

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

**Seventy-Third Session
March 16, 2005**

The Committee on Education was called to order at 3:49 p.m., on Wednesday, March 16, 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
Mrs. Sharron Angle
Mr. Kelvin Atkinson
Mr. Joe Hardy
Mr. Brooks Holcomb
Mr. William Horne
Mr. Garn Mabey
Mr. Mark Manendo
Mr. Harvey J. Munford

COMMITTEE MEMBERS ABSENT:

Mr. Bob McCleary (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Analyst
Rachel Pilliod, Committee Manager
Paul Partida, Committee Attaché

OTHERS PRESENT:

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada
Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District (WCSD), Reno, Nevada
Frank Brusa, Legislative Advocate, representing Nevada Association of School Administrators (NASA)
Michele Robinson, Principal, Odyssey Charter School, Las Vegas, Nevada
Lucille Lusk, Chairman, Nevada Concerned Citizens, Las Vegas, Nevada
Randy Robison, Executive Director, Nevada Association of School Boards
Dr. Craig Kadlub, Director, Government Affairs, Clark County School District (CCSD), Las Vegas, Nevada

Chairwoman Parnell:

[Meeting called to order and roll called.] Our agenda today is quite full. We have hearings on A.B. 180 and A.B. 161. We also have a work session on A.B. 108, A.B. 109, and A.B. 198. Due to the fact that some of our members may need to leave the meeting early today, I'd like to open up a work session to consider A.B. 198, A.B. 109, and A.B. 108. Ms. [Carol] Stonefield has prepared a working document ([Exhibit B](#)) for you to use for this work session. We are going to start with A.B. 198.

Assembly Bill 198: Provides for full-day kindergarten. (BDR 34-1197)

Chairwoman Parnell:

I will remind everyone that this bill has been concurrently referred, and those interested in testifying will have another opportunity before the Ways and Means Committee. Although I do want to let everyone know that my very capable staff contacted the few individuals who did not have the opportunity to testify on Monday. I know that everyone was very passionate. We had schoolteachers and students who spent the weekend preparing for that, as it is something that they are not used to doing. We gave them every opportunity to fax in their testimony and also invited them if they felt that they really needed to come today and testify in Carson City or in Las Vegas.

If it pleases the Committee, and without exception, I would like to ask if there is anyone in either audience who would like to come to the table and give their testimony they were unable to give on Monday. I do not see anyone. As an

FYI [for your information] to the members and to the public, the individuals who did not have to testify on Monday were all signed in to speak in support of A.B. 198, and we did have time during Monday's hearing to hear those in opposition. I feel that was covered adequately. At this point in time, is there any discussion from Committee members regarding A.B. 198?

ASSEMBLYWOMAN SMITH MOVED TO DO PASS
ASSEMBLY BILL 198.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

Chairwoman Parnell:
Discussion?

Assemblywoman Smith:

I have been thinking a lot about this, going back over the almost eight years that I have been serving as chairman of the Counsel to Establish Academic Standards. While we talk about a lot of issues and a lot of solutions, I keep thinking about all of the things that I have heard over these eight years. In looking at the testimony and in looking at the evidence that has been provided to us, I can't see anything that provides more of an overall benefit and such a healthy start for our children and to give the teachers the opportunity.

We always hear from teachers who are frustrated about getting kids from one grade to the next, who may not be ready and may not have had the start that they needed. I see this as one of those things that is a solid issue that we can take on and make a difference for the kids in this state. I think the testimony that we had was very compelling. I think the evidence that we had from the districts was very compelling. Looking at all of the information that they provided, I think there was some very helpful information to those of us who like to see some data and want to see proof and make sure the things that we are doing are working. We have heard from a lot of parents as well as teachers, and that is always reassuring as well. I'm very comfortable that this is a good decision for our state and something that will greatly benefit the students in this state.

Assemblyman Hardy:

I requested some information from staff on student success indicators after implementation of full-day kindergarten. I received the same kind of studies and information that I received from some of the other studies, including the email that was ambivalent—Nebraska with their 14 years of full-day kindergarten, Nevada and Utah without full-day kindergarten—and I don't know that I could say scientifically, or even semi-scientifically, that full-day kindergarten does

long-term what we all feel it does short term. I think that one of the problems you have is a disparity of socioeconomic groups where full-day kindergarten may be of great benefit—including in parts of my district—and parts of my district have much angst about full-day kindergarten. I am not sure they have so much of a problem with full-day kindergarten as the mandatory implementation, even though some of them don't want it.

[Assemblyman Hardy, continued.] I have these torn feelings of what would be best for everybody, and I don't think there is a best for everybody in the state of Nevada. I had my daughter respond to the question. She has five children in Arizona, and they have full-day kindergarten that has been implemented in phases. When we look at it and they used their criteria of their school lunch percentage, it makes sense to me to phase it in, and in the phasing-in process, the experience of most who have experienced it like the full-day kindergarten. The kid is able to stay awake, keep up, and does have more instructional time.

I took the liberty of asking a couple of kindergarten teachers, whom I respect and admire, with whom I grew up with in Reno, during the last Committee meeting that we talked about this. They were very firmly supportive of full-day kindergarten and what it does for the children. I will be voting for full-day kindergarten with the hope that, in that discussion, we have an opportunity to not only talk about the financial numbers of it all—which I think may be problematic—but also the concept of phasing in based on "at risk," "at need," or some other criteria that is appropriate. As far as the science is concerned, nobody has shown me a study yet that is a real study that I can respect. If somebody's got that, I'd be interested, because the science I have not been impressed with at all.

Chairwoman Parnell:

Thank you, Dr. Hardy, for sharing that. I think we all understand the parameters, we all understand the implications, and we have heard from constituents expressing that.

