

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

**Seventy-Third Session
March 9, 2005**

The Committee on Education was called to order at 3:48 p.m., on Wednesday, March 9, 2005. Chairwoman Bonnie Parnell presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4406 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Ms. Bonnie Parnell, Chairwoman
Mrs. Debbie Smith, Vice Chairwoman
Mr. Kelvin Atkinson
Mr. Joe Hardy
Mr. Brooks Holcomb
Mr. William Horne
Mr. Garn Mabey
Mr. Mark Manendo
Mr. Bob McCleary
Mr. Harvey J. Munford

COMMITTEE MEMBERS ABSENT:

Mrs. Sharron Angle (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County
Assemblyman Mo Denis, Assembly District No. 28, Clark County

STAFF MEMBERS PRESENT:

Kristin Roberts, Principal Deputy Legislative Counsel
Carol Stonefield, Committee Policy Analyst
Rachel Pilliod, Committee Manager
Paul Partida, Committee Attaché

OTHERS PRESENT:

Cherie Jamason, President/CEO, Food Bank of Northern Nevada, Sparks, Nevada
Paula Berkley, Legislative Advocate, representing Food Bank of Northern Nevada, Reno, Nevada
Kaylyn Dazey, Sixth Grade Student, Sun Valley Elementary School, Sparks, Nevada
Pat Marble, Special Project Manager, Food Bank of Northern Nevada, Sparks, Nevada
Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA), Carson City, Nevada
Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District (WCSD), Reno, Nevada
Julie Whitacre, Director of Government Relations, Nevada State Education Association (NSEA)
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada, Carson City, Nevada
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District (CCSD), Las Vegas, Nevada
Karen Vogel, Food Services, Clark County School District (CCSD), Las Vegas, Nevada
Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada
Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada
Dana Bennett, Legislative Advocate, representing Andre Agassi College Preparatory Academy (AACPA)
Sean McClenahan, Legal Intern, Andre Agassi Foundation, Las Vegas, Nevada
Dr. Trudy Larson, Assistant Chancellor, University and Community College System of Nevada (UCCSN), Reno, Nevada
Alfredo Alonso, Legislative Advocate, representing the Davidson Group

Chairwoman Parnell:

[Meeting called to order and roll called.] I want to hear A.C.R. 5 first, so we will take that as our first order of business. Then we will be hearing A.B. 168, and then we will go back to A.B. 162 as a matter continued from Monday's business. At this point in time, I will open the hearing on A.C.R. 5.

Assembly Concurrent Resolution 5: Urges school districts in Nevada to participate in federally funded School Breakfast Program. (BDR R-208)

Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County:

I am here today to begin the testimony on A.C.R. 5, urging school districts in Nevada to participate in our federally funded School Breakfast Program. Many of you know that I have an extensive background in children's services, having served as the executive director of the Children's Cabinet in Reno for many years. What you may not know are two other things about my background that relate to this bill. One is, I was a Peace Corps volunteer in the Dominican Republic where I worked in a center for malnourished children, that was back in the early 1980s. I know about hunger and poverty from very visceral, first-hand knowledge. I actually had babies in the center I worked in die in my arms from malnutrition.

When I came back to Reno after that experience, it really changed my life and put me into human services instead of teaching Spanish, which is what my master's degree is in. That led me to my first professional job as the first director of the Northern Nevada Food Bank. Sitting here with me today is my good friend, Cherie Jamason, who took over the Food Bank. It has been around 23 years now. It has only had three directors and you are looking at two of them right here. It is fun to be here today with Cherie; she has done a great job with it. I am very interested in this issue from that background. According to the 2000 Census, there are over 176,000 children in our state who, by virtue of their economic status, are food insecure and at risk of hunger in Nevada. Obviously, this is a serious cause for concern. Of those 176,000 children, more than 44,000 may experience hunger on a regular basis in Nevada.

I know you share my concern about a large number of our Nevada kids who go hungry. This is an issue that needs to be addressed. I believe this resolution will help substantially on the road to remedying that problem. The federal government provides an entitlement of school breakfast and lunch to children who are below 130 percent of the poverty level. Therefore, all Nevadans are already paying taxes to our government to provide breakfast and lunch in the classroom for these children who qualify because of their low economic status. Since we already provide school lunches in all of our schools, we know we have the facilities and staff in place to provide school breakfasts. Yet, through no fault of their own, many of these children are sitting in class hungry. How can we expect them to pay attention and be able to learn when they are hungry in the mornings?

[Assemblywoman Leslie, continued.] With just a little bit of effort, we can make sure that these kids are ready to learn and are taking full advantage of this federal program. The Food Bank of Nevada has been trying to encourage the various school districts in Nevada to start school breakfast programs, initiating newer and more effective feeding programs, such as Breakfast in the Classroom and the Grab and Go Program.

They have met with limited success, and I'll let Cherie explain what the problems have been. They have come to me to sponsor this bill for three reasons: It will encourage and ask every school to offer some form of the School Breakfast Program, increase the number of kids eating breakfast by 15 percent in each of the next 2 years, and report back to the Legislature on their success, or lack thereof. We want to know when things are working, and we also want to know when things are not working and why.

Cherie Jamason, President/CEO, Food Bank of Northern Nevada, Sparks, Nevada:

Before we begin, I would like to offer you the A.C.R. 5 amendments ([Exhibit B](#)). On page 1, line 13, the number of schools is 83, not 46. Also, on page 2, line 1, the breakfast reimbursement that could be generated if all free and reduced children aid is over \$14 million.

Chairwoman Parnell:

I had a brief question about the amendment. Is the \$14 million a yearly cost, or does that cover the 2-year?

Cherie Jamason:

That is yearly.

Assemblyman Hardy:

Is that half of that because of the number of schools is twice as much? That didn't make sense to me, because we get Medicaid sharing or participation.

Cherie Jamason:

No. It is because, at the present time, approximately 30 percent of the free and reduced eligible children have breakfast at school. If all the free and reduced children had breakfast at school, it would be a little over \$14 million. We are not addressing the paying students and the reimbursement that would come in for them, which is about 23 cents per meal, per child. We are only talking about the number of children who are eligible for free or reduced meals at school.

Assemblyman Hardy:

So I may understand: you have almost twice as many schools, but half as much money?

Assemblywoman Leslie:

That is an error; those are two separate mistakes on the printing of the amendment. I don't believe they relate to each other.

Cherie Jamason:

The Food Bank has been around, as Sheila mentioned, for about 23 years. We do many things. For about 15 years, we have primarily provided distributive food resources to 80 agencies that served the elderly and children across Nevada. About half of those are emergency food assistance programs. The remaining are organizations that offer social services, such as domestic violence programs, youth shelters, youth programs, senior meal programs, and a variety of social services. [Began PowerPoint presentation, [Exhibit D.](#)]

In 1996, we began a children's summer food and after-school meal program called "Kids Café," which is a nationally recognized model program. We recently began a backpack program for homeless children in three schools in Reno and Sparks. It provides take-home food for children who are homeless. We have never lost a backpack, interestingly enough: These children return those backpacks every Monday morning, which, sadly, says to me they really need the food resources that we are able to provide. We do nutrition education in elementary schools, and we provide food stamp outreach to get families connected with the food resources they need, which are available through the USDA [United States Department of Agriculture]. We know that Kids Café and backpacks will provide food resources for some children, but not all children.

There are a lot of hungry children in Nevada. A statistic that may be really shocking to you: 44,000 kids regularly experience hunger. You don't think about that happening in this country or this state. We can't address all of those children with the small programs that we have with the Food Bank of Northern Nevada. Child hunger can be ended in 5 years, but the only way to do it is through implementation of all of the federal nutrition programs. That is what we are here to talk about today.

This will give you a picture of what the participation rate is. This essentially follows the bill along in the "whereas," as we often say. This represents participation in school breakfast this past year (slide 3 of [Exhibit D](#)). It is poor on the whole. It is about 12 percent of all children and about 30 percent of students eligible for subsidized meals at school. Interestingly, the counties with the highest participation are the ones with the fewest resources. They don't

have that economy of scale, which allows you to pay with your federal subsidies with the support that you may be able to offer. This picture can change dramatically by this time next year.

[Cherie Jamason, continued.] This slide is by county (slide 4 of [Exhibit D](#)). For breakfast participation, the percentages of the qualified that were served:

- Clark County School District is at 27.28 percent of the children.
- Washoe County School District is at 29.59 percent of the children.
- The rural school districts are at 40.19 percent of the children.
- The total for the state is at 29.29 percent of the children.

One of the critical issues here that may be of interest to people is that not only are children not being fed, there is a lot of money that we have paid in taxes that is not coming back home to serve the people who live in the state (slide 5 of [Exhibit D](#)). Overall, Nevada receives 70 cents back on every dollar. We are currently receiving about \$9 million in federal funds for the breakfast program for all of the students participating. If we were to feed only the free and reduced students—every one of them—we would have a little over \$14 million of federal reimbursement coming back into the state. There is no match required; this is money to serve our kids. We can't afford this kind of economic leakage. I am sad to say that school breakfast is not the only federal nutrition program that is in that kind of deficit position, if you will. The food stamp nutrition program, which was created to make sure low-income families have adequate nutrition, is presently leaving about \$100 million in federal money on the table, which could be used to feed children and their families where they live.

