

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

**Seventy-Fourth Session  
March 19, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:48 p.m., on Monday, March 19, 2007, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/](http://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](mailto: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:**

Assemblyman Marcus Conklin, Assembly District No. 37

**STAFF MEMBERS PRESENT:**

Kristin Roberts, Committee Counsel  
Carol M. Stonefield, Committee Policy Analyst  
Denise Dunning, Committee Secretary

Minutes ID: 632



Trisha Moore, Committee Assistant  
Rachel Pilliod, Committee Manager

**OTHERS PRESENT:**

Craig Kadlub, Director, Government Affairs, Clark County School District  
Keith Rheault, Superintendent of Public Instruction, Department of Education

John Gwaltney, Chairman of Governance, Nevada State Board of Education, Department of Education

Al Bellister, Consultant, Nevada Education Association

Donna Anspach, Board Member, Nevadans for Quality Education

**Chair Parnell:**

[Meeting called to order at 3:38 p.m. Roll taken.] We have two additional Committee bill drafts awaiting introduction. Please remember that your vote on these introductions does not commit you to any future support for the bills.

**BDR 34-418—Revises provisions relating to the attendance and truancy of pupils. (Later introduced as [Assembly Bill 485.](#))**

ASSEMBLYMAN BEERS MOVED FOR COMMITTEE INTRODUCTION OF BDR 34-418.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**BDR S-1372—Requires the Legislative Committee on Education to study certain issues during the 2007-2009 interim. (Later introduced as [Assembly Bill 484.](#))**

ASSEMBLYMAN STEWART MOVED FOR COMMITTEE INTRODUCTION OF BDR S-1372.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Chair Parnell:**

At this time, I would like to open the hearing on Assembly Bill 244.

**Assembly Bill 244:** Revises provisions governing the review of school districts based upon financial management principles. (BDR 34-283)

**Assemblyman Marcus Conklin, Assembly District No. 37:**

In the final days of the last session, we passed an audit bill that resulted in an expansive management, financial, and business practices audit of the Clark County School District. The audit was a terrific tool for current management of the Clark County School District and it also gave us insight into some of the good things our school district does. Shortly after the audit was done, I had a chance to meet with Dr. Craig Kadlub and Dr. Walt Rulffes and discuss what changes might need to be done in the audit process. To my surprise, the changes recommended were very limited. I would like to talk about one recommended change that is in the bill and one recommendation that is not.

What this bill does now is strikes out "superintendent of schools" for delivery of the preliminary report and inserts the "school district." Then on the second page, line 44, it adds that the preliminary report is to be confidential. We were very particular in drafting the language that nothing but the final report would be a public document because it is a working document until it is final. Once a preliminary report is done, it goes to the school district and the school district has 30 days to respond.

There is an additional item I wanted to bring up that is not in the bill, but is in the same statute. Last session we dealt with Clark County. In some future session, should someone choose to sponsor money to have an audit of their school district, you might want to consider taking a look at the advisory committee that is set up. Not every county or school district has the same number of people available, so as you add money for school districts to be audited, you may want to look at that portion of the statute and give greater flexibility to the formation of the oversight committee. If you move forward with this bill and add a monetary component to it and additional counties or school districts are to be audited, you might want to consider that chapter as well, and maybe involve a legislator or two from that constituent group.

**Chair Parnell:**

Is this the vehicle we would use to request other school districts' audits this session?

**Assemblyman Conklin:**

This would be one vehicle, but the fiscal note would put the bill at risk. You could choose a Committee bill draft or we could talk to the Chair of Ways and Means. What it really needs is a sponsor from a district that would be audited. I think there are some counties that would love to have this tool. It does cost money, but the return on investment is potentially substantial, anywhere between 50 to 150 percent.

**Chair Parnell:**

We will take that under consideration. My second question concerns where you are deleting "superintendent of schools" and inserting "school district." If it would be all right with you, I believe we would have to designate someone, or the board of trustees would designate someone, but we need a person or the identification of someone rather than just using the term "school district."

**Assemblyman Conklin:**

The problem lies on page 2, line 23, where it says, "in consultation with the board of trustees." The board of trustees is a public body. If you deliver the preliminary report to the public body it is public. That is the dilemma. You could leave it superintendent or someone designated by the superintendent.

**Chair Parnell:**

I agree with you. Once something becomes public, everyone assumes it is the final report and people can become upset, even if it is not the final report.

**Assemblyman Stewart:**

You mentioned a 50 to 150 percent return on this audit. Could you elaborate?

**Assemblyman Conklin:**

In the first couple of weeks of the session, we presented the Clark County School District audit. At that time I said the potential return on investment was huge, the key word being "potential." You have to have a body that wants to take the tool honestly and implement that which is appropriate. Some things are not appropriate. Some things are conscious decisions and we just want to know how much they are costing us. In the case of our audit, we spent about \$300,000 and the potential return on that investment over 5 years is, at the maximum, about \$101 million, excluding the land which was about \$300 million to \$350 million.

