

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

**Seventy-Fourth Session
May 16, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:54 p.m., on Wednesday, May 16, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Bonnie Parnell, Chair
Assemblywoman Debbie Smith, Vice Chair
Assemblyman Bob Beers
Assemblyman David Bobzien
Assemblyman Mo Denis
Assemblyman Joseph P. (Joe) Hardy
Assemblyman Ruben Kihuen
Assemblyman Garn Mabey
Assemblyman Harvey J. Munford
Assemblyman Tick Segerblom
Assemblyman Lynn D. Stewart

GUEST LEGISLATORS PRESENT:

Senator Steven A. Horsford, Clark County Senatorial District No. 4

STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Kelly Troescher, Committee Secretary

Minutes ID: 1225



OTHERS PRESENT:

Julie Whitacre, Director, Government Relations, Nevada State Education Association

Joyce Haldeman, Community and Government Relations, Clark County School District

Craig Kadlub, Director, Government Affairs, Clark County School District

Al Bellister, representing Nevada State Education Association

[Meeting called to order; roll called.]

Chair Parnell:

Several Committee members are presenting in other committees, so let us get started; just know that people will be coming and going. I will open the work session on Senate Bill 110 (1st Reprint).

Senate Bill 110 (1st Reprint): Revises provisions governing the administration of examinations to pupils enrolled in the public schools. (BDR 34-474)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit C](#)).] There is a proposed amendment from the Nevada State Education Association (NSEA) ([Exhibit D](#)), and its page 2 reflects some of the changes resultant from the Committee's discussion when the bill was presented. You have, however, been given a revised amendment from the NSEA, and, Madam Chair, you were interested in having them present.

Chair Parnell:

Could I have someone from the NSEA come to the table? The newer version of the amendment should be at your desk. Please look at that. It is the document we will be referring to.

Julie Whitacre, Director, Government Relations, Nevada State Education Association:

The new document ([Exhibit D](#)) you have reflects some additional changes to the document that we presented last week. It is a compromise agreement with all of the other interested education parties. We are all in full agreement on this amendment.

We deleted one of the "whereas" clauses. It sets a moratorium from July 1, 2007 until January 1, 2009 on the districts to administer tests that had not been adopted by the school district before July 1, so they can administer a test that they have adopted before July 1 of this year. That is the big change.

Some of the other changes are ones that have been suggested in your work session document, such as Section 4, subsection 2(b) where we included "other licensed employees" and deleted "public school," so the bill just deals with school districts and district wide tests.

Chair Parnell:

A refresher: we were concerned that the original date of the testing time was 2005-2006 and thus needed to be updated. I had a concern, which is now reflected in the new Section 4, regarding the number of hours teachers spend testing. I wanted to make sure that counselors were reflected, and they are in "other licensed employees." It leaves "educational support staff" in as well.

Assemblyman Hardy:

Are we going to put in the language "Assembly Bill 484?" Has it passed?

Julie Whitacre:

Assembly Bill 484 has not passed yet. We are hopeful that it will.

Assemblyman Hardy:

We cannot vote on something that has not passed.

Chair Parnell:

Ms. Roberts can explain.

Kristin Roberts, Committee Counsel:

That is the question that I had for Legislative Counsel, and according to Brenda Erdoes the way we would refer to it in the bill would be "Assembly Bill 484 of this session, if enacted."

Chair Parnell:

Does that give you a sense of comfort?

Carol M. Stonefield:

In the version that is in your binder ([Exhibit D](#)), if you note the third yellow box, it also reflects an item that was discussed when the bill was presented. The sponsor of the bill, Senator Beers, suggested that we add a provision that would limit this so it would not apply to tests that the pupil opts to take, like Advanced Placement (AP), or other tests like that.

Julie Whitacre:

When we got together to draft the compromise language, we took that section into account, knowing it was a concern. It has been resolved in the language in front of you because if the districts already have that test in place, the bill does not change it. It was any test that was adopted by the school district before July 1, 2007, so they should have already been adopted.

Chair Parnell:

The concern would be more about the ACT or SAT. What if you are opting to take a test that is not mandated by anyone? We need to make sure that is covered in this bill.

Julie Whitacre:

I do not want to speak for everyone, but I think we would be agreeable to that.

Chair Parnell:

You would be okay if we put that language back in to accommodate Senator Beers?

Assemblyman Stewart:

Is Senator Beers agreeable to the amendment?

Julie Whitacre:

Yes, he is.

Chair Parnell:

When we had the discussion during the hearing, the limitation did not apply to tests that people opt to take. That would cover all of Senator Beers' concerns, is that correct?

Carol M. Stonefield:

Yes.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 110 (1ST REPRINT) WITH VERSION FIVE OF THE
PROPOSED AMENDMENT.

Chair Parnell:

It would also include reinserting the language that shows this does not apply to any test that a pupil opts to take.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DENIS, KIHUEN, MABEY
AND SMITH WERE ABSENT FOR THE VOTE.)

Chair Parnell:

Let us turn to Senate Bill 143 (1st Reprint). This is Senator Raggio's parent support-card bill.

