



NEVADA LEGISLATURE
LEGISLATIVE COMMITTEE ON EDUCATION
(Nevada Revised Statutes [NRS] 218E.605)

SUMMARY MINUTES AND ACTION REPORT

The seventh meeting and work session of the Legislative Committee on Education (NRS 218E.605) was held on Thursday, August 16, 2012, at 8:30 a.m. in Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. The meeting was videoconferenced to Room 3138 of the 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/76th2011/committee/>. 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 LAS VEGAS:

Assemblyman David P. Bobzien, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Shirley A. Breeden
Senator Don Gustavson
Senator Mark A. Manendo
Assemblywoman Marilyn Dondero Loop
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

OTHER LEGISLATOR PRESENT:

Assemblyman Pat Hickey

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

Melinda Martini, Principal Research Analyst
Kristin Roberts, Senior Principal Deputy Legislative Counsel
Wayne Thorley, Program Analyst, Legislative Bureau of Educational Accountability and
Program Evaluation, Fiscal Division
Nita Barnes, Senior Research Secretary, Research Division

OPENING REMARKS

- Assemblyman David P. Bobzien, Chair, welcomed members and the public to the seventh and final meeting and work session of the Legislative Committee on Education.

PUBLIC COMMENT

- Nicole Rourke, Executive Director, Government Affairs, Clark County School District (CCSD) and Rorie Fitzpatrick, Deputy Superintendent of Instructional, Research and Evaluative Services, Nevada's Department of Education (NDE), testified regarding Recommendation 9. It was their opinion that professional development days can be accomplished by changing regulations rather than amending the statutes.
- Bill Hanlon, Director, Southern Nevada Regional Training Program for the Professional Development of Teachers and Administrators (RPDP), offered to provide a copy of a detailed 2013–2015 Biennium Budget previously requested by the Committee. (Please see [Exhibit B](#).)

Continuing, with regard to Recommendation No. 14, Mr. Hanlon stated that representatives from the Parent-Teacher Association prefer that services for parent and family engagement be provided by the RPDPs.

- Delores Hauck, Senior Director, Education, Community Development, United Way of Southern Nevada, voiced support of Recommendation No. 20 concerning development of a school readiness definition.
- Dr. Dottie Merrill, Executive Director, Nevada Association of School Boards (NASB), testified in favor of Recommendation No. 9. She shared data from the National Center on Educational Statistics that revealed Nevada currently lacks sufficient professional development. Dr. Merrill asserted that implementing the Common Core Standards will necessitate distributing an even higher level of professional development.

Commenting further, Dr. Merrill testified in favor of Recommendation No. 6, which proposes the elimination of outdated or duplicate education reports.

- Barbara Fenne, public school art teacher, Reno, Nevada, provided written testimony and an arts education poll she conducted. She spoke in favor of Recommendation No. 29 regarding arts education programs in public schools. Ms. Fenne offered to provide the Committee with copies of a petition containing more than 1,400 signatures supporting the funding of elementary arts. (Please see [Exhibit C](#) and [Exhibit C-1](#).)

APPROVAL OF MINUTES OF THE MEETINGS HELD ON MAY 9, 2012, AND JUNE 14, 2012, IN CARSON CITY, NEVADA

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

SENATOR BREEDEN MOVED TO APPROVE THE MINUTES OF THE MAY 9, 2012, AND THE JUNE 14, 2012, MEETINGS HELD IN CARSON CITY, NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN DONDERO LOOP AND PASSED UNANIMOUSLY.

DISCUSSION CONCERNING THE IMPACT OF THE ACCOUNTABILITY PROVISIONS CONTAINED IN NEVADA’S WAIVER FROM CERTAIN ACCOUNTABILITY REQUIREMENTS OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA) ON NEVADA’S STATEWIDE SYSTEM OF ACCOUNTABILITY (NRS 385.3455 THROUGH 385.391)

- Rorie Fitzpatrick, previously identified, announced that Nevada’s Waiver from the federal ESEA has been approved. She submitted a Microsoft PowerPoint presentation titled “Legislative Implications of Nevada’s ESEA Waiver Approval” ([Exhibit D](#)).
- Stanley Rabinowitz, Director, Assessment and Standards Development Services, WestEd, commented that Nevada’s Waiver now rectifies the two most prominent criticisms of the federal No Child Left Behind Act (NCLB)—the technical and philosophical shortcomings.

He reported on a meeting held with senior representatives from the United States Department of Education (USDOE) where he emphasized it is the standpoint of thousands of Nevada stakeholders that the new accountability systems remain in place, even if the ESEA is re-authorized.

- Ms. Fitzpatrick spoke in favor of Recommendation 1B. She said it will function in the long-term, as well as the short-term, should Congress reauthorize the ESEA.

There was discussion among Chair Bobzien and members of the Committee concerning the longevity of the changes because the actual Waiver is effective for two years. Ms. Fitzpatrick stated she expects the USDOE to defend the new accountability measures and performance improvements.

In response to Chair Bobzien, Dr. Rabinowitz stated Nevada, along with 33 other states, accomplished groundbreaking work to receive the Waiver.

STATUS OF THE WORK OF THE NEVADA EARLY CHILDHOOD ADVISORY COUNCIL, INCLUDING:

Adoption of a School Readiness Definition; and Findings From the Feasibility Study to Develop a Common Kindergarten Entry and Data System (KEDS)

- Margot Chappel, Director, Head Start Collaboration and Early Childhood Systems Office, Department of Health and Human Services, presented a Microsoft PowerPoint presentation ([Exhibit E](#)) and a report titled “What is school readiness” ([Exhibit E-1](#)). She outlined the following goals:
 - ✓ Adopt a State definition of “school readiness” and a Common Kindergarten Entry Assessment; and, train educators to use the assessment data to improve program outcomes for children; and
 - ✓ Implement a coordinated Early Childhood Data System; and, support early childhood educators to understand and utilize child assessment data to improve programs, curriculum, and environments.

Ms. Chappel reviewed results from a survey of 201 educators and 537 parents conducted by the Advisory Council.

In response to Chair Bobzien regarding the Early Childhood Data System, Ms. Chappel stated that surveyed parents were concerned about “misuse of data” and privacy issues. She explained the Council proposes that parents have access only to their own child’s information. She said only aggregated data would be available to the public.

Discussion ensued among Chair Bobzien, Vice Chair Denis, and Ms. Chappel regarding the benefits from investing in early childhood education. Ms. Chappel reported research indicates parents who teach learning techniques to their child from ages 0 to 3 may avoid the need for intervention services in grade school. She pointed out that data systems would provide information to kindergarten teachers to assist in offering specific support to parents for improving their child’s learning capacity. Chair Bobzien stated early childhood education should be a top priority for our State in order to have all students reading by third grade. He encouraged Ms. Chappel to keep the Committee and other stakeholders apprised in order to move this initiative forward.