That is a lot of money we could not only be using to feed families all over northern Nevada, but that would also be circulating in our economy. Interestingly, \$5 in food stamp expenditures generates \$9 in economic activity in the communities. Essentially, with full participation in the federal nutrition programs, many more children would not be experiencing hunger, and their families would not be coming to the Food Bank and the partner agencies with whom we work to get emergency food assistance. We need to keep in mind that hunger, food, and security are poverty and income issues. With enough money, families would have enough to eat; it is that simple. Children are at the mercy of their parents' circumstances, and sometimes their grandparents' circumstances. The only family units more at risk than single mothers with children are grandparents raising grandchildren. They are the most highly at risk of hunger, obviously, living on fixed incomes in many cases.

Health benefits from school breakfast (slide 6 of [Exhibit D](#)):

- Fewer student illnesses

- Fewer sick days off
- Fewer visits to the school nurse for morning stomach aches and headaches
- Increased ability to concentrate during critical instructional morning hours

[Cherie Jamason, continued.] One elementary school teacher in Reno, who has breakfast in the classroom, said that after breakfast, she can teach math in the morning and the kids understand it. That means a lot. She formerly only taught math in the afternoon, after lunch, because the kids had enough steam to keep going.

Education benefits from school breakfast (slide 7 of [Exhibit D](#)):

- Increased test scores
- Less tardiness
- Fewer behavioral problems and fewer suspensions
- Increased student alertness
- Greater level of classroom participation

My sister-in-law taught first grade in a rural county in Maine during the first year that school breakfast was created, back in the early 1960s. Most families there either farmed potatoes or worked in the lumber industry, both of which are fair-weather occupations. Family budgets became tight in the wintertime. Her children often missed school; they were sick all the time, and so forth. The first year that school breakfast was implemented, she called and was absolutely excited because the kids came to school every day, because they got to eat. They were not late, they paid closer attention, they did better, and there were fewer behavior problems. She was very pleased with the opportunity that school breakfast afforded her. Kids today are caught in the same type of squeeze. I'm not sure if any of you saw the *Reno Gazette-Journal* article in yesterday's paper about the children in Anderson Elementary School. A lot of those children are homeless; they live in compromised circumstances with many people, families, and homes together that are made for one. About three-quarters of them are eligible for free meals at school. Many of those children rely on school meals for a lot of their daily nutrition.

Nutrition benefits from school breakfast (slide 8 of [Exhibit D](#)):

- Appropriate modeling by schools of nutritious meals
- Decrease in the current dramatic rise in early childhood obesity
- At least two nutritious meals per day for children who rely on school meals for much of their daily nutrition

[Cherie Jamason, continued.] An unfortunate number of families rely on school meals for their daily nutrition. My eldest daughter was an art teacher at Rita Cannan Elementary in Reno, and she said to me, "These kids get breakfast and lunch at school, and if they are lucky, they get dinner at the Boys and Girls Club." That is very sad. A lot of families aren't home, and a lot of families in that neighborhood don't have the resources that are needed to feed their kids. In the packet that we provided you ([Exhibit C](#)), there is a wonderful article from the State of Maryland, which mandated 100 percent implementation of breakfast in the classroom, that will report on the results they experienced. It is fabulous.

The question is, what is the problem? [Referred to slide 9 of [Exhibit D](#).]

- The problem is not a lack of funds or the cost of serving more meals, because each meal comes with its own reimbursement. Three counties in Nevada can cover the cost of school breakfast easily: Clark County, Washoe County, and Carson City. Those are the school districts with the best economies. Storey County has neither breakfast nor lunch.
- The problem is not lack of nationally recognized model programs. Maryland and other states have implemented Breakfast in the Classroom and other alternative methods with great success.
- The problem is not lack of basic infrastructure in the schools. We deliver school lunch every day in most school districts. The staff and expertise are there.
- The problem is not lack of start-up money. There has been money available for implementation of special programs like Breakfast in the Classroom, through the Vitamin Settlement money that came to Nevada, and through a Healthy Nevada Grant that we had. That was available to purchase equipment and so forth.

The State Department of Education applied for, and was granted, \$642,000 to implement Breakfast in the Classroom pilots in each county. It was for everything: start-up costs, extra equipment, staffing, garbage bags, et cetera. After 2 years, only \$150,000 had been spent. With some begging and pleading, the grant was extended for another couple of years, and there is still \$150,000 left that has not been expended. There wasn't much of a result. Clark County has done the best; it has implemented Breakfast in the Classroom in about 15 schools and their numbers have skyrocketed with participation. But on the whole, participation in Breakfast in the Classroom is lackluster. The problem is not money, model programs, expertise, infrastructure, or start-up money.

What we see the problem as being is the lack of leadership and commitment. That brings us to where we are today. School districts need the support of parents and the State Department of Education to make school breakfast

available to all children, using innovative models that are in existence. We don't have to reinvent the wheel, because the wheel already exists. One of the biggest reasons that school breakfast is problematic is that the buses get there when the school bell rings. School breakfast is served before school, and so kids just don't have the chance. It is simple to have a "grab and go" breakfast, but in some cases it is not easy. There are a lot of creative ways to make it work. We ask you here today to help more children receive the breakfast that they deserve, because they need to do well in school. School breakfast equals achievement. We urge you to pass this resolution to increase participation in school breakfast, so that that every school district in Nevada and every child has the opportunity.

Paula Berkley, Legislative Advocate, representing Food Bank of Northern Nevada, Reno, Nevada:

As we have developed this resolution, I have talked to a few legislators. They are always asking why it is so difficult to get these breakfasts in the classrooms. We thought that we would bring up the objections that we ran across when the Food Bank was trying to help schools, so that you can understand the issues that are involved. One of the comments we received from a principal was that he wasn't a social worker and didn't want to mess with the food side of the issue. I think that reflects a disconnect between nutrition and education. They are really one; one cannot go on without the other. I think I have heard Assemblywoman Smith say, "You can't teach to an empty chair." I think what we need to do is heighten the consciousness within the school district, and we are hoping to do that through the resolution and through your support, to make that connection very obvious and get the priority up there higher.

Another one is that it creates a lot of garbage. If you are doing breakfast in the classroom, you will end up accumulating some paper and having the custodians become engaged. For as long as I have been down here, the one thing that I will attest to is that teachers are asked to keep doing more and they have only a certain amount of hours to teach. Adding one more thing is difficult, but I think most of those objections involve that feeling of being overwhelmed. What we have found quite often in the schools is that they will have a volunteer mother who is coming in and picking up the garbage bags; it really is not that much of an issue. An obstacle that we have encountered is that sometimes the bureaucracy tends to work against you. For example, the Food Bank received money from the tobacco fund in order to start summer school waiver programs, so that the kids could eat in the summer as well as during the school year. They are hungry then, too.

[Paula Berkley, continued.] We went around the state to assist nonprofits and schools to start the summer school programs. In Clark County, after 2 1/2 or 3 years of effort, we had 32 summer waiver programs going. The next school year came around, and the principals tend to get reassigned to different schools, and it went down to 2 schools involved in the programs. We can't lose that momentum; those are the kinds of things that we have to think through so that we don't lose the momentum of all of their efforts to start those programs—then because it is an option to a principal, they don't get carried through.

Kaylyn Dazey, Sixth Grade Student, Sun Valley Elementary School, Sparks, Nevada:

I think that schools need to serve breakfasts in the morning because it gives the kids better education and more energy throughout the day. They need the energy to help with their education, because when they don't have that energy, they can't learn as well. I haven't had breakfast before, and that day I couldn't think straight. I kept focusing on my stomach and when lunch time was going to come. When you do eat breakfast, your mind is more focused on what you are doing. You are not focusing on how you feel, and you get better grades. I also noticed when I was at school today that it was free breakfast week, and there were a lot more kids. I think that one of the reasons so many kids aren't getting breakfast is because, maybe, they can't afford it.

Chairwoman Parnell:

I have noticed even members of this Committee, as we ran in and got our "grab and go" this morning, that we are probably pretty grumpy too, if we tried to do our work without having any breakfast. We understand thoroughly.

Pat Marble, Special Project Manager, Food Bank of Northern Nevada, Sparks, Nevada:

As we talked about the factors that contribute to the low participation, there are things like bus scheduling that have been issues for many years. Some things can be accomplished if school bus scheduling can be rearranged in those schools, especially where you have a high-needs population. Many students come to school and they believe that school breakfast meals are for kids who qualify for free and reduced meals. We need to get more publicity out there to make all parents aware that the breakfast is for all students. The truth of the matter is that children come to school early in the morning, and if they have a chance to play, that is their first choice. Breakfast is sometimes put on the back burner until they get into the classroom and realize their stomachs are growling and that they are hungry.

