

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

**Seventy-Third Session
April 11, 2005**

The Committee on Education was called to order at 3:55 p.m., on Monday, April 11, 2005. Chairwoman Bonnie Parnell presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 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. Bob McCleary
Mr. Harvey J. Munford

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Richard Perkins, Assembly District No. 23, Clark County
Assemblywoman Chris Giunchigliani, Assembly District No. 9,
Clark County
Assemblywoman Genie Ohrenschall, Assembly District No. 12,
Clark County

STAFF MEMBERS PRESENT:

Kristin Roberts, Principal Deputy Legislative Counsel
Carol Stonefield, Committee Policy Analyst
Gregory Sharry, Committee Attaché

OTHERS PRESENT:

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada
Teresa Jordan, Professor and Chair, Department of Education Leadership, University of Nevada, Las Vegas (UNLV)
Carlos Garcia, Superintendent, Clark County School District (CCSD), Las Vegas, Nevada
Kenneth W. Lange, Executive Director, Nevada State Educational Association (NSEA)
Nancy Hollinger, Member, Board of Trustees, Washoe County School District, Reno, Nevada
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada
Randy Robison, Executive Director, Nevada Association of School Boards
Ray Bacon, Executive Director, Nevada Manufacturers Association, Carson City, Nevada
Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development, Sparks, Nevada
Chris Dornan, Student, University of Nevada, Reno
Dr. Trudy Larson, Assistant Chancellor, University and Community College System of Nevada
Tyler Trevor, Assistant Vice Chancellor, Academic and Student Affairs and Director of Institutional Research, University and Community College System of Nevada
Carol Lucey, President, Western Nevada Community College, Carson City, Nevada
Tom Peacock, Associate Vice President of Human Resources, Community College of Southern Nevada, Las Vegas, Nevada
David Perlman, Administrator, Nevada Commission on Postsecondary Education
Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, Reno, Nevada
Dr. Craig Kadlub, Director, Government Affairs, Clark County School District, Las Vegas, Nevada
Annette Magnus, Student, University of Nevada, Las Vegas
Janine Hansen, President, Nevada Eagle Forum, Sparks, Nevada

Lynn Chapman, Vice President, Nevada Eagle Forum, Sparks, Nevada
Joyce Haldeman, Executive Director, Community and Government
Relations, Clark County School District, Las Vegas, Nevada

Chairwoman Parnell:

[Meeting called to order and roll called.] We will begin with A.B. 527.

Assembly Bill 527: Renames University and Community College System of Nevada as Nevada System of Higher Education. (BDR 34-157)

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada:

This is a bill we have processed to reflect the changing nature of the system. I have been through A.B. 527, and I think they have caught all of the references, other than those you will see processing this Session.

Chairwoman Parnell:

This deals with changing the name and doing it to recognize the State College.

Daniel Klaich:

We have estimated the fiscal impact of this bill to be rather modest. We are not going to buy new cards or new stationery. As things are running out, we are reordering smaller amounts, which may cost a little bit in the short run, but we are going to use things up until they are gone. Then we will order new stuff. We have estimated the fiscal impact to be very small. I think we forwarded a fiscal note of less than \$1,000. I am a bit leery of that, but we will do everything we can to use all of our supplies before we change the name over with new stationery cards, et cetera.

Chairwoman Parnell:

I noticed that it does not have a concurrent referral to Ways and Means.

ASSEMBLYWOMAN ANGLE MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 527

ASSEMBLYMAN MANENDO SECONDED THE MOTION.

Assemblyman Manendo:

I would like to disclose that I work for the Community College of Southern Nevada, and this will not affect me in any way. My business cards do not say University System or anything like that. I would also like to mention that I am glad the bill says it is effective upon passage and approval. That way this can be done in a timely manner and when they need to reorder. Then, they can do so with a new name.

THE MOTION CARRIED. (Assemblyman Atkinson, Assemblyman Hardy, Assemblyman Horne, and Assemblywoman Smith were not present for the vote.)

Chairwoman Parnell:

We discussed A.B. 422, the bill that concerned increasing the salaries of our school board members. It has been requested that we send that over to Ways and Means. They are looking at other positions that are very similar. They are looking at the State Board of Education, the Board of Regents, and the base salary of those who represent us.

Assemblyman McCleary:

I would like to thank you for sending this to Ways and Means. Are we going to send it over there without recommendation?

Chairwoman Parnell:

We can do it without recommendation, but it is your pleasure.

Assemblyman McCleary:

I would do pass, but I know Mrs. Angle has problems with the bill.

Chairwoman Parnell:

Would you prefer we wait until we have the Committee here?

Assemblyman McCleary:

Yes, please.

Chairwoman Parnell:

We will go to the first bill on the agenda, and that is A.C.R. 10.

Assembly Concurrent Resolution 10: Directs Legislative Commission to conduct interim study on adequacy of school finance in Nevada. (BDR R-1199)

Assemblyman Richard Perkins, Assembly District No. 23, Clark County:

I am here to present A.C.R. 10 for your consideration. It calls for the Legislative Commission to conduct an interim study of school finance in Nevada. The study is to include an analysis of the revenues and distribution of funds through the Nevada Plan for School Finance, an analysis of the costs to provide adequate educational opportunities, an analysis of the best practices and efforts to achieve adequacy, and the costs to implement those practices in Nevada.

As I toured the state with the Legislative Committee on Education during the past interim, I saw firsthand the changing landscape of our public school system. In the end, I concluded that our most pressing issues derive from our exploding population. We need more schools and more teachers. The enrollment in our school is, on average, much larger than is recommended for our class sizes. This is especially true in the secondary level. It is much greater than the national average.

We have a high transiency rate. We have classrooms in Clark County that have over 100 percent turnover in the same school year. We have a gap in achievement among identifiable groups of students. The gap is not just on standardized tests. The gap shows up when we examine who takes advanced placement courses, who graduates from high school, and who goes on to college.

In addition to the list of challenges we face, we have spent a lot of time over the past few years discussing the cost of public education. What kind of incentives should we offer teachers? What is the impact of a tax cap? How much should be spent on instructional materials? Should we fund full-day kindergarten? I raise these questions because I want to suggest to this Committee that we do not know what it costs to buy adequate education in Nevada in 2005. We are faced with anecdotes from one group or another. Most everyone can find a statistic to support a position or refute someone else's position. That leaves most of us somewhere in the middle. We just want to do the right thing for our kids.

However, I wonder if we know what the right things are. How do we link our goals with our resources? We are not alone in wondering that. The 2005 edition of "Quality Counts" focuses on adequacy in elementary and secondary education funding. This addition raises the question: how much does it cost to provide students with a sound, basic education? The response is, it depends. That is why I am proposing this adequacy study.

The Nevada Plan is one of the most equitable funding formulas in the country. If equity were the only issue, I would not be here asking you for this resolution.

We have entered an era of high-stakes testing. There are consequences for our schools and our districts. More importantly, the High School Proficiency Exam (HSPE) has consequences for students. We legislators need to know what it will actually cost to enable students to meet State standards. How much more does it cost to teach children with special needs, such as those who are limited in their English language proficiency or children who live in poverty? What works when teaching children from families that are highly mobile? We need to know if we should change our school funding plan. Can the existing resources be better spent to achieve our goals? How do we establish a link between funding and results? What are the best practices for achieving desired outcomes? We need to make funding decisions based on data, not on how much money is available to spend every two years.

[Assemblyman Perkins, continued.] The *Nevada Constitution* charges the Legislature with maintaining a uniform system of common schools. Providing enough resources to make our schools the best they can be is our responsibility; not only that, it is good government, and it is the right thing to do.

During the last interim—and in conjunction with the interim Education Committee—Carol Stonefield attended an education funding seminar. I believe it was in Santa Fe, New Mexico. She came back and we had a discussion about what the hot topics of discussion were on education finance. It was then that she raised the issue of adequacy to me.

There are really two ways you can get in trouble while providing education as a state. One is equity. Do all students have the same opportunities? We do not want to fund our district disproportionately. We want to make it so that every student has the same opportunity and it is an equitable education that is being provided. The other and the more pressing issue is adequacy, especially in light of education reforms, many of which we have passed since 1997, and the No Child Left Behind Act of 2001 (NCLB), which creates various requirements. Adequacy is the much hotter topic today. As I have already mentioned, we all have a constitutional responsibility to provide public education in Nevada, but the *Constitution* does not define what that adequacy is. I think we can see that when we have many schools not meeting their Adequate Yearly Progress (AYP), and even deemed as needing improvement, there is something broken, and adequacy is certainly the issue here. Those lawsuits are around the corner if we do not provide an adequate education. It is my belief that we do not know what that adequate education is unless we have a proper way to define it. This is why I bring A.C.R. 10 before you. Meeting our responsibility raises many questions, and A.C.R. 10 offers a means for getting some answers.

Assemblywoman Angle:

There is a fiscal note here, but I cannot find it on the bill. Could you tell me what the estimated costs are going to be for the local districts and for the State? It says there will be a fiscal note in both areas.

Assemblyman Perkins:

I am not sure what the cost would be to the local districts. Perhaps Mr. [Carlos] Garcia or others could explain that to you. It seems to me like we will need a consultant participating with us in doing an adequacy study. The way the resolution is written, the Legislative Commission creates an oversight committee to accomplish that. We would then contract with that consultant to do the study. There are varying ranges. We have a low-end cost, as provided by the National Conference of State Legislatures (NCSL), at the \$150,000 level, and the higher-end could be as much as \$350,000, depending on which consultant is chosen and the prices within the state. I honestly do not know what the cost would be, if any, to the local school districts.

Chairwoman Parnell:

Just a reminder, it was concurrently referred, so when it leaves here it will go to Ways and Means.

Assemblyman Perkins:

I would also mention that the interim Committee on Education has always had a budget assigned to it. There is some remaining money available in that budget that could be utilized for this.

Chairwoman Parnell:

I think that for a long time, people in education have wanted to look at the Nevada Plan, and that is your number one resolve. It is time to go back and do an analysis to see whether or not things are working the way they did originally.

Assemblyman Perkins:

It has served us a long time and has withstood the equity scrutiny that has been placed before it. It has been there a long time, and perhaps it is time to address it. If it still going to last us a couple of decades, that is great; if not, we will look at a better plan. I might also mention that adequacy does not necessarily mean that we need to dump more money into education. It may mean spending the money we have in a better way. Throwing money at a problem will not fix it, but a lack of money will surely create a problem for you. We need to see what creates results. There are many folks who have gone through this exercise in Nevada. Learning from others is going to save us a lot of money and create a more efficient school system.

Assemblywoman Angle:

How does this dovetail with the performance audit that we passed in A.B. 222? Are they similar in scope, or are we going to be duplicating our efforts?

Assemblyman Perkins:

I do not think the two are the same. The performance audit—in my understanding and in my experience in this Legislature—is to determine whether the various entities—in this case, school districts—are doing what they are supposed to be doing as budgets are being laid out. This is to analyze what kind of education we are providing for our students. Is that education an appropriate and adequate education for what we are requiring of them? If so, how do we fix that? I think it is basically a top-to-bottom analysis of K through 12 education in the state of Nevada.

There are a lot of anomalies to address as well. An urban education is different than a rural education, and the challenges faced in rural Nevada are different than those faced in urban Nevada. It is looking at each one of those segments and making suggestions to the next Legislature as to how we can do it better.

Chairwoman Parnell:

It is a little bit like A.B. 525—the innovation bill—which is the same concept. One size does not necessarily fit all. We need to begin to look to see if we have the correct programs across the state. If we need to shake that up and make some changes, we will because we need to better serve everyone.

Assemblyman Perkins:

As much as it is a cliché, we need to think outside of the box and do things differently. We need to break the mold of doing it because that is the way it has always been done.

**Teresa Jordan, Professor and Chair, Department of Education Leadership,
University of Nevada, Las Vegas (UNLV):**

[Read from prepared testimony, [Exhibit B](#).]

My remarks are based on my expertise on school finance, in response to requests for briefing on adequacy cost studies referred to in A.C.R. 10, introduced by Speaker Perkins. My remarks should not be construed as UNLV's position on A.C.R. 10.

With me is K. Forbis Jordan, Professor Emeritus at Arizona State University, who will assist with any questions the Committee may have. Dr. Jordan has been involved in school finance policy research for over 30 years; for 10 years, he was the senior

research analyst for education in the Congressional Research Service for the United States Congress.

[Teresa Jordan, continued.] I have been asked to address the Committee relative to the use of fiscal adequacy studies to assist state legislators in updating and refining the state funding allocation systems. I will briefly discuss the term "adequacy" in this context, review the different methodologies researchers use to determine an adequate level of funding, and finally indicate how the information can help state legislators evaluate and refine their current state funding system.

First of all, what is adequacy? In the context of state school finance programs, equity is obtained when a state's funding methodology provides for the equal treatment of students in equal circumstances. In contrast, adequacy is obtained when a state's funding methodology provides sufficient funds to ensure all students have access to the human and material resources needed for them to have the opportunity to attain the performance standards that are stipulated in the state's accountability system. Adequacy cost studies provide legislators with the identification of the cost associated with these needed resources. To date, adequacy studies have been conducted in over 30 of the states.

How is adequacy measured? There are four primary methodologies for calculating an adequate level of funding for school districts within the state:

- The successful schools approach is based on estimates of adequacy on actual expenditures in demographically atypical, but highly successful, school districts. The first step is to identify highly successful schools within a state where students are already meeting state standards. Spending patterns are then analyzed to determine a reasonable cost of doing business in each school district, taking into consideration the local conditions, such as the cost of living, enrollment growth or shrinkage, and the incidence of students with special needs. The disadvantages of this approach are that the product is a single-base amount that focuses on the current levels of performance, and the result is an average spending amount for groups of districts. Advantages of this approach are that it is inexpensive to do, it is tied to student performance, and it is fairly easy to

explain to the public. This approach has been used in Illinois, Maryland, Massachusetts, Mississippi, and Ohio.

