

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 27, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 2:09 p.m. on Friday, March 27, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Lynn D. Stewart, Vice Chair (excused)
Assemblyman Harvey J. Munford (excused)



GUEST LEGISLATORS PRESENT:

Assemblyman Paul Anderson, Assembly District No. 13

STAFF MEMBERS PRESENT:

H. Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Pedro Martinez, Superintendent in Residence, Department of Education
Paul Pastorek, Private Citizen, River Ridge, Louisiana
Benjamin Marcovitz, Chief Executive Officer, Collegiate Academies, New Orleans, Louisiana
Carrie A. Buck, Principal, Pinecrest Academy of Nevada, Henderson, Nevada
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement, Department of Education
Patrick Gavin, Director, State Public Charter School Authority
Erin Cranor, President, Nevada Association of School Boards
Andrew Diss, State Director, StudentsFirstNV
Tray Abney, Director of Government Relations, The Chamber, Reno-Sparks-Northern Nevada
Lauren Hulse, Executive Director, Charter School Association of Nevada
Chris Garvey, Trustee, District B, Office of the Board of School Trustees, Clark County School District
Pat Skorkowsky, Superintendent of Schools, Clark County School District
Mike Barton, Chief Student Achievement Officer, Clark County School District
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mary Pierczynski, representing Nevada Association of School Superintendents

Marsha Irvin, Member, Clark County Black Caucus, Las Vegas, Nevada
Victoria Carreón, Director of Education Policy, Kenny C. Guinn Center for
Policy Priorities

Chair Woodbury:

[Roll was taken. Committee protocol and rules were explained.] I will open the hearing on Assembly Bill 448 which establishes the Achievement School District within the Department of Education. Assemblyman Paul Anderson and Superintendent Dale Erquiaga are going to present A.B. 448.

Assembly Bill 448: Revises provisions relating to education. (BDR 34-746)

Assemblyman Paul Anderson, Assembly District No. 13:

It is my privilege today to introduce Assembly Bill 448. We heard in the Governor's State of the State Address a bold vision to improve education. This Committee has already approved opportunity scholarships, and today you will hear about the Achievement School District (ASD). Every year, Nevada school districts must devote an increasing amount of time and resources to persistently low-performing schools that do not improve. Our most vulnerable students continue to fall through the cracks—losing out on the opportunity to obtain the education foundation necessary for their future success. It is time to do things differently, and with this bill, we have embraced the Governor's call for an Achievement School District.

It is not about the state directly running schools; the ASD provides the state the flexibility to allow for more school-based decision making. Achievement school districts are typically operated by high-performing charter operators and local governing boards for each school. Decisions regarding instructions, budgets, and personnel are made at the school level rather than by a central office, making ASDs truly educator-led schools.

With the Governor's call for a modernized education system, we must meet the needs of all students, not simply those privileged to live in a well-off zip code. This is a bold step in improving Nevada's education system, and I hope this Committee gives it the attention and the deliberation it deserves.

Quite simply, this has worked in other states. We will see evidence of that, and you will hear from people a lot more familiar with the education system.

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

I am here, as the Majority Leader has outlined, because our system is failing too many children. By law, I am the head of that system. I take responsibility for that failure, so I have to come to you with solutions. I am here today with a bill on behalf of Governor Sandoval and the Majority Leader that I believe does that.

Throughout this session we have focused on underperforming schools. You have heard the Governor speak about it. The Governor's recommended budget provides millions of dollars of new resources for our schools. There are bills moving in both houses that deal with this topic. We want to help schools improve in place. We want to assist local school districts and charter schools in getting that work done. Unfortunately, I am still here today with this bill, which is presented, in my view, for the eventuality that all of those other interventions do not work.

I would like you to think about the MGM Grand Garden Arena in Las Vegas or the Lawlor Events Center. The MGM Grand Garden Arena holds about 16,000 people. Lawlor holds about 11,000 people. Think again about those facilities, then imagine 15,000 children inside them. They would more than fill Lawlor; they would almost fill the MGM Grand. That is how many children are in the 5 percent of the lowest-performing schools in our state—15,000.

Earlier this year, the Department of Education released a list of 78 underperforming schools. Some of those schools are improving, some are staying the same, and some are actually getting worse. The release of that list made people very uncomfortable. It is not the most popular thing the Governor and I have ever done. As I stated, there are schools on that list that are getting better. Today you may hear about Dr. C. Owen Roundy Elementary School in the Clark County School District. It is getting better. It is a focus school so it is on that list, but they have made great efforts at turnaround. That is why we bring you the Achievement School District today.

As the Majority Leader has said, this type of district works in other states. We have had the benefit of assistance from other states to help us design this bill. This bill is a measure of last resorts. It is not for all 15,000 of those students. In the beginning, we will take perhaps, at most, six schools into this district, and over time we may have to take more. I prefer to use all of the other measures this Legislature and this budget will give my Department to improve all of our schools, but as Governor Sandoval has said, we need to draw the line, and this bill is that line.

Since the bill was first advanced, I have had emails from teachers, principals, and others in our districts and from around the state saying they want to participate in this program. We have also been very fortunate to have former Washoe County School District Superintendent Pedro Martinez work alongside us as a consultant as we have prepared this bill, as well as national help.

The bill you will hear today is not perfect—few bills are when they arrive directly from the drafters, as hard as they work. Many hands have been involved in the drafting. I know it needs amendments, and I hope you will work with us to identify them today to make this bill as perfect as possible for those 15,000 children. This bill is not about fixing blame. Our teachers and principals work very hard. Our students do their very best every day. It is not about state or local control—it is about having one more solution to help solve the problem for, again, the lowest 5 percent of underperforming schools in our state. It is about emptying the MGM Grand Garden Arena and the Lawlor Events Center.

I am going to turn the time over to Pedro Martinez. He has been very helpful in pulling apart the data behind our list of underperforming schools and helping the Department focus on the most narrow subset we can.

After Pedro Martinez, you will hear from Paul Pastorek, who was the State Superintendent of Education of Louisiana and a former member of Louisiana's State Board of Elementary and Secondary Education. He is very familiar with this kind of district because New Orleans has schools in the Recovery School District. With Mr. Pastorek today is Ben Marcovitz, who runs—and was the founder of—one of the most successful charter organizations in the New Orleans Recovery School District.

Pedro Martinez, Superintendent in Residence, Department of Education:

I am working with our Superintendent of Public Instruction on this initiative. At first I was very concerned. If you are a superintendent of any school district, the last thing you want is for the state to take over one of your schools. As I reflected and got deeper into these 78 schools, I hope you will see what I found and why I feel this is necessary.

Here is what is interesting about the 78 schools. We are using our Nevada School Performance Framework federal application that is required by law to show how we are going to hold schools accountable to this criteria. Out of the 78 schools, there are 13 charters that are currently underperforming. There is already legislation from 2013 to ensure that we hold charters accountable. Those 13 charters should be handled through that path. If there is any threat to changes in that legislation, it should be fought very hard, because we cannot have two standards—one for charters and one for noncharters.

There are seven alternative schools, which have a very strong statewide committee looking at them and the criteria. For example, in the Washoe County School District, there is an alternative school for any child who has dropped out and wants to earn a GED credential; they have to go to that alternative school to obtain a GED. They cannot go to Reno High or McQueen High Schools. The Clark County School District (CCSD) actually has a system of schools. Some of them are evening programs. We also have the Global Community High School at Morris Hall in CCSD that takes all of the newcomers. These are children who come from a different country at high school age and do not speak English. These schools are unique and we want to make sure we separate these schools so that we have the right criteria to judge them. There is a committee doing that.

That leaves the rest of the 58 schools. We looked at which schools were getting better, which schools are getting good results in some areas but not in others—we call them the mixed results schools, as they may not be consistent—and then which schools are getting worse.

This is what I found fascinating. In CCSD, when I became deputy to then Superintendent Dwight Jones in 2011, we decided to intervene very decisively in a couple of really tough schools. At that time it was Chaparral, Mojave, and Western High Schools. I have to give you this visual: We had students as well as teachers literally picketing for us not to intervene in those schools although we believed it was the right thing to do. What we mean by intervene is that we created a region that was a turnaround region, almost like the ASD, but within the district.

What is interesting, when you look at the nine schools that are getting better, such as Mojave, Western, and Canyon Springs, is that we made big changes. We changed principals and, in some cases, we changed a significant percentage of the staff.

When I look at this work that began in 2011-2012, all of these schools are either getting better or getting mixed results. Chaparral has had great gains in graduation, but they are still struggling in other areas.

I became Superintendent of the Washoe County School District (WCSD) in 2012. One of the first things I saw in WCSD is a list of schools that had been underperforming for years, so we created our own turnaround region similar to ASD. We intervened in 11 schools, and of those 11 schools, only 1 has shown up on the list of 78. That one, Roger Corbett Elementary School, has some of the highest gains in reading and math for the class of 2014—not only in the county, but statewide. There is one of the best and most amazing

principals there, Denise DuFrene. She could turn around almost any elementary school in this state. That is one of the schools with the highest gains on that list of 78.

When we do what we are supposed to do, these schools do get better, but it is very hard work and it takes a lot of risk. If you are a superintendent, you have to think about the fact of who you are going to upset. We have 27 schools that have mixed results but are showing some promise. Then, we have 20 schools that are getting worse. What is interesting about those 20 schools is that neither district has ever intervened in the way we did with the other schools. Seventeen are from CCSD, two are from WCSD, and the other is from another county.

The two WCSD schools, Robert Mitchell Elementary and Desert Heights Elementary, are very different schools. Mitchell is one of the oldest in the Sparks community. We recently rehabilitated it—it is a beautiful building, beautiful architecture. This school was a dysfunctional school in terms of the staff. We did not have the right leader, but it was a three-star school. In 2012, my staff and I were looking at the school and wanted to intervene, but it was a three-star school and we thought if we intervened we were going to send a message to the rest of the schools that we did not have good processes and rules. We were going to create a culture of fear, and we did not want to do that, so we waited. The school kept getting worse and now it is on the list of 78. This fall, we changed the principal at Mitchell Elementary School. We now have Teri Vaughan as principal of Mitchell Elementary. Previously she was the principal at Lenz Elementary School, which is one of the highest performing schools in the county and a National Blue Ribbon School.

Desert Heights Elementary was very similar and even more dysfunctional than Mitchell. They had hard-working staff, but there were a lot of challenges and they are one of the highest poverty communities in Washoe County—very similar to communities in North Las Vegas or east or west of the Strip. Again, this school was dropping but was not dropping low enough for us to intervene. Finally, it did drop and it is now on the list of 78. There is a story for each one of these schools. In CCSD, some of the schools that have not been intervened upon are Prime 6 Program schools. Anyone who has a history with Prime 6, I was part of that committee. A lot of resources were given to those schools. Some of the schools are Zoom schools. I want to thank our legislators who were responsible for that funding in 2013. We gave those schools extra money to see if they would improve. Some did; many on the list of 20 did not.

If there is one takeaway I want you to have from this it is that I applaud your efforts and what you are doing in this session. You are having the tough conversations about underfunded schools that should have taken place long ago regarding new revenues—no one wants to increase taxes in Nevada.

Here is the fear that I have. If the environment does not exist to make sure that somebody at the end of the day has to hold people accountable and you leave it to chance, maybe you will get another Dwight Jones or a Pedro Martinez, people who will do the job. If you do not, then you are leaving it up to whatever is going on in those districts. What will happen is the list will get longer and more of these schools will continue to underperform. I will make the prediction that you will come back sessions from now saying that we threw all of this money at the schools, and we expanded the Zoom schools, we expanded full-day kindergarten, yet we are not seeing the results, and the list is getting longer.

To make it more personal, I am one of those children who grew up in one of those schools. I grew up in Chicago, Illinois, and I could not tell who was looking out for me, but I made it. I was one of the few who graduated from my high school. So there are going to be tough conversations. How do you bring quality charter operators? How do you make sure that these schools actually do get better? Those are good conversations to have, but what I would ask of you is, have those conversations and let us make this bill the right type of bill to handle those issues.

The right answer is not that they do not have enough money, they do not have enough teachers, or they cannot hire enough teachers. That is not the right answer. What happens then is what is happening right now. Those schools are getting worse, those students are not doing well, and those children do not have a shot to escape poverty. Those children are east of the Strip where most of our high-poverty Latino schools are. They are from west of the Strip where many of our African-American and Latino children are.

Again, this is not a bill to take over schools. This is a bill to ensure there is a right policy and the right environment for people to do the right things when they are in superintendent positions, in board positions, and in principal positions. That is what this bill is really about. We are not talking about 78 schools, we are talking about looking at these 20 schools, and a subset of them that could enter into the ASD. More important is making sure that we promote the right behaviors so these schools can get off this list once and for all.

Assemblywoman Diaz:

As an educator, I appreciate wanting to do what is in the best interest of children—have no doubt about that. That is why I am here in this Legislature trying to move things forward on this front so that we do not miss any child in our state. However, we cannot just shift the blame and say that the school districts have not been doing their jobs.

When No Child Left Behind was around, the state had a role. When a school was not making the gains it needed to, there was a whole process with school improvement plans and the state was supposed to be on the side of the school, making sure they were addressing those inadequacies and that they were turning their schools around. I was part of those processes many times and I did not see a strong showing or partnering of the state saying that our schools were inadequate, it is time to turn them around, and we need to take some steps to do so. We had a Superintendent of Public Instruction then who was supposed to assume this responsibility and take corrective measures. He had the ability to reconstitute the school, lay off everybody, and rehire everybody. How many times did we enact that as a state? Did we take those steps back then?

Dale Erquiaga:

You are right, I was not the state Superintendent then, but I did work in the Clark County School District at that time. It was my job to review school improvement plans as part of the district's strategic planning process. I began my comments by saying our system is failing children and by law, I am the head of that system. I am failing. I am not blaming anyone. I, like you, am trying to change the system going forward for those children. I am asking for your help to do that. Yes, we have let these students down. Some of these schools have been on these lists for 15 years. That is why we are here today. I agree with you. The state did not do what it should have done under that framework. We are here today to change that framework.

Assemblyman Elliot T. Anderson:

I want to direct your attention to section 23 of the bill. I am a little nervous about this section.

Dale Erquiaga:

I would like you to wait to go through the bill section by section. Dr. Canavero will be the one going through the bill.

Chair Woodbury:

I would like to do that. Let us finish the presentation, and we will ask the questions when we go through the bill section by section.

