

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

**Eightieth Session
May 14, 2019**

The Committee on Education was called to order by Chair Edgar Flores at 1:39 p.m. on Tuesday, May 14, 2019, in Room 3138 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.state.nv.us/App/NELIS/REL/80th2019.

COMMITTEE MEMBERS PRESENT:

Assemblyman Edgar Flores, Chair
Assemblywoman Bea Duran
Assemblywoman Michelle Gorelow
Assemblywoman Alexis Hansen
Assemblywoman Melissa Hardy
Assemblywoman Lisa Krasner
Assemblywoman Brittney Miller
Assemblywoman Connie Munk
Assemblywoman Sarah Peters
Assemblywoman Jill Tolles
Assemblywoman Selena Torres

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2
Senator Dallas Harris, Senate District No. 11

STAFF MEMBERS PRESENT:

Kelly Richard, Committee Policy Analyst
Victoria Gonzalez, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Jason E. Dietrich, Interim Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education
Michael Arakawa, Licensure Program Officer III, Division of Educator Effectiveness and Family Engagement, Department of Education
Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office
Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association
Mary Pierczynski, representing Nevada Association of School Superintendents
Gregory L. Zunino, Deputy Solicitor General, Office of the Solicitor General, Office of the Attorney General
Kenneth J. Retzl, Director of Education Policy, Kenny Guinn Center for Policy Priorities
Scott Sargrad, Vice President, K-12 Education Policy, Center for American Progress, Washington, D.C.
Russ Simnick, Senior Director, State Advocacy, National Alliance for Public Charter Schools, Washington, D.C.
Jason Guinasso, Chair, State Public Charter School Authority, Department of Education
Sarah Adler, representing Charter School Association of Nevada
Bryon Richardson, Executive Director, Leadership Academy of Nevada
Bill Morris, Private Citizen, Las Vegas, Nevada
Tillie Elvrum, President, National Coalition for Public School Options, Colorado Springs, Colorado
Jay Schuler, Private Citizen, Reno, Nevada
Sarah Nick, Management Analyst, Department of Education
John Sande, IV, representing Pearson Education, Inc.
Susan Nielsen, Private Citizen, Reno, Nevada
Carlos Fernandez, Policy Analyst, Government Affairs, Las Vegas Metro Chamber of Commerce
Ryan Herrick, General Counsel, State Public Charter School Authority, Department of Education

Chair Flores:

[Roll was called. Committee protocol and rules were explained.] We have four items on the agenda and we will take them in the order they appear. We will open the hearing for Senate Bill 41 (1st Reprint).

Senate Bill 41 (1st Reprint): Revises provisions relating to the licensure of teachers and other educational personnel. (BDR 34-337)

Jason E. Dietrich, Interim Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education:

I am the Director of the Office of Educator Licensure for the Nevada Department of Education, and I am joined today by my colleague Michael Arakawa, who is our background investigation manager. Thank you for the opportunity to bring Senate Bill 41 (1st Reprint) to this Committee.

The language contained within this bill was drafted in collaboration with a number of education community stakeholders to include such groups as the State Board of Education, Nevada State Education Association, Clark County Education Association, and others. The language presented here was mutually agreed upon as acceptable by all of the different stakeholders who took part in the discussion. I will start today by providing highlights of the bill and will be happy to offer additional technical testimony as requested.

Senate Bill 41 (1st Reprint) will do the following: It will modify existing statutory language to conform to other statutory mandates such as adding early childhood as a kind of license versus an endorsement, as prescribed in other areas of *Nevada Revised Statutes* (NRS) Chapter 391. It will change the effective date for educators to have to take multicultural coursework when renewing a license from the current effective date of July 2015, moving to July 2019, as the coursework and regulations governing the implementation of the law were only recently completed by the Department of Education and the Commission on Professional Standards in Education. This bill would remove the requirements for a special qualifications license since the license is outdated and those few—approximately five to ten individuals who apply annually—are often issued a Department of Business and Industry license or referred to an alternative route to licensure pathway, as the updated additional pathways provide more time and flexibility for the educator to meet the requirements of a full credential.

Senate Bill 41 (1st Reprint) would remove one of the two school administrators and add a district superintendent to the Commission on Professional Standards in Education to more fully represent the educational community. It will relieve school districts of certain statutory notification requirements which can be made more easily fulfilled by the Department, such as license removal reminders, provision expirations, et cetera.

The bill will also make changes to the criteria for license denial, license suspension, or license revocations to properly conform to the intent of Senate Bill 287 of the 79th Session. The bill will also give the Department the authority to conduct background checks on its internal staff annually.

Finally, the bill will give charter school governing boards the same authority as school district boards of trustees and the Superintendent of Public Instruction to initiate educator licensure suspensions or revocations before the State Board of Education.

At this time, I would be happy to provide additional specific testimony by section.

Chair Flores:

Please, go section by section.

Jason Dietrich:

Sections 2 through 4 had prior amendments that have been removed. The major changes in the bill start in section 4.5. Section 4.5 is amending NRS 391.011 to modify the makeup of the Commission on Professional Standards in Education by eliminating one of the two school administrator positions and replacing it with a position for a school superintendent.

Section 5 amends NRS 391.019 by removing redundant language regarding middle school or junior high school licenses, and adds language allowing qualified providers of programs for alternative routes to licensure (ARL) to provide basic supervised school experience for its students as well as mentoring and support either in person or virtually.

Section 5 also removes references to a special qualifications license, as this path to licensure is seldom used and most candidates can qualify for licensure in an easier manner.

Section 7 amends NRS 391.028, changing the due date of the Commission's annual report to the State Board from December 1 to December 31. Section 9 amends NRS 391.0315, which adds early childhood education as a license type in conformance with legislative changes made in Assembly Bill 77 of the 79th Session.

Section 10.5 amends NRS 391.033, adding a report of child abuse, neglect, or endangerment which has been substantiated by a child welfare agency as a ground for denial of educator license and creates a process by which an applicant may appeal such a denial. It also specifies that any information about the denial of the applicant's license which may be shared with school districts pursuant to this section is confidential and may not be shared with other persons or entities.

Section 11 amends NRS 391.0347, changing the effective date of the multicultural education requirements for teachers renewing their license for the first time to July 1, 2019.

Section 11.5 amends NRS 391.035, giving the Department authority to conduct annual background checks on its staff.

Section 13 amends NRS 391.042, which requires the Department, rather than the employing school district or charter school, to send notifications to licensed educators whose licenses are within nine months of expiring.

Section 16 amends NRS 391.097, requiring a school district or charter school to provide the parent of a student, upon request, certain information about any licensed employee of the school in which the student is enrolled.

Section 23 amends NRS 391.322, giving the governing body of a charter school the same authority held by the board of trustees of a school district and by the Superintendent of Public Instruction to initiate licensure revocation or suspension proceedings before the State Board of Education.

Section 25 amends NRS 391.330 to align moral conduct as a ground for license suspension or revocation with the existing statutory definition in NRS 391.650, and adds substantiation of a report of child abuse, neglect, or endangerment as a ground for suspension or revocation of a license. It also adds a letter of reprimand as a disciplinary action which may be taken by the State Board, and directs the Board to establish regulations defining when a reprimand would be appropriate and how long the letter of reprimand should remain in the individual's record.

Finally, section 27 amends NRS 391.355 to add certain requirements of rules of procedure regarding the conduct of hearings.