PRESENTATION OF RECOMMENDATIONS FOR AN INSTRUCTIONAL PROGRAM IN CARDIOPULMONARY RESUSCITATION AND THE USE OF AN AUTOMATED EXTERNAL DEFIBRILLATOR AS A REQUIREMENT FOR GRADUATION FROM HIGH SCHOOL

- Christopher Roller, Senior Government Relations Director, American Heart Association and American Stroke Association–Nevada, provided information, including a summary, a Fact Sheet, and a report by Scott Lamprecht, DNP, MSN, RN. (Please see [Exhibit F](#).) He testified in favor of Recommendation No. 36. Mr. Roller recommended that every student in Nevada receive a minimum of 30 minutes of Cardiopulmonary Resuscitation (CPR) training before graduating to increase survival rates among cardiac arrest victims. He acknowledged that CPR is being taught in schools and reported it is not a uniform requirement at this time.
- Steve Schauer, a resident of Henderson, Nevada, described how a co-worker trained in CPR saved his life. He testified in favor of CPR training in high schools.
- Dr. David Slatterly, Deputy Chief EMS Medical Director, Las Vegas Fire and Rescue, and Research Director, University of Nevada School of Medicine, provided a Microsoft PowerPoint presentation titled “CPR/AED in Schools” ([Exhibit G](#)). He stated he is committed to improve survival from sudden cardiac arrest in our State by requiring CPR training as a graduation requirement.
- Joseph Bombara, representative, American Red Cross, Southern Chapter, stated that both chapters of Nevada’s American Red Cross fully support “heart safe” environments. He reported the American Red Cross offers successful educational programs to youth and emphasized that youth trained to respond to a cardiac event would increase safety in our communities.
- Fergus Laughridge, President, Nevada Project Heartbeat, past director for the Nevada State Health Division’s Office of Emergency Medical Systems, and Regional Manager, EMS Innovations, Inc., testified that his coalition of citizens and businesses are in favor of Recommendation No. 36 and he solicited Nevada’s legislative support of this proposal.

In response to Senator Breedon, Mr. Bombara stated the American Red Cross’ CPR program is provided at no charge. He stated if certification is requested, a fee would be charged.

Responding to Assemblyman Munford, Mr. Bombara remarked that only coaches and trainers are required to be CPR certified. He added that some students also volunteer to be certified.

There was discussion between Vice Chair Denis and Mr. Roller regarding students who may be certified in CPR because of involvement in Scouting or emergency medical services programs and could receive a waiver. Mr. Roller commented that the American Heart Association and the American Red Cross endorse using hands-on psycho-motor skill-based

training. He suggested resources in the community, such as the American Heart Association or the American Red Cross, may be able to offer that type of CPR training.

REPORT OF MUSIC AND OTHER ARTS EDUCATION PROGRAMS IN PUBLIC ELEMENTARY SCHOOLS IN NEVADA

- Melinda M. Martini, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), reported on a Quick Poll concerning arts education programs in Nevada public schools that was requested by Chair Bobzien based on the testimony of Barbara Fenne, public school art teacher in Reno, at the February meeting of the Legislative Committee on Education. Ms. Martini stated 12 of the 17 school districts responded to the Quick Poll. She highlighted that school districts were funding music and art education programs 100 percent from their general funds and none were being funded with federal or private grants. Ms. Martini said some elementary schools were not providing art technology due to: (1) the lack of funding for the additional positions; (2) the distance between schools in the rural school districts; and (3) their need to choose “specialty” programs and subjects instead, such as science and physical education ([Exhibit H](#)).

WORK SESSION—DISCUSSION AND POSSIBLE ACTION RELATING TO:

- *Federal Education Programs*
- *Nevada’s System of Examinations*
- *Educational Related Reports*
- *Nevada’s System of Accountability*
- *Educational Personnel*
- *P-16 Advisory Council*
- *Early Childhood Education*
- *Educational Technology*
- *Charter Schools*
- *Nevada’s System of Higher Education*
- *Funding of Education*
- *Miscellaneous Matters Relating to Education*

In response to Chair Bobzien, Kristin Roberts, Senior Principal Deputy Legislative Counsel, concurred that the Committee would not exceed the authorized 10 legislative measures even if all 36 recommendations in the “Work Session Document” were approved. (Please see [Exhibit I](#).)

- Chair Bobzien addressed the “Consent Calendar for Work Session” and called for the Committee’s preference and action regarding the Recommendations.
- Assemblyman Stewart requested that Recommendation Nos. 14, 17, and 27 be pulled from the Consent Calendar for further clarification.
- Senator Breeden requested that Recommendation No. 10 be pulled from the Consent Calendar for further clarification.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NOS. 8, 16, 24, 29, 33, AND 34 ON THE “CONSENT CALENDAR FOR WORK SESSION.” THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

As directed by Chair Bobzien, Recommendation No. 36 was taken out of order.

PROPOSALS RELATING TO MISCELLANEOUS MATTERS IN EDUCATION

- 36. Cardiopulmonary Resuscitation (CPR) in Schools**—Amend statutes to require operators of schools grades 7–12, including school boards, governing bodies of charter schools, and the governing bodies of private schools, to provide enrolled students instruction in CPR and the use of an automated external defibrillator as a requirement for graduation from high school. The instruction must be based on an instruction program established by the American Heart Association or the American Red Cross or another program, which is nationally recognized and use the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporate psychomotor skills development into the instruction.

(Christopher Roller, Senior Government Relations Director, American Heart Association and American Stroke Association, from correspondence dated July 2, 2012)

- Nicole Rourke, previously identified, and Lindsay Anderson, Director, Department of Government Affairs, Washoe County School District (WCSD), stated the CCSD and the WCSD support CPR training. They reported that neither organization had the opportunity to analyze the fiscal impact for purchasing psycho-motor devices for classrooms. Both representatives expressed concern regarding modifying graduation requirements to include CPR training.

Responding to Assemblyman Stewart, Ms. Rourke said it was unclear who would provide CPR training in the classrooms.

In response to Senator Gustavson’s concerns regarding: (1) the cost of psycho-motor training devices; (2) the remoteness of some school districts; and (3) the increased requirements to graduate, Ms. Anderson and Ms. Rourke requested the Committee recommend that CPR training be added to the required health class instead of a graduation requirement.

Responding to Chair Bobzien’s inquiry regarding the difference between CPR training requirements, Ms. Rourke stated there are logistical differences regarding how a student could make up instruction if absent from the “hands-on” CPR training day.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 36 TO MAKE CPR TRAINING A REQUIREMENT FOR HEALTH ACADEMIC STANDARDS RATHER THAN A GRADUATION REQUIREMENT. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO FEDERAL EDUCATION PROGRAMS

- 1. Impact of Nevada's Application for Federal Elementary and Secondary Education Act (ESEA) Flexibility on the NRS**—Nevada's Department of Education (NDE) submitted an ESEA flexibility request (also known as the ESEA Waiver) to attain permission from the United States Department of Education (USDOE) to comply with the accountability system approved in the Waiver rather than with the accountability requirements of the federal No Child Left Behind Act. On August 8, 2012, the USDOE approved Nevada's application for the ESEA Waiver.

- A. Maintain the accountability provisions contained in Chapter 385 of NRS, primarily NRS 385.3455 through 385.391; however, stipulate that those accountability provisions are suspended for the duration of the ESEA Waiver. For the duration of the Waiver, require NDE to establish a single statewide system of accountability for all public schools and school districts, regardless of Title I status, that complies with the Waiver.

OR

- B. Repeal the accountability provisions contained in Chapter 385, primarily NRS 385.3455 through 385.391. Require NDE to establish a single statewide system of accountability for all public schools and school districts, regardless of Title I status, which is consistent with the requirements of the Waiver for the duration of the Waiver. After the Waiver has expired, the single statewide system of accountability must comply with the applicable requirements of federal law.

(The topic was raised as an issue at the March 21, 2012, meeting. In addition, subsequent correspondence was received from NDE, dated July 16, 2012.)

- **VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 1B. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART.**

Prior to a vote, there was discussion among Chair Bobzien, Vice Chair Denis, and Assemblyman Stewart in favor of Recommendation No. 1B for the following reasons: (1) to give Nevada the flexibility to move forward; (2) for school accountability; (3) to have the opportunity to show leadership in future discussions with Congress; and (4) to avoid the bifurcation of 1A.

In response to Kristin Roberts, previously identified, Chair Bobzien agreed that legal staff should work with NDE to determine which provisions should be repealed.

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

THE MOTION MADE BY VICE CHAIR DENIS AND SECONDED BY ASSEMBLYMAN STEWART PASSED UNANIMOUSLY.