Paul Pastorek, Private Citizen, River Ridge, Louisiana:

Ben Marcovitz and I are both from New Orleans. I am a lawyer by profession, but I began serving on the Louisiana Board of Elementary and Secondary Education in 1996. We adopted a pretty dramatic accountability plan in 1996 and it ultimately was employed in 1999. It was one of the most rigorous accountability plans adopted in the country. We were also living under No Child Left Behind during my tenure. At the end of my tenure serving on the Board (from 1996 until 2004), we had to live with the school improvement plans, and I will tell you that it was more of a paper exercise than anything. We did not really get anything out of the school improvement plans. We did not get anything out of our accountability system in Louisiana—in the City of New Orleans, particularly. However, many schools in the state of Louisiana were schools for large numbers of poor children, African American and white, and were in chronic failure for many years.

I used to say about our accountability system that it measured perfectly our failure, but it did not have effective tools to be able to address the problem. For many years, all of the states in our country did not understand how to deal with those schools that were chronically low-achieving and low-performing.

The situation in New Orleans became acute in the early 2000s. I tried working on school board elections and tried to get the right school board members elected. We tried audits of the school district, outside consultants, and many other things to no avail. Probably two-thirds of the children that went to schools in the City of New Orleans were in persistently low-achieving schools.

Hurricane Katrina hit in the summer of 2005, and the community of New Orleans and the state recognized that it was an opportunity to try something different. They did not know if what they might try would work, but they wanted to try something dramatically different, because what was going on did not work. It was not a question of blaming anybody—not teachers, not the union. It was that the system was not working.

The Democratic governor at that time made a decision to pass a law that intervened in about three-quarters of the schools in the City of New Orleans and placed them in the Recovery School District. The strategy was not to operate the schools directly, not to re-create a central office or a district superintendent that would run schools and hire and fire personnel, set curriculum from a central office, or make decisions about the finances of the school. The decision was made that we would take a different pathway. We would empower the people who run the school building. We would have the boards of all of these schools come from the local community.

At the time of this intervention by the governor in 2005, there were seven members on the Orleans Parish School Board. The understanding was that new schools would come along that would be empowered—in many cases they would be charter schools, but they could be traditional schools as well—to be run by local boards made up of people in the community.

Today, in the City of New Orleans there are more than 700 local community leaders who oversee direct operation of schools. The state Recovery School District did not, and does not, oversee the direct operation of those schools. This was a very interesting opportunity because it was a dramatically different approach. There were no rules to go by, no norms to use, and no playbook to use.

Just after the Recovery School District was created by the governor, she asked me if I, a Republican, would serve her, a Democrat, and lead this effort. Not an educator myself, but a lawyer, I would take on this responsibility and did so for four years. For four years, we worked on transitioning the center of power that worked the schools. No longer was the central office the center of power. The school principal was the center of power. You might refer to this as an empowerment zone. It empowers the local leader to take responsibility for the operation of the school. It also—and this is the critically important piece—holds them rigorously accountable for outcomes.

The consequence of the action taken in New Orleans was that before the storm, we had about 25 percent of students at grade level when using state standardized tests, and today, 62 percent of students are at grade level, fully seven years after the full implementation of the plan. Before the Recovery School District was created, we had a high school graduation rate of about 50 percent. Today our graduation rate is 73 percent. Minority students in New Orleans exceed the state average for the first time. The numbers on special education students' academic achievement have significantly improved. We are now seeing students who are college- and career-ready and able to meet our state requirement of an ACT score to allow for a state scholarship. The numbers have moved from 24 percent who were eligible before the Recovery School District became available, to about 37 percent today who are eligible for our state scholarship.

This was noticed by some other states. Tennessee looked at what we were doing in Louisiana. We made plenty of mistakes; we were not perfect. Today there is still much more work to be done, but based on the work we have done in Louisiana, Tennessee adopted the same type of model and is about three years into implementation. We have seen Michigan undertake a similar

effort, and they are redoubling their efforts. I am actually working with Michigan. I received word a short time ago that the Georgia Senate made final approval of what they call the Opportunity School District. It is official in Georgia—they have adopted a similar type of proposal there.

People are beginning to notice this because of some of the things that have happened in New Orleans, such as the incredibly bright people who are attracted to the opportunity created where principals are empowered and get to make decisions about the retention of their employees and the curriculum and instruction model they use.

One of those very bright stars is the young man seated next to me, Ben Marcovitz. Ben came to New Orleans because his wife was from New Orleans and she made him come to New Orleans. We are very lucky that he did because he is running three of the highest-performing high schools in the City of New Orleans. Many people struggle to understand how you can take children who might come from very difficult circumstances in the eighth grade, but you get them in the ninth grade and produce excellent results by the time they finish high school. Many people said it could not be done and said that we would never find people to come to New Orleans and do this work. They said we would never get high-quality charter operators to come. There was so much hopelessness in the city and in the state for the future of these children. We persisted with this model, and Ben did come, and he is now getting remarkable results.

**Benjamin Marcovitz, Chief Executive Officer, Collegiate Academies,
New Orleans, Louisiana:**

I heard about the opportunity you were looking at today and I was very motivated to come talk to you for a couple of reasons. Mr. Pastorek has explained that one of the really strong forces at work in my job is the autonomy to get excellent results and work hand in hand with families in the city and with local constituents to create the right school for those families. In many ways, autonomy is a huge motivator for people like me to do this work.

Ultimately, there are really two forces that I think about every day that I would ask you to think about as well—two bosses that I have in mind when I do my job. One is my local board. They are quite literally my bosses and also extraordinarily committed to the children in the city they have inhabited for generations. They are local in the strongest sense. They represent a great deal of opportunity in the city. They represent small businesses in the city. They take walks across the street from our school with their children every day.

These are people who profoundly care about the community and have helped me, as someone who came from the outside, to understand the traditions that the community values; and in fact, to help me understand that it is an imperative that I embrace those values and those traditions as I work with my other boss, which is accountability for our mission and our results.

We work in a profoundly impoverished community. It is highly likely a ninth grader entering our high schools lives in poverty and reads at a fourth-grade level. Four years later it will be 95 percent likely that he or she is matriculating at a four-year college or university. That is hard work, and I do it mostly through great people. It takes a lot to find these people. They are extremely driven by this mission more than anything else. They are also very accomplished and have many other opportunities in their lives. My only hope is to inspire them with the work, and hope that the results themselves will reinforce their work. I learned how to work with people like this from mentors who run effective charter schools nationally, and from colleagues who pushed me in New Orleans itself. That has actually helped me, through our success, to look at expanding to three schools from one, then to two more schools in the next two years, then beyond and out of state, as we are looking now.

It is very difficult to get great people to do this work and I imagine it is very difficult to get great operators to come and work in your schools. More than anything else, the creation of an ASD draws the attention of high-quality operators to a state. We look to expand across the country, which is my hope over the coming decades, and the number one thing we look for in a state is its commitment to student improvement via an ASD structure. It shows us that there is a commitment on the part of legislators as well as the community to not only engage in great schools but to work with children who have had the most challenges as well.

As you can imagine, the promise I have to make to the great staff I work with is not money—it is being able to get the work done with children who really need it. In doing that, my message to my staff is similar to the message a state sends to operators like me by creating an ASD. It is a groundswell of mission-driven zeal that draws attention to people like me. While I cannot guarantee that people like me understand the challenges of a child in Nevada every day—that takes time—or understand the local traditions as I had to when I came to New Orleans, I can pretty much guarantee you that the creation of such a district would get every operator like me to have quite a few meetings about whether or not they should come to Nevada in the future.

Assemblywoman Swank:

I have done some research on your Recovery School District in New Orleans. I represent District 16 in Las Vegas. It is a lot of the urban core; more than 40 percent of my district is minorities—a large number of people living in poverty. These are the children I am concerned about. I have been looking at suspensions and expulsions that have happened in the Recovery School District in New Orleans. Nationally, we know that out-of-school suspensions are around 6 percent. In Louisiana statewide, research shows it is a little bit over 11 percent. However, in your Recovery School District, out-of-school suspensions are around 28 percent. There is a similar trend in expulsions. Nationwide, we are at approximately 0.2 percent, statewide in Louisiana it is a little over 1 percent expulsions, and in the Recovery School District, it is a little over 2.5 percent expulsions.

We also know this happens much more to African-American students than it does to white students in Louisiana, and across the country, we know that children of color are more frequently brought up for misbehaviors. They tend to get longer punishments than nonminority children. My concern is, if we look at out-of-school suspensions, 44.9 percent of your students are African-American, but 68.2 percent of the out-of-school suspensions were African-American students. I am very concerned about this. If your Recovery School District is not reflective of the data that is statewide, that makes me nervous about moving that control to the local districts. I want to make sure that my children are being treated well.

Paul Pastorek:

I agree with you. Suspensions and expulsions were a concern for us as we began to move into this process. One of the efforts we undertook was to manage at the Recovery School District level those expulsions and the expulsion processes. We wanted to keep them appropriate. I do not like to see students expelled for any reason. We adopted rules, procedures, and laws to bring those numbers into line.

What you see today is the Recovery School District not only working on rules and regulations which manage that expulsion process so that students cannot be expelled unless it is processed through the Recovery School District, but you also see new strategies being put into place for new approaches to reduce expulsions and suspensions. Benjamin Marcovitz can talk about the kinds of reductions to the numbers that we have seen from totally different ideas that have been brought forth. The numbers are below any of the state or district numbers.

Benjamin Marcovitz:

We had suspension numbers that were not acceptable to me for far too long. It is a really good example of what I was describing with the two bosses at work. You have extraordinary accountability to results, which for us, working with children with the greatest challenges meant that these children had moved from schools where they were allowed to disappear into the corner all day to places that were demanding quite a bit of them. We saw misbehavior develop out of that.

We then noticed a trend going too far in disciplinary reaction. We received pressure both internally and from our local board to take a harder look at this. That is the piece Mr. Pastorek has described. These are 700 people working on local boards in the city who care profoundly about the students, as you do also, who are now my boss and putting a lot of pressure on people like me to change those problems. The level of participation of locals who profoundly care about children is a vital ingredient to this plan. Hearing that from them and with their support, we made dramatic adjustments and reduced suspensions so far this year by more than 80 percent.

Assemblywoman Swank:

As you know, academic publications take a long time to come out. Can you get me your numbers on your expulsion rates? As I am looking at them between 2000 and 2008, your in-school suspensions increased by about 50 percent. I would like to see those numbers and how that has impacted minorities.

Paul Pastorek:

Let me be clear, 2000 to 2005 was before Katrina. The numbers of schools that were operating during the 2006, 2007, and 2008 school years were very small. Those were also the years right after the storm where there were huge challenges, and those challenges were far beyond the kind of settled circumstances that we now see. The number of homeless children were over the top in those first couple of years.

I will tell you unequivocally, we were forced to do a Recovery School District without any script and with no time to prepare. We had to take over 120 schools overnight. I would not recommend that. In fact, in our discussions with members of the Assembly and Superintendent Erquiaga and his team, we have talked about how to do this in a more thoughtful way, learning lessons from our experiences.

Part of the response we had to expulsions and suspensions was to put a common system into place. If you have a large number of takeover schools, or intervention schools like we had all at one time, then we found it necessary to put that in place to provide that protection. We have done a very good job of bringing that system into place.

Assemblyman Armstrong:

I would like to provide some information for the Committee, because it goes to Assemblywoman Swank's point.

On February 15, 2013, the *Las Vegas Sun* published an article with the headline that black students are three times more likely to be expelled in CCSD. Additionally, the article says that although black students can constitute about 12 percent of the student population, they accounted for 43 percent of all high school student expulsions during the 2009-2010 school year. The increase of expulsions under the program was a problem, but I do not think that was a situation only in New Orleans. We, as a state, are facing those same issues as well.

Paul Pastorek:

There is a fundamentally different shift for both district schools and charter management organizations (CMO) when you have to come to grips with trying to get better outcomes for students. What has happened in New Orleans for many years is that the students who failed sat in the back of the class and were ignored by the teachers. They were segregated from the rest of the class. I will never forget that the teachers always said that they taught to the front of the class, not the back of the class. As long as you did not interfere or interrupt the lives of those students who were in the back of the class, then things stayed fairly stable. This is true of the districts. When districts have to deal with the students at the back of the class, it creates tension and difficulty and it requires different strategies.

In the beginning we did not have great strategies. Now we are seeing much better strategies on how to make this happen. This is a problem for all school districts.

Assemblyman Armstrong:

What I am hearing is that initially there was an increase in expulsions due to the increased challenge that you were asking of students who were not challenged before—and maybe there was some resistance that had to be overcome, and once that behavioral change happened, you saw a lot of progress.

Paul Pastorek:

That is correct. You are asking children to do something differently. Ten years ago we were not well equipped to manage the cultural reaction. We have learned hard lessons over these years. Again, this is not a perfect exercise, but now many lessons have been learned—in Michigan, Tennessee, and in Louisiana they have been learned. You can be the beneficiary of that learning. The object of the exercise is to get success for these students when they have been living in a system where failure is the norm, failure is accepted, and failure is what has been happening for far too long.

Assemblyman Hickey:

Before we get into the drawbacks of your program, I am really interested in hearing about the difference between the CMOs that you have selected and placed as an alternative and what your experience was comparing them to the public system. I want to know why this is a preferable model. That is what we are exploring today, and we have not heard too much about how you came to that decision. Could you tell me more about what they are doing differently or how they have improved outcomes?

Paul Pastorek:

What we saw in Louisiana was a one-size-fits-all approach from the central office in trying to deal with children who present many different challenges in many different situations. Our belief in Governor Kathleen Blanco, and ultimately Governor Bobby Jindal, who took over and reinforced this statewide, was that people in the central office, though well-meaning and well-intentioned, were not going to be able to provide the kind of response that students in the local school building really needed. We needed to empower the people in the local school building. Our original strategy in 2007, when I took over the Recovery School District, was to have traditional-type schools and charter-type schools and let the best compete for the opportunity to replace a failing school. I did not prefer a charter school over a traditional school—I preferred a quality school. Whoever could bring it to me got the right to operate that school.

Over time, the local community participation in a charter organization became very robust. In a traditional school setting, you just have a principal and the principal can rely on the central office. In the charter setting, the principal relies on a local board and that local board is more cognizant of and more connected with the community. As the state superintendent and overseeing the Recovery School District, we held our bar very high for requirements for what kind of organizations we wanted to let in. We made sure they had people who represented the community on their boards, and we quickly moved out any charter schools that did not move the needle. Over time we saw that that model worked much better. In the four and a half years that I served at the

beginning of this exercise, I began to realize that charters were better equipped to be able to do this than the traditional setting. We opted for that and we see the results. It does not mean that a traditional school district cannot do this work but, in my opinion, you have to empower the school leaders so they can provide the personalized kind of response that children need. When you do that, you can be successful. Traditional school districts can too. We know that there are schools in traditional school districts that are successful. Unfortunately, there are far too many that are not.