Assemblyman Holcomb:

I don't know whether I made it clear enough in the last session that we had, but I would like to restate my position. I will oppose this bill, not because I'm opposed to all-day kindergarten. I think all-day kindergarten is extremely beneficial to students who need all-day kindergarten. ELL [English Language Learners], students "at risk," and students who come in and basically have no preparation for kindergarten or know what it is about. They just don't have those skills. There are other students who would benefit but do not need all-day kindergarten, and a half-day kindergarten is more than sufficient to transition them on to the first grade. I am 100 percent for all-day kindergarten for the

students that need all-day kindergarten, and there are definitely those students throughout Nevada that have that need, but also there are students that don't need it. When you balance the cost versus the benefit, I think that the ones that don't need it all-day kindergarten benefit but really don't need it. On that basis, I will be voting against it.

Assemblywoman Angle:

I will also be voting no on this, based on the unfunded mandate portion of this bill. Having sat on a rural school board, I understand the problems that will go on. We double the classes needed for this; we are not going to include buildings or maintenance of those buildings within this bill. That falls directly on the school districts themselves. Also, class-size reduction has not been included in this; we have no class-size reduction in kindergarten. We are asking a teacher to take 25 children all day, rather than 25 children for half of a day. There is a big difference in that.

I also think we have taken away some options that should be allowed for parents with this. Some children don't need full-day kindergarten, but when we say that all kindergartens in this state are going to be full-day kindergartens, there are no options for parents any longer if you want your child to go to a public school kindergarten. You have to take the whole day. I don't think that is something that I am something that I'm prepared to do to my parents. I think that parents need options. For those reasons, I will be voting no.

Assemblyman Horne:

I will vote yes for this bill. I recall in Speaker Perkins' testimony that all 10 states that have the highest achievement rates have full-day kindergarten. I remember testimony in asking that of all children, regardless of their "need" of full day kindergarten or not, who would benefit the most, it would be those who may come from backgrounds that may not afford them the opportunity to learn their numbers and letters. They benefit more than the child who enters kindergarten already knowing how to read, but all children would benefit from that. I'm seeking an education system in Nevada that is more than adequate. I want us to excel past that.

On a personal note, I am a product of Head Start. My grandmother used to joke that I was going to school my whole life, that I was going to school with diapers in one hand and books in the other before I entered kindergarten. I think that paid off for me in the long run. That benefited me greatly, because back then in Head Start, they did take the time to teach me how to read and write. When I did enter kindergarten and first grade, I was ahead of most of the kids in my class just from that program. Sometimes we do have that one student who is not ready for that next level. We see it when kids start middle school. There

are always those one or two that in terms of maturity or whatever, and they aren't ready yet. The same with entering high school or college—the majority of the students are ready, and when they are not, they adapt. Our children really do adapt, and I think that all of our children can benefit from full-day kindergarten. I will be voting for this bill.

Assemblyman Mabey:

This is like last year. I was torn about voting for some bills. I've decided to vote no; I feel like the majority of my district would want me to vote that way. I sense that full-day kindergarten is important. I agree with everybody's arguments. I can't disagree. I think Dr. Hardy was right. I hope it becomes a phased-in program, so that if it passes the other Body and we can meet in a conference committee, I would vote yes if it were phased in. I'm concerned also about the 25 children, as a policy, for a whole day. I spoke with a kindergarten teacher in my district who felt that would not be workable, that there would be too many children all day. Dr. Hardy quoted an Arizona study, and I understand that they had 16 to 18 students per class, plus an aide in each kindergarten class. I would guess the fiscal note would be much higher than what was estimated on the bill, even though I know we were supposed to only speak of the policy.

I wish we had more research. It would be fun to follow those children that they had the study on. I would guess in four years, when they are in fourth grade, they will all have about the same scores. It would be fun to find that out, but I will be voting no. I would like to vote yes, and hopefully in conference committee it will come back and it will be something that I can vote for.

Assemblyman Munford:

I did have the opportunity before I came up to session to visit schools in my district that had all-day kindergarten. Those were C.P. Squires and Kermit R. Booker Elementary Schools. It was extremely impressive. I didn't see any problems with it. The kids seemed to be enjoying themselves. There was learning taking place, and I could see progress and so forth. I think it is a great opportunity to stimulate young people, get their minds prepared for the next level, and so forth. I will be voting in favor of this bill.

Assemblyman Manendo:

I don't mean to prolong the debate, but listening to my colleagues, Mrs. Angle and Dr. Mabey—listening to the 25 kids being too many—Mr. Mabey, you said that you had spoken with a teacher. Do you have a number in mind? Something for later on that this Body or future bodies can consider, which might be a good number for the lower classes in kindergarten? Do you have any thoughts that might work with the teachers that you spoke about?

Assemblyman Mabey:

No, I didn't have a number. My concern was just the fiscal cost, and right now we are trying to figure out what our property tax bill will be. Under certain plans there is actually going to be a hit to the DSA [Distributive School Account], which we will have to fund out of the General Fund, which will be one-time money. If we, on top of that, fund a full-day kindergarten, which may be \$60 million to \$100 million per year, I am just trying to be fiscally responsible and trying to make sure that what we do will work financially. I understand that some will say that it doesn't matter what it costs, that it's worth it. But in my opinion, with what is going on with the property tax, I don't feel comfortable with voting for this. I don't have the exact number.

Assemblyman Manendo:

I appreciate it.

Assemblywoman Angle:

I have been an advocate for 1 to 22 teacher/student ratio for a long time, class size flexibility that Elko has had from K through 6. I am an advocate for class size reduction, especially when we are working with language arts literacy. I think that will be proven out in some of our schools that have gone from "at risk" to excelling schools. That is exactly what they have done; they have worked with class sizes within their literacy program—not necessarily in other areas, but especially within that literacy area. When you are talking about kindergarteners getting literacy or pre-literacy skills like phonemic awareness, then I think you really have to discuss how large that class is going to be. Twenty-five is too many.