- 2. Monitor the Impact of Eliminating the Mandate to Offer Supplemental Services and School Choice to Parents**—Based upon approval of Nevada’s request for the federal ESEA flexibility, include a transitory provision requiring the Superintendent of Public Instruction to monitor the impact of the elimination of the mandate to offer supplemental services and school choice to parents under certain circumstances and report back to the Committee during the 2013–2014 Interim.

(The topic was raised as an issue at the March 21, 2012, meeting.)

- **VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 2. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN DONDERO LOOP.**

Prior to a vote, there was discussion between Assemblyman Stewart and Rorie Fitzpatrick, previously identified, regarding the new monitoring requirement. Ms. Fitzpatrick pointed out that due to lack of staff assigned for this task, there will be challenges; but it is necessary and justified.

- Ms. Fitzpatrick said that a number of private supplemental educational service vendors may argue that the removal of these services will have a negative impact.
- Chair Bobzien addressed the impact Recommendation No. 2 will have on the State and stated he appreciates the rigor the Department puts forth in similar matters. He said he understands NDE will decide the best way to collect and monitor the necessary data.

In response to Assemblyman Stewart, Joyce Haldeman, Associate Superintendent, Community and Government Relations, CCSD, agreed the reporting requirements are challenging, but necessary. She said it will be helpful to have the ability to design the parameters of the report.

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

THE MOTION TO APPROVE RECOMMENDATION NO. 2 AS STATED BY VICE CHAIR DENIS AND SECONDED BY ASSEMBLYWOMAN DONDERO LOOP PASSED UNANIMOUSLY.

- 3. Consolidation of NRS Related to Examinations**—Amend statutes, primarily at NRS 389.015 (High School Proficiency Examinations [HSPE]) and NRS 389.550 (Criterion Referenced Examinations) to reflect that the assessment system in Nevada is now unified as a standards-based system. The merge would include all examinations, without exception, the State’s writing examination.

(Carol Crothers, former Director of Assessments, Program Accountability and Curriculum, NDE, from correspondence dated July 11, 2012)

Responding to Assemblyman Stewart, Melinda Martini and Kristin Roberts, previously identified, clarified that Recommendation No. 3 would “clean up” the current NRS sections to be unified.

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

SENATOR GUSTAVSON MOVED TO APPROVE RECOMMENDATION NO. 3. THE MOTION WAS SECONDED BY SENATOR BREEDEN AND PASSED UNANIMOUSLY.

4. High School Exit Examinations and End of Course Examinations

- A. Approve a letter from the Committee to the Office of the Governor and the Superintendent of Public Instruction requesting NDE to hold an “Assessment Summit.” All key stakeholders in education shall be invited to the Summit, including, at a minimum, the Chair and Vice Chair of the Legislative Committee on Education. A report of findings from the Summit shall be submitted on or before February 1, 2013, to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.
(The topic was raised as an issue at the June 14, 2012, meeting.)

AND

- B. The topics to be discussed in the Summit should include, at a minimum:
- 1) The effectiveness of the continued use of Nevada’s HSPE versus the potential effectiveness of replacing the HSPE with end of course examinations.
(The topic was raised as an issue at the June 14, 2012, meeting.)

AND

- 2) The continued efficiency and effectiveness of the alternative HSPE assessments for the writing and science portions of the HSPE, pursuant to NRS 389.015 and NRS 389.805.
(Carol Crothers, former Director of Assessments, Program Accountability and Curriculum, NDE, from correspondence dated July 11, 2012, and correspondence from Dr. Richard Vineyard, Assessments, Program Accountability and Curriculum, NDE, dated July 11, 2012)

AND

- 3) Include the topic of the statewide administration of academic plan and advising instruments in middle school and for college entrance examinations in high school.
(The topic was raised as an issue at the June 14, 2012 meeting.)

AND

- 4) Opportunities to assess students in a more organic fashion where student knowledge and capabilities are built into the educator's lesson plan, not in a formal assessment, which would include, at a minimum, a learning portfolio.

(Lynn Warne, President, Nevada State Education Association [NSEA], correspondence)

- Chair Bobzien commented he appreciated State Superintendent Guthrie's recommendation to hold an Assessment Summit.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NOS. 4A AND 4B. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN DONDERO LOOP AND PASSED UNANIMOUSLY.

5. **Participation in The Advanced Placement (AP) Program**—During the 2010–2011 school year, 11,259 students in Nevada took at least one AP course; this is approximately 9 percent of the total student enrollment in grades 9 to 12 (129,887 students). The standard goal for student participation by state is at least 30 percent of students taking at least one AP course. During the same year, students who enrolled in AP courses took a total of 19,498 AP examinations and 47 percent received at least a score of 3. Again, the standard goal for performance by state is to have at least 30 percent of the tests taken to receive a score of 3 or higher. According to The College Board, Nevada is ranked 22nd for the percentage of the class of 2011 scoring a 3 or higher on an AP exam during high school (16.3 percent).

Based upon this information, approve a transitory provision requiring NDE to study these findings from a statewide and school district perspective and develop a plan to increase the number of students who take at least one AP course. Within the plan, NDE shall consider the needs of all students, including those from historically underserved populations. In addition, NDE shall consider accessing available funds from The College Board as one means to increase the AP participation rate in Nevada. The written plan for improvement shall be distributed to the Governor of the State of Nevada and the Legislative Committee on Education.

NOTE: The cost to take an AP examination is \$87. Federal funding and funding through The College Board is available to waive the cost of the examinations for those students identified as low income (based upon Medicaid status and/or free and reduced lunch status). *(Terry Whitney, Director, State Government Relations, The College Board, from correspondence dated June 29, 2012)*

In response to Senator Breeden's finding that no time frame for the study was included in the "Work Session Document," Chair Bobzien indicated it would be completed by the next interim.

- **VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 5 TO INCLUDE THE WRITTEN PLAN FOR IMPROVEMENT BE COMPLETED**

BY THE NEXT INTERIM. THE MOTION WAS SECONDED BY SENATOR BREEDEN.

Prior to a vote, Assemblyman Stewart requested Rorie Fitzpatrick, previously identified, to comment. Ms. Fitzpatrick voiced concern that Recommendation No. 5 would require a report without providing resources to conduct it. She suggested that NDE could request a small fiscal note to implement the study through a vendor.

· VICE CHAIR DENIS WITHDREW HIS MOTION TO APPROVE RECOMMENDATION NO. 5.

The Committee took no action on Recommendation No. 5.

PROPOSALS RELATED TO EDUCATIONAL RELATED REPORTS

6. Eliminate Certain Education Related Programs and Reports Found to be Outdated or Duplicative

- A. Repeal NRS 386.700 through NRS 386.780, related to the State's Empowerment Schools Program. The State program was originally approved during the 2007 Legislative Session through the passage of Senate Bill 238 (Chapter 530, *Statutes of Nevada*), and State funding in the amount of approximately \$9.0 million was approved through the passage of Assembly Bill 627 (Chapter 343, *Statutes of Nevada, 2007*) to support the program. However, due to budget reductions, the State's funding was subsequently reverted. Since 2007, school districts, particularly Clark County School District, have moved forward in establishing empowerment schools utilizing school district general funds and private funds.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- B. Repeal the requirement pursuant to NRS 392.129 relating to an annual report of the disposition of incidences involving the truancy of pupils. Data related to habitual truancy incidents is already included in the annual reports of accountability required by NRS 385.347.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- C. Repeal the requirement pursuant to NRS 385.3789(2) relating to an annual report by the Commission on Educational Excellence of the progress of the schools that received an allocation of money from the Account in improving the achievement of pupils. For the past two biennia, no State General Funds have been approved to fund the Account; therefore, the report is not applicable. However, if funding is approved in the future, the