Senate Bill 143 (1st Reprint): Revises provisions governing pupils and parents.
(BDR 34-415)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit E](#)).] There is an amendment and the mock-up is behind the bill page. The only change is on page 3, which adds the Nevada Association of School Administrators to the groups that the Department of Education will consult when it develops the form to be used to report to parents.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 143 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DENIS, KIHUEN, MABEY
AND SMITH WERE ABSENT FOR THE VOTE.)

Chair Parnell:

Since Senator Horsford is with us, let us turn to Senate Bill 312 (2nd Reprint).

Senate Bill 312 (2nd Reprint): Revises provisions relating to education.
(BDR 34-604)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit F](#)).]

Chair Parnell:

Are there any questions or discussion? There was a thorough hearing on this bill.

ASSEMBLYMAN HARDY MOVED TO DO PASS SENATE BILL 312
(2ND REPRINT).

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DENIS, KIHUEN,
MABEY, AND SMITH WERE ABSENT FOR THE VOTE.)

Assemblyman Stewart:

Was there not another bill regarding promotion of 8th graders? Is this in conflict with that bill?

Chair Parnell:

No. We had a bill that said you now have to pass math, science, English, and social studies to be promoted. Instead of the two core subjects, it would require four. We had that bill and there are two additional bills that increase the compulsory attendance age from 17 to 18.

If we have two or three bills that pass, Ms. Roberts, would you explain how they are reconciled at the end of session?

Kristin Roberts, Committee Counsel:

Nothing needs to be done with those bills before the end of session, as long as it is not considered a substantive conflict. If the changes are consistent, when the Legal Division codifies the bills after session, all of the changes are incorporated into that section.

Chair Parnell:

[To Assemblyman Stewart.] Do you have a concern?

Assemblywoman Smith:

I want to state on the record and will repeat it on the Floor that I have always voted against legislation that does not make the proficiency test stronger. This bill, as amended in the Senate, gives me some comfort, but I worry that we are shifting things around to make more kids pass rather than addressing the root of the problem. I feel the same way about the No Child Left Behind (NCLB) Act. If we change structures, it gives an excuse to stop talking about the real issues and quit worrying about why the students are not passing the proficiency test.

The amendments give me enough comfort to vote for the bill. I want to make sure it is not construed as a way to get more children to graduate rather than worrying about whether or not they are learning the material and if we are doing our due diligence.

Assemblyman Stewart:

I share my colleague's concerns.

Chair Parnell:

An editorial on that: the amendment was made by Senator Raggio; he and Assemblywoman Smith have been the two most vocal advocates about not messing around with the current structure. It makes us all feel better that he was comfortable with the amendment that was put forth. It is a place to start, and we can look at it again two years from now and during the interim to see if it is causing problems.

We will now open the hearing on Senate Bill 313 (1st Reprint).

Senate Bill 313 (1st Reprint): Authorizes the boards of trustees of school districts to adopt a policy relating to the enrollment of certain pupils in kindergarten in a public elementary school. (BDR 34-605)

I will do Floor statement assignments when we finish.

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit G](#)).]

Chair Parnell:

This was a lively discussion. There are many arguments for and against. One of the real concerns is when a new date is set, the same concerns will exist around the new date: Who deals with the appeal of all the parents who think their child is the one special child who needs to start kindergarten earlier than others. A lot of states have looked at this grey time [before kindergarten]. Most of us have received called from parents of students who have been affected by the current statute. I would be willing to have some discussion or not vote on it. There is value to this bill, but we do not want to throw a monkey wrench into the existing system.

Assemblyman Beers:

I had one other concern that came afterwards. Currently we are experiencing, at least in my district, concerns about the number of students already in the kindergarten classes now. Their concern is, if this bill passed, would they be dealing with even more students?

Assemblyman Stewart:

We have had this system for a long time and it has worked. If we change it then we will have more protests, more people complaining, so we should leave things as they are.

Assemblyman Segerblom:

We have spent the whole four months trying to encourage people to go to school. Here we have a bill so people can go to school early, but there are arguments that it will cost too much money, and it will mess this and that up. It is a fantastic idea.

Senator Steven A. Horsford, Clark County Senatorial District No. 4:

Assemblyman Beers, the way the bill was originally written, it had a "based on capacity or space available" provision. That could be one of the considerations in the language that the districts could adopt. The statute would still maintain the September 30th date. This would just give discretion to the local districts to develop a regulation to admit students whose birthdays fall from October 1st to December 31st. The issues that you raised are valid and could be addressed.

Assemblyman Stewart, Nevada and Oklahoma are the only two states that prohibit any choice in the matter. Nineteen states give local discretion to the school districts. It is ironic, that in a time when there has been a lot of discussion about empowerment and local autonomy to the school districts, the districts are the ones opposed to having this discretion, particularly if the constituents in that district say that this is what they want.

All I am trying to do with the amendment that was initially supported by all the education stakeholders in the Senate is to lift the absolute prohibition of early admittance. Some districts may choose not to do anything with this bill, but at least they would have the choice.

Chair Parnell:

On the last page of the bill it says "The board of trustees ... may adopt a policy" Then it says "Prescribe the procedure for the parent or legal guardian of a child ... Require an assessment of the child...." I know there is concern about the cost of providing that assessment. If someone really wants to get their child into school during this grey area, they would probably pay for the assessment. Was that discussed in the Senate?