I think that school districts and schools have to start thinking more about how to present breakfast. We have presented breakfast in the cafeteria for as long as

I can remember, and maybe it is time to think outside of that paradigm. The “grab and go” breakfast has been—not to my knowledge in Nevada, but in other states—quite successful. Middle and high schools offer nutrition breaks mid-morning, which has been successful in Washoe and Clark Counties. Clark County now has 13 sites in operation and is reporting 100 percent participation in those schools ([Exhibit E](#)). That tells us this is working. Washoe County has two sites that have been up and running for almost 4 years. We are still feeding between 75 and 80 percent of the children in those schools. We are seeing real progress there. I’d like to see more of them, but I know there are a lot of issues that go with that.

[Pat Marble, continued.] In ruling schools in a Provision 2 or Provision 3 classification, any school that has 80 percent or more needy population can qualify as a Provision 2 school, which means that all children eat free and applications do not have to be taken after the first year. For 4 years, every child coming to that school is able to eat for free. Clark County has close to 50 schools in Provision 2, and Washoe County is talking about putting 5 schools on this year and 10 more the following year. We are making progress, and I commend the school districts for doing that. In some states’ rural counties, we have seen rural school buses serve breakfast. It can be done, especially for children who ride buses long distances. There is a mechanism to do that.

I would like to read a short comment ([Exhibit E](#)) that was given to me recently by a principal in Reno, who has breakfast in the classroom. [Read quote from [Exhibit E](#).]

I have found the program to be beneficial in many ways. The primary benefit is the guarantee that all of our students have access to nutritious morning meals. The secondary benefit is the tone of the breakfast in the classroom on that day. One might expect there to be chaos in the room, when in actuality there is a calm and relaxing atmosphere. Students enjoy the time in the room to get organized, enjoy their breakfast, and truly have a great start to their day. I think back to when we would serve breakfast in the multi-purpose room, and the mess and the management issues were constant, it makes me cringe. The program provides many positives for our school. [Signed] Laura Peterson, Principal, Lois Allen Elementary School.

In closing, I realize that all of these schools can’t do all of these types of programs because of their facilities. We need to think a little harder about how to present breakfast and how to get more children to the table.

**Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA),
Carson City, Nevada:**

Nevada PTA supports this resolution. In 1998, when the kickoff of the National School Breakfast Program started, there were many studies. One from the Massachusetts General Hospital and Harvard Medical School showed the relationship between hunger and behavior problems and obstacles to learning. A study of elementary school children in Pittsburgh links hunger to having a large number of behavior problems, especially fighting, stealing, and having difficulties with teachers. These problems not only affect the kids that are hungry, they affect the entire classroom. It is all children that benefit, so when you have a free breakfast program, the same studies show that children were significantly more attentive in the classroom. They earned higher grades in math and had fewer behavioral and emotional problems.

This is not only impacting those who are going to school hungry. The diminishing of those kinds of problems affects all the children in the classroom. The resolution thoroughly outlines all of the benefits. You have heard many of the facts and figures here today. With teachers and school administrators being held more accountable through NCLB [No Child Left Behind Act of 2001], if we are going to pour millions of dollars into teachers' training, testing, and accountability measures, it makes sense to do everything possible to make sure the object of this concentration, the child, is at their optimum level. All of the studies show that school breakfast has this very positive impact on everyone around.

**Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District
(WCSD), Reno, Nevada:**

We have provided you with a proposed friendly amendment to this resolution ([Exhibit F](#)). The amendment would strike lines 41 through 45 of the resolution. I would like to share with you some information about why we are making this proposal.

In Washoe County School District, we have 90 schools, and we have 61 sites that participate in the breakfast program. Pat Marble, in her testimony, referred to Lois Allen Elementary School. Lois Allen Elementary currently, with an enrollment of 670, has 469 children receiving breakfast on a regular basis. We believe that the issue is not a lack of will or leadership. There may be other issues involved, but that certainly is not the case when, in fact, we have 61 of our 90 school sites participating in the School Breakfast Program.

Assemblyman McCleary:

I appreciate when you said, "other reasons." I grew up in Las Vegas, and we had means. My mother made pretty good money, but she liked to stay out late

and play. I can remember going to school many times hungry, and we had means. I wish this could be inclusive. I feel sad that some of our homes are failing to properly perform their responsibilities. It is sad that we have to pick up that slack. I feel sad that there are some students receiving breakfast and lunch because of their economic situation at home, and others who are missing those because of their parents not properly addressing their responsibilities. As sad as it is, and we can argue responsibilities all day long, the children shouldn't suffer from the bad choices of the parents. I would like to see us eventually making sure all children are fed if they want it.

Assemblywoman Smith:

I would like to add to that circumstances often prevail as well, not just bad choices. I am personally concerned about the numbers of individuals participating, in addition to the number of schools. I hope that we can see some improvements there. I personally feel that we would see a big difference in the overall picture if we could get more individual students fed through the program. Thank you for your support and taking that back to the district.

Assemblyman Holcomb:

I have two questions. The program has been around for 38 years. Why is it just now that we are discussing whether to come aboard? The second question that I have would be a follow-up question. If the federal government decided to cut back on its budget and to cut back on these breakfasts, could they require that the state continue to pay for the breakfast? Like an unfunded mandate?

Dotty Merrill:

I am not the person to answer the second question. The first question: in our district, we have programs in almost all of our elementary schools. About half of our high schools have nutrition breaks. We believe, in many ways, that we are on board. It is not clear to me about the rest of your question.

Assemblyman Holcomb:

It seems the program has been around 38 years; we are talking about going full speed ahead. I am wondering why we haven't done that before.

Pat Marble:

Perhaps I can help you with that question. It has been around for a number of years, but the state of Nevada didn't implement it at the beginning. It has been slowly implemented nationally throughout. I can't recall exactly when it was implemented. I know in Washoe County we went on board in about 1984, or somewhere in that vicinity. It has been a slow and gradual thing. Unlike the lunch program, the cost of a breakfast—when you are looking at small groupings of food, it is not like a lunch—is very expensive. The average cost of

a meal, I checked with Washoe County, is between 62 cents and 75 cents. That is only the food cost. In rural districts it is a little more, because they don't have the buying power that the larger districts have. I am not sure what Clark County's prices are right now. When you add that 75 cents, plus the labor cost, plus the supply cost, you are looking at about \$1, which is my estimate here. You are getting back 23 cents for every paid child. You are getting back such a small amount from each group. The money that a school district is generating is minimal.

[Pat Marble, continued.] I did a penciled amount. With 100 children eating in a non-"severe needs" school, because there are two classifications, you get a reimbursement for a paid child of 23 cents, then you get \$1 from that child, so that is \$1.23. For a reduced-price meal student, you get about 93 cents in reimbursement and you get 30 cents from the child, which is their pay for that meal. For a free child, I believe it was about \$1.17, so when you average that all together with 100 children—I estimated that 10 children of the 100 would be eating paid, 36 would be reduced, and 54 free—a school district would realize, after cost of labor, school, and supplies, about \$22 per 100 children that they fed. You can see the economic impact, and that is in a large district. Small district costs are higher. Districts have a struggle trying to make it work; getting only a few children in the door is not going to pay for the staffing.

For example, a school in Washoe County, Maxwell Elementary School, the first school in Washoe County to have breakfast in the classroom, was feeding 40 children out of 400 kids per day. We were ready to pull the program, because it wasn't cost effective for us to have staff there. We implemented the Breakfast in the Classroom, and they continue to feed approximately 280 to 300 kids per day. The difference: by presenting it in a different format, the kids were eating. Of course, all of the kids were eating free, so those are some of the factors. You had another question that I was unclear about, the second question that you asked.

Assemblyman Holcomb:

If the federal government at a later date decides to abandon the program because of budget constraints, could that require the states to continue the breakfast as an unfunded mandate?

Pat Marble:

I would say that the likelihood of that occurring is extremely slim. These are entitlement programs, and 10 years ago the federal government in its budget decided they were going to trim a little on the entitlement programs. That caused an incredible uproar with the school lunch ladies, parents, the PTA, and you name it. It created a new phrase in Congress: "He was school lunch."

They use it to this day. One thing that we do know is that some states offer small subsidies—a few cents per meal to financially challenged school districts—so that they can offer school breakfast. That is not what we are here to do today. That might be something that years from now would be decided upon so that the kids can eat.

Julie Whitacre, Director of Government Relations, Nevada State Education Association (NSEA):

NSEA is in support of A.C.R. 5. Our members understand the importance of starting the day off with a nutritious meal, and breakfast can make all the difference in a student's ability to learn.

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada, Carson City, Nevada:

Several months ago, the State Board heard the same presentation that you heard today and they took a unanimous vote to support the resolution. I am here to convey that message for the State Board.

I wanted to make a couple of points. You heard it was an entitlement program; the Department of Agriculture is where the money comes from. They don't ship us \$14 million for the school lunch program; it is a reimbursement. You feed a child and you get reimbursed. If we fed everyone, they would provide that \$14 million, but it doesn't sit here and we don't return \$8 million. The more you feed, the more you get. It is a direct reimbursement. The second point is, I think they have mentioned the State Department. We administer the programs, but in my opinion, it really is a decision because of all the circumstances and different things happening at the schools. It needs to be a decision of a local board of trustees as to how much they want to push and get this program into place.

Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District (CCSD), Las Vegas, Nevada:

During the presentations, you have heard several representations speak about the attempts in Clark County to increase the number of schools who are using the different programs that have been described. It is important to us to make sure that we don't have hungry children. The manpower problem is sometimes one of the obstacles that we overcome when we are responsible for already overburdened principals to deal with. Nevertheless, in the schools that have been able to implement the programs, the teachers have found very positive differences in the children being able to learn and focus. We feel that the program is very good.

Karen Vogel, Food Services, Clark County School District, Las Vegas, Nevada:

I think that the statistics that were reported were accurate. Every day we are increasing the number of children who are eating breakfast. Our numbers this year are up more than 25 percent over last year's numbers. We recently added 25 more schools onto the Seamless Waiver Program to provide meals for kids when they are on track break. I believe that we are working in the right direction to try and feed more children.

Assemblyman Hardy:

I have a simple statement. I am trying to figure out who is going to vote against this.

Chairwoman Parnell:

I think the Committee is ready to take action. I would like you to pay attention for a moment to the two proposed amendments. One set of proposed amendments is from the sponsor of the legislation, and that related to the change in numbers—"46, 83"—and then the number from \$28 million to \$14 million. Also, there is the proposal from WCSD, deleting lines 41 through 45 of A.C.R. 5. Are there any questions regarding the amendments?

ASSEMBLYMAN HARDY MOVED TO AMEND AND ADOPT AS
AMENDED ASSEMBLY CONCURRENT RESOLUTION 5.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Angle was not present for the vote.)

Chairwoman Parnell:

I would like to open the hearing on A.B. 168, which was introduced by Assemblyman Denis.

Assembly Bill 168: Revises provisions governing charter schools. (BDR 34-861)

Assemblyman Mo Denis, Assembly District No. 28, Clark County, Nevada:

When I was doing research on what bills I wanted to do—education is one of my passions—I noticed an article in the paper that talked about charter schools. We had some charter schools that applied and had some problems. I wondered how they could get approved, and then I read another article where it said that the State Board didn't have the ability to reject an application that had been given to them. We started doing the research and found out that the wording in the section dealing with this said that they "shall approve." Basically, all they

have to do is fill out an application for a charter school. If they go through, fill it out correctly, and turn it in to the State School Board, it automatically becomes approved.

It seems to me that if they are going to objectively be able to make a decision on whether it is a good plan or not, they should have the ability to say yes or no. That is what my bill is about. It gives the State School Board the ability to accept or reject a charter school application.

Assemblyman McCleary:

I signed on to this because I like the concept. My only question is, if they don't like it, do they have to say there is a reason for not liking it, or do they just say they don't like you? It won't be about personalities, will it?

Assemblyman Denis:

I don't think that part is changing at all. They still have to give their reasoning. Actually, if they don't like it, you still have the ability to take it to district court as an appeal. If you look at the application, it still talks about curriculum and other information. During the research, we found that one of the applications that came forth this year in Carson City wanted to shorten the school day. The State School Board didn't have the ability to say no. They had to approve it, even though our emphasis in Nevada is the opposite of that. If we can make it longer then we will do that. This doesn't change the way they currently do that; it only gives them the ability to say yes or no.

Assemblyman Holcomb:

Did you have a chance to research why they use that language, "shall," when you decided to introduce this bill?

Assemblyman Denis:

I didn't get the history on that. I tried to do some history, but I couldn't run across the reason it was that way.

Assemblyman Holcomb:

You'd wonder why it is "shall approve" rather than having the choice to approve it or not to approve it.

Assemblyman Denis:

It could have been something that was missed, or it could have been done on purpose. I don't know.

Chairwoman Parnell:

Dr. Rheault might be able to answer that question for you, Mr. Holcomb, when he comes up to testify.

Assemblyman Munford:

Is there any type of cap on the number of charter schools that you can have? Is there a limit in a certain zone or district? Don't you think that too many charter schools would impact public education in some way and would put a real burden by taking some students away from the public schools? I would think that there should be some kind of limit on the number of charter schools you can have in a certain district or zone.

Assemblyman Denis:

I am probably not the best person to answer that question, because I am not an expert on charter schools. Dr. Rheault is going to be up here. He would know that answer as far as if there are any limits.

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada, Carson City, Nevada:

I'd like to thank Assemblyman Denis for bringing this bill forward. If you look at A.B. 180 that is on the agenda today, whether it gets heard or not, it asks for the same thing. There was one item that the Board would like to see moved forward: getting some flexibility to them, at least, on the quality of an application. You have to remember that these applications that the Board is receiving have already been rejected twice by the local school board because there were certain things that they did not want to approve in it. When it comes to the Board—I think many of you have been on committees—as long as they dot their Is and cross their Ts, the Board is required to approve their application. This is asking for some flexibility to look at some of the quality issues that are part of the application that we couldn't do before. The State Board had this on their bill draft request, and I'm here to support the passage of it.

Chairwoman Parnell:

I was reading through this again last night and I wondered how often the sponsoring body makes visits, unannounced visits, and what kind of a "watchful eye" there is over the charter schools once they are granted a sponsorship.

Keith Rheault:

That depends on who the sponsor is. If it is a local district, they are required to provide technical assistance and monitor the school districts annually. They are there very often in the schools. At the state level, we have four State-sponsored

charter schools, and it is the Department of Education staff which stops in and monitors the schools and all the things they are working on.

[Keith Rheault, continued.] Responding to Assemblyman Munford's question regarding limits on the number of charter schools, my response is yes and no. There are limits when you talk about a regular charter school program. They are public schools, but if they are not serving "at risk" schools, they do set limits. I don't have the exact numbers in front of me—it rings a bell that 2 regular charter schools are allowed per 100,000 people—but it varies by county. In rural counties, it is 1. If they are designated as an "at risk" charter school, there is no limit. Most of the charter school applications that we receive are serving "at risk" students, so any number of those can be approved. There could be 100 of them. They don't fall under the cap that is currently in statute.

Assemblyman Munford:

Do you, being State Superintendent of Education, take into account that everything in the application is acceptable and follows the criteria? Do you take into account that approving another charter school would have some negative effect on the public school system? I feel that in some way we have to have some type of safeguard in place to help the public school system to some degree. If you have a charter school that is extremely successful, you have parents always wanting to enroll their kids and trying to qualify for a charter school.

Keith Rheault:

Charter schools are public schools. They have to meet all the accountability requirements that the school districts do. I do have some concern—I know most of the people who put the charter schools applications together, and they are doing it because they want to help students. In most cases, it is "at risk" students. In some cases, they have not been successful. You heard from the Agassi charter school, and there are a number of charter schools that are working perfectly with the success they are having. In the low-income areas of Las Vegas, the Agassi charter school is meeting the needs for that community. I don't particularly have a problem with charter schools, as long as they are good charter schools. There are a few that probably could be closed because of lack of management, but other than that, I don't have a problem. They are usually developed to serve a niche or a need in a particular area, so they do serve that purpose. They were supposed to be innovative and creative, and sometimes that is outside the box of the normal schools we consider in school districts. You can't hold that against them. In some cases it may be the answer to fixing some of the problems in that community. I don't have a problem approving them, as long as there is quality to the charter.

Assemblyman Horne:

Under what circumstances, if they do qualify, would you want to deny them anyway?

Keith Rheault:

I don't have a particular answer for you. The State Board has only looked at four applications for state sponsorship. We have approved them all. I am not saying any of those four would have been denied. There are some issues that we had questions on, about the quality of the program that was being presented. It was a career technical program, and automotive comes to mind. They were going to work with a private facility. I had questions as to how that could work with the insurance and everything else for auto body work for the students if they weren't part of the employees of that business. The question would have been, what is actually going to happen in the quality sense? It turned out that has fallen through, as far as the facilities, so they are getting a paper auto body experience, which isn't a very good class. There were some quality issues we would have probably raised before we would have approved it.

Assemblyman Horne:

In that example, it seems they wouldn't qualify in the way it exists now; you have the authority that you "may." It says "shall approve" right now, if they satisfy it. What you described sounded like they didn't meet the qualifications, so you wouldn't be mandated to approve them. I am trying to find the rationale in why you would need to go from "shall" to "may," and the circumstances in which it would apply.

Keith Rheault:

In that case, for example, if we go through all of the statutes and the required accountability pieces and the assurances that all districts must do, then in the application the charter schools respond to that. It says we shall approve them if they meet the technical requirements for providing the full curriculum. If it is a high school program, for example, they must offer the course work to get to the 22 1/2 credits, and some of the electives are optional. In the case I described, they showed a couple of occupational education courses, and one was auto body. If we questioned the quality of that program, even though it technically met the requirements and would provide 22 1/2 credits for graduation, we couldn't hold that discussion telling them to go back and take it out, or question the quality.

Assemblyman Horne:

You are looking for a subjective element by which to possibly deny an application? They may meet the four corners of application requirements, but

what is missing is a subjective element to where you think it doesn't meet the standards we would want in a charter school?

Keith Rheault:

Correct. Another example: we've set limits on the number of students per teacher at the high school level. An applicant could put in that they would have 50 students per teacher at this point, and we have no regulation or statute that says they can't. It technically meets the requirements, because there aren't any. We'd have quality issues with 50 students to 1 teacher, even though right now we'd have to approve it.

