

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session  
May 9, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 1:43 p.m. on Monday, May 9, 2011, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Moises (Mo) Denis, Chair  
Senator Ruben J. Kihuen, Vice Chair  
Senator Valerie Wiener  
Senator Sheila Leslie  
Senator Barbara K. Cegavske  
Senator Don Gustavson  
Senator Greg Brower

**GUEST LEGISLATORS PRESENT:**

Assemblyman John Ocegüera, Assembly District No. 16  
Assemblywoman Debbie Smith, Assembly District No. 30

**STAFF MEMBERS PRESENT:**

Pepper Sturm, Policy Analyst  
Sandra Small, Committee Secretary

**OTHERS PRESENT:**

Georgia Hedrick  
Jodi Swirczek, StudentsFirst.org  
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards  
Scott Austin  
Cassie Restrepo  
Christine Simo

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Tiger Todd

Ron Dreher, Washoe School Principals' Association

Andrea Hughs-Baird, Parent Leaders for Education

Craig Stevens, Nevada State Education Association

James Penrose, Nevada State Education Association

Robin V. Reedy

Craig Hulse, Washoe County School District

Dylan Shaver, Wynn Las Vegas

George Ross, Las Vegas Chamber of Commerce

Joyce Haldeman, Clark County School District

Tray Abney, Reno/Sparks Chamber of Commerce

Mark Coleman, Clark County Association of School Administrators and  
Professional-technical Employees

Lonnie Shields, Nevada Association of School Administrators

Mary Pierczynski, Nevada Association of School Superintendents

CHAIR DENIS:

Because the two bills are related, the Committee will hear testimony on Assembly Bill (A.B.) 225 and A.B. 229 together.

[ASSEMBLY BILL 225 \(1st Reprint\)](#): Requires an additional probationary period for certain teachers and administrators. (BDR 34-876)

[ASSEMBLY BILL 229 \(1st Reprint\)](#): Revises provisions governing the accountability and performance of public schools and educational personnel. (BDR 34-515)

ASSEMBLYMAN JOHN OCEGUERA (Assembly District No. 16):

These bills work together. Some of the provisions of one bill do not work without the provisions of the other bill. Approximately 24 of the Nevada Education Reform Blue Ribbon Task Force's recommendations are included in Assembly bills this Session.

The Committee has received a copy of my comments on A.B. 229, "Improving Nevada's Schools" ([Exhibit C](#)). Assembly Bill 229 increases school and school district transparency, provides performance-based educator compensation, increases accountability and fairness for teachers and administrators, strengthens grounds for dismissal, requires student-focused educator evaluations and strengthens probationary procedures. In Clark County, the

second year of the two-year probationary period is generally waived after the first year of probation if a satisfactory evaluation is received. A three-year probationary period is required, page 4, [A.B. 229](#), [Exhibit C](#).

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

Nevada does not have an epidemic of bad teachers. What we have is a system that needs to be reworked after the significant growth Nevada has seen over the past several years. From 2000 to 2010, for example, the Clark County School District (CCSD) hired 25,000 new teachers. I challenge you to think of the impact on the personnel system of hiring these teachers and putting them through the evaluation process. It is no wonder we need to rework the system Nevada has in place. The CCSD had to provide signing bonuses, had to use recruiters throughout the Country, and had to hire anyone who said "yes." The CCSD then went to foreign countries to hire teachers. There are still classrooms with vacancies. We must consider how the system attempted to evaluate personnel and deal with the probationary situation. Undoubtedly, there are a number of teachers who are not well suited for the profession. [Assembly Bill 225](#) and [A.B. 229](#), will help relieve this situation

