

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

**Seventy-Third Session
March 15, 2005**

The Committee on Education Subcommittee was called to order at 4:09 p.m., on Tuesday, March 15, 2005. Chairwoman Debbie Smith presided in Room 3161 of the Legislative Building, Carson City, 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:

Mrs. Debbie Smith, Chairwoman
Mr. Joe Hardy
Mr. Mark Manendo

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Carol Stonefield, Committee Policy Research Analyst
Rachel Pilliod, Committee Manager

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, Reno, Nevada
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District, Las Vegas, Nevada

Lonnie Shields, Legislative Advocate, Representing Clark County
Association of School Administrators and Pro-Tech Employees
(CCASAPE) and Nevada Association of School Administrators
(NASA)

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

Randy Robison, Executive Director, Nevada Association of School Boards

Chairwoman Smith:

[Meeting called to order and roll called.] We are here today to discuss Assembly Bill 110 in a modified form.

Assembly Bill 110: Revises provisions governing incentives for teachers for teaching in certain subject areas and schools. (BDR 34-376)

We have been discussing, over the last Subcommittee meeting and the previous full Committee meeting, the issues of recruitment and retention for teachers and licensed personnel. We also had the amendment offered by the NSEA [Nevada State Education Association] to include paraprofessionals in that discussion. We have talked about a menu of options, of possibilities that could be used as incentives. We have the current one-fifth retirement credit, which could continue. We have the issue, which was in the original bill, of reimbursement for college credits. We had a recommendation of a possibility of cash stipends, which could include housing and gas allowances. We are talking about “at risk” schools, “needs improvement” schools, and how that might change—as well as hard-to-fill or hard-to-staff positions.

Those are the issues that are on the table today. I have provided for everyone on the Subcommittee and for the audience a list of expenses ([Exhibit B](#)) that was sent to me by Washoe County School District’s personnel department, regarding some calculations that they came up with for what some of these things cost. We have been talking amongst ourselves about what the amount of money which we are talking about is. If we wanted to have a cafeteria plan, we would need to come up with a dollar value that you could assign that would be fairly consistent. There are some calculations here for you to look at. What we will do is take this one subject at a time—of the things within this bill that we need to come to a resolution—and see if we can step through each of the issues.

What we will do is start with the “who.” We need to come to a conclusion about “all licensed personnel,” and do we add “paraprofessionals,” if we do have an amendment offered for that? If anybody would like to comment on that

subject, defining the "who," we could start moving into the "what" and some dollar values.

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

My comments on that would be that we have heard throughout that the administration of a school probably makes as big a difference sometimes as the teachers. My view would be that the administration and all licensed staff should be considered as being responsible for the improvement of the school. I would support all licensed staff; it is fairly easy to keep track of, because they have a license issued by the Department of Education.

Chairwoman Smith:

I will remind everyone that we did "all licensed personnel" in the signing bonus bill, Assembly Bill 60, that we passed out of committee. Are there any questions for Dr. Rheault?

Assemblyman Hardy:

When we define "personnel" or "licensed personnel," that means more than a licensed driver? In other words, everybody is licensed who drives a car. Does this expand it to driver's licenses? Or is there a definition somewhere else?

Keith Rheault:

It doesn't expand it to that point, although it is somewhat limiting. For example, it would cover all administrators, school librarians, school nurses, and teachers. Who it wouldn't cover is that if they have health specialists that aren't RNs [registered nurses] licensed through the State. It would not cover teachers' aides or any of those, but that was the proposal made by NSEA. It's not quite that limiting. There are a few individuals that work in districts that don't hold a license. I think in some cases, social workers don't hold a license issued by the Department of Education.

Assemblyman Hardy:

I am asking where in it it says that the license is limited to school-type people. Is it in here? Or am I not seeing it?

Chairwoman Smith:

I thought the wording in the last one was "all licensed educational personnel," or something like that?

Keith Rheault:

I can tell you NRS [*Nevada Revised Statutes*] 391 is the statutory chapter that only deals with school personnel licensure. I am sure, but I haven't looked at it,

but that is this would be referring to, where it is amending NRS 391.165. That is the chapter for school licensure personnel.

Assemblyman Hardy:

I think staff has figured out how I can get around this, so that I know it is defined somewhere.

Chairwoman Smith:

Keith, would you explain why an LPN [licensed practical nurse] would not qualify? Aren't they licensed?

Keith Rheault:

The LPNs are licensed nurses, but they are not licensed school nurses. By statute, it requires that they hold an RN [registered nurse] license through the Board of Nursing. Then there are additional requirements to get the school nurse license issued through the Department of Education to be a school nurse. LPNs, by their training, don't qualify for the minimum requirements. They are hired as health specialists, not school nurses usually.

Chairwoman Smith:

How big of a problem is this? It seems like a blatant exclusion.