Assemblyman Holcomb:

A follow-up to what Mr. Horne said: basically using the language "shall" ties your hands. I was wondering why that wasn't objected to previously. Do you have any background on the history of that?

Keith Rheault:

I do recall that. I don't know when this was added. There have been revisions to charter school law ever since it came into existence. I am thinking it was back around 1999 or 2001 when it authorized the Board to be the authority. Prior to 2001, there was no authority for the Board to be the sponsor; it was only local school districts. I think we did object to it at the time, but it got passed. I think the intent was that if the districts didn't want to sponsor them, then the State Board would sponsor them with no flexibility.

Assemblywoman Smith:

I was wondering if an example might be—especially with the limited number of charter schools that are allowed in districts—if you had someone applying with the intent to serve deaf students, yet you already had one in place. Then you have another charter school coming in wanting to fill the same need, and they might meet all the requirements. Would that give the State Board the ability to say, there is already one serving that need? Is that one instance?

Keith Rheault:

Yes, that would be a good example. I'm not the person who approves these. There is a State Board of Education subcommittee in statute that oversees them and makes a recommendation to the State Board. We would probably question whether there are enough students for that specific school, if there is already one in place, and how they can make that functionally happen. A lot of times we have noticed they have overestimated how many students they are going to enroll, particularly the first couple of years. And then, fiscally, they can't make it because they have had a smaller number. Those are usually the ones who

have the most trouble. At least in terms of quality, are there enough students in that particular venue that you want to serve available?

Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada:

I would like to thank Assemblyman Denis for bringing this forward. Although the impact primarily is more at the state level, I do have an example that would address several of the questions that have been raised in which there would have been a local impact as well. Several years ago—this precedes some other changes in legislation—only one of the governing body members resided in Clark County and the rest of them resided in the northern part of the state. While an application from Clark County fulfilled the requirements of law, our trustees questioned whether or not people 500 miles away could effectively know what is happening with students in Clark County.

Had that applicant gone on to the State Board and had the application approved, we would have ended up with that school in our county with what we felt would have been somewhat of a detached governing body. We believe it is critically important that the State has the discretion to make judgments about whether or not a school can deliver services adequately, despite what is written in the application.

Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada:

We are in support of this bill. Over the last many years we have observed the State Board of Education in their actions and have been very impressed by their objectivity in reviewing the charter school applications. As we were in favor of school districts being allowed to have that component of subjectivity to deny an application should the application require additional scrutiny, we certainly do also support that for the State.

Chairwoman Parnell:

Is there anyone in opposition to A.B. 168 who would like to come to the table now and speak? Seeing none, I will close the hearing on A.B.168.

ASSEMBLYMAN McCLEARY MOVED TO DO PASS
ASSEMBLY BILL 168.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblywoman Angle was not present for the vote.)

Chairwoman Parnell:

At this point in time we are going to return to continuing business from Monday's meeting. We will be reopening the hearing on A.B. 162.

Assembly Bill 162: Revises provisions governing charter schools and educational personnel. (BDR 34-934)

Chairwoman Parnell:

Assembly Bill 162 was introduced to this Committee at the request of the Agassi School. At this time, I will ask the school's representatives to come forward and provide additional testimony. In your folder is a synopsis of this bill. I have taken the liberty this afternoon to take testimony on this bill by section. We will look at Sections 1 through 12, which is the entire section of the bill that deals with the university system. We will stay more organized doing it this way. If everybody wants to look at Sections 1 through 12 in the text of the bill, or look at what it is referenced to in the synopsis, then we will all stay on the same page.

Dana Bennett, Legislative Advocate, representing Andre Agassi College Preparatory Academy (AACPA):

I would like to point to Section 15. There are several sections that apply to the university sponsorship. Section 15 is the one that specifies that a university may be a sponsor of a charter school. Sections 1 through 12 make some technical changes to implement that, as do Sections 16 through 18 and Sections 21 through 24, which obviously are the bulk of the bill. In Section 15, it does allow the university to be a sponsor of a charter school. Then those other sections do those technical changes. You are being handed some proposed amendments ([Exhibit G](#)) and they are separated out by topic. There are three under this particular topic.

The first suggestion is to clarify that the Board of Regents is the final granting authority for a charter. I would like to indicate that we have proposed that amendment, because there were some concerns expressed to us by the Clark County School District (CCSD) and the Nevada Department of Education (NDOE), and we wanted to take into account their concerns on that. I am also hearing there may be some concerns about these concerns. I would like to indicate that we are pleased with the bill as it was drafted, and I think that this is a policy decision for this Committee to make.

I would like to stick with the second proposed amendment. This is something that was suggested by Superintendent Rheault. To specify, if a system institute

is a sponsor of a charter school, they are responsible for the technical assistance to that school. I do think that is an appropriate change that should be made to the bill. The CCSD pointed out that there is not the ability to transfer a sponsorship. For instance, if the CCSD is the sponsor and they would like to go to the State Board of Education as the sponsor, there should be some mechanism in place for that to happen in an orderly fashion. We propose that the bill be amended to allow the State Board to adopt regulations to establish that process.

Chairwoman Parnell:

What you are suggesting is, in the entire text of the bill, any reference to university or community college institution be replaced or clarified, that it is actually the Board of Regents which becomes that authority? Two, that institution would be the person responsible for the technical assistance? Three, new language which would allow transfers of sponsorship after the first renewal or at some point in time? Is that correct?

Dana Bennett:

On points two and three, yes, Madam Chair, that is correct. On the first point, the Board of Regents would not necessarily replace every instance that it refers to an institution, which is why I rely on the bill drafter to help us make those decisions.

Chairwoman Parnell:

So where appropriate, it would say "board"; otherwise, it would say "institution."

Sean McClenahan, Legal Intern, Andre Agassi Foundation, Las Vegas, Nevada:

I understand with this sponsorship section there seems to be a bit of confusion based on what a sponsor really is. A sponsor is merely the authorizer of the charter. They are not there to govern the everyday goings on at the school, they don't dictate the curriculum, they don't govern how the school is run, and they only make sure that the school is complying with the state statutes governing schools. Speaking on behalf of the Agassi School, we are looking for this change mainly because we are a college preparatory school. We serve a percentage of the population that is underserved; they may have never seen a college campus. They could potentially be the first person in their family to go to college. We see this as a direct correlation and a direct relationship to providing these kids with a better opportunity to see what college is all about and to have things such as dual credit when they are in high school, to step foot on a college campus, to use research labs and libraries and everything that goes with the university.

Assemblyman Mabey:

Why do you need a university, a community college, or a state college to be a sponsor? Couldn't we do this the way it is?

Sean McClenahan:

Technically, we could do this the way it is. However, it allows for a greater partnership and a greater relationship if the university is the sponsor. The whole idea behind charter schools is to be able to think out of the box and create innovative learning experiences. I think it could be seen that if the school districts or the Department of Education are the only sponsors, what really is the change, and what is the innovation? So I think it will allow charters to go beyond what exists with the district schools. It is not to say that a charter wants to be better; it is that we want to be different and be able to innovate and teach kids in a different way.

Assemblyman Horne:

If we bring in a university system as a sponsor, should we bring in any regent involvement, or will we be required to?

Dana Bennett:

You are asking if the Board of Regents would have involvement in the governing process of the school?

Assemblyman Horne:

If we have a charter school sponsored by a university and the university is governed by regents, are we going to have regent involvement or interference with charter schools?

Dana Bennett:

I think that was one of the reasons that the suggestion was made that they be the final authority on the charter, to have a publicly elected body be a part of the decision-making process. However, in terms of how that is handled through the university system, I believe that would be outlined through their regulatory process. Perhaps that might be a very good question to direct to the University System.

Dr. Trudy Larson, Assistant Chancellor, University and Community College System of Nevada (UCCSN), Reno, Nevada:

We have also proposed precise language ([Exhibit H](#)) that would replace everywhere in this bill where it says, "A university, state college, or community college," with the phrase that says, "Upon approval by the Board of Regents of the UCCSN, a university, state college, or community college could sponsor..." I'd like to tell you about the process and why we feel that this is very important.

[Trudy Larson, continued.] If an institution—we would assume this would be a university in conjunction with a college of education—wants to become a sponsor, this would be considered a new program, and we have a whole series of reviews that must take place for any new programs that are proposed on any college campus: They would have to get campus approval via a review process on the campus. The campuses would have to sign off, which means they support this college or department being a sponsor, that they would be able to support the personnel, the operating, any of the costs associated with the sponsorship, and that it would comply with the master plan goals for that campus in terms of where that college or department wanted to go with their future; if it fulfilled a mission. That is why I say a college of education would be a logical choice. This would be an area where education students would have an opportunity to look at innovation, look at what a charter school does, and look at what sponsoring is all about. There are some very unique opportunities that actually excite us.