Chair Flores:

Regarding section 5, can you tell me who that section captures right now, how many teachers we have under that license, and by removing that language, how it is going to impact those teachers moving forward?

Michael Arakawa, Licensure Program Officer III, Division of Educator Effectiveness and Family Engagement, Department of Education:

Currently, we have approximately 50 to 55 educators who hold a special qualifications license, and they will not be impacted by any change to NRS as a result of this bill. They will continue to hold the license they were issued. It would only impact anyone coming into the field following passage of the bill.

Chair Flores:

Thank you for that clarification. Could you walk me through how that would impact those coming into the field?

Jason Dietrich:

Currently, an individual who applies for a special qualifications license would have to present a degree to the Department, generally in a field outside of education. They would be issued a special qualifications license with quite a large number of provisions that would need to be satisfied during the three-year term of that license.

One of those heavy provisions would be a mentoring component of 120 hours to be documented by the school district. We often find that individuals who obtain the special qualifications license do not complete the full mentoring and, generally, the myriad of coursework that is placed on this license. These individuals will generally convert or revert to an alternative route license, as the pathway is simpler to navigate. The individuals can go into a structured ARL program and obtain their coursework, which they have three years to do, and they are classified as a licensed educator during that three-year period.

We have found over the years fewer and fewer individuals actually apply for the special qualifications license—approximately five to ten per year. Most of those who make that application usually proceed down the ARL pathway and do not actually obtain the special qualifications license.

Assemblywoman Torres:

I am not sure if this is going to be a question for our committee counsel, or if you have the information readily on hand. Can you please specify the difference between this license we are looking at in section 5 and what a standard alternative route to licensure license looks like? Is there a different statute? Can you verify for the record that it is not impacting those licenses?

Jason Dietrich:

Are you requesting that we provide the statute around alternative licensing?

Assemblywoman Torres:

Just explain the difference between a special qualifications license and the ARL we give here in Nevada.

Jason Dietrich:

The first steps in the process are approximately the same for special qualifications and alternative route to licensure. You have an individual who would present with a bachelor's degree or higher in any field of study. With the special qualifications license, because that individual has no educational content or pedagogy, that person is placed on a pathway that requires extensive documented mentoring on behalf of the district, as well as numerous coursework provisions that are placed on the license, and that person is given up to three years to perform that. He or she is provided very little support outside of that mentoring as far as structured support around the coursework as the districts are not required to track that for the special qualifications providers.

It is the exact opposite on an ARL. You do have the same individual presenting with a degree; that individual goes into a structured alternative route program and is provided mentoring during the student teaching period. The ARL provider is required to maintain constant and consistent communication with that individual to ensure completion of the appropriate coursework all along the way to ensure success in a classroom of students, and that a fully nonprovisional license is obtained at the end of the three-year period. The overarching difference here is the support mechanism by going ARL versus going special qualifications.

Assemblywoman Miller:

In section 11.5, subsection 4, paragraph (a), referring to the fingerprints for the annual review of licensed individuals, what is currently happening that requires staff to be fingerprinted multiple times? We know fingerprints do not change. Often individuals have to be fingerprinted for a substitute license, traditional license, and a renewal license. If they are on a leave of absence, they have to do it again. Would this imply that finally we are going to

have the fingerprints kept on file so staff does not have to keep being fingerprinted multiple times? Because if so, that sounds to me like every year or every time there is a request they would have to be fingerprinted again and pay \$60 again. Does this mean these will be kept on file?

Michael Arakawa:

To clarify this particular section, it is dealing with Department staff, not educators. It is not the intent that we would keep the fingerprints on file; however, the Department would pay for the fingerprinting of staff when they are required to go in to be fingerprinted and background checked.

Assemblywoman Miller:

Can we clarify that it is not teachers? This bill applies to licensed staff, correct?

Michael Arakawa:

You are correct. It does, in most respects. This particular section applies not to teachers or licensed educators, but to staff of the Department of Education.

Assemblywoman Miller:

Can I just say for the record that teachers would also like fingerprints kept on file so they do not have to continually be fingerprinted and pay \$60?

Michael Arakawa:

Noted. Thank you.

Assemblywoman Peters:

Thank you for this lengthy bill. My question has to do with the addition of early childhood education licensing in section 9. I was not here last session, so can you tell me how that changes the current licensing structure for early childhood education licenses?

Jason Dietrich:

In the 2017 Session, there were statutory changes made to allow early childhood education to be elevated to a stand-alone license versus an endorsement on a license such as elementary education. It appears that during all of the language revisions something did not get caught—we did not catch it in some of the revisions that were made during statute. This piece would also kind of clean up, if you will. It is just allowing for continuation of that stand-alone early childhood license versus endorsement.

Chair Flores:

Members, are there any additional questions? Seeing none, we will invite those wishing to speak in support of Senate Bill 41 (1st Reprint).

Brigid J. Duffy, Chief Deputy District Attorney, Juvenile Division, Clark County District Attorney's Office:

I am here to support specific sections of Senate Bill 41 (1st Reprint) as it relates to our child welfare work here in Clark County and across the state, specifically sections 10.5 and 25. We are very pleased as a child welfare agency to be addressing an issue that was in this existing law for some time. Specifically, when licenses are being issued, school districts were running a child abuse and neglect registry check. However, it did not give any direction to the superintendent upon what to do with that check if it came back positive. The amendment to section 10.5 will now allow the consideration of a substantiated allegation of abuse or neglect when issuing a license. We are really happy for that, as well as with section 25, which is now specific for suspension and revocation—they can consider substantiations of child abuse and neglect, and this goes well with the bill.

I testified before this Committee last week on a bill from Senator Seevers Gansert which concerned background checks [Senate Bill 185]. Oftentimes, in child abuse and neglect, or if we have teachers who have their own children in the system for abuse and neglect, they continue to go back to school and teach other children without their license being suspended or revoked because there was no provision to consider that abuse and neglect. We appreciate the Department of Education for considering amending that into the statute, and we appreciate the considerations of passing those sections.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

We have been the voice of Nevada educators for over 100 years. We want to come to the support table here at the Assembly Committee on Education because we do have a letter in the file against the bill, but that was the original draft [Senate Committee on Education, February 11, 2019 (Exhibit F)]. We had a lot of concerns, but we appreciate the Department's working with us and other educational stakeholders to alleviate those concerns and we are now in support.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are here in support of the bill and really appreciate Mr. Dietrich and those at the Department of Education who worked with us. We were involved in all of the meetings and considerable changes were made to this bill. We appreciate being part of that conversation.

Chair Flores:

Is there anyone wishing to speak in opposition to Senate Bill 41 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] Are there any closing remarks?

Jason Dietrich:

We want to thank the Committee for allowing us to bring this bill forward. There are some very important clean-up and statutory changes made, as you have heard here today.

Chair Flores:

We will close the hearing on Senate Bill 41 (1st Reprint). We will open the hearing on Senate Bill 57 (2nd Reprint).

Senate Bill 57 (2nd Reprint): Revises provisions relating to school property. (BDR 34-415)

Gregory L. Zunino, Deputy Solicitor General, Office of the Solicitor General, Office of the Attorney General:

I am here with my colleague Greg Ott, who is also with the Office of the Attorney General. We are here today testifying in support of Senate Bill 57 (2nd Reprint). Mr. Ott and I participated in the Special Law Enforcement Summit on School Safety that was held some time ago. We met with law enforcement, educators, and administrators and discussed recommendations about how to make our schools safer. One of the recommendations that emerged from that summit was a recommendation to make the blueprints for a school readily accessible to law enforcement and other first responders so they can use it in training to be prepared. It serves a preparedness function.