Senator Horsford:

The language you have in the first reprint was brought by the School Boards Association, and the Committee accepted the language understanding that it was something the school boards wanted. I agree with you. If a parent, whose

child's birthday falls after September 30, needed his child to take the assessment, the parent could incur those expenses.

There are some full-day kindergarten programs now where parents have to pay to have their child enrolled. I would be amenable to the test fee or to completely remove the assessment provision altogether.

Chair Parnell:

Again, if one is asking the school board to create that policy, then that policy could dictate whether or not the parents would bear the burden of the assessment cost. It would all be at the design of the local school district. Does anyone from a school district wish to respond to that?

It looks like the policy is going to be in whatever policy the school board adopts. If you are amenable to deleting Section 1, subsection 9(b), that perhaps will alleviate a lot of concerns.

Joyce Haldeman, Community and Government Relations, Clark County School District:

The language would give the school boards the discretion to develop the policy in any way that worked for them. We have concerns with the bill and prefer to stick with what we have.

Assemblyman Segerblom:

Why does the district oppose having the option to do this? It is not a mandate.

Joyce Haldeman:

Our concerns have to do with space issues.

Assemblyman Segerblom:

That is the whole point. You have the right to consider space, tests, and fees. We give you a third of our money and say spend it anyway you want. What is the problem?

Joyce Haldeman:

If you were a parent and thought your child was gifted and you came to me saying "let my child in," we would have a robust discussion. You would probably win that discussion, whether or not we truly had the space available. That is the concern I have.

I share the belief that we have some children who are ready for kindergarten early. The point is that there has to be a cut off someplace. One of the fears I have is that Clark County will pass a policy that will make this allowable, and

we will end up using some of the existing seats that we have now for all-day kindergarten for younger children to come into the district because of pressure from parents.

Assemblyman Segerblom:

Is that not the school board's decision?

Chair Parnell:

We have another question.

Assemblyman Denis:

The language in Section 1, subsection 9, line 8 says "The board of trustees ... may adopt a policy..." Let us say that this is too hard to do. Can they just say they do not want to do it?

Senator Horsford:

Yes.

Assemblyman Denis:

So, if they do not like it, they just do not have to do it?

Senator Horsford:

That is correct.

Assemblywoman Smith:

We need to be realistic, when this bill passes and gets out to the districts, boards are not going to not adopt this policy when there are parents clamoring for it. I really do not like having to oppose my colleague's bill. My issue is that we are in a state that does not do justice to education funding, and we have a long way to go. Until we are doing an adequate job of funding the children we are currently obligated to educate, I do not feel that we have the resources to do this.

Assemblyman Denis:

In the policy that the school districts adopt, the choice would still be there. Is that correct? I am looking at this as if I had a child that was going to be five in November; I would have the choice to ask or not ask if they could be in school. Then the school district would have some policy it would use to determine whether it would say yes or no. Or is it going to be automatic?

Senator Horsford:

As you indicated, page 4, lines 18 and 19 state: "Set forth any other requirements or conditions deemed necessary by the board of trustees." First and foremost, the school district may adopt a policy to permit this to go forward, and if it does so, it can set any additional requirements or conditions: space, fees, whether or not there is an assessment. I do not agree with the Clark County School District that somehow children who are entitled to kindergarten now will somehow be denied because the policy could be written to ensure that does not happen.

This bill simply removes Nevada from the list of states that prohibit a child from enrolling early, which takes that discretion away from the local school districts.

Assemblyman Denis:

Just fiscally, let us say that some of the kids decide to start this year; the others are still going to start next year. We will spend more this year because we will have more kids, but next year there would be the same problem, so there is no end.

Assemblyman Kihuen:

Do we have an estimate of how many students or parents requested this last year?

Senator Horsford:

I do not. Anecdotally, we have heard that this is one of the biggest issues that people call about: what is the birth date for children to be enrolled? We heard that those questions go to the State Department of Education. We heard testimony from someone in Reno, who wanted to enroll her child and was denied because our State prohibits it. The discretion needs to be given to the local districts. Parents should have the option, and there should be conditions or requirements in place to determine whether or not those children get enrolled. This bill gets all of those points.

Assemblyman Kihuen:

Do the school districts have those numbers? I have had it a few times from some of my constituents.

Chair Parnell:

Any additional comments?

Assemblyman Bobzien:

I have to reluctantly echo the comments made by Assemblywoman Smith, especially given that I co-sponsored the bill and encouraged my constituent to

come and express her support. The goal of trying to get us off the list is a good one, but I am concerned that we do not have a handle yet on what the true fiscal impact is going to be on the school districts and the Distributive School Account (DSA). With those unknowns, I cannot support the bill at this time.

Chair Parnell:

I am wondering, since we do not have the information on how many children this is affecting, is there any way we could use this document to get that information over the next biennium?

Senator Horsford:

The problem with that would be that you are going to tell people to come forward who request to enroll their child, and then say, "You are not eligible, but we are going to put you on a list and the kid who comes behind you might be."