The process is quite rigorous:

- This would have to come from the department.
- Be approved there by the department.
- Come to the campus.
- Be approved by the campus.
- Be signed off by the president.
- It would then come to a committee that is composed of all the academic officers for all the campuses; it is called our Academic Affairs Council.
- The Academic Affairs Council:
 - Would review this as well for the new program, looking at all the parameters and making sure that it would be something that could happen.
 - If they have revisions they want made, it would then go back to square one and come through the system.
 - If they approve it, it then comes to a standing committee of the Board of Regents, which is the Academic Research and Student Affairs (ARSA) committee.
- The ARSA committee would then review the whole program proposal:
 - It is very long and detailed.
 - It talks about what this program is intended to do.
 - It decides if everything is fulfilled and resources are available by the campuses.
 - Would approve or disapprove.
 - If approved it moves on to the Board of Regents.
- Upon approval of the Board of Regents, the program can then be started.

[Trudy Larson, continued.] This is not creating a charter school; this is sponsoring a charter school. The mandates are about monitoring and making sure that the curriculum is intact. It is not judging the curriculum of the applicant. That is the review process, and that is why I am comfortable coming before you and saying that we think this is an interesting proposal, because it would give us ample opportunity to look at the responsibilities that would accrue in becoming a sponsor. We could do our research with our colleagues, who are already sponsors, and learn from that and see if this would be an opportunity for our students, and meet our master plan goals.

Julie Whitacre, Director of Government Relations, Nevada State Education Association (NSEA):

NSEA has a few concerns with Section 15 of the bill. We don't believe that it should be amended to include the Board of Regents as a governing body or a sponsor of a charter school. We have three main reasons for this. Number one, the *Nevada Constitution*, Article 11, Section 7, outlines the powers of the Board of Regents and it does not include K-12 public education. In fact, it says, "Board of Regents should control and manage the affairs of the university and the funds of the same under such." It is quite clearly the university system there.

Our second concern has to deal with a separation of powers. There is somewhat of a concern as to what branch the university system falls under. So by giving them the power, does the Legislature then give the power of public education to another branch of government? If they do that, why not give it to the judicial branch, if that is the case? It opens the door to a proliferation of entities that may want to sponsor charter schools, and where do you stop once you open that door? I go back to the *Nevada Constitution*. Article 11, Section 2, requires for a uniform system of common schools. "The Legislature shall provide for a uniform system of common schools." By handing it over to another branch of government, that is not a uniform system of common schools.

Our third concern is that it may create a fiscal note. I don't think anybody is sure that the University System has the resources to sponsor a charter school. I would go to NRS [*Nevada Revised Statutes*] 386.530, where it says, "The sponsor shall conduct an intensive review and evaluation of charter schools." That would require the Board of Regents to do that, and do they have the manpower or the funding available to them to do that? Or would that require additional funds? I would also go to NRS 386.527 as another concern. This requires the sponsor to deal with amendments that are submitted to them from the governing body of the charter school. Those amendments may include, without limitation, "the expansion of instruction and other educational service to pupils who are enrolled."

[Julie Whitacre, continued.] We would argue that sponsorship does deal with the curriculum of the charter school and is not just a body that oversees the charter school. I would also argue—it was brought up earlier—that they are trying to be innovative by changing sponsorship of a school. Innovation is not who is sponsoring it. It is what is done inside the classroom, and what they are trying to accomplish can be done without changing sponsorship of the charter school. However, we do understand that there are some charter schools in our state which are currently sponsored by a local school district. They may not want to continue to be sponsored by the local school district.

We would propose the following [Read from [Exhibit I](#)]: “A charter school sponsored by a school district who has been in existence for at least 3 years, has had its charter renewed, and has made AYP [Adequate Yearly Progress] shall be granted, upon its request, a change in sponsorship from the local school board and placed automatically under sponsorship of the State Board of Education. A charter school may choose to remain under the local school board with a written notification.”

Those are our concerns and our suggestions with Section 15.

Chairwoman Parnell:

The first, amend by deleting the references to the university, all sections that apply, then the second amendment would have the transfer language.

Assemblywoman Smith:

Dr. Rheault, I think this raised a technical question for me, thinking about different streams of money and how the financial side of things would work. What is your thought about all of this?

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada, Carson City, Nevada:

We do have requests in, because of what we see as an increasing number of state-sponsored charter schools to add to our charter school staff. We have one person on staff who works with charter schools currently. One-half of his salary was paid by the federal grant we received. That was a competitive grant that we didn't get re-approved for. The federal grant for charter schools is actually running out. We do have requests in for the fiscal piece on state-sponsored. School districts, if they sponsor, are required to budget within their own. There is no additional money for them. If the regents or the university were a sponsor, they'd have to take that responsibility on if there is staff time involved.

I have a concern, but it wasn't that a university be a sponsor. My concern is that if currently you are a school district sponsored charter, an elected board of

trustees, and it has to do with revocation, it needs to be a public hearing and follow all the procedures if the State Board of Education—an elected state board—brings it before a public hearing. My question was: “What is a university?” A university doesn’t sign the authority. I said that I would assume, then, it would be the president of the university or president of the college that has the authority to approve or not approve. As long as it was spelled out, all I could see is that there would be a lot of questions if it passed as is. It would come before the State Board for regulation.

[Keith Rheault, continued.] And, is a university a committee of several people? Is it the president? It is cleaner with an elected board, if there ever was a revocation. The official public hearing and the following process would be out in the open. That was my only concern; not that they be the sponsor.

Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada:

I would like to let you know that we are in support of A.B. 162, but with amendments. We would like to you to consider, from the second page of my prepared testimony ([Exhibit J](#)), an amendment that provides sponsorship options in addition to the university, which would include large nonprofit community-based organizations (CBOs), such as the YMCA [Young Men’s Christian Association] or the Boys and Girls Club.

Other states do allow for commissions of charter schools that fall underneath the authority of the State Board of Education, which is also another possibility that I forgot to include in this. In this provision of the bill that we’re addressing right now, I know for a certainty that the school board of trustees, although they have been trying very hard and with good effort and good faith to sponsor charter schools, I know that they do not desire to do so. Out of respect for that, we are encouraging this Body to consider allowing alternate sponsorships so that new schools that are coming aboard have some options besides the State Board of Education, local school boards, and universities. It certainly is a good idea.

By allowing multiple chartering authorities, you provide additional resources into the education arena to address K-12 problems, and it helps to ensure the accountability through a strong and supportive relationship between a school and its sponsor. This is currently being done in at least seven other states very successfully. In addition to school districts, states, and university systems, some states provide for CBOs, and even city and county governments, to sponsor charter schools. Florida, Texas, and Minnesota are three that allow that as well.

[Ricci Rodriguez-Elkins, continued.] We strongly support the Agassi proposal for university and community colleges to be able to support charter schools, but we do request that you consider additional amendments to allow additional authorizers as I have described.

Alfredo Alonso, Legislative Advocate, representing the Davidson Group:

We support the Agassi Foundation's attempt to acquire the university as a sponsor. One of the issues that has come up with some of the Davidson folks' proposals in the future here, will be to go under the umbrella of the university. We think that it is a great idea for several reasons. Innovation in education is incredibly important, especially in these types of instances where you have children who may not necessarily fit into a certain criteria. In our case, it is children who are profoundly gifted, and that's something that we have been working on for some time. I think the Agassi folks—you can't have too many people like this foundation. I think they do an incredible job. The ability to go under the umbrella of the university provides them with resources that they wouldn't otherwise have. We fully support that, and it is my understanding that there is an amendment by Dr. [Trudy] Larson that we also support.

Keith Rheault:

I had one other piece that I thought was important. [Spoke from prepared notes, [Exhibit K](#).] I support all of the recommended amendments; they have addressed every concern, even though some were minor in some cases. The one, in particular, that I want to make sure doesn't get lost in the shuffle is Section 25. That one had to do with the issuance of licenses based on certain criteria. As worded, it was put in that the State Superintendent shall issue, but it wasn't based on regulations of the Commission on Professional Standards. Other sections of loss—in particular, one that requires fingerprinting—specifically says, "The Superintendent of Public Instruction shall, pursuant to regulations of the Commission, issue and take fingerprints."

Either that needed to be changed or the law did. To me, it is like telling another group—the State Board of Nursing—that we are going to authorize this other person to issue a license and bypass the State Board of Nursing in certain cases. It needs to go through here. You can specify all the main parameters of the license like it is in the bill; that is no problem. I think the Commission needs to look at it to make sure that the fingerprint requirements still apply in a few other things normal licensing would require. It is still under the umbrella. Everyone is treated the same, and you can't say there is a group that is outside the purview of a legislatively authorized commission.

Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada:

Presuming that Ms. [Dana] Bennett will incorporate or discuss the rest of the amendments that she has passed out, I will take this opportunity to make all of my comments. I would like to thank Ms. Bennett for inviting our input on this bill; I think it was very productive. We do support the bill and we support all of the amendments that have been brought forth by Ms. Bennett. I would also like to be on record as answering a couple of questions that were raised in general discussion the other night.

I would like to emphasize that these are not issues that are specific to the Agassi charter school. These are charter school issues in general. I felt that it was important that they be addressed. This bill envisions a geographic and sibling preference and we certainly support that, but I was afraid that, after discussion, some folks might be going away with the idea that it is okay for a charter school to recruit a select population, and that is not acceptable. Charter schools are public schools and they may have their zone preference and their sibling preference, but in terms of an abundance of applicants, the lottery is the appropriate mechanism by which they select their student. There should be no individual identification and recruitment of students, which applies to all charter schools.