**Chair Parnell:**

Other things that came out of the audit were transparency and also allowing Clark County to be in a position to say that they are doing things about as fiscally responsibly as anyone could imagine. The report indicated they are

maximizing dollars going to the students, plus a number of other wonderful things that were worth their weight in gold, such as the school district's reputation.

**Assemblyman Conklin:**

I agree with you. While there are areas of improvement and that was the whole purpose of the audit, there were a tremendous number of best practices that, as consumers, we could all take enormous pride in. We do a lot of things better than most, and that should definitely not go unrecognized.

**Assemblyman Segerblom:**

How do you envision the process would work? The auditor makes the report and gives it to the school district, but what if the school district disagrees to some extent? Would that be negotiated between the auditor and the school district?

**Assemblyman Conklin:**

It is not a negotiation. When the folks who were audited received the preliminary report, they had an opportunity to look at it. It is like a rebuttal in court. It is not a negotiation but an opportunity to say something was not correct or facts were missing. This is a human process, but at the end of the day, the auditors have the final word on what goes into the final report. This just gives the school district a chance to look it over first and make sure the facts in the report are accurate. How those facts are interpreted is not up for negotiation.

**Assemblyman Segerblom:**

If the auditor were convinced that the school district's point was accurate, they would modify the report and that final report would be public?

**Assemblyman Conklin:**

That would be correct, to the best of my knowledge.

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

I am speaking in support of this bill. I want to thank Assemblyman Conklin for contacting us after the audit, for a thorough review of the process, and to identify ways in which it could be improved. I believe he has made the most significant improvements we could think of in introducing this legislation. You have discussed the downside of having incorrect information presented as a report from the auditor, and that was a critical concern for us. I appreciate the possibility of leaving in the word "superintendent" and adding "or designee," or something to that affect. That makes it clearer that it is returned to a district

employee, if not the superintendent; but certainly, at that stage, it is not meant to be a public document.

**Assemblyman Segerblom:**

Would you object if we took out "school board" and put "school board chair?" I am concerned that the only person who would see it would be a staff person, the way it is written now. A member of the board might not ever see the initial report, which would do away with any give-and-take between the auditor and the staff.

**Craig Kadlub:**

At one point in the original legislation, and I believe it must still be in here, the preliminary report and the final report were both to be public documents. The distinction here is that the preliminary report does not become available until the final report is available, as opposed to releasing the preliminary report and people mistakenly thinking that those are final findings.

**Assemblyman Segerblom:**

I did not understand that. Thank you.

**Assemblywoman Smith:**

It does cover that the final report must be submitted to the board in Section 1, subsection 3. The change concerning the preliminary report is an important change. Going through the adequacy study during this past interim gave me a similar experience. You go through many versions and iterations until everyone is able to get the information to make sure it is all accurate. That is an important change to this legislation.

**Chair Parnell:**

We may act on this today. Are you both comfortable with line 19, page 2, if it were to say of the review, "to the superintendent or his or her designee?" Are you both comfortable with something similar to that?

**Craig Kadlub:**

I would be.

**Chair Parnell:**

Great. Dr. Hardy, you were just nodding, you like that? Okay. Lynn Chapman, you are signed in as neutral but wishing to speak. [Ms. Chapman responded that she liked the bill.] Is there anyone else wishing to speak in support or opposition to A.B. 244? Seeing none, I will close the hearing on A.B. 244 and will accept a motion to Amend and Do Pass A.B. 244.

ASSEMBLYMAN BEERS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 244.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

**Assemblyman Mabey:**

Assemblyman Conklin wanted us to amend something in the bill, is that part of this amendment?

**Chair Parnell:**

Is there a specific place you want us to mention to the oversight committee or do you just want us to keep that in mind if we have a similar piece of legislation?

**Assemblyman Conklin:**

I only brought up the oversight committee as a point of reference. If this Committee came up with legislation to fund a rural audit, you could consider adding language broader than what is currently in statute for the oversight committee. A rural area may not have the same organizations we originally drafted into the bill last session.

**Chair Parnell:**

Any other discussion? [No response.] Again, the motion is to Amend and Do Pass with the amendment of "superintendent or his or her designee."

THE MOTION PASSED UNANIMOUSLY.

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Assemblyman Conklin will make the Floor statement. At this time, I will open the hearing on Assembly Bill 250. This is a Department of Education bill.

**Assembly Bill 250: Revises provisions governing private elementary and secondary educational institutions. (BDR 34-580)**

**Keith Rheault, Superintendent of Public Instruction, Department of Education:**

The main purpose of the bill is to clarify in statute the requirements regarding health and safety inspections for exempt private schools. The Department was challenged by being asked where in statute we had the authority to inspect. I was asked to get the Attorney General's opinion, but I decided to come directly to this Body and get it clarified in statute. If this bill does not pass, I will take it as your intent that you do not want the Department to inspect them.

In Section 1, they were required to do twice monthly fire drills and this change brings them more in line with other school requirements. There are over 20,000 private school students in the State. In Nevada, we have two kinds of private schools: private license schools and private exempt schools. On page iii in this book ([Exhibit C](#)) is a listing of what we require of licensed private schools and includes the type of instruction, personnel, meeting space, catalog contents, records, and a whole series of requirements. Currently in Nevada, we have 87 licensed private schools. We have not had any concern from them regarding inspections. They have accepted it and they believe that is the intent of the current law.

