



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

SUMMARY MINUTES AND ACTION REPORT

The third meeting of the Nevada Legislature's Legislative Committee on Education (LCE) was held on December 17, 2009, at 9 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 4100 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/75th2009/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:

Senator Joyce Woodhouse, Chair
Assemblywoman April Mastroluca, Vice Chair
Senator Shirley A. Breeden
Assemblywoman Marilyn Dondero Loop
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Senator Bernice Mathews

COMMITTEE MEMBER ABSENT:

Senator William J. Raggio (excused)

OTHER LEGISLATOR PRESENT:

Senator Steven A. Horsford

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

H. Pepper Sturm, Chief Deputy Research Director, Research Division
Carol M. Stonefield, Supervising Principal Research Analyst, Research Division
Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, Legal Division
Joi Davis, Program Analyst, Fiscal Analysis Division
Maryann Elorreaga, Senior Research Secretary, Research Division

OPENING REMARKS

Chairwoman Woodhouse called the meeting to order and asked the secretary to call the roll. She thanked all those in attendance for their continued commitment to Nevada's school children and their future. She said:

To reiterate what I said last meeting, I firmly believe all of us are responsible for making sure that the next generation of Nevadans receives a quality education. We must hold everyone accountable to ensure that we do accomplish this goal. As a former teacher and principal, I know that students will perform up to their abilities when parents keep their children focused and communities create partnerships to promote opportunity and achievement. We need to transform the relationships among teachers, students, parents, and communities so that we all do our part. As the former director of the Clark County School District School Community Partnership Program, I witnessed what collaboration between the private and public sectors can produce. By coming together, we ensure a better education for our children and in doing so we build a better Nevada. This is the second in a series of meetings (and actually the third meeting of this Committee) addressing the challenges and opportunities offered by the federal Race to the Top fund. As we said before, the competition awards states that have raised student performance in the past and have the capacity to accelerate the achievement gains with innovative reforms. It is designed to spur educational innovation. Nevada could receive up to \$175 million in federal education grants. One of the requirements of the competition, as all of you know, is that states may not have any legal, statutory, or regulatory barriers to linking student achievement and teacher evaluations. Nevada does not currently meet that requirement and therefore, at present, we cannot apply for those funds. We all agree that this is not acceptable. We are about protecting the future of our State; our children. We must find a solution to the current barrier so that we can move forward on behalf of the children of Nevada. And again, I would like to thank all of you for being here this morning and we appreciate you so much for being a part of these deliberations.

PRESENTATION ON THE GOVERNOR'S POSITION ON NEVADA'S PROPOSED APPLICATION FOR THE RACE TO THE TOP FUND (SECTION 14006, TITLE XIV, AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009, PUBLIC LAW NO. 111-5)

- Stacy Woodbury, Deputy Chief of Staff, Office of the Governor, referred to a document titled "Position of Governor Jim Gibbons, Race to the Top Federal Grant Program" ([Exhibit B](#)). She said that, although the governor had not been provided with specific language, the Governor's Office understood that the proposed statutory repeal language being considered by the LCE included both repealing existing statutory language, and also stipulated two things: (1) student test scores could not be the sole criterion used in teacher evaluation; and (2) student test scores could not be used for the purposes of teacher discipline. She said Governor Gibbons strongly supported the first concept; however, he could not support the contention that student test scores must not be used in disciplinary action. Ms. Woodbury said Governor Gibbons viewed the idea as being contrary to federal law and regulations. Ms. Woodbury noted Governor Gibbons was the responsible authority, under the American Recovery and Reinvestment Act of 2009, to apply for Race to the Top (RTTT) funds on behalf of the State of Nevada and that Governor Gibbons intended to work with the State Board of Education, the Department of Education, and other interested parties to submit a competitive, worthy application to benefit all Nevada students and the K-12 education system.

PRESENTATION OF THE NEVADA PARENT TEACHER ASSOCIATION'S POSITION ON NEVADA'S PROPOSED APPLICATION FOR THE RACE TO THE TOP FUND

- Charlene Gumber, Vice President Legislative Services, Nevada Parent Teacher Association (PTA), said the Nevada PTA supported the proposed legislation and offered its assistance in the application process.

PROPOSAL TO ESTABLISH THE RACE TO THE TOP EDUCATION TASK FORCE

- Senator Steven A. Horsford, Clark County Senatorial District No. 4, presented his proposal to establish the Task Force on Educational Excellence to help the State and local school districts to fully and expeditiously prepare Nevada's application for the RTTT fund ([Exhibit C](#)). He said the Task Force would be established as a subcommittee of the LCE to serve as the liaison between Nevada's Legislature, the Department of Education, and local school districts in facilitating the pursuit of public and private grant opportunities to improve Nevada's K-12 education system. Senator Horsford said initially the Task Force would focus on helping the State and the local school districts in preparing Nevada's application for the RTTT competition. In the future, the Task Force

would work with public and private educational entities to identify further grant funding opportunities which Nevada could pursue.