The other issue was one of behavior contracts. Again, charter schools, as public schools, do not have the prerogative of simply excluding a child from attendance because they failed to abide by some specific item in a contract. I think the only ways that a student could be excluded from a charter school or any other public school is if the parent withdraws the student, or if the student's behavior is so egregious as to warrant expulsion. Other than that, once you enroll a child, you own that child and you work with them to the best of your ability.

In closing, I would like to commend the Agassi charter school. I think they have demonstrated a great deal of commitment to their mission, and they are doing a terrific job. I would reiterate that we are in support of the bill and the amendments as proposed by Ms. Bennett.

Assemblyman Horne:

On your issue of student discipline—the behavior contract—aren't charter schools in these contracts unique? I will use the Agassi School as an example. While it is a public school, you have a lot of other students who would benefit from attending that school, and would like to go. If you have a lottery and some of them can't attend the school, and you have a student who is unwilling to abide by the behavioral standard, is it so egregious as to say: "We have

200 students on the waiting list, and I'm sure we could get another student in here who would appreciate the opportunity that you have, only because your name was drawn out of a hat. You are not taking advantage of the opportunity presented to you, so straighten up or fly right."

Craig Kadlub:

I can certainly appreciate that logic, Assemblyman Horne. I would respond by saying, first, that a charter school is a public school, and I imagine that if you asked any public school principal if they would like to get rid of the most problematic students, they would probably say yes. I think that is part of the role of a public school. We don't choose who comes to school; we serve whoever shows up. I think that is a critical piece of being eligible for public funding, which is part of the public school package.

The other thing is, and I think it actually works in the favor of charter schools, charter schools were originally envisioned as something new and different, and if they can do something that shows public education that there is a better way of doing things, then that is terrific; we should use them as models. I would say that if you have a select student population, that totally invalidates that notion. For those reasons, I believe it is imperative that the charter schools serve public school students, because they are public schools.

Dana Bennett:

As I mentioned earlier, we did pass out to you our proposed amendments ([Exhibit G](#)) to various parts of the bill. The bill actually has five pieces, which Mr. [Perry] Rogers covered during the hearing on Monday, and some of those pieces we are not amending. In particular, Section 13, which provides flexibility for charter schools that have proven themselves, we have not proposed any amendments there and no concerns have been expressed to us on that area.

Assemblywoman Smith:

Would you touch on Section 13 and give me an example of what we are talking about here? I need an example.

Sean McClenahan:

I believe the question you are asking is that there are other states that completely exempt charter schools from any laws that relate to education. We are not trying to do that. We are trying to say that once a charter school has proven itself, it just needs to abide by the laws and regulations as outlined in NRS 386. This is to address sponsors creating new demands or reading certain language. There is a provision that says "adopt regulations as it determines necessary to carry out," and if a charter doesn't know what to expect, then they can be caught off guard and be found for noncompliance for something

that is not in the statute. This we don't see as being reasonable. We are looking for language that would tighten that to say, as a charter, you are only required to follow this state law. A sponsor cannot come in and all of a sudden create a new rule or regulation for you that is specific to that sponsor and that charter.

Dana Bennett:

The next Section, Section 19—which Mr. [Craig] Kadlub had mentioned briefly on page 22 of the bill—provides the opportunity for a preference for the sibling of a student who is already enrolled in a charter school, or for a student who resides within a certain geographic district. I wanted to point out that this particular section only applies to charter schools that are providing services to “at risk” students and are located in “at risk” neighborhoods. It is also permissive language, so it does not mandate that this preference has been established. I understand there have been some questions about whether this would affect children who are already enrolled in charter schools, and because this legislation is not retroactive, it would not apply to those that are already in the charter school.

Sean McClenahan:

On Section 19, the preference for admission is not to go out and recruit a certain body of students. We are trying to stick to our mission and goal of the school and serve those students who truly are “at risk,” whereas the way the legislation currently reads, we could run the risk of not serving a majority of “at risk” students, because we would just have a lottery of anybody from all over the county. We want to ensure that we are only serving predominately “at risk” students.

Assemblywoman Smith:

That does clear up the concern that I had about whether there would be an unintended consequence of affecting another charter school, whose mission it was to draw kids from other parts of town.

Dana Bennett:

Related to that section, we are proposing that it be made effective upon passage and approval. As you know, bills typically become effective on October 1, which is after the beginning of the next school year. By making this effective upon passage and approval, it will be effective before the beginning of the next school year. Superintendent Rheault has discussed the proposed amendment to Section 25. We thought he raised a very good point and quickly agreed to include that in our proposed amendments.

Section 20, which concerns collective bargaining agreements, is very confusing, both in existing language and in the proposal that is in the bill. As I understand

it, it originates with some legislation a couple of sessions ago, and by the time it was drafted and the dust settled and everyone went home, there was some agreement that it did not turn out exactly the way that both NSEA and Agassi had anticipated. We had been working together over the last few weeks to address that and to come up with language that is agreeable to both organizations. Essentially, this affects those teachers who take leave from a school district to work at a charter school.

[Dana Bennett, continued.] The way the language is now, it requires the charter school to comply with a collective bargaining agreement that they did not participate in negotiating. The proposed specific language, which is stapled to your amendments ([Exhibit G](#)), we believe removes that confusion and specifies that while a teacher is on leave from the district, the collective bargaining agreement applies to them only in terms of their status and employment with the district itself, and does not affect their employment at the charter school.

Chairwoman Parnell:

Julie, do you want to give us your comment too, and are you comfortable with that? I know that is something the two of you have been working on trying to perfect in the last couple of weeks. Does this work well?

Julie Whitacre:

This works fine with us; the proposed amendment is very agreeable to us. I would like to add that Dana has been very easy to work with, and we appreciate them coming to us on this and working together to find language that we could both agree upon.

Dana Bennett:

That does cover all of the amendments that we are proposing.

Chairwoman Parnell:

Is there anyone else wishing to speak either in support of the bill or in opposition? We probably all understand at this point in time that we will need to be working on this legislation; there will definitely not be a vote on it today.

**Barbara Clark, Member-at-Large, Nevada Parent Teacher Association (PTA),
Carson City, Nevada:**

We do support charter schools; there are a couple of issues in here that raise concerns, which hopefully you can deal with. Section 13—we are looking at charter schools from the aspect of what is in best interest of the children—makes us somewhat nervous. Once the charter is approved, and anything that may pop up—and I can't even imagine or give you an example, but we know that we can't foresee every possible thing that might come up—it's not allowing

the governing body to be able to address additional terms. I'm nervous that this is closing the door, that we may not know what problems may come up that have to be addressed, and it would preclude the needs of the children being met because this looks like a closed door to us.

[Barbara Clark, continued.] On Section 19, number 2, I have to agree with everything that Clark County indicated; indeed, we are in support of siblings being able to go. We know it is very difficult for parents to make arrangements going to different schools. The system was set up to make sure that it was fair to everybody, because once you start excluding, you are opening the door in which another parameter may be raised at another point dealing with another subgroup, and I don't know who that would be, or who would be excluded. I think we have to be very cautious and very clear that once we start excluding or narrowing who is allowed to get in the charter school, that we are not opening the door for another group to come along and offer another exclusion. Equity is a big issue with Nevada PTA [Parent Teacher Association] and we want to make sure that every child has the same opportunities. I understand the desire of the Agassi School in meeting the needs of their neighborhood, and we are for that. Yet once you start down that path, what else are we going to be addressing? Thank you.

Julie Whitacre:

NSEA [Nevada State Education Association] also has concerns within Section 25 of the bill. I apologize, I did not submit an amendment, but I will be glad to do that first thing tomorrow morning with what we are suggesting. We would like to add in there that these people coming in asking for alternative recreation licensure would be required to have 1 year of mentoring. Where we were really concerned is subsection 1(c), that they "have experience teaching in a school that is accredited." That could be a university, and those individuals may not have had time with children, so a 1-year mentoring program we think would be helpful. There also have been some studies shown that even elementary teachers, who have had experience coming in from another state, find it helpful to have mentors in a new school and in a new environment. We ask that they have 1 year of mentoring in there.

We would also like to add somewhere in that same section that, not only have they had 5 years experience, but that they have had satisfactory evaluations in those 5 years as well, so that we know that we are getting qualified people to come into the position. The big problem that we have with this section also is that we are not sure that NRS is the correct place to address alternative routes to licensure. Historically, the criteria for that has been improved through the Professional Standards Commission, and we would like to continue that practice. We would be more than happy to work with the Agassi College

Preparatory Academy and to go through the Professional Standards Commission to do that, and to have this become a *Nevada Administrative Code*, where all other alternative routes to licensures are found; not within NRS.

Chairwoman Parnell:

I think mentoring is one we all agreed upon a few weeks ago; that was a great idea to include that.

Assemblyman Hardy:

Are we then requiring by this charter to do mentoring, that we are trying a pilot program for the other public schools to do?

Julie Whitacre:

It is my understanding that this language would not only apply to charter schools, that this would be an alternative route for anybody coming into Nevada, that they may go through this in order to get the alternative route to licensure. I'm not sure I completely understand your question and if I have not answered it, I would be glad to try again, but we feel that, to make the transition smooth, one year of mentoring should be included in this route to licensure.