Private exempt schools are where we have the question. Private exempt schools are on page vi and there are ten ways to get exemptions within Nevada. Most of the private exempt schools we have fall under item c, "Institutions exclusively offering religious or sectarian studies" and item d, "Elementary and secondary institutions operated by churches or religious organizations." Those are the majority of the private exempt schools although there are some other variations. To give you an idea what they are exempt from, turn to page vii, which is a listing of what they must agree to if they are a private exempt school: articles of incorporation; a crisis response plan; a length of school day similar to other schools in the State; a minimum of 180 days of instruction; and proper fire codes and health and safety codes. That is where we were challenged. They wanted to know where in statute we had the authority to do that, even though the requirement had been in place since the law was passed in 1975.

Under Section 2, we are requesting a slight change in subsection 1(b). You may wonder why we are changing the language to "Institutions maintained by this State, another state or the District of Columbia." We needed this clarification primarily because Job Corps is a private school in the State, operated out of the District of Columbia. Rite of Passage is a private school in the State and they are operated out of California. This just cleans up some of the language, which has not been done in a number of years.

The crux of what we are after in the bill is under Section 2, subsection 3, and makes it clear that "Upon receipt of an exemption, or the renewal of an exemption, the Superintendent shall cause an inspection of the educational institution to ensure that the institution operates in accordance with the provisions of all laws, regulations ... the health and safety of students at the school." We are just making it clear that the exempt schools fall under this inspection. I get calls when things do not go right at some of these schools, particularly if there is something with the teachers, for example. I will get calls wanting to know what a teacher's license number is and whether we can



revoke it. All the exempt schools are exempt from any licensing requirements for teachers. Part of the agreement we have with exempt schools is that they must post a notice that they are an exempt school and, hopefully, parents will ask what that means. There is a perception by parents, whether it is a private exempt, a licensed private, or a public school that there is some minimal oversight by the State. One they would expect is that the school is safe and that is the reason this bill is before you. Section 3 under *Nevada Revised Statute* (NRS) 394.245 does not specifically use the word "exempt," so as a result, those schools said they were exempt from this section of the statute. This bill makes it clear they will be required to have an inspection.

The final piece we changed is under Section 5. If the bill passing or not hinges on this section, I am ready to delete it. This would raise the fee for the agent's permit, although we collect very few of these. If a chain of for-profit or not-for-profit schools come from out-of-state that are really governed or headquartered out-of-state, they need a resident agent permit before they can set up the private school. This fee has not been increased since the law was passed in 1975. We did increase the license fees for the regular schools a few years ago.

**Assemblyman Hardy:**

Does Section 3 pertain to a licensed school or an exempt school?

**Keith Rheault:**

That section is the one the exempt private schools thought did not apply to them. We are clarifying that in Section 2 of the bill.

**Assemblyman Hardy:**

In Section 3 it uses the word "license."

**Keith Rheault:**

I misread that. That one specifically says licensed private schools are required although they have never questioned the authority. Section 2 specifically gets to the exempt schools' inspections.

**Assemblyman Hardy:**

I have a problem with the way it is worded if this is not a licensed school. I can see "approved," I can see "allowed," but if we use the word "licensed," it is implying a license is necessary for an exempt school.

**Keith Rheault:**

Section 3 is referring specifically to licensed private schools.

**Assemblyman Hardy:**

Section 3 does not apply to the exempt schools?

**Keith Rheault:**

Correct.

**Assemblywoman Smith:**

We have seen every budget amended that has a fee in it. Have you talked to the Governor's Office about this?

**Keith Rheault:**

No, I have not. I will suggest a friendly amendment to delete Section 5, since we were the makers of this bill.

**Assemblywoman Smith:**

We have not seen one yet that survived.

**Keith Rheault:**

There are 71 exempt schools and 63 percent of the students are in private exempt schools. When this law passed in 1975, the Catholic Diocese existed and was given an exemption for all its schools which are included in the student count. Job Corps also has over 500 students. The majority of the private exempt schools are very small, but there are some really large ones, too.

**Chair Parnell:**

I feel very uncomfortable about any kind of building being exempt from fire safety codes or regular safety checks by the State Fire Marshall. In general, is this bill eliminating or lessening the number of inspections or decreasing safety in any way? I do not care if the schools are licensed, unlicensed, private, parochial, or public. If the State is not doing the inspections, do we know who then would have the authority to go in and make sure those schools are safe?

**Keith Rheault:**

This bill does not lessen anything and is what we have always followed, but recently we were challenged by a couple of exempt schools. The majority of the exempt private schools welcome us upon licensure or renewal. We go on-site and look at the school as well as the fire marshals and all the safety inspectors. This will just make sure that we are not challenged and that they will get the same safety inspections regular public schools get.

**Chair Parnell:**

I just wanted that on the record and for my own piece of mind. There is no one else signed in. Are there additional questions or additional comment, either in support or opposition of A.B. 250?