Keith Rheault:

There are a lot of health aides or health specialists hired who are not school nurses. One—for cost reasons. They have to be, by statute, supervised. There has to be one school or contracted RN for each district that oversees the health requirements by statute. That is how you can get by. It doesn't say that you must have a school nurse at every school. The statutes don't require that.

Chairwoman Smith:

It may be the same as not including the paraprofessionals. Would that be true?

Keith Rheault:

That would be in line. They are not considered licensed staff to where they can work unsupervised. They need someone licensed overseeing them, and that is where the school nurse comes in.

Chairwoman Smith:

Do we have a definition of "health specialist"?

Keith Rheault:

About six years ago, the State required that we survey districts. They were trying to get to a ratio of 1,000 students per school nurse. There was never any

many put to it, it was only information which we collected. There is no definition, if you were to look for that, what a health specialist is. When we did that survey, and I can give you the last copies of it—it may have been eight years ago—we had a definition for school nurse, and then we had everybody else, ranging from a health aide, to LPNs, and in between. There are actually RNs that are hired by schools in some school districts, but they don't qualify for the school license. They are not technically school nurses, so everybody else was lumped together in some kind of definition of "other health professionals" at the schools. There wasn't a set definition; it is everybody other than a licensed school nurse. I could dig that old report out, because it varies, from district to district, who they hire and who they employ at the school that provides some health service.

Assemblyman Hardy:

About two years ago, I asked the question, "You mean we can make laws?" If it is in statute and we need to do something, and this opens it up, do we need to do something about LPNs? This opens it up; do we want to go there? I don't know where school districts are on this, but we have a nursing shortage, and I suspect you may have one too. If we have this opened up, it is an opportunity to address that. I haven't heard any testimony, and I don't know anything.

Keith Rheault:

I think part of the problem is the license, at a minimum, requires a bachelor's degree. As I am aware, an LPN can receive a 2-year associate degree and they wouldn't meet the minimum requirement that we require for everybody else for licensure. I think that could be part of the problem. I am not saying that legislation couldn't pass that they wouldn't be eligible for a specialized license. The Commission has made provisions, for example, for Native Indian Language Teachers, knowing that most of the people that speak native languages do not have a bachelor's degree. There was a special license created only for them. It required that they be supervised by another teacher who held a license.

Chairwoman Smith:

Is it good for the district? Do you want to comment on the LPN issue? We need to try to figure out how big of an issue this is.

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, Reno, Nevada:

I think the issue of "who" is also connected to the issue of resources. If the resources are limited, then licensed educational staff seems to be the right "who." If the resources are unlimited, then certainly opening it up for others might be appropriate. But paraprofessionals, it seems, would indicate a vast array of individuals, and part of our testimony and concern before on this bill

had to do with matters definitional, with regard to paraprofessional. Would we for example, include our custodian? Does this then get expanded to anybody who is at the school in any status whatsoever? I think we would come down on the side of licensed educational staff, as Dr. Rheault has indicated.

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

I'd like to echo the comments that Dr. Merrill made and remind you of one thing that took place with the other incentives that we have offered in the past. The Legislature opened the way for us to provide the incentives, and they provided a limited pot of funding for those incentives. I can't speak for the other counties, but in Clark County, we felt that we needed to fulfill the promise. So we did meet the requirements at a large expense to the District's operating budget. When we start talking about who should be included, it really does, as Dr. Merrill said, need to be matched to the resources. We certainly want to be able to make sure that everybody that is supposed to be included is included, but if the circle is so large that we can't do that with the resources given to us for this purpose, it will harm the programs that we have in school districts. That is not to say that I don't think that they all deserve it, because they all do.

Chairwoman Smith:

I will remind everybody that we are having only the policy discussion in this Committee and not the money discussions. I know we always want to be reasonable and send forward bills that are reasonable. On the discussion of "who," is there any other comment? Dr. Hardy, for your benefit, what we were doing is stepping through this in sections of who we are talking about, what items we are talking about, how much of a stipend we would recommend, and where, which may be the hardest discussion for us to have when we get to that point. If there is no further comment on the "who," we will move on to—I've been calling it the "menu of options," based on all of the discussions that we have been having.

Once again, we've had discussion about the possibility of continuing the one-fifth retirement credit, reimbursement of college credit, and cash stipends. In discussions with other legislators and different people in the building, it seems that we could have a cash stipend that could be used for any variety of things, that we don't have to be limiting it to a housing allowance, or a gas allowance, or whatever. If we wanted to assign a value, we could have a cash stipend to be used for "such as, but not limited to" that would be one possibility. Are there comments on those items, or are you tired of talking about all of these possibilities? I saw a lot of heads nodding when I offered those three possibilities. Dr. Rheault?