Assemblywoman Smith:

In listening to the discussion, I can't help but comment. I am looking for this world in our schools where we are not always talking about catching up, and also spending money, resources, and time on remediation. Eventually, I think this will bear out that you exchange one for the other. We spend a lot of money on remediation and it's hard on the kids. It has got to be more gratifying to these kids when they don't have to be remediated. My hope would be that this would be one of those things that would help us get to the point that we aren't always talking about how we can fund remediation, because we will need much less of it.

Chairwoman Parnell:

I have been thinking about it, too, for the last couple of days. I want to say that before NCLB [No Child Left Behind Act of 2001], we could have taken this subject somewhat lightly. It didn't have the high stakes that we have today as a result of federal legislation. What I mean by that is when our fourth graders take

that first NAEP [National Assessment of Educational Progress] test that is broadcast throughout the country. We have been under attack for years; the teachers, students, administrators, and the public schools are failing. This is an opportunity, even based on the 10 highest NAEP test scoring states; just the correlation that they also have full-day kindergarten is enough for me to be a proud supporter of this bill.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE,
ASSEMBLYMAN HOLCOMB, AND ASSEMBLYMAN MABEY
VOTING NO. (Mr. McCleary was not present for the vote.)

Chairwoman Parnell:

Next, we will have the work session on A.B. 108.

Assembly Bill 108: Revises provisions governing appointment of hearing officers in certain cases involving licensed educational personnel. (BDR 34-378)

Chairwoman Parnell:

This bill was introduced on the behalf of the Department of Education. You will see in your packet ([Exhibit B](#)) an amendment offered by Dr. Keith Rheault. I will see if there is any discussion regarding anything referring to A.B. 108. I will state for the record that there was no opposition.

ASSEMBLYMAN HORNE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 108.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

Chairwoman Parnell:

Is there any discussion?

Assemblyman Mabey:

I haven't gotten the chance to read the amendment, but there was some concern about the hearing officer being entitled to be reimbursed for his reasonable actual expenses. Is there a fixed number in the amendment?

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

I don't know if it is part of the amendment, but as part of the hearing officer, I did talk to the director of the Hearing Officers Division. Their billing is usually \$50 per hour.

THE MOTION CARRIED. (Mr. McCleary was not present for the vote.)

Chairwoman Parnell:

Last on our work session, we have A.B. 109.

Assembly Bill 109: Makes various changes regarding provision of education and professional development for educational personnel and makes various appropriations and transfers of money. (BDR 34-479)

Chairwoman Parnell:

This bill was introduced by the Interim Legislative Committee on Education. You will see in your packet ([Exhibit B](#)) that we have three proposed amendments, two from Bill Hanlon and one from the Nevada State Education Association.

Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:

Assembly Bill 109 essentially proposes to continue funding for a number of programs which are provided in the work session summary. It also revises the date for submission of an annual report by the governing bodies of the regional training programs. Currently, they are required to report July 1, but their fiscal year ends June 30. The proponents endorsed the education stipends, the grants for TESL [Teaching English as a Second Language] endorsement, and so forth. The fiscal impact: a number of these items are already in The Executive Budget, although they vary somewhat.

For example, The Executive Budget includes \$51,429 for National Board Certification. This bill provides \$87,000 in funding for TESL and the WICHE [Western Interstate Commission for Higher Education] stipends for teacher education; students are not included in The Executive Budget. Three amendments were offered, two from the Regional Professional Development Program [RPDP] statewide coordinating council.

The first proposal would designate that the school districts that receive the appropriation are acting as fiscal agents for the governing boards of the RPDPs. The second proposed amendment from Mr. Hanlon proposes to add a new

section to the bill, and this would delete the names of the school districts receiving the appropriation and insert the names of the governing board. The second amendment from Mr. Hanlon has stricken language indicating the actual school district names that are presented in NRS [*Nevada Revised Statutes*] 391.512. The new language is the actual name of the governing board for that region.

[Carol Stonefield, continued.] The third amendment is proposed by the Nevada State Education Association (NSEA); it goes to Section 3 of the bill. It proposes to change the purpose of the appropriation from grants to enable teachers to receive TESL endorsements to a program of instruction for pupils who are limited English proficient, and that the school district must engage in collective bargaining over expenditure of the money. Then in Section 4, it proposes to appropriate the funds to the school districts in charter schools for the purpose of encouraging teachers to acquire National Board Certification, and a school district or charter school shall use the money in accordance with collective bargaining agreements.

Assemblywoman Smith:

I know we talked about this in the original hearing and I missed doing something about it. The thing that we discussed before, Dr. Rheault, was in regard to the language on obtaining the TESL endorsement. I wanted to make sure the language was strong enough that it goes on the license as an endorsement. I think that you testified that you thought that this language didn't go far enough in that regard.

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

I think that I talked to you after and didn't get it on my public comments. The way it was worded, it talks obtaining a license, but it doesn't say they have to agree to use it in a teaching situation. You may want to strengthen that piece. If there is funding to pay for the cost of the coursework, the 12 credits you need to get the TESL endorsement, there ought to be some commitment that if the district needs them, they would use it to teach. I think it kind of says that in the statute, but there is a little wiggle room there: "I obtained the endorsement; that is all this bill required."

Assemblywoman Smith:

So, it needs to be, "Obtain the endorsement and add it to the certification." Would that be the language that you'd use?

Keith Rheault:

My suggestion would be that—I think it talks about obtaining the endorsement—you could require that the endorsement be put on their license. They'd have to make application to do that. You could probably get around saying that by having them use the endorsement for the purposes of teaching TESL. Then it would have to already be on their license, or they couldn't do that.

Assemblywoman Smith:

I had a second question about the second amendment proposal from the NSEA, about the appropriation of funds for the National Board Certification. We already have that elsewhere, right? It is already in the budget.