Assemblyman Hickey:

Tell me some of the differences with the CMO you are part of and some of the things being done that have proven to be effective. I would like to see the model.

Benjamin Marcovitz:

I see the opportunity to work in a district like this one as getting autonomy in exchange for high accountability. That is the relationship that I had with Paul Pastorek when he was the superintendent. Therefore, we were aligned in the exact same things. We believed in excellence, we believed in specifically providing excellence for the most challenged, and we believed in the ability of educators to provide that excellence. It was a complete alignment of vision. What that resulted in for us, many of the best operators in town, was a real focus on best practice—what practices were working and how do we continue to use and emphasize them.

For us, that meant a couple of things. One was strong use of data so that we were able to diagnose where our students were performing very early on. In our first year, we bought many copies of *Lord of the Flies* and *To Kill a Mockingbird* for our ninth graders, then quickly assessed that very few of them read above a third-grade level. We tried to pull off the feat of providing them phonics training early in the year so they could read those books by the end of the year. We were able to accomplish that. I could not have done that in a traditional district or where the curriculum was handed to me. I did not have the wherewithal to purchase diagnostics to use the curricula like we used to remediate from that point forward. The use of data to drive instruction is a big part of what we do that is successful.

The other major piece is real investment in high-quality educators, where we have the ability to hire, fire, and evaluate effectively all of our staff. The same principles you would use to broaden a business in a high-performing, competitive environment we use to run our staff programs. For instance, every year that I have seen a teacher in one of our schools who I would not trust to teach my own child, I go to the school and tell them that I am not happy with

the work this teacher is doing. I have immediately intervened with that teacher. If they have not worked out, we have let them go. There are many opportunities to recruit the best people when you have these freedoms, and many opportunities to reward the best people when you have these freedoms. Of all of the things we all have in common if we are high-performing, if we are in Louisiana right now, the most useful to look at is the use of data and the investment in high-quality educators.

Assemblyman Elliot T. Anderson:

I have been doing some research since you put it on my radar that this was currently operating in New Orleans. I read an article from National Public Radio titled "The End of Neighborhood Schools" that basically did a survey of the Recovery School District, and one of the things that concerned me was that there is no teachers' union anymore. I believe this bill would similarly lead to that sort of result. Quite frankly, it feels like the nuclear option for teachers' unions. I am curious why there are no longer teachers' unions in your school district.

Paul Pastorek:

The American Federation of Teachers (AFT) does have a union in the City of New Orleans. It is not correct to say there are no unions. There are many teachers who are members of the union. What is correct is that there was a collective bargaining agreement with the Orleans Parish School Board before the creation of the Recovery School District. The collective bargaining agreement was abolished by the Orleans Parish School Board itself, not by the Recovery School District. What is also true is that today there is at least one school that just announced they will have a collective bargaining agreement with the union. It does not have to be the end of unions and is not the end of unions in the City of New Orleans.

Assemblyman Elliot T. Anderson:

I am concerned that National Public Radio is reporting that there are virtually no unions, and I appreciate that it is difficult to get a whole lot of nuance in an article like that. I will get into my concerns about the bill because the way I read it, under section 22, as the ASD comes into a school, it is the governing board of the ASD that would determine whether the existing employees fit the needs of the school. The existing needs of the school are not really defined. Their needs could be not wanting to have a union and there would be nothing in this bill to prevent it from being busted on the way in.

Paul Pastorek:

You may or may not be right. I am not going to speak to the specifics of the bill, but I will say that the governing boards of our schools in New Orleans make decisions based upon the best interests of the children. What we saw in the city before the creation of the Recovery School District was that the union and the school board made decisions that were in the best interest of the adults in the system. That was the primary objective. Unions make no bones about the fact that they are there to take care of their members, and their members are adults.

What we felt we had to do in the City of New Orleans was level the whole playing field. That is what happened. Now children are as important as adults in the discussion. National Public Radio will not be the first media outlet to not correctly report what is going on in New Orleans, and I am sure it will not be the last. It is a fact, because I have negotiated with the AFT in New Orleans with respect to collecting union dues for members through the Recovery School District when we operated schools directly, which we did for a long period of time. Officially, at the end of this year, we will not. It is wholly incorrect to say that unions evaporate as a consequence.

Benjamin Marcovitz:

On school campuses, we welcome union recruiters regularly, and they do talk to our staff all of the time without us present. We function not as a district in the absence of unions but almost as a district in a world before unions, where the union will result from teachers feeling mistreated or underhanded. If our teachers are looking to unionize—which they have the right to do in our schools and we provide all of the resources for them to do that—we have something to learn from that about our treatment of teachers, so it provides the right kind of pressure for us to improve working conditions for staff across the board.

Assemblyman Armstrong:

You made a great point that at the end of the day this bill is not about the adults; we are focusing on the students to make sure their education is improved.

We hear this conversation about state control versus local control. Does each school not have a unique board or local control? It is not just state-controlled issues.

Paul Pastorek:

That is correct. The way this works is, if we are the Recovery School District, we are the authorizer of a charter school operator. A charter school operator must come to the authorizer with a proposed board. That board has to be

evaluated by the authorizer—in this case the Recovery School District—to determine whether or not they are representative of the community at large. We do not get into the micromanagement of that board, but we require that a charter have a board made up of members of the community.

I would not say this is changing the control of a school from the local community to the state; it is, by far, not that. It is intervention by the state to change the people who are in control at the local level. Instead of the school board and school district, it is now the community itself. This has worked exceptionally well because the community now has more people involved in the day-to-day business of schools than ever before. You could count on one hand the number of adults who were not educators who cared and worked on public schools in the City of New Orleans. Those were the optimists who were hopeful that they were going to change this bureaucracy that had complete control over the lives of teachers and principals in school buildings and ultimately the lives of children.

Today, you have 700-plus adults who are leading schools and watching over individuals who are given the responsibility to run schools. This is local control on steroids.

Assemblyman Armstrong:

So, not only are we making sure that the focus is on children, but we are also empowering community members and parents to get the job done as well.

Paul Pastorek:

I would like to tell you one little story to sort of bring this home. I went to a New Orleans Saints football game one night and I happened to pass by the man who runs the Superdome. He works for a big national company. I knew him very well and I bumped into him in the hall. He said to me that he was very aggravated because they had not received their Title I money from the Department of Education. I asked him what he was talking about, Title I money? He said he was on the board of a local charter school and they were supposed to get the money on the previous Monday and it had not come in and they needed that money to take care of their Title I children. He demanded that I see to it that my department get off its bureaucratic posterior and act.

This is the kind of engagement that we now have in the City of New Orleans. This is unheard of. You could not have imagined this in your life if you were in New Orleans ten years ago.

Assemblywoman Diaz:

Are you with a charter management organization (CMO) or an education management organization (EMO)?

Benjamin Marcovitz:

I am with a CMO.

Assemblywoman Diaz:

From your perspective, where do you recruit most of your teachers? Where do they come from?

Benjamin Marcovitz:

We recruit primarily from local universities, Teach For America, and The New Teacher Project.

Assemblywoman Diaz:

I pulled up a report from Stanford's Center for Research on Education Outcomes (CREDO) on urban charter schools. I was alarmed at the data that was in this report. I share your passion, Mr. Pastorek, when you are talking about bureaucracies not moving and changing things for the benefit of children; I am right there with you. However, we have to consider that every step we take needs to be wise and needs to be intentional. We cannot fail these children that we are currently failing. That is where my hesitation comes from.

In the study it says that the data set came from 80 percent of charter students in 41 urban regions. When I looked at Las Vegas charter schools that were analyzed, only 4 percent of the population of those charter schools were English language learners (ELL) compared with 14 percent of the traditional public schools. Only 11 percent of the children attending those charter schools were living in poverty versus 65 percent of those at the traditional schools. It then says, alternatively, the charter sectors in Las Vegas, Nevada, and Fort Worth, Texas, provide their students already achieving below the state average with lower levels of academic growth in mathematics and reading each year relative to their traditional public schools. On top of that, when comparing all of the charter schools, 69 percent of the schools are doing worse than traditional public schools, and 31 percent are doing no different. If I look at New Orleans, 15 percent are worse, 29 percent are no different, and 56 percent are better. If those numbers looked that way in Las Vegas, I would think this was a viable option for our state. There is an opportunity here to be seized upon, but with this data, I do not see it.

Paul Pastorek:

The CREDO report completely supports the success of charter schools in the City of New Orleans and in Louisiana. It is pretty powerful, especially if you are talking about the report that came out a week or so ago. As a matter of fact, I just had a conversation with the author of that report so I could evaluate what is going on and make sure we are still moving in the right direction.

I will go to more direct data in the City of New Orleans. Before we began the process of converting traditional schools to charter schools—which is ultimately what the strategy of the Recovery School District was—we had more than 60 percent of schools that were receiving an F in the City of New Orleans. Today, the number is less than 7 percent of schools receiving an F.

The results are quite significant. Are all charter schools necessarily going to do better than a traditional school? I would say no, they are not necessarily going to do better. You have to hold all schools accountable. What you can do with charter schools is, you can actually close them. With traditional schools, it is almost impossible. We adopted that strategy for charter schools because we could close them much more easily and we could regulate and get better results from them.

Someone asked me today, since there are charter schools in this state, why do you need to have a focus on the Achievement School District (ASD)? The answer is that here you are fighting for failing schools. These are chronically failing schools. This is where nothing has worked for years, and you are saying that you are going to try to do something dramatically different in the hope that you will be successful. If you are as rigorous as we have been in Louisiana, and continue to be since my departure four years ago, then I think you will get the kind of results you are looking for and you can—like Louisiana did—move 62 percent of F schools to 7 percent.

Assemblywoman Swank:

I am going to reference the same Stanford study that my colleague did. In looking at that study, it showed that Las Vegas was the second-worst performing of all of the urban cities and charter schools that were studied. If we have one of the worst charter school systems, and we have one of the worst school districts just in Las Vegas, why are we investing money in a broken charter school system when we have a public school system we could work on? I am confused as to how we got there, which takes me back to the system in Louisiana and about this being a nationwide problem and with minorities being targeted. We also know that in classrooms, boys are given more turns to talk and longer turns to talk by teachers, but we are certainly not going to look at a school system that gives their boys more and longer turns and

use that as a model elsewhere. I want to emphasize that we need to look at what is going on in Louisiana and other cities that have used these recovery school districts to know if this is actually a good model for us to use. If there is still a disproportionate number of minority students being expelled or on out-of-school suspensions, this is not the program we want to look at as a model.

Paul Pastorek:

The district that is responsible for charter schools has to hold people accountable for expulsions and suspensions; that is their job. This is not a problem that is limited to any particular kind of enterprise. Traditional school districts struggle with this challenge as all districts struggle with this challenge. Especially in the past two years, Louisiana has taken remarkable steps to address expulsion and suspension issues by helping people understand what the better strategy is. Ben's schools have benefited from that. All of our schools have benefited. For the longest time, the school district, which was not held accountable for schools, just sort of kicked the can down the road. Now, the Recovery School District in Louisiana, and the kind you are proposing, actually addresses the problem. That is what you want and why I think it is so powerful that you are considering doing this. You are coming to grips with the problem, and there are solutions to the problem rather than delaying it.

Benjamin Marcovitz:

From our perspective as an operator looking to expand, the situations where there is a charter sector that is underperforming or not producing the results expected is not the one you are looking to expand and create. If I were an operator within that system, the implementation of this bill would change all of that and create accountability for a result that I had never seen before, the ability to receive pressure from the right local forces to address the problems on the ground in a much deeper way.

Assemblyman Edwards:

As great a city as New Orleans is, anyone who knows the history of New Orleans knows that its city government has been horrific for years. Its school system was pitiful for generations. If you throw on top of that Katrina and the devastation that was wrought, it is fair to say that you came into a scene that could not have been worse. You were literally trying to rebuild it from the floodwaters. The results that you have shown are astounding. When you look at the measures you presented, you achieved more in less time than we have achieved in I do not know how long.

A couple of years ago I was on the Senate floor when one of our senators talked about how she came to the Legislature absolutely determined that she was going to fix the schools here. Twenty years later, she saw that we had actually fallen backwards. You, on the other hand, have demonstrated that the charter schools can work very effectively. They can make more progress in a shorter amount of time. I would dare say that your success outpaces our own in Las Vegas because your graduation rates are higher. You must be doing something right.

As far as the statistics are concerned, they can say a whole lot, but you have to be careful, especially about the amount of time during which those statistics have been gathered. There really has not been an extraordinary amount of time to fully develop all of the statistics. The statistics that you can present are very impressive. I would also say that change is hard. It is hard for adults, for educated people, and it is hard for kids. To expect that the students would perform wonderfully in the dire situation that New Orleans faced is unrealistic. To think those changes were going to be easy is not realistic either. You managed them very well and based on the other article regarding our own statistics, you outperformed us. You learned a lot of lessons, applied them quickly, and had great results. I want to point out the issues of parental involvement—I hear that from all over my district. Why can the parents not be more involved? Why can they not have more of a say? You seem to have achieved that.

When people talk about targeting students, I would say that the past performance has been targeting them for failure. You have targeted them for success and achievement. We could learn a lot from your experiences, and you make a great case that we should at least give this a fervent effort in Las Vegas and throughout our state. If we can make the kind of strides you have made, everyone here in Nevada will benefit greatly.

Paul Pastorek:

If you look at the kinds of success we have had, 62 percent of schools were failing before we undertook this effort. To date, 7 percent of schools are failing. These are recidivist kinds of patterns that you are trying to break. We have seen the proficiency go from 25 percent to 62 percent on state standardized tests for African-American students. It has gone from way below the state average to above the state average. We have higher numbers for special education in New Orleans than elsewhere, and we are now at the state average. Graduation rates are up significantly. College enrollment is up significantly, and eligibility for the top scholarship is up significantly. These are things that no one would have believed possible before 2005. These are things people worked on for many years and got nowhere with.

When we were in this position, our then-governor, Democrat Kathleen Blanco, said enough is enough. This cannot stand. We have to try something dramatically different, or else students will continue to die. We did do something dramatically different and now people are learning the lessons. Have we made mistakes? Have we always been successful? No, we have not. We were the starter effort and we have learned a lot of lessons. One of the efforts I have undertaken is to help craft this legislation and to give observations and ideas about what we think can work, what will not work, what has been tried, and what we have failed in doing, and try not to repeat those failures. You have an extraordinary opportunity to change children's lives where consistent failure has produced nothing.

Assemblyman Hickey:

Am I not right that the charter schools that might exist in Las Vegas are not a part of some of the national schools that we might look at for this that have a proven track record? The criteria for selecting a proven, successful, and accountable CMO model is different. While I agree with my colleague who said that currently minority students are not as widely represented in Nevada in some of the charter schools, those have been opportunities to choose that parents have had, and for whatever reasons some have taken more advantage where it was an option to enroll their students in charter schools.