Also, with this bill, we amended the public records law to make an exception so a school principal has the ability to withhold the blueprints for a school when requested. There is an appropriate exception in the bill for the blueprints for contractors, architects, and people with a need to know or the need for the information.

Overall, the bill achieves a balance. It achieves the necessary transparency, but it also protects the blueprints from disclosure to would-be assailants. We testified previously, and there were some concerns about how the blueprints, in large part, are already out in the public domain. Without a doubt, there are blueprints floating around the public domain. Going forward, it will be increasingly important as we retrofit our schools, as we have new construction, and as we build security features into our schools, to keep the blueprints under wrap.

Overall, that is the intent and the purpose of the bill. It is relatively straightforward; and sections 2 and 3 are the substantive provisions. I will note that section 3 deals with private schools. For example, a law enforcement agency can make a request to a private school for their blueprints, and the private school would have to comply. The public records exception does not apply in that context with respect to the private school because they are not subject to public records laws. That is why that particular component of the bill does not appear in section 3.

Chair Flores:

Are there any questions? [There were none.] I would like to invite those in support of Senate Bill 57 (2nd Reprint). [There was no one.] Is there anyone wishing to speak in opposition? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] I will close the hearing on Senate Bill 57 (2nd Reprint). I believe that is probably the fastest hearing we have ever had in this Committee this session. Congratulations.

For Senate Bill 441 (1st Reprint) and Senate Bill 451, we need members from the Senate here who are going to be copresenting. We are going to take a short recess.

[The meeting was recessed at 2:08 p.m. and reconvened at 2:14 p.m.]

Chair Flores:

We will open the hearing on Senate Bill 441 (1st Reprint).

Senate Bill 441 (1st Reprint): Provides for the separate regulation of online charter schools. (BDR 34-392)

Senator Moises (Mo) Denis, Senate District No. 2:

When charter schools first came into existence in 1997, Nevada lawmakers hardly envisioned online distance education programs would one day develop into full-time virtual public charter schools. Recognizing that traditional brick-and-mortar schools and virtual online programs are very different models of delivering educational content, a different policy framework is needed to govern and regulate these diverse programs.

This past interim I served as chair of the Legislative Committee on Education. A presentation by Pat Hickey during one of the meetings [May 17, 2018] revealed the severity of low performance by most students enrolled in full-time virtual charter schools ([Exhibit C](#)). The academic achievement of students in full-time charter schools is a critical issue that needs to be addressed. All student subgroups in such schools perform worse, and students generally have less academic progress in both math and reading. Mr. Hickey added that the findings from these studies showed that students in such schools have less live-teacher contact time in a week than students in conventional schools have in a day.

While I have mentioned some of the negative aspects of online charter schools, findings also show that such schools are a good option for some students due to the greater need for adult involvement at home and the higher level of student self-motivation required. This step at school provides greater flexibilities for many families.

The interim committee voted unanimously to bring forward this bill, which develops a statutory framework specific to online charter schools. The bill ensures a better chance of student success and a stronger return for Nevada's investment into these unique educational programs.

Thank you for your consideration of Senate Bill 441 (1st Reprint). I have a few folks here with me today who will talk more about the bill and why it is so important.

Kenneth J. Retzl, Director of Education Policy, Kenny Guinn Center for Policy Priorities:

It is my pleasure to provide to you the results of a report the Kenny Guinn Center for Policy Priorities completed in looking at the academic performance of virtual charter schools in Nevada ([Exhibit D](#)). It is important to note from the outset that the Guinn Center is agnostic

as it comes to modes of academic instruction—whatever is best for the student, we support. Most recently, virtual charter school enrollment comprised about 1.2 percent of total students during the 2017-2018 school year. While this is a relatively small number, in conversations with parents, students, and school officials, it is an important option for many families in Nevada.

However, the findings of our analysis suggest that under the current *Nevada Revised Statutes*, many of these virtual charter schools are in danger of having the governing body of the charter school reconstituted, having their charter revoked, or having their contract terminated. As it relates to the present discussion, this can be done if a charter school performs as a 1- or 2-Star school for three consecutive years, or if a charter high school operates with a graduation rate below 60 percent in the preceding year.

Using data from the Nevada School Performance Framework (NSPF) ([Exhibit D](#)), which provides a star to schools, we can see that both virtual charter elementary schools have two years at a 1-Star rating. Additionally, the virtual charter middle schools each have one year at a 1- or 2-Star rating. Two of the four virtual high schools are operating as 1-Star schools. Again, remember, you need three consecutive years at 1- or 2-Star status to start that accountability trigger. Please note that the current NSPF has only provided two years of star ratings for elementary and middle schools, and one year for high schools—previously, the state did not update star ratings while the current NSPF was being developed. You can still see from these results that the accountability clock has begun on several of these schools.

Those two 1-Star high schools also had graduation rates below 60 percent. If you recall, that will place them in immediate danger of accountability actions from the State Public Charter School Authority—the sponsoring organization of these schools. Please note that Argent Preparatory Academy is included in the analysis, but is no longer operational. They closed their doors voluntarily citing low enrollment, a highly transient student population, and low graduation rates.

However, we also note that virtual charter schools do not necessarily reflect the demographics of the rest of the schools in the state of Nevada. Most alarming is that these schools serve a very small percentage of English language learners, if any at all. You can also see that all virtual charter schools serve a smaller percentage of students qualifying for free and reduced-price lunch than the state of Nevada average. While these findings are not inherently bad, we—the Guinn Center—are unsure of the cause for the below statewide average representations from these special populations.

Finally, our analysis did find that virtual charter schools do face significant challenges. Argent Preparatory Academy cited a highly transient population in their decision to close its doors. Our analysis confirms this fact, for both Argent Preparatory Academy and all other virtual charter schools. The transiency rates noted for virtual charter schools are some of the highest in the state at the elementary, middle, and high school level.

Ultimately, our report finds that while virtual charter schools are never the lowest performing schools in Nevada, these schools perform below the statewide average in nearly all academic indicators. Furthermore, we find that several of the virtual charter schools are performing within the bounds that will place them under consideration for accountability actions. Based on these findings, the Guinn Center believes many virtual charter schools would benefit from additional supports to ensure they remain a viable option for Nevada students and families. Some of our recommendations, several of which are included in S.B. 441 (R1), follow.

First, strengthen accountability of virtual charter schools. While we acknowledge each school in Nevada must be provided a star rating under the NSPF, these schools may also petition to be included under the Alternative Performance Framework. Doing so may relieve some accountability pressure as the school would be serving a large proportion of students that traditionally need additional supports—credit deficient students, students deemed delinquent, or schools serving a high percentage of students with an individualized education program (IEP), just to name a few.

Second, improve alignment of student needs at virtual charter schools. Here, we recognize that several studies have been conducted that suggest there are specific attributes that students and parents need to ensure a positive virtual educational experience. Based on these studies, virtual charter schools could consider an application process to ensure it enrolls students with the greatest likelihood of success.

Third, manage enrollment at virtual charter schools. For virtual charter schools that are deemed to be underperforming, consider placing an enrollment cap on these schools until they are deemed to meet adequate student performance.