Keith Rheault:

I think Ms. Stonefield mentioned that there is \$51,000 in the Governor's recommended budget. This would be a slight increase. I couldn't pick up from the amendment if we were to distribute it to school districts, but this money is only available to reimburse successful applicants who pass the National Board Certification. If that was the request, then some wording in the statute would have to change because we can only reimburse parts of the cost for the \$2,300 application fee. It is limited in use as to what you can use this money for.

Assemblywoman Smith:

I'd like to suggest that we need to strengthen the TESL language to add a requirement that the endorsement be used on a license. I'm not sure I know the wording, but we have a gap in teachers who are taking the class, and they can move on the salary schedule but then not use the endorsement to teach in a TESL setting. I would like to have language that clarifies that.

Chairwoman Parnell:

I will make the judgment call that it sounds like we are not quite ready to act on A.B. 109. I hate to go ahead and pass it out of Committee if there are still some loose ends, so I will get a few of you working together: Dr. Rheault, somebody from the Teachers Association, licensure, and Mrs. Smith. We don't want to let it go if it's not perfect. With that, I will close the hearing on the work session bills and open the hearing on A.B. 180.

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

Chairwoman Parnell:

This bill was introduced by the Department of Education and at this point in time, I would like to invite Dr. Rheault to the table to provide us with an overview of the bill.

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

The State Board did submit this as a bill draft. We had three items in the bill. We tried to keep it to a limited number, even though there are a number of charter school changes we think need to be made to make the charter laws better. The first change was in Section 1; the Committee has already heard discussion on this change. It was Assemblyman Denis' bill, I think, A.B. 168. It changed "shall" to "may" where there is some flexibility for the State Board.

I have been contacted from a group that is interested in suggesting a friendly amendment to this. In reading it, it was always my intent that the Board would provide a written reason for the denial, similar to what the school districts do. That is written in statute. They asked if we would be opposed to putting some amendment like that in here that says that they will provide a written reason for the denial. We have no problem with that. They should be entitled to get that reason if you don't approve their application.

The second section had to do with some strengthening of the information that governing body members are aware of. It is in Section 2, on page 4. We've noticed from our staff working with the new charter schools that get started, in several cases, there were governing board members that did not even know what the responsibilities were. We put together a packet of information that let them know that they are the board of trustees for that charter school and that they need to be aware of all of their responsibilities. I think when they see it, sometimes they've dropped out or quit. We wanted to make sure they know that up front when they are forming the governing bodies so they know what they are agreeing to do. The ones that have run into some trouble usually have a weaker governing body, because the members weren't informed. This wants to ensure that they've received the materials that we've put together to make sure they know what their responsibilities are as a governing board member.

I think there has been some confusion on Section 3. It was only a technical correction that we were trying to do as a result of some of our auditors going to the charter schools. If you look at Section 3, it looks like we're moving grades 5, 6, 7, and 8 into not having to have subject area licenses. The reason this came about, when our auditors went in place, if you read the wording in subsection 2, it talks about charter schools offering instruction in kindergarten through grade 5. They only needed a license, and then if they needed to be

highly qualified under subsection 4 in those subjects, they could do that. In subsection 2(b), it included grades 6 through 12, and it tied it to a specific course of study.

[Keith Rheault, continued.] When our auditors went in, they were looking, for teachers in grade 6, for their endorsement in English, math, or science. That was never the intent. In fact, sixth grade teachers are all elementary teachers and usually we don't require endorsements in it. The NCLB [No Child Left Behind Act of 2001] law does not require—you can still use K through 8 teachers—licensed teachers in the middle school, as long as they are highly qualified. What this technical change would do is to move kindergarten through grade 8 teachers, so that they have the appropriate license. If you look at 2(a), it still says, "If required by subsection 3 or 4, such a teacher must possess the qualifications required by 20 USC [United States Code]." That is the NCLB Act. If it's required, then they still have to meet that. It would clean up, so there is no confusion when our auditors go out there on what kind of license the teachers are supposed to possess. It could still be a secondary license, as long as they are qualified under NCLB. That is all this was intended to do and nothing else.

Chairwoman Parnell:

I was reading through this and I'm trying to understand. You have a charter school governing body. They are actually under the umbrella of that local school district elected board of trustees, yet the charter school has fiduciary responsibility for their charter school, if I'm not mistaken. Are our laws strong enough about who we have dealing with that money? Are these people bonded or fingerprinted? I know that we have had some problems with that side of the operation of the charter school, the fiduciary. Do you feel that's an area that we need to improve in, or do you feel comfortable with the way existing law reads?

Keith Rheault:

I think it could always be strengthened. If you are looking at the top of page 4 of the bill, we do require that they've not been convicted of a felony. The governing body is the responsible body. The local sponsor or the state sponsor is only the sponsor of the charter. Whatever they've said they are going to do, it is that sponsor's duty to make sure they carry that out. It is still the governing body and the administrators of the school. Overall, I'd say there probably is a weakness in the start-up schools, because they have not done it before, and there are a lot of regulations on the financial pieces of it. Part of is that they are struggling to pay for a building out of the per pupil cost, plus run the programs, and if they haven't been donated a building or have a fairly cheap building, a lot of that cost, which isn't normally part of a school district where they bond for that, comes out of it.

[Keith Rheault, continued.] I think there probably are some fiscal pieces. We didn't want to tie them in with this bill. I think there are other bills that we can attach it to. I do know that there are other school districts that have contacted me to see if we would mind adding some amendments to this bill. I don't mind that. Last time, we had a good bill that we thought would clean up a lot of the statutory pieces for charter schools. By the time you get all the pieces together, no one can agree on it, and it always ends up dying. I'm hoping, at least, with a few more amendments and this, at least it could be considered to get a few of the things changed.

Chairwoman Parnell:

I agree. I think that is something we need when it is taxpayers' dollars. At least our elected boards of trustees are elected. They go through a very public screening before they take on that role. I think we need to have something comparable at the governing body level of our charter schools.