You said you took over 120 schools. For all intents and purposes, we are talking about a pilot program, as Superintendent Erquiaga laid out, of maybe six or seven schools. We are going to look at areas that are quite possibly within the minority areas of our communities in the Washoe and Clark County School Districts. We are going to go where there are problems and where students heretofore have not had an opportunity to go to other choice charter schools. It seems like there is a difference here. I am more interested in hearing the details of how our bill in our process is going to work here, but it is good to learn from what you have experienced.

Assemblyman Elliot T. Anderson:

The discussion is being wrongly framed. We have many elements that all have to work for us to have a successful education system. Everyone needs to do their part. It is not mutually exclusive to say that you are okay with teachers having good benefits, feeling respected at work, loving their job, feeling fulfilled, and having security knowing that they are going to have the Public Employees' Retirement System in our state. That is not necessarily against the children. Those are things the union is there to protect. I do not understand this paradigm that somehow you let a union survive when you come into a school and that is bad for the children. Do you think you can both have a union and give children a good education?

Paul Pastorek:

I guess it depends on what the objective of the union is. Let us take it out of the classic sense of the union. If the objective is to focus on solely adult issues, that is not a healthy objective. If the issue is to pursue, in the primary case, what is best for children, then let what is best for adults follow, then I think that is fine.

Assemblyman Elliot T. Anderson:

I can understand. You were in the trenches. I am not sitting at a negotiating table, but I have to say that I do not think our teachers' union here wants children to suffer. I do not think any teachers' union is not fighting for children in some way. The job of a union is to make sure their members have good benefits, and it is my opinion that when people feel secure in their job and they feel respected, they are better employees. I am just throwing that out there because I did not like the tenor of the conversation when it came to teachers' unions.

Assemblyman Gardner:

I found some facts regarding expulsions and the Recovery School District. As of 2013, it was down to 0.35 percent. As of 2014, it was down to 0.22 percent. Its current numbers are not even 1 percent. Here is a quote from the CREDO study—which is a wonderful study—"This research shows that many urban charter schools are providing superior academic learning for their students, in many cases quite dramatically better. These findings offer important examples of student organization and operation that can serve as models to other schools, including both public charter schools and traditional public schools." That is what we are trying to do and what you have already done. You have a great track record in New Orleans, and we are trying to take that model and put it into our own state. Examples of how much better they are doing: In mathematics, 73 percent of 41 urban charter schools are better or the same as what we are getting in traditional public schools. In reading, 76 percent are doing either better or the same. I am thankful this bill came out. I think it is going to do our children a lot of good. My final comment is that you cannot do much worse than fiftieth, which is where we are.

Paul Pastorek:

We were at a place in the City of New Orleans and in many other parts of the state of Louisiana where perhaps you are today. We were at a point of no return and failure could not get worse. We had to try something that had no proven track record because failure was no longer an option. We selected something and tried to develop our best strategy. It was difficult at first, but it is now proving to be a model which can be successful if rigorously applied.

That is why I think Tennessee has followed our lead for three or four years now, and Michigan followed our lead as well. That is why we are seeing Georgia just now adopting this model. This is the least-preferred alternative, but you have the most-concerning kind of situation. When you are at your wits' end and there is nothing that seems to work, then what might at first seem like the least-preferred alternative may end up being just what the doctor ordered.

There were many skeptics in Louisiana at the outset about whether this would work because there was no proven track record and no school in the country that was advocating for this kind of a model. We had to do something dramatically different and we knew we could not do worse. In the end, where we had 62 percent of schools failing before we tried it, today we have 7 percent of schools failing. We now have operators on par with fellows like Benjamin Marcovitz who are taking some of the most challenged high schools and turning them into some of the most successful, and sending large numbers of students on to college. No one would have ever expected this to come out of the City of New Orleans. If you are to the point where you just cannot see another alternative, you have to try something dramatically different. You do not have to step off the ledge where you do not even know what the possibilities look like; you now have some examples of success that you can point to and learn lessons from and implement for your purposes.

Chair Woodbury:

Thank you, Mr. Pastorek and Mr. Marcovitz, for sharing your stories with us.

Carrie A. Buck, Principal, Pinecrest Academy of Nevada, Henderson, Nevada:

I am here to support Assembly Bill 448. I worked for the Clark County School District for 20 years, the last 8 of those years at C.T. Sewell Elementary School, one of the at-risk schools in Henderson, Nevada. A little over a year ago, I took over at Pinecrest Academy of Nevada charter school. This bill authorizes accountability for our schools in our districts, and I am in full support of the ASD that Assemblyman Paul Anderson and Superintendent Dale Erquiaga have had the courage to put forth.

I agree that drastic measures have to be taken with the lowest-performing schools in our state and we cannot wait another year. We cannot look into the eyes of our children that sit in those seats in these schools and say, wait another year; wait another five years. It has to happen now.

The ASD needs an outcome-based leader such as Pedro Martinez who can move the needle on student achievement and give each of these children access to a high-quality education. The leader needs to hold districts and school leaders accountable for decisions made. Highly effective principals need to be moved

into those schools. We need school leaders who are able to determine a vision, a mission, a strategic action plan, and a rigorous instructional plan. These schools need to be effective in every single classroom. They need an effective teacher.

I recently spoke to Dr. Marguerite Roza, Director of the Edunomics Lab at Georgetown University, who analyzed districts across the nation and found that the most money in large urban school districts that are failing goes to teacher salaries in the wealthiest suburban schools. This trend has to be equalized to give children access to an effective teacher in our toughest neighborhoods. This may mean that master teachers are offered incentives to travel to the poorest neighborhoods to teach the toughest children because these children deserve it.

These schools need curriculum aligned to the Nevada Academic Content Standards and cannot continue to haphazardly be taking teaching materials from random teacher websites to master the Common Core State Standards (CCSS). We need to put the right tools in the teachers' hands to teach. We are relying on our principals and teachers to be curriculum experts. Some of the student teachers I have supervised have no support in their building, nor do they have adequate tools to teach with. They have enough to focus on, and what is happening in these schools is not happening in more effective schools.

Bring in the KIPP Public Charter Schools, bring in the YES Prep Public Schools, bring in Democracy Prep Public Schools, bring in Rocketship Discovery Prep, Somerset Prep, Equipo Academy—so exciting. We cannot wait another hour or another day to make this change.

Thank you for supporting the Achievement School District because it is about time we develop a plan to ensure our poorest children get equity in education in Nevada. I am here for those children and I plead with you to put children first.

I want to address Assemblywoman Diaz' poor performing charters results. Seven of those failing schools are sponsored by and in the Clark County School District. With regard to Assemblywoman Swank's accountability on discipline, this is such a sad national trend. One in nine African-American students have a parent in prison. We need to change this system. We need to uplift all cultures and we need to give them access to equity in education.

Chair Woodbury:

Dr. Canavero, walk us through the bill. Since this is such a large bill, I want you to go through the whole thing, then the Committee will ask their questions.

Dale Erquiaga:

I would ask that when Dr. Canavero is finished, you not lose sight of that charter study. The director of the State Public Charter School Authority is here and that record should be cleared up because it was misrepresented, as Dr. Buck has said.

**Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education:**

Much of this bill rests on the existing charter law. I can briefly give you charter law history 101 in Nevada. Since 2009, and 2010 in particular when I joined the state, there was a large focus on ensuring quality charter schools across the state. In 2011 and 2013, principally through the development of the State Public Charter School Authority (SPCSA) and empowering the Authority to do all of the right work on national standards for authorizing practices in 2013, Nevada is now ranked fourteenth across the nation—it could be slightly higher. We are ranked in the top third of the national charter school law. We had a really strong foundation to build upon, so often you will hear me reference that particular charter law or talk about the achievement charter schools and how a particular provision of the bill relates to that and how that might be different from an existing charter school.

I will go by sections and try to call out page numbers as I work through the bill. Some sections do span multiple pages.

Section 2 defines the achievement charter school. That is an important definition and is different from an existing charter school as we know it. It also defines charter management organizations (CMO) and education management organizations (EMO). An achievement charter school can contract with CMOs, EMOs, or other persons.

Sections 3, 4, 5, and 6 add the Achievement School District to the list of sponsors. Sponsors in our state include local educational agencies (LEA)—our school districts; the SPCSA; and the Nevada System of Higher Education. Of course, various other requirements are consistent with this responsibility; for example, reporting and things of that nature.

Sections 7 and 8 ensure that achievement charter schools are subject to the statewide system of accountability, just as they would be if they were a charter school in the state, and that the state ratings apply to the ASD schools.

Section 9 adds parent involvement and family engagement information in the same manner as other charter schools in the state.

Sections 10, 11, and 12 note that "charter school" does not mean an achievement charter school. I have already suggested that there is a difference here.

Section 13 defines CMO and section 14 defines EMO. There is a little nuance there that teases apart the existing definition that describes an education management organization as being an organization for profit or not for profit in *Nevada Revised Statutes* (NRS) 386.562, subsection 2. Here a CMO is noted as an organization with which the charter school can contract as one that is not for profit and then an EMO is defined as a similar organization—the difference being that it is for profit. Currently we only have the definition of an EMO in statute. Section 15 defines the Executive Director. Section 16 defines public school.

Section 17 creates the Achievement School District. It specifically states that "The Achievement School District is hereby created within the Department." It then provides that the ASD may employ persons as deemed necessary. This is similar to the language that we see allowing the SPCSA to hire any persons it needs. The bill states that the employees are in the unclassified service and that the ASD is defined as a local educational agency—the same language we used to define the SPCSA as an LEA. Given the fluid nature of schools in the ASD or not in the ASD, the unclassified service becomes fairly important in the sense of being able to add or subtract from that staff as necessary.

Section 18 talks about the Executive Director. The Executive Director of an Achievement School District is appointed by the Superintendent of Public Instruction. Section 18 also provides duties and powers. They are fairly general but must include how to manage oversight of achievement charter schools. This section is aligned to provisions of performance and the performance contracting in existing law in section 20. There are duties and responsibilities of the Executive Director that are very similar to the duties and responsibilities of existing sponsors of charter schools related to performance contracting and performance management.

Section 34—an important section at the end of this bill which I will be referencing periodically—requires the Department to adopt regulations in specific areas. That is important to mention here as we talk about the Executive Director's authority related to different processes in vetting charter school operators in the processes related to reviewing applications, et cetera.

Section 19 establishes the Account for the Achievement School District. This is similar to the SPCSA. We do not believe that sections 20 and 21 truly capture the intent, as the bill is written, to include educators, parents, and the community in this process. I will read through what it says, then I will comment.

Section 20 provides for the criteria to determine eligibility for conversion to an achievement school based on the criteria to determine low-performing schools. We have elementary or middle schools that are performing in the lowest 5 percent and a high school with a graduation rate of less than 60 percent. Again, this is just the universe of eligible schools, similar to that 78-school list Superintendent Pedro Martinez referred to.

Then in section 20, subsection 1, paragraph c, the Department may, through regulation, describe additional criteria to identify schools in that list. The State Board of Education creates this list of eligible schools based on those criteria and at least 10 percent of those schools would be identified as eligible to move into the ASD. It is a wider net of performance, and within that is a 10 percent list the State Board of Education would identify for conversion to an achievement charter school. The Executive Director of the ASD would then select a school from that particular list. As you may have inferred from the conversations with Paul Pastorek, there is a lot of detail here in finding the "right fit," which gets to Assemblyman Hickey's point about the criteria used to vet appropriate charter school operators to be partners in these turnaround schools. There is quite a bit of "right fit" work that needs to be done. This allows the Executive Director of the ASD to look for appropriate operators with a track record of success.

Section 21 talks about the Executive Director selecting the schools, and there are a number of provisions where the Executive Director would evaluate the applications and approve applications that are of high quality.

Section 34 requires the Department to adopt regulations to this effect; negotiate and enter into contracts with a six-year term length—which is wholly consistent with present charter law; monitor performance; and then once approved, the ASD is the sponsor. The bill language has the Executive Director appointing the school board and other persons as they deem appropriate, which may include the persons with whom the contract is awarded.

The intent is to involve educators, family, and the community, and I believe this may be accomplished by adding specific requirements in section 34 for the Department to adopt regulations that prescribe certain processes, perhaps a public hearing process conducted by the ASD Executive Director on the

selection of an operator for a particular school or community. Another area is parent, community, and educator engagement in the governance of the school, perhaps quarterly public meetings in addition to the ASD board meetings whereby the Executive Director meets with the community where the achievement charter school is located.

Those are ideas for consideration. We would like to hear ideas related to correcting sections 20 and 21 to ensure we have appropriate and right involvement with community, parents, and educators.

Section 22 describes the duties and powers of the governing body of the achievement charter school. The governing body of the achievement charter school would review employees and make determinations of whom to offer employment. Upon conversion, there would be a review. There is another critical match that needs to take place when the achievement charter school stands up on that campus. Those teachers who do not choose to stay at the achievement charter school, or who are not offered employment, would be reassigned by the board of trustees elsewhere in the district. The achievement charter school must operate in the same school building. This is getting to that governance level of change rather than a fundamental disruption to students by moving them. The board of trustees must provide the use of that building without compensation. The achievement charter school governing body may pay all costs related to maintenance and operation, and the school district would pay capital expenses for that facility. Children enrolled in the school prior to it changing to an achievement charter school would be given priority in enrollment over all others.

Section 23 clarifies the application of charter law to the ASD. Here you see a number of provisions of law. I can go through a few of them to give you a general idea, but when we look at the provisions that are applicable specifically to the achievement charter schools and the ASD, the intent of the bill is to ensure quality charter schools. The mandated closure provision, NRS 386.5351, that the Legislature put into the charter law last session; a very strong provision to ensure quality; states that with three consecutive years of the lowest rating on the state system of accountability, that charter must be closed. We believe that should apply here. Currently, the achievement charter schools are exempt as the bill is written. I would suggest that we consider adding NRS 386.5351 to ensure that the achievement charter schools will be of high quality, at least in this provision, and not exempted.

There is a laundry list of statutes here consistent across all of our charter schools that do apply and they range from general operations to prohibitions of religion or religious organization support; permission to solicit or accept gifts or grants; specific requirements for orders of payment and transfers of credit; adoption for rules of academic retention; issuance of high school diplomas; approval of the form by the Department of Education; adoption and distribution of rules for behavior and punishment; procedures for suspension or expulsion of pupils; adoptions of rules for truancy; fingerprints for nonlicensed applicants; review of criminal history reports; et cetera. The achievement charter school would also be required to designate employees authorized to administer epinephrine.