The impact on the DSA would only be based on the conditions of the requirements the district puts in. I know that there are schools over capacity, but I have heard from some principals that there are schools that are not over capacity. Children could otherwise be enrolled in those seats. If there is even one child who can benefit from this legislation, he should sit in that seat. It would not increase enrollment.

Assemblyman Bobzien:

Recalling the original hearing on the bill, I do not think I got a good enough answer to the questions that I posed. I understand that there is some difficulty getting this information together, but one avenue of study is to look at the other states that have this legislation. A survey asking, "If we let your kids into kindergarten early, would you do it?" is problematic, but a survey of the history of other states that have this approach in place, what the impacts have been, and how they handled it would help me make a decision on this bill.

Chair Parnell:

We have exhausted this conversation.

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
SENATE BILL 313 (1ST REPRINT).

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

Assemblyman Hardy:

Should this pass, there will be a fiscal note somewhere. How do we do this without affecting the DSA? School districts cannot add 5, 20, or 100 people times \$5,000 without impacting the DSA, which is one of the issues right now.

Assemblywoman Smith:

I am assuming the bill would have to go to Ways and Means because it would impact the budget. There is no actual fiscal note on it, but I recall when we were having our joint subcommittee hearings, staff felt compelled to say that one has to look at the maximum possibility, which was like \$25 million. That cannot be considered a reasonable fiscal note, but I do not know how we would look at this.

Assemblyman Bobzien:

Do we have a reasonable expectation that some discussion of the fiscal impact could in fact happen in Ways and Means, if we were to send the bill without recommendation to them?

Assemblyman Denis:

Is this bill exempted?

Chair Parnell:

Ms. Stonefield is checking. No, because it has not been in a money committee.

Senator Horsford:

It has. This bill was reviewed by Fiscal and Senator Raggio after the amendments were adopted, and they determined that there was no fiscal impact because it is a permissive bill. A fiscal impact cannot be determined on something the school districts may or may not impose.

Chair Parnell:

Our Ways and Means Chairman looks these over closely as well. We have a motion. Is there further discussion?

Assemblyman Denis:

The parents are going to find out that this is out there. The district could say when they will look at the reality of the fiscal impact; they could make the decision that they do not have the money to do it.

Chair Parnell:

We sat in Room 1214 for about four hours talking about the opportunity for students to have full-day kindergarten. We were told then that parents do not want their kids in kindergarten, that it is a scary place and they are going to run

away from home, and all these other reasons why we should not support full-day options. Now we are saying that we are going to have so many parents who want to send their kids to kindergarten. It seems like we cannot win. I do not think we are being very reasonable about this. Again, I agree with some of my colleagues that we are here to encourage kids to be educated, and however we can do that I will support.

THE MOTION PASSED. (ASSEMBLYMEN BOBZIEN, HARDY, MABEY, SMITH, AND STEWART VOTED NO.)

Assemblyman Hardy:

Does it need a two-thirds vote because of the fiscal note?

Chair Parnell:

No, if it did it would be noted on the bill jacket. We will go back to Senate Bill 184 (2nd Reprint).

Senate Bill 184 (2nd Reprint): Revises provisions governing education.
(BDR 34-419)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit H](#)).] The members have a full mock-up of about 50 pages. The pages where the bill is proposed to be amended is what is in this packet and starts on page 35, adding a new section, 15.5, to the bill. This relates to the Commission on Educational Excellence. [Continued reading from ([Exhibit H](#)).] The second proposal begins on page 42, goes to Section 20, and relates to the default curriculum. [Continued reading from ([Exhibit H](#)).]

There seems to have been some confusion as to what a default curriculum is as proposed by the interim committee. Would you like me to address that?

Chair Parnell:

Are there questions from the Committee? [There were none.] Yes, please explain.

Carol M. Stonefield:

As the Committee heard testimony during the interim, they came to adopt the concept of a default curriculum to mean that all students would automatically be enrolled in specific courses. The student, along with the parent and a school representative, would approve a modified curriculum. In other words, instead of the student being confronted with the whole catalog of courses and selecting

anything he or she wished to take, the student would automatically be enrolled in a particular curriculum and would have to take the initiative to opt out.

That would enable the student and the parent to meet with a school official to discuss the student's career pathway. For example, if a student chose to pursue a CTE endorsement and be enrolled in technical preparation (tech prep) courses, the student would be able to modify the default curriculum to reflect that. I believe that a CTE endorsement requires six courses be completed in one area.

Chair Parnell:

What is important to know from that phrase is that if one were to opt out of Algebra II, the standard requirements for diplomas that the State Board of Education has determined has to be maintained, regardless if one is in the Gateway or other program.

As a quick review, this had the educational technology assessment in it. It also authorized the State Board to object to standards from the Council to Establish Academic Standards for Public Schools. It also has the information detailing the eighth-grade promotion and the remedial classes.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 184 (2ND REPRINT).

ASSEMBLYMAN DENIS SECONDED THE MOTION.

Assemblyman Denis:

I do not think I have a conflict, but I serve on the Commission on Educational Technology, and I like this language.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

Next is Senate Bill 239 (1st Reprint), Senator Cegavske's bill on the P-16 Council.