**Assemblyman Stewart:**

This means that regular inspections will continue for all schools, but what does regular mean?

**Keith Rheault:**

Upon application of a new school we have a full inspection, which is for a two-year period. Upon renewal, we require the full safety inspection. That is for a four-year period, so it is a little longer time.

**Chair Parnell:**

Any additional comments or questions? [No response.] With that I will close the hearing on A.B. 250 and at this time I would accept a motion to Amend and Do Pass with the amendment being on page 5, line 32; \$50 would remain and the new language, \$100, would be deleted.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 250.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

With that, I will open the hearing on A.B. 333 and ask that Ms. Stonefield come to the table to present the bill.

**Assembly Bill 333: Requires the Legislative Committee on Education to study certain issues during the 2007-2009 interim. (BDR S-417)**

**Carol Stonefield, Committee Policy Analyst:**

This bill is a product of the Legislative Committee on Education from the interim. I was the primary research staff person assigned to this Committee so I am here at the request of your Chair. As Legislative Counsel Bureau (LCB) staff, I will neither advocate nor oppose any of the provisions of this bill.

You have heard Senator Raggio and several other members of the Interim Committee discuss the focus of the Committee during the interim on transitions from middle school to high school, and high school to college or the workplace. Along the way, the Committee became aware of other issues. While it did not

direct a great deal of time to consideration of those issues, it recommended to the next Legislative Committee on Education that it study these issues in greater detail.

The two issues before you in Assembly Bill 333 relate to charter schools and what the Committee called "local school autonomy," which has become known as empowerment schools, site-based management, or school-based management. With regard to the charter schools, the Committee decided it was time for a study of those because it had been about ten years since the first charter schools were authorized and the Legislature has amended charter school legislation every session since.

In 1999 it added a statement that charter schools were to provide the boards of trustees with a method to experiment with independent public schools, to provide a procedure to measure and analyze the results of charters, to replicate positive results, and to create new professional opportunities for teachers.

Some amendments in these intervening years have gone to sponsorship, to the application process, to teacher qualifications, and how to align charter school requirements with the provisions of No Child Left Behind (NCLB). There have been a number of regulations promulgated by the State Board of Education that also go to sponsorship and include such things as the amount of insurance that charter schools must maintain. As these issues emerged before the Interim Committee, some of the questions included facilities, what day pupils were counted in the public schools as opposed to the charter schools, and even the suggestion of the formation of an eighteenth school district, which has been introduced this session by Assemblywoman Smith.

Assembly Bill 333 would require the subcommittee to study the accountability of charter schools; to review the money available for the operation of charter schools; to review the facilities' acquisition and the government structure; to identify restrictions on the operation of charter schools that should possibly be revised or eliminated; and to identify practices in other states that might ensure success of charter schools and determine if those practices could be implemented in Nevada. As a subcommittee, the charter subcommittee would get five bill draft requests (BDRs) of its own.

The other provision of A.B. 333 would suggest to the Interim Committee that it study local school autonomy. The Committee included this provision at its work session in August 2006, and since that time, the idea of empowerment schools or site-based management has received considerable attention. In fact, there are two bills making their way through the Senate at this time. One is sponsored by Senator Washington and one is sponsored by Senator Horsford.

The site-based, or school-based, management provisions of the NRS are located in Chapter 386 of the NRS, section 386.4154 to 386.4158. This was enacted in 1993. That original legislation provided a sunset in 1997 and that year the Legislature eliminated the sunset so these provisions remain in the NRS.

In 2005-2006 when the Legislative Committee on Education became interested in this issue, it invited Dr. William Ouchi from University of California, Los Angeles (UCLA) to present to the Committee. He is an economics professor and has conducted considerable research on the whole issue of site-based management, or empowerment schools. At that time the Committee found that it was an interesting issue, but did not have enough information or the time to pursue it. That is why it was included in a recommendation for future study.

The bill before you provides that the study would include the following:

- Accountability measures specific to schools participating in a local autonomy program;
- Professional development necessary to ensure effective school leaders;
- The effect on existing collective bargaining agreements;
- The feasibility of performance-based contracts for employees;
- The duties, powers, and responsibilities of principals;
- The role of teachers, parents, and the community;
- The proposed effect on pupil achievement;
- Budget guidelines;
- The progress of the Clark County School District empowerment schools; and
- The feasibility of authorizing individual teachers to negotiate year-round contracts.

There is a \$100,000 fiscal note that would cover the Committee's expenses and provide for obtaining the services of any expert witnesses. It is a very simple, straight-forward bill just informing the Committee about issues it should study in the next interim.

**Chair Parnell:**

In Section 1, lines 2 and 3 it says, "conduct a study of governance of the public schools in this State." I believe we have all received that massive structure of governance from the State Board, and from various commissions, boards, and councils. It is a maze and it is hard to find the State Board of Education in it. When we use the term "governance" of public schools, I want it to be on the record that it also will include looking at that structure to see if any recommendations could be made regarding the multilevel process of getting things done in the State with regards to public education.

**Assemblywoman Smith:**

The items in this bill are items the last committee felt the next committee should study, but it does not mean they are the only things they can look at, is that correct?

