construction and operation costs information
<a href="#">Exhibit J</a>	Lindsay Anderson, Director, Department of Government Affairs, Washoe County School District (WCSD), and Pete Etchart, Chief Operations Officer, Office of the Superintendent, WCSD	Microsoft PowerPoint presentation
<a href="#">Exhibit K</a>	Roger West, Director, Humanities, Instruction Unit, CCSD	Microsoft PowerPoint presentation
<a href="#">Exhibit L</a>	Elissa Wahl, Las Vegas, Nevada	Written testimony
<a href="#">Exhibit M</a>	Daniel Benway, Las Vegas, Nevada	Written testimony
<a href="#">Exhibit N</a>	Bill Hanlon, Las Vegas, Nevada	Written testimony

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