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

As I review our proposed friendly amendments ([Exhibit C](#)) with you this afternoon, I am also representing the Carson City School District and Dr. [Mary] Pierczynski, the Churchill County School District, and the Douglas County School District—all northern Nevada school districts that sponsor schools. What we are proposing for your consideration are a few changes that we believe will strengthen the relationship between charter schools and school districts, particularly charter schools that are not sponsored by school districts.

Our first amendment, on page 1 of the materials, is to change the number of years that school districts must provide leaves of absences to employees who decide to go work at a charter school. Our proposal is to change from six years to three years. What happens when an employee goes on a leave of absence is that we must fill the position on a one-year only contract, because it's possible that the employee will return at the end of the first, second, third, or fourth year, et cetera. This creates a great instability within the school environment to think we might have a series of one-year only contracts up to six years. We would like to reduce this to three years. Part of this law is that the person who is on the leave of absence must be given the opportunity to return to either his or her position or a comparable position. That is what leads us to the one-year contract situation. That is our first amendment.

Assemblyman Horne:

Is there a timeframe from when a teacher on leave has to give you notice on that they'd like to return? To me, if I flip it and we do it only three years, I'm thinking of the continuity of a teacher at this charter school. Generally, you

want to keep these teachers at a particular location for an extended period of time. I've heard testimony that it is beneficial for students as well. It concerns me to cut that in half, especially if the school districts may be getting enough advance notice that the teacher wishes to return, and that the teachers who you've hired on the one-year contracts know going in that it is a one-year contract. Am I missing something?

Dotty Merrill:

The intent of the six years, as it was first embedded in the charter school statute, was to provide teachers with the opportunity to go to a charter school if they wanted to participate in an innovation or other kinds of growth opportunities that might exist at the charter school. What we've learned over the course of time is that although the six years may benefit the charter school, the six years does not benefit the school district and does not benefit the school from which that teacher departed. Because in order to fill that position, yet give the opportunity for the teacher to return, we still have to have the one-year only contract.

Assemblywoman Smith:

Do you know off the top of your head what the numbers are like?

Dotty Merrill:

I can only speak to the Washoe County School District and the Clark County School District. In the Washoe County School District, we have 1 administrator and 14 teachers who are currently on leaves of absence as employees of charter schools. I'm informed that Clark County has 2 administrators and 26 teachers on leave to teach at charter schools.

Assemblywoman Smith:

Can you tell us since the charter school legislation passed, what the movement has been like in general? Are they leaving and then coming back, or are they leaving and staying gone?

Dotty Merrill:

It's a mix, of course. We have had some individuals who have been gone beyond three years, making a decision to return. Others know at the end of the first year that they will not be returning to the district, because the service at the charter school is what they want to continue forward with. They then notify the district that they are resigning from the district and don't continue on a leave of absence.

On the second page ([Exhibit C](#)), we have referred to a series of statutory changes, and there may be others that we haven't found. Our intention here is

to remove the responsibility from school districts for handling accountability reporting and other matters related to charter schools that they do not sponsor. For example, in NRS 386.605, we would suggest changing the wording to: "The department, if sponsored by the State Board of Education, or to the board of regents if so sponsored," if this Committee moves forward to allow the board of regents to sponsor. The bottom line here is that the accountability reporting would be handled through the sponsor regardless of who the sponsor is. That is our goal, because at present, school districts must handle the responsibilities for accountability reporting for state-sponsored charter schools. We think that is not our responsibility, it is the sponsor's responsibility.

[Dotty Merrill, continued.] As you move through the other statutes that are cited here, you will notice that we refer to the sponsor of the charter school and delete language that indicates the school district responsibility.

Chairwoman Parnell:

If the State Board of Education sponsored a charter school that was within the Carson City School District, the school district has to submit a report?

Dotty Merrill:

The school district is responsible for gathering the data and submitting it on behalf of the state-sponsored charter school.

On the final page, we have a third intention, which is to ensure that a charter school sponsored by a board of trustees enrolls children from the school district itself, prior to enrolling children who live outside the district. We have proposed language for your consideration to address that. We've proposed this because we have had a couple of our charter schools who have discovered that, by giving preference to students from other school districts for which the distributive school allocation is higher, they can raise their revenues. They ignore providing services to children within our own school district. Our intent here is that if the charter school is sponsored by the board of trustees of a school district, then it will be mandatory for students who reside in that district to be enrolled prior to the time that children are enrolled from other school districts.

Frank Brusa, Legislative Advocate, representing Nevada Association of School Administrators (NASA):

Dr. Craig Butz of the Odyssey Charter School has submitted an amendment ([Exhibit D](#)) regarding the administrative credential on Section 3, 6(a) on page 6.

Many of them hold master's degrees that are not in school administration, public administration, or business administration. What we would like to see

happen is the same thing that if you hold a master's degree plus the administrative endorsement. We would like to see that happen only for charter schools. That is what public school administrators can also do. Instead of it specifying a master's degree in school administration, public administration, or business administration, we would just like to see a master's degree plus the administrative endorsement. We might have Dr. Rheault speak to that. That is on page 6 of the bill, on 6(a). Strike "a master's degree in school administration, public administration, or business administration," and say "a master's degree, plus the administrative credential or endorsement."

Michele Robinson, Principal, Odyssey Charter School, Las Vegas, Nevada:

We currently serve over 1,350 students in grades kindergarten through twelve here in Clark County. I'd like to testify in favor of A.B. 180. This bill would allow charter schools to have the flexibility to hire highly qualified K through 8 teachers, who could teach multiple subjects to students in the middle school grades. Because of the size and the unique instructional models of many charter schools, the ability to have multiple subject teachers working with middle school students is vital. This would not be in conflict with the federal No Child Left Behind Act of 2001 [NCLB], as it allows states to prescribe the qualification needed to teach at a charter school in the state's public charter school law.