**Carol Stonefield:**

If this bill passes, the charter school provisions would require the chairman to set up a subcommittee similar to the Career and Technical Education (CTE) Subcommittee. That would be an actual, formal subcommittee of the full committee itself and, as such, would have its own agendas, bill draft requests, and so forth. The other one is just a recommendation to the full committee to look at school governance. That would not, however, prevent the committee from studying anything else that the chair and the members might wish to pursue. There are some other issues that have been suggested relating to truancy, testing, to name two.

**Chair Parnell:**

To further clarify, it also does not exclude other subcommittees being formed from that Legislative Committee on Education to study anything else, correct?

**Carol Stonefield:**

Yes, the issues that a standing committee wishes to study are determined in large part by the chair and the members, unless there is something like this that is included and enacted by the Legislature to indicate an interest in that particular issue.

Neither of these is a new issue to the Legislature and there are some background papers available online through the Research Division for anyone who might wish to look further. Background Paper 97-2 is on site-based management and Background Paper 03-03 is on charter schools.

**Chair Parnell:**

We have some people signed in who are in support of A.B. 333.

**Keith Rheault:**

I signed in as neutral and both areas you have in the bill are fine. I just wanted to make sure the governance structure could include K-12 councils, commissions, and boards. There is a separate Senate concurrent resolution that would fund an interim study by the Legislature. If that does not happen we would like it to be included as part of this bill. We know there is a limited amount of funding, so we are not 100 percent optimistic that it will get funded through the Senate resolution but we would at least like to be considered, and you have addressed that.

**John Gwaltney, Chairman of Governance, Nevada State Board of Education,  
Department of Education:**

On behalf of the State Board, I would like to thank you for clarifying that point. The State Board believes it is a very high priority and would not like it to slip between the cracks, so if it cannot be done one way, we would like it to be done another.

**Al Bellister, Consultant, Nevada Education Association:**

We have some concerns. Looking at page 2, Section 1(c), (d), (e), and (j), we are concerned about potential contract impairment issues as they would relate to those items. If the Committee is willing to entertain some suggestions, we could offer them up at a later date because I do not have any amendments with me. We suggest you could refine or narrow the scope of the study because Nevada is a collective bargaining state, and autonomy or empowerment concepts should not be used to undermine recognized collective bargaining agents around the State.

One of our affiliates, the Clark County Education Association, is engaged in an experiment around empowerment done within the context of collective bargaining. Both Senate bills I have read dealing with empowerment proposed those experiments within the context of collective bargaining. Our specific concern about item (c) is what do they propose to study concerning the effect of autonomy or empowerment on a collective bargaining agreement? I would suggest the scope could be narrowed or refined.

The way performance-based contracts in (d) is worded appears to open the door to individual bargaining and individual contracts with individual teachers around performance-based compensation.

In (e), what duties, responsibilities, and powers are principals going to be given, again within the context of a collective bargaining agreement?

Item (j) discusses the feasibility of authorizing individual teachers to negotiate contracts. Many of our collective bargaining agreements around the State have provisions dealing with extended school years and extended school days, so we already do that within the context of collective bargaining and would hate to see this open the door to individual bargaining, which is currently prohibited by statute.

Again, I apologize for the late suggestions we have, but we would prepare amendments to narrow the scope if you are willing to consider them.

**Chair Parnell:**

I would appreciate that. I think you and I are looking at this a little bit differently. A study looks to see what has happened and what recommendations might be made based on the experience. Probably, to be on the safe side, we should reference collective bargaining.

**Al Bellister:**

We looked at it more as a "how-to" manual to undermine collective bargaining agreements.

**Assemblyman Beers:**

Whether we add or delete anything from this list does not preclude any potential additions or studies later by the subcommittees, or any future subcommittees. Am I correct?

**Carol Stonefield:**

If it is included in a bill passed by the Legislature, it would be a directive to the committee to take up the issue. If it is deleted, I would defer to Kristin Roberts as to whether the Committee would be able to study it. I would think most anything would be open to them.

**Assemblyman Beers:**

It was mentioned earlier on in the testimony that this was not an exhaustive list.

**Chair Parnell:**

Whoever chairs the Committee can certainly come up with new ideas. The last Legislative Committee on Education felt this was an important enough issue to use a bill draft on. Based on all the information they had during the interim and all the witnesses they heard and issues they dealt with, these were the issues they felt were most important for the next Legislative Committee on Education to study.

**Donna Anspach, Board Member, Nevadans for Quality Education:**

Thank you for videoconferencing this hearing to Las Vegas and allowing some of us to make these hearings and to be heard. [Spoke in support of A.B. 333 from prepared text ([Exhibit D](#))].

**Chair Parnell:**

Any questions for Donna? [No response.] What I will do with this bill is ask Mr. Bellister to get amendments to me that reference the section relating to collective bargaining and we will take it up in work session as soon as we get those. Any additional questions, comments, or concerns regarding A.B. 333? [No response.] Seeing none, I will close the hearing on A.B. 333.



At this time, we have a work session and I will ask Ms. Stonefield to explain.