Under [A.B. 225](#), a post-probationary teacher with two consecutive years of unsatisfactory evaluations will go back on probation. This gives the school district the opportunity to offer assistance or "nonrenew" the teacher who does not have the commitment to improve teaching skills and performance in the classroom. Section 5, subsection 3, page 4, of [A.B. 225](#) includes the opportunity for an expedited hearing to defend a probationary employee who is being fired. The circumstance of this opportunity is not about performance. This opportunity is available, for example, to an employee accused of stealing funds during midterm and the employee is terminated. A veteran teacher, for example, in this situation should have the right to a defense. This bill represents significant change in Nevada. There are many proposed amendments to [A.B. 225](#) on both ends of the spectrum. That tells me we have some common-sense, well-thought-out solutions. There have been many discussions over several months regarding the content of [A.B. 225](#). These discussions included a variety of people representing labor, parents and administration. The majority of teachers who need to be removed from the classroom are not those who need to be terminated in the middle of the year. Colorado implemented this landmark legislation during its last legislative session. Now we have people saying this legislation does not go far enough. This is grassroots legislation for Nevada, not a national agenda.

The school superintendents from Nevada's two large school districts are change agents. We know they care about the employees and want to ensure what happens in the classroom is the best it can be. They also know what it will take to make a difference. Changing the probationary term will be huge. Nevada is the only state left with the shortest probationary period of one year.

SENATOR CEGAVSKE:

Section 1 of A.B. 225 gives an employee receiving an unsatisfactory evaluation for two consecutive years an additional year of probation. Was there any discussion about the possibility of the affected teacher being placed with another teacher for the next year instead of going back into the classroom? Not every unsatisfactory teacher would need to work with a seasoned teacher in that third year. An ineffective teacher can be detrimental to the student's entire education.

ASSEMBLYWOMAN SMITH:

I have no issue with assigning a mentor or doing something to help the unsatisfactory teacher. However, we are laying off teachers and have eliminated mentoring programs due to the budget. I do not see the resources available for that type of assistance. Mentoring is the best thing we have to offer teachers. The schools and the districts do offer this assistance.

There are those who believe that an employee with one unsatisfactory evaluation should remain on probation. I encourage you to think about the classroom teachers who may have a bad year for some reason, such as illness or a troublesome class.

ASSEMBLYMAN OCEGUERA:

Our goal is to assist, not to get rid of employees unless it is necessary. We are offering a balance in these two bills.

SENATOR CEGAVSKE:

Could the evaluators have remediation choices?

ASSEMBLYWOMAN SMITH:

In response to the concerns we have heard, we have an amendment which may cover your concern. For an employee with a first-year unsatisfactory evaluation, the second year would require additional evaluations. The additional evaluations

could result in additional assistance because the employee would be observed more often.

SENATOR CEGAVSKE:

According to *Nevada Revised Statutes* (NRS) 391.311 to NRS 391.3197, the collective bargaining agreement supersedes the law. Is there a reason we are not changing this law?

ASSEMBLYMAN OCEGUERA:

Collective bargaining means both sides must agree. It seems improbable that both sides would agree that what is in statute is not the law of the land.

ASSEMBLYWOMAN SMITH:

This is not new language. The terms of a probationary and post-probationary teacher are defined in statute and are followed in collective bargaining negotiations. Washoe County School District (WCSD) has a system for teachers in a track-three status and who need more help. The CCSD has added these provisions. The CCSD's collective bargaining agreement states that NRS 391 determines the law during arbitration.

SENATOR BROWER:

The collective bargaining issue is disturbing. The deck is stacked when it comes to collective bargaining and government employees. President Roosevelt saw the inherent conflicts in a system which included collective bargaining for government employees. Section 4 of A.B. 225 says section 1 does not apply to the extent there is a collective bargaining agreement. That does not make sense and comes close to making the bill ineffective. What is the purpose of section 4, A.B. 225?

ASSEMBLYWOMAN SMITH:

After speaking with legal staff and the school districts, I am comfortable that this is not an ineffective bill.

ASSEMBLYMAN OCEGUERA:

This provision is already in statute.

SENATOR BROWER:

I support teacher's rights. My wife is a teacher with two decades of experience in public schools. If we are going to reform the system, it will take more than

the contents of A.B. 225, given the contradictory language in section 1 and section 4.