I also would like to support an amendment to A.B. 180 that would expand the qualifications that are acceptable to being an administrator of a charter school to include those individuals who have an administrative endorsement on their Nevada teaching license. Many individuals are licensed school administrators in the state of Nevada without having a master's degree in education administration, business administration, or public administration. Their master's degree may be in curriculum and instruction, special education, physical education, or in any number of programs, and they have since pursued an endorsement to be a school administrator. These people are allowed to be administrators in public schools in any of the state school districts but, by statute, would not be eligible to be an administrator of a charter school.

Chairwoman Parnell:

I want to confirm that the amendments ([Exhibit D](#)) that you are referring to are on the paper that Mr. Brusa was just referring to and was submitted by Craig Butz. Is that correct?

Michele Robinson:

Yes, that is correct.

Lucille Lusk, Chairman, Nevada Concerned Citizens, Las Vegas, Nevada:

I'm here to speak in support of A.B. 180 and to request a small amendment ([Exhibit E](#)). We are in complete agreement with what has been previously said, with regard to A.B. 180 and the K through 8 teachers. We also feel it's very important for the charter school governing boards to understand their roles and responsibilities. That information is also very important. The portion of A.B. 180 that allows the State Board of Education to deny charter school application, even if they meet the legal application requirements, is the area where we would like to request amendment. As you know, you've already heard this in A.B. 168. I apologize; this did not come to our attention until after that took place. I have spoken to Mr. Denis, however, and to Senator Titus and with Dr. Rheault. I understand the amendment to be consistent with the intent of the bill and not changing the intent. It specifies clearly that the Board of Education is required to include the reasons for a denial in its written notice of determination to the applicant.

Chairwoman Parnell:

I think we all agree that is something that probably should have been included. I think we are all on board, as Dr. Rheault said, letting people know why their application was denied if so.

Randy Robison, Executive Director, Nevada Association of School Boards:

We are in support of A.B. 180 with the amendments proposed by Dr. Merrill and those that have also been additionally proposed.

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

I'm offering support for A.B. 180, and I have no problem with any of the amendments already mentioned today. I'd like to bring to your attention the amendments ([Exhibit F](#)) that Clark County School District is proposing.

The intent of the first one increases the timeline within which the districts and the charter applicants have to address and resolve any issues prior to requiring the application to go before the board of trustees. Current law gives them 30 days. Since all applications pretty much flood into the district within the same week or two, that means that everybody is reviewing multiple applications at once, and we have found that 30 days really is not a workable timeline. We are asking to either extend it to 60 days or add language that would allow the district and the applicant to waive the 30-day timeline if they believe it is in their mutual interest.

The second amendment has state-sponsored charter schools funded at the statewide average or the local district rate, whichever is higher. In the case of

Clark County School District, since our per-pupil allocation is below the statewide average, a state-sponsored charter school in Clark County is funded at a higher per-pupil rate than all of the other students in Clark County. To add insult to injury, Clark County School District then has to, out of its general operating budget, make up the difference between the statewide average and the local guarantee. We think it is more appropriate simply to fund all public schools in one district at a common rate.

[Craig Kadlub, continued.] The intent of the third amendment is to change the reporting deadline to include AYP [Adequate Yearly Progress] data and the year-end report that we produce for each charter school. We feel that is pertinent information.

Our fourth amendment mirrors the second amendment requested by Washoe County School District. We, too, believe that the State should be responsible for the accountability of information of state-sponsored charter schools, and the local districts should be responsible for the accountability and information of the schools they sponsor.

Amendment five allows charter sponsors—be it the regents, the State Board, or the local boards—some discretion in approving amendments. Currently, the statute says, “Shall approve an amendment to the charter.” We believe that the permissive language is more appropriate.

I believe Dr. Rheault indicated that amendment number six would be rendered moot by some other legal action. So that you know what I’m talking about, currently if a charter school is required to retest due to some testing irregularity, statute has the local district paying for the retesting. We feel that is inappropriate, because we are not responsible for the administration of the test, the testing environment, or for any of the conditions surrounding testing. We believe that charter schools should pay for their own retesting.

The seventh amendment stretches out a timeline by which students can apply for a distance education program. We believe that by lengthening that window will enable more students to get into distance education programs in a timely manner.

The rest of the memo that I emailed and provided today—after seven amendments, I’m not sure you have any appetite to address any other issues, but these are critical issues that, if we don’t address now, then certainly CCSD [Clark County School District] will bring back at some other time.

Chairwoman Parnell:

I'm a little confused. Do these distinctly fit into the current bill that we are addressing? It appears as though a lot of these are out of the scope of what is in front of us.

Craig Kadlub:

That is a good question. I did ask Dr. Rheault, since he was primarily sponsoring A.B. 180, if he would object to CCSD bringing up other issues we felt could improve charter law, and he indicated that he was certainly willing to entertain any amendments that might improve charter law.

Keith Rheault:

I covered the intent of what we started with, with the three. Now we have all of these amendments. I was open to the amendments. Whether your Body chooses to add some of the items, I think it is appropriate that you notice that there are some changes proposed by Clark County that aren't part of the statutes that are being looked at in this bill. They would have to be added in separately. I think the ones that Washoe County [submitted] did fit within the three statutes that we are looking at. It would be a matter of discussion by the Assembly Committee. Other than that, I think the only other thing which came up was on the testing issue that Clark County brought up.

Right now, if there is a testing irregularity under the old NERA [Nevada Education Reform Act of 1997] law, the Department of Education could make the district or the charter retest their students and do it right. We have NCLB changes in A.B. 154, a request to delete that statute. The reason is that NCLB law gives you one chance to do it right and if you don't, it doesn't make any difference, and retesting would be just a waste of money. We are actually trying to just delete that whole section, and that would take care of that amendment.