Keith Rheault:

I think I had mentioned to the Subcommittee last time that the average cost from last year's figures for the one-fifth retirement for the 2,477 teachers we paid, was \$2,643. Our thing is that if we could come up with a fairly consistent set of schools that qualify, it would be much easier to budget if we had a set amount. That retirement credit really varies with the teachers' years of experience in the school district. It could be a lot higher or lower. My personal opinion: if the Legislature were to approve or accept a cash stipend in lieu, or will still let them do the one-fifth retirement—that you could do anything you wanted from sign up for college coursework, pay your gas, pay your rent, pay down your student loan—you wouldn't need to have the whole laundry list of items. It would be much easier to manage at a set figure than one which varies up and down, but still leave in the option that, if they don't like the \$2,500—for example, if that is where it was set—they could still choose to take the one-fifth retirement.

Chairwoman Smith:

I hadn't really thought about including rolling the college tuition reimbursement into the cash stipend, but I guess it would be much more manageable. I am worried about micromanaging this stuff. I don't want the districts to turn into housing managers.

Keith Rheault:

It is very labor intensive already, just with the PERS [Public Employees' Retirement System] requirement. I would suspect that if they had their choice between one-fifth retirement and a cash stipend, we'd probably get 90 percent of them taking the cash stipend. There may be a few that want the one-fifth, but that would really reduce the man-hours at the school district and the PERS office and still allow them to use the incentive that they see best fits their needs at the time.

Joyce Haldeman:

I would like to suggest that the menu of options for each of the districts be set by the district. You can put the entire array in the bill that could be considered or included, but when the final decision is made of how the money is going to be spent, the district can make the decision which of those options they would offer to their teachers. The reason I suggest that is because, in talking with the superintendents from some of the smaller counties, they feel that the one-fifth retirement is a disincentive. In fact, it works against them. It is so hard for them to find teachers anyway. They will have a teacher who would have taught 30 years, who would then retire at the end of 25 or 26 years and leave a vacancy that will be difficult to fill. Many of them may choose not to use that incentive. They may want to use the other list of things.

Chairwoman Smith:

You are saying that you prefer that the language would read that the district could decide which incentive to offer out of all of those? That they may offer the one-fifth retirement credit?

Joyce Haldeman:

Exactly that. You would present that menu of option and the district could pick and choose which ones they think would work best for the purpose of attracting and retaining teachers. That was one of the things we talked about as we were putting together iNVest. Every district truly had different needs in terms of what would attract a teacher to come to that district and what would have them retain the teacher. As you heard, George Ann Rice doesn't think the one-fifth retirement credit incentive helps her at all. She is trying to attract teachers. It may provide a good benefit for teachers who are already there, but she doesn't think it helps her attract and retain them.

Assemblyman Hardy:

I'm intrigued. For instance, if you had a stipend menu retirement, tuition waivers, et cetera, that could be figured out on a districtwide number. Give that money to that district, and allow the district to have its agency figure out what would work best extensively to attract and retain the teachers. That would be giving local control to people who are in charge of it, and in doing so, we would put that in a bucket that could be used for that stuff, right? Is that what you are saying? If you work 30 years—as I understand it with the one-fifth retirement credit, that they could work 25 or 26 years—you only get 1 year retirement as I understand it. If you worked 30 years you could actually retire at 29 years, 1 year earlier than you would have otherwise? Did I understand that correctly?

Joyce Haldeman:

No, Dr. Hardy, I think you understood it correctly. A lot of teachers will buy out their last year or two of retirement. That seems to help them down that road a little bit.

Keith Rheault:

I might clarify. They have got to have 5 years of service in Nevada before they are eligible. They can earn 1 year for every 5 years that they teach after that. If you look at them teaching another 25 years, they could earn 5 years of additional credit in the PERS system.

Chairwoman Smith:

While we are on this subject, let me also remind you that we have had an amendment offered by the NSEA, eliminating that 5 year requirement in the PERS plan. Keep that in the back of your mind.

Keith Rheault:

My comments on the cash stipend are in line with the recommendation when you get to which schools should qualify. My recommendation for that was that you eliminate the Adequate Yearly Progress (AYP) schools, which isn't an incentive...

Chairwoman Smith:

Hold that thought. Let us get through this part of it, and then we want to talk about "where." Thank you. Is there any further comment on the options? It appears that the amount of money that this boils down to is about \$2,500. It seems that the various options that we have talked about, with the one-fifth credit, the tuition reimbursement, and what others have submitted for housing needs, comes out to that \$2,500.

Assemblyman Hardy:

The \$2,500, and I don't know where that comes from. Is that extrapolating backwards from what the retirement would have been? And therefore, going backwards, it would have been \$2,500 per year until then?

Chairwoman Smith:

The \$2,500 is what it's costing us to provide that retirement credit. Then when we looked at other things like the tuition reimbursement, it seems like you end up in this range of the low \$2,000's to \$2,600.