use and effectiveness of the funds are included in the school improvement plans required pursuant to NRS 385.357.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- D. Repeal the State-level summary report of accountability required pursuant to NRS 385.34692; the detailed State-level report would continue to be required pursuant to NRS 385.3469 and is the report made available to the public currently.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- E. Repeal subsections 3, 4, and 5 of NRS 392.4644 relating to reports of school level plans for the progressive discipline of pupils. The provisions require school districts to compile all school level plans and report the name of each principal, if any, who has not complied with the requirements tied to progressive discipline plans. In addition, the Superintendent of Public Instruction is required to submit an annual report of progress of the schools and school districts in complying with the requirements and submit the report to the Director of the Legislative Counsel Bureau and the Legislature. The school districts now have well-established plans, making this requirement outdated.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- F. Repeal subsection 4 of NRS 389.017 and 389.560 requiring the school districts to report annually to NDE the description, purpose, and costs associated with examinations administered in the school district. Nevada's Department of Education is required to forward the information to the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- G. Repeal subsections 2 and 3 of NRS 386.600 requiring the Superintendent of Public Instruction to compile the reports made by each governing body of a charter school in Nevada concerning the financial status of each charter school and its progress in achieving the mission and goals of the charter school. The growing number of charter schools in the State makes this requirement prohibitive (currently 30 charter schools).

The requirement for charter schools to submit individual reports would continue to be required.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- H. Repeal NRS 389.012, which requires the State Board of Education to review, analyze, and compare performance of Nevada's pupils on the National Assessment of Education Progress (NAEP), the State's Criterion Reference Tests (CRTs), and the High School Proficiency Examination (HSPE). If it is determined that the percentage of pupils found to be proficient on the NAEP is more than 10 percentage points different than the percent of students found to be proficient in the CRTs and HSPE, NDE must prepare a written report describing the discrepancy and forward the findings to the several entities, including the Legislative Committee on Education. Since Nevada has adopted the Common Core State Standards, this review is no longer applicable.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

AND

- I. Repeal NRS 389.570, which requires the Council to Establish Academic Standards in Public Schools to review the results of the CRTs to determine if improvement in performance was made by students. The review was also required to determine if the academic standards were of a similar difficulty level as required by other non-standards-based examinations. Because Nevada has adopted the Common Core State Standards, this review is no longer necessary.

(Keith Rheault, Former Superintendent of Public Instruction, March 21, 2012, meeting and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

Responding to Assemblyman Stewart's inquiry, Rorie Fitzpatrick, previously identified, affirmed that NDE supports Recommendation No. 6.

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

ASSEMBLYMAN STEWART MOVED TO APPROVE RECOMMENDATION NOS. 6A THROUGH 6I AND SEND A LETTER TO FORMER SUPERINTENDENT KEITH RHEAULT INFORMING HIM OF THIS ACTION. THE MOTION WAS SECONDED BY VICE CHAIR DENIS AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO NEVADA'S SYSTEM OF ACCOUNTABILITY

- 7. Reporting of Incidents of Bullying, Cyber-Bullying, Harassment, or Intimidation in the Annual Reports of Accountability**—In order to increase the reliability of certain data reported in the annual reports of accountability, approve a transitory provision requiring staff of NDE to analyze the data contained in the Automated System of Accountability Information for Nevada (SAIN) as it relates to the reports of incidents of bullying, cyber-bullying, harassment or intimidation to ensure reliability of the data. If, through the analysis, it is determined the data is not reliable, particularly as it relates to the classification of incidents, NDE shall provide technical assistance to the appropriate school district.

(The topic was raised as an issue by Marcia Calloway, Assistant Director, Elementary and Secondary Education Programs, NDE, at the February 16, 2012, meeting.)

- Rorie Fitzpatrick, previously identified, testified it is a priority for NDE to ensure that the data regarding these incidents is accurate in the SAIN (System of Accountability Information in Nevada) and that technical assistance is provided.
- Chair Bobzien requested NDE share this data, and any on-going efforts, during the legislative session.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 7 WITH AN AMENDMENT TO INCLUDE THAT A REPORT OF FINDINGS FROM THE ANALYSIS BE PRESENTED TO THE COMMITTEE DURING THE 2013–2014 INTERIM. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

- 8. Peer Mediation/Alternative Programs for Disruptive Pupils**—Since Fiscal Year 2000, the Legislature has approved funds for peer mediation; for the 2011–2013 Biennium, the Legislature approved \$26,674 in each fiscal year. In addition, the 1999 Legislature, through approval of A.B. 521 (Chapter 591, *Statutes of Nevada* 1999) appropriated \$1.0 million over the biennium for the establishment of pilot alternative programs of education for disruptive pupils.

Send a letter from the Committee to NDE and all Nevada school districts that stipulates when funding is provided for such purposes, any school that receives the funding shall include the goals of the program in their school improvement plan and monitor the success of the program.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(Lynn Warne, President, Nevada State Education Association [NSEA], from correspondence dated June 29, 2012)

- Committee action on Recommendation No. 8 was taken after discussion of the Consent Calendar (page 7 of these minutes).

PROPOSALS RELATING TO EDUCATIONAL PERSONNEL

- 9. Professional Development Days**—Amend the statutes, primarily at NRS 391.280 through 391.298 to clarify that a school district may schedule an education conference or professional development days prior to the first day of school for students.

(Clark County School District, from correspondence dated July 2, 2012)

- Melinda Martini, previously identified, reminded the Committee that during Public Comment it was determined that revisions called for in Recommendation No. 9 be made to the *Nevada Administrative Code* rather than by statute.

- 10. State Funding to Support the Regional Training Programs for the Professional Development of Teachers and Administrators (RPDPs)**—Send a letter to Governor Brian Sandoval, copying the Budget Division of the Department of Administration and the Fiscal Division of the Legislative Counsel Bureau, stressing the importance of sufficient funds to support all of the required functions of the RPDPs, including training in:

- ✓ Teacher and administrator evaluations;
- ✓ Parent and family engagement;
- ✓ Common Core State Standards; and the
- ✓ Nevada Early Literacy Intervention Program.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(The topic was raised as an issue at the May 9, 2012, meeting.)

- Senator Breeden stated Recommendation No. 10 was removed from the Consent Calendar because she had not received a copy of the requested Southern RPDP budget.
- Bill Hanlon, previously identified, offered to provide a copy of the budget to Senator Breeden.
- Senator Breeden stated she requires sufficient time to review the budget.

The Committee took no action on Recommendation No. 10.

- 11. Budget Process for RPDPs**—Amend statutes, primarily at NRS 391.536, to revise the budget submission process for the RPDPs to mirror the recommendations specified in Sections 38 and 47 of Senate Bill 197, as introduced during the 2011 Session. The RPDPs would be required to submit proposed budgets to the State Board of Education for review and possible inclusion in the budget of Nevada’s Department of Education (NDE). Once the budgets for the RPDPs are approved through the legislative process, revisions to the budgets would follow the same process other State agencies adhere to pursuant to Chapter 353 of NRS.

(The topic was raised as an issue at the May 9, 2012, meeting.)

- Melinda Martini, previously identified, referred the Committee to Tab A of [Exhibit I](#), “Applicable Provisions of Senate Bill 197, as Introduced (2011), Item #11.”

Responding to Assemblyman Stewart, Ms. Martini stated it is her understanding the RPDPs would submit their budgets to NDE and in turn, the State Board of Education (SBE) would decide whether to include them as part of their budget submission to the Governor through the *Executive Budget* process.