GEORGIA HEDRICK:

I taught for 37 years and am now retired. I taught in New Orleans, St. Louis, Los Angeles and in Washoe County. I was asked to speak to you today by StudentsFirst.org. I have strong feelings about students and children. I agree with Assemblywoman Smith's three-year probationary period and A.B. 225. I have no problems with collective bargaining. We have gone three to four years without a contract because we could not agree on collective bargaining. We did not sign a contract and stayed at the same level of pay in Washoe County. Do not take collective bargaining away from teachers.

In A.B. 229, please define "teacher." One part says they give instruction, another part says they render direct instructional service. The bill does not say how you measure a productive teacher. Please do not measure a teacher by testing. Every student has different "DNA" and so learns differently and absorbs things differently. I have no patience with tests. Real teachers do not test. You will get a new breed of teachers if they are performance paid. Performance-paid teachers will be there only for the bonus and will teach to the test; you will not have children who learn. Whose test do you use for annual yearly progress? The textbooks we have are now 10 to 15 years old. They are so outdated we should not be using them. Why not do what Doug Christensen, the superintendent from Nebraska, does? He had many different ways of testing. This bill does not apply to substitute teachers who only need 60 hours of college to replace a degreed teacher. No one watches over a substitute who may be in the classroom for half a school year. People I have taught still call me. Some were from tough neighborhoods. Almost sixty percent of the students where I taught in St. Louis graduated from high school, and 30 percent of that 60 percent graduated from college. We built a community where children love to go to school.

Administrators also need to be reviewed. During the 21 years I taught in Washoe County, 2 out of 7 principals did walk-through reviews and then wrote reports on what I did. There is too much testing going on. "You don't make a pig fatter by weighing him more often." I am tutoring fifth-grade students who do not know fractions. I am appalled. Administrators need to be in the classroom more often. The administrators have too much paperwork to do. I quit teaching in midyear when I was given a script to read. After 37 years of

teaching, I was given a script to read to children. If they wanted me to read a script, they did not need me. They could have a young teacher read a script. This is all about money. You will have a lot of “youngies” and “newbies” at the low end of the pay scale. The good teachers are leaving fast because no one wants to be treated with disrespect. You build a plan when you are a community of the school and the district. You do not buy a program. I have loved teaching. Children should be first—not the funding, not the pay, not the testing. Children are what the teachers are about; if they are not, then they go.

JODI SWIRCZEK (StudentsFirst.org):

The Committee has a copy of my written testimony ([Exhibit D](#)) in support of [A.B. 225](#) and [A.B. 229](#).

DOTTY MERRILL, Ed.D. (Executive Director, Nevada Association of School Boards):

There are four areas in [A.B. 229](#) which the Nevada Association of School Boards (NASB) strongly support: section 8, performance pay; section 12, gross misconduct; sections 14 and 16, the four-tiered evaluation system; and section 19, extending the probationary period. This is an opportunity to improve classroom instruction for our students.

The NASB supports [A.B. 225](#), section 1, page 2. We understand there may be an amendment to this section. I have spoken with Assemblywoman Smith regarding an addition to [A.B. 225](#) focusing on a reduction in force and making some adjustments so the only factor for a reduction in workforce is not seniority.

SCOTT AUSTIN:

I am a teacher in the CCSD. I have submitted testimony ([Exhibit E](#)) regarding whether or not [A.B. 225](#) will be applied retroactively.

ASSEMBLYWOMAN SMITH:

The effective date of [A.B. 225](#) is July 1, 2011.

CHAIR DENIS:

[Assembly Bill 225](#) will not be applied retroactively.

CASSIE RESTREPO:

Both bills are a great step, especially since Nevada is at the bottom. The bills make significant steps in the right direction. The information gained through the additional levels of review required in A.B. 229 will make education more effective. The probationary period, A.B. 225, is a growth period. An extra year of probation allows more time to grow and allows more support. How we support each other is how we will make a change to education in Nevada.