Additionally, because several different organizations can sponsor charter schools—specifically, the State Public Charter School Authority and individual school districts—possibly consider mandating that virtual charter schools sponsored by local school districts can only enroll students that physically reside within that sponsoring district. Studies have found that sponsoring a virtual charter school presents unique oversight challenges. While a single authorizer/sponsor of charter schools might be beneficial, for those school districts that do choose to sponsor a virtual charter school, allowing only students to enroll in such a school that reside within their district's physical boundaries will permit the local school district additional information, as they know the difficulties confronting students in their district—virtual or not.

Finally, fund virtual charter schools more efficiently. Here, we recommend considering an alternative funding mechanism for virtual charter schools, which could include the reduction in basic support due to the decreased costs of educating students in a virtual setting—no building costs; and funding schools based on student outcomes.

Again, the Guinn Center thanks you for the opportunity to present this information today. If you have any questions, I will be happy to answer them for you. Additionally, I would like to recognize that the Guinn Center's Executive Director, Dr. Nancy Brune, is also present in Las Vegas.

Senator Denis:

We have Scott Sargrad from the Center for American Progress who will talk about the national study of this issue [pages 2 and 3, ([Exhibit E](#))].

Scott Sargrad, Vice President, K-12 Education Policy, Center for American Progress, Washington, D.C.:

The Center for American Progress is a progressive think tank in Washington, D.C. I am also a former math teacher and special education paraprofessional. I would like to thank you for the opportunity to share our research about virtual charter schools and speak in support of the goals of Senate Bill 441 (1st Reprint) today. A synopsis of this research is available as an exhibit ([Exhibit E](#)).

Last year, we published a report on virtual charter schools titled *Profit Before Kids*, which built on the growing body of research and media reports showing that, on average, fully virtual schools perform much worse than brick-and-mortar schools serving similar populations of students. At the same time, laws and regulations have not kept pace with the growth of these virtual schools, allowing the for-profit entities running many of them to focus on increasing profits at the expense of student outcomes.

One of the studies we highlighted came from Stanford University's Center for Research on Education Outcomes. This study found that the effect of attending a virtual school on academic growth was similar to missing 72 days of instruction in reading and 180 days in math. In Nevada, the results in reading were even starker—about 120 days of learning—while the math results were similar to the national average. These lackluster results have been accompanied by controversies across the country. In Ohio, the state's largest virtual charter school was shut down last year when it was unable to repay the state over \$60 million for students whose attendance it could not verify.

The goals of Senate Bill 441 (1st Reprint) would increase transparency and accountability for virtual charter schools. Limiting statewide programs to a single statewide authorizer is an important objective to prevent "authorizer shopping." Allowing the charter school authority to create separate requirements for distance education programs is another valuable aim so they can better understand how students are engaging with, and progressing through, their distance education program.

To be sure, there are instances where virtual learning may be a good fit for some students and families. But acknowledging that does not mean the schools have to be managed the way too many virtual schools are managed today. Students and taxpayers deserve better. Thank you again for the opportunity to speak with you today.

Senator Denis:

We now have Russ Simnick, National Alliance for Public Charter Schools.

Russ Simnick, Senior Director, State Advocacy, National Alliance for Public Charter Schools, Washington, D.C.:

A submitted exhibit from the Nevada Parents for Online Education ([Exhibit F](#)) will profess that the organization testifies on behalf of thousands of families attending full-time virtual charter schools. The truth is, they speak for a tiny minority, not the movement.

There is a small minority of parents for whose children full-time virtual education has been beneficial—in fact, some may even say "lifesaving." I applaud them for making the right choice for their children, and I believe that full-time virtual charter schools are exactly what they say in their experience. That is why we want to protect that right for the very small percentage of students for whom this works, but do so in a way that better serves the state's taxpayers and students.

You may hear today that the woeful performance of Nevada's full-time virtual charter schools is solely because they are mostly enrolling kids of "last resort." I enrolled my two daughters in a K-12 blended virtual charter school years ago in Indiana. It was perfect for one, disastrous for the other. It was not a school of last resort for my kids. They were both middle-class kids with the same involved parents. We had opposite results. We must stop blaming the kids and start holding low-quality schools accountable.

A recent Stanford study on education outcomes found atrocious churn rates in full-time virtual charter schools in Nevada—and other states. Based on their findings, of the thousands of students enrolled in Nevada full-time virtual charter schools last year, we can expect about half to be enrolled the following year, about half of those in Year 3, less than half that in Year 4, and a mere 4 percent of the original cohort enrolled in Year 5.

While it is the perfect solution for a very tiny fraction of the population, like any parents here today, remember that for every one of them who succeeds, Nevada is spending massive taxpayer dollars on many, many more who do not succeed. When those students quit and go somewhere else, the big virtual operators are spending Nevada's taxpayer money on advertising to get another kid to fill their spot so the money does not stop flowing to the school. Also the profits do not stop flowing to the operators, instead of using those dollars to better ensure that more kids stick with this option.

To address these problems, [Senate Bill 441 \(1st Reprint\)](#) allows full-time virtual charter schools and families to identify the students who will succeed in this environment and provides the schools with the ability to disenroll those students who stop participating.

Some of the virtual operators want to protect the failing status quo, but doing so risks the education of untold thousands of Nevada students and wastes millions of taxpayer dollars each year. It is time to stop. I respectfully urge you to support [Senate Bill 441 \(1st Reprint\)](#).

Senator Denis:

We now have Jason Guinasso, who is the chair of the State Public Charter School Authority with the Department of Education. Then we will have Sarah Adler from the Charter School Authority of Nevada, who will give the bill details.

Jason Guinasso, Chair, State Public Charter School Authority, Department of Education:

Over the past three years that I have been on the State Public Charter School Authority (SPCSA), about 75 percent of my time has been spent on accountability—specifically, accountability for low-performing virtual schools. In some instances the schools have had to close, and in other instances the schools have been moved over to the Alternative Performance Framework, and in other instances, schools have surrendered portions of their school under their charter.

What we have learned, though, is that virtual schools have consistently been, at least for our portfolio, amongst the lowest-performing schools in our state. However, it has been made clear from the many hours of testimony that we have received at our board meetings from students, school leaders, and from staff that virtual programs of education do work for many students and families.

Presiding over these proceedings, we have learned a number of important lessons. One is that virtual programs of education are different than brick-and-mortar programs of education, but within our current regulatory framework, there is no room in our statutes or regulations to regulate them differently. Virtual programs of education work really well for some students, but we do not always have the tools we need at our disposal to make sure children who would benefit from this form of educational delivery have this public option, while at the same time, making sure students who do not benefit from this model of education delivery are screened out of the virtual program.

Virtual programs of education cannot be all things to all people. That is another important lesson we have learned. There are some students who do very well in these programs, but the vast majority do not.

Brick-and-mortar schools have limitations on enrollment, largely imposed by the fact that a building can only hold so many students. Virtual schools do not have this limitation and have seemed to suffer from that fact. We have learned that capping enrollment is an important tool to have. We would like to further explore that in how we regulate them, if this bill were to pass. We have also learned that there is a correlation between attendance and actual learning. However, virtual school attendance is difficult to measure, and with the current Department of Education standards of attendance, there is no way to ensure learning is actually occurring.