- An econometric approach. This approach uses a complex statistical model to explain how differences in spending patterns can influence student performance. It provides predictions for the quantity of necessary resources required to realize a given output of student performance. The disadvantages of this approach are that it is difficult to explain, it is based on historical data, and it requires a clear linkage between spending and performance. This is often very difficult to ascertain in education with the myriad of mitigating variables. The econometric approach is more commonly used in business, where there is a clearer linkage between resource inputs and the resulting product. The advantages of this approach are that its system actually controls for key factors that affect cost differences, it can be updated and replicated fairly easily, and it is less time-consuming than some of the other approaches I am talking about today. This approach has been used in Massachusetts, New York, Wisconsin, Texas, and Illinois.
- The evidence-based approach. This approach involves the identification of a set of ingredients that are required to deliver a high-quality, comprehensive, school-wide instructional program and the educational strategies that are necessary to achieve the desired results. The approach uses the strategies and ingredients from comprehensive, research-based school design models, such as Success for All or the Accelerated Schools Project. It then determines the price of the ingredients required to provide the research-based program. The disadvantages of this approach are that a strong research base is not always available for all of the cost elements. It may be difficult to adopt this approach to a given state context without some form of stakeholder input. Thus far, it has been limited to costing instructional programs. It has not been used to address district administration, transportation, or facilities, which are some of the issues that have been delineated in A.C.R. 10. The advantages of this approach are its reliance on best practice research, the possibility for a quick turnaround of the study, and the provision of detailed staff and non-staff specifications for the prototype schools. This approach has

been used in Arizona, Arkansas, Kentucky, Nebraska, and Wyoming.

- The professional judgment approach. The professional judgment approach is based on a set of established goals for a state. For example, one such goal might be to provide all students within the state with access to the human and material resources required to meet the Nevada academic standards and to pass the High School Proficiency Exam. Professional judgment panels consist of highly qualified educators; typically, they come from within the state, but they may come from other states. These panels delineate the instructional programs required to meet the state's established goals. The advantage of this approach is that the state is defining the goals. The goals that the state defined are the basis for the study. The panel then specifies the human and material resources needed to deliver the programs. Local market prices are used to determine the cost of the inputs. The focus of the professional judgment panels is on the cost of school programs. The disadvantages of this professional judgment approach are that the approach relies on the judgment of potential benefactors, educators; that it requires considerable time to conduct the study; and it is fairly expensive to implement. The advantages are the potential use of highly qualified educators, the use of multiple panels to increase the validity and reliability of the study finding, and the transparency of the process. This methodology has been used in Kansas, Kentucky, Maryland, Massachusetts, New York, and Oregon.

[Teresa Jordan, continued.] The first two models, the successful schools approach and the econometric approach, utilize retrospective cost analysis based on historical data; the latter two models, the evidence-based approach and the professional judgment approach, utilize prospective cost analysis derived from an estimate of future cost, based on informed professional judgment.

If the intent is to determine the cost of an adequate program, and if the current program is inadequate in any dimension, cost studies for adequacy cannot be based solely on historical data. To do so merely perpetuates the existing inadequacies.

[Teresa Jordan, continued.] No single approach for determining an adequate spending level is dominant across the country, and multiple methodologies have been used in some states.

How can a legislature use the findings of the adequacy study? Adequacy studies are a means to provide a credible process for evaluating the extent to which a funding allocation system ensures that all students have access to the educational opportunities needed to obtain accountability goals. Legislatures can use the finding of an adequacy study to determine whether or not their funding allocation system is consistent with other state education policy goals. Legislators can use the findings in designing and funding programs to meet the differentiated needs of students. Legislators can also use the findings of an adequacy study to determine the funding needs of different types of districts in their state, relative to size, density, or sparsity.

When a state legislature enacts an accountability system based on specific standards, with school-level performance expectations, the action carries with it the implied responsibility to provide the human and material resources and services that are required for students to meet those standards. The challenge is to develop a credible process for determining the level of funding required for schools and students to attain the expected state performance levels.

In closing, please understand that undertaking a quality adequacy study that provides you with both reliable and valid finding will take both time and money.

Assembly Concurrent Resolution 10 is very timely. It provides a vehicle for updating our funding formula to meet the changing needs of the state's children.

Carlos Garcia, Superintendent, Clark County School District (CCSD), Las Vegas, Nevada:

I am here to support A.C.R. 10. I think it is long overdue. As a superintendent, every session I come before all of you, and sometimes people refer to me as a professional beggar because they think we are just here to ask for more money. We always get into these debates about whether you give us too much or not enough. It is difficult to come up with a resolution that is fair and equitable.

[Carlos Garcia, continued.] I think this gives us an opportunity, as well as the rest of the nation with No Child Left Behind (NCLB), for accountability and data-driven decision making. If we are going to be accountable, let us find a system that will measure the amount that is needed to adequately fund a student in Nevada. I think the last revision of the Nevada Plan was over 30 years ago, and given the *United States Constitution*, we have needed amendments to our *Constitution*. After 30 years of having the Nevada Plan, what risk is there to have an opportunity to revisit that plan?

I think everyone in this room knows that when you look at Nevada over the last 30 years, it is safe to say that we have changed a bit. Our population has exploded. We are no longer the same state that we were 30 years ago. Our demographics have changed radically. Looking at the last 10 years, our non-English speaking population within Clark County School District has grown by over 500 percent. We increase growth between 10,000 and 15,000 students per year in Clark County. If you look at our free and reduced lunch rate, we have gone from 12 percent on to about 35 percent. All of those things have a direct impact on changing Nevada.

If things are equitable, we need to stop and look at NCLB and the part that says all children will achieve at the same rate and level. The standards will be the same for everyone. I, like most or all of the superintendents, am not against having high standards. We are not against raising the bar. We are in support of that, but we need to make sure that our children are going to be adequately funded to see that our children get to the same standards. Is it fair in America today to say that in one high school they can have a classroom with 22 students, and in a different state have a classroom with 42 students, yet they are all supposed to arrive at the same place? Is it fair to say that a school district could receive three times what another school district receives, and again, we are all supposed to get to the same goal at the end?

In America, the largest debate after the student achievement gap has to do with the equity versus the adequacy. I am here in full support of A.C.R. 10 so that we, as a state, can look at ourselves. If we are receiving too much, maybe we are receiving too much and not managing our money very well. I think we should do it scientifically and by an unbiased group, so that we may answer these types of questions, instead of having the constant exchanges of what one might think. Let us bring closure to this debate by having an independent study that allows us know if we are adequately funding our children in the state of Nevada.

Kenneth W. Lange, Executive Director, Nevada State Educational Association (NSEA):

We would like to thank the Speaker for introducing this bill. It is needed, and it is time. We fully support it. One of the things we learned during our attempt to pass the National Average Initiative is that while many people understand that ranking forty-seventh or twenty-ninth, depending on where you fall on the scale, means that our kids are in some way being left behind competitively for careers and college, in our polling we found that many people want specific information about why additional funding is needed. We think A.C.R. 10 will give us the answers. It was 1967 when the Nevada Plan was passed; it has almost been 40 years. The last time it was specifically studied was in 1986. I think we can concur with the previous speakers in saying it is time for a change.

Meanwhile, almost every significant program—including workers' compensation, higher education, and public safety—has had a thorough review for its performance and funding. We have the same fight to increase funding every time. This is my sixth session, and it is not a whole lot different. Maybe this time there is a whole lot more money to fight over. We are still arguing about the cost of inflation, textbook supplies, salaries, and deferred maintenance. The whole list is still out there. You have heard about the Nevada Plan being outdated, and we think it is. We will not equivocate on that, but we think it needs a serious look and some revisions, now that we have moved from an input-based system to a performance-based system. It is critical to understand why we have to do that. We may have an equitable distribution, but I feel that is up for grabs. We do have an equitable distribution of very little. The demographics have obviously changed, but more importantly, from our members' perspective, our challenges have exploded. We believe that our members have risen to the task of meeting those challenges, but over the long haul, we are not going to be able to sustain that drive without additional resources. We think the study will specifically pinpoint where those resources need to be put.

The NCSL has estimated that it will take anywhere from an increase of 20 percent to 40 percent in current funding to meet the standards of NCLB. That is a lot of money. It is something we have to look at. We need the thorough and impartial study conducted by experts with the input of educational professionals. We need A.C.R. 10, and we encourage your positive support of the resolution.

Nancy Hollinger, Member, Board of Trustees, Washoe County School District (WCSD), Reno, Nevada:

We agree with this; however, we have one suggestion that the study would address personnel costs. Our workforce is how we get the work done in the

educational programs we have in place. I do not think we can look at the effectiveness of the programs without looking at the human resources that influence that effectiveness. Since the districts pay 80 percent to 90 percent of general operating budgets to and for employees, I think it would be important to include some examination of the total compensation costs—salaries, benefits, and incentives—in comparison to other states. This study will look at states that are deemed to have best practices, and it would be useful to compare their compensation to Nevada's compensation.

Chairwoman Parnell:

If you look on page 2, line 40, "expenses for personnel" is part of that line. I am sure it was intended, so we will make sure it does not go overlooked. I think we are hinting at it throughout the resolution. We will make sure we recognize your notes.

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

All of the salient points have been made by Speaker Perkins and Carlos Garcia regarding adequacy. I know the Department of Education was considering going forward on our own to try and look at this. I agree that adequacy is the big issue in the country, and I am here to give full support to the passage of this concurrent resolution.

Randy Robison, Executive Director, Nevada Association of School Boards:
Me too.

Ray Bacon, Executive Director, Nevada Manufacturers Association (NMA), Carson City, Nevada:

This is a qualified support and qualified non-support. I admonish this Committee to remember that Nevada is only one of four states in the union that has never had an equity challenge to our law. As you play with the Nevada Plan, I urge you to play carefully.

Second, there is a fifth approach that has been used by school districts, but not by any state. That is the approach that is outlined by Dr. Bill Ouchi in *Making Schools Work*. That approach establishes a base level of funding for your normal mainstream student and then takes a variable, up or down, for that student based upon circumstances: economic circumstances, minority status, free and reduced lunch, and everything else. That approach would drastically shift funding in the State of Nevada.

If you take a look at this approach, which has worked very successfully in Calgary for some 25 years, you will see that their academic performance has

gone up so much that the Catholic schools, given different circumstances in their federal law, have opted to close and become public schools. All they have to do is move religious education from one end of the day to the other and charge a separate tuition for that. Private schools are closing in Calgary. The size of the administration in Calgary has grown at half the rate of their student population over the past 20 years, and the number of schools is expanding. There is a fifth approach, and that should not be ignored.

[Ray Bacon, continued.] If you are going to do this study, there should be serious focus on the issue of gap. Nevada's learning gap is greater than any other state. We are the only state in the union that has over 60 percent of our African-Americans, Hispanics, and Native Americans reading below basic level at fourth grade. This has to be a major issue in focusing on fixing the learning gap, because that is our biggest single problem in Nevada.

Chairwoman Parnell:

So we have that for the record, it was the Calgary example and closing the gap.

Ray Bacon:

The City of Houston and the centralized school district are working on the Ouchi approach. The title of his book is *Making Schools Work*.

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

On page 2, paragraph (c), it indicates that one of the comparisons will be between rural schools and public schools because of the disparity of operating costs. I would like to encourage that there be an additional section where charter schools are addressed. Our overhead and operating costs are very similar to rural schools. I would like to encourage that, but other than that, this is a very exciting bill, and we do support it.

Chairwoman Parnell:

Usually it will say public schools and charter schools, but I do not see it in this one.

Assemblyman Manendo:

I do not want to postpone the bill, because I think it needs to move on to Ways and Means. I just want to make sure about "equipment and other" on page 2, line 40. I have a lot of older schools in my district, and I hear a lot from parents and teachers about the technology. I hope that is part of the equation. I think there are some schools that are not up to technological standards.

ASSEMBLYMAN MANENDO MOVED TO DO ADOPT
ASSEMBLY CONCURRENT RESOLUTION 10.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Parnell:

I will open the hearing on A.B. 280.

Assembly Bill 280: Revises provisions regarding University and Community College System of Nevada. (BDR 34-85)

Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark County:

Assembly Bill 280 is a result of trying to fix what we thought we fixed last session, which we thought we fixed the session before. It goes back to when Senator Nick Horn served in this Legislature. The main crux of the bill is to try to fix the age-old articulation issue that we cannot put to rest. I still remember Senator Rawson and Senator Cegavske asking me in the Senate, when we passed the bill last session that we thought fixed articulation and transfer of credits, whether this would finally put the issue to rest. I was assured by the Chancellor that it would, but there was some language that would not allow it to be put to rest.

Assembly Bill 280 attempts to do a couple of things in the beginning section. In Section 1, in order to be graduated as a teacher, there need to be standards in the content area of the universities. There is a disconnect. I know they have study committees and groups that work on it from time to time, but if you talk to new teachers that come in, they are not familiar enough with the standards that we require. What happens is they have to use our RPDPs [Regional Professional Development Programs] or other training programs to get up to speed with something they should have had as an initial graduate. This is not intended as a criticism, because it is not just UNLV [University of Nevada, Las Vegas], UNR [University of Nevada, Reno], or Nevada State College. You are going to find this with Sierra Nevada College and other colleges that are set up in the state. This was an attempt to make sure that the professors, as they did their content for teacher education, included academic standards as part of their coursework.

[Assemblywoman Giunchigliani, continued.] In Section 3, before I left the college, I was working with the school districts and the community college to try and expand dual credit opportunities. You have tech prep, which is a different program. It is a wonderful program, but it is separate from the issue of dual credit. Dual credit can be taught by students going to the college, or high school teachers can be deemed dual teachers of that curriculum. They are then permitted to give instruction. I am trying to get at the idea of turf battles. Unless the dean says, "Yes. You are blessed as a qualified teacher to offer that dual credit class," you do not even get out the door. The president doesn't have any say in it, as it is an educational academic issue. However, I do think, as long as the curriculum in the high school classes is approved by the college instructors, usually the standard is that the teacher has a master's degree in their area and can be the instructor of that course. That is my intent. If there is language that needs to be tweaked in order to make sure there is a review of the curriculum, I have no problem with that.

In Section 4, this is an issue that has to do with a mission statement. As the university made a decision through the regents to move into more of a research base, it will cost you more. You get the higher dollar amount, and the programming does not really change. I did not support the creation of the State College; I voted against it and I still have discomfort for it. Be that as it may, if we are going to have a state college system—and at some point it probably won't just be the one in southern Nevada—there will need to be a transfer of some of those B.A.s [bachelors of arts] to that college.

If you remember, the whole intent of the State College was to create an education and nursing shortage to get the program up and playing. You still have a B.A. all located at UNLV or UNR, and nothing changed. Then, they went into competition with the community college. It is time for missions to be looked at. Who should be offering your 100- and 200-level classes? Who should be doing your junior and senior coursework? We can then better use our dollars and resources because it is cheapest at community college. It is more expensive at your college, and then on to your research institution. There has never been any elimination of the duplication of courses. That does not mean to say that the system cannot have 100- and 200-level classes; it says that they shouldn't be in direct competition all of the time. That was my goal in that section.