CHRISTINE SIMO:

I am a nationally board-certified first-grade teacher in the CCSD and have been teaching for 11 years. I agree with A.B. 225 and A.B. 229. There must be major education reform. There should be a 30-year probation period before being entitled to tenure. I am willing to say "no tenure." I do not want it; I do not need it. I taught at a school in Florida which did not have tenure. If you did your job, you came back the next year. In exchange for no tenure, there should be two- to three-year contracts. Adding a year to probation is moving in the right direction. When I was evaluated, I was lucky to have a great principal who gave me specific feedback. There are areas in which I am excelling and an area on which I need to work. I am working hard on my goal of achieving fours in all areas. We should put "LIFO" to the side. I may not have a job next year. I am in the position of teaching a grade in which I am not expert.

TIGER TODD:

I am in support of change. I am a lifelong Nevadan. Since retiring from business, I have given motivational speeches to over 155,000 students. I have noticed a change in the students from how they were when I was in school. The district has grown. Most teachers, when they see hope, are qualified, effective teachers. There needs to be a system allowing teachers to express their ability prior to any judgment.

RON DREHER (Washoe School Principals' Association):

I am here to support A.B. 225 and A.B. 229.

I am here to talk a little bit about the amendments that are here. I want to go on the record for the school principals' in Washoe County who are supporting the amendment you are going to have from the CCSD and for the amendment by Assemblywoman Smith and the conceptual amendment that dealt with Senator Cegavske's question about adding the



post-probationary teacher evaluations after they have been on probation for a while and giving them three extra times because, as you all know, when someone is identified as having a negative deficiency, there should be a way and a time period to correct that.

The Washoe School Principals Association supports section 4 of A.B. 225 which is currently in law. Unless the collective bargaining agreement contains something else, NRS 391.311 to NRS 391.3197 is still the law. I have been doing collective bargaining in Nevada for 27 years. Putting together a master collective bargaining agreement and dealing with the sections of discipline and discharge became an issue. What was not put in the collective bargaining agreement went back to the statute.

ANDREA HUGHS-BAIRD (Parent Leaders for Education):

The Parent Leaders for Education (PLE) favor A.B. 225 and A.B. 229. During this Session, our group has grown to 750 on our e-mail list and over 150 "likes" on our Facebook page. We have hosted 6 standup-for-education events with 150 to 350 individuals in attendance at each. We have delivered over 1,000 constituent postcards to Washoe County Legislators and the Governor. This is the 20th day we have had 2 to 10 volunteers in Carson City attending meetings, giving public comment, delivering postcards and having individual meetings with Legislators and administration. Our research of the reforms in well-performing states has revealed common themes: curriculum improvement and accountability, prekindergarten, full-day kindergarten, low class size, professional development for teachers, and a large amount of funding provided by federal grants or other sources. Our priorities need to be a quality administrator leading a quality teacher with solid curriculum and training, providing as close to an individualized education for each child as possible. The PLE is in favor of accountability at the district level and the school level. It will be more effective to help teachers improve their skills if the evaluation system has four levels instead of two. Pay for performance will reward self-evaluation. The PLE is in favor of eventually replacing seniority and acquisition of degrees as the sole determinants of pay with a plan that will take time to define over an extended period.

Throughout my children's educational careers, I have not met a teacher who would be affected by probationary reform. As parents wanting a quality teacher in the classroom, we believe a three-year initial probationary period will better ensure a teacher has chosen the right career. After one unsatisfactory review

and a good-faith effort by the district to improve the teacher's identified deficiencies, if the second review results in an unsatisfactory review, the teacher should be placed on probationary status. At that point, the school district should be able to sever ties with the teacher as efficiently and quickly as deemed necessary by the school district. The PLE wants a process that will ensure there is a quality teacher in the classroom.

Significant funding is part of the model states' reforms. Just being funded at the last biennium's level would feel significant during these economic times in Nevada.

CRAIG STEVENS (Nevada State Education Association):

The Nevada State Education Association (NSEA) accepts and believes in education reform. Much of A.B. 225 and A.B. 229 represents quality reform.