Assemblyman Hardy:

Then we already require anybody in such circumstances in the public arena—not the charter schools that happen to be public, but I don't know what else to call them—to mentor for 1 year if they don't have the "teaching certificate?"

Julie Whitacre:

Under other alternative routes to licensures, there is a mentoring aspect built into it, although it is, I believe, 3 years and not 1 year. Either they must do student teaching or be involved in a mentoring program.

Ricci Rodriguez-Elkins:

[Read from [Exhibit J.](#)]

In regard to Section 25, what Agassi is asking for is to allow for persons who are non-teaching licensed but who have graduate degrees in the field, and who have 5 years of teaching at an accredited institution to be granted a special license from the Nevada Department of Education to teach in charter schools. We would agree with that regarding the need for alternative certification. What we would like to ask you to do is consider an alternative certification that is being used in many other states, which is not so restrictive. In fact, our own state exempts teachers who teach high school students in dual credit classes from the

state licensure completely. This wouldn't be completely out of line with what I am about to ask you to consider.

[Ricci Rodriguez-Elkins, continued.] What we would like to see is to have people with bachelor's degrees and with a minimum of 2 years of experience in their field obtain the new certification. This is being done in other states very successfully. Including the provision about having to teach previously is detrimental to the needed changes. In terms of this provision, I recognize that it is a very politically charged request and is very controversial. No doubt, regulations will need to be further revised. But as the former project director for a \$350,000 federal grant that provided for alternatively certified teachers to charter schools, I can attest that the need for less restrictive certification is justified. Like other public schools, charter schools have a great deal of difficulty attracting teachers for a variety of reasons.

The shortage is, in fact, so severe that our selection pools tend to be only three to four persons deep. I'm sure that many of you know of people who have complementary traits and who have demonstrated proficient teaching skills, but who have been turned away from teaching because of the restrictive requirements and lack of funds to pursue another degree or certification. I have discussed this with Dr. Nina Rees, Assistant Deputy Secretary for Innovation and Improvement at the U.S. Department of Education, and she has assured me that NCLB allows state law to dictate the requirements for state certification. This means that meaningful reform can take place in our state's teacher certification process, which is a very good thing for all public schools seeking very passionate teachers.

In the words of my good friend Dr. Joe Nathan of the Center for School Change at the University of Minnesota Humphrey Institute of Public Affairs when he addressed members of Congress regarding the need for alternative certification, particularly for charter schools: "Freedom from certification and teacher contract requirements has allowed charter schools to bring in the best teachers for their students." Instead of hiring teachers by state and district mandates or promoting by a process of seniority, alternative certification allows public schools to focus on hiring teachers according to their dedication and their level of ability that they have to work with students as individuals.

[Ricci Rodriguez-Elkins, continued.] Some of our nation's strongest charter laws allow both of these above provisions, the two that our organization has discussed today, and as a result are able to access millions in federal funding to support the growth of charter schools. As you are probably aware, Nevada lost its share of federal charter school funding, primarily because of the restrictiveness of our charter law and how slow it has been to develop. Again, Nevada is at the bottom of a national list. We are ranked thirtieth of forty states with charter school laws, down from twenty-ninth place last year.

I appreciate the opportunity to be able to sit here and talk to you today about all of Nevada's charter schools, not just one. I have been very deeply involved in the charter school movement for the last 11 years, first as a concerned mother of a child with a disability, and now as an educator and a researcher. As I have said many times in the past for testimony, particularly on the Senate side during legislative sessions, I am a very strong believer in public education and in providing quality opportunities for children of all abilities and from all walks of life to succeed. That is why I am so passionately pursuing meaningful changes to our charter school law.

Since 1994, I have participated in local and national efforts to improve charter schools. My research on best practices in the movement and my experience in the development and management of charter schools leads me to the requests that I have made before you today. You have heard several bills today; these bills address some, but certainly not all, of the important issues relating to charter schools that need to be considered for the session. Please see the attachment that I have provided to you ([Exhibit L](#)) about the proposed legislation for charter schools.

These requests that we have heard today are very good ideas; however, we do believe that the amendments are needed to make a real difference for the successful operation of all charter schools. Madam Chairwoman and members of the Committee, you are in the unique position of being able to look beyond our borders to states that have successfully implemented charter school laws that work. With such broad experience across the country, there is no need to reinvent the wheel.

[Ricci Rodriguez-Elkins, continued.] I ask that you recognize that Nevada's current bill is a conglomeration of things that individual, well-monied, and well-positioned schools have requested over the years. Please note that there is no disrespect intended. I am honestly reporting my observations from the last 10 years.

With your leadership in this 73rd Legislative Session, I hope we can make available some real, strategic changes to the charter school law which will make a huge impact on charter school achievement and on our schools' financial viability. Over 4,000 Nevada students are served by hundreds of dedicated teachers in 19 operational charter schools. Grassroots charter school founders have established these schools with barely more than a wing and a prayer and thousands of hours of voluntary support from parents and community members.

They have worked hard to comply with state laws and federal guidance to provide high quality school in service to all students, of all ethnicities and all abilities, regardless of parental contracts. With no preexisting infrastructure, no lines of credit, and no facilities funding, they have struggled throughout their first few years, many times on the brink of bankruptcy, anxiously awaiting the mail for the next DSA just to make their payroll.

The Nevada Constitution provides for a uniform system of common public schools. These students deserve schools with equitable funding mechanisms. The disparate treatment can stop here with this Committee. Mr. Agassi's contributions are exceptionally generous, and the Andre Agassi College Preparatory Academy is a glorious demonstration of what can be accomplished for Nevada's children when passionate persons are supported with the proper financial resources.

Chairwoman Parnell:

I will, at this point in time, close the hearing on A.B. 162. We will move the hearing on A.B. 161 and A.B. 180 to sometime next week. I would like to ask Mrs. Smith to give the Committee Report ([Exhibit M](#)) from the subcommittee on A.B. 110 and A.B. 60. As you recall, those two bills dealt with teacher stipends, one-fifth retirement, and new teacher signing bonuses.

**Assembly Bill 60: Revises certain provisions regarding school personnel.
(BDR 34-477)**

Assemblywoman Smith:

[Read from [Exhibit M.](#)]

At your direction, a subcommittee met on March 3, 2005, and took up the issues that are reflected in A.B. 60 and A.B. 110. It became apparent in the testimony that there was a sense of urgency to deal with the signing bonus issue and to try and move that out of Committee so that it could go on to Ways and Means at the earliest opportunity. What the subcommittee agreed on was to have staff make a recommendation for which bill—A.B. 60 or A.B. 110—would be the most appropriate vehicle for the signing bonus language and move that forward. We decided that we would reconvene at another time and continue our discussion on the other issues, namely the hard-to-fill positions and expanding and narrowing the scope of the many things that we have to decide.

From the subcommittee, it would be our recommendation, based on staff's recommendation, that we amend A.B. 60 to include only the signing bonus, that we expand the eligible participants to include all licensed personnel, and that we delete the other provisions in that bill.

Chairwoman Parnell:

Are there questions of Mrs. Smith regarding the report? Seeing none, at this time I will entertain a motion to amend and do pass A.B. 60 out of Committee, per the subcommittee's recommendations.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 60.

ASSEMBLYMAN ATKINSON SECONDED THE MOTION.

THE MOTION CARRIED. (Mrs. Angle was not present for the vote.
Mr. Mabey abstained from the vote.)

Assembly Bill 161: Makes various changes regarding information provided to and provided by school districts and charter schools. (BDR 34-476)

Not heard.

Assembly Bill 180: Revises provisions governing charter schools.
(BDR 34-1034)

Not heard.

Chairwoman Parnell:

Is there any other business to come before the Committee? Seeing none, this meeting is adjourned [at 6:05 p.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Committee Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: March 9, 2005 **Time of Meeting:** 3:48 p.m.

| Bill # | Exhibit ID | Witness/Agency | Dept. | Description |
|---------------|-------------------|--|--------------|--|
| | A | ***** | | Agenda |
| | B | Cherie Jamason / Food Bank of Northern Nevada | | <u>A.C.R. 5</u> amendments |
| | C | Cherie Jamason / Food Bank of Northern Nevada | | Folder from Food Bank of Northern Nevada |
| | D | Cherie Jamason / Food Bank of Northern Nevada | | PowerPoint presentation |
| | E | Pat Marble / Food Bank of Northern Nevada | | Prepared testimony |
| | F | Dotty Merrill / WCSD | | Amendment of <u>A.C.R. 5</u> |
| | G | Dana Bennett / AACPA | | Proposed amendments to A.B. 162 |
| | H | Trudy Larson / UCCSN | | Proposed amendments to A.B. 162 |
| | I | Julie Whitacre / NSEA | | Suggested amendment to A.B. 162 |
| | J | Ricci Rodriguez-Elkins / Center for Charter School Development | | Prepared testimony in support of <u>A.B. 162</u> with amendments |
| | K | Keith Rheault / NDOE | | Prepared testimony |
| | L | Ricci Rodriguez-Elkins / Center for Charter School Development | | Proposed charter school legislation |
| | M | Assemblywoman Smith | | Subcommittee report |