Also, we have learned that with regard to transiency, when a student drops out of a virtual program, they are often difficult to track down. There is low participation in state-mandated testing and, as a result, virtual schools lose points in the NSPF. Tens of millions of dollars are being spent on virtual programs of education with really poor results.

Ultimately, this circumstance—at least for me when I sit at the dais—raises this important question: Are virtual schools worth the investment of public dollars? That is to say, does Nevada want to continue to include virtual programs of education in our state portfolio? If the answer is no, then we need to focus our time and effort on resources for other public school options. However, if the answer is yes, which it was before the Senate, then we need to work on a regulatory framework that will ensure public dollars are spent on virtual programs of education that serve students well and achieve quality outcomes.

This question is not a question for the SPCSA to answer. This is a question for you, the Legislature to answer. This bill is an important opportunity to have the Legislature consider the question, and our assumption is that most legislators will agree that virtual programs of education are valuable public school options. Therefore, we have worked over the past 16 months with Senator Denis, with virtual stakeholders, and with experts to come up with the proposal before you. We have had more than ten meetings with virtual school stakeholders. We have met with Senator Denis on several occasions. There has been a lot of time and effort put into the language and the policy before you. Senate Bill 441 (1st Reprint) gives our State Public Charter School Authority additional tools to secure high-quality student outcomes for students in virtual programs of education.

This legislation recognizes that virtual online schools are different from other programs of education and should be regulated differently. We want to see virtual online schools succeed in serving students well, but presently, under the current accountability and without these additional tools we are asking for, virtual schools will either be nonexistent in a few years in our state—or at least within our portfolio—or a shadow of what they once were in this state. I would ask you to support Senate Bill 441 (1st Reprint).

Sarah Adler, representing Charter School Association of Nevada:

I have the opportunity to quickly walk you through the bill. Charter School Association of Nevada (CSAN) has been able to participate with the interim Legislative Committee on Education in the analysis of the role of virtual charters in the overall charter sector and supports the interim committee outcome. However, we have very recently had discussions with Senator Denis about the readiness and appropriate steps to take in order to accomplish goals of success in the charter sector of online schools; therefore, the Senate Bill 441 (1st Reprint) that you have is amended somewhat significantly from the original bill.

Sections 1 and 2 of the original bill have been deleted because, as led by Senator Denis, we recognize and support that sections 1 and 2 anticipated action that really should be the result of the analysis. That is the first piece S.B. 441 (R1) will kick off. Sections 1 and 2 are deleted.

Section 3 addresses that situation where a child may be enrolled in a part-time program of distance education—a little technical piece there. Section 4 introduces new sections to *Nevada Revised Statutes* (NRS), Chapter 388A, Charter Schools. Section 5 was also amended in response to appropriate issues raised by our partners in large school districts. I will return to section 5 at the end of the key parts of the bill. Sections 6 through 10 introduce definitions.

Section 11 is where we arrive at the key portions of the bill. It establishes requirements for the fundamental house of educational delivery to be addressed by charter schools for distance education in their application and in their contract. It gets into what support will be available to pupils, what methods the charter school for distance education will use to administer tests, exams, and assessments, and what methods the schools will use to assess the academic success of pupils and other criteria— whether it is appropriate to have enrollment criteria so that we have a good match between the child and the modality of the education being offered.

Section 12 gets to that key issue of attendance: How do we know if a child who is enrolled in an online charter school is, indeed, chronically absent or whether they are participating? We do not have that face-to-face interaction.

Section 13, as has been addressed in Assembly Bill 78, the SPCSA is given local education agency (LEA) status, and addresses whether that LEA status would be appropriate to further designate to an online charter school.

Section 14 is also a meaty part of the bill. It provides the authority to the SPCSA, the authorizer for online schools to establish appropriate regulations and different regulations for online charter schools than brick-and-mortar charters. Key components of section 14 are in subsection 1, to designate a subcommittee of the SPCSA governing board to specialize in oversight of the online charter schools. As Mr. Guinasso mentioned, this has taken a large component of time already. Subsection 2 provides for the different regulations to be developed based on the analysis that is an outcome of sections 11 and 12. Section 14, subsection 3 allows for the possibility of suspension or being expelled for chronic absenteeism.

Those are the key parts of the bill. Returning to section 5, what has been experienced is that if a charter school can enroll kids statewide through a district authorizer, we lack closeness, or the potential arises for lack of connection between the student and that school. White Pine County School District had a very significant experience with this when they allowed K12 Inc. to establish Great Basin Virtual Academy as a program with distance education for White Pine County. Section 5 sought to address that, but our major school districts do have programs of distance education that they run very successfully, and they do enroll kids from outside their district. Those are working well, so we decided to establish section 5 as you see it today.

The CSAN has, in your exhibits, a statement of the reason that CSAN supports S.B. 441 (R1). I will give the quick support statement ([Exhibit G](#)) while I am here.

Senate Bill 441 (1st Reprint) and the interim Legislative Committee on Education have the same objectives that the Charter School Association of Nevada does. We emphasize accountability, offering quality education, assuring student success, and effective use of public funds. Distance education is a great match for a subset of students, and we think that S.B. 441 (R1) will allow that fit to emerge at the same time as offering other school options to kids who are not going to be so successful there.

Chair Flores:

Thank you for that very thorough presentation. Members, are there any questions?

Assemblywoman Krasner:

I certainly appreciate the fact that we are allowing alternatives for students because every student is different and they all have different needs.

I do have a question about section 14, which reads:

The State Public Charter School Authority shall adopt any regulations necessary to carry out the provisions of sections 5 to 14, inclusive, of this act, including, without limitation, regulations for: . . .

2. Establishing different requirements for the operation or regulation of or any other matter that requires the different treatment of charter schools for distance education sponsored by the State Public Charter School Authority and traditional charter schools sponsored by the State Public Charter School Authority.
3. Determining when a pupil enrolled at a charter school for distance education may be suspended or expelled from such charter school pursuant to NRS 388A.495 for failing to actively participate in the charter school for distance education.

I am wondering, is the bill attempting to exempt? Is the SPCSA attempting to exempt itself from the Nevada Administrative Procedure Act [NRS Chapter 233B] with this bill and potentially denying equal protection or due process rights?

Jason Guinasso:

Quite the opposite. By asking for regulatory authority, we are submitting ourselves to the Nevada Administrative Procedure Act, so any proposed regulations that would come out of that section would have to go through NRS Chapter 233B procedures, then ultimately be approved by a legislative commission.

Assemblywoman Tolles:

I really appreciate that so many times we throw out the phrase that it is hard to make apples-to-apples comparisons. This feels like it is an apples-to-oranges differentiation, which is absolutely appropriate. I certainly appreciate the intent of this to not only be able to examine and identify areas where there may be a need for accountability, but also in order to be able to help so that these virtual schools are successful and students can be successful in these online charter schools.

You did mention section 5 specifically. We ran through it quickly at the end and it did stand out to me. Are there examples today where we have students enrolled in nonsponsored schools? Is that why we are putting that in there? Forgive me, I know you specifically addressed why you put that in there, but I did not catch it.