A young lady in the building came to me as I was working on the bill. She said she had a four-year degree and moved back to Nevada to get a teaching degree. UNR basically accepted nothing and made her start over as if she never had a B.A. We need to recognize the core coursework. Do not make them start over in their first and second year if they have met English, math, science, and they had some extra classes that could potentially count towards the new degree.

We should count them. In the long run, it is about getting to what is best for the students. We are not lowering any types of standards, but there should be a better acceptance of credits. I taught a class at community college a year and a half ago. I had three women come to me afterwards. They said they had been in their B.A. programs in California, and when they transferred to Nevada, they were starting over on their 100- and 200-level courses because we wouldn't accept them. They were from Berkeley, and I think that is a pretty good school as far as that is concerned.

[Assemblywoman Giunchigliani, continued.] Section 6 is paralleling the dual-credit language. Section 7 is for the students. You have colleges like CCSN [Community College of Southern Nevada] that do not even have a library. It was in the plan and we approved money for it, but Dr. [Richard] Moore, the former president, got rid of it. Now, there is no library accessible for those young people to use. The intent was is to allow students within the system who need to do a research paper to be able to use any library, whether it is at UNLV, CCSN, or the State College.

Section 8 is somewhat controversial, but it is, again, a policy discussion that I felt would be important for us to take. How, in the system, could you be enrolled in political science at UNR and it is different core work, coursework, and a different number of credits than if you are in political science at UNLV? It is not always the number of credits; it is more the content of what they are asked to do.

Chris Dornan, Student, University of Nevada, Reno:

As an example of how widely these credits can vary, I will not give you the in-depth discussion of the political science degrees at UNLV and UNR. UNR requires 128 credits to graduate with a degree in Political Science. UNLV requires 124 credits. As far as the details of the coursework, there are substantial differences in what needs to be covered. UNR requires a Core Humanities program, which is a generic education in western traditions, religions, philosophies, et cetera. UNLV requires credits in various social sciences, multinational credits, international credits, and things along those lines. UNLV requires credits in constitutions: Nevada Constitution and United States Constitution. UNR does not have these requirements. UNLV requires six credits in foreign languages or foreign culture. UNR requires 14 credits. The mathematics requirement at UNR is between three and five credits depending on how you tested. It is only three credits at UNLV.

There are five sections of study under the political science degree that you need credits from at UNR; however, there are six sections of study that you need credits for at UNLV. The difference would be a section of study of the law.

[Chris Dornan, continued.] For example, if I were currently a student at UNLV and wanted to transfer to UNR, I would have to take nine more credits of 200-level classes just to receive a degree. They are lower level classes. They may be equivalent to things I have already taken. I did not take any of the Core Humanities courses at UNR, because they would not count towards any other university's degree if I transferred. They are low level courses. They are prerequisites for any degree to graduate from UNR, but they are non-transferable to any other university, with the exception of Truckee Meadows Community College.

Chairwoman Parnell:

I have heard from a lot of former students about the Core Humanities class at UNR. So, if you are going to transfer, or for a lot of our students who want to start at a community college and move into either UNR or UNLV, this would give them a more seamless transition.

Chris Dornan:

It is certainly a changing world as far as universities go. College credits come from all manner of places, and you have to transfer them from all manner of places. Personally, I have college credit from UNR, Truckee Meadows Community College, Western Nevada Community College, and Southwest University for Nationalities, and I have AP [advanced placement] credits that transferred from my high school work. If these credits were efficiently transferable, it would be crucial to my situation.

Assemblyman Horne:

I am a proponent on making it easily transferable, particularly from community colleges into the university systems. We should recognize those courses that should be eligible. They should be the same in both universities, but to make the comparison from university to university in other states is different.

Do other state universities have comparable requirements for degrees? In particular, in Arizona, do ASU [Arizona State University] and the University of Arizona have the same requirements for their political science degree? Is that usually the standard, or are we unique that way? Do universities choose to have tougher standards for different degrees?

Assemblywoman Giunchigliani:

I assume that there are articulation agreements between universities, but each student needs to have a matriculation agreement, which is very cumbersome. Furthermore, if you got a B.A. from a community college and you go to UNLV or UNR, you should start as a junior. You should not have to start over with basically nothing counting. That is the intent in Section 10, so I will wait on that

part. We did not have enough time to gather that, but I think we could go ahead and look at ASU and some other states to see if we are unique in Nevada, or if that is a problem with the higher education system.

[Assemblywoman Giunchigliani, continued.] I had students who told me that their credits were accepted by Stanford, Duke, and other universities, but they were not accepted at UNLV and UNR. That is shameful. This is what we are trying to get at, and again, it is all about money. How many times do you pay for the same course over and over again? That is part of what is going on.

Assemblyman Horne:

As for me, you are preaching to the choir, because I had a lot of transferred credits as well. I had to take algebra again, and that is a class that you do not want to do again.

Assemblywoman Giunchigliani:

Section 9 simply parallels the bill that has already been passed out of this House. This just makes everything parallel to the terms of the regents. Section 10 is the key part of this legislation, and that is to make sure that the credits transfer automatically. Unless the college catalog had it noted that the courses were transferred, they would not have to accept and implement the transfer. This is a catalog that they do every year, and this should not be what makes a class transfer or not.

If you go to Section 10, subsection 2, "A student awarded an associate's degree...shall be deemed to have completed their course of study required of a sophomore," and they must be enrolled as a junior when they transfer into their sister institution. That is what we thought we were getting to last session. In fact, when I was at WNCC [Western Nevada Community College] about a month ago, they had a forum. One of the individuals representing the universities said, "We found this, but it never got printed in the handbook." Obviously it must have been a policy that never became implemented. This will help make sure the policy is implemented, if that is the case.

Section 11 is tied to the bill Mr. Hettrick and I were working on. We were trying to fix some language from the audit that was given on the University System regarding construction. This is the one bill that had language that dealt with that area. Later on, if I find another bill, I would be happy to amend it at that time, but I would like to keep it alive. It is trying to get at the fact that there were bidding problems. The game was being played where the university had less than 25 percent of the money coming from public funds. They didn't have to do prevailing wage, they claimed they didn't have to do open bids, and that is

where some of the problems came about. The language is there to simply tighten that up.

Assemblywoman Smith:

That language is the same that is in all other public works? [Assemblywoman Giunchigliani answered in the affirmative.]

Assemblyman Mabey:

In Section 4, I need some clarification. Let us say I wanted to go to UNLV. Could I take all of the lower-level classes, or would I have to go to Community College of Southern Nevada and transfer over after a certain number of years? My concern is that I do not want to enroll in UNLV and have them not offer any of the lower-level classes.

Assemblywoman Giunchigliani:

It is intended to do both. If you take the classes at community college, it should seamlessly transfer over, but let's say the State College or UNLV did not have that class available and you had to pick it up at the college. The intent is that the class will count towards UNLV or UNR. The key phrasing I am finding is that it has to count towards your degree. They accept the credits, but it does not count towards anything. That has to be the key piece. If I need to clarify the language here, let us make sure that we do not leave people in those kinds of gaps.

I looked at Arizona State University and a couple of other colleges in Arizona, and that seemed to be how they were doing it. There is a key piece that is going on in the system; they are requiring a student orientation, so that they are telling them what classes will not count towards anything. They are trying to direct the students into a core group, and I think that is a very positive step. I know that was implemented at CCSN this school year, and that will help. Students could get 100 credits and none of them would count towards a degree. I am not trying to water down the requirements. The student has to be responsible as well, but if you have an A.A. [associate of arts] or an A.S. [associate of science], and have met those standards, you should not have to start over as a freshman or a sophomore when you transfer to UNLV, UNR, or the State College.

Assemblyman Mabey:

In lines 36 and 37, it says, "The universities and state colleges in the system should not offer first- and second- year courses."

Assemblywoman Giunchigliani:

That was more for policy discussion. If there was going to be a State College, I wanted to collocate coursework so that it was not duplicated. They do not have the space right now. They use the community college classrooms, instructors, and facilities, so why should they get into a direct competition? They should focus on their third and fourth year. I do not want to confuse that issue with the issue of transferability.

Assemblyman Mabey:

My concern is that if I enroll in UNLV, I do not want to get there and have them tell me they do not offer first-year courses. If I want to do my whole four years, I should be able to do my whole four years.

Assemblyman Manendo:

I would like to repeat the same disclosure as A.C.R. 10. I believe what happens is that when they take a course that is not accepted towards a degree, they use them as an elective. Those courses can be used for the whole degree, but they cannot be used for your major. We hear that from students who come in and take a course from a college that UNLV no longer accepts. They ask why, and our counselors are in a predicament, because they told them to take the class and it would transfer. We never get a clear understanding as to why it is not being accepted at UNLV.

Assemblywoman Giunchigliani:

We may get a better understanding of it through the university's testimony. They are doing common course numbering, and they are back to trying to put together a committee, which will help, but that is still not the crux of it. For example, before I left the community college, there was a panic attack because UNLV decided to change its core course requirement. It would have just about eliminated all 100- and 200-level courses at CCSN. Unbeknownst to them, they were in the middle of putting the CCSN catalog together. They happened upon the information because they had a professor who was married to a professor at UNLV. Everybody was thrown off, and they put together a committee. It is a domino effect whenever you do anything in the system. If you are truly a system, let us make it more user-friendly and seamless.

We do not even have a mechanism to track whether a student goes from CCSN or State College to UNLV or UNR. They do not even keep the same student number. They could do that in K through 12, so why would you not do that within the University System? You would be able to properly track who dropped out, who didn't, who transferred, and what degree did they wind up with. They do not have that information. I do not know if it is an issue of capability. It may be some computer issues, but this is 2005. It should not be this difficult. We

are trying to make sure that the students get their degrees as fast as they possibly can. We keep putting in barriers unintentionally. We should make sure they can move through the process without having to pay double the money.

Chairwoman Parnell:

We have reports where we have a low number of students who actually go to college, and on top of that, a low number of those actually graduate from our university system. I think we should be doing everything possible to help the students through the system in order to graduate with whatever degree they are seeking.

Assemblywoman Giunchigliani:

I have found that most people never thought they could go to college. They try a community college, and it was an atmosphere that allowed them to succeed. Then, all of a sudden, they go to UNLV or UNR and basically have to start all over again.

Assemblyman Mabey:

If we pass Section 9 the way it is, how will that affect what is going on with A.J.R. 11 of the 72nd Legislative Session, because we have already passed that out of the Assembly?

Assemblywoman Giunchigliani:

Section 9 parallels exactly what is in A.J.R. 11 of the 72nd Legislative Session for the terms. In case that does not move forward, at least this will tighten up the terms, which is a key piece that this body wanted to use. Six years was too long.

Assemblyman Mabey:

Some of us voted against that bill, but I like a lot of these things.

Assemblywoman Giunchigliani:

We did hash this out last session, but only United States Senators have six-year terms. With no disrespect to the regents—there are many good ones, and I think their hearts are generally in the right place—six years is too long to be held accountable, whether you have an appointed or an elected board.

Assemblyman Munford:

I recall hearing that at the community college level, there was a question or issue based on whether the instructors were properly qualified. They felt that taking a class at community college did not give you the preparation to go to the university level. Was the issue of quality of education ever brought up at the community college versus the university level?

Assemblywoman Giunchigliani:

It has not happened this time around, but in the past there had been that feeling. I believe at CCSN, more than 30 percent of the professors have doctorate degrees. Just because you are at a community college does not mean you are not well educated. The perceptions are out there, but I did not hear that this time as a reason for that occurring. The curriculum has to be matched up, and I have no argument with that at all. There has to be a review to make sure that the content meets the standards of the subject.

It is no different than when a teacher goes to get licensed. We would sit there for hours just because the title of the class did not match Nevada's title. They should look at the content instead of looking at the title. You had people not being able to get licensed because someone said that certain words were not in the coursework. They have done a much better job of looking at the content. If the content matches up, the class should transfer and count towards the degree.

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada:

We think this bill has a very good heart. We think this bill is trying to get us to talk about things that are important. I agree that it is critical for us to work through the education pipeline to ensure we make as many students succeed as possible. I think Assemblywoman Giunchigliani has raised some very provocative questions in this legislation. We have provided testimony that I think will let you know what we think ([Exhibit C](#)). In many ways, I think this statute is drafted in an overly broad fashion that has some serious unintended consequences. These consequences would be very negative on the system, and we would like you to consider this in your deliberation on the statute.

Assemblyman Mabey asked a question that is critical to the consideration of the bill. This bill basically says that if I go to a community college that is offering first- and second-year classes in an area, then that is the only place they are offered, and nowhere else. The impact, with respect to any number of policy decisions you have made in this Legislature—starting with the Millennium Scholarship and going down to intercollegiate athletics—would be absolutely devastating. I have had the opportunity to discuss this legislation with Assemblywoman Giunchigliani, and I appreciate the time she has given to us outside of these hearings. We think there is an opportunity to work towards discussing a number of the issues that are raised here, but please be careful about what you are being asked to do here. In many ways, you are being asked to legislate, into *Nevada Revised Statutes*, a course catalog for the entire University and Community College System of Nevada. That is not the right thing to do.

[Daniel Klaich, continued.] Having spent a long time in higher education, I am concerned when people from higher education stand up and look you in the eye. You ask what you think is a reasonable question, and they begin by telling you it is a complex matter that you have raised. Usually, that is euphemistic for, "I am not going to answer your question." I am here to tell you that this is a very complicated deal. We heard earlier about whether standards between institutions for common degrees vary slightly. Of course they can. Universities and community colleges are made up of faculties who meet constantly to determine the requirements for their degrees. It is not unreasonable to think in common disciplines that those degree requirements could be slightly different. Should the vast majority be the same, and should transfer credits between institutions be largely seamless? Absolutely. They should, and we are doing a lot on that. We are willing to talk about what we have done for this, and we think we have done a lot of good.

We could be discussing these 10 sessions from now, and I can assure you that you will all have an anecdotal incident where someone did not get the exact class transferred in exactly the right section. That is going to happen. We think, in the last four years, we have tackled this problem head-on. We think we have worked hard and between our two-year and four-year institutions, we have produced a solid solution to this. If there are policy issues left, we are more than willing to work with anybody in the Legislature so that we may work them out.