The NSEA supports the concept of A.B. 225; however we do have an amendment, "NSEA Suggested Amendments to AB 225" ([Exhibit F](#)). Professional development should be provided at the time of the first unsatisfactory evaluation. Administrators should have the responsibility to identify where the educator is weak and provide a plan of assistance to move the educator from unsatisfactory to satisfactory. If the educator does not proceed in the process and receives another unsatisfactory evaluation, the educator should receive a due-process hearing at the time of demotion. The NSEA considers a move from post-probationary to probationary to be a demotion. An administrator who is demoted receives due process. Many things can happen when it comes to evaluations, when it comes to administrators and when it comes to personality conflicts between an administrator and an educator. The NSEA is requesting an expedited process before a third neutral party.

The NSEA supports many of the concepts in A.B. 229: pay for performance, evaluations, a three-year probationary period and the gross misconduct provision. The NSEA objects to making all probationary employees at-will employees. At will means if you have a bad Thursday, you can be fired on Friday. If the reason is not performance based, educators should be able to defend themselves before a third party in some sort of a grievance process. This procedure is currently available. If someone is accused falsely, that person should have the right to a defense. This bill takes away that right. If a teacher is on probation with a one-year contract, they can be "nonrenewed." A midyear

dismissal deserves some due process. A proposed amendment to A.B. 229 has been provided to the Committee, "NSEA Suggested Amendments to AB 229" ([Exhibit G](#)).

SENATOR BROWER:

A teacher having a bad day does not get fired the next day. We cannot create legislative policy based on assumptions that our education leaders will act irrationally. We cannot assume a good educator will be fired for no good reason or that a superintendent will approve that type of irrational conduct. We do need to protect teachers' and administrators' rights.

MR. STEVENS:

The majority of administrators act in good faith. The process exists for the few times they do not. There needs to be protection.

JAMES PENROSE (Nevada State Education Association):

I agree with everything that has been said here today. It has been my experience that administrators and school boards generally act rationally. Every year, there are one or two cases where veteran teachers are dismissed for trivial or erroneous reasons. Teachers have been changed from post-probationary status to probationary status. Some decisions have been rubber-stamped by legal offices and superintendents, not with ill will but simply due to the size of the school district and the number of cases. All probationary teachers recommended for dismissal during the middle of the year should be entitled to a meaningful opportunity to contest the decision. In the case of an erroneous decision, the teacher should be reinstated.

SENATOR BROWER:

Does the NSEA believe there should not be an at-will status during the initial phase of employment?

MR. PENROSE:

That is correct in the sense that existing law states a probationary teacher can be "nonrenewed" for any or no reason without regard for the grounds for discipline set forth in statute. We are not advocating for a change to existing law. Due process should be afforded when a teacher is terminated midyear.

VICE CHAIR KIHUEN:

Would you explain the NSEA's proposed amendment?

MR. STEVENS:

Amendments to A.B. 225, [Exhibit F](#), allow due process at the time of demotion. The NSEA added language to expedite the process through the American Arbitration Association. We ask that all unsatisfactory evaluations be received before February 1 to give ample time so the educators know, before the next school year, they are being placed back on probation. The NSEA requests an intensive assistance provision be added to A.B. 225 as well as defining demotion to include the movement from post-probationary to probationary.

The NSEA amendment to A.B. 229, [Exhibit G](#), deletes section 18 and section 19, subsection 8, which make a probationary employee an at-will employee. Removing these sections gives due process to probationary employees experiencing midyear dismissal.

MR. PENROSE:

Section 11 of A.B. 229 makes all of the protective provisions of NRS 391.311 through NRS 391.3197 inapplicable to probationary employees. The NSEA would also like an amendment to eliminate this section.

ROBIN V. REEDY:

As a constituent, a grandparent and a parent, I support A.B. 225 and A.B. 229. These bills may be significant in Nevada but represent only a baby step. I have a hard time with collective bargaining language being included in something which determines the education of my children and grandchildren. In 65 years, my family has experienced 2 bad teachers. A bad fifth-grade teacher significantly impacted students as they went into middle school. In seventh grade, my hearing-impaired grandchild was told by a teacher that she was stupid and lazy and probably did not have a hearing problem. I urge you not to water down these bills; make them stronger. Every state employee is at will while on probation. While I value teachers, government employees also have careers and should be treated the same.