A large section of existing charter law that is applicable to the achievement charter schools is from NRS 386.600 to NRS 386.650, which is our charter school financing law. That area completely applies. There is also a provision that the governing body of the achievement charter school could submit a request to the Superintendent of Public Instruction to waive certain requirements, except with regard to programs supported with Title I money which relates to licensed teachers. The Superintendent could approve or deny such requests. I have that list should you be interested in knowing more.

Section 24 extends the same privilege afforded the charter schools to the achievement charter schools in that they can apply for money for facilities if certain performance exists and money is available. This is something existing charter schools can do, and it is now extended to the achievement charter schools.

Section 25 states that the Executive Director can request and the board of trustees of the school district shall provide other facilities. Here it is related not to the native facility but to other school buildings, whether that be a shop or a field, in addition to the use of the building in other public facilities located within the district. The achievement charter school may use other school buildings owned by the district with the approval of the trustees during times that are not regular school hours, and they have the ability to contract with the district to perform other services. This is an area where we get a lot of questions, and this provision in section 25 allows the trustees and the Executive Director of the ASD to enter into agreements related to transportation, health services, police, and public safety. There is a mechanism here that requires a conversation between the school district and the ASD.

Section 26 extends the existing charter school provisions to the achievement charter schools so that students may participate in classes not offered by the achievement charter schools so long as space is available. The trustees are not required to pay for transportation. It is an opportunity for students to participate in sports, and the ability for trustees to revoke student participation.

Sections 27, 28, 29, 30, and 31 are important. This is very similar to the existing charter law applying to the achievement charter schools that defines employees as public employees. We often view charter schools as a choice for students and families, but really the strong work of this body over the years has enabled choice and opportunities to extend to teachers and administrators as well. These sections were built off of existing law and built in responsible protections for teachers and local boards of trustees so that teachers may remain at a charter school—and specifically at the achievement charter school; with certain protections, or transfer back to the district. It extends most of the rules related to employment that exist in NRS 386.595 for charter schools to the achievement charter schools. Notably, trustees grant a leave of absence not to exceed six years to an employee that requests to remain at the achievement charter school. This is rather than the three years presently offered to charter schools that are not achievement charter schools. This strengthens the ability and the protections afforded to a teacher to go on a leave of absence for up to six years.

Section 32 provides general guidance on compensation. This mirrors existing law and is one of the ways public employees continue their public benefit package in the Public Employees' Retirement System (PERS) to ensure that salary ranges and the contribution for retirement in PERS are not disrupted disproportionately by salaries at a charter school. It is a moderating provision. Compensation at the district will be used to determine the appropriateness of compensation required for purposes of PERS and compensation that exceeds the compensation of the district must not be included for purposes of calculating future retirement benefits. The achievement charter school may also work with trustees to participate in a plan of group insurance if that is offered by the trustees.

Section 33 is in regard to accountability. Again, the intention here is not to change or alter expectations of high performance and clear measures of accountability that exist for charter schools across the state in their specific application to the achievement charter schools.

In addition to the mandated closure section of the statute that I mentioned earlier, it seems prudent to add into section 34 that prescribes the regulations, perhaps requirements, specific to the performance contract. That was one of

the provisions in 2013 for all of our charter schools to come under a performance contract. It seems like it is implied through this bill, but it would be a prudent area to ensure that the regulations include.

Accountability, as it is written, in year six, the Executive Director shall evaluate the performance of the achievement charter school. If the achievement charter school makes adequate improvement in pupil achievement and student performance, the principal of the school must decide whether to convert to the governance under the board of trustees, so go back to the local school district; seek to continue as a charter school by applying to the LEA, the SPCSA or a university, so remaining a charter school but no longer an achievement charter school, and moving to a new sponsor; or remain within the ASD as a charter school. If the achievement charter school has not made progress, it must continue to operate as an achievement charter school for at least six more years. Six is the cycle for our charters, with evaluations each third year thereafter. If the achievement charter school goes back to the trustees, employees remain at the school and must be hired. If the achievement charter school goes on as a charter, they are able to remain within the building.

Section 34, generally speaking, is the area of existing charter law that is not included. The bill empowers the Department of Education to adopt regulations that may prescribe, in addition to those I had mentioned, specific processes that the Executive Director will go through to solicit applications to operate an achievement charter school. These include the contents of the application and criteria to evaluate applications; the manner in which the Executive Director will monitor and evaluate pupil achievement and school performance—this could perhaps be enhanced to talk about the performance contracts; the process by which the parent or legal guardian may enroll children in the school; the circumstances under which the governing body may authorize a child to enroll in another school for a class not offered by the school; and the process for converting an achievement charter school into a public school under trustees.

Sections 36 and 38 provide for the conversion of noncharter public schools to achievement charter schools. The remaining sections are principally conforming changes in law.

Assemblyman Elliot T. Anderson:

I would like to direct you to section 23 as I have made my point on section 22. I am looking specifically at section 23, subsection 3, and it allows for a waiver of NRS 386.550 by the Executive Director through the Superintendent of Public Instruction. When I pulled up NRS 386.550, subsection 1, paragraphs (f) through (k), the one that concerns me the most is paragraph 1(h).

You would be allowed to waive that, but paragraph (h) says "comply with applicable statutes and regulations governing the achievement and proficiency of pupils in this State." I am wondering what exactly the scope of that section would be. To me, it seems that if you are having problems, you could say you wanted a waiver and did not want to comply with automatic closure or with the performance framework. That is troubling to me. It is picking and choosing what rules these achievement charter schools would follow. Can you look at that for me?

Steve Canavero:

I do not have a ready answer for you. It would be wise to move through each of these after this hearing and understand and appreciate what would compel such a waiver and such a request.

Assemblywoman Diaz:

For me, section 20 still seems a little too vague. I understand we have the most awesome people in these positions and an incredible Superintendent. I do not know who this new Executive Director is. I am assuming it is Pedro Martinez. You have people with their hearts in the right places, but let us pretend they are not here. The new people coming in to fill their shoes need to know exactly what is in statute and exactly what the intent behind this bill is so they can come and pick right up. Where is the universe of the underperforming schools referenced? I do not think it is made clear enough that they have to be repetitively underperforming for a specified number of years. It just says rated the lowest by percent in the most recent school year. That does not coincide with what Mr. Martinez has briefed me about. It needs to be more clear on what the intent is and the makeup of these underperforming schools.

It also says in section 20, subsection 1, paragraph (c), that "Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department." I guess that is where I go back again. What is that criteria going to be? I do not think it needs to be an unknown. It needs to be spelled out, and we need to be informed.

The last thing is section 20, subsection 2, "a list of not less than 10 percent of the public schools...." It is not clear to me. Are these EMOs and CMOs going to be able to come, look at a list, and pick? Or is there going to be a prioritization saying these are the schools that are hurting the most; therefore, these are the ones at the top that need to be taken over?

Steve Canavero:

Are you suggesting that in section 20 the criteria to become the 10 percent be more specific than the list above which says that if you are in the bottom 5 percent or if your high school graduation rate is less than 60 percent? Is it in the selection of the eligible list based upon those three criteria, or is it in the State Board of Education's processes to select the 10 percent?

Assemblywoman Diaz:

Both need to be clarified. It does not seem clear, and it does not seem as though the intent of what has been explained to me is what this is really supposed to do. I do not see it corresponding with the language that is in this section.

Steve Canavero:

The second point regarding the EMO or the ability to match an operator that has a track record of success with a similarly situated school or community, that is really the intention of having schools that are eligible and the Executive Director issuing a request for proposal (RFP). Currently, the SPCSA issues an RFP. When I was heading that agency, we would issue an RFP specifically for schools to serve our most at-risk populations, and we would offer a competitive advantage in the scoring if you were bringing a model that worked well. We were successful in getting some schools that way. A similar intent would be established here where we would have schools in a community and the Executive Director would be able to work with operators. This way we at least know who we are trying to match, and we know the operators who are able to demonstrate performance in that area if they are across the country or regionally with those similarly situated students. That is how that EMO and the Executive Director would work. It would not be the EMO coming in and picking. It would be the Executive Director going through a process such as an RFP process to find the right match.

Assemblywoman Joiner:

I realize we are not the money committee, but I do look at the fiscal notes because it often gives me a clue as to the structure of a new entity. I notice that it is not there, but I know they are probably working on it. In the absence of that fiscal note and a description, I am curious about section 17. It is clear that there is an Executive Director for the Achievement School District, but then it is very vague about what the other staff will look like. As a parent, if I heard that some entity was taking over my neighborhood school, I would be very concerned. In this bill I do not see a role for parents. I am also concerned as a parent to see that any time the District is taking over my neighborhood school, it can decide to hire and fire as needed. I would worry about whether it

would have enough employees and, alternatively, if it would be spending and wasting too much money that should be going into the classroom. Do you have any clarity about what this entity looks like for me, as a parent, and also what my role would be?

Steve Canavero:

I will start with the parents. We agree the intention of involving parents is not reflected in the language of the bill. The intent is to involve educators, parents, and community members. We get to talk to, share with, and listen to people who have been doing this, and we also understand the mistakes they have made and have shared with us. One of the mistakes has been not involving the community and the parents in this process. The changes going forward will be more specific about communications with parents and the community and the roles they would play on the committee and governing board of the school. This would be much in the same sense as Paul Pastorek had suggested in the governance of each school going from the 7 board members to 700—obviously, not that extreme. There will be a role and a responsibility for the Executive Director on the front side. This is how an achievement charter school is distinguished from a traditional charter school in our state and why some of the requirements in existing law do not apply. When you ask for proposals for somebody to convert a school and demonstrate their track record in doing that, there is a communication plan built in for how they are going to work with families and engage with the community to understand and make this transition work. Those are hard lessons we can learn from. Generally speaking, the bill does not address the intention of parent and community engagement.

On the structure of the ASD itself, we have the Executive Director, which is a key position. It cannot go forward unless we have an Executive Director at least to begin this process, then it is empowered to employ staff as needed. What you do not see here is its revenue stream. How is the ASD funded? It is funded in the same manner as the SPCSA is funded. It is up to a 2 percent fee on the State Distributive School Account (DSA), the apportionment to the school. The ASD can withhold up to 2 percent of that to support its functions. Like the SPCSA, it is not contemplated to be and to replace the central office. It is not. It is a very different type of organization. As the SPCSA is a sole-purpose chartering entity, the ASD is a sole-purpose conversion charter school entity, where that is its focus and its role and responsibility. It has those functions generally assigned to it to facilitate this process, to initiate and contract, to performance manage the schools, and all that is necessary for this endeavor. In the bill, it is fluid. It has to be fluid. If it starts with two schools or zero schools, or grows to five schools, and then over the course of time those schools leave, that is why the language is necessarily somewhat vague in

the sense of how many staff will be in those particular roles. The roles and responsibilities are not vague. Those are fairly specific, and again, consistent with much of existing charter school law.

Assemblyman Edwards:

I have had a number of parents in my district complain that the current administrations in the public schools do not pay enough attention to parents when they try to take an interest. In fact, several have been kicked off the school grounds for trying to show interest in their students. I have not had that problem in the charter schools and I think the plan you have here would tend to follow the success of the charter schools and overcome the failures of the public schools in that arena.

The issue I would like to address further is the three-year limitation of a failing charter school and its subsequent automatic closing. In particular, I met with the people in the Delta Academy who deal with a super group of at-risk students—very minority, very poor—heading more toward prison than to a diploma. As desperately as they try, the group is such a hard-case cohort that sometimes three years might not be enough. Is there any mechanism here that would avoid a cookie cutter approach and be able to make the exception that certain schools may need more time?

Steve Canavero:

Your Chair shares this concern and has asked a lot of questions of the Department of Education about how to rightfully and responsibly hold schools accountable without inadvertently closing a great school that happens to enroll 90 percent students who are in an adjudicated system. I believe there is legislation being contemplated to define an alternative school for the first time in our state. We have alternative programs, but we do not have alternative schools. As we saw this need some time ago, the Department of Education has money in its budget to build a framework that could measure the performance of an alternative school. If we are successful there, then those frameworks would produce a valid and reliable indication of the school's performance. At that point, the law would say, whether you are alternative or not, if you are failing your children, and we have given you three consecutive years, and you are still in the lowest category of statewide achievement, then you are closed. Much of the second question is predicated on the success of the first, but I know there is some interest in looking at that this session.

Assemblyman Elliot T. Anderson:

I am concerned that the Achievement School District, under section 27, subsection 2, can decide to keep everyone that has a collective bargaining agreement, which I do not believe will happen. This appears to say that the

governing body can make all decisions concerning the terms of employment unless there is a collective bargaining agreement, et cetera, and then talks about discipline. The import of that section to me is that you take away any union's ability to bargain for pay. Could you comment on that section and what you are intending to do?

Steve Canavero:

The intention of this section is that when a vetted achievement charter school model is approved to take the place of an existing school, the governing body has the ability to review the employees and make decisions whether or not they buy into the mission of the school, if it is a "right fit," and if there is the right match. If it is not the right match, then the governing body of the charter school is not required to hire them. They could, of course, still remain and have rights to employment back at the local school district, or, even if some were offered terms of employment, they could still go back to the school district.

Assemblyman Elliot T. Anderson:

The way that section reads, the general rule is the achievement charter school controls the terms and conditions, which to me includes pay and discipline—everything. Then there is an exception.

Steve Canavero:

There is nothing prohibiting charter school employees from unionizing. What this says is the governing body of a charter school would have the authority to make those decisions unless it has an existing agreement with its employees.

Assemblyman Elliot T. Anderson:

As it only relates to discipline, though, is what it says.

Steve Canavero:

Here it is just related to dismissal. If dismissal is discipline then I understand, but I do not know that to be the case.

Assemblyman Elliot T. Anderson:

I would then direct your attention to section 33, subsection 2, where it talks about if an achievement charter school is converted back to a public school, it requires the board of trustees to employ every teacher, administrator, and paraprofessional that wishes to continue employment. That to me is different from section 22 where the employees that are with the ASD get to automatically be employed, but we do not give the same benefit to our existing teachers that are at the school being taken over. Can you comment? It seems unfair to me.

Steve Canavero:

If it is broken coming in, and it is performing well enough to have the discretion to choose its future path, then at that point we should honor the work of the professionals in that building and let them remain in the building.

Assemblywoman Swank:

It seems we would be moving a lot of the authority into the Executive Branch. Can you show me in the bill where legislative authority is retained? When things go awry, often the state steps in to pick things up. I want to make sure we have that input and that involvement.

Steve Canavero:

One area of direct involvement would be through the Legislative Commission. As we adopt regulations, they go through the Legislative Commission, and that is part of the engagement with the Legislature over the regulatory function. There is a lot of need for regulations here to ensure where we need to get specific and to be specific and nimble at the same time. Many of the sections that we do not describe in great detail have to do with a lot of reporting. Much of the reporting you see for existing charter schools is through the SPCSA or through the local school districts and the Achievement School District is added to that. All of those paths that are already worn will continue to process the communications and the reporting, et cetera.