- Chair Bobzien commented that Recommendation No. 11 is consistent with past accomplishments to address governance fragmentation for funding education and bringing it into the *Executive Budget* process.
- The Committee **APPROVED THE FOLLOWING ACTION:**

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 11. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

12. Role of the RPDPs—Amend statutes, primarily at NRS 391.544 to require the RPDPs to provide:

- A. Professional development for persons conducting teacher/administrator evaluations. The training program must be developed in cooperation with the Teacher and Leaders Council.
(*The topic was raised as an issue at the May 9, 2012, meeting.*)

AND/OR

- B. Targeted professional development based on teacher/administrator evaluation results.
(*The topic was raised as an issue at the May 9, 2012, meeting.*)
- Craig Stevens, Director of Governmental Relations, Nevada State Education Association, stipulated that Nevada must ensure educators receive the most effective professional development training possible due to the adoption of the new evaluation system. He emphasized that evaluators need to be highly trained in order to execute fair “high-stake” evaluations.

In response to Chair Bobzien, Mr. Stevens’ opined local autonomy is important for the training of teachers and evaluators; and that the RPDPs have that capacity.

- Bill Hanlon, previously identified, noted his concern there may be perception by teachers and administrators that the RPDPs are part of the evaluation process.
- Chair Bobzien agreed with Mr. Hanlon that the RPDPs should not be part of the evaluation process, but only provide the training for conducting evaluations.
- Dr. Dottie Merrill, previously identified, testified in favor of Recommendation No. 12A. She stated there is a critical need for administrators to have appropriate professional development and for ensuring consistency across the State.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NOS. 12A AND 12B. THE MOTION WAS SECONDED BY SENATOR BREEDEN AND PASSED UNANIMOUSLY.

13. Evaluation of the RPDs—Amend statutes, primarily at NRS 391.552, to require the evaluation of the RPDs by the governing body to include:

- A. The number of teachers, if any, who received training through the program in methods to engage parents and families.

(The topic was raised as an issue at the May 9, 2012, meeting.)

AND

- B. The number of teachers/administrators, if any, who received training through the program concerning how to conduct an evaluation. NOTE: This item is applicable only if Recommendation No. 12A is approved.

AND

- C. The number of teachers/administrators, if any, who received targeted professional development based on evaluation results. NOTE: This item is applicable only if Recommendation No. 12B is approved.

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

SENATOR MANENDO MOVED TO APPROVE RECOMMENDATION NOS. 13A, 13B, AND 13C. THE MOTION WAS SECONDED BY SENATOR BREEDEN AND PASSED. VICE CHAIR DENIS WAS ABSENT FOR THE VOTE.

14. Staff of the RPDs and Their Role in Parent and Family Engagement—Pursuant to NRS 391.544, the RPDs are required to provide training for teachers on how to engage parents and families in the education of their children and to build the capacity of parents and families to support the learning and academic achievement of their children. Based upon this duty, send a letter to the governing body of each RPD requesting they consider the need for an identified trainer with expertise in parent and family engagement. Report back to the Legislative Committee on Education on whether such a position was hired during the 2013-2014 Interim.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(The topic was raised as an issue at the May 9, 2012, meeting.)

- Melinda Martini, previously identified, reminded the Committee that Recommendation No. 14 was pulled from the Consent Calendar for further clarification.
- Assemblyman Stewart opined the Recommendation would micromanage the RPDs.

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

SENATOR BREEDEN MOVED TO APPROVE RECOMMENDATION NO. 14. THE MOTION WAS SECONDED BY SENATOR GUSTAVSON AND PASSED. ASSEMBLYMAN STEWART VOTED NO. VICE CHAIR DENIS WAS ABSENT FOR THE VOTE.

15. Delay the Statutory Deadline for Notifying Certain School Employees of Reemployment Status

- A. Amend statutes, primarily at NRS 391.3196, to revise the statutory deadline for notifying post probationary employees of reemployment status from May 1 to June 1.
(The topic was raised as an issue at the May 9, 2012, meeting.)

AND

- B. Amend statutes, primarily at NRS 391.3197, to revise the statutory deadline for notifying probationary employees of reemployment status from May 1 to June 1.
(The topic was raised as an issue at the May 9, 2012, meeting.)

In response to Senator Breedén's inquiry why probationary employees should be notified of employment status June 1 rather than May 1, Dr. Dottie Merrill, previously identified, stated the request was made due to the number of observations and evaluations required for probationary teachers. She added the additional month allows school administrators to provide improvement for educators.

Responding to Senator Breedén's request for testimony, Craig Stevens, previously identified, agreed with Dr. Merrill. He noted that by moving the date to June 1 it provides educators more time to seek other employment. He requested the Committee to research this matter further.

- Senator Breedén suggested the deadline extension does not allow time for employees to seek assistance and she requested Recommendation No. 15 be held for further discussion.

Discussion of Recommendation No. 15 resumed after discussion of Recommendation Nos. 16 through 19 on page 22.

16. Peer Review—Include a statement in the final report urging NDE and school districts to create a system that allows for an equal number of educators and administrators, trained to evaluate teachers and principals, to provide career advice, professional development, and mentorship for new educators or those struggling in the classroom.

(NOTE: This item is included on the "Consent Calendar for Work Session.")

(Lynn Warne, President, Nevada State Education Association [NSEA], from correspondence dated June 29, 2012)

- Committee action on Recommendation No. 16 was taken after discussion of the Consent Calendar (page 7 of these minutes).

- 17. Enhanced Compensation**—Include a statement in the final report urging school districts to work with recognized employee organizations to include the requirements specified under NRS 391.160 on the career ladder. Such a review should examine whether enhanced compensation must be in addition to the single salary schedule and designed through collective bargaining.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(Lynn Warne, President, NSEA, from correspondence dated June 29, 2012)

- Melinda Martini, previously identified, stated Recommendation No. 17 was pulled from the Consent Calendar for additional clarification.

Responding to Assemblyman Stewart’s inquiry regarding what is included for “enhanced compensation,” Craig Stevens, previously identified, stated employees who volunteer to take on leadership roles would be an example.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 17. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN DONDERO LOOP AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO THE P-16 ADVISORY COUNCIL

- 18. Membership of the P-16 Advisory Council**—Amend statutes, primarily at NRS 400.030, to require the Governor to appoint a representative of early childhood in this State as one of the five voting members appointed. In addition, expand the list of representatives the Majority Leader of the Senate and the Speaker of the Assembly may choose from to include a representative of early childhood in this State.

(The topic was raised as an issue at the April 26, 2012, meeting.)

- Chair Bobzien and Vice Chair Denis both commented that the P-16 Advisory Council should include a member that represents Pre-K education.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 18. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN DONDERO LOOP AND PASSED UNANIMOUSLY.

- 19. Duties of the P-16 Advisory Council**—Amend statutes, primarily at NRS 400.040, to require the Council to address the extent to which beginning teachers know and are able to teach the Common Core State Standards.

(The topic was raised as an issue at the January 18, 2012, meeting.)

There was discussion between Vice Chair Denis and Chair Bobzien regarding the P-16 Advisory Council's position on Recommendation No. 19. Chair Bobzien suggested this is an on-going issue that needs continuous review and would require the P-16 Advisory Council to monitor the issue. Vice Chair Denis proposed that the Council could present additional testimony during the next legislative session.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 19. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.

- Melinda Martini, previously identified, informed the Committee of an e-mail received from Judy Osgood, Senior Policy Analyst, Office of the Governor, relating to Recommendation No. 19, with information on a \$60,000 grant Nevada received from the National Governor's Association (NGA) for "The Common Core State Standards Post Secondary Collaborative."

Discussion of Recommendation No. 15 resumed.