- Senator Mathews and Assemblyman Stewart both expressed concerns about charging the LCE with applying for grants.
- Chair Woodhouse said the proposal would be tabled for possible action at the January meeting.

PRESENTATIONS ON TEACHER EVALUATION SYSTEMS

Evaluation Systems Used in Certain Nevada School Districts

- Rich Alexander, Assistant Superintendent for Human Resources, Douglas County School District (DCSD), referred to a document that he said was written with input from the local teachers' union for the purpose of developing a framework for the evaluation of teachers ([Exhibit D](#)). He said the document was used by the DCSD to determine if teachers were meeting school district standards. Mr. Alexander also noted student achievement had been a part of the DCSD's evaluation system for teachers for six years.
- Tom Stauss, Chief Human Resources Officer, Washoe County School District (WCSD), presented written testimony ([Exhibit E](#)) and a document titled "Teacher Performance Evaluation System, Washoe County School District" ([Exhibit E-1](#)). He said WCSD's current performance evaluation system was developed collaboratively by the District and the Washoe Education Association through the formation of a task force. He said, because of the collaboration, not only was a better instrument developed but the instrument has been well received by the WCSD teachers and administrators.
- Martha Tittle, Chief Human Resources Officer, Clark County School District (CCSD), submitted hardcopies of a Microsoft PowerPoint presentation ([Exhibit F](#)) and gave an overview of the appraisal system for teachers and administrators used in the CCSD ([Exhibit F-1](#)). She said the Licensed Employee Appraisal System was a framework for the improvement of teaching and learning and was a major component of accountability for the CCSD. The system supported ongoing supervision and provided a structure for evaluation of teachers and administrators. Ms. Tittle noted the system is reviewed and updated periodically.
- Jane C. Anderson, Principal, Churchill County Junior High School, said the rural school districts developed their evaluation system in 2006 and that it is similar to the models in Clark, Douglas, and Washoe Counties. Ms. Anderson said she would like to see the Regional Training Program providers throughout the State assist all counties in developing their evaluation systems. She added that she supported using student data in the evaluation process.

Evaluation Systems Used in Empowerment Schools, Clark County School District

- Jeremy Houser, Academic Manager for the Superintendent's Schools, CCSD, said the goal of the Empowerment Model was to align decision making and resources with those accountable for results. Included in the model was a pay for performance piece that was used as an incentive to meet student performance and school environment goals. Mr. Houser stated that schools and teachers could earn up to 2 percent of their salary based on achievement of those goals. He said student performance was measured based on a value-added student progress model, adequate yearly progress, as well as standardized tests. The school environment was measured based on parent and student surveys, a teacher working conditions survey, professional knowledge and skills, and operation and management. Mr. Houser further stated that based on those sets of measures, schools earn a certain number of points which determine the amount of incentive pay received by the school and its licensed staff.

Evaluation Systems Used in Certain States that Link Student Achievement Data to Teacher Evaluation

- Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, referred to her December 17, 2009, memorandum addressed to the Chair and Members of the LCE ([Exhibit G](#)) and an accompanying table ([Exhibit G-1](#)). She said following the December 11, 2009, meeting of the LCE, Chair Woodhouse had directed Committee staff to report on the indicators used in States that have policies to link student achievement data to teacher performance evaluations. The memorandum and table had been submitted in response to that request. Ms. Stonefield reviewed the table and said all 15 states listed on the table required an evaluation instrument that included objective measures of student learning. She then discussed the provisions in outlined in *Nevada Revised Statutes* 391.3125, "Evaluations of licensed personnel: Development of policy; number of evaluations; notice to probationary employee that he may not be reemployed; recommendations and assistance; copy of evaluation."

PUBLIC COMMENT

- Alison J. Turner, President, Nevada PTA, submitted written remarks ([Exhibit H](#)) and said Nevada was facing a free-fall in State revenue. She stated the PTA agreed Nevada should pursue grant money in the RTTT fund but should wait until June 2010 and apply under Phase 2 because the statutory language currently prohibits Nevada from applying. She also commented on local teacher evaluations. She noted those evaluations currently include five criteria: planning and preparation, student assessment (design and use in classroom), classroom

environment, instruction, and professional responsibilities. Ms. Turner voiced support for adding student achievement to those criteria.