**Carol Stonefield:**

In your work session binder are two bills you have heard previously. [Ms. Stonefield explained A.B. 104 from prepared text ([Exhibit E](#)).]

**Assembly Bill 104:** Provides additional benefits to members of the Nevada National Guard and their dependents under certain circumstances. (BDR 34-835)

**Assemblyman Stewart:**

My proposed amendment ([Exhibit F](#)) would clarify that the spouse would have ten years in which to use the benefit after the death of the National Guard member and it would not be open ended, as before. The same would apply to the child of a National Guard member.

**Chair Parnell:**

I was concerned about the \$100 voucher to members, but found out that the money is not direct assistance, but a program where the spouse or child is told about contacts that might be needed concerning mental or physical health or any other services the person might need. The meeting is for information disbursement and I am satisfied with that.

**Assemblyman Stewart:**

For further clarification, if the meeting to inform the survivors of benefits is at a distant location, the \$100 would give that person an incentive to attend and would help pay any minor expenses.

**Chair Parnell:**

Are there any questions? [No response.]

ASSEMBLYMAN HARDY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 104.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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**Carol Stonefield:**

[Presented A.B. 212 and three proposed amendments from her work session document ([Exhibit G](#)).]

**Assembly Bill 212: Provides for high school reform. (BDR 34-118)**

As a point of clarification, since all three amendments go to portions of Section 3, if the Committee wishes to amend the bill, it will have to make a choice.

**Chair Parnell:**

If you remember the conversation about A.B. 212, we had a number of principals speak both here in Carson City and also from Las Vegas. All told about wonderful programs they had. There was concern from some that by using the term "ninth grade school within a school" that I was limiting in some way the Ninth Grade Academy or the Wings program, whatever the names were. Even now, I do not feel that to use the term "ninth grade school within a school" is exclusive. What it shows is that we want to have a ninth grade program, whatever you want to call it, where ninth graders are transitioning from eighth grade into tenth grade.

I also think the geographic separation is critically important in doing what the intent of the bill wants to have happen. I am very sensitive to the notion that once you get into high school, ninth grade students might have science lab classes that typically would not be found in the social studies wing you are now using for your ninth grade transition. So it is very likely those students would leave that geographic area at some time during the day to take other classes. As an example, when I taught sixth grade, we had a sixth grade wing. Students were in that wing four periods out of six, but left the wing and went to the main building for physical education or other extra curricular classes outside that wing. That is what I envision in this "ninth grade school within a school." By deleting the word "their" on line 20, page 3, so it just reads, "attends classes," to me would refer to some classes but not all classes. Deleting the word "their" provides some flexibility. My amendments speak to those two issues: amend Section 3 to delete the word "their" in reference to the geographic designation of the area of a building where ninth graders attend classes and then a technical amendment brought to my attention from Legal which would amend making technical corrections with regard to increasing the compulsory age. Anything that would allow a student to leave school now is still in place, but it says if you are 17 years old you would not be able to just leave school on your own without having been granted a General Educational Development (GED) certificate or any of the other exceptions until you are 18.

**Assemblyman Hardy:**

So we would allow the math wizard, for instance, who happens to be in ninth grade to be able to attend calculus with the seniors?

**Chair Parnell:**

Absolutely.

**Assemblyman Hardy:**

High school students who share a campus with the community college, for instance, would still be able to go to classes even though the classes are physically not in the high school, but in the community college?

**Chair Parnell:**

Absolutely. The last thing we want to do is have any student at any grade level not be able to take a class they want to take. In no way do we want the language in this bill to limit the choices of students.

I want to make certain everyone has had a chance to look at Amendment 2, offered by the Washoe County School District. Instead of just saying, "ninth grade school within a school" you would add all of those other names. It would amend Section 3 to insert "to the extent practicable" with regards to the ninth grade school within a school, the separate geographic area, and more specific language about "all or most" of their "core academic" classes.

Amendment 3 offered by the Clark County School District would be to amend Section 3 to delete the words "separate geographic area" altogether and also amend Section 3 to require a report by the principal detailing programs to focus on ninth grade students. One of the things I was most pleased with in drafting A.B. 212 was that the school districts are given the responsibility in the bill to come up with these programs. They are given the responsibility to design what is going to work in the schools in their district so there is local control over how all of this looks in the endgame. The only thing that is not local school control is the section on uniform grading policy which was given to the State Board of Education.

**Assemblyman Munford:**

Is there going to be any emphasis on the ratio between students and counselors? Is there ever going to be an increase in the number of counselors in the schools? Is there any set ratio of students per counselor at the high school level? I have seen counselors with 600 students.

**Chair Parnell:**

This bill addresses the need for counselors in the ninth grade, making sure the students are coming to school and taking the courses they want to take, and helping them with that four-year graduation plan. We want to focus there now, but everyone in this room acknowledges our counselor-student ratio is way too

high. This bill is taking a baby step in acknowledging how important counselors are to our students. Maybe next time.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS  
AS AMENDED ASSEMBLY BILL 212 WITH AMENDMENT NO. 1.  
[([Exhibit G](#)), Page 1]

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

**Assemblyman Hardy:**

For clarification, we are including Amendment 1 but we are not including anything in Amendments 2 or 3 so we still have "separate geographic area" in the bill. We do not have "as much as is possible or to the extent practical" in the bill anymore?