Dotty Merrill:

A thought on going below the average that Dr. Rheault described as \$2,643 for the one-fifth retirement. Some people might look at \$2,500 as about \$150 less and choose the one-fifth retirement because, monetarily speaking, it has a greater weight. Perhaps the other option should be as close to possible to the average that Dr. Rheault has cited. Maybe \$2,600 or \$2,650, something like that, so that we are not caught in the position of forcing people to choose because something has a higher amount on it.

Chairwoman Smith:

When a teacher is being offered this incentive, does the teacher know what the value of that is in that sense of what we are paying for it? Or does that person only look at the value is to them at the other end? I would be surprised if

someone actually knew what we were paying for that would be the \$2,600 range.

Dotty Merrill:

I think some individuals that are incredibly well-informed and will know. There might be an unintended consequence, and that is what I am trying to point out here.

Assemblyman Hardy:

The \$2,500 is a stipend per year?

Dotty Merrill:

Yes, that is my understanding.

Assemblyman Hardy:

That stipend would be a stipend, as in not taxable?

Dotty Merrill:

Everything is taxable.

Assemblyman Hardy:

It is not designed to be used for crayons, paper, paper clips, and other things. That is where I would be going; I would be creating a bucket that could be accessed by a teacher to the tune of \$1,000 per year, because that is what the teachers in my district routinely take out of pocket. They pay taxes on that before they take it out of their pockets. Is there a way to do this pre-tax, post-tax, or some other no-tax that allows the teacher to access a pool of money which would not be detrimental to the teacher who is interested in helping her children and taking things out of pocket?

Dotty Merrill:

This has been discussed. It's my understanding that if the stipend is provided, there would be a range of possible uses that a teacher could make or any licensed educational person could make. Someone who is not going to the university and perhaps who doesn't need mileage for gas, et cetera, might choose to do exactly what you have described. But it would be at the option of the individual himself or herself who receives the incentive for being in whatever kind of school is ultimately recommended by this proposal.

Assemblyman Hardy:

I understand that concept, but it is all taxable. If I can do that in a nontaxable way, I would save that person some money and would save the school district

some money. I have never talked to a teacher who hasn't, out of pocket, contributed close to \$1,000 per year.

Dotty Merrill:

Along that line, I have to tell you that I don't know the answer. I don't know how those tax things work. If you think of that program that Dr. Rice talked about, that she put together, the participants in that program never saw any of the money that was used for that program. She put together a professional development program, found housing for them, and there was no money that flowed through those teachers as that program went forth. Yet, at the end of it, they were increased a step on the salary scale, so they felt the benefit of it.

It would seem to me that for some of it, maybe loan forgiveness type programs—and like you said, we really don't want to get into the housing business, but Carlos Garcia and I have a meeting with [Las Vegas] Mayor Oscar Goodman next week to talk about some housing proposals that he has that might be able to provide reduced cost housing for teachers. Maybe there would be ways that we could do that, outside of handing somebody \$2,500 and saying go forth and do what they want with it. So, maybe they could be saved that tax. I don't know how that works, but as I'm thinking of the program that George Ann put together, certainly they weren't taxed on that benefit that they gained. No answer, only a thought.

Chairwoman Smith:

I have been thinking about the gas cards that she talked about. She provided gas allowances by buying the gas cards and giving those to the teachers in lieu of cash.

Dotty Merrill:

They didn't see actual money; they got the benefit from it.

Chairwoman Smith:

Dr. Hardy, I don't know if you heard that Dr. Rice had told us about a program where they bought the gas cards and gave them to the teachers.

Dotty Merrill:

We need to craft a way so that we can do that without putting too big of a burden on the districts for managing that process, and yet giving the biggest benefit possible to the teachers.

Chairwoman Smith:

This may also be an issue that would be further resolved when it gets to Ways and Means and the actual money side of this is figured out.

Dotty Merrill:

It would be nice if we could talk to our financial officers about what they think might be worthwhile, without being too burdensome. For example, that program had some mechanism to pay for it.

Chairwoman Smith:

I think you should do that for the next Education Committee meeting or when this is reported out. Then certainly, if it makes it to Ways and Means, I would recommend doing it for there.

Dotty Merrill:

Does anyone know how the taxation works for the one-fifth retirement?

Chairwoman Smith:

I'm not sure what you mean.

Dotty Merrill:

It's not shown on the W-2 form as additional compensation? I'm just checking; I don't know.

Chairwoman Smith:

I need to note also, that Ms. [Carol] Stonefield pointed out that when I was talking about the amounts coming around to \$2,500, I was looking at what the Washoe County School District put together on 24 credits at \$100 each for working on a master's. In Assembly Bill 110, what the Department had presented was 12 credits at \$125 each, which came out to about \$1,500. That is about a \$1,000 difference there. Are there any other feelings about the amounts of money? We will move on.

