

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

**Seventy-Fourth Session
April 2, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:50 p.m., on Monday, April 2, 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:

Assemblyman John Ocegüera, Assembly District No. 16
Assemblyman Bernie Anderson, Assembly District No. 31



STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Denise Dunning, Committee Secretary
Trish Moore, Committee Assistant
Rachel Pilliod, Committee Manager

OTHERS PRESENT:

David Byerman, President, Byerman Solutions Group
Jan Davidson, President, The Davidson Academy of Nevada
Keith Rheault, Superintendent of Public Instruction, Department of Education
Mark Herron, Governing Board Member, Vice President and Chief Financial Officer, The Davidson Academy of Nevada
Colleen Harsin, Director, The Davidson Academy of Nevada
Alfredo Alonso, Representative, The Davidson Academy of Nevada
Jim Richardson, Representative, Nevada Faculty Alliance
Racquel Abowd, Student Teacher, Carson City Middle School
Karyn Wright, Director of New Teacher Development, Clark County School District
Julie Whitacre, Representative, Nevada State Education Association
James Jackson, Representative, Nevada State Education Association
Louise Helton, Private Citizen, Las Vegas, Nevada
Donna Hoffman-Anspach, Board of Directors, Nevadans for Quality Education
Alison Turner, Representative, Nevada Parent Teacher Association
Craig Kadlub, Director of Government Affairs, Clark County School District
Al Bellister, Representative, Nevada State Education Association
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators
Anne Loring, Representative, Washoe County School District
Charles Thompson, Private Citizen, Las Vegas, Nevada
Laverne Thompson, Private Citizen, Las Vegas, Nevada
Terry Hickman, Executive Director, Nevada State Education Association
Francis Flaherty, Attorney at Law, Dyer, Lawrence, Penrose, Flaherty, and Donaldson
Trudi Lytle, Private Citizen, Las Vegas, Nevada
Rose McKinney-James, Representative, Clark County School District
Horace Smith, Private Citizen, Las Vegas, Nevada

Chair Parnell:

[Meeting was called to order at 3:50 p.m. Roll called. Quorum present.] It is Participatory Democracy Day at the Nevada State Legislature. David Byerman is here to talk to us about Democracy Day.

David Byerman, President, Byerman Solutions Group:

We have an Advisory Committee on Participatory Democracy that is comprised of people from all walks of life—Republicans, Democrats, people from the south, people from the north, and people from the rural parts of the State. I am here to give you a report on what we have been doing on this Committee for the last two years ([Exhibit C](#)). This Committee has worked to bring together stake-holders throughout the State of Nevada who are advocating on behalf of increasing voter turnout, increasing voter registration, and connecting people to their democracy. One of the things that we have tried to do as a committee is to build in new recognition programs like the Jean Ford Democracy Award that was recognized this morning. We are working to get people excited about our system of government and how it affects their everyday lives.

Assemblyman Segerblom:

Do you support Election Day registration?

David Byerman:

We have not discussed this as a committee or taken any action on it.

Assemblyman Munford:

In your discussion about participation in voting, what age group has the lowest turnout when it is time to vote?

David Byerman:

It is the youth.

Assemblyman Munford:

This is the area where you should put the most emphasis.

David Byerman:

If you look at the report, you will see that we focus the majority of our time and effort on the youth. The last section of our report talks about several programs including kids voting, which we call "We the People."

Assemblyman Stewart:

Having been involved in several of these programs to get kids voting, I did not see where you have "We the People" in your report.

David Byerman:

We did inadvertently omit that. It is a very important program for the high schools.

Assemblyman Stewart:

On page 5, it talks about the voter turnout. Has a study been done showing why the larger population areas have lower voter turnout?

David Byerman:

No study has been done, but if I had to guess, it is because of the transiency in those areas.

Chair Parnell:

I will turn the gavel over to Vice Chair Smith and introduce Assembly Bill 567.

Vice Chair Smith:

I will open the hearing on A.B. 567.

Assembly Bill 567: Revises provisions governing university schools for profoundly gifted pupils. (BDR 34-918)

Assemblywoman Parnell, Assembly District No. 40:

Last session we had S.B. No. 461 of the 73rd Legislative Session, which talked about a concept that was very new to most people. The bill went through much discussion and there was some opposition. In the end, we recognized that we needed to provide services to our profoundly gifted and talented students. What S.B. 461 No. of the 73rd Session did was authorized the development of a school for profoundly gifted pupils to be located on the campus of a university within the Nevada System of Higher Education (NSHE). It defined a "profoundly gifted pupil" and established governance structure and accountability measures. It did not provide funding for the first year of operation. What was promised during that first year was that Dr. Keith Rheault, Superintendent of Public Instruction, would work closely with the people at the Davidson Academy of Nevada to make sure that they were abiding by all of the state and federal standards, et cetera. In the fall of 2005 there was a grand opening of the Davidson Academy of Nevada. They opened with approximately 40 students. Instruction for each pupil was according to a personalized learning plan. The Davidson's provided the total amount of funding for the first year of operation. During the 2005-2007 biennium there was an understanding established at the end of the 2005 Session that they would get the school established, determine the needs for funding, and come back this session to make recommendations for changes in the structure of their school. Assembly Bill 567 is based on what the school thought would be important and

what they thought should continue with their relationship with the State of Nevada.

This bill provides for a calculation of apportionment from the Distributive School Account. It provides for the governing body to adopt rules for academic advancement and behavior, provides for changes to the governing board, and provides for some regulatory authority of the State Board of Education.

Jan Davidson, President, The Davidson Academy of Nevada:

My husband and I wanted to open a school for profoundly gifted students, so we opened the Davidson Academy of Nevada on August 28, 2006. The school is located on the campus at the University of Nevada, Reno (UNR) where we have a team of professionals who can focus on teaching this population. What we have accomplished