**Chair Parnell:**

Correct.

**Assemblyman Hardy:**

Will we be able to have the physical facilities for those ninth graders? The lack of physical facilities may be an impediment to what we are trying to do.

**Chair Parnell:**

You are suggesting we leave "separate geographic area" and add "to the extent practicable?"

**Assemblyman Hardy:**

Correct.

**Assemblywoman Smith:**

I understand that issue and share your concerns, but the intent is to have a separate location for those ninth graders. We listened to Mr. Kelly from Hug High School talk about how that worked, but if the ninth graders are not separate and you do not have staff to go with them to a separate location, it does not have the same impact. I worry about not making it tight enough or the intention strong enough.

**Assemblyman Hardy:**

I do not know if this has a population cap, but even if it did it would probably hit my rural high schools in Logandale, Overton, and Mesquite.

**Assemblywoman Smith:**

It does. It is 1,200 students.

**Assemblyman Hardy:**

We are okay with that.

**Chair Parnell:**

This is just the first step in the process. I think one of the considerations was if a high school had over 1,200 students, it probably had separate wings for social studies, language arts, et cetera. You simply move out of one of those departments, shift other classes around, and that would become the basis for that ninth grade school within a school.

Spring Valley High School in Las Vegas put their ninth grade staff in a department's work room. The staff, the counselor, and the administrator were actually in with the students, seeing them in the hallway between every class, and really getting to know them because of the physical proximity.

**Assemblyman Hardy:**

I can go for this.

**Assemblywoman Smith:**

I wonder if we want to add the amendment recommended by Joyce Haldeman of Clark County of the reporting by the principal in Section 3(1)(b). The report by the principal of the high school would detail specific strategies, programs, and methods being utilized to focus on ninth grade students. It seems as though that would be very helpful. I like that the District recommended it, because it is more work for the principals. I think it would make sense to do that.

**Chair Parnell:**

Very good point. I would ask Mr. Segerblom if that could be a friendly amendment.

**Assemblyman Stewart:**

I appreciate the intent of this. I am trying to visualize some of the high schools in my district that are constructed on many levels. Courses such as home economics and science would be hard to shift. I think it would be hard for them to make a completely separate area for ninth grade. My concern is whether there would be space available for those specialized departments if there are no separate facilities.

**Chair Parnell:**

Mr. Kadlub, let us know if that would pose a problem, please.

**Craig Kadlub:**

Assemblyman Stewart has really identified the heart of the problem for us. Because of the way many of the newer schools are constructed, they really do not lend themselves to specifying a geographic area and saying this is where all of our ninth graders will be educated. There are expectations that they will have to go out of those areas for various disciplines. I certainly respect what Assemblywoman Smith said because I do not want to defy the intent of grouping the students as much as possible, but the practicality of establishing a physically-restricted area is just about impossible.

**Chair Parnell:**

Thank you for that, but then I guess we lose the whole intent of the bill. If we do not have a place for ninth graders to gather for part of the day, how do we make that bridge? How do we create what we are trying to get with A.B. 212?

**Craig Kadlub:**

Maybe just a provision that would say, "except where lab courses or facilities prohibit?"

**Assemblyman Hardy:**

The intent is very clear to us. When we take the ninth grader out and put him or her into the calculus class, it is not going to be in the ninth grade wing. Likewise, there is probably going to be some student who is in career and technical education who is going to go to a different wing, so I do not think our intent is hurt and there still is a capability of grouping, albeit maybe in a different way. If our intent is there, we could afford to be somewhat flexible in the logistics of it all.

**Assemblyman Segerblom:**

There is always going to be a geographic area that can be used. If the district can come forward and show a specific school where this could never happen, I would be willing to change my mind, but right now, I think this is flexible enough. We really would defeat the purpose of the bill if we took out that particular section.

**Chair Parnell:**

Let us go back to the fact that this authorizes the school districts to create the plan. I would challenge the Clark and Washoe County School Districts to create a plan that allowed for that flexibility. I think we would be silly to lose the case so early in this process. We all really were impressed with what can happen when ninth grade students are given that extra time, the unity, the counseling and, really, someone to watch over them. I personally would like to hold onto that and ask the Clark County School District, when they propose the design, to

know that as long as there is some time during the day when the ninth graders are together.

**Craig Kadlub:**

So, it would be permissible to create a plan that would allow us to organize for instruction in such a way that ninth graders would remain together for the majority of the day or for the largest part of their instructional day?

**Chair Parnell:**

I do not see anywhere in here that says, "for the majority." In my middle school, we had core subjects in the wing area, and then students went out for other classes. In high school that is a little different because there are students taking calculus as freshmen, for instance. We want to encourage that, but there are probably a couple of core classes that most ninth graders are taking and that is where we would want that to happen.