One of our most challenging discussions is about the "where," the targets we are talking about. Dr. Rheault had mentioned in previous testimony, his concerns about whether we keep talking about "needs improvement" and AYP. As our numbers are growing, that may not be the most realistic way to do this. I welcome your comments, Dr. Rheault.

Keith Rheault:

My recommendation would be to eliminate AYP. I think part of the argument is that they qualify for the one-fifth, which is a disincentive, because they are out earlier. If you take the AYP out and keep it to whatever you define as "at risk" schools, then there is an incentive to work beyond 30 years, because you are getting that extra incentive for working at the hard-to-serve schools. It doesn't count against if you eliminate the one-fifth piece. You'd probably have to change what is in statute though, because it wouldn't help you in recruitment to

get new teachers there. If you leave the same requirements in place, the 5 years of PERS data, you'd have to eliminate that. If you have good teachers coming in from out of state, they wouldn't qualify for the incentive to go there, because they wouldn't qualify with the 5 years. Plus, the current wording for the one-fifth says you would have to had taught at the school 2 years.

Again, to get them there the first year, with the hopes they'll stay for the second year for the stipend, I think you would want to eliminate both of those. If you look at the hard-to-fill positions, they allow payment after 1 year. If they started the school year and they stay the whole year, then they are eligible for that incentive. I'm thinking that is probably how you would want to use it. That way recruiters could say, "You go to this hard-to-fill school; there is a State incentive you can get because it is an "at risk" school." That could be determined up front, even if they are coming from out of state or a new teacher, to get the best at that school that is available in their applicant pool.

Chairwoman Smith:

Let me clarify for the record. They can get the hard-to-fill or the "at risk." They can't access both incentives, correct?

Keith Rheault:

Correct, the way it is worded right now.

Assemblyman Hardy:

The \$2,500 per year, if you access that stipend, does that go towards increasing the level of your retirement pay?

Keith Rheault:

I will have to check that out. I think it would be considered income, so that is one I'd have to get publicly done through PERS.

Assemblyman Hardy:

I can do that math and I can tell you, you take the \$2,500 and you increase your retirement pay. I'm going to have to ask somebody answer that question.

Chairwoman Smith:

Is there anybody from a district that can answer that? That is a very thoughtful question.

Lonnie Shields, Legislative Advocate, Representing Clark County Association of School Administrators and Pro-Tech Employees (CCASAPE) and Nevada Association of School Administrators (NASA):

I can only speak from personal experience, when I received stipends as a principal in Washoe County. That was not applied towards my retirement credit. I was told that it would not and could not. That is speaking from personal experience.

Chairwoman Smith:

May I ask for the districts to also check that item with your payroll staff for the full Committee meeting when this reports out? Thank you.

Dr. Rheault, let's talk about the discussion about how we could define "at risk," because, particularly, if we are looking at elementary, middle, and high school, we can't only look at free and reduced lunch. We have a bigger issue here.

Keith Rheault:

I would agree. You would also need to redefine what "at risk" was, because most high schools wouldn't qualify. The ones that are on the list this year qualified because they didn't make Adequate Yearly Progress. You don't have free and reduced lunch data that would qualify them. Usually, when you take a big high school, they are fed by maybe 8 or 10 middle schools. When you combine all that homogeneous mixture, they are never at the 65 percent free and reduced, because you are taking from a bigger geographic area. I don't have an answer for you today what you would use. I would think that it would be good; you could probably stick with the 65 percent free and reduced lunch that qualifies. It seems to be a good standard for elementary, and just about everyone could meet that fairly easily because we have that data.

You would need an "or," and what that "or" might be, I don't have a specific figure for you today, but it could be percentage of ESL [English as a Second Language] students at the school. It could be the transiency rate from the accountability report, maybe in a combination thing. Both of those are good indicators of low student achievement. I think it would have to be an indicator that research has shown affects, or is correlated to, low achievement. The best is the economic indicator, free and reduced lunch. Then the others are all good ones, but not as good as the free and reduced lunch.

Assemblyman Hardy:

Could you not extrapolate the 8 middle schools that go into the mega-school and say that if you have a percentage—45 percent, or something—that would qualify for the high school being able to?

Keith Rheault:

There are a number of ways that we could look at it. Not all middle schools provide lunch either. They are better than high schools, but they are not as good as elementary schools.

Chairwoman Smith:

I do have a chart that Joyce Haldeman provided from Clark County, which talks about ranking schools in very much this manner of having free and reduced lunch, transiency, school size, test scores, and second language, then coming up with a factor and ranking the schools that way. Actually, it is very similar to what you are talking about. What we may be able to do today is make a decision about whether we want this bill to look at "at risk" and eliminate the AYP and "needs improvement" status, and then in the full Committee or at the next level of Ways and Means, the "at risk" could be defined. That may take a bit of work to get it accomplished. I think it is time for this Subcommittee to come to an end; this isn't going to be a session-long subcommittee. Is there comment on this issue of "at risk," the definition of "at risk," or the idea of moving away from "needs improvement" and AYP?