Assemblyman McCleary:

I have the same problem that Dr. Mabey does with this bill. If I vote for this, I will have contradicted myself on the Floor, as far as voting for a bill whose language has been changed. There are things about this bill I really like, and I do not see why we cannot transfer credits, either. Why can't the regents set a standard for what a political science degree requires? Why does each individual institution need to have its own individual standard for what a bachelor's degree in political science is? This does not make any sense to me.

I would also like to note for the record, I think the public works statute referenced by Assemblywoman Giunchigliani and S.B. 426 are the answer. It addresses the same question that the Legislative Counsel Bureau (LCB) pointed out with respect to the energy audits at the university. We would be pleased to work with her on that to see if that covers it.

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

First, I would like to address your question with the idea of transferability. As Mr. Klaich stated, there was a large committee that got together from every

campus to discuss common course numbering. That has been completed. As you know, whenever a major product like this is completed, it takes a while for it to be implemented. It is completed and there is great dedication on every single campus that when you have a course that is a 101 or a 201, the curriculum is the same throughout the entire system and they are totally transferable. That was a promise made. It took longer than we wanted to get it done, but that is academics.

[Trudy Larson, continued.] In addition, there are other matriculation agreements. Each program has a major matriculation agreement. It is by major and not by student. For example, TMCC [Truckee Meadows Community College] has a matriculation agreement for their degrees that matriculate perfectly into the university. If you get an associate of arts degree at TMCC, you are accepted as a junior at UNR. Those matriculation agreements are in place. We are hoping to not have individual students fall through the cracks, because those articulation agreements are firmed up. We still have issues with the associate degree for applied science. They have much more of a hands-on vocational component to those degrees. They will not transfer easily to credits in the university.

As for degree requirements, they are there to prove you are the faculty at the universities. Within general bounds they will be similar, but you have people with expertise in a variety of areas. This is what we want for our degree program. We want it to be under the control of the faculty. Every institution has their flavor. Every institution has faculty that are experts in different fields. They set up the curriculum. They are not hugely different if you look at the core, but they are sufficiently different so that they give a personality to each one of the majors. Around the country, when you say you have a major from the University of California, Berkeley engineering program, they know exactly what that means, because it is one of the more rigorous curriculums in the United States.

Other institutions are mission-differentiated as well. It is not to be problematic in transferring, but it does reflect the faculty concerns and interests. There are common numbers with what you are required to graduate with, how many units, et cetera. Those are common throughout the whole system. Each institution has their specialty areas and the things that they define. You will find that across the board, and it is not to make it difficult to transfer. There will be unique requirements in each one of the majors. They are put in those catalogs for people to see. It is a matter of the faculty.

Assemblyman McCleary:

I will take your word on that, because I do not understand the whole process. You did say that in this biennium we would be able to transfer credits. Is this

going to be retroactive to those students who have already taken 101s and 102s in your institution? Will that apply to them as well?

Tyler Trevor, Assistant Vice Chancellor, Academic and Student Affairs and Director of Institutional Research, University and Community College System of Nevada (UCCSN):

Common course numbering has been completed. The courses were aligned beginning in 2000. As to "retroactive," we do have courses that transfer. We have transferability in our system. I would argue we have some of the best transferability in the nation. The fact that we are one system, the Board of Regents have adopted policies, beginning with the Associate of Arts and the Associate of Science, where all 60 of the credits automatically transfer to the University System.

The issue is with the applied science degree. If you had a degree in welding, we cannot guarantee that those credits will transfer into a bachelor's degree in English. If you get an associate of arts, we will tell you that all 60 of the credits will transfer. Some of them may not transfer directly into your degree, as English would; however, you can use them as electives. We also make the guarantee that your lower-division general education core is complete, even if the course requirements are different between institutions. That is one of the most liberal articulation agreements in the nation, and it is something that we are very proud of. These policies are in place and are being enacted.

We cannot say that we do not have transferability; however, the common course numbering system has now aligned 9,000 undergraduate courses throughout the system. It took immediate effect as those courses came on, and over a four-year period of time, we have reached that 9,000 level. It is not to say that those courses were not transferring already, due to the fact that individual course content is also looked at, aside from common numbers aligning.

Daniel Klaich:

We have a brief white paper that we have done on transferability and what has recently occurred in the system ([Exhibit C](#)).

Chairwoman Parnell:

For instance, I graduate from high school and want to be a teacher, but I cannot go to UNR or UNLV my freshman year. Instead, I go to WNCC [Western Nevada Community College], but I know what I want to be five years down the road. If I go to the WNCC catalog, will it tell me exactly the courses I can take while I am at WNCC that will transfer into UNR or UNLV, so I may graduate as smoothly as possible?

Carol Lucey, President, Western Nevada Community College (WNCC), Carson City, Nevada:

[Distributed [Exhibit D](#).] It will, but part of what we still have to do is do a better job of student advisement. It is not appropriate that students be able to declare a major and not have an advisor. They need to be able to get a copy of the articulation agreement from program to program. There are a lot of things that are not clean yet, but we are working on it.

Chairwoman Parnell:

It does not seem to me like it would be very difficult to have it in the catalog. It is even less costly because you don't have to hire counselors to give them those agreements. If you want to be a teacher, you could go to that page in the catalog to get a direction.

Carol Lucey:

Teaching is an easy one, but remember there are about 30 degrees that we are talking about. They transfer into multiple programs within the two universities and the Nevada State College. You are talking about a complex document. I would still feel most comfortable if every student, at the point when they declare a major, spend time with a counselor and get a transfer articulation agreement that lays out what is needed for them to transfer to the institution of their choice.

Assemblyman Manendo:

At CCSN, we have a program called Student First. If you are going for your two-year degree and then on to a four-year degree, we require that you meet with a counselor. We have great counselors and they have degree sheets. The student will go and take the classes and finally try and transfer. UNLV or UNR does not accept some of those classes, and something has to change so that does not happen to the students. The counselors are just following the sheet. They are doing the best that they can to guide and counsel those students. Now they come back at us saying that we told them these courses would transfer, but they aren't. The whole system then looks bad, and the students are frustrated and out money. They want to get their degree and move on to the workforce. We want them to, because we have a waiting list.

Trudy Larson:

Part of the problem is about communication, and I would like to let you know that we have a number of committees we have put together to try and improve the communication among all of the institutions. The academic officers of all of the institutions meet on a regular basis; the student affairs people meet all of the time. Part of this is to improve the communication between community

colleges, universities, and the Nevada State College. That is an effort to address what you are saying, which is that there are no surprises that happen.

[Trudy Larson, continued.] The other thing is that whenever there is a major program change, they have to come through the Board of Regents, which will obviously make it public. To the extent that we understand how these changes can be devastating, the issue of communication is one that has come way up for the regents. That is why many of these committees and procedures have been developed, to make us do a much better job.

Daniel Klaich:

You need to look at the language of the bill. If somebody is a student in our system, they can go to any library in the system that they want. Do not think that it is not the case, because it is. Part of our problem with the language of this bill is that certain licensing agreements we have for electronic databases, which are an increasing proportion of our collections, are negotiated on an FTE [full-time equivalent]. If I am a student at UNLV and want to get into all of the electronic databases at the library of UNLV, I can do that. If I am a student but am not at UNLV, I cannot get into those databases. We can fix that, but you need to understand that there is a huge price tag associated with that. At UNLV alone, the licensing agreements—based on FTE—for electronic databases could cost between \$5 million and \$7 million.

The other thing is the portion of the bill that says we should move all of the baccalaureate programs back to their baccalaureate institutions. The Nevada State College and the community colleges that are proposing to be the recipients of all these students do not have the services set up to accept all of these students, in terms of financial aid and student services facilities. Universities truly have the largest administrative banks to handle these students, because they have a lot of them. If we start moving all of these students out on first- and second-year programs, or if we start taking every baccalaureate program to the State College, we need to understand that there are huge problems in making that move. That is not to say that we do not understand the mission differentiation policy argument that is being made here.

Carol Lucey:

I would like to say that I appreciate the goal of this bill. It is consistent with my goals for my students, and I do not believe that any of the system presidents would disagree with me on that. However, I would like to talk about the bill from a community college president's point of view. It is a bit more nuanced than simply supporting the goal.

[Carol Lucey, continued.] First of all, this is a very young system of higher education. We have institutions in the system that are 30 years old; my own institution is only 35 years old. In the world of academia, that is very young. We are somewhat lacking in maturation. We do not have many of the types of student services that other states that do better at articulation and transfer have. We are moving in that direction. This Legislature gave the system flexibility on the use of dollars in 2000. I have used that flexibility to strengthen student services. One of those student services is the kind of counseling that Assemblyman Manendo is talking about. There are still students who get hurt in the transfer process, but I feel good about the progress my institution has made over the last few years. I still get frustrated—as you are—about the fact that we still see students struggling with the transfer process.

On the other hand, I hope you will recognize that this is not UCCSN's fault. There are three distinct community college degree programs: the A.A., a transfer humanities degree; the A.S., a transfer science degree; and the A.A.S., an associate and applied sciences degree, which was generally never designed to transfer. We are living in a time when the baccalaureate is becoming more and more important to become a professional. This was never the case in many walks of life in the past. We need to find baccalaureate and professional paths for A.A.S. students. If we do that, we will move a long way towards resolving the problem you are concerned with today.

It is also the case that the common course numbering committee continues to meet. While they have agreed on about 9,000 courses, there are some courses that are numbered inappropriately. I am sure many of the community college presidents feel they are numbered inappropriately as well. We are arguing with our colleagues about that. I have my list that I have shared with my faculty, the Common Course Numbering Committee, and the Board of Regents. We are slowly making progress, and that is the point I want to stress. This system is systematically getting better. We are doing things more effectively every year, and we are getting fewer complaints about matriculation every year. Give us a chance to fix this ourselves.

We also have a new entity in the state, the Nevada State College. Nevada State College does something very important for this system: it creates a free market. You can direct, as A.B. 280 does, what the system should look like, but I think you will be much happier with the results if you let us fix it ourselves. I commit to you that I want to fix this. I learned in my early days as a college president that I can get much better results if I tell my faculty where I want to get to, instead of how I want them to do it. Please give us direction on where you want us to go. I think you will find that we agree with you, but please resist the temptation of telling us how to do it.

[Carol Lucey, continued.] The last thing I would like to mention is that I am afraid of a bunch of things in A.B. 280 that I think will create accreditation problems for us. Regional accreditation is essential to this system for our students to get financial aid, Stafford Loans, Pell Grants, or research grants. We cannot jeopardize the accreditation status of this system. The United States House of Representatives and Senate subcommittees are currently drafting reauthorization of the Higher Education Act. It is likely that the bill will become federal law in 2006. The six regional accreditation agencies—ours is called the Northwest Commission on Colleges and Universities—are in conversation with congressional staffers to develop a draft of this legislation. We hear it is likely to address transfer issues as well, because Nevada is not the only state with a transfer problem. When that happens, that legislation will be translated into regulation. The regulation will then be implemented by our regional accreditor, Northwest. When that happens, I think it is very likely that you will see a lot of changes in transfer regulations across the country and in Nevada.

Assemblyman Horne:

You said you thought there were specific sections in here that may affect your accreditation. You vaguely brushed over the list; could you go into more depth?

Carol Lucey:

I am very concerned about language referring to the number of credits that belong in a degree and the fact that the number should be standard across the system. I think you will hear some concern about that. I am concerned about the status of the dual enrollment courses if they are not taught by faculty. Dual enrollment courses achieve academic credit by going on to the transcript of a student at an accredited institution. The policy of the Northwest Commission requires that the curriculum be reviewed regularly and be under the oversight of the faculty of the accredited institution. The language concerns me on things like that.

I would like to repeat that the goal is worthy of applause, but the method by which it is supposed to be achieved will get us into trouble with our accreditors.

Assemblyman Mabey:

On page 5, subsection 2, it says that if you obtained an associate's degree, it would be acceptable. Would you agree with this part, or do you have problems with it also?

Carol Lucey:

Let us suppose that it is an A.A.S. in auto mechanics. We need to specify how and where it is going to transfer. If there were, and I believe there will be, a program at Nevada State that takes an auto mechanics associate's degree and

allows that student to gain business professional coursework at the upper-division level, it should clearly be possible for us to construct an articulation agreement for that student. Generally, I think it will not work if the student is going to be able to transfer into any upper division.

Daniel Klaich:

It would work specifically for community college programs that are designed to be transfer degrees. It is the language inside the commas that create the problem.

Carol Lucey:

A.A. to English, A.A. in philosophy to philosophy, A.S. in engineering to engineering, but maybe not A.S. in engineering to physics. As Mr. Klaich said at the beginning, the process is complex.

Chris Dornan:

They spoke for a moment about increasing the transferability of the core curriculum courses within the University System. Regarding the transferability of the core requirements, between UNR and UNLV, the inclusion of the Core Humanities program at UNR represents exactly what this bill should be fixing. Either way you look at it, if you transfer the nine credits you spend in the Core Humanities program, they are a degree requirement at UNR, but not at UNLV. It is an absolute waste of the student's time and money if he transfers between the two institutions. It is nine credits at about \$80 a credit. That is \$720 on the courses that student must pay in tuition, and they are also some of the most book-intensive courses of any classes I have taken. I think I had 13 books I needed to purchase for one of these three-credit classes. I spent over \$500 on books for these classes alone. That is \$1,200 and nine credits I have spent on something that cannot be transferred to any other university. This is what the bill intends to fix.

Yes, they can be transferred, but not towards a degree. They are transferred as elective credits, meaning that they are essentially a waste of time if you have already met your elective requirement. Transferring things as electives is not the same as transferring it towards a degree. Implying such is problematic at best.

Chairwoman Parnell:

I will close the hearing on A.B. 280. The sponsors of A.B. 132 and A.B. 202 have agreed to subcommittee those bills. It will be chaired by Assemblyman Horne, and the other Assembly members will be Assemblyman Holcomb and Assemblyman Atkinson. We will post that tomorrow afternoon.

[Chairwoman Parnell, continued.] We will open the hearing on A.B. 395.

Assembly Bill 395: Prohibits use of false or misleading degrees. (BDR 34-125)

Assemblywoman Chris Giunchigliani, Assembly District No. 9, Clark County:

Assembly Bill 395 is an attempt to deal with diploma mills and falsification of licenses that people use for purposes of employment. We passed this bill twice last session. It did not get a hearing in this Committee by the former chair. Therefore, it died at the end of the rules. There was no opposition. It passed unanimously through both houses. I do not want to go into the politics of that situation, but I brought the bill back at the request of several individuals.