[Senate Bill 239 \(1st Reprint\)](#): Creates the P-16 Advisory Council. (BDR 34-416)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit I](#)).] Paragraph 6 in Section 6 helps to explain the concept in paragraph 5. You should also have a table Ms. Parnell created comparing the provisions of the membership of the Council in the original bill, the interim committee, the amended version that is before you as

Senate Bill 239 (1st Reprint), and the proposal that is in the mock-up in your binder ([Exhibit J](#)).

Chair Parnell:

Here is some background because there are a lot of amendments that I proposed. I served on the Legislative Committee on Education (LCE), and this was a bill draft out of LCE. After looking at the language that came over from the Senate, I recognized that the bill was quite different from what I perceived as the intent. We went back and looked at LCE's recommendations and tried to incorporate more sense of what the LCE was feeling versus what came over from the Senate Committee on Education.

If you all look at the chart ([Exhibit J](#)), the Council was initially recommended as 15 members; it came to us with 11. You may remember the passionate discussion about some members with regard to ensuring we have a teacher on that Council. I feel very strongly that we need to hear from a student and have student representation on that Council. I do not feel like the Chancellor or the Superintendent should be voting members. They should be welcomed to be part of the discussion, but oftentimes they cannot make the meetings because of their schedule.

I serve on the existing Council, so does Mr. Denis. We recognize that some of the reasons it has not moved along is because it has been so large and cumbersome; we have a representative from United States Senator Reid's office and United States Senator Ensign's office, which is not practical. The amendment that I offer respects the wishes of the Senate but also completely respects the wishes of the Committee on Education where this was developed.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 239 (1ST REPRINT).

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Assemblyman Denis:

I will vote against this proposal. We need some further discussion. While it does provide for a student and a parent, it is confusing language because there is a parent from the Senate, and a student from the Assembly, and then three years later they swap the appointments. What happens if the student leaves? Are they replaced and only serve out the term? Whatever language we put in here, I want to make sure that wherever it says "parent" that we put "parent of a student that is not employed by the school district or system." I have too often seen where a board or council will appoint someone who works for the

school district and say they are a parent of a child. I do not think that truly represents the interest we really want on this Council.

I was looking at the original proposal by the Legislative Committee and had a suggestion. I know that the Senate did not like the larger number, but if we look at the original proposal of 15, currently, the Governor has 5 appointments. What if we gave him two more, one a student and one a teacher, and then gave each the Majority Leader and the Speaker a parent? Then we do not have to worry about swapping it.

One of the things brought out was the Indiana plan, which is very successful, and has a lot more members than that. If we do not put a parent on it, someone else probably will.

Chair Parnell:

You could increase it by two and add a teacher appointment and a parent appointment by the Governor.

Assemblywoman Smith:

I agree with Mr. Denis that we need to restructure the Council, and it has to have those defined parents for me to be able to support it. I like the fact that we have an appointment by the Senate and the Assembly along with the Governor's appointments. That is how we do a lot of the other councils and commissions. I need something more concrete on the parents. I would suggest that if we pass the Youth Forum, it would be appropriate for that group to have a representative here because they are the ones meeting and talking about all of these issues. Rather than just pick a student, why not pick one from that organization?

Chair Parnell:

If we were to put it to 15 and were to add a teacher and parent under the Governor's appointments, and then the pupil section under the Governor or the Majority Leader and Speaker's appointments, I would agree that we could do the same thing with the language on the first bill today. We could reference the representative from the Nevada Youth Issues Forum because it ties it all together.

Assemblyman Hardy:

I am looking at time commitments that students have. They are in school. Getting involved in those organizations takes lots of time. There are a lot of us, but we are going to pick on one student. It may not be totally fair to the student to be going to all of these meetings.

Chair Parnell:

Nothing in the third column would prohibit the Majority Leader or the Speaker making that appointment if someone so wanted. If he did not want that dual responsibility, it would not be in statute.

See if this has captured everyone's concerns. In the last column ([Exhibit J](#)), make that a 15, and add a teacher and a parent appointed by the Governor with whatever prescriptive language we need to make sure that the parent is not just a parent that is ad hoc higher education or K-12. The Governor would be appointing seven. Including the appointments made by the Senate and Assembly that would make two parents, two teachers, and two students.

Assemblywoman Smith:

I am confused about what we are intending to do. Assemblyman Denis is correct about the alternating appointments, especially with students because they do not have that longevity or the time to commit. It would make more sense for the student to be the Governor's appointment. Then the parent and teacher could be legislative appointments.

Chair Parnell:

That takes care of the "alternatively" language. That would be good because it would cause some confusion as to how it would work. In the third column, going down, the top box would say "15"; the next would say "ex officio, non-voting"; then seven to represent, adding two students; the next would say "three each to represent", the parent and the teacher would be there, deleting "pupil or parent" and "alternatively," and leave the language "K-12 teacher or higher education professor."

Carol M. Stonefield:

It is not "general pupil" under the Minority Leaders' Appointments; it is "general public."

Chair Parnell:

Are we good?

Assemblyman Denis:

What if we made the student ex officio and picked them from the Youth Forum? That way the Forum could send someone to represent them, and it would not have to be the same one every time.

Chair Parnell:

We are now trying to micro-manage what is going to happen. Let us go from here. The students' voices are so important, and we so often overlook them.