Joyce Haldeman:

So that you have some feedback, I think using the failure to make AYP would be a huge mistake, especially as we move to the 95 percent testing and those kinds of issues. When you take a look at the schools that are on the list in Clark County, those would not be the schools that I would think that we would be trying to target some of our teachers at. We are looking more towards the Title I schools and those schools that are truly "at risk" in different neighborhoods. The AYP indicators, I don't think, are what we want to use.

Chairwoman Smith:

Is there general agreement that this is the direction in which we need to go in? Is there any definition that we need to do on the hard-to-fill positions? Are we good there, Dr. Rheault, in the existing language? We don't have an issue there? We have a few smaller issues.

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

I wanted to make sure that I had correct information before coming up here. Our amendment did include paraprofessionals, and I wanted to make sure—one of the concerns is that we didn't have a definition for paraprofessionals and who that would include. NRS actually states what "paraprofessional" is in NRS 391.008. That was laid out in Senate Bill 1 of the 19th Special Session. That would be the definition that we would want to use and the only people that we would want to include are paraprofessionals.

Chairwoman Smith:

Would you like to provide that for us? Are you in a position that you could read that definition to us?

Julie Whitacre:

[Read from *Nevada Revised Statutes* 391.008]

NRS 391.008, "Paraprofessional" defined.

1. "Paraprofessional" means a person who is employed by and assigned by a school district or charter school to:

- (a) Provide one-on-one tutoring for a pupil;
- (b) Assist with the management of a classroom, including, without limitation, organizing instructional materials;
- (c) Provide assistance in a computer laboratory;
- (d) Conduct parental involvement activities in conjunction with one or more duties set forth in this subsection;
- (e) Provide support in a library or media center;
- (f) Except as otherwise provided in subsection 2, provide services as a translator; or
- (g) Provide instructional services to pupils under the direct supervision of a licensed teacher.

2. The term "paraprofessional" does not include a person who:

- (a) Is proficient in the English language and a language other than English and who provides services as a translator primarily to enhance the participation of children in programs that are financially supported pursuant to the No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq.
- (b) Solely conducts parental involvement activities.

Chairwoman Smith:

One of the other issues that were in Assembly Bill 60 was a stipend for working at isolated or remote schools. That recommendation was for \$2,000. Is there comment on that?

Joyce Haldeman:

With the superintendents, that was a discussion for them. Some of those very rural areas need something to attract teachers to come, live, and teach there. I think, for those smaller counties, that would be a good thing to include.

Chairwoman Smith:

I'm trying to think about the correlation between hard-to-fill. A lot of them are already going to receive the stipend for a hard-to-fill position. Some will receive an "at risk," but you are talking about everyone in a remote. What is the definition of remote or isolated? Is it Battle Mountain or is it Duckwater?

Joyce Haldeman:

Those are good questions. I'm not qualified to answer them, but we probably need to check with those rural areas. For them, every position is hard to fill, and I think we need to work on a definition that meets their needs.

Assemblyman Hardy:

Are we talking about a remote place plus stipend plus a hard-to-fill stipend then?

Chairwoman Smith:

We are talking one stipend.

Assemblyman Hardy:

Why would I do \$2,000 versus \$2,500? Is there a reason for that disconnect?

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

I don't know why there is a difference in the reason, but to address your question about a definition of isolated or remote, we dealt with a bill last session. I think it was on differentiated schedules, and we included a definition of rural and remote, I believe. There is an existing definition to tie that to. I would agree that it would be only the one stipend in hard-to-fill, and it doesn't necessarily always capture that isolated, rural, or remote. As to why there would be a difference, I'm not sure, but I would certainly be in favor of making them consistent at the higher number.

Chairwoman Smith:

I think we had all of these numbers thrown about. There is no real reason why one is \$2,001 and something else. That is our job, to figure out what we want that one number to be.

Assemblyman Hardy:

I'll say the rural areas want it to be as good as the urban areas.

Chairwoman Smith:

I would think so.

Assemblyman Hardy:

There are a lot of rurals in my district.

Julie Whitacre:

I wanted to add that remote pays were already bargained in many of the contracts throughout the state, including Clark County. One of the questions that we would like to raise as we do this, that if this goes forward, is the

money that's brought out supplant existing money, or does it supplement the programs that are already happening?

Joyce Haldeman:

I think we are all thinking to supplement. The whole idea is that we are having a hard time with our existing set of conditions attracting teachers to certain schools. This whole thing is a way to provide an incentive that would improve our ability to attract and retain teachers in certain schools. That is what you are going to define.