**Craig Kadlub:**

Now that I understand the intent more fully I think that probably goes back to our concern about separate geographic areas. If the language did say "organize instruction in a manner that ensures ninth graders are together ..."

**Chair Parnell:**

It just says "classes." That is why we deleted the word "their" classes, because that assumed all of their classes would be in that area. We are trying to do as much as we can to acknowledge that students are going to have different schedules, but we want them to have some separate area. We really want to expand what your 12 or 13 high schools are already doing, and showing great success at, to all schools that have at least 1,200 students.

We have a friendly amendment that includes the last section of Amendment 3, and would be placed in Section 3. It would require a report by the principal detailing programs to focus on ninth grade students. The motion is amended with the choice of number 1, and then also the friendly amendment added to that with the report language and Amendment 3.

**Assemblywoman Smith:**

I just got an email from Mary Jo Malloy of Nevadans for Quality Education wanting us to know they support the bill.

**Assemblyman Hardy:**

I am thinking of my rural constituents and Mesquite which is booming and growing. That particular model of school has been designed to be a high school, a junior high school, and an elementary school, depending upon how

many people are in it. At some point it will probably be up to that student threshold of 1,200, so I am looking at that new design you are talking about, and assuming there are probably going to be some quirks that are going to have to be planned by the school district that will allow the option to do that.

**Chair Parnell:**

Right, and again, it only applies to high schools with over 1,200, but it would be an exciting thing for an area like Mesquite that knew they would be at that level at some time. It would be an exciting way to look at future design, too.

Further discussion? [No response.]

THE MOTION PASSED UNANIMOUSLY.

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I will open public comment, is there any? [No response.] Is there any other business to come before the Committee?

**Assemblyman Mabey:**

I would like the Committee to investigate this. A patient came to my office a few Saturdays ago. She is enrolled in a university program where she performs ultrasounds, and part of the agreement when she enrolled in the class was that they would have to perform ultrasounds on one another. Well, some of the ultrasounds included breast ultrasounds, testicular ultrasounds, and vaginal probe ultrasounds. I felt it was inappropriate that a classmate would have to examine another classmate. I contacted the vice chancellor and she said that was the policy and they had not had any complaints. I just wonder if, as an education committee, if we could get more information regarding that.

**Chair Parnell:**

Thank you for bringing that up. We did discuss the issue one afternoon. I would ask Ms. Stonefield to contact whomever the person might be.

**Assemblyman Mabey:**

I think it is all the university programs, whether it is a nursing program, an ultrasound program, or medical school. It puts the student at a disadvantage and in an awkward situation when he or she may be receiving an exam from another person. If it was their elbow, eye, or ear I would not have a problem, but when it deals with the breasts or genital areas, that is a concern to me.



**Chair Parnell:**

Someone should have a choice not to participate. We will look into that and request the policy in black and white. Thank you for bringing it up. That is something the Committee might want to make a statement on, send a letter about, or whatever you think would be appropriate.

**Assemblyman Hardy:**

The mock-up of A.B. 212 makes the statement of a ninth grade school within a school in any high school with enrollment of 1,200 or more students. The actual bill, page 2, Section 3, lines 11-13, reads, "the board of trustees of any school district which includes at least one school with an enrollment of 1,200 pupils or more, including pupils enrolled in ninth grade, shall adopt a policy for each of those high schools to provide a program of a ninth grade school." I have to make certain the words "each of the 1,200 pupil-enrolled schools" not each one of the high schools.

**Chair Parnell:**

That is how I have understood that language to read.

**Assemblyman Hardy:**

That is what I understand.

**Chair Parnell:**

It is in Section 3 where it says, "at least one high school with an enrollment of 1,200 pupils or more shall adopt a policy for each of those high schools to provide a program," and it is referring back to the board of trustees.

**Assemblyman Hardy:**

The intent is a high school with 1,200 students or more. The way the phrase is written, the district that has one high school "shall adopt a policy for each of the high schools to provide a program of a ninth grade school within a school." I would like that language clarified with intent and/or with a number on each high school that has greater than 1,200 students. I would feel more comfortable.

**Kristin Roberts, Committee Counsel:**

You are reading the bill correctly. It is each high school that has 1,200 pupils or more.

**Assemblyman Hardy:**

That is why I read the words not the intent, but the intent is that each high school has to have 1,200 pupils.

**Chair Parnell:**

I think everyone understands the intent.

Any other questions or comments? The meeting is adjourned [at 5:26 p.m.].

RESPECTFULLY SUBMITTED:

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Denise Dunning  
Recording Secretary

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Terry Horgan  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** March 19, 2007

**Time of Meeting:** 3:45 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance roster
AB 250	C	Keith Rheault, Superintendent of Public Instruction, Dept. of Education	Booklet entitled " <i>Non- Public Schools</i> "
AB 333	D	Donna Anspach, Member, Nevadans for Quality Education	Prepared testimony in support
AB 104	E	Carol Stonefield, Committee Policy Analyst	Explanation of the bill
AB 104	F	Assemblyman Lynn Stewart	Proposed amendment
AB 212	G	Carol Stonefield, Committee Policy Analyst	Explanation of the bill and proposed amendments