- Jessica Bretzlaff, Executive Director, Communities in Schools of Southern Nevada (CCSN), said the CCSN expresses support for and the ability to lend assistance to the application process and its willingness to serve on the proposed Task Force for Educational Excellence. The CCSN model helped to reduce drop-out rates by providing social, emotional, behavioral, and community-oriented services and support for the most at-risk children and lowest achieving schools.
- Rebecca Gasca, Public Advocate, American Civil Liberties Union (ACLU) of Nevada, read from a written statement ([Exhibit I](#)). She said the ACLU of Nevada supports proactive, positive approaches to school discipline that could reduce suspensions and expulsions and ultimately keep juveniles out of the criminal justice system. She said the ACLU of Nevada is taking no position related to specific budget allocations but is encouraging the LCE to address policy shortcomings that marginalize the most at-risk youth and deny them access to education. There is a potential for Nevada to use RTTT funds to implement programs to address those issues.
- Chair Woodhouse said since the U.S. Department of Education had been unable to participate in the LCE's December 11, 2009, meeting, she submitted questions to the Department, which answered the questions in writing. She distributed copies of the answers to the LCE members ([Exhibit J](#)).

DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS FOR NEVADA'S PROPOSED APPLICATION FOR THE RACE TO THE TOP FUND AND OTHER ACTIONS OF THE COMMITTEE RELATED TO NEVADA'S ELIGIBILITY FOR THE RACE TO THE TOP FUND

- Carol M. Stonefield, previously identified, presented proposals for consideration by the LCE ([Exhibit J](#)).

PROPOSALS FOR CONSIDERATION Legislative Committee on Education December 17, 2009

The following document has been prepared by the Chairwoman and staff of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218.5352). The document contains a summary of recommendations that have been presented during public hearings, through communication with individual Committee members, or through correspondence or communications submitted to the Legislative Committee on Education. It is designed to assist the Committee members in making decisions at the meeting. The Committee may accept, reject, modify, or take no action on any of the proposals.

The concepts contained within this document are arranged under broad topics to allow members to review related issues. Actions available to the Committee members include: legislation to amend the NRS; transitory sections that do not amend the statutes; resolutions; statements in the Committee's record; and letters of recommendation or support. The approved recommendations for legislation resulting from these deliberations will be reported to the Legislative Commission.

PROPOSAL RELATING TO THE RACE TO THE TOP FUND APPLICATION

1. Send a letter to the Superintendent of Public Instruction, with a copy to the Chairman of the Legislative Commission, urging him to move forward with the application for grant funds from the Race to the Top Fund (Section 14006, Title XIV, American Recovery and Reinvestment Act of 2009 (ARRA), Public Law No. 111-5). Urge him to take all necessary steps to prepare and submit at the earliest possible date, if the State of Nevada becomes eligible to apply, an application presenting a comprehensive and coherent reform agenda that articulates goals for implementing reforms in the four education areas described in the ARRA. Direct him to call upon and accept offers of assistance from Nevada school districts and other interested education stakeholders.

(Discussed at the December 11, 2009, meeting of the Legislative Committee on Education)

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

ASSEMBLYWOMAN MASTROLUCA MOVED TO APPROVE
PROPOSAL NO. 1. ASSEMBLYMAN STEWART SECONDED
THE MOTION, WHICH PASSED UNANIMOUSLY.

PROPOSAL RELATING TO COMMON CORE ASSESSMENTS

2. Send a letter to the Superintendent of Public Instruction, with a copy to the Chairman of the Legislative Commission, directing him to commit the State of Nevada to joining a consortium of States that is working toward developing and implementing common assessments aligned with common core academic standards. Urge him to select a consortium that includes a significant number of States.

(Discussed at the December 11, 2009, meeting of the Legislative Committee on Education)

The Committee **APPROVED THE FOLLOWING ACTION:**

ASSEMBLYWOMAN DONDERO LOOP MOVED TO APPROVE PROPOSAL NO. 2. THE MOTION WAS SECONDED BY ASSEMBLYMAN MUNFORD AND PASSED UNANIMOUSLY.

PROPOSAL RELATING TO THE STUDENT INFORMATION SYSTEM

3. Send a letter to the Superintendent of Public Instruction, with a copy to the Chairman of the Legislative Commission, urging him to proceed with modifications to the automated system of accountability information for Nevada (SAIN) to provide for the reporting of the results of student-level college readiness test scores.
(Discussed at the December 11, 2009, meeting of the Legislative Committee on Education)

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

ASSEMBLYWOMAN MASTROLUCA MOVED TO APPROVE PROPOSAL NO. 3. ASSEMBLYMAN STEWART SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY.

PROPOSALS RELATING TO EVALUATION OF EDUCATIONAL PERSONNEL AND OTHER STAFF IN PUBLIC SCHOOLS

4. A. Recommend that NRS 386.650 be amended to delete the following language from subsection 1, relating to the information maintained in SAIN: “. . . but must not be used for the purpose of evaluating an individual teacher or paraprofessional.”
(Based upon testimony from various witnesses representing Nevada school districts at the December 11, 2009 meeting of the Legislative Committee on Education)

OR

B. Recommend that NRS 386.650 be amended to delete the following language from subsection 1, relating to the information maintained in SAIN: “. . . but must not be used for the purpose of evaluating an individual teacher or paraprofessional.”