Chairwoman Smith:

Is there anyone who is opposed to the idea of the stipend for isolated or remote schools? In fact, Ms. Stonefield pointed out in the bill; it suggested that the Department would set out the criteria for definition of that, but it may be that it is already defined somewhere.

Keith Rheault:

It was in a bill last time, but it is not in statute. We did develop regulations, and it was specifically for rural and remote areas of Clark and Washoe Counties. It had to do with alternative class schedules, which allowed them to do it, but it was only for rural locations. We have a definition in regulation already that probably would apply to most of the other counties as well, if we had to expand it. That would be fine. Re-look at that and come up with the definition, but it would probably be the same one that we came up with last session.

Chairwoman Smith:

Does anyone know about the intent? Was it intended for it to be a Battle Mountain or was it intended for it to be a Duckwater? Does anyone know what the intent was with this?

Assemblyman Hardy:

If I am thinking of the right one, we had discussions in Education Committee about this rural/remote and the comment was made by at least one of us that it ought to apply to the rural/remote, of Clark County as well. There was a discussion about that, so yes, the intention was to get the remote and rural places in Clark County. That is how it came about.

Keith Rheault:

I don't have the definition we came up with, but I thought it was something like 50 miles from the main school district center. I don't think it included the school size, but to me, the hard-to-fill ones and the rural are very small.

Chairwoman Smith:

That narrows it, I was thinking about how much of our state is rural and isolated in some terms.

Keith Rheault:

For example, the question came up: "Should Incline Village be a rural location?" If you didn't come up with the right definition by mileage and certain class sizes and by definition, probably Incline Village isn't what you would consider rural, but Gerlach would be.

Chairwoman Smith:

Are there any further comments or questions on this issue?

Keith Rheault:

I did make a mistake. I want to clarify on the definition you heard of "paraprofessional." That was put in there to determine which people at the schools that were hired to work with students needed to be highly qualified. It set the definition so that we could determine do you need to be highly qualified as a paraprofessional under the NCLB [No Child Left Behind Act of 2001] or not. Although it could be used if you went that way, but then you still have both paraprofessionals. You're not going to get paid because you're not under the highly qualified, if you use that definition. You are not doing some kind of instructional work. The payments are the same in the school schedule, I would guess, because they are both called paraprofessionals, but one needs to be highly qualified under NCLB and the other one doesn't.

Chairwoman Smith:

They also have a fairly lengthy period of time before they have to complete that process, correct?

Keith Rheault:

I think the law gave them either two or three years to meet the requirements, either through a test or additional courses you could take—the equivalent of an associate degree.

Chairwoman Smith:

But they aren't there yet, are they?

Keith Rheault:

I think they have until the same timeline. I'd have to look it up, but I think it's in 2006 that all of them need to be.

Chairwoman Smith:

Does anyone have any idea of the numbers we are talking about?

Keith Rheault:

We have the numbers, but I don't have them today.

Chairwoman Smith:

The last issue that I had on my list: I think we need to develop some sort of reporting system so that we can see how this is working. We need to have a report back from the districts annually, so that we can see if we are making progress with the incentives that we are offering. Is there any comment on that or anybody in disagreement on that? What we will do is go back and go down each one and see if we can get a motion on each of the items that we need to resolve. That would be the simplest way, unless someone has been writing and is prepared to do one big motion with everything that you want to do. It might be that we want to break it up.

Assemblyman Hardy:

Did I miss something at the start that I need to include in my motion?

Chairwoman Smith:

No, because I think that you came in when we were talking about the first item, which was the "who" of who will be included in this.

ASSEMBLYMAN HARDY MOVED TO AMEND
ASSEMBLY BILL 110.

- RECOMMEND AMEND TO THE FULL COMMITTEE ON EDUCATION.
- DEFINE THE EDUCATIONALLY LICENSED PERSONNEL AS DEFINED IN WHAT USED TO BE ASSEMBLY BILL 60.
- THE "MENU" BE GIVEN LOCAL ABILITY IN A BUCKET.
- THE \$2,500 STIPEND IN THE "HOW MUCH" BE EQUITABLE URBAN AND RURAL FOR HARD-TO-FILL AND/OR RURAL AND REMOTE ALSO BE USED AS CRITERIA INVOLVING "AT RISK" DEVELOPABLE BY STAFF AND INTERESTED INVOLVED PARTIES TO BRING BACK TO THE FULL COMMITTEE.
- HAVE A REPORTING SYSTEM TO THE LEGISLATURE OR IN THE IN-SESSION AND IN INTERIM EDUCATION COMMITTEE OF THE SUCCESS OR EXPERIENCES.

Chairwoman Smith:

In the bucket, would you include the one-fifth retirement credit as an option?

Assemblyman Hardy:

I would, but I don't think it is going to be utilized much, and I think that could be an area of discussion to get rid of it. I am not going to include that in the motion to get rid of it.