Assemblyman Hardy:

Could Carol M. Stonefield restate my motion for me?

Carol M. Stonefield:

As I understand the proposal before the Committee at this time, we would start with column three "Proposed for Consideration by the Assembly Committee on Education" and make the following changes: the number of voting members would be 15; there would be no change to the Chancellor and Superintendent as ex officio, non-voting members; and the Governor's appointments would be increased to seven to represent higher education, elementary and secondary education, early childhood education, private business, and another from any one of those four categories, plus two students. There is no distinction between secondary and higher education students at this time. The Majority Leader and Speaker would each have three appointments to represent a member of their respective Houses, a parent, and a K-12 teacher or higher education professor. The Minority Leaders would each appoint a member of the general public, and the Chair and the Vice Chair of the Council would be elected from the membership by the membership of the Council.

Chair Parnell:

Are the clarifications good with the maker and the one who seconded the motion? [They nodded.] It would also include the clarification about the parent that Mr. Denis added. Is there more discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Next is Senate Bill 247 (2nd Reprint), the one that we have been referencing.

Senate Bill 247 (2nd Reprint): Creates the Nevada Youth Legislative Issues Forum. (BDR 34-52)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit K](#)).]

Chair Parnell:

Are there any questions? [There were none.] You all might remember Assemblywoman Smith's concern that the Senate appointments would at least have Assembly consideration.

Assemblyman Hardy:

I am ready to make the motion and include the \$2,000.

Chair Parnell:

I will do that. It does not have to be in the motion, but I made a commitment to do that on the record. I think it is an exciting idea for the State. It is amazing that we have not done it before now.

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS
SENATE BILL 247 (2ND REPRINT).

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Next is Senate Bill 284 (2nd Reprint). This is Senator Nolan's bill regarding middle school athletics.

Senate Bill 284 (2nd Reprint): Revises provisions governing sports in certain public schools located in certain larger school districts. (BDR 34-50)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit L](#)).]

Chair Parnell:

You may recall in this discussion that the question was asked whether or not the district could not already do what was in Section 1. They said that they could. Assemblyman Denis wanted to make sure that if there was a large grant or funds given for middle school sports, the money would be distributed in an equal fashion throughout the district to help the schools less likely to receive something like that.

Assemblyman Denis:

My concern was that no matter how hard some schools try to fundraise, they are not going to get large donations. If schools have the ability to receive funds, this bill would allow us to give money to them, so they can participate in some of these sports. The thing they cannot do is the financial part, but they at least can put the policy in place for the rest of it.

Assemblywoman Smith:

I am reading this to be much bigger than it is. If this is about a broader issue, I wonder why we are doing it for just one district. We are including for all athletic activities and sports at public schools, not just middle schools, and if there was a Parent Teacher Association (PTA) or a booster club that raised \$50,000 and were donating to the school, the equitable distribution clause would apply here. We are not just talking about a business that makes a

generous donation. The language is vague and opens a whole new slippery slope.

Craig Kadlub, Director, Government Affairs, Clark County School District:

The original version of the bill was going to provide \$250,000 to the Clark County School District. The Senator indicated it was going to become a resolution that would simply encourage districts to contemplate a pay-for-play program or the distribution of donations in this manner. We were supportive up to that point.

The way it currently reads, it could actually inhibit some donations at the school level, or make it so they are broken down into \$1,000 increments.

[Off-mic discussion.]

Assemblyman Denis:

This is a bigger issue, and what would probably happen is that people would give \$999 instead of \$1,000 and the school could keep it all. I have kids that participate in high school sports, and we see the kids with the full warm-up suits including the headbands, and we barely have a shirt and shorts. The other school can raise the money. I do not know how we deal with that issue, but there is that inequity out there.

Assemblywoman Smith:

This is a much bigger issue that I hope we do talk about someday. It is not just middle school sports, or sports in general, where there are inequities created by fundraising. We had a brief session during the adequacy study on all of the outside money that comes to schools. We have schools out there hiring teachers and building buildings with their outside fundraising, but there are the ones who can scarcely afford the bare necessities.

Assemblyman Mabey:

Perhaps if we made this a resolution it would go to a conference committee and that would give us more time. If we do not act, the bill will die.

Chair Parnell:

If there is an interest in this, the Legislative Committee on Education could take it under consideration. Inequity is an issue out there, and it is not just about sports, as Assemblywoman Smith said. It affects everything in our schools.

This is what Assemblywoman Smith's adequacy study was trying to look at—uniformity and what resources we need to provide so that things are the way

they are supposed to be. That is a much bigger issue than we have even considered related to this bill.

Assemblyman Stewart:

If you look at Rancho High School, you will see that it is giving considerable funds to poorer areas. Senator Nolan would not recognize this bill if we passed it as it is now, so I recommend that we kill it.

Assemblyman Denis:

I would have to correct that statement because my kids go to Rancho High School. The new building does not mean they have all the things they need.

Chair Parnell:

I will close the hearing on Senate Bill 284 (2nd Reprint) and open the work session on Senate Bill 328 (1st Reprint).

[Senate Bill 328 \(1st Reprint\)](#): Revises provisions governing educational personnel. (BDR 34-473)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit M](#)).] There is another amendment that was proposed by the NSEA just before the meeting ([Exhibit N](#)).