Sarah Adler:

As it was originally written, the intent of section 5 was that a sponsor of a distance education school could only enroll students from the county where that virtual school existed. The experience this would have addressed was the White Pine County School District partnership that had been established with K12 Inc. When students enrolled in Great Basin Virtual Academy, White Pine County received a little bit of the State Distributive School Account for being part of the partnership, but K12 Inc. provided the education. Paul Johnson, White Pine County School District's chief financial officer, shared this with me. Throughout a year, they have a K-8 school and a high school. Through their experience, they did not find that students were succeeding academically, nor did they feel that the education provider was meeting the agreements that White Pine County School District felt they had agreed to. The consequence to White Pine County School District was that their overall district performance declined. They had to take on the graduation rates of the students who were from statewide, yet enrolled in the White Pine County virtual high school. The White Pine County School District had to take on that success or failure.

For various reasons, as Paul Johnson conveyed to me, they terminated their agreement with K12 Inc. As this bill was put together, it was decided that was not a good part of the fit—that a distance education program can be any distance education program that is enrolling students statewide ought to be with the statewide authorizer. That was the match that was sought with the original bill. If you are going to be enrolling kids statewide, be with the SPCSA, the statewide authorizer.

Through discussions, we discovered that Washoe and Clark County School Districts have district-sponsored programs of distance education that are succeeding for their students and are enrolling a few kids—a small proportion—from other counties. We are leaving this as it is. If it wants to be a charter school and enroll kids statewide, it needs to be with the authorizer. However, a charter school that is sponsored by a school district, if it wants to enroll kids outside of its county, that is still allowed.

Senator Denis:

In the specific instance that came up, Clark County has an agreement with Nye County to be able to provide some online classes, like an advanced science class for example, for kids in Nye County. They are not considered a charter school, and it is only considered an agreement they have. This bill does not impact their ability to set up an agreement between districts if they choose to do that. They just cannot go out and get all of these students from other districts without being a district school.

Assemblywoman Tolles:

It sounds like it just adds a lot of clarification that was needed so we can make better evaluations and respond appropriately.

Section 12 deals with being able to collect information on attendance, in particular. I know we have federal requirements which have certainly come up as we have had discussions in other bills in this Committee regarding hours of instruction as well as days in attendance. Are we doing that today with the online charter schools, or has that been lacking because we have not been collecting that data? That is pretty critical.

Jason Guinasso:

The question you have raised is one of the most difficult questions we deal with regarding the performance of a student in a virtual program of education. The way that attendance is currently measured does not align with quality student outcomes. What we would like to do with the regulatory authority that would be provided in this bill is to be able to establish a set of best practices as it applies to virtual programs of education—not just taking attendance for attendance sake, but making sure that attendance results in outcomes. For example, in virtual programs of education, if students complete a certain number of units, we are going to assume that learning took place because they completed those units; therefore, attendance should be a benchmark based on the completion of the units, not based on simply logging into a computer. The authority this bill would give us would help us deal with those nuances of virtual education. The example I gave you may not apply to every virtual school and how they want to measure both attendance and student outcomes. There would be some flexibility as we are coming up with the regulations to work with the stakeholders to determine the best way to measure attendance, considering the number of units they complete and if they are actually learning. That is what we want to get to; right now, we do not have that ability.

Chair Flores:

Members, are there any additional questions? [There were none.] I would like to invite forward those wishing to speak in support of Senate Bill 441 (1st Reprint).

Bryon Richardson, Executive Director, Leadership Academy of Nevada:

Leadership Academy of Nevada is a virtual school authorized by the State Public Charter School Authority. We currently have 290 students enrolled throughout Nevada in Grades 6 through 12. We were founded by a group of parents who were searching for a quality virtual education program, and we opened our virtual doors in 2014. Our mission is to provide a classical education to highly motivated and self-directed students so they can become principled leaders.

The students and families enroll in charter schools for various reasons. A few examples are students who have been bullied or have social anxiety, they or a family member may have a mental condition which prohibits them from attending their regularly zoned school, or they are seeking a flexible schedule to fit their specific situation.

Most recently, we are seeing a steady increase of students who are on the autism spectrum and are succeeding in our program because they have a safe environment where they can focus. The external distractions that are inherent in the brick-and-mortar environment have been eliminated. We also have students from rural areas who are looking for an alternative to the limited educational choices in their communities.

Virtual schools meet the needs of families in particular situations that traditional brick-and-mortar schools are unable to meet. Virtual education also requires a high level of self-direction and motivation for both the parent and the student. Currently, during the enrollment process, we make it very clear to parents and students that they will have to work hard and be disciplined in order to succeed in our program. While we try to meet the specific needs of all families, we realize that we may not be a good fit for everyone. The guidelines set forth in S.B. 441 (R1) will help clarify the enrollment criteria that families must meet to enroll.

We support S.B. 441 (R1) and believe it will assist virtual schools to increase student achievement.

Chair Flores:

Is there anyone else wishing to speak in support of Senate Bill 441 (1st Reprint)? [There was no one.] Is there anyone wishing to speak in opposition to Senate Bill 441 (1st Reprint)?

Bill Morris, Private Citizen, Las Vegas, Nevada:

I am a proud parent of eight children and am thrilled with the achievements and progress each of them has made academically and socially in the online public charter school environment.

With limited time to address the Committee, I want to share one example. My son will be graduating from Brigham Young University-Idaho next year and currently has a 3.96 grade point average. He will be attending medical school after graduation. The foundations that he has acquired through online school prepared him for university far better than many of his peers who attended brick-and-mortar schools.

My wife and I are fortunate our children have benefited tremendously from this unique public education experience. More than half of the states in the United States now have statewide online public charter schools. For parents in Nevada, online education gives the unprecedented freedom to access a school program that works best for their children—a freedom that used to be limited to families who could afford private schools.

Parents have always been open to working collaboratively with state lawmakers and being constructive voices in the public policy discussion. We are confident our perspectives can only enhance the online educational experience for our students. Parents are concerned with the current version of Senate Bill 441 (1st Reprint) and we respectfully request the Assembly Committee on Education to oppose this measure.

Tillie Elvrum, President, National Coalition for Public School Options, Colorado Springs, Colorado:

While I do not ever intend to speak for every virtual school parent, we have been doing this work for over a decade in more than 30 states. We are in daily communication with the parents, students, and teachers in the trenches every day using online and blended learning. Like thousands of mothers here in Nevada, I have had no greater mission than to protect, nurture, and make educational decisions about the education my children would receive. Like many in Nevada, we chose public virtual education.

Virtual schools are not in competition with public schools. They are public schools. They are a much needed alternative for students here in Nevada. Roughly 5,000 students in the state of Nevada out of the nearly 500,000 public school students here utilize the full-time, online option for their children. For those students it is life changing.

Unfortunately, some see virtual education as a threat to the perfect 5-Star model, and they have erected barriers to parent involvement and enrollment access. Senate Bill 441 (1st Reprint) would create more barriers for families. This has been sold as a collaborative reform. What it actually is, is reheated legislative leftovers pushed through one state after another by the National Association of Charter Schools Authorizers and the National Alliance for Public Charter Schools. Their one-size-fits-all-for-every-state approach harms students, and it cuts parents out of the policymaking discussion and out of the discussion of what is best for their children. Parents are the number one stakeholders for their children—they should have a seat at the table early, often, and always.

Senate Bill 441 (1st Reprint) would damage online education in Nevada for thousands of families. On their behalf, I implore you to oppose this bill.

Jay Schuler, Private Citizen, Reno, Nevada:

I am a parent with Nevada Parents for Online Education and the parent of an online student. I am here to share my opposition for Senate Bill 441 (1st Reprint), legislation which would grant the State Public Charter School Authority more control and power over the parents' rights to choose the best public school options for their child.