Chairwoman Parnell:

This got a little confusing with all of the amendments, but I show that we have amendments submitted from CCSD, Lucille Lusk of Nevada Concerned Citizens, the Odyssey Charter School in Las Vegas, and from Washoe County School District. I think because we have all of those, unless there are additional comments, I will close the hearing on A.B. 180 and open the hearing on A.B. 161.

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

Chairwoman Parnell:

At this time I will ask Ms. Stonefield to present it to the Committee and to review the Interim Committee's process for recommending it.

Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:

Assembly Bill 161 grew out of, in part, testimony that the Committee heard when it focused one of its Committee agendas on school leadership. In part, it grew out of a staff response to an inquiry by a member of the Committee. Sections 1, 3, 4, and 6 relate to providing information to the school districts and to the charter schools about changes in provisions, which they are expected to comply with. A question arose from a Committee member to check into a certain report that was required under Senate Bill 1 of the 19th Special Session, which is our NCLB compliance legislation, when we didn't receive the report by the due date. A staff investigation discovered that at least five of the districts weren't aware that they needed to make the report, and none of the charter schools were aware. I think 16 of 17 of the school districts were somewhat late with reporting.

Nevada Revised Statutes 385.210 requires the Superintendent of Public Instruction to provide a memorandum following each legislative session summarizing the legislation that passed during that session. Indeed, the Department of Education [DOE] did provide that; Superintendent [Jack] McLaughlin was in office at that time. It wasn't clear, in checking out why the reports were late, why we had a failure to communicate. The legislators decided that, perhaps, we needed to revise or address the information, as it is relayed from the Legislature directly or through the departments out to the districts and to the charter schools.

In A.B. 161, Sections 3, 4, and 6 are the results of these findings. Section 3 changes the format of the memorandum that the superintendent is required to submit. He is to include a description of each statute, and an addition is the word "bill." Appropriations bills are not codified, but more and more the Legislature is putting reporting requirements and compliance requirements into appropriations bills. The memorandum from the superintendent should address those kinds of issues. The superintendent is also directed to include a plan to carry out any action, provisions, and an effective date by which there will be compliance. The superintendent is also required to follow up with an addendum, should there be any special session following the regular session.

Section 4 is directed toward the governing boards of charter schools. They are to take the memorandum, determine which statutes and bills apply to them, inform their parents and school personnel, and develop plans to implement. This parallels Section 6, which applies to the school district boards of trustees. They

are also to do the same thing. If you look at the existing language in Section 6, you will see that while it looks like a lot of changes, it is actually a clarification and restatement of current requirements and also inserts the provision about appropriations bills.

[Carol Stonefield, continued.] Section 1 is based on a recommendation from the Nevada Association of School Boards. One of the messages to the Legislative Committee on Education during the interim meeting on leadership was that NCLB has actually increased the need for boards of trustees and governing boards to have information. They need to be able to make data-driven decisions and they need up-to-date information, including any kind of changes that may occur through federal regulations. The Nevada Association of School Boards asked the Legislative Committee to consider what we've come to call the "annual manual," but it is a handbook which would be revised annually. It would be, in part, a training manual. It would include the duties of board members, operations of the Legislature, open meeting laws, an overview of the Nevada Plan for School Finance, any recent Attorney General opinions, relevant recent court rulings, updates on NCLB, including changes in reporting deadlines, and so forth, and then the DOE is to review and revise annually in consultation with the School Boards Association.

Sections 2 and 5 relate to board training. Earlier this session, when I summarized for you the activities of the Legislative Committee on Education, one of the messages that the Committee received was that, especially in rural districts, money for board training is in very short supply, if it exists at all. Because the Superintendent of Public Instruction is currently required to convene a conference for teachers and administrators, the Committee thought it might be appropriate to ask him to also convene a conference for board members. The easy way to do this is to add a board training track to the Mega Conference, which is coming up in April.

Section 5 relates to Section 2 in that it provides that if a board member receives expenses from the Superintendent of Public Instruction pursuant to NRS 385.190, he or she cannot be reimbursed under NRS 386.345. Under the provisions relating to the annual conference for teachers and administrators, the superintendent has available to him \$8,400 through the Distributive School Account (DSA). This is preventing any double dipping. If a board of trustees member happened to receive funding through the one provision; he or she could not ask for funding reimbursement for expenses through local DSA funds.

As to fiscal impact, the superintendent informed us that he thought that the annual handbook would probably take some staff time to develop in the first place, and then after that it would be a matter of revising and keeping it up to

date. The costs to the districts are estimated to be minimal; it would be optional on the part of board members if they wish to attend any meetings. As far as communicating with parents about the changes in the statutes, they are required to do that already.

Assemblywoman Angle:

Would you tell me what the minimal cost to school districts would be for this? You said there would be some minimal costs.

Carol Stonefield:

I think it would be optional, if they had board members who desired to attend the conference that would be sponsored by the superintendent.

Assemblywoman Angle:

That is what that "may" is?

Carol Stonefield:

I believe so. I have not actually seen a fiscal note myself, but I am assuming that is what it would be.

Chairwoman Parnell:

To follow up, I know that it was considered so minimal that this was not even concurrently referred to Ways and Means. I think most school board members get, and Randy [Robison] could answer this, \$80 or \$90 when they attend a meeting. I don't know if they are paid the same if they go on a conference, but he'll be able to help us.

Randy Robison, Executive Director, Nevada Association of School Boards:

Let me start by going backwards on this bill. The provisions that we provided shall provide information on the recent activity of the Legislative Session. We are currently doing that. Generally, we provide updates in either school newsletters and/or we post it on the website if available. We're fully supportive in doing that. In terms of the training piece that is in here, I don't think that we have an issue with adding a track to the Mega Conference.