Assemblyman Elliot T. Anderson:

Assemblywoman Joiner got into the parent issue a little bit, but I was thinking that this seems like a second bill appointing school board members. If I could direct you to section 21, subsection 2, it talks about the Executive Director appointing the governing body of the achievement charter school. Why do the parents not have the right to form that committee? This is like a parent trigger without the parents.

Steve Canavero:

I want to be clear that the language here does not align with the intent of engaging parents.

Chair Woodbury:

I am going to call for those in support of Assembly Bill 448.

Patrick Gavin, Director, State Public Charter School Authority:

I would like to address a couple of important points that were brought up, and I would like to thank Assemblywomen Diaz and Swank for raising some really important points regarding the CREDO report. The CREDO report is absolutely the gold standard for public charter school research in this country.

It is a national report which pulls together data from virtually every state in the country. We are an active participant in CREDO's research work. There are limitations to CREDO's research, with the primary one being that the data is always on a multiyear lag. The most recent data discussed in the report, which was released last week, is data on urban charter schools from 2006 to 2011. I will remind the Committee that my agency was created in 2011. None of the charter schools that have been sponsored since my agency's inception are included in that data. As we have discussed in previous meetings, all of the charter schools which have been sponsored by my agency since 2011 perform at the two-star level or higher. In fact, every single seat we have added in the state portfolio since 2011 has been at the four- or five-star level. That is to say that we have either improved the schools that were already in the state portfolio, we have closed them, or we have sponsored new schools that have performed at high levels. We still have significant work to do.

The CREDO data makes it very clear that charter schools are more impactful for children of color and from low-income backgrounds than they are for more affluent and Caucasian children. That stands to reason, given the kinds of interventions that high-quality charter schools provide to those highly vulnerable populations. We are actively seeking to recruit more high-quality operators into the state for that work. I have come before you, and will come before you in the near future, with a bill that is currently on the Senate side to assist us in performing more work in that key area.

I would also note that, yes, there are a number of charter schools in this state that predate the inception of this agency, or are in the portfolios of other sponsors that are not performing at the level we would like. Some of those may well be charter schools, like Assemblyman Edwards mentioned, which are perhaps serving an alternative population. I applaud Chair Woodbury's work in putting forward the bill that will hopefully address that particular concern for that very small subset of schools which is currently servicing those students.

Based on the bill that Chair Woodbury has put forward, none of the schools that are underperforming in my portfolio would meet that definition. They are not alternative schools. There may well be schools like that in the district portfolios, and I applaud the districts for their work. It is also critically important that we do everything we can to maintain and, if anything, strengthen the provisions of Assembly Bill No. 205 of the 77th Session related to the closure of underperforming schools. The fact is that we have schools that have underperformed in this state for far too long. The statute is working, but we chose to take very deliberate and careful steps in the interest of being fair to the boards and the adults in those buildings. If this body were to choose to be more fair to the children, we could move more quickly in some cases.

I will respectfully submit that if there is a concern about underperforming schools, I would appreciate any assistance you can give me in closing down those schools more quickly.

Chair Woodbury:

Mr. Gavin, will you repeat your statement for me, "Charter schools are more impactful for...?"

Patrick Gavin:

The data from the CREDO study clearly shows that while charter schools can be impactful for all populations, they are more consistently impactful and more likely to raise student achievement for students of color and from low-income populations. That is based on the national data. To be clear, part of that is because in most other states, the vast majority of charter schools serve those populations, and there is a very small subset of either rural or suburban charter schools. Because of the growth challenges of this particular state, and the pressing need for additional quality seats, much of the growth in this state has been in our suburban communities.

One of the many reasons my board has endorsed every element of the Governor's recommended budget is because we believe wholeheartedly that the fiscal investments that are necessary, particularly to impact students living in poverty and coming from low-income backgrounds, will allow us to recruit high-quality operators.

Assemblywoman Swank:

Can you get me updated numbers please? If you have been in the position since 2011, then it would be very helpful to see the more current distribution of minority students and white students in all of our charter schools, especially in Las Vegas, as well as replication of some of the CREDO numbers that you say no longer hold.

Patrick Gavin:

I can absolutely give you that data. There are more updated slides from when I presented to the Senate. I was able to pull together some more data afterwards and I can send you that.

Assemblyman Edwards:

Thank you for the clarification about the time frames because that is pretty pivotal since we want to make sure we are talking about our schools and not the other 41 urban school centers.

When I visited several of the charter schools around Las Vegas, the two biggest handicaps they faced were lack of money for building and lack of start-up money. The Achievement School District seemed to kind of take care of both of those problems by providing the school and by providing all of the equipment already with them. Would it be more likely that the incorporation of the charter schools under the achievement program would overcome the two biggest obstacles and lead to success greater than that of our established charter schools?

Patrick Gavin:

Yes, those are absolutely the two largest challenges that our schools cite, and your hypothesis seems sound to me. I would submit, however, that the work of turning around low-performing schools requires a unique skill set of individuals, so the other key piece of this is human capital. I will remind the body that the Governor's investment in the Great Teaching and Leading Fund is pivotal to this work as well. There is a reason why those of us who are in educational leadership roles in this state have been clear about our endorsement of all aspects of the proposal. We do believe it hangs together as a gestalt. All of those elements are critical in order to be able to make the profoundly important impacts we need to make for our children.

Assemblyman Edwards:

All of the schools seem to be saying that those were the two challenges that were keeping out the larger and more notable charter school organizations and, therefore, this kind of a program would attract them in greater numbers, hopefully faster, so that the results would actually be more positive because you would bring in the greater expertise.

Patrick Gavin:

That is correct. I will also add that in my side conversation with Benjamin Marcovitz, his is a kind of organization that we have approached in the past. Those are absolutely key drivers. The other pieces they also look for are states that are getting very serious about this work, that are closing underperforming charter schools—which we are actively doing—and that are growing the number of quality seats, as we are doing. We are doing many of the right things, and I will be coming before you asking for more assistance in this area.

Assemblyman Flores:

When you presented on charter schools previously before this Committee, I believe you mentioned that students in charter schools were ultimately performing statistically around the same as traditional students. Is that correct?

Patrick Gavin:

I do not recall making that particular statement. To be clear, while the total number of students in all star levels has remained pretty consistent statewide, the percentages of students at one-, two-, three-, four-, and five-star across all schools statewide has remained fairly consistent since the inception of the star system. There has been dramatic growth in the charter school portfolio. I can send you those slides as well. As I did say earlier, in terms of the total number of seats that have effectively been added since the inception of the SPCSA, virtually all of them have been at the four- and five-star level, resulting in both improving the existing schools in the portfolio and replicating high-quality schools and bringing in high-quality schools. That said, there is still far more work to do, particularly in ensuring we are representing the full diversity of our state and the full diversity of the Las Vegas Valley.

I am also pleased to note that we have been successful in this last round of charter applications in approving what will be the first charter school within our portfolio in east Las Vegas, Equipo Academy, which is an outgrowth of Eldorado Prep—the only five-star middle school in all of east Las Vegas last year. The teachers from that school have elected to petition the Authority to become a charter school, and we granted their request earlier this winter.

Assemblywoman Diaz:

Do we currently have any charter schools that service populations of high-poverty, English language learners (ELL) that this bill would then inherit? Do we have charters in our state that service a similar population that will be the makeup of these schools? What is their star rating and where are they located?

Once you give me the frame of reference for what is currently happening, how will the charters operating these new schools be much different from what is currently happening? I heard from Benjamin Marcovitz's testimony that most of the teachers come from the state's universities and Teach for America. Many people on this Committee are saying there are a lot of teachers and a lot of talent coming from outside into the state. I do not see the reality of that. I think that takes a lot of local folks to make it happen. How are we then going to tackle the issue this state is facing because we have a very serious teacher shortage?

Patrick Gavin:

As I mentioned, Equipo has just been approved. They have not opened yet and do not have a star rating. Although, based on the track record of that teacher and the leaders at Eldorado Prep, we anticipate that they will be a very high-achieving school.

The other school in the portfolio—which does mirror similar demographics—is Mater Academy of Nevada, which just opened this fall. It is also serving a significant ELL population. It is a small school with about 350 students. It will be moving to a new site this fall. They are currently at a temporary site. For obvious reasons, they do not have a star rating yet.

Recruiting in organizations that are willing to work in our most challenged communities is difficult work, particularly for a state which has the reputation that we have had historically. It has been the result of the work of my predecessor, Dr. Canavero, and my board that has allowed us to begin to finally have success in this area. It takes a long time to turn around the reputation of a state, particularly when we have to work carefully and deliberately because each of these boards that hold the charter, based on the rights this body has given them, has some ability to fight back if we choose to close them until we can make it absolutely bulletproof.

Again, Assemblyman Elliot T. Anderson's leadership in this area was critical during the last session to ensure that we have the tools in place to be able to hold schools accountable. I will remind you that from the inception of the charter school movement and the school accountability movement in this state in 1997, those two systems—our public school choice and our accountability system—worked in parallel, but never crossed each other. As a result, there was a certain subset of individuals who chose to enter the charter school system in part because they wanted to opt out of the statewide accountability system. We have worked very hard, both to change those mindsets through the performance management work of this agency—and the performance management work that the Clark and Washoe County School Districts are doing with their portfolio charter schools—as well as the closure process. We believe that is critical work and we intend to continue to pursue it as vigorously as we possibly can, and any assistance you can provide us in that, I greatly appreciate.

To the second part of your question regarding human capital, Mr. Marcovitz's is one particular school. It is also a mature school that has been in existence for approximately a decade. I was on the ground in New Orleans and in East Baton Rouge Parish before and after Katrina, and I did work with a number of charter schools in that state, including the first charter school on a military base, which opened outside New Orleans right around the time of 9/11. That state also had a significant human capital challenge, not dissimilar to the ones we face. A lot of the work, particularly in the years immediately before and after the storm, was around creating the right kinds of human capital pipelines in order to make sure we were developing internally the high-quality teachers and recruiting the best-in-class people nationally who had the skill and will to do

the work. It is that last piece that is critical because it is the will and the beliefs about children and what they are capable of regardless of their background or color. We know this is a real area where we need to invest.

The Governor has already proposed a significant investment around this great Teachers and Leaders Council of Nevada project. The Charter School Harbor Master project will also likely include some human capital development elements including, but not limited to, training and mentoring programs for people who want to start high-quality schools either within the Achievement School District or my portfolio to demonstrate what best-in-class operation of a charter school looks like, based on national models versus our experience in this state. We have exemplary charter schools in this state. The principal of a rural five-star Reward School is in the audience and will likely be giving testimony at some point this evening, but we need more. We need far more. We are doing everything that we can, and we know that part of that work is on the human capital side.

You will see in the language that I have proposed in Senate Bill 509 that this is also something we want to invest in in terms of developing teachers and leaders for both our current schools and schools we wish to authorize in the future. This is not something we want to do passively. We believe we need to be an active, accountable agency that is going out and doing this work, investing in people and children.

Chair Woodbury:

I need to take one more person out of order. Ms. Cranor, you signed in as in opposition?

Erin Cranor, President, Nevada Association of School Boards:

I am neutral. I am also on the Clark County Board of School Trustees and a parent of four students. Two have gone on to college after graduating from one of the schools on the Achievement School District eligibility list. Two attend the school now. Although it appears that the timing of this idea would not be such that either of my children would be impacted directly, I do feel a closeness to that school community.

I am here to express the opposition of the Nevada Association of School Boards (NASB) to the concept of an Achievement School District and testify neutral on this bill.

The NASB's opposition to the concept of the Achievement School District centers on transparency and accountability. There are ways to promote increased numbers of charter schools that are more transparent, organic, and accountable than the ASD method. As noted in data we have submitted for posting on the Nevada Electronic Legislative Information System (NELIS) [[Exhibit D](#), [Exhibit E](#), [Exhibit F](#), and [Exhibit G](#)], there are more effective and cost-effective ways to achieve higher student success. [Continued to read from prepared statement ([Exhibit C](#)).]

Please note that having fewer underperforming schools in New Orleans now than there were in 2005 could be a natural outgrowth of weakening proficiency standards since then.

The Nevada Association of School Boards looks forward to working with the Department of Education on our concerns with [A.B. 448](#) and encourages the Committee to focus primarily on proven Florida-type reforms and investments found elsewhere in Governor Sandoval's plan for the success of Nevada students.

Andrew Diss, State Director, StudentsFirstNV:

I want to build on Assemblyman Edwards' point about the individualized board created under this bill. It creates the ultimate in local control. Currently in the Washoe County School District, our board oversees 63,000 students. In the Clark County School District, we have a board that oversees over 300,000 students. Having a system that large discourages parental involvement if they have to go to a board meeting and then have to wait around for hours to be heard on something that is important to them and their family and their individual student. Whereas under this bill we are going to have a system that is created where that individualized board is going to deal with just that school. The parents can go directly to those board members and they are not going to have to wait around to be heard on the issues that are important to them. For that reason, among many others, we support this bill.

Assemblyman Elliot T. Anderson:

I am trying to figure out where you are seeing this local control. In section 21, subsection 2, I see the Executive Director appointing the governing body and it says "...consisting of such persons as are deemed appropriate by the Executive Director and may include, without limitation, the person to whom a contract is awarded to operate the achievement charter school." Do you see parents on there? I do not know what that means. It is another example of what some of my colleagues have stated regarding giving up control from our old state law and laws the Legislature has passed, and also from the parents.

Andrew Diss:

I think Dr. Canavero touched on this earlier when he said that the bill is not perfect. It is a first draft, and currently the language does not mirror the intent of the Department of Education. As this process continues, we can tweak that language to make sure Assemblywoman Joiner's concerns and your concerns are addressed.

Tray Abney, Director of Government Relations, The Chamber, Reno-Sparks-Northern Nevada:

We applaud the Governor for not only talking about the necessary education funding increases this session but also the strong reforms that are needed to change the status quo. We thank him for his critical leadership. We support the concept behind this bill. This is our future workforce. These are the folks who in the future will protect us and take care of us when we are older. We have to get this right. It is an economic development issue, and it is vital that we fix this problem.

We have heard the concerns of our local school district and I know that you will hear those soon. We hope those can be answered and addressed. Again, we support this bill.

Lauren Hulse, Executive Director, Charter School Association of Nevada:

We are supporting Assembly Bill 448 today because we support quality education access for all of Nevada's children. We believe that the Achievement School District will give more quality school options, especially to the most needy children who are in consistently underperforming schools.

We are also excited about the potential opportunity to expand the charter community and bring high-quality charter operators to our state—not that we do not already have high-quality charter operators, because we do.