CRAIG HULSE (Washoe County School District):

The WCSD supports A.B. 225 and A.B. 229. The WCSD was included in the conversations with stakeholders developing education reform. The WCSD put forth Senate Bill (S.B.) 39 which has many of the provisions of A.B. 229.

**SENATE BILL 39**: Revises provisions governing educational personnel. (BDR 34-

The CCSD, the WCSD, the NASB and the Nevada Association of School Superintendents (NASS) have provided an amendment to A.B. 225 ([Exhibit H](#)) which strikes a portion of section 4. We have all entered into agreements pursuant to NRS 288 which contains provisions related to the boards' right to dismiss or refuse to reemploy. We believe a potential conflict exists between section 1 and section 4 of A.B. 225.

DYLAN SHAVER (Wynn Las Vegas):

Wynn Las Vegas supports A.B. 229. For a long time, the CCSD was growing so rapidly, it was everything the Legislature could do to keep up. Now that there is a little bit of breathing room, we would like to see reforms to the system to make sure children are educated to the best of Nevada's ability.

GEORGE ROSS (Las Vegas Chamber of Commerce):

The Las Vegas Chamber of Commerce supports A.B. 225 and A.B. 229. The Las Vegas business community believes we need to continue to improve the education system. In particular, we support the measures enabling school districts to identify underperforming teachers, give them help and to remove underperforming teachers in a timely manner. Research shows nothing impedes a child's ability to learn, other than home life, more than a weak teacher. Most teachers in the CCSD are good teachers and work hard. We find section 8 of A.B. 229 encouraging. It establishes performance pay and notes that the primary focus should be the improvement and academic achievement of pupils. This will help recruit high-quality individuals into the teaching profession. We want to compete with all of the other professions to get good teachers. We do not want teaching to be what a person does if unable to become a doctor, lawyer or engineer.

JOYCE HALDEMAN (Clark County School District):

If not a letter were changed in A.B. 225 and A.B. 229, the CCSD would support both bills. The CCSD supports the amendment to A.B. 225 presented by Craig Hulse of the WCSD, [Exhibit H](#).

The CCSD proposes an amendment to A.B. 229 ([Exhibit I](#)). One of the intents of this bill is to identify the number of administrators in each school district in the State. However, there are problems with definitions. A dean in the CCSD is considered an administrator. The WCSD considers a dean to be a teacher. A librarian in the CCSD is a teacher. In the WCSD, a librarian is a support staff person. The proposed amendment, [Exhibit I](#), adds professional-technical and

school police to the list of employee categories. The CCSD agrees with the discussion of A.B. 555 about the need to consider things other than seniority during a reduction in workforce. The CCSD requests a new section pertaining to a reduction in the workforce, page 2, Exhibit I. Seniority should still be considered when reducing the workforce.

ASSEMBLY BILL 555: Revises provisions governing educational personnel.  
(BDR 34-954)

SENATOR CEGAVSKE:

I do like the amendments recommended by the CCSD, Exhibit I. Are individuals with a criminal record hired by the school districts?

MS. HALDEMAN:

The CCSD does not hire people with criminal records. People who have been with the district for a long time could acquire a criminal record. The CCSD may not have the ability to dismiss those persons, depending on the situation.

SENATOR BROWER:

Does the collective bargaining agreement prevent the CCSD from not terminating a teacher with a criminal record?

MS. HALDEMAN:

I do not know the answer to your question, but I will get the information to you.

SENATOR BROWER:

Are you saying seniority should continue to be a factor, or should it be the most important factor, during a reduction in workforce?

MS. HALDEMAN:

A reduction of workforce is based on seniority. However, the CCSD amendment, Exhibit I, allows the consideration of other items. These considerations could be a part of the collective bargaining agreement.

SENATOR BROWER:

What is wrong with allowing the school districts to determine who should be kept and who should be laid off based on the best interests of the children?

MS. HALDEMAN:

That is what we are talking about here.

SENATOR BROWER:

I do not think we are. We are talking about restraining the school districts by stating layoff criteria.