- Melinda Martini, previously identified, clarified that A.B. 565 (Chapter 18, *Statutes of Nevada*), as approved by the 2011 Legislature, provided a temporary change to the deadlines for notifying probationary and post-probationary employees of their re-employment status.
- Chair Bobzien recalled that Recommendation No. 15 was made to relieve funding pressures and provide the districts with flexibility during the interim.
- Senator Breeden remarked that the Legislature and school districts need to be cognizant of employees.
- Assemblyman Stewart suggested a compromise be made for a May 15 statutory deadline instead of June 1.
- Chair Bobzien recommended that a full discussion regarding this issue ensue in the future.

No action was taken on Recommendation No. 15.

PROPOSALS RELATING TO EARLY CHILDHOOD EDUCATION

20. State Early Childhood Advisory Council Definition of School Readiness

Amend statutes, primarily at Chapter 432A of NRS, to require the Director of Nevada's Department of Health and Human Services (DHHS) to establish the Early Childhood Advisory Council within the Department. The membership of the Council, at a minimum,

shall include a representative of NDE; all other members shall be appointed by the Director as determined appropriate. The Council shall:

- A. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State.
- B. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and State-funded early childhood programs.
- C. Develop recommendations for:
 - 1) Increasing the overall participation of children in existing federal, State and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;
 - 2) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;
 - 3) A statewide professional development system for teachers engaged in early childhood education;
 - 4) The establishment of statewide standards for early childhood education in this State; and
 - 5) The establishment of a statewide definition of school readiness, which, at a minimum, must be based upon national school readiness indicators, as available. In addition, the definition must, at a minimum, reference the following five domains:
 - ✓ Physical Development and Health;
 - ✓ Social and Emotional Development;
 - ✓ Approaches to Learning;
 - ✓ Language and Early Literacy Development; and
 - ✓ Cognition and General Knowledge.
- D. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.
- E. Perform such other duties relating to early childhood education and programs as designated by the Director.

(Margot Chappel, Director, Head Start Collaboration and Early Childhood Systems Office, DHHS, at the June 14, 2012, meeting and subsequent written correspondence received from Anna Severens, School Improvement Programs, NDE).

 - Melinda Martini, previously identified, reminded the Committee that during testimony on Agenda Item V, Ms. Chappel requested that the Advisory Council be given the authority to raise money and work directly with the SBE to adopt the same readiness definition as the DHHS.

- Chair Bobzien directed the Committee's attention to an e-mail he received from Lesley Pittman, Sierra Strategies, requesting two additions to Recommendation No. 20. (Please see [Exhibit J.](#))
- Delores Hauck, previously identified, spoke in favor of Recommendation No. 20. She stated the United Way Southern Nevada has invested more than \$8 million over ten years in scholarships for early childhood education.

Discussion ensued among Chair Bobzien, Ms. Hauck, and Kristen Roberts, previously identified, regarding appointments of members for the Council requested by Ms. Pittman. Ms. Roberts stated she would need a decision from the Committee if it differed from last session's referenced bill stating the Director of the DHHS would appoint all members.

- Chair Bobzien suggested that the Director of DHHS should remain the person to appoint all members of the Council.
- Margot Chappel, previously identified, requested that "family engagement" be added to the tasks of the Council.
- **ASSEMBLYWOMAN DONDERO LOOP MOVED TO APPROVE RECOMMENDATION NOS. 20A THROUGH 20E INCLUDING AMENDMENTS PREVIOUSLY DISCUSSED.**

Prior to a vote, Chair Bobzien clarified the amendments will include:

- ✓ The addition of two representatives of non-profit entities, one representing the northern portion of the State and one representing the southern portion of the State.
- ✓ The representatives of non-profit entities and all other members shall be appointed by the Director of DHHS, as determined appropriate.
- ✓ The Council may accept gifts and grants to assist in meeting its duties.
- ✓ The Council shall work closely with the State Board of Education in carrying out its duties.
- ✓ The Council shall develop recommendations for increasing family engagement in childcare and early childhood education.
- ✓ The Council will report progress made to the Legislative Committee on Education during the 2013–2014 Interim, and to the Director of the Legislative Council Bureau, for distribution to the Chairs of the Legislative Standing Policy Committees on Education of the 78th Session of the Legislature.
- The Committee **APPROVED THE FOLLOWING ACTION:**

THE MOTION AS STATED BY ASSEMBLYWOMAN DONDERO LOOP WAS SECONDED BY VICE CHAIR DENIS AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO EDUCATIONAL TECHNOLOGY

21. Assessment of Needs of School Districts Relating to Educational Technology

- A. Amend statutes, primarily at NRS 388.795, to require submission of the results of the needs assessment to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau on or before May 1 instead of June 1 in even-numbered years. This would provide time for parties to include the findings in budget requests, as appropriate.

AND/OR

- B. Add the Office of the Governor and the Department of Administration's Budget Division to the entities that receive the needs assessment of education technology.

AND/OR

- C. Add a transitory section that would require the 2014 needs assessment required by NRS 388.795(6) to include an assessment of the extent to which all school districts in Nevada have broadband access for teaching, learning, and school operations. This would include having: (1) an external internet connection to the internet service provider (ISP), and (2) internal wide area network (WAN) connections from the district to each school and among schools within the district.

(The topic was raised as an issue at the January 2012 meeting.)

In response to Assemblywoman Dondero Loop's inquiry regarding Recommendation No. 21B, Melinda Martini, previously identified, stated that the school district chief technology officers are not included in statute to receive the needs assessment report.

Responding to Vice Chair Denis, Ms. Martini stated that school districts participate in the needs assessment process.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NOS. 21A, 21B, AND 21C. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO CHARTER SCHOOLS

22. Performance Contracting, Application, and Application Decision Making—Amend the statutes, primarily at Chapter 386 of NRS to:

- A. Provide for the execution of performance-based charter school contracts.

AND

- B. Require the sponsor of a charter school to develop performance frameworks to objectively measure charter school performance in operation compliance, fiscal health, and academic outcomes.

AND

- C. Define the process for renewal, nonrenewal, and revocation of charter school performance-based contracts.

(The topic was raised as an issue at the May 9, 2012, meeting, with subsequent correspondence from the State Public Charter School Authority (SPCSA), dated July 2, 2012.)

- Melinda Martini, previously identified, referred the Committee to the Work Session Document Tab B of [Exhibit I](#).

In response to Vice Chair Denis, Steve Canavero, Ph.D., Director, State Public Charter School Authority (SPCSA), explained the definition of a charter. He added that Recommendation No. 22A would align the charter schools with national best practices.

Responding to Chair Bobzien, Dr. Canavero agreed that Recommendation No. 22 creates clarity regarding student performance standards.

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

ASSEMBLYMAN STEWART MOVED TO APPROVE RECOMMENDATION NOS. 22A, 22B, AND 22C. THE MOTION WAS SECONDED BY VICE CHAIR DENIS AND PASSED UNANIMOUSLY.

23. Extend Enrollment Preferences to All Charter Schools

- A. Amend the statutes, primarily at NRS 386.580, to extend enrollment preferences to all charter schools, instead of only those that are dedicated to providing educational programs and opportunities to pupils who are at risk.

AND

- B. Expand the authority of a charter school to enroll certain children first, including:

- 1) A child of a person employed by the charter school, regardless of full-time or part-time status (currently the NRS requires full-time status);

AND/OR

- 2) A child of a member of the committee to form the charter school;

AND/OR

- 3) A child of a member of the school's governing body.
(The topic was raised as an issue at the May 9, 2012, meeting, with subsequent correspondence from the SPCSA, dated July 2, 2012.)

In response to Senator Breeden, Steve Canavero, previously identified, stated enrollment preferences could lower the number of available classroom seats in a lottery. He responded there is a cap for the number of children that can be enrolled.