Earlier, Mr. Gavin was talking about his portfolio, and we have talked about star ratings previously in this Committee. There are 38 charter schools, but actually there are 68 charter school star ratings, because if a school has an elementary and middle school program, they will have two different star ratings. Of the 68 ratings, 45 are three-, four-, and five-star; 25 are four- and five-star. We do have high-quality charter operators already here. Our charter schools are doing very well, but we do recognize that some of them are not. We are working on closing those that need to be closed.

With that being said, we do support expanding our charter community and we are excited about the potential opportunity to bring in these charter operators that would be working with a student population that our charter schools in Las Vegas are not necessarily currently working with. There are a few serving the demographics asked about earlier, mostly in the Clark County School District and sponsored by the Clark County School District. I am not sure of the exact demographics of those schools, but Andre Agassi College Preparatory Academy and Rainbow Dreams Academy do have a large population of minorities. Rainbow Dreams is a three-star and Agassi is a two-, three-, and four-star because they are a K-12 program, so they have three star ratings.

I heard a question earlier about why we think this is going to be attracting these high-quality charter school operators. It is because they are going to be given a building that they do not have to pay for and, if other bills are passed, they are going to be given some start-up funding. These are things that our current 38 charter schools have struggled with. They do not receive any facility funding, and they are paying between 12 and 18 percent of their DSA towards those facilities. We are happy these schools will be given that opportunity because we do need to attract these charter school operators, but we do want to point out that the current charters in this state do not have those opportunities and it is a struggle. We hope that by growing our charter community and our charter school voice, we will be able to come back later and hopefully give our current charter schools and the charter schools that grow—not under the Achievement School District—through the State Public Charter School Authority or other sponsors, the same type of facility access so that the DSA money can be spent on the students and not on a \$1 million per year lease.

Chair Woodbury:

Is there anyone else in support of Assembly Bill 448? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 448? [There was no one.] Is there anyone as neutral to A.B. 448?

**Chris Garvey, Trustee, District B, Office of the Board of School Trustees,
Clark County School District:**

I will be testifying in opposition. I offer two pieces of information in opposition to A.B. 448 as written.

As you are aware, each session our school board may submit two bill draft requests (BDR), and only two. Last session, we used one of them to request authority whenever it is in the best interests of the students and the families of a particular school to allow a charter organization to use the school.

Under Senate Bill No. 59 of the 77th Session, the kind of transfer of use of public assets described in this bill would instead have occurred under the sunlight and various taxpayer protections of the Open Meeting Law.

Assembly Bill 448 would authorize almost the complete opposite of an Open Meeting Law protected transfer of use. An individual government employee, two steps removed from any elected body, would see to the details and negotiations of transfer of use of public assets. Additionally, they would be geographically removed from most local school districts, removing the protections to students and families that comes with local control. It would remove recourse for any bad decisions as well. [Continued to read from prepared testimony ([Exhibit H](#)).]

In conclusion, I respectfully request that the members of this Committee ask the questions and learn for yourselves the answers that surround these three realities:

1. The transparency and accountability contrasts between this bill and the more open and transparent bill that we requested last session.
2. The wisdom, or not, of attaching stakes as high as the transfer of use of public school buildings to an accountability framework that is currently on hold for validity due to changed standards and tests.
3. The contrasts between marketing data that has been used to promote this bill from the actual problems of similar districts of other states, and, most importantly, the national and international proficiencies that we want our Nevada students to achieve.

Assemblywoman Swank:

It states in section 22, subsection 1, of the bill: "The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position to another public school within the school district." Could you speak to the ability of the board of trustees to accommodate that?

Chris Garvey:

Based on today's reality, we could probably do that because of the high vacancy rate that we have in our teacher recruitment. Here is the other issue.

There have been comments that there were many teachers that wanted to be a part of this, but we have many teachers that are very afraid they will now be ripped from their work that is showing improvement in these turnaround and Zoom schools and high schools where the whole culture has changed. You mentioned that in New Orleans they had high discipline problems and it was alluded to that it was because when children were asked to work with more rigor, they became naughty children. We have found the opposite of that. In Chaparral and Sunrise Mountain High Schools, when the nurturing and the structure and the rigor has been put into place, we have found decreases in discipline issues of that kind. I respectfully disagree with the previous speaker.

Assemblyman Edwards:

I am not quite sure when you talk about a lack of transparency of the transfer of these assets as a possibility, why you see that there is a lack of transparency since we are here today to discuss them in clear daylight. Could you explain where your concern comes from, because that is kind of what all of these meetings seem to be about. In regard to your discussion about the marketing, this is also why we are having these meetings—to cover all bases.

Chris Garvey:

The transparency is not going to be lacking with this Committee, but this Committee will not be doing the negotiations with the private firms that will be picked to run these schools. It will be an employee of the state. In an additional bill, that employee will have the last judicial review. Where you take these multiple bills and put them together, that is where the whole story is told. The transparency is not lacking in the Legislature, it is when the Legislature gives power to a state employee who does not have to abide by the Open Meeting Law.

Assemblyman Edwards:

However, the employee would be acting on behalf of the Legislature in accordance with whatever policy we pass. Therefore, it would not be all that much different from what an employee would do under normal procedures.

Chris Garvey:

I would beg to differ. There is a greater level of expectation with the Open Meeting Law and how much sunshine is put on a process when you are an elected board versus a state employee. Those meetings would not have to be open to the public, nor would there be any penalty for it not being open to the public unless this Committee and Legislature decided to implement those types of restrictions.

Chair Woodbury:

If there is no other opposition, I am going to move to neutral.

Pat Skorkowsky, Superintendent of Schools, Clark County School District:

I am neutral on Assembly Bill 448. Having been in this district for 27 years and having worked in at-risk schools both as a teacher and a principal, I fully understand the need for this and was hopeful that I could be in full support of this bill, but I have a few concerns that need to be worked out, possibly through some friendly amendments.

Former Washoe County School District (WCSD) Superintendent Pedro Martinez talked about credentials that he and former Superintendent Dwight Jones put in place here in the Clark County School District (CCSD). I was the one who had to put those into practice. We have now assembled a data structure that really identifies schools instead of just a star rating—which is one piece of data—and looks at multiple data measures so we can ensure that we are looking at the true schools that do need to be met for the turnaround process. I would urge the state to take a similar approach—to look at multiple measures as opposed to just one measure in how they determine how these schools would be selected.

The second thing I want to say is, it is a difficult situation to not get up here and defend your schools as former Superintendent Martinez did with a couple of schools in WCSD. I can do the same for Arturo Cambeiro Elementary School and Pamela Simone, who was a five-star principal, who went into one of our toughest neighborhoods and has made substantial gains in our primary grades because it is a Zoom school. We have yet to see the fruits of those efforts, yet this school is on the list because we do not measure assessments prior to third grade in a standardized form. Again, that is where the data from the state system needs to be looked at to make sure there are multiple measures.

I want to talk about flexibility and freedoms. I have heard that from a lot of speakers. I want to remind you that our system that is set up for the Nevada School Performance Framework is set up so there will always be one-star schools. In that current system, there are always going to be those schools that are identified as Focus and Priority Schools until we get that system fixed. We are in the process of that, but we are nowhere near where we are able to make those decisions upon those schools when it talks about that.

I also want to remind everybody that the flexibilities and freedoms that this would achieve for the Achievement School District are the very flexibilities and freedoms that are not given to Clark County schools, Washoe County schools,

or any other county because of the State Board of Education and the Superintendent of Public Instruction. What is good for one must be good for all. We need to consider that as we go forward with this bill.

The other piece I want to talk about is that we cannot have two unequal systems. When you look at the way the charter school bill is written and the way this would impact the achievement charter schools, a charter school would not have to take the current attendance zone and the current population of students that are being turned around in this process. They would not have to take the self-contained children, or necessarily the ELL students. Yes, they would have priority, but that does not mean that they are going to actually go in and turn around the very school with the very population that has been identified through these structures. It is important that we measure apples for apples and not have unequal systems. If this is going to go forward, then that charter school authority needs to take every member of that population that has deemed that school eligible and make sure they are turning it around. Otherwise, we are putting a different set of measures and different system in and changing the rules midgame for these charter school authorities that have flexibility and freedoms that I would not have as superintendent of the Clark County School District.

I am going to talk specifically about Ramon, a student who lives in a district that has two schools right next to each other. Let us say that one of those schools goes into the Achievement School District, yet Ramon is an ELL student and a special education student and the chances for him to be successful in either school are already stacked against him. If this goes through, the charter school would not necessarily have the ability to provide the system he needs when it comes to special education and English language learning. We need to ensure that we are comparing apples to apples. We cannot just give them a new set of rules and a new population with new demographics and say we turned it around.

Make sure the accountability is just as strong in those schools as it would be in ours. I want to make sure you understand, it is easy to make improvements when you have flexibility and freedoms outside of the State Board of Education guidelines, the Nevada Legislature guidelines, and the state Superintendent guidelines. As we go forward, I want the Committee to understand that we need to build this, because this will be something that could change the lives of our students. We need to make sure that we build this system and structure in place so that it ensures the success of every student in every classroom, and not just ones that might be given priority and might be selected for this opportunity.

Assemblyman Edwards:

Where does your concern come from in that the bill would in any way advocate for shifting of demographics and populations? My understanding is that the Governor's goal is to find the schools that are most in need and provide them a better management system in order to meet that need without removing the current population and replacing it with a different demographic. If we were to do that, it would be a complete contradiction of the goal of this program. The bill is written pretty well so that does not happen. I am not sure where your concern comes from.

Pat Skorkowsky:

The specifics are actually in the charter school bill. They are not in the achievement zone bill. If you look at the charter school bill and the way it is written, it allows for that proximity of the two miles, and it allows for them to be able to hold a lottery system for those students. It is not a requirement that they must take every student in the attendance zone and the Achievement School District. That is why I am asking that we put that requirement into this bill so we can ensure that we have the population. Again, I am not against high-quality charter schools coming in, I just want to ensure that the students who are in that school and who look out their front door and see that school are not excluded from this process.

Assemblywoman Diaz:

I am not here to make excuses for anyone. We know that we have not been doing what is best for many of our children for a while. I want to ask you, as you have the largest school district in the state and a big responsibility, if you were given the same flexibility to attract and possibly incentivize movement in the district to those schools that need the talent, would you benefit just as greatly as these charter schools would?

Pat Skorkowsky:

Yes, I think that we would. We are currently in negotiations with our unions to do just that—to try to find a way to incentivize, not just monetarily, but to incentivize our best and brightest teachers to go down there. I referred to Pamela Simone, a five-star principal at a school in Henderson—not far from Pinecrest Academy where Dr. Carrie A. Buck is—who made the choice to take on this task. She did it without the option of turnaround. She was only allowed to take an assistant principal and a counselor with her, and they have made significant growth in that school at the primary grades. I think we could do that, but it is about the strategic placement of staff. As many of the speakers before me have said, it is the human piece that is most important.

Those students, just like your students in your classroom, deserve the best and brightest teachers, and we have to find ways to get them into all schools, especially those students who need them the most.

Mike Barton, Chief Student Achievement Officer, Clark County School District:

This bill is all about accountability. Taking the lowest 5 percent of schools in the district or the state and making progress with them is of the utmost importance. Mojave High School was mentioned earlier and is on the list that was described. We have our local processes with turnaround, and actually a decision was made to keep Mojave High School in the turnaround zone for another year. They have made progress. They have raised their graduation rate from 41 percent to 52 percent in three years, and we know that is still not good enough. While all of this is being discussed, leadership in the CCSD is all about accountability and ensuring that these school are, in fact, progressing.

There are three points I would like to make today, and some of this is a reiteration of what Superintendent Skorkowsky indicated. First and foremost, these are questions to ponder if amendments are made regarding this bill.

First, ensure that school demographics are mirrored at these schools and that they mirror the school community. For instance, Mary & Zel Lowman Elementary School is a school that is on the list, and it has high homeless, special education, ELL, and foster children populations. Ensure that a school that is in the achievement zone has demographics that mirror the community. The other thing to consider is Campbell's Law. In social science, sometimes when there is one metric to measure success, gaming the system tends to occur. I go back to the days when I was a principal at an at-risk school, Martin Luther King, Jr. Elementary School off Lake Mead Boulevard, and after count day, seven students would come in and enroll with me from charter schools in the area. Again, make sure the system is not being gamed and that, in fact, students at these schools stay in these schools.

The second point is that it is a marathon, not a sprint. The fact I hope you consider is that many of the schools on the list have made progress just as Mojave High School and Dr. C. Owen Roundy Elementary School have made progress. We know that structure systems are being put into place in these schools that are showing student achievement results. They are not where they need to be, but they are going in the right direction.

The last thing is making sure that in our most at-risk communities we are not leaving students out. I would hope that with the achievement zone bill we are ensuring that all students in the community have a chance to enroll and stay in a school, that discipline processes match district processes, and that inequality does not emerge in any case.

Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:

We took this bill very seriously and, in fact, Superintendent Pat Skorkowsky dedicated two Executive Cabinet meetings to talk about this bill and another bill that is coming forward soon. As a result of that, I received about 15 to 20 pages of written input from our Executive Cabinet regarding questions and concerns related to some of the language in the bill. I took the liberty to condense those down for you and organize them into major topics. You will find that posted NELIS ([Exhibit I](#)). I do want to point out a couple of things.

First, Trustee Chris Garvey mentioned that last year the Clark County School District (CCSD) used one of its bill draft requests for a bill that would have done some of the same things that the achievement district is doing. That bill was Senate Bill No. 59 of the 77th Session and it did pass the Senate, but it did not make it through the Assembly. It is a bill that would have allowed us to remove that language, the barrier that exists in the statutes, so that we could, in fact, open up our facilities to a commercial charter school organization—to an EMO or CMO. That is the impediment we face. The charter schools that form now are formed with the requirement of providing their own facilities. If you want to attract these "big box" charter schools, the facility is always an impediment. This particular piece of legislation is a way to get beyond that impediment. We tried to do that last session with our bill so that on a local level we could entice charter schools to come into those very schools that we knew could benefit from that kind of association.

I say that to you because I want you to understand that this six-page list of questions and concerns that we have are not because we do not want to do this or that we do not think it is a good thing to do. We are concerned that we do it in the right way. We want to make sure the process is one that everyone feels good about. Many people are concerned about the well-being of our children. We want to make sure our students have access to the highest quality education possible at the same time that we are being responsible for taxpayer dollars. I want to make sure you know, as I briefly go through these topics, that we are not trying to say no, we are trying to say how can we do this in a way that it works?

There were five main areas of concern that were brought to me by the Executive Cabinet ([Exhibit I](#)). The first had to do with the process itself in the selection of schools. That is, how do we ensure the appropriate schools are assigned to the Achievement School District and that the transfer process works in a manner that provides the least disruption for students and staff?