MS. HALDEMAN:

I suggest that easily defined objective criteria are a starting point for this process. The criteria in our amendment, page 2, [Exhibit I](#), are objective criteria.

TRAY ABNEY (Reno/Sparks Chamber of Commerce):

The Reno/Sparks Chamber of Commerce participates in the Council for Excellence in Education, a group of business leaders in Washoe County. These bills are great first steps forward. The Chamber believes we need to go further and be bolder. The Chamber supported A.B. 555 which called for a complete elimination of teacher tenure, which Assemblyman Ocegüera called for last year in the *Las Vegas Sun*. If that is not the goal of the Committee or this Legislature, we believe two years of unsatisfactory performance is too long. That is three years we are allowing a potentially inadequate teacher to remain in the classroom.

With respect to section 4 of A.B. 255, collective bargaining should not supersede state law. It is not true that both sides must agree during collective bargaining. If both sides do not agree, it goes to arbitration. Management is elected by the taxpayers and citizens. An unelected binding arbitrator can make the decision.

The Chamber does not believe reductions in workforce should be based solely on seniority. When deciding between two great teachers in the same position, maybe seniority should be the determining factor; it should not be the sole factor. Our primary purpose should be to educate children, not to protect adults.

MARK COLEMAN (Clark County Association of School Administrators and Professional-technical Employees):

The Clark County Association of School Administrators and Professional-technical Employees (CCASAPE) supports these bills, especially A.B. 225. Administrators are included in A.B. 225 as they should be. We have heard from many people that there is not enough change in A.B. 225 and

A.B. 229. The CCASAPE disagrees; the bills represent a tremendous amount of change. There are scenarios throughout the State where an inadequate administrator is moved from school to school or to the central office. Allowing two unsatisfactory evaluations in a two-year period gives supervisors the opportunity to address inadequate administrators.

There is concern with section 4, A.B. 225. There is no language in our collective bargaining contract which would be in conflict with A.B. 225. We are willing to discuss the workforce reduction criteria recommended by the CCSD during collective bargaining negotiations. There is a place to deal with discipline and unsatisfactory people. The three-year probationary period means good teachers have to do a good job for three years, but an unsatisfactory teacher or administrator can be "nonrenewed" in the first year.

LONNIE SHIELDS (Nevada Association of School Administrators):

The Nevada Association of School Administrators support A.B. 225 and A.B. 229 with the amendments presented by Mr. Hulse, [Exhibit H](#).

The NSEA amendment to A.B. 225, [Exhibit F](#), recommends all evaluations be completed by February 1. That is a short time line for school administrators who may have nine or ten new teachers every year. Some teachers may be moved back to probationary status. An observation takes 45 minutes, which is necessary. I would like time to talk to my colleagues about the February 1 date.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

The NASS stated in *iNVEST 2011* that we can develop higher standards for our students, and that we can evaluate and reward or dismiss teachers and administrators fairly and effectively. We recognized that reform was a key issue. The NASS believes A.B. 225 and A.B. 229 bring us closer to these reforms. The NASS supports A.B. 225 and the proposed amendment presented by Mr. Hulse, [Exhibit H](#). The NASS supports A.B. 229 and the amendment proposed by Ms. Haldeman, [Exhibit I](#).



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VICE CHAIR KIHUEN:

There being no public comment or further business to come before this Committee, the meeting is adjourned at 3:33 p.m.

RESPECTFULLY SUBMITTED:

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Sandra Small,  
Committee Secretary

APPROVED BY:

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Senator Mo Denis, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 229	C	Assemblyman John Ocegüera	Improving Nevada's Schools
A.B. 225 and A.B. 229	D	Jodi Swirczek	Written testimony
A.B. 225	E	Scott Austin	Written testimony
A.B. 225	F	Craig Stevens	NSEA Suggested Amendments to AB 225
A.B. 229	G	Craig Stevens	NSEA Suggested Amendments to AB 229
A.B. 225	H	Craig Hulse	Amendment to AB 225
A.B. 229	I	Joyce Haldeman	Amendment to AB 229