Chair Parnell:

Assemblywoman Smith, would you update us on Assembly Bill 460 (1st Reprint)?

Assemblywoman Smith:

Assembly Bill 460 (R1), Assemblyman Anderson's bill, that we previously heard in this Committee and rereferred to Ways and Means, passed out yesterday with that evaluation language intact.

Chair Parnell:

Do we need to have another explanation of what would happen? I suppose the evaluation language could be deleted out of this bill completely, or we could pass or defeat the bill in its entirety, or we could delete the portion dealing with teacher evaluation. If this bill were to come out as is, Ms. Roberts, how would you merge A.B. 460 (R1) and this bill?

Kristin Roberts, Committee Counsel:

If this Committee passed S.B. 328 (R1) with the amendment of the Clark County School District, but kept the rest of the provisions intact, it would

be in substantive conflict with A.B. 460 (R1) because of the minutes and content of the evaluations.

Chair Parnell:

I thought the amendment made the language common.

Al Bellister, representing Nevada State Education Association:

The amendment we submitted ([Exhibit N](#)) deletes the section dealing with the amount of time the administrator goes into the classroom to observe and makes it consistent with A.B. 460 (R1). Senator Beers is aware and okay with it.

Chair Parnell:

That is the loose sheet. Clark County's is the mock-up you have. Remember the hotly contested issue of administrators being in schools, et cetera. This was an agreement, and I would like the Clark County School District to state that this amendment was approved by Senator Beers.

Craig Kadlub, Director, Government Affairs, Clark County School District:

I did present this amendment in the Senate, and Senator Beers said that he did not want to change the bill at all. He was fully aware of our intent to continue to try to amend the bill. I cannot represent that he supports it, but it is the compromise we would support.

Chair Parnell:

When you are talking about "we" are you referring only to the Clark County School District?

Craig Kadlub:

I cannot speak for Washoe County School District, but I believe they have expressed support for it.

Al Bellister:

I spoke to Senator Beers about both parts of the bill, the administrator going into the classroom to teach or observe and the observation part. He gave me his blessings to work on both parts of the bill. While he might not have signed off on Dr. Kadlub's amendments, he has given us permission to amend his bill.

Chair Parnell:

Let us talk about the real changes in the bill. One is that the school principal no longer has to spend a day in the classroom. The rationale behind it is that he is at the school and in the classrooms every day. It does leave the district level administrators responsible for spending time at the schools. It would now be half a day instead of a full day and would allow those who are non-licensed to

attend and participate in such things as Reading Week, Career Day, and other activities at the school. Is that it in a nutshell?

Craig Kadlub:

I believe the licensed central office administrators would be required to spend a full day, and the half day pertains to the non-licensed staff.

Assemblyman Stewart:

This amendment defeats the purpose of the whole bill. I would want the district-level people to stay in their offices and have the principals do an equivalent at least of one day, if not all in one day, over a course of days. It is a morale booster for the teachers and gives the principals the recollection of what it was like to teach. The bill is dead as far as I am concerned.

Assemblyman Segerblom:

To the NSEA, do you oppose having principals in the classroom?

Al Bellister:

No, we are not opposed to principals in the classroom; our focus in this bill was the amount of time that should be spent in a classroom observing a teacher teach in order to prepare the evaluation. That is the critical piece for the NSEA in this bill.

Assemblyman Segerblom:

I agree with Assemblyman Stewart: it defeats the whole purpose because the intent was to have the head of the school mingle with the rest of the staff and see what it is really like, not just to walk around the lunchroom.

Al Bellister:

In terms of this particular bill and the amendments that are pending before you, an administrator who is doing his job is in the classroom. The part of the bill that requires the administrator to be in the classroom for a specific number of minutes to conduct the evaluation only requires the administrator to be in the classroom. While he or she may not be teaching, they are at least in the classroom participating in the teaching and learning process. That accomplishes the goal you all are trying to get to.

Chair Parnell:

Are you saying that as the bill reads, in either the original or amended form, we have that school principal in a classroom for 60 minutes multiple times because you have to multiply that by all the new teachers and add time for the post-probationary teachers? [No answer.]

Assemblyman Mabey:

I would not support the original bill, but will support the bill with the amendments.

Assemblyman Beers:

Did you answer: the principal will be spending some time in the classroom? The administrator we had from Las Vegas was snotty enough that I wanted to make sure he got in there sometime.

Chair Parnell:

As a former teacher, if one is a principal of a school, one knows what is going on. If there is a principal who does not know what is going on at his school and is not there to see the teachers and children interacting in activities, I would hope that any one of the 17 school districts would not have that person serving as a school principal. That is another issue.

My former principal testified to alternative placement for disruptive students. Principals know what is happening. It is not our job to insult people who, for the most part, are going to school every day and have their heart and soul in that school. If there are bad apples and people not doing their job at the school site that needs to be taken care of. That is not what this bill should be about.