Responding to Assemblywoman Dondero Loop, Dr. Canavero replied most charter schools have a lottery, either school-wide or for a particular grade level. He clarified that a lottery takes place when a charter school has more applications than seats available. Dr. Canavero stated that charter schools follow criteria in statute for enrollment, and that the distance between a residence and a charter school is a factor.

In response to Assemblyman Munford, Dr. Canavero stated that, depending on the school district size, the lottery would not affect students who are enrollment-preferred in an at-risk neighborhood. He replied he was not aware of any schools that set aside a certain number of seats for at-risk neighborhoods.

Responding to Vice Chair Denis, Dr. Canavero stated that currently siblings at an at-risk designated charter school are exempted from a lottery.

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

ASSEMBLYMAN MUNFORD MOVED TO APPROVE RECOMMENDATION NOS. 23A AND 23B. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED. SENATORS BREEDEN AND MANENDO VOTED NO.

- 24. Facility Funding for Charter Schools**—Send a letter to Committee staff and the Director of the SPCSA asking that options for facility funding of charter schools be considered and submitted on or before February 1, 2013, to the Legislative Committee on Education and the Director of the Legislative Counsel Bureau for distribution to the Chairs of the legislative standing policy Committees on Education and the money committees of the 77th Session of the Nevada Legislature.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(The topic was raised as an issue at the May 9, 2012, meeting, with subsequent correspondence from the SPCSA, dated July 2, 2012.)

- Committee action on Recommendation No. 24 was taken after discussion of the Consent Calendar (page 7 of these minutes).

- 25. Inclusion of Charter Schools in Nevada’s Statewide Teacher/Administrator Evaluation System.** Amend statutes, primarily at NRS 391.168, to require charter schools to choose between using Nevada’s approved statewide performance evaluation system for teachers/administrators if the charter school would like its personnel to be included in the State’s pay-for-performance program. For those charter schools that choose not

to participate in the State's pay-for-performance program, they are not required to use a state-approved model.

(The topic was raised as an issue at the May 9, 2012, meeting.)

- Steve Canavero, previously identified, stated that charter schools should not be required to surrender aspects of their core autonomy in order to access equitable funding. He said charter schools have an evaluation system currently in place that is: (1) vigorously reviewed by the SPCSA and the National Association of Charter School Authorizers; (2) is consistent with the NGA's evaluation of the endorsed Tennessee program; and (3) aligns with the federal ESEA Waiver.
- Chair Bobzien suggested the statewide performance evaluation system for teachers and administrators may need to be modified by the TLC for charter schools.
- Assemblyman Stewart opined that Recommendation No. 25 penalizes charter school employees who may develop innovative evaluation systems that may improve the State-approved model.
- Kathleen Conaboy, Chairman, SPCSA, stated the Board's preference is to continue with the current choice between the State system and a self-designed system and to allow charter school teachers and administrators to participate in any pay-for-performance programs.

Responding to Assemblyman Stewart, Ms. Conaboy voiced opposition by the Board to Recommendation No. 25, as written.

- Rorie Fitzpatrick, previously identified, stated NDE is neutral with regard to Recommendation No. 25. She offered that the State Superintendent supports charter schools having as much autonomy as possible. Ms. Fitzpatrick reminded the Committee that A.B. 222 (Chapter 487, *Statutes of Nevada 2011*), removed charter schools from the pay-for-performance provision.
- Chair Bobzien summarized that the efforts of the TLC for advancing student performance through a specified pay-for-performance evaluation system leaves an unanswered question of how to include teachers and administrators of charter schools who might not be held to the same system.
- Ms. Fitzpatrick reported the TLC will be recommending the pay-for-performance model. She offered that charter schools could partake of the model through the authority of the SPCSA, rather than the SBE.

No action was taken on Recommendation No. 25.

PROPOSALS RELATING TO NEVADA’S SYSTEM OF HIGHER EDUCATION (NSHE)

- 26. Board of Regents: Student Member**—Adopt a Joint Resolution that would amend Nevada’s *Constitution* to provide for a voting student member of the Board of Regents of the University of Nevada. The Board of Regents shall select the student member from a list of names submitted by each NSHE institution. Each institution of the NSHE may submit up to three names, as decided by each institution.

(Michael Stannard, Director, Department of Legislative Affairs, Associated Students of the University of Nevada (ASUN) at the June 14, 2012, meeting)

- Chair Bobzien expressed his appreciation to the students who brought Recommendation No. 26 forward, and for their involvement in the affairs of higher education and legislation.

In response to Chair Bobzien, Kristen Roberts, previously identified, clarified that the appointment of the voting student member would be made by the Board of Regents. Continuing, she explained the proposal would need to pass as a Joint Resolution in two legislative sessions and be approved by the voters in a General Election.

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

SENATOR MANENDO MOVED TO APPROVE RECOMMENDATION NO. 26. THE MOTION WAS SECONDED BY SENATOR GUSTAVSON AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO FUNDING OF EDUCATION

- 27. Rainy Day Fund**—Include a statement in the final report supporting the creation of an Education “Rainy Day Fund.”

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(Lynn Warne, President, Nevada State Education Association, from correspondence dated June 29, 2012)

- Melinda Martini, previously identified, pointed out that this recommendation was pulled from the Consent Calendar for further clarification.
- Assemblyman Stewart announced his concerns regarding Recommendation No. 27 could be discussed at a later time.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 27. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.

- 28. K–12 Public Education Stabilization Account**—Redraft portions of Assembly Bill 241 from the 2011 Legislative Session to establish the K–12 Public Education Stabilization Account. Funding that reverts back to the State Distributive School Account (DSA) at the end of odd-numbered years would be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions.

(Lynn Warne, President, Nevada State Education Association, from correspondence dated June 29, 2012, and subsequent correspondence from the Nevada Association of School Boards, dated July 2, 2012)

- Vice Chair Denis and Chair Bobzien agreed that Recommendation No. 28 provides the opportunity for further discussion regarding implementation of a K–12 Stabilization Account.

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 28. THE MOTION WAS SECONDED BY SENATOR MANENDO AND PASSED UNANIMOUSLY.

PROPOSALS RELATING TO MISCELLANEOUS MATTERS IN EDUCATION

- 29. Arts Education Programs in Public School**—Include a statement in the final report recognizing that fine arts programs may be associated with academic gains in the core subject areas, including mathematics and English Language Arts. In addition, these programs are also often linked to improvement in student motivation, concentration, confidence, and teamwork. Based upon these research findings, encourage school districts to consider these findings when reviewing education programs to continue in these difficult economic times. When implementing fine arts programs, particularly in elementary schools, school districts are also encouraged to utilize teachers who are licensed to teach in the areas of fine arts.

(NOTE: This item is included on the “Consent Calendar for Work Session.”)

(The recommendations above are based upon testimony of Barbara Fenne, public school art teacher, February 16, 2012, meeting and subsequent written correspondence.)

- Committee action on Recommendation No. 29 was taken after discussion of the Consent Calendar (page 7 of these minutes).

- 30. Authorize Teacher Aides to Monitor Student Laboratories**—Amend statutes, primarily at NRS 391.100 and NRS 391.273(8) to authorize a teacher’s aide to monitor student technical laboratories instead of the requirement for a licensed teacher.

(Jhone Ebert, Chief Technology Officer, CCSD, February 16, 2012, meeting)

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 30. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

- 31. School Construction**—Repeal NRS 393.092, NRS 393.095, NRS 393.096, and NRS 393.097. The statutes require an oversight panel for school facilities in school districts whose population is 100,000 or more. The oversight panel is responsible for the review and approval/disapproval of the recommendations of the board of trustees of a school district for the issuance of general obligation bonds. In addition, all school districts, regardless of size, are required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities.

(Clark County School District, from correspondence dated July 2, 2012)

- Joyce Haldeman, previously identified, explained Recommendation No. 31 requests to repeal an annual report that resulted from the 1997 voter-approved \$4.9 billion building program. She said the remaining funds of \$27 million will be depleted by year's end, eradicating the need for the report and the oversight panel.

In response to Senator Breeden, Ms. Haldeman clarified the report originally had purpose but now does not, and repealing it would not affect the management of future funding projects.

- At the request of Chair Bobzien, Lindsay Anderson, previously identified, reported the oversight panel for the WCSD bond expiring in November also questions the need for their existence. She conveyed there is strong consensus that the WCSD Board of Trustees is the appropriate authority to oversee district capital project spending.
- Assemblyman Stewart commented that the school districts have done an excellent job managing funding for building schools. He added that voters are ultimately the oversight for such projects.

Responding to Vice Chair Denis, Ms. Haldeman affirmed that after the funds are depleted, statute requires the oversight panel to continue to meet and submit a report.

- Chair Bobzien announced that staff reminded him that Recommendation No. 31 reads "The statutes require an oversight panel for school facilities in school districts whose population is 100,000 or more," but also maintains that "...all school districts, regardless of size, are required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities."
- **VICE CHAIR DENIS MOVED TO APPROVED RECOMMENDATION NO. 31. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART.**
- Chair Bobzien emphasized, and Vice Chair Denis agreed, that Recommendation No. 31 maintains that all school districts submit an annual report.

Prior to a vote, there was discussion among Chair Bobzien, Assemblywoman Dondero Loop, and Ms. Haldeman. Chair Bobzien pointed out a large school district submits the annual report through a “panel,” but smaller districts submit their annual reports without a panel. Ms. Haldeman opined that smaller districts probably re-submit the same report every year.

Responding to Senator Manendo regarding a possible lack of oversight for the future bond ballot, Ms. Haldeman stated if it is approved, it would operate as a pay-as-you-go program. She offered there are several levels of oversight within school districts to ensure that expenditures are in line with the voters.

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

THE MOTION MADE BY VICE CHAIR DENIS AND SECONDED BY ASSEMBLYMAN STEWART PASSED UNANIMOUSLY.

- 32. Authorize Attendance Officers to Write Habitual Truancy Citations**—Amend statutes, primarily at NRS 392.149 to authorize attendance officers to write habitual truancy citations in addition to police officers.
(John Schleifer, Director, Department of Pupil Personnel Services, CCSD, February 16, 2012, meeting)

In response to Chair Bobzien, Nicole Rourke, previously identified, defined “attendance officer.”

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

ASSEMBLYMAN STEWART MOVED TO APPROVE RECOMMENDATION NO. 32. THE MOTION WAS SECONDED BY VICE CHAIR DENIS AND PASSED UNANIMOUSLY.

- 33. Communities in Schools**—Include a statement in the final report noting the Committee’s continued support of the work of Communities in Schools (CIS).
(NOTE: This item is included on the “Consent Calendar for Work Session.”)
(Garth Winkler, former president of the CIS Board, June 14, 2012, meeting)

- Committee action on Recommendation No. 33 was taken after discussion of the Consent Calendar (page 7 of these minutes).

- 34. Save the Children**—Include a statement in the final report noting the Committee’s continued support of the work of Save the Children.
(NOTE: This item is included on the “Consent Calendar for Work Session.”)
(The topic was raised as an issue at the June 14, 2012, meeting.)

- Committee action on Recommendation No. 34 was taken after discussion of the Consent Calendar (page 7 of these minutes).

- 35. Surplus Equipment**—Amend statutes, primarily at NRS 332.185, to authorize the board of trustees of a school district to donate surplus personal property to another school district within the State of Nevada. Currently, NRS 332.185 limits the authority of a school district to donate surplus personal property to a charter school located within the school district.

(Nevada Association of School Superintendents, from correspondence dated June 26, 2012)

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

VICE CHAIR DENIS MOVED TO APPROVE RECOMMENDATION NO. 35. THE MOTION WAS SECONDED BY ASSEMBLYMAN STEWART AND PASSED UNANIMOUSLY.

Recommendation No. 36 was discussed on page 7.

PUBLIC COMMENT

- Carrie Paldi, Member, Nevada Early Childhood Advisory Council, and Area Supervisor for Creative Kids Learning Center, Las Vegas, thanked the Committee for their support of the Advisory Council. She conveyed that private early childhood education providers are concerned about the costs for the data collection system.
- Chair Bobzien said he anticipates the grant from the National Governor's Association would provide the funding for the data collection system.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 2:35 p.m.

Respectfully submitted,

Nita Barnes
Senior Research Secretary

Melinda Martini
Principal Research Analyst

APPROVED BY:

Assemblyman David P. Bobzien, Chair

Date: _____

LIST OF EXHIBITS

[Exhibit A](#) is the “Meeting Notice and Agenda” provided by Melinda Martini, Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB).

[Exhibit B](#) is a document titled “Biennium Budget 2013–2015,” submitted by Bill Hanlon, Director, Southern Nevada Regional Professional Development Program, Las Vegas.

[Exhibit C](#) is the written testimony of Barbara Fenne, high school art teacher, Reno.

[Exhibit C-1](#) is a poll regarding art education conducted and presented by Barbara Fenne, high school art teacher, Reno.

[Exhibit D](#) is a Microsoft PowerPoint presentation titled “Legislative Implications of Nevada’s ESEA Waiver Approval,” dated August 16, 2012, prepared by Rorie Fitzpatrick, Deputy Superintendent, Nevada’s Department of Education, and Stanley Rabinowitz, Ph.D., Director, Assessment and Standards Development Services, WestEd.

[Exhibit E](#) is a Microsoft PowerPoint presentation titled “Nevada Early Childhood Advisory Council,” dated August 16, 2012, presented by Margot Chappel, Director, Head Start Collaboration and Early Childhood Systems Office, Reno.

[Exhibit E-1](#) is a document titled “What is school readiness?” by the Nevada Early Childhood Advisory Council, offered by Margot Chappel, Director, Head Start Collaboration and Early Childhood Systems Office, Reno.

[Exhibit F](#) is a packet of information submitted by Christopher Roller, Senior Government Relations Director, American Heart Association and American Stroke Association–Nevada, that includes:

- A document titled “CPR as a Graduation Requirement, Model Legislation;”
- A document titled “CPR in Schools, Fact Sheet,” dated January, 2011, by the American Heart Association;
- A document titled “Sudden Cardiac Arrest Risk Factor Screening and Incidence Reduction Program,” dated 2010–2011, by Scott W. Lamprecht, DNP, MSN, RN; and
- A document titled “CPR in Schools, Frequently Asked Questions (FAQ).”

[Exhibit G](#) is a Microsoft PowerPoint presentation titled “CPR/AED in Schools,” provided by David E. Slattery, MD, FACEP, Associate Professor and Research Director, Department of Emergency Medicine, University of Nevada School of Medicine, Deputy Chief and EMS Medical Director, Las Vegas Fire and Rescue, Las Vegas.

[Exhibit H](#) is a document titled “Music and Other Arts Education Programs in Public Schools, Quick Poll Survey Results,” dated August 16, 2012, offered by Melinda Martini, Principal Research Analyst, Research Division, LCB.

[Exhibit I](#) is the “Work Session Document” dated August 16, 2012, prepared by Melinda Martini, Principal Research Analyst, Research Division, LCB.

[Exhibit J](#) is an e-mail dated August 15, 2012, to David Bobzien, from Lesley Pittman, Sierra Strategies, Reno, regarding Recommendation No. 20, titled “Suggestions for ECE Work Session Document,” submitted by Assemblyman David P. Bobzien, Chair, Legislative Committee on Education.

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