Chairwoman Smith:

Within that discussion, we've had the amendment offer to eliminate the five years and the two years, which Dr. Rheault endorsed. Would you accept that amendment?

Assemblyman Hardy:

I'm not anxious to put that in the motion, because I think it's a new discussion about PERS and vesting, and where do we go with that.

Chairwoman Smith:

Why don't we do your motion; then, we can take up the other as a separate motion?

Assemblyman Hardy:

Sounds good.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Smith:

Let's go back to the offer of the amendment on the PERS elimination of the 5-year requirement and the 2-year.

Julie Whitacre:

We do have members who have contacted us and do enjoy the one-fifth retirement credit and would like to see it stay in place. We are also in favor of putting something within the bill to make sure that these programs are working. Some of the members who do enjoy the one-fifth retirement credit are some of those who are nearing retirement. This seems to be a great incentive to get some of these teachers to these "at risk" schools. As for eliminating the 5-year requirement, our thought was that by keeping it in there, you are eliminating some people who may be very qualified and very good teachers from receiving this credit, and it may be a disadvantage to them.

By eliminating those requirements, you are opening up the opportunity for additional teachers to go to "at risk" schools. Our thought was if they are not vested, but they are receiving this one-fifth retirement credit—that if they don't

stay the 5 years and they don't become vested, it is their loss. It is an incentive for them to actually stay the full 5 years to become vested and to receive the credit that they are earning. By dropping the requirement, we are opening up to newer teachers and teachers who are coming from out of state who may not be vested in PERS, but have a lot of experience.

Assemblyman Hardy:

The PERS system is a unique system, and I'm not sure that we want to go there and do that, but my smile was because the people who are going to be recruited are going to have to be recruited to a place where it costs money. They are going to take the \$2,500; I wouldn't be surprised if it is 95 percent of those people. They are going to need it. The other thing is, if you didn't stay the 5 years and you intended to stay the 5 years in the 30 years and continued teaching, then retrospectively, you may be eligible having taken the \$2,500 per year with some penalty for not have made that choice first. That would, obviously, not be a good idea; because then you would be paying teachers to quit early. I'm not going to suggest that.

Julie Whitacre:

I understand your concern, and I think we can find a compromise here. We had brought our amendment forward before the idea of putting this cafeteria list together had been brought forward. Now that we have a different avenue that we are going, I think we can find some common ground here. We were only trying to find new ways to open it up to some experienced teachers.

Chairwoman Smith:

Thank you. I will ask Ms. Stonefield to clarify the message that she received from Legal.

Ms. Stonefield:

I've had an email message from our legal counsel, and she says that to do this, we would need to amend Chapter 286 of the *Nevada Revised Statutes*. Any person has to be vested, which occurs at five years, in order to purchase credit. All other employees who are members of the PERS have to be vested at five years, so we would be creating a difference for teachers if we were to do this. It would take an amendment. However, that is entirely up to the Committee.

Assemblyman Hardy:

That must be where I came in. I'm not current enough there.

Dotty Merrill:

I go back to the point that Joyce Haldeman made, on behalf of Clark County, about the importance of attracting. It becomes difficult to attract if a teacher knows that it is going to take two years before the stipend kicks in. It seems to me if that is not something that is embedded in the statute and has a long historical precedent, then perhaps that part can be removed. That would be advantageous.

Chairwoman Smith:

I could entertain a motion on that item. That would finish up what we have to do, if someone wants to make a motion.

ASSEMBLYMAN HARDY MOVED TO ELIMINATE THE TWO-YEAR WAITING PERIOD BEFORE A PERSON BECAME ELIGIBLE FOR THE STIPEND.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

Chairwoman Smith:

Is there any further discussion?

Assemblyman Hardy:

With the second available, I would amend my motion to eliminate the fifth one-fifth credit and stipend waiting period of two years, so that it would become effective upon hiring or accepting the hard-to-fill assignment.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Smith:

What about the two-year service idea though? I see heads nodding. Dr. Hardy, did you have a thought on that one as well? We were discussing them simultaneously, about eliminating the two-year requirement.

ASSEMBLYMAN HARDY MOVED FOR REMOVAL OF TWO YEAR WAITING PERIOD BEFORE THE ONE-FIFTH RETIREMENT CREDIT GOES FORWARD.

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Smith:

We can also reserve this discussion for the full Committee. We will take that issue up to the full Committee. We have completed a lot of work on these issues and I thank everyone in the audience who has participated in these meetings, provided input and discussion over these last couple of weeks. Before we adjourn, is there further comment from any Committee member or anyone in the audience? Hearing none, this meeting is adjourned [at 5:19 p.m.].

RESPECTFULLY SUBMITTED:

Paul Partida
Transcribing Attaché

APPROVED BY:

Assemblywoman Debbie Smith, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 15, 2005

Time of Meeting: 4:09 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
	B	Chairwoman Smith	Cost sheet