Let me review for you the type of training that we provide in this recent six months:

- Our annual conference in Elko.
- A regional conference in Las Vegas.
- Two or three individual school board trainings.
- In late January, a regional training in Washington, D.C.
- Two weeks ago, a new board member orientation.
- In about a month, we'll go to the National Convention.

- The week following that, we'll go to a Hispanic conference in a regional basis.
- Then, a couple of months later, we'll go to another regional conference.

[Randy Robison, continued.] There are almost a limitless number of opportunities for us to receive training. Many of our board members take advantage of those opportunities. It is always subject to cost. Sometimes there is no other alternative but to drive six hours and stay over a couple of nights. Sometimes there is a cost issue, but adding a track to the Mega Conference would certainly give us another opportunity. That would be fine with us.

Back to the "annual manual," oftentimes what is discussed and what eventually appears in a proposed legislation may not always mesh. The result here that appears before you in this legislation is appropriate. We generally turn over about 25 to 30 percent of our membership with each election. Following each election, we do a new board member training and then start them through that track of different training opportunities that I reviewed. Unfortunately, not all of our board members are able to attend those conferences on a regular basis. A manual such as this would be helpful, but the concern is that if we only provide a manual, it is transforming a big lump of paper from one department to another. Should you choose to process this bill, I would like to propose an amendment ([Exhibit G](#)).

Essentially, what this would do is require each board of trustees, as well as each governing body of a charter school, to review that manual in a public meeting on an annual basis, in an effort to ensure that each of our members, whether they are to come to conferences and trainings or not, have that basic information that each of us need in order to understand our responsibilities as school board members.

Chairwoman Parnell:

You are supporting the bill, but you would support it more if we were to accept this amendment. Then, you would be very happy with the proposed bill as amended?

Randy Robison:

I would be satisfied.

Assemblyman Hardy:

Do we need the bill, and this isn't the school board's bill?

Randy Robison:

To your second question, it's true; it wasn't sponsored by the Association. Although, as Ms. Stonefield alluded to, we did discuss at the meeting of the Legislative Committee on Education where they discussed this topic. We were there and shared with them similar information. We had a couple of follow-up conversations with Ms. Stonefield. This is not our bill, per se. As to your first question, in discussions with Dr. Rheault and others, we are not convinced it's necessary to put that in statute. We certainly agree with the aims. Obviously, we are already required to provide that information on legislative session issues. I think the DOE could add a track for board members at their Mega Conferences without it being in statute. The "annual manual" absent, this proposed amendment, in our view, I'm not sure accomplishes much. If you are going to process this bill, I think it would make it stronger if it had the amendment.

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

I signed up for the bill as neutral, because if it is passed, we will gladly do whatever the bill says we will do at the DOE. My main concern is that the bill highlights that, maybe, there needs to be better communication working with the school boards. We'd gladly work with them to put together a manual. We'll gladly invite them to any conference that we put together. Section 2 refers to an old conference—I think the last time this statute was amended was in 1987. We had a request six years ago, when they were going to try to clean up some obsolete statutes. We turned this one in. It is tied to \$8,400; it is back when superintendents had authority or did call statewide teachers' conferences.

We've not done that and probably couldn't do that in the state-sponsored. It gives me up to five days to do it. Look at the money that is allocated—the \$8,400—if I reimbursed 10 school board members for a hotel and flight at \$300, which is \$3,000, it probably could serve 20 people. All of these are things that now are in this bill, I don't believe need to be in statute. But, it is one that I will tell you that I will work with the School Boards Association if we have conferences like the mega-conference, that we try to build in pieces specifically for them. Even there, we are talking about school improvement. This year, for example, is the theme and all of the different levels in successful programs. I would think that would be something that school board members would be interested in, even without an individual track.

The third item had to do with the statute requirement where I put together a manual. I'm not sure, and we haven't sent it to the Legislature, I brought along the last two documents ([Exhibit H](#)) that I put together. If this bill didn't pass, there was nothing that I haven't reported already that isn't what you are requiring in the new statute. I do include just funding bills, because that is

important to districts. I have included an action plan, if there were some requirements that the State Board had to do, contacts by the Department, one thing that is in here that I would be guilty of is doing an addendum if bills are passed July 1. I think I subconsciously didn't do it last time. I am required to do the report by June 30, by statute. I did it, and when something passed Senate Bill 1 of the 19th Special Session on July 8, or whatever it was last year, I said I wasn't going back and doing it; I still met the requirement. Knowing that is important, if it happens again, I would probably do the addendum. In 2001, I did do the special session bills, because they were done before July 1. That would be the only thing not included in here.

[Keith Rheault, continued.] In many cases, the school districts, at least the rurals take what I've put together and they've photocopied it and put it in newspaper inserts, or copied it and sent it home in the PGs [parental guardians] or to the parents. The rural districts probably utilize this more than the bigger districts that can put together nicer documents. It is being used. I think it meets everything that's in the statute, except I didn't do the addendum to the July bills last year.

Assemblyman Hardy:

If we didn't do this bill, would the Senate be happy with this, because they don't have to meet about it either?

Keith Rheault:

I would say yes, at least from the Department of Education's perspective.

Chairwoman Parnell:

Is there anyone else wishing to testify either here or in the Grant Sawyer Building? I don't see any. With that, I will close the hearing on A.B. 161. We do not have any Committee bill introductions. This Committee stands adjourned [at 5:24 p.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Committee Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 16, 2005

Time of Meeting: 3:49 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Chairwoman Parnell	Work session document
	C	Dotty Merrill/WCSD	Amendments to A.B. 180
	D	Frank Brusa/NASA	Amendment to A.B. 180
	E	Lucille Lusk/NCC	Amendment to A.B. 180
	F	Craig Kadlub/CCSD	Amendments to A.B. 180
	G	Randy Robison/National Association of School Boards	Amendment to <u>A.B. 161</u>
	H	Keith Rheault/NDOE	Newly enacted statutes affecting public schools and pupils for 2001