There is only one other thing I am going to mention that I have not heard yet today, and that is how the selection of the Executive Director would be made. The bill allows the state Superintendent to appoint that person. We think it should be a more open process so there can be public input.

The second section has to do with students. The questions there are, how do we ensure that students in the schools selected to become achievement schools will be provided the services that they need? You have also heard testimony regarding the concern that, currently, a nonperforming school is a physical building with an identified school population. The concern we have is that the physical building will remain there, but the population will change. There might be a decision made that some students can stay there, or some students will go other places either by their choice or by the situation they find in the charter school. If we are going to be able to compare progress and be able to demonstrate that we have turned a school around, it really needs to be the same population. We cannot pick and choose and adjust who is there so we can manipulate the test results.

The third section has to do with human resource questions, and you have had a lot of discussion about that. We want to make sure that we ensure that teachers and other staff are treated fairly and with respect. It is very important to us, especially in the CCSD where we do have a teacher shortage, that we manage this in such a way that our teachers' rights are protected and that we are able to make sure that ineffective teachers are not given any leeway by the way the transfers might take place.

The fourth section concerns facilities. How do we ensure resources are used and protected in a fair and equitable manner? I mentioned to you that we are not concerned about letting somebody come in and use the school. That is not the issue we have. However, there is some language in this bill that gives us a little bit of concern about how it might work. It appears to us that, at the request of the Executive Director, there are some "shalls" and some "mays" and most of the "shalls" have to do with what we will provide and most of the "mays" have to do with whether or not the school itself will pay for those services. We want to make sure that those things are equitable and that we have a clear understanding about how that resource is going to work.

The fifth section is in regard to the public accountability—the notion that we need to ensure that the public has access to information and input related to the use of resources and other decisions that impact the Achievement School District.

I think we heard Mr. Canavero talk about how some of the sections did not reflect what they had in mind. We look forward to seeing how those will be rewritten so that it is captured in the statute rather than just in the conversation that we are having.

I want to make sure that you understand that we truly are not trying to be an impediment to this, we simply think it is not enough to be bold in this situation; we also have to be thoughtful as we go forward.

[Assemblyman Hickey assumed the Chair.]

Assemblyman Edwards:

I have questions about three of the issues you brought up. Would the students that are there now be transferred out and a whole new cohort be brought in? I have a firm understanding that the Governor's intent is to help the students that are there and not look to import students from anywhere else. He is not going to shift them to any other location. I believe that the Governor is absolutely sincere in wanting to help the students who are in so much need, so I think the concern that they are going to play games with it is unfounded and unrealistic. I do not know where that comes from because there is going to be so much else to do in order to make this work. I do not think they are going to be shifting populations.

The second issue, about teachers, regarding what Superintendent Skorkowsy alluded to, I got the sense that if you could fire some of these teachers, you would. I do not understand your hesitation to let the charter school have a little more flexibility to do exactly that. There is always the lack of teachers and positions you are trying to fill. This could offer you an opportunity to help the rest of the schools by getting some teachers from these schools if they are not a good fit.

The third issue is regarding public accountability. After our discussion about the audit report that came out and how abysmal the data was from the school systems, I really do not think it could get much worse. The charter schools being able to provide the data to substantiate what they are doing, I have a lot of faith that they could do better.

[Assemblywoman Woodbury reassumed the Chair.]

Joyce Haldeman:

I think the question that we have about the student population and how it might shift is in section 22. I agree with you 100 percent. I am sure the Governor's intent is to make sure we serve the students who are in that school. I am not questioning the Governor's motives at all. This was a brilliant thing for him to put in his State of the State Address.

We think the language is written in such a way that while the charter school may give priority to those students who live there, there is nothing to say the charter school must take them and there is nothing that says the charter school must provide the services that the school currently provides. If you have a child who perhaps is an ELL child, or has some special education requirements, the charter school may not be able to provide those things, so that child may be left to go to another place.

Assemblyman Edwards:

In a case like that, however, the school system would be better off serving Ramon because although he might not go to the same school, they would put him in a better school that is better equipped to meet those needs on a more individual basis.

Joyce Haldeman:

We need to be careful that we do not say all of the Ramons are going to go to one school and the charter schools will then be left to take care of the other children.

Assemblyman Edwards:

Again, I think you are overstating the situation where we are looking at moving a whole lot of the student population. I believe that the Governor is absolutely sincere in his desire to service the needs of those students in a better way and that he is not going to move them out because they do not meet his goal. His goal is to serve them where they are. I think that concern has been repeated several times, but I keep coming back to the fact that we are trying to serve them and we need to have faith that it is going to happen.

Joyce Haldeman:

We just need the language in the law to match that. With regard to teachers, the issue is not whether a charter school would fire the teachers. Actually, the concern we have is that it appears to us that the way the language is written, if there is a teacher that is nonperforming, or who has issues that need to be addressed, that teacher can be dismissed and sent back to the school district,

and the school district has to deal with that teacher. Again, we want to make sure that the language matches the intent, because the way it is written now, there are a lot of areas that need to be discussed.

Assemblyman Edwards:

The school district is already dealing with that teacher, because they are already in the school district.

Assemblyman Gardner:

You said there was a Senate bill that you brought last session that was killed. Do you know why it was killed? It sounds like a good bill to me.

Joyce Haldeman:

There are many intricacies that go on in any legislative session. Sometimes bills just fall by the wayside.

Assemblyman Elliot T. Anderson:

I do agree with your concerns because section 22, subsection 3, does say "must be given priority," and it is wide enough to drive a truck through. It has nothing to do with the Governor; it is the language. Intent only governs when the plain text is unclear. It is pretty clear that there is nothing that requires it.

Nevada Revised Statutes (NRS) 386.580 talks about determination of enrollment for charter schools and talks about antidiscrimination provisions, and I see section 23 appears to exclude the Achievement School District from that provision and does not put it in under section 23, subsection 2. That gets to the issue that I think you were talking about. Is that your reading?

Joyce Haldeman:

I am not able to give a definitive response to that. I think that was the concern that was reflected in what the Executive Cabinet reported back to me. That is why we have that whole concern that the population could shift. The name of the school building might be there, and all of a sudden the school has turned around, but what might have really happened is that we have shifted populations.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

I will not repeat everything that has been said; I think the Washoe County School District agrees with that. I am glad that Superintendent Erquiaga is here because I was working for Superintendent Martinez last session when we passed Assembly Bill No. 288 of the 77th Session about end-of-course examinations. After that session, we had extensive dialogue

about legislative intent versus what language was in the law. That is what we are really trying to get at here. Legislative intent does not carry the full force of the law. We want to make sure the language ultimately matches that.

A couple of other things that have not been mentioned that came across our school district were the concerns about the definition of a charter school and whether or not it is a public school. In section 16, it seems to exclude that. It says the charter school will not be defined as a public school. There is confusion about whether or not that intent has to do with the rest of the law or just for the provisions of the Achievement School District.

I do not want to belabor the point about the facilities. We have had enough conversation about the importance of school capital. I just want to make it clear that the school capital needs in the Achievement School District would not take precedence over the needs of the other public schools. Since we do not have enough capital funds as it is right now, it would be difficult to have to shift those resources on a moment's notice.

I would like to close by saying I hope that one day the lowest 5 percent of schools means only 90 percent proficiency and we can stop talking about proficiency and start talking about college and career readiness. We are dedicated to eliminating underperforming schools and hopefully that lowest 5 percent, one day, is a much higher level.

Assemblyman Edwards:

I would like to make one clarification on what you were just talking about. Under section 16 it says, "'Public school' does not include a charter school or a university school for profoundly gifted pupils." That does not mean that a charter school is not a public school. We actually had our legal counsel talk about that last time. I wanted to make that clarification that it is only for the profoundly gifted pupils.

Chair Woodbury:

I am going to have our Committee Counsel respond to that.

Karly O'Krent, Committee Counsel:

Section 16 of the bill provides that for certain provisions of the bill—the new language that deals primarily with the Achievement School District—a public school does not include a charter school. This is because the intent of the bill was not to allow an existing charter school to be converted into an achievement charter school.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are also in the neutral position. We want to thank Governor Sandoval for making education a top priority this session. We know that this bill is trying to bring forward one of his major initiatives and we appreciate that. We also appreciate Superintendent Erquiaga and Dr. Canavero talking about this being a work in progress. The superintendents will be meeting this Thursday. It is our first opportunity to meet and discuss this particular bill since it was brought forward this past week and we only meet once a month. Some of the concerns I know the superintendents will have will be what has already been mentioned here today.

You have heard from the Washoe and Clark County School Districts, but the rural districts have their own unique issues, and one of the schools in a very remote area would probably qualify to be part of this, but we are concerned about the wording in section 22, subsection 3, where they talk about the students in that school getting priority. That is a piece that needs to be cleaned up because if this particular school ends up in the Achievement School District and children were not chosen, the nearest school is two hours away. The rural districts have some other issues with that.

If I read it right, I understand that in New Orleans there were 33,000 students who put in applications for 58 different schools. That is quite different from what it is in Elko and Humboldt Counties. We hope that if things are moving forward on this that those rural issues can be considered too.

Marsha Irvin, Member, Clark County Black Caucus, Las Vegas, Nevada:

My initial comments are spoken on behalf of the Clark County Black Caucus; our chairwoman and education chair were not able to be here this evening. We are pleased that there is a focus on creatively looking for ways to increase student achievement by establishing the Achievement School District. We continue to be supportive of charter schools and parents having a choice.

At this time, we are remaining neutral on the bill because we do believe that there are some sections of the bill that are not clear. We also want to make sure that parents have tremendous involvement whether their school decides to be a part of the ASD or if they remain with the district. We just want to make sure, since most of these schools could affect children of poverty and children of color, that it is well discussed within the community and parents have some input as well. For that, we want to make sure that we continue to watch and respond to the development of this exciting bill.

On a personal note, I have had the pleasure of working in both a small and large district. I have had the pleasure of running a charter school and I am now serving on a governing board for a charter school. I have also been involved in private industry. We know that success really depends upon the details and the implementation.

I have a few comments and some of these comments may have already been addressed, but I want to put it on the record. It states that the Executive Director gets to select any school from the list for conversion to an achievement charter school. There is no reference that I could find that allowed for the initial consultation with the community or the district where these schools are located. Also, some of the schools may be on an upward trend and if so, would they still be selected, or could they be selected by the Executive Director?

Another comment centers around the CMO and the EMO. I truly believe they must be strongly vetted, that the state establish a list. I think I heard earlier about a potential request for proposal (RFP) process, but it is critical that those companies are very strong in understanding our community, the children that we serve, the expectations, and will they be held to the same standards or higher standards for such things as graduation rates, proficiency examinations, the Nevada School Performance Framework, Common Core implementation, special education student populations, et cetera.

Another suggestion centers around human resources. What are the obligations for employee placement by districts? Is the reassignment of employees from the ASD done annually, or can it occur at any time? Having worked at a charter school, if a teacher was no longer with us during the year, that teacher ended up finding other employment, but it was not a guarantee they could go back to their previous employment whether it was at a district or at a charter school.

I also believe that it is critical that the governing board has specific training in terms of what their role and responsibilities would be in order for the leader or the principal of these schools to be able to work in sync with their governing board.

We are excited about this being the first hearing. We certainly are available to offer additional suggestions to provide feedback. I have talked to some of you on the Committee. I would still make myself available to do that as well as the caucus. I thank you so much for the opportunity to speak with you today.

Victoria Carreón, Director of Education Policy, Kenny C. Guinn Center for Policy Priorities:

We conducted a comprehensive analysis of all of the Governor's education proposals in collaboration with Nevada Succeeds and looked at the potential impact on student achievement ([Exhibit J](#)). For the Achievement School District, we looked at what has been happening in other states and you have heard some of that from Louisiana today. However, we found that there have been mixed results and that there is limited data in other states. In Louisiana, there are some gains, but the body of research that documents these gains is fairly limited. In Tennessee, which has the Achievement School District, schools inside the Achievement School District are improving but not as fast as expected, and not as fast as some of these schools in what they call the Innovation Zone (iZone) in the Shelby County School District, which is a school district in Memphis, Tennessee.

There is also another model that you may not have heard about which is the Michigan Education Achievement Authority; they have not experienced the gains they had hoped for through test scores. We think it is important to learn lessons from these other states. Particularly in Tennessee, just recently there was a charter operator that was going to be opening some new schools beginning in the next year and they pulled out abruptly after working with the ASD for two years. We would have to have contingency plans for what would happen if that occurs.

That also points to the need for external evaluation for the ASD, so that might be some part of the bill in the future. There are other models to improve schools. As we have heard today, there are the turnaround zones and in Washoe County School District, we have the acceleration zones. Those are other models throughout the nation and other school districts have used those models as well with mixed results. There are also state takeovers that have occurred in several states; however, those results are mixed as well.

All of this shows us that there is no magic bullet to improving schools, but what we need is a combination of leadership collaboration and, above all else, high-quality instruction to actually improve student achievement. To that end, we had a couple of recommendations. First we recommended that the Department of Education craft a detailed ASD implementation plan that addresses the challenges that other states have encountered. We also think that the Department of Education should work closely with a charter incubator to help develop these new schools through both the incubation and recruitment of top charter management organizations.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas that would like to testify as neutral? [There was no one.] I would like to note that any letters or written testimony that were submitted to us will be placed on the record. Would anyone like to come up for public comment? [There was no one.]

[Exhibit not mentioned previously includes testimony from David W. Carter ([Exhibit K](#)).]

The meeting is adjourned [at 5:53 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: March 27, 2015

Time of Meeting: 2:09 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|---|--|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 448 | C | Erin Cranor, Nevada Association of School Board | Written Testimony |
| A.B. 448 | D | Erin Cranor, Nevada Association of School Board | Chart on Annual Per Pupil Expenditure |
| A.B. 448 | E | Erin Cranor, Nevada Association of School Board | Report on Proficiency Standards in Math and Reading |
| A.B. 448 | F | Erin Cranor, Nevada Association of School Board | National Assessment of Educational Progress (NAEP) |
| A.B. 448 | G | Erin Cranor, Nevada Association of School Board | Report on Revenues and Expenditures for Public Elementary and Secondary Education |
| A.B. 448 | H | Chris Garvey, Office of the Board of Trustees, Clark County School District | Written Testimony |
| A.B. 448 | I | Nicole Rourke, Clark County School District | Study Summary |
| A.B. 448 | J | Victoria Carreón, Kenny C. Guinn Center for Policy Priorities | Written Testimony |
| A.B. 448 | K | David W. Carter, Nevada Legislative Affairs Committee | Written Testimony |