Since the former executive director, Patrick Gavin, resigned under the alleged misconduct and the SPCSA Chair publicly commented that his staff provided incomplete, inaccurate, misleading, and false testimony to the Nevada State Legislature, no oversight action has taken place. Furthermore, complaints filed with the Attorney General alleging misconduct by multiple SPCSA staff by accepting gifts and financial payments remain pending. As parents, we find this question disturbing, yet legislation sponsored by out-of-state special interests under the guise of education reform seeks to give the SPCSA staff more control and power to further jeopardize parental rights.

With the 2019 legislative session coming to a conclusion, one would think that state lawmakers would seek out options from parents like myself. Common sense dictates giving parents a seat at the policymaking table. In light of our experience and investments as learning coaches to our children throughout the school day and at home, we place our trust in you to protect our children, but nothing has been done to examine the SPCSA staff which has overstepped its regulatory responsibilities and undermined the parents' choice via the regulatory process. In conclusion, I hope you will collaborate with the real stakeholders gathered here today and work with the parents to find a responsible solution to protect our children.

I would like to answer a couple of questions about attendance. Every day, my child, my student goes to online school. Her attendance is covered. She goes to class. Her teachers see her on the screen, they know she is in class. If she is not in class they know it. If she is not doing the work, they know it. For them to give misinformation saying that we do not know what attendance is, it aggravates me. It makes me mad and I am tired. I am tired of listening to misinformation and lies about how my child is getting educated. My children are getting a first-class education. I have one child who has already graduated from high school and now has graduated from college. He had an IEP, he graduated, and he is now going on to medical school. That is incredible. You guys keep saying that these are underperforming students, my daughter has a 3.83 grade point average, and she is in a national honor society.

This system is working. We should not have to be defending it, and online charter schools should be able to teach the students and stop defending themselves. Give them that opportunity.

Chair Flores:

We appreciate your passion, but we have to stick to the provisions of the bill. I do not think you mentioned a single provision. I do not even know how to categorize that odd position because nothing about the bill was mentioned.

I would like to invite forward those wishing to speak in neutral.

Sarah Nick, Management Analyst, Department of Education:

I am testifying this afternoon to share that the Department of Education wishes to supply an amendment to section 13, subsection 2, and section 14 ([Exhibit H](#)) so that regulatory authority will rest with the Department of Education and not the State Public Charter School Authority as originally written. Without this change offering regulatory authority to two agencies, we will run the risk of writing conflicting regulations at the same time or unintentionally undoing another agency's regulatory work. The purpose of this amendment will be to create alignment with [Assembly Bill 78](#) which maintains regulatory authority with the Department so that the Department and the SPCSA are truly sister agencies. The Department has already shared this amendment with Senator Denis and the SPCSA.

John Sande, IV, representing Pearson Education, Inc.:

Pearson Education, Inc., is a collaborative with Connections Education, which is a virtual online charter school in the state of Nevada. I first want to thank Senator Denis for working with us and listening to us as a vested stakeholder in this area of education. He has been very gracious with his time in listening to our concerns.

I will keep my testimony relatively short because it has already been addressed by most people. You have heard that there are certain types of students who flourish in a virtual environment. We want to recognize that the education model is slightly different and a goal of this legislation is to recognize those differences and be able to treat apples like apples and oranges like oranges, as Assemblywoman Tolles mentioned. We are looking forward to working through the regulatory process as a stakeholder in this endeavor with everyone involved.

Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association:

We have been the voice of Nevada public school educators for more than 100 years. The Nevada State Education Association (NSEA) appreciates the intent of [Senate Bill 441 \(1st Reprint\)](#) to better regulate virtual charter schools. However, we also believe that the Legislature should cap the number of virtual charter schools and the number of students attending them.

Charter schools were initially promoted by educators who sought to innovate within the local public school system to better meet the needs of their students. Over the past 22 years, charter schools have grown dramatically to include large numbers of charters that are privately managed, largely unaccountable, and not transparent as to their operations or performance. Many charter schools have devolved far from the original concept as small incubators of education innovation.

The explosive growth of charters has been driven, in part, by deliberate and well-funded efforts to ensure that charters are exempt from the basic safeguards and standards that apply to public schools. We have seen this in the lobbying efforts of the National Coalition for

Public School Options, which has been reported to have connections with K12 Inc., the largest online charter operator in the country. In addition to spending millions on advertising, online charter school operators like K12 Inc. spend countless dollars on these lobbying efforts.

Meanwhile, the data is clear that virtual charter schools are some of the worst-performing schools. According to a report from the Guinn Center, virtual charter schools around the country have faced increased public and legislative scrutiny, largely due to low academic performance, particularly when compared to other schools. In Nevada, the inconsistent and often low performance of virtual charter schools operating in the state has also received the attention and scrutiny of some lawmakers. Virtual charter schools underperform both brick-and-mortar charter schools and virtual public schools operated by school districts.

Given the data, NSEA requests an amendment to S.B. 441 (R1) to cap virtual charter schools at the current number of schools and current student enrollment.

Susan Nielsen, Private Citizen, Reno, Nevada:

I am an education advocate. I would like to start by congratulating the Assembly Committee on Education and the Senate Committee on Education. You have done a remarkable job in identifying the things that we need in our public schools and our public charter schools. For the last two years, I have sat in and watched the State Public Charter School Authority board meetings and I have learned a great deal about some of the flaws in our system and some of the good points as well.

I will not repeat what our speakers have so ably testified against regarding the flaws. There is no question that the efforts of the SPCSA to assist in the improvement of these 1-Star and 2-Star schools have performed many hours of thought and suggestions, but they have failed despite years of effort wasted on failing schools. That has been a very big disappointment.

I had other things to say, but to sum up—because all of the other testifiers have been so complete in what they have had to say—section 13, subsection 2 more or less sums it up for me and my concerns about the time that it takes to make a recommendation and have it followed through and to see the results of the recommendation. I will read here, "The State Public Charter School Authority may adopt regulations to deem a charter school for distance education sponsored by the State Public Charter School Authority a local educational authority. Such a determination"—and this is the part that concerns me so much—"must be made on or before March 1 of each even-numbered year and does not become effective until July 1 of the next even-numbered year." This means that once something has been suggested and drafted, it takes two years before it even goes into effect. When I see that, I see millions of dollars being spent on failing charter schools and a reaction that is far too slow. I hope that we can support our State Public Charter School Authority by giving them the funding for a much bigger staff which these regulations will now require.

Chair Flores:

Is there anyone else wishing to speak in neutral for Senate Bill 441 (1st Reprint)? [There was no one.]

Senator Denis:

From some of the comments that were made, this bill does not eliminate online schools. It still allows them to continue, but it allows for accountability and to better reflect the community for which they educate children. The statistics are quite clear. We care about helping all of our kids, and something needs to be done. We cannot ignore that. When charters were created, brick-and-mortar and regular, the aspiration was that they would perform better. In fact, if they are not at least a 3-Star or above, then they are considered failing, so we expect more of them. Expecting more of the online programs is important. As we saw from the testimony, online works great for some kids. That is good and why we want to make sure it is available to those kids. Sometimes people think that online is easier, but in some respects, it is actually harder. It is harder to tell a computer that the dog ate your homework because the computer does not compute that. I have taken online classes myself, and they were some of the toughest classes I have ever taken, but they also allowed me the flexibility to learn what I needed to.