ASSEMBLYMAN MABEY MOVED TO AMEND AND DO PASS
SENATE BILL 328 (1ST REPRINT) WITH BOTH AMENDMENTS.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Assemblyman Hardy:

So I can be clear: This sheet ([Exhibit N](#)) deletes Section 1 in the bill and not Section 1 in the mock-up. The mock-up has Sections 5-7 in it that substitute Sections 6-8 of A.B. 460 (R1) and deletes those sections by making the substitution. So the mock-up is what we are voting on? Does that have A.B. 460 (R1) in it?

Chair Parnell:

No. It would be the mock-up with these exceptions.

Assemblyman Hardy:

So, we do not have something in front of us that shows us what we are voting on?

Assemblywoman Smith:

We could pass this out conceptually and as soon as we have a mock-up, the Chair could have a Behind the Bar meeting, so we could see the product and make sure everyone is comfortable.

Al Bellister:

For the Committee's information, the primary differences are that Senator Beers' bill has the number of minutes at 45 for both post-probationary and probationary, and Mr. Anderson's A.B. 460 (R1) has it as 45 minutes for the probationary teachers and 30 minutes for post-probationary. The other difference is that Mr. Anderson's bill has more of a checklist of what things the administrator should be looking for when he goes into the classroom to conduct the evaluation where Senator Beers' bill does not.

Assemblyman Mabey:

At our Behind the Bar, we could have a sheet stating what is in the bill and what is not in anymore, so I can see it.

Chair Parnell:

I will make sure that all the members have that mock-up before I call the Behind the Bar meeting, so you will have time to look it over. We will take the vote now and meet again to confirm the vote.

THE MOTION PASSED. (ASSEMBLYMEN MUNFORD,
SEGERBLOM, AND STEWART VOTED NO.)

With a vote of eight to three, the motion passes. We will try to have that mock-up to you prior to Floor session.

We will open work session on Senate Bill 398.

Senate Bill 398: Provides for a pilot program to study English immersion and English language learner programs in certain public schools. (BDR S-940)

Carol M. Stonefield, Committee Policy Analyst:

[Read from work session document, ([Exhibit O](#)).]

Assemblywoman Smith:

After the discussion on this, I felt that we needed to restructure this idea a bit. We heard that our districts were already involved in what the bill was talking about. So I changed it to have a pilot study of immersion and English Language Learner (ELL) programs and have a report back. The concept is the same; it still

talks about co-teaching. I worked with Senator Cegavske, and she said the changes were good.

Chair Parnell:

What concerned a lot of us after the hearing you will find deleted on page 2: We deleted the word "may" and inserted the word "shall." We felt something needed to be done, but the program was already in place for the most part. This bill, at the time, did not even require that a report be submitted back to us about successes or difficulties of the program. This gives us something to study because we are comparing the two and it requires that a report be made back to the Legislative Committee on Education. The amendment really strengthens the bill.

Assemblyman Kihuen:

Although I voted against the bill without the amendment, I will be supporting it with the amendment. It is extremely necessary and important to study the different programs that will help children learn English.

ASSEMBLYMAN DENIS MOVED TO AMEND AND DO PASS
SENATE BILL 398.

ASSEMBLYMAN HARDY SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

I will now go back and assign the Floor statements. Senate Bill 110 (1st Reprint) was putting the moratorium on testing of students. That will go to Mr. Denis. Senate Bill 143 (1st Reprint) is parent involvement. Dr. Hardy, you need to do your parent support-card. Senate Bill 184 (2nd Reprint) was the miscellaneous education finance and will be done by Mrs. Smith. Senate Bill 239 (1st Reprint) was Senator Cegavske's P-16 Council, and will go to Mr. Denis since he is currently a member. Senate Bill 247 (2nd Reprint) I would actually like to take since I was the Senator's co-sponsor. Senate Bill 312 (2nd Reprint) is multiple measures and will be done by Mr. Kihuen. Senate Bill 313 (1st Reprint) is the kindergarten bill and will also be for Mr. Kihuen. Assuming that we are okay with the mock-up when we see it, Senate Bill 328 (1st Reprint), the administrator involvement, will be Dr. Mabey's. Mrs. Smith, since it was your amendment, please take Senate Bill 398, the English immersion bill.

We will be meeting again Behind the Bar to confirm the vote on S.B. 328 (R1). From this point on we will stand in recess until the call of the Chair. We got a bill sent to us today from the Senate, so it might be Monday or next Wednesday. The bills we address next week are exempt bills and any other business this Committee might need to address. We will stand in recess [at 5:44 p.m.].

RESPECTFULLY SUBMITTED:

Kelly Troescher
Committee Secretary

Emilie Reafs
Transcribing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 16, 2007

Time of Meeting: 3:54 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 110 (R1)	C	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 110 (R1)	D	Nevada State Education Association	Proposed Amendment, version 3
S.B. 143 (R1)	E	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 312 (R2)	F	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 313 (R1)	G	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 184 (R2)	H	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 239 (R1)	I	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 239 (R1)	J	Carol M. Stonefield, Legislative Counsel Bureau	Comparison of Provisions
S.B. 247 (R2)	K	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 284 (R2)	L	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 328 (R1)	M	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document
S.B. 328 (R1)	N	Nevada State Education Association	Proposed Amendment
S.B. 398	O	Carol M. Stonefield, Legislative Counsel Bureau	Work Session Document