Also, I have two individuals in southern Nevada, the HR [human resources] director from CCSN, Dr. Tom Peacock, and Dave Perlman, the Director of Postsecondary Education, who worked with me on some of the amendments that are before you ([Exhibit E](#)). We hope that this is the clean portion of the bill. In the drafting we did not get all of the diploma information correctly, so the amendments were worked out by these gentlemen.

I think it is fairly self-explanatory. It is a national trend. You could turn on your computer right now, and someone would be advertising for a diploma that could be bought online. There are good distance education programs out there, and this is not what we are talking about. This would not restrict that, but you do not go around and buy a diploma doing absolutely nothing. That is the intent of the legislation and it is fairly clear.

Tom Peacock, Associate Vice President of Human Resources, Community College of Southern Nevada, Las Vegas, Nevada:

This legislation puts diploma mills on the radar screen. I would like to thank Assemblywoman Giunchigliani for proposing this legislation. We do need to establish sound educational standards and quality business practices for the protection of the citizens of Nevada.

A diploma mill is defined by the United States Secretary of Education as an organization that awards degrees without requiring the students to meet educational standards for such degrees. It either receives a fee from so-called students on the basis of fraudulent representation or makes it possible for the recipient of the degree to perpetuate a fraud on the public. Dr. John Bear, one of the nation's leading experts on distance education and diploma mill activity, estimated that there were about 300 unaccredited universities operating in the country. It is not common for a large, fake school to award as many as

500 Ph.D. [philosophy doctorate] degrees every month. Data shows that a single phony school can earn \$10 million to \$20 million annually.

[Tom Peacock, continued.] In fact, the GAO [U.S. Government Accountability Office], in a letter to U.S. Senator Susan Collins dated November 21, 2002, indicated that through one of their sting operations they purchased a degree from "Degrees-R-Us." They learned that the owner is a disbarred attorney who resides in Las Vegas, Nevada. He runs the business out of his home using the Internet, relying on mail drops and toll-free numbers. The owner informed the GAO that he had sold nearly 100 degrees since starting his business approximately two years prior. He also told the GAO that he started the business after viewing a television exposé about the prosecution of diploma mill operations. He then decided that he could more successfully operate a diploma mill. He states that he sells the degrees for self-esteem purposes and not to satisfy employment requirements.

The reason offered for the growth of bogus degrees and diploma mills, according to Mr. Bear, are the closure of the FBI's [Federal Bureau of Investigation] diploma mill task force, the indifference of most states' law enforcement agencies, the minimal interest of the news media, and the ease of using the Internet to start and run a fake industry.

Along with the growth in diploma mills, we now have a growth in pseudo-crediting agencies, which are agencies unrecognized by either the United States Department of Education or the Council for Higher Education Accreditation. They are designed to appear as legitimate as those that are so recognized. This also occurs at the international level as well. The *College and University Journal* of Winter 2002 states, "If every state prohibited the use of diploma mill degrees, it would assist in reducing the demand for such degrees." This is a straightforward approach that requires a minimal amount of legislation. It would make the diploma mill degrees useless in the business world. The only way to stop these criminal operations is to reduce the demand and simultaneously attack each diploma mill when it begins operation.

As Wayne Catsua and Deborah Hoover argued before the House Education Committee of North Dakota, you can protect our citizens in at least four ways. The market for false credentials should eventually be eliminated in this state. It would then discourage unscrupulous providers from preying on vulnerable students, especially those seeking online answers to distant barriers of higher education. Secondly, employers would receive protection from those who will seek to deliberately deceive them by using false credentials. Thirdly, legitimate providers of higher education will benefit by removing diploma mill competition from the higher education market. Finally, job seekers holding legitimate degrees

will no longer need to compete with individuals purchasing bogus degrees from a website or by mail. Those who simply provide counterfeit and/or tampered with credentials in order to gain increased pay, promotion, or to obtain employment would face a statute that is specific and unambiguous as to the consequences of such actions.

David Perlman, Administrator, Nevada Commission on Postsecondary Education:

I speak today in favor of A.B. 395, as it brings Nevada to the forefront with a handful of other states that have or are considering similar legislation ([Exhibit F](#)).

Preventing the use of fraudulent degrees is critical in an era when a doctorate in electrical engineering can be obtained at a click of a mouse and received by FedEx [Federal Express] overnight. I have copied the degree listing from Belford University, an unaccredited online diploma mill, which confers degrees on the basis of life experience. Their list of majors is extensive, covering almost every conceivable degree offered at every legitimate college or university.

At the bottom of page 4 ([Exhibit F](#)), you will see that you have the opportunity to make up your own degree if it is not on your list. Advancements in printing technology make bogus degrees and transcripts indistinguishable from legitimate ones, while bogus accrediting bodies are proliferating. Two such entities operate with impunity in Nevada: the World Association of Universities and Colleges is a business front in Henderson, as is the United States Distance Education Council, which operates in Carson City. I have attached pages from their websites. With the help of these accrediting bodies, fake schools can easily trick prospective students into believing what they are buying is legitimate. If you have that handout, look at the United States Distance Education Council, page 2. They list all of these accredited schools, which may or may not be accredited, but they do not say that this accrediting body actually accredits them. They simply say that degrees from the following accredited colleges and universities are widely accepted. This is as tricky as it gets. Nevada, like most states, prohibits the operation of diploma mills, but some states, like Wyoming, do not regulate higher education. An offshore operation is a matter of routing an Internet connection from a storefront back to someone's garage in Des Moines.

Assembly Bill 395 is one more tool that puts people on notice about bogus degrees not being tolerated. It ensures a qualified workforce and provides employers with the legislation they need to deal with fraudulent qualifications. If more states follow Nevada's example, demand for the services of diploma mills will certainly diminish and bring a high rate of unemployment to those who would undermine legitimate education. I applaud the efforts of Assemblywoman Giunchigliani in sponsoring this legislation and urge this Committee's support.

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

When Assemblywoman Giunchigliani provided this proposal in the 2003 Session, the Washoe County School District went on record in full support of that proposal. I am here this afternoon to say that we continue to support this proposal. At the time that I testified in the Senate about this in 2003, I was told by our human resources department that on the average, we receive from three to five transcripts or applications containing fraudulent degree information on an annual basis. That number has now increased to about ten.

In a recent article published in the *American School Board Journal*, there were some references made to misleading degrees and fraudulent diplomas. One of my favorite moments in reading this article was to learn that Spam the cat—in the article was a picture of a gorgeous black cat named Spam—received a doctoral degree through one of these programs. This just reinforces the need for this legislation. The district is pleased that Assemblywoman Giunchigliani has brought it forward again. We are here to strongly support it and encourage you to amend and do pass.

Chairwoman Parnell:

On page 2, line 23, could you explain that?

Assemblywoman Giunchigliani:

That may not be the correct verbiage, but we are pointing out that many of these schools give you credit for life and work experience. We were trying to make it no more than 10 percent, because there could be a legitimate reason to count some previous work experience and such. That is how we worded it, and it may not be the best way. We are hoping that you could help us on the legalese.

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

It is my pleasure to speak in favor of this bill. I wanted to say that due to some very public circumstances within the UCCSN, we implemented a policy last year that made it mandatory that all transcripts be validated with accreditation before people could actually start work. This is a critical issue if we want to maintain our quality.

Assemblyman Mabey:

How do you make sure that degrees from distance learning programs are up to snuff? Many people use distance learning.

Trudy Larson:

You have to get a transcript in order to get credits for your distance education. On that transcript you have to have the title of whatever organization offered you that credit. We can find out if they are accredited organizations easily, because there is one major accrediting firm. We can do that relatively easily.

Assemblywoman Giunchigliani:

This impacts the business world directly. You have people who receive salary increases based on an alleged degree or certificate; that is fraudulent and that skews it for everybody. I applaud the University System, because you are fired if you falsify your information. I commend them for that.

ASSEMBLYMAN McCLEARY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 395.

ASSEMBLYMAN MABEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chairwoman Parnell:

At this time, I will open the hearing on A.B. 217.

Assembly Bill 217: Authorizes boards of trustees of school districts to provide instruction in self-defense. (BDR 34-202)

Assemblywoman Genie Ohrenschall, Assembly District No. 12, Clark County:

I have some exhibits to hand out to the Committee for their perusal ([Exhibit G](#) and [Exhibit H](#)). Assembly Bill 217 concerns self-defense instruction. It would authorize school districts to provide instruction in self-defense to students in middle schools, junior high schools, and high schools as part of the school's physical education curriculum. The bill would also provide that student who takes self-defense courses outside of school would receive physical education (PE) credit. The State Board of Education would adopt rules to regulate this practice.

Nothing is more important than the safety of our children. By authorizing secondary schools to offer instruction in self-defense, we would be giving students access to better knowledge and skills for self-protection. It is an

unfortunate reality that some of Nevada's children and young adults will likely find themselves in situations where they need to physically defend themselves.

[Assemblywoman Ohrenschall, continued.] Every so often we get a reminder about how important the knowledge of self-defense can be. Just last winter we heard about the tragic case of Dru Sjodin, a 22-year-old college student, who was abducted from a public parking lot in Grand Forks, North Dakota ([Exhibit G](#)). The man who abducted her ([Exhibit H](#)) was a prior sex offender. His face was on the sex offender website. When you look at him, you will realize that he looks like your normal American man. Nothing would make you think that he is a sexual predator and a killer. Yet, that is what he turned out to be. Dru Sjodin was killed at 22. Perhaps, if she had known some self-defense techniques, she may have been able to postpone things long enough for help to come.

We should try to safeguard Nevada's children and young adults from such tragedies as much as we possibly can by giving them access to instruction of self-defense. Based on responses on an inquiry made to Nevada school districts, I did not find any secondary schools in our state that currently offer self-defense instruction as part of their physical education curriculum. That is why I think that a bill authorizing that it can be done is important.

A few Nevada schools do appear to offer self-defense courses in partnership with afterschool and community programs. As this bill says, allowing students to receive PE credit for completing courses like these would encourage students to take advantage of existing opportunities where they are. In short, A.B. 217 would serve the best interest of Nevada's youth because it attempts to make self-defense more widely available in schools, and it encourages student participation in community self-defense courses. From the day that story came out, it stuck with me; a young life, so promising, taken away from us. Since then we have had nine year-old Jessica, who may have been buried alive also. We cannot always protect our children ourselves, but it behooves us to give them ways of protecting themselves.

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

In Section 1, subsection 2, it appears that if the board of trustees of the school district provides such instruction, it would be intended that a middle school or junior high school would be providing credit that would apply towards graduation. We wanted some clarification, because middle schools do not award graduation credit. They are not accredited to do that.

[Dotty Merrill, continued.] I attempted to connect with Assemblywoman Ohrenschall, but we were unable to do that. I point this out only because I think some clarification is needed in subsection 2.

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

We appreciate that the language in Section 1 is permissive so we can go down any road we would like. In subsection 2, we have the same concern as the Washoe County School District.

Assemblywoman Ohrenschall:

I would be willing to work with both of these witnesses to make any corrections to the bill that could make it letter perfect. Obviously, it appears that we need to correct the wording a bit, and I believe we could have that done by tomorrow.

Chairwoman Parnell:

Since it has not been the policy of the legislative Body to dictate curriculum to the school districts, we have the Council to Establish Academic Standards. We might want to consider writing a letter to the council stating that we have heard these bills and would like to see if there is a way to include them into the curriculum.

Assemblywoman Ohrenschall:

I would like to reiterate that this bill is not mandatory in any way. I realize, had it been mandatory, it might have caused a burden on the school system.

Chairwoman Parnell:

I will close the hearing on A.B. 217 and open the hearing on A.B. 228.

Assembly Bill 228: Makes various changes concerning compensation of teachers and requires Department of Education to study effectiveness of financial incentives. (BDR 34-440)

Assemblyman Bob McCleary, Assembly District No. 11, Clark County:

I am bringing you a proposal to set a minimum standard for paying teachers. Two election cycles ago, when I took a vow of poverty to become a State Assemblyman, I saw firsthand how poorly we pay our teachers. It has been a pet peeve of mine since the issue has come to my attention.

[Assemblyman McCleary, continued.] I need to disclose the fact that my brand new daughter-in-law is a fourth-grade teacher in Las Vegas. I asked her and many others why teachers taught. There are a lot of things they could have done, but it is my opinion that teachers teach because they have a passion to teach. The reason I brought up my taking a vow of poverty to become an Assemblyman—we get abused, we don't make any money, and no matter how you vote, you will get yelled at—is that I think the reason we do it is the same as why teachers do it. They do it because they have a passion to teach. The policy decision that I am going to ask you to make is whether the starting salary of \$28,000 is a living wage.

I want you to think of the educational requirements to be a teacher. You have to have a bachelor's degree, you have to go through a certification process, and you have to have continuing education throughout your career—all this while your starting pay is \$28,000. I debated my general election opponent at UNLV [University of Nevada, Las Vegas], and we had 120 students in the audience. I asked how many of them planned on getting a degree, and most of the hands went up. I asked them how many planned on making less than \$30,000 when they leave the institution, and all their hands came down. I then explained to them the disparity issues with our teachers. It was very disillusioning to many of them. Many of them indicated that they were planning on being teachers and didn't realize the pay structure.

I have another bill in Ways and Means that has to do with the Automotive Technology Center at Community College of Southern Nevada (CCSN). The Dean of Applied Sciences got up and was talking about how much money you can make in the market today as a mechanic. If you complete a two-year associate's program out of CCSN, you could get a starting salary between \$35,000 and \$40,000. The demand is there, and at least five years into the career, you could make \$60,000 or more. I am in the auto body business, and auto body technicians are in critical supply. Our auto body technicians make anywhere between \$80,000 and \$120,000. The reason I present that to you is that many times you can judge a society's priorities by what they pay their people. Why would they give education lip service when we say how important is and that it is our number one priority? We never put our money where our mouth is.

If you have somebody down the street who is going to watch your child for an evening—the reason I say this is because I have heard people say that teachers are like overly paid babysitters, which I totally disagree with—what is she going to charge you for an hour? Five dollars, maybe. I want you to take that person and have her watch 30 kids. That should be \$150 per hour, but she will give us a break and charge us \$90 per hour. This person doesn't have to educate them,

yet we expect teachers to manage these 30 kids in their class and give them an education. Furthermore, we want this on top of all of the educational requirements of teachers, and we don't want to pay a lot. How many careers require so much education with such a small starting pay?

[Assemblyman McCleary, continued.] Last session, one of our State Senators said that she loved government but hated to fund it. I think we sometimes have the attitude in this Legislature that we love education, but we do not want to fund it. These teachers deserve a better pay than \$28,000. I would like to stress that the need is now and not in the future.

If it is not now, when will it be? When will we put our money where our mouth is? We have a presentation prepared by Kenneth Lange from the Nevada Education Association.

Kenneth W. Lange, Executive Director, Nevada State Educational Association (NSEA):

This is an important moment. In terms of salaries we have talked about for Nevada educators, it has been done with wrangling at both the front and back end of the session. We have not come and sought to make a specific pitch for a salary increase to this Committee or any other committee. There have been many strategic reasons for that over the years. Things have since changed, and our members and those who teach in Nevada's classrooms have lost ground.

I would like to take you down a number of paths, with some dispatch, to get us to the core issues we are looking at in terms of teacher compensation ([Exhibit I](#)). I found that you find folks in one of two camps. One camp believes that education is a noble and just profession that deserves compensation. It is hard work regardless of how many contract days you serve. In that group you believe that teachers deserve more money, and you are in the vast majority of all Nevadans.

There are those, however, that believe that the teacher compensation package is more than sufficient to drive the market and attract people. They feel that what we pay now is a just compensation. Those folks would be in the minority, and we would like to bring a couple more of them over in this discussion.

Normally, we would characterize this as a market issue. This is about contracting and retaining great futures. We know from research that a quality educator in a classroom is the key variable for successful academic achievement. As the Assemblyman said, a lot of people claim to respect the work of educators, but that is about all they do. When we look at the quality of teachers in Nevada, their earning power and standards of living have actually

gone down a little bit each year. This would put us about 10 percent behind the norm over the last 10 years. For better or for worse, salary and benefits are an indicator of respect in this society. People who tend to earn more money earn more respect and tend to be able to move more freely and do the things that people like to do. At \$27,000 or \$28,000, as we will see in some later examples, your ability to act on your world is limited.

[Kenneth Lange, continued.] We have been very nervous in our organization about the number of teachers who are prepared to retire. Every one of those, from a self-interested perspective, is a member that leaves us to recruit a new person and the numbers are staggering. We have had a little relief because the economy went south after September 11 [2001], and folks have sought to extend their career by some amount of time. I think those pigeons are going to come home to roost as those folks retire. We see it in a few more each year.

I do not have to tell you about increasing student enrollments, but it is really interesting that about one-half of the teachers who enter teacher preparation programs actually go on to teach. It further limits our ability to put people in the classroom. The number we have been using with some certainty is that it will take about 2 million teachers over the next ten years to replace the workforce. NEA [National Education Association] has about 2.7 million members, and we expect half of them will move on over the next 10 years. We are going to need about 2,600 in Nevada. I would suggest that could even be a minimum. More significantly, most of these people leave teaching within three to five years. It is actually closer to half. In Clark County, half of the teachers have fewer than five years of experience. It is an incredible number. I remember that, when I started my teaching career, it took me three years to just figure out what was going on.

In the private sector, private jobs with a B.A. [bachelor of arts] start at about \$10,000 more than a teaching degree. It does not matter that our scales go up gradually over time. It does not keep up with salary increases in comparable professions. The average teaching salary with a master's degree is \$40,802. We have asked people in our polling if that was a good number; they say it is not enough. They associate the advanced degree with the time that it takes to get there, which is about 10 to 12 years. Private sector employees with the same degree earn an average salary of more than \$63,000. You can see that the significance there is steep. It is hard to argue that money does not matter, but it does matter when you go to buy your car, go to the grocery store, and in just about anything you do. It makes an incredible difference.

How do we keep them? We asked some kids about how that should be done, and they said that we should pay them. An adequate salary in the teaching profession represents respect, stability, job satisfaction, and its contribution to

the local economy. A teacher's salary goes right back into the community, into retail stores and auto repairs. It stays and recirculates in the economy. It does not go to investment houses in New York.

[Kenneth Lange, continued.] I did a little mathematics here; this is a combination of a report from the Economic Research Institute from 2003 and some of my math. In some cases the numbers could be a little low, but I would like to run through it very quickly. At \$32,500, your monthly income would be \$2,708. You take 15 percent off the top for income taxes, although the Economic Research Institute calculates it as a little higher than that because they incorporate state taxes. Rent and utilities for a 900-square-foot, two-bedroom and one-bath apartment is just under \$800. Consumables for your groceries and toiletries are about \$271. Auto maintenance and fuel for a \$12,000 car—the cost of driving that car is about \$0.53 per mile. Health services would be about \$111, and this includes your deductibles and anything else you might have to pay. Miscellaneous would include contributions to charity, life insurance, investments and savings, loans—I did not include credit card debt, which a lot of our teachers come into the business with—continuing education, and we know that a teacher spends close to \$1,000 of their own money on materials and supplies.

If you look at the difference, there is about \$90 to have fun with, and that does not count clothes and other discretionary items along the way. The question is, if this is an unrealistic expectation of somebody entering the profession that is only going to grow a couple percent per year, can this person expect to have a reasonable lifestyle for the job they are doing for our society and community?

Now, with an annual income of \$28,900, if you had gotten married and had a head start on your family, in Clark County, Washoe County, and Carson City, you can qualify for free lunch. Also, a teacher in Washoe County wants to buy a house, but the reality is that they cannot afford it. The median price of a home in Washoe County is \$265,000. If you find a good mortgage person, you might be able to get a 3 percent down payment. In this case, your monthly payment is going to be \$2,000. To qualify for that loan, you are going to have to make almost \$59,000 a year. Even if they take \$27,000 and \$27,000 for a two-teacher family, you would still not quite make it.

We can get to \$32,500 by the end of the biennium. We would basically take 7 and 7. At least a couple of legislators have talked about 5 and 5. What is ironic is that if you take that number and put it on top of the Governor's proposal, there is about a 10 percent difference. That is what just about closes the gap from what we have seen in the 2004 inflation rate of 3.3 percent.

[Kenneth Lange, continued.] Teachers and support professionals are charged with the responsibility with the future. Very few professions carry that same responsibility on their shoulders. I know from over 20 years of representing teachers and school employees that they take that seriously. From time to time, people will say, "What about the bad ones?" There is a threshold to get through the door and into the classroom. You do not just walk in and take over a class. There are folks who come to work every day and work hard to help us build for the future.

This year we are enjoying some of the best financial times we have ever had. If we do not do this now, when are we going to do it? We have had six years with zero percent increases. The bottom line is whether that is the way we want to go as a society, as a Legislature, and as communities who support the work of teaching in their schools.

Chairwoman Parnell:

For the last few years, the teaching profession has probably been one of the most scrutinized professions. Even before the No Child Left Behind Act, everything they do is dissected in the newspapers and headlines if the school doesn't make AYP [Adequate Yearly Progress]. That energy flows down. I have friends who have taught for a long time and in the last couple years, because of the demands of No Child Left Behind and the concerns of the administrator, they have faculty meetings and understand that we need to change this. Teachers who used to love being in the classroom, especially the 55-year-old teacher who is thinking about retirement, are being turned off by it. We will be seeing even greater numbers leaving, in addition to the stress and situation of their job.

Kenneth Lange:

I think you are exactly right. When I visit schools, teachers are tired, struggling, and frustrated. The morale is not where it could be. Ultimately, that will affect the children. The other thing that we know about teachers is that they will not come and ask for a raise, and we are doing that on their behalf today. It is time to do that without any shame or sense that it is inappropriate to ask for what you are worth.

Assemblyman Horne:

I would vote to double their salaries, but I would like to play the devil's advocate for a second. Whenever we talk about increasing teachers' salaries, the one thing they do not want to talk about is the accountability of their high salaries if they get them. When they get together and talk about this subject, it seems to be a sticky point.

Kenneth Lange:

There are a couple of ways to answer that question. The first is that we have imposed significant accountability requirements on educators as a whole. They feel that, and they are responding to that. They are working with the resources that they have. I invite those folks who say there is no accountability to look back at 1997 and No Child Left Behind. We have been doing a great deal of things with performance standards, achievement standards, and high-stakes testing. This is only going to intensify and cause scrutiny more through how the individual professional comes to the classroom. They come prepared to do that job and prepared to respond to those who give them that challenge.

Generally, I found that the folks who concentrate on accountability are talking about how to measure individual teacher performance. They wonder how you link that to compensation. NSEA is supportive, and we have begun to talk about performance-based pay, and looking at ways that we can have a good solid conversation about how different kinds of performance can be tracked with salary. That has to happen at the school district level. It took Denver eight years to put their plan together and reach a consensus about what constituted performance.

Finally, the continual efforts of the school districts, the administrators, and the educators to build solid evaluation platforms that allow for improvement, in a lot of the things you have discussed over the last few weeks, do, in fact, relate to that: the RPDPs [Regional Professional Development Programs], continuing education, et cetera. The NSEA has always been concerned that some of those systems are not as strongly constructed as they ought to be. We have brought legislation in the past that would require the administrators to spend at least two hours in the classroom observing a teacher before they write up the evaluation. We ultimately came to a compromise agreement over the course of two sessions. Our commitment is there, but we need to focus on what we want as an outcome. We get hung up on words in education like no profession I have ever seen. We have more acronyms and more conceptual language that, when you get outside of education, people do not understand. When people see a word like accountability, they need to check that we are all on the same page with the same concept.

Assemblyman Horne:

I would love to see Nevada to be known as the state with the highest-paid teachers in the country, but with the reputation that you shouldn't bother applying unless you are at the top of your game. If you cannot maintain that level, you will not stay there long.

Assemblyman Holcomb:

You said approximately one-half of the teachers leave their profession after five years. Do you think giving them a higher salary will help keep those teachers? Also, do you have any polls or exit interviews? Has anyone actually talked to these teachers to see why they are leaving the profession? I would like to add that my wife is retiring this year, and so many teachers have come up to her and said they wish they were in her shoes and could get out of the profession. She has never mentioned salary, but she has mentioned the stress that these teachers are under, and No Child Left Behind is responsible for that. Is it really the lack of salary that is causing these teachers to leave?

Kenneth Lange:

A recent 2002-2003 Washoe County School District survey showed that 41.8 percent of the folks leaving were dissatisfied with the salary. I do not think salary is the whole piece. I think people are frustrated overall. I think a good wage creates a buffer that allows you to tolerate things that you might not otherwise tolerate. It allows you, in your own life, to buy time and the things that give you a little bit of room to do the extra homework or stay for the extra meeting without the stress. I think the answer lies in a well-managed system that provides support to its employees, as well as good compensation. It will create a strong environment for the professional.

Assemblyman McCleary:

If you do not have your necessities in life, it is hard to focus on your career. If you are struggling to get by, worrying about paying that next bill, it is difficult to focus on your career. I know this because I am a legislator.

Assemblyman Munford:

In my experience, 80 percent of the teachers I have been around are dedicated. They are committed to their profession and they work hard. But, in reference to their salary, so many teachers are required to work a second job, even though we get the summers off with pay. We are paid yearly with the same monthly salary now, and that is the argument that many people use against us to not give us an increase. They say we have the entire summer off, so you have the opportunity to make some extra money.

There are so many variables to why teachers have morale. It goes into what your class assignment is or what level of students you have. You might be disgruntled with your administrators because you wanted to be a coach and they wouldn't give you a coaching job. All of these things come up, and we have discussions amongst our fellow teachers that lead to low morale and commitment problems. By and large, the teachers know what we are there for.

We really like children—regardless of the salary—and that is what it comes down to.

[Assemblyman Munford, continued.] I was there for 36 years, and I had to have something positive to make me stay in it for that long. There were many negatives, and I think salary is one of the important components. You can then get good teachers, and a good teacher is one of the most important things. There is a lot of mystery out there. I do not know what the panacea is. I do not know what the real answer is. If we keep chopping at it slowly, we will get there eventually.

Assemblywoman Angle:

In Section 2, subsection 2, it says that the salary must be at least \$32,500 annually. When we are talking \$32,500 annually, what do we mean? I know it is now \$27,000, but on top of that, you have a benefits package that is not included in your salary. I would like you to tell me what the benefits package is for that \$27,000, and also how it would relate to the \$32,500. Is the benefits package going to be included in that or on top of that?

Kenneth Lange:

That is the salary component of the compensation package. Your retirement, your health package, and other items that would be included would be on top of the \$32,500. When we talk about a year—we have contractual years in Nevada—I think the minimum is 180 days. Maybe we have a couple districts that push it to 185 days. Those are the toughest 180 days that you can have in a year.

Assemblywoman Angle:

We are talking about a base of \$32,500, and the benefits package would be on top of that for 180 days.

Kenneth Lange:

I think Washoe negotiated a couple of extra days on either end of their contract for professional days. It varies a few days from district to district.

Assemblywoman Angle:

A person is not initially hired if he has been employed as a licensed teacher. My son is working and is not an initial hire. He is at \$28,000 a year. If this were in effect, he would not be able to qualify for the \$32,500 because he is not an initial hire.

Kenneth Lange:

That was not our intent. The intent was that everybody who is a new hire would be moved to \$32,500, and we would adjust the salary schedules proportionately to move people up. If you are in the third year making \$29,000, you are going to get the proportionate increase. This means that, in most cases, because our salary schedules double over the course of a 12- to 15-year period, the top of the schedules would move to roughly \$65,000.

Assemblywoman Angle:

That is confusing language to me. In Section 3, it says that the salary must be cumulatively increased by the CPI [Consumer Price Index] plus 1 percent. Later on in the paragraph, it says that if the CPI decreases, the salary will not. It will not move with the CPI; it will only go up plus one percent. Did you intend to use the "must" language there?

Chairwoman Parnell:

On page 8, Section 5 references all those who are currently employed and how the bill would affect their salary. You might want to read that.

Assemblyman McCleary:

While Mr. Lange is looking at that, my intent was to set a reasonable base at \$32,500. I wanted a component in here to keep it gradually going up, rather than have us continually have to readdress this issue. Two years from now, this would be obsolete.

Assemblywoman Angle:

So that is why you included the "must" language with the CPI plus 1 percent? That would be about a 4 percent increase now, because the CPI is about 3 percent.

Kenneth Lange:

That would be correct. The concept that we were working with was that we need to make a catch-up and then set a reasonable building phenomenon that would keep the cost of living. Then, it would move us a little bit beyond that, so we weren't just keeping even. We would be getting ahead as a state.

Assemblywoman Angle:

It says it is an unfunded mandate and says it may have a fiscal impact on the local government, as well as the State. Do you have any idea of what we are talking about in terms of real dollars?

Kenneth Lange:

It would depend on whether we want to treat teachers separately. I will have to get back to you on that number. The number that we used was about \$200 million. It would probably calculate at about \$280 million. It takes a lot of money to drive this kind of change. That is one of the things that keeps us to these low numbers. When you talk about as many people as we have, moving \$500, \$600, or \$1,000 will take a lot of money. To move to \$32,500, it takes about \$2,000 a year on the base salary in Clark County. If you multiply that by about 30,000 teachers, you can do the math fairly quickly.

Assemblywoman Angle:

This would be included in the DSA [Distributive School Account]? Would this be something like the Governor is proposing with his extra \$200 million, or would this be included in the DSA?

Assemblyman McCleary:

That is what I envisioned. I think the State is in a position right now where we can play catch-up with our teacher's salaries, especially in a time when we are continuously recruiting new teachers and trying to retain the teachers that we have.

Assemblywoman Angle:

This is going to have to be built into the base at some place. It is fine to do a one-shot, but what are we going to do year after year to keep this going? I guess that is where I am going with this. Have we thought this through to the future?

Assemblyman McCleary:

I know it looks like it is very expensive, and we have to be asking ourselves whether we can afford this. My question to you is, can we afford not to do this? How long can we continue to neglect these public servants? I will certainly let this Committee make that decision.

Chairwoman Parnell:

I would like to tell a story that was told by Senator Mathews. Her son wanted to become a teacher, and while he was going to school, he served as a school custodian. After he graduated with his degree, his entry-level teaching salary was less than what he was making as the school custodian.

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

We were asked for a fiscal note on this bill. We took into consideration that they wanted initial salaries to be \$32,500, but if you read Section 5, it says

that all of the other steps will be adjusted to do so. That really affects all licensed teachers. Putting all of the requirements into the fiscal year 2006, the fiscal amount came to \$206,477,000. For the second year, we applied the growth factors plus a 4 percent increase in teachers, a 2 percent roll-up, and the estimate on the CPI, and that came to \$222 million for fiscal year 2007. It would be about \$428 million over the biennium.

Assemblywoman Angle:

That would be \$420 million that would be ongoing in the base?

Keith Rheault:

That is correct. Once you increase the salaries, you will generally not decrease them.

Assemblyman Munford:

In the past, whenever the teachers received a raise, the administration and classified employees would also receive a raise. Does that include them also?

Keith Rheault:

I need to clarify, but I think this was all licensed personnel and not classified. If we are including all personnel with similar adjustments to their salary, this would be a bigger number. We responded to adjustments in the salary steps that classified would not fall under.

Chairwoman Parnell:

We know the issue is out there, but I think it is one that we all want to ignore. We seem to go year after year without addressing it. I will close the hearing on A.B. 228 and open the hearing on A.B. 451.

Assembly Bill 451: Requires Department of Education to prescribe code of honor relating to cheating by pupils. (BDR 34-1013)

Assemblyman Harvey Munford, Assembly District No. 6, Clark County:

Currently, in the Nevada statutes pertaining to pupils, there are no laws that address cheating in the classroom, and A.B. 451 intends to address that. A.B. 451 would require the Department of Education—and possibly the local districts, in conjunction with the Department of Education—the personnel of the school districts in charge of schools, and local organizations to create a code of honor. That is primarily what I am looking at. The word “cheat” gives you a direct understanding of what I am looking at. I am looking for a code of ethics

or a code of honor to make young people realize what integrity is all about. They need to earn their grades in a legitimate, honest, and a decent manner.

[Assemblyman Munford, continued.] Teaching for such a long period of time, I was able to discover so many things that I experienced in the classroom. This past summer, when I did my last classroom teaching in a summer school program in Clark County, I was able to observe students cheating. I caught them in the act, and they were using their cell phones to pass answers to one another. When I would give them a review before the test or exam, somebody would transfer the information to their phone. When the test took place, they would take out their cell phones with the answers to the test. I caught several kids doing this, but there was no policy in place to reprimand the students. I took it upon myself to give them an F on the test or make them take it after the class was over. That gave me a little incentive to do what I am doing. Over the years, I have seen it all over the educational system.

Teachers generally have their own in-class policies. They would call the parents, give the students an F, make them take the test after school, or send them to the dean, but there was nothing that was set out in some kind of policy. We have a tardy policy and we have an attendance policy, and those two situations were out of control. They were management policies. To some extent, the policies have controlled the problems. It is almost to the point that cheating is a rampant infestation. Maybe we could have a transitional implementation where you would start in the elementary schools and work it up to the high school level.

I would also like to add that once you got into the high school level, I would implement a penalty that said they could lose their Millennium Scholarship if eligible for one. I think that would be a strong deterrent in the sense of making young people conscious of their cheating. Because of the stress that is being put on young people to succeed or get that competitive edge, you find children cheating to get by. Everyone is on them to succeed and achieve, and that is why they will sometimes stoop to any level to succeed.

We have the departmentalized classes within the schools. You have your AP [advanced placement] classes, your honors classes, and your marginal students. Sometimes, those students are working and do not have time to prepare for the classes. They could be engaging in cheating, because they come to class tired from working all night. They find some way that they can attain their grade by some deceptive means. Even the honor students have stress put on them, and they resort to a lot of deception. Even the AP children, even though they are supposed to be motivated and college-bound, they can turn to the easy way out

also. This was something that I felt needed to be addressed, and it will take some time to study and examine it.

[Assemblyman Munford, continued.] The next speaker who is going to testify on my behalf is an intern for Senator Titus. She is a junior in college at this point and has only been out of high school for two years. She is on track to graduate in three years. She is a shining example of what you can do if you do it the right way.

Annette Magnus, Student, University of Nevada, Las Vegas (UNLV):

I am here to support A.B. 451. [Read from prepared testimony, [Exhibit J](#)].

I was born and raised in Las Vegas, Nevada. I attended public school my entire life. During that time, I witnessed a variety of different types of cheating, from cheating on exams to cheating on simple homework assignments. At the high school I attended, the valedictorians—two of them—were known cheaters and did so in various AP and honors courses, which I was in also. I do not see how it is fair that known cheaters can receive the highest academic award when there are so many other deserving students who did not cheat their way through school. I feel it is time for students in all grades to be held accountable for their actions, just as they would if they were absent more than 10 times. If students knew that there were serious consequences for cheating, maybe less would actually do so.

As a student, and now a safety instructor—which is a before and afterschool instructor at the elementary school level—I see firsthand the damage that cheating can do to a young person. I feel it is time that there be a system put in place to curb the problem.

Janine Hansen, President, Nevada Eagle Forum, Sparks, Nevada:

I also have children who have talked about cheating in our schools, which is of concern to all of us. I noticed as I was looking at the *Nevada Constitution* something that would support this bill for Mr. Munford. It is in Article 11, Section 1. It says, “The Legislature shall encourage, by all suitable means, the promotion of intellectual, literary, scientific, mining, and mechanical, agriculture, and moral improvements.” I think this certainly falls under that broad sweep of the *Nevada Constitution*, to encourage moral improvements with our young people. We should have a high goal for them.

If children learn that cheating is the way to get ahead in school, we need to realize that we do not want a doctor who is cheating his way through school.

We do not want the man who fixes our plumbing to have cheated through his program. It is a serious issue in life if children think that cheating is the way to get ahead. It is a disservice to them, more than to anyone else, but also to those around them.

Lynn Chapman, Vice President, Nevada Eagle Forum, Sparks, Nevada:

I am here to support A.B. 451. I think it is a great bill that is needed. I had one child who was homeschooled, and she couldn't cheat. I do know that a lot of her friends would talk about cheating. We have a problem, and we need to teach our children integrity, respect, discipline, and that all of our actions have consequences.

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

I do not think we weigh in support of the bill. We are more neutral. I would support writing up the code of honor, but we would have trouble with Section 1, subsection 2. This would have us define cheating in a clear and concise way. I could see having different degrees of cheating, from bringing in a homework assignment to state testing. Particularly, if you tie it to the Millennium Scholarship, we are talking a \$10,000 penalty for cheating in the seventh grade. It does not delineate that, and I am not sure we can do it in such a clear and concise manner where it could uphold a \$10,000 penalty by not getting a Millennium Scholarship if they graduated with it. I think it could be better by allowing the districts to get the word out about the code of honor. There should be appropriate discipline taken by the local school districts.

Another concern would be to track that cheating incident, if it occurred in seventh, eighth, or ninth grade, and then have it in a database to track them not getting a scholarship down the road. Someone would have to track that year after year to make sure it followed the student.

We do not have a problem with the code of honor. Logistically, I think it may take some work to clearly define what cheating is. You could have a broad definition, but would it hold up when we get sued because they lose some rights? I am not sure we can be that precise.

Assemblywoman Angle:

I am concerned with the fiscal impact again. It says there would be a fiscal impact on the State insurance. Can you tell me what that would be?

Keith Rheault:

I have not seen a fiscal impact. I know we were asked for one on this. From the standpoint of the Department of Education, we could develop the regulations

and the policy without any cost. There would be a fiscal note submitted by school districts. To send out all of the required documents to the parents and then tracking what we impose in the policy would create some local fiscal cost, but at the State level, we did not submit any.

Assemblywoman Angle:

I wonder if there would be an impact on the liability insurance, because your risk goes up when you are open to litigation. I would wonder if it had something to do with that.

Assemblyman Munford:

I agree with Dr. Rheault in the sense that it may be difficult to implement the degrees of cheating. Students now have ways of accessing teachers' computers. Sometimes they can falsify their grades of some sort. Maybe a student could build up a folder of being caught cheating. I understand what you are saying about the Millennium Scholarship, but I feel that would be more focused on the high school student and not the middle school student. It would depend on how flagrant or serious the cheating was. If the student did go to the extent of using the teacher's computer to falsify grades or stealing a teacher's test, it would be different. These types of things occur because I have had them happen to me. All teachers, at some times, are given the opportunity for aides. Sometimes they collaborate with the teaching aides to exchange grades.

You are right on the fact that there are different degrees, but I am sure we could set up some sort of guidelines that could be used.

Keith Rheault:

We would use our best efforts to clarify this, but the more penalties that are attached, it becomes more than a "he said, she said." There needs to be evidence, and we could work on that if that was the intent. It said, "...including, without limitation, the loss of the Millennium Scholarship," so I thought it was intended that if they were caught cheating, they would definitely lose it.

Assemblyman Munford:

If you are absent more than ten times, you will lose the Millennium Scholarship also. There would obviously be an appeal process. If there was strong evidence, I think it would justify a severe penalty.

Keith Rheault:

We do not have any problem putting together the code of honor, and we could put some progressive pieces in there, if that was the intent.

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

I was able to have a conversation with Mr. Munford and appreciate his willingness to discuss this issue. The Clark County School District firmly supports the concept of a code of honor. We do have some concerns with the bill as it is written.

In the Board of Trustees' mission statement, it says, "The Clark County School District students will have the knowledge, skills, attitudes, and ethics necessary to succeed academically and will practice responsible citizenship." In our policies and regulations, we also have a code of conduct for our students, which says, "The Clark County School District recognizes its responsibilities for the invocation of community values. The District believes that integrity, respect, responsibility, and justice are fundamental for civilized human conduct." The students are expected to demonstrate those qualities, and the staff is encouraged to be role models for them. I think those are in the same direction for what Assemblyman Munford is talking about, and the idea of a code of honor that students and their parents read as they are brought up through their elementary years is a good idea. We think those are the kinds of values that we support and would like to encourage.

We do have some concerns with the punitive nature of the bill. The fact is that the way the bill is written in its current form means that if a student cheated on a spelling test in the fourth grade, he would be denied the ability to qualify for the Millennium Scholarship. It also puts the burden on the board of trustees for determining who qualifies for the scholarship and who does not. I can imagine that there would be appeals, lawsuits, and other issues that they would have to deal with, and we are concerned about placing that burden of the enforcement role upon them. We would like to make sure that those added responsibilities do not come to them. Once you start talking about a major punitive action in response to cheating—which may not be very easy to prove or define—we get a little worried about it.

The part that we stress—and I do not think it would have a fiscal note to it—is the implementation of a code of honor for our students. We have enough existing publications, and I think a code of honor could be included in those, so that we could start developing that concept with the students, from when they start kindergarten through their high school career, that we do not believe in cheating. We think that we could support that.

Assemblywoman Smith:

I was just thinking about the parent compact bill that we passed out of the Assembly already. I think it would be a place that you could consider doing that.

Joyce Haldeman:

When I was having my conversation with Assemblyman Munford, I thought of the very same thing. It is the kind of thing that you could have a parent signature on: "I understand that cheating is not allowed." Particularly, if the State Department of Education is going to develop it, we really like that part.

Assemblywoman Smith:

And the compact requires the student, parent, and teacher signature.

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

We feel the same way about everything that Ms. Haldeman has just said. We foresee the same kinds of problems that both she and Dr. Rheault have described. Certainly, we would support the development of a code of honor for pupils related to cheating, but again, we have the same concerns about a fourth grader who maybe uses a dictionary on the fourth grade writing assessment, which is not supposed to happen. That should not follow him after high school graduation. We certainly support the concept and applaud the intention that Mr. Munford has communicated about the importance of the honorable behavior versus the dishonorable behavior.

Assemblywoman Smith:

We have one email that I would like to read into the record from Mary Jo Parise-Malloy, with Nevadans for Quality Education ([Exhibit K](#)).

Nevadans for Quality Education has read through this bill, and we have big concerns with it. First, we support the concept of a code of honor. However, we believe that this shouldn't be legislated. Second, if we are going to look at behaviors that would disqualify an individual from the Millennium Scholarship, we need to look at all bad behaviors. Thirdly, how do we deal with teachers that cheat on high-stakes tests?

Chairwoman Parnell:

We will close the hearing on A.B. 451 and open the hearing on A.B. 513. There seems to be some issues that have come to the forefront in several pieces of legislation. Mrs. Smith is going to describe how that applies in A.B. 513.

Assembly Bill 513: Revises provisions governing high school proficiency examination and requires reporting of certain information regarding high school teachers for math and science. (BDR 34-1353)

Assemblywoman Debbie Smith, Assembly District No. 30, Washoe County:

We have several bills that deal with reporting and proficiency exams. As we were looking at this, we thought that the majority of this bill is covered in other places. We have the substitute teacher information covered in an amendment in A.B. 154. Also, we have a couple of bills with proficiency exam requirements that are mentioned herein. One of the pieces that is included in this bill that we think we would have to include into another bill is the part of Section 5 that talks about releasing information to the public regarding the High School Proficiency Exam. We have discussed that in other hearings as well.

Furthermore, retaking portions of the High School Proficiency Exam is in other legislation. We are thinking that we could probably take all of the pieces from this bill and make sure they are covered in those other bills. This way, we do not have an extra bill that we need to deal with.

Chairwoman Parnell:

We will close the hearing on A.B. 513. Before we open the work session, I would like to go back to Mr. McCleary's bill, A.B. 422.

Assembly Bill 422: Increases compensation of members of boards of trustees of school districts. (BDR 34-1173)

Chairwoman Parnell:

We would like to re-refer this bill to the Assembly Committee on Ways and Means, as they are dealing with similar issues. They wanted to look at it as more of a group package.

ASSEMBLYMAN MABEY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 422, WITH A RE-REFERRAL TO THE ASSEMBLY
COMMITTEE ON WAYS AND MEANS.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:

The amendment proposed by the sponsor would go to Section 1, subsection 2. It would delete lines 3 to 8 and insert something to the effect of the following:

Each member of the board of trustees of a school district in a county whose population is less than 100,000 is entitled to receive

a salary in the amount set by a vote of the members of the board of trustees of the district. The salary set pursuant to this subsection must not be less than \$600 per month, but must not exceed \$1,200 per month.

[Carol Stonefield, continued.] Mr. McCleary, did you have an amendment to the amendment?

Assemblyman McCleary:

There was discussion of some possibilities that would require the two largest school districts to increase the salary by \$1,200 per month, and then the smaller school districts would be \$600 a month, with the board being able to increase it anywhere between \$600 and \$1,200 a month with what they felt appropriate. We thought Ways and Means may have a way to fix that.

Chairwoman Parnell:

I think that is another reason we would like to send it to Ways and Means, so that they could look at the State Board and similar positions to come up with a consistent policy.

Assemblywoman Smith:

I wanted to comment that I do not find the amendment acceptable, but I do feel that we need to send it to Ways and Means so they can look at similar legislation. As a member of Ways and Means, I am happy to transfer information from members of this Committee to that committee.

Assemblywoman Angle:

As my colleague stated, I am not in support of this bill because it is an unfunded mandate to the school districts. Having sat on a rural school district, I know it can be very difficult to try and fund a mandate like this when you are trying to fund classrooms, supplies for teachers, and things like that. You do not want it to go to a salary for yourself. If it were all discretionary, I could support it, but I am hesitant to support a mandate like this. I will be interested to see how Ways and Means deals with this. I am grateful you brought it forward because I find it necessary, but I could not support it the way it is worded now.

Assemblyman McCleary:

As an Assemblyman whose salary and expenses pay for about 75 percent of my stay here, not to mention the expenses that are going on at home, I do not think people should have to pay to serve. When I saw the inequity in the interim committee, I felt this needed to be addressed. For most of them, this is going to help them break even. The people are not going to get rich from this, and we

are not going to track people for the wrong reasons with this. I feel sorry for people who have to serve, and that is my reason for proposing this.

Assemblyman Manendo:

I am going to support the motion. It is not that I am against this. I think the policy debate should be here. Whatever bills are being discussed in Ways and Means, as far as other jurisdictions, I think we should take on the policy discussion, but if Ways and Means would like to have the policy discussion to keep it alive, I will vote for it.

Chairwoman Parnell:

I think that is why we decided to send it with a recommendation and not without. This way, we have said that we think this is important.

Assemblywoman Smith:

I think there are a couple of issues here. Ultimately, the money the districts get come through the State. Being able to look at it through that perspective is valuable. If you look at even the State positions, Ways and Means is trying to look at things collectively, and not looking at all of the budgets separately so we are having inequities between employees. I think it will allow the Committee to look at the State Board as an example.

Assemblywoman Angle:

As far as policy issues go, we have a constitutional mandate that we do not take unfunded mandates from the federal government. For us as a policy matter, to pass unfunded mandates to local governments, I think that we need to deal with that as well.

Assemblyman Holcomb:

This is something that I am opposed to, because it is not something we should go against the federal government on. It seems contradictory, and I would have to share the same sentiments.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE AND
ASSEMBLYMAN HOLCOMB VOTING NO.

Chairwoman Parnell:

We will now open the hearing on A.B. 180.

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

Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:

I think everyone has a copy of the work session document ([Exhibit L](#)). Behind Tab A is the summary page for A.B. 180, which is another charter school bill.

This bill gives the local board of trustees the discretion to approve or disapprove the application to form a charter school. If the board disapproves a charter, the Committee may apply to the State Board of Education, which must approve the application. This bill gives the State Board the discretion to deny the application. This is a similar provision that was passed out of this Committee in A.B. 168.

Existing law allows a person to serve on the governing body of a charter school only if he/she submits an affidavit indicating that he/she has not been convicted of any felonies. This bill creates an additional requirement that the person must submit an affidavit confirming that he/she has read and understands the responsibilities of governing bodies. Currently, a charter school must employ a licensed teacher to teach pupils in grades kindergarten through fifth grade. If instruction is offered in grades six through twelve, the charter school must employ a licensed teacher to teach certain subjects. The bill requires the charter school to hire licensed teachers to teach in grades six, seven, eight, and in certain core subjects. Teachers who teach in Title I schools or in certain subjects must meet the definition of "highly qualified," pursuant to NCLB [No Child Left Behind Act of 2001].

The yellow sheet that follows has a summary of all of the amendments that are offered. The first one is denial of an application to form a charter school. The proposed amendment suggests that a written notice for the reasons for denial and identification of the deficiencies in the application must be included.

ASSEMBLYWOMAN SMITH MOVED TO APPROVE THE
AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY LUCILLE
LUSK, REVISING LICENSING REQUIREMENTS FOR CHARTER
SCHOOL TEACHERS.

ASSEMBLYMAN MABEY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The next amendment proposed a timeline for action on the application. This one was proposed by Clark County School District. Those proposals are the last two pages in front of Tab B. This would be amendment number 1. The current statute requires the trustees to consider an application in not less than 30 days. The proposal would amend the passage and would amend the passage as a choice to changing the 30 days to 60 days, or add language that permits a waiver, such as 30 days or until such time is mutually agreed upon by the applicant and the prospective sponsor.

Chairwoman Parnell:

The choice is either going with replacing 30 days with 60 days, or replacing 30 days with an agreed-upon time by both parties.

ASSEMBLYMAN HARDY MOVED TO APPROVE THE AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY THE CLARK COUNTY SCHOOL DISTRICT, WHICH REPLACES 30 DAYS WITH "30 DAYS, OR A TIME MUTUALLY AGREED UPON BY BOTH PARTIES."

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

Assemblyman Mabey:

It seems like you are giving one party forever to come to the table. If both of them do not agree, they may never agree. I think a set time, if honored, would be better.

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

Our intent was to stretch out the timeline a bit, because 30 days was nearly unworkable in nearly every case. Truthfully, we have no preference. We are okay with 60 days or whatever works for the applicant.

Kristin Roberts, Principal Deputy Legislative Counsel, Legislative Counsel Bureau:

If you have a question of it being extended too long, you could say, "...not less than 30 days but not more than 60, agreed upon by the parties."

Assemblyman Hardy:

If it is 30 days, or until such time as mutually agreed, if we have no mutual agreement, then it is 30 days. That is how I read that.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The third proposed amendment also comes from Clark County, and it relates to charters. It is amendment number 5 on the page before Tab B ([Exhibit L](#)). The intent of this amendment is to give charter sponsors discretion in approving charter amendments. Clark County suggests the following revision: "If the proposed amendment complies with the provisions of this section, NRS 386.500 to NRS 386.610 inclusive, in any other statute or regulation applicable to charter schools, the sponsor may amend the written charter in accordance with the proposed amendment."

ASSEMBLYMAN HARDY MOVED TO APPROVE AMENDMENT
NUMBER 5 TO ASSEMBLY BILL 180 IN THE WORK SESSION
DOCUMENT, PROPOSED BY THE CLARK COUNTY SCHOOL
DISTRICT.

ASSEMBLYMAN McCLEARY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The next proposed amendment relates to the qualifications to be an administrator in a charter school. It is the second page following the yellow table ([Exhibit L](#)). It was proposed by Craig Butz with the Odyssey Charter School in Las Vegas. This amendment would expand the qualifications that are acceptable to be an administrator of a charter school to include those individuals who have an administration 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, et cetera. He is asking for the same qualification as applied to administrators in the public schools.

ASSEMBLYWOMAN SMITH MOVED TO APPROVE THE
AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY CRAIG
BUTZ, REVISING THE QUALIFICATION REQUIREMENTS FOR
CHARTER SCHOOL ADMINISTRATORS.

ASSEMBLYWOMAN ANGLE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The next amendment goes to leaves of absence. It is the third page following the yellow table ([Exhibit L](#)). This proposed amendment intends to eliminate the necessity of having one-year contracts for school district employees on leaves of absence continuing onward with the charter school for six years. It has been the experience of Washoe County and other district sponsors of charter schools that this situation contributes to instability in non-charter schools. Subsection 5 of that section would change the six years to three years and strike language relating to an employee who is on a leave of absence submitting a written request to the board of trustees to return to a comparable teaching position. It would reduce from six years to three years.

Assemblywoman Smith:

I think this was the amendment that we had the most hesitancy about, but from the last discussion that we had, it seems like it creates more stability for both sides.

ASSEMBLYWOMAN SMITH MOVED TO APPROVE THE AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY NSEA AND THE WASHOE COUNTY SCHOOL DISTRICT, REDUCING THE LEAVE PERIOD FROM SIX YEARS TO THREE YEARS.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The next amendment relates to accountability reporting. It is proposed amendment 2 from the Washoe County School District. This would remove the responsibility from school districts handling accountability and reporting other matters related to charter schools that the districts do not sponsor. It should be noted that in the proposed language, there is a reference to the Board of Regents, which, because of the action of A.B. 162, you may want to delete. It would be the fourth page following the yellow sheet ([Exhibit L](#)).

Chairwoman Parnell:

I would note that we would like to delete the reference to the Board of Regents. It is perturbing that we are having the school districts do this when they are not the sponsor.

ASSEMBLYMAN MABEY MOVED TO APPROVE THE AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY WASHOE COUNTY SCHOOL DISTRICT, REMOVING THE RESPONSIBILITY OF SCHOOL DISTRICTS HANDLING ACCOUNTABILITY ISSUES FOR CHARTER SCHOOLS NOT SPONSORED BY THAT SCHOOL DISTRICT AND DELETING THE REFERENCE TO THE BOARD OF REGENTS.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The next amendment is also from the Washoe County School District. It would be the next page in the series from Washoe County ([Exhibit L](#)). This one would require that charter schools sponsored by a board of trustees shall enroll children from the school district itself prior to enrolling children who live outside that district.

Chairwoman Parnell:

That one is also from Carson City, Douglas County, and Churchill County. There are a number of school districts who felt that was important.

Assemblyman Hardy:

Does this mean that they enroll two people from the school district and then they can enroll more, or they enroll everybody from the school district and then if they have leftover places, they can enroll those who live outside of that district.

Chairwoman Parnell:

It would mean that the openings would belong to students within your school district. If that closed and you still had openings, at that time it would be opened up for students outside of that particular school district.

Assemblyman Hardy:

So, only if you had openings that were not filled.

Chairwoman Parnell:

Correct. I would also note that distance learning is exempt from that.

ASSEMBLYMAN McCLEARY MOVED TO APPROVE THE AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY THE WASHOE COUNTY SCHOOL DISTRICT, REQUIRING CHARTER SCHOOLS SPONSORED BY A SCHOOL DISTRICT TO ENROLL STUDENTS FROM WITHIN THEIR SCHOOL DISTRICT BEFORE ENROLLING STUDENTS FROM OUTSIDE THE SCHOOL DISTRICT.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Carol Stonefield:

The final amendment is proposed by the Clark County School District. It is on the second to last page before Tab B ([Exhibit L](#)). It is amendment 3. This amendment would change the reporting deadline. Current law specifies that year-end reports on each charter school are due from the sponsor to the state on or before July 1. It is useful to include AYP [Adequate Yearly Progress] data and school designation information in these reports, and final designations are not available until August 1. The district would like to amend the due date of the year-end reports and change it from July 1 to August 15.

ASSEMBLYMAN HARDY MOVED TO APPROVE THE AMENDMENT TO ASSEMBLY BILL 180 PROPOSED BY THE CLARK COUNTY SCHOOL DISTRICT, CHANGING THE DUE DATE FOR YEAR-END REPORTS FROM JULY 1 TO AUGUST 15.

ASSEMBLYWOMAN ANGLE SECONDED THE MOTION.

Chairwoman Parnell:

Does that do anything to the reporting that you need to do at the State Department, Keith? [Keith Rheault answered in the negative.]

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 180.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Bill 132: Revises provisions governing provision of safe and respectful learning environment in public schools. (BDR 34-68)

Not heard.

Assembly Bill 154: Revises provisions governing statewide system of accountability for school districts and public schools and makes appropriations. (BDR 34-484)

Not heard.

Assembly Bill 202: Revises provisions governing safe and respectful learning environment in public schools. (BDR 34-561)

Not heard.

Assembly Bill 525: Makes appropriation for innovative educational programs. (BDR S-1352)

Not heard.

Chairwoman Parnell:

The meeting is adjourned [at 8:11 p.m.].

RESPECTFULLY SUBMITTED:

James Cassimus
Transcribing Attaché

APPROVED BY:

Assemblywoman Bonnie Parnell, Chairwoman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 11, 2005

Time of Meeting: 3:55 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	*****	Agenda
ACR 10	B	Theresa Jordan / UNLV	Prepared testimony
A.B. 280	C	Daniel Klaich / UCCSN	Prepared comments
A.B. 280	D	Carol Lucey / WNCC	Prepared testimony
A.B. 395	E	Assemblywoman Giunchigliani	Amendments to <u>A.B. 395</u>
A.B. 395	F	David Perlman/ Nevada Commission for Postsecondary Education	Prepared testimony and information
A.B. 217	G	Assemblywoman Ohrenschall	Dru Sjodin information
A.B. 217	H	Assemblywoman Ohrenschall	Alfonso Rodriguez information
A.B. 228	I	Kenneth Lange / NSEA	Prepared testimony
A.B. 451	J	Annette Magnus / UNLV student	Prepared testimony
A.B. 451	K	Assemblywoman Smith	Testimony from Mary Jo Parise-Malloy
	L	Carol Stonefield / LCB	Work session document