The Department of Education talked about an amendment ([Exhibit H](#)) that they have brought. I looked at it and I think that is something we may want to look at because of A.B. 78 so that we do not have two different things going on there.

With that, I hope we can pass this bill. This is something the interim Legislative Committee on Education looked at, and it is an important piece of all the different things we are trying to do to improve student achievement for all our kids in Nevada.

[[Exhibit I](#)] was submitted but not discussed.]

Chair Flores:

We will close the hearing on Senate Bill 441 (1st Reprint). We are going to open the hearing on Senate Bill 451.

Senate Bill 451: Authorizes variable-length renewal of charter contracts. (BDR 34-391)

Senator Dallas Harris, Senate District No. 11:

I am here today to present Senate Bill 451 for your consideration, which authorizes a charter school contract to be renewed at variable lengths of time. The interim Legislative Committee on Education received a recommendation from Nevada's Department of Education concerning charter school term length. Authorizers currently have two options at the end of a charter contract. They can either renew for six years or decide not to renew and close the school. There is a wide range for charter school performance, and renewal terms should mirror performance rather than be a one-size-fits-all approach. The closure requirements ensure strong schools are operating, and clearly legal language already exists in the event a school must be closed for performance. The Committee voted unanimously to provide

charter school authorizers discretion with regard to the term of renewal contracts between three and ten years, retaining a sixth-year term for the initial lease. This would allow some flexibility to address significant performance, financial, legal, or other issues already set forth in charter school law.

Thank you for the opportunity to present this bill. I am happy to answer any questions, and I know that we have some folks from the Department of Education as well who may be able to provide some additional explanations if needed.

Chair Flores:

We appreciate a short, to the point presentation. Members, do you have any questions? We have additional stakeholders here who can get into the weeds with some of the more technical questions should you have them. It looks as though we have no questions. Is there anyone wishing to speak in support for Senate Bill 451?

Sarah Adler, representing Charter School Association of Nevada:

The Charter School Association of Nevada is in support of efficiency, effectiveness, and accountability in the public charter school sector. We support Senate Bill 451 because it would allow more targeted regulation and accountability of charter schools. On the shorter end of the three-to-ten-year contract opportunity, it would allow us to have closer interaction and to adjust contracts if needed to improve responsiveness and quality. When I say us, I mean the State Public Charter School Authority.

On the other hand, for those charters that are deemed to be successful, the energy that they would put into the contract for renewal if they are deemed appropriate for a longer-term contract is energy that could be put into student learning. We support S.B. 451.

Carlos Fernandez, Policy Analyst, Government Affairs, Las Vegas Metro Chamber of Commerce:

The Las Vegas Chamber of Commerce is firmly committed to supporting strong education for our school children. Currently, charter schools educate about 10 percent of our school population and are vital to our educational system. This bill supports the ability for those schools that are high performing to extend their tenure and prepare for the future, while giving authorizers the opportunity to help those schools that are on the edge in terms of performance through various review benchmarks. The Chamber fully endorses S.B. 451 and encourages its passage.

Chair Flores:

Is there anyone else wishing to speak in support of Senate Bill 451? [There was no one.] Is there anyone wishing to speak in opposition? [There was no one.] Is there anyone wishing to speak in neutral? [There was no one.] Senator, are there any closing remarks? [There were none.] We do have a question for you.

Assemblywoman Miller:

This bill has been amended as we have talked about the contract to be not less than three years, but not more than ten years. This changes it from six years for which you can renew a contract up to ten years. Ten years is a long time in a school. We know that three years is not always enough to improve or stabilize, but ten years is a long time. Schools can dip dramatically in their star ratings in ten years. We know there are plenty of factors that go into it, but I have some concerns about just giving another ten years. How does that ensure the goals of always striving toward quality? What would the recourse be if the schools start dipping throughout that decade?

Senator Harris:

I will take an initial crack at it and then I will allow the Department of Education to elaborate. I envision a ten-year renewal will be the rarest of rare, and only suited for those who have been operating at the high level previously for quite a bit of time. The important piece here is, regardless of how long the contract renewal term is, we retain the ability to go in and shut a school down if it fails to perform. That does not change here. Any of those emergency measures that need to be taken will still be available for the charter school authority to exercise its oversight as necessary.

Ryan Herrick, General Counsel, State Public Charter School Authority, Department of Education:

As Senator Harris said, the current statute gives us six years or nothing. There are also ways to put conditions in the contracts to retain our ability to terminate a charter. From the staff perspective, it would be very rare for us to recommend a charter length of more than six years, although those circumstances might arise. If you had a school that had multiple years of 5-Star ratings and no other financial or organizational issue that might come up, the flexibility to be able to do that would be very helpful for us, particularly in regard to the three to six years. From time to time, we have schools on the borderline of a renewed contract, and we currently have the ability to put conditions in those contracts. It would be very beneficial for us to say we would not give them a six-year contract, we will you a two-year contract. The Nevada School Performance Framework star ratings come out the fall following the school year. That means in year two, we would be able to make a determination that school has a three-year renewed contract, and in year two we can make a determination on what to do.

Fewer than six years is going to be very beneficial for us, and the flexibility. From the staff perspective, it would be rare circumstances. As you said, Assemblywoman Miller, ten years is a long time. You may have a school that had performed 4- to 5-Star level, but in seven years, a lot can change.

Chair Flores:

Members, are there any additional questions? [There were none.] We will close the hearing on Senate Bill 451. Is there anyone here for public comment? [There was no one.]

The idea is for us to have a work session on Thursday. For the stakeholders following along, make sure that you are reaching out to the Committee members and that you know who supports what. Do not assume anything. I will do the same. Should we have a lot of heartache on a specific bill, I will not put it up and embarrass you and have it die in front of you. I will reach out to you and let you know that, unfortunately, we do not have the support for it.

This meeting is adjourned [at 3:22 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Edgar Flores, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Full-Time Virtual Charter Schools," submitted by Pat Hickey, Executive Director, Charter School Association of Nevada, in relation to Senate Bill 441 (1st Reprint).

[Exhibit D](#) is a document titled "Nevada's Virtual Charter Schools: Student Achievement and School Performance within the Current Accountability Framework," prepared by the Kenny Guinn Center for Policy Priorities, submitted by Pat Hickey, Executive Director, Charter School Association of Nevada, in relation to Senate Bill 441 (1st Reprint).

[Exhibit E](#) is written testimony in support of Senate Bill 441 (1st Reprint), presented by Scott Sargrad, Vice President, K-12 Education Policy, Center for American Progress.

[Exhibit F](#) is a letter dated May 10, 2019 to Chair Edgar Flores from Nevada Parents for Online Education, submitted by Russ Simnick, Senior Director, State Advocacy, National Alliance for Public Charter Schools, opposing Senate Bill 441 (1st Reprint).

[Exhibit G](#) is a statement supporting Senate Bill 441 (1st Reprint), presented by Sarah Adler, representing Charter School Association of Nevada.

[Exhibit H](#) is a proposed amendment to Senate Bill 441 (1st Reprint), submitted by Sarah Nick, Management Analyst, Department of Education.

[Exhibit I](#) is a copy of an article from *Nevada Current* titled "Lawmakers urged to address the flunking elephant in the room: online schools," by April Corbin, dated February 5, 2019, submitted by Pat Hickey, Executive Director, Charter School Association of Nevada, in relation to Senate Bill 441 (1st Reprint).