AND

Further recommend that NRS 386.650 be amended by adding in lieu thereof the following: *The information may be considered, but must not be used as the sole criterion, in evaluating the performance of an individual teacher, paraprofessional or other employee, or in taking any disciplinary action against an employee. The provisions of this paragraph prevail over the provisions of any agreement negotiated pursuant to Chapter 288 of NRS, to the extent of any conflict between them.*

And further recommend that NRS 288.150, subsection 2, relating to the scope of mandatory bargaining, be amended, as follows:

- by adding in subparagraph (i) following “discharge and disciplinary procedures” the following: *subject to the provisions of subsection 1 of NRS 386.650; and*
- by adding a new subparagraph (w), as follows: *Procedures for the evaluation of teachers and other employees of a school district or charter school, subject to the provisions of subsection 1 of NRS 386.650.*

(Proposed by Lynn Warne, President, Nevada State Education Association, at the December 11, 2009, meeting of the Legislative Committee on Education)

During the meeting, the following option for this proposal was presented and considered by the LCE:

4. C. Recommend that NRS 386.650 Subsection 1, after the flush line, be amended as follows:

The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. ~~{but must not be used for the purpose of evaluating an individual teacher or paraprofessional.}~~ *The information may be considered, but must not be used as the sole criterion, in evaluating the performance of an individual teacher, paraprofessional or other employee, or in taking any disciplinary action against an employee.*

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

ASSEMBLYWOMAN MASTROLUCA MOVED TO APPROVE
PROPOSAL NO. 4C. ASSEMBLYWOMAN DONDERO LOOP
SECONDED THE MOTION, WHICH PASSED UNANIMOUSLY

PUBLIC COMMENT

- Terry N. Whitney, Director, State Government Relations Western Region, CollegeBoard, San Jose, California, gave a brief overview of the CollegeBoard and offered its assistance in preparing an application for RTTT grant funds. He said specific examples of ways the CollegeBoard could assist were:
 1. College ready standards;
 2. Teacher effectiveness;
 3. Robust data; and
 4. Turning around under achieving schools.

ADJOURNMENT

There being no further business to come before the Committee, the meeting was adjourned at 11:55 a.m.

Respectfully submitted,

Maryann Elorreaga
Senior Research Secretary

Carol M. Stonefield
Supervising Principal Research
Analyst,

APPROVED BY:

Senator Joyce Woodhouse, Chair

Date: _____

LIST OF EXHIBITS

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

[Exhibit B](#) is a document dated November 17, 2009, titled "Position of Governor Jim Gibbons Race to the Top Federal Grant Program," submitted by Stacy M. Woodbury, Deputy Chief of Staff, Office of the Governor.

[Exhibit C](#) is a document titled "Task Force on Educational Excellence," submitted by Senator Steven A. Horsford, Clark County Senatorial District No. 4.

[Exhibit D](#) is a document titled "Douglas County School District Framework for Teaching," submitted by Rich Alexander, Assistant Superintendent for Human Resources, Douglas County School District.

[Exhibit E](#) is a memorandum dated December 17, 2009, from Tom Stauss, Chief of Human Resources, Washoe County School District (WCSD) to the Legislative Committee on Education titled "Testimony Statement Concerning Process Followed by Washoe County School District in developing the Teacher Performance Evaluation System.

[Exhibit E-1](#) is a document titled "Teacher Performance Evaluation System Washoe County School District," submitted by Tom Stauss, Chief of Human Resources, WCSD.

[Exhibit F](#) is the December 17, 2009 written testimony of Martha G. Tittle, Chief Human Resources Officer, Clark County School District (CCSD).

[Exhibit F-1](#) is a Microsoft PowerPoint presentation, dated December 2009, titled "Licensed Employee Appraisal System," provided by Martha G. Tittle, Chief Human Resources Officer, CCSD.

[Exhibit G](#) is a December 17, 2009, memorandum from Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB to the Chair and Members of the Legislative Committee on Education (LCE) titled "State-level Efforts to Identify Effective Teachers."

[Exhibit G-1](#) is a document titled "State Efforts to Consider Classroom Effectiveness," submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

[Exhibit H](#) is the December 17, 2009, written testimony of Alison J. turner, President, Nevada Parent Teacher Association.

Exhibit I is a December 17, 2009, memorandum from Rebecca S. Gasca, Public Advocate, American Civil Liberties Union of Nevada, to the Chair and Members of the LCE titled “Race to the Top Funds.”

Exhibit J is a document dated December 17, 2009, titled “Proposals for Consideration Legislative Committee on Education,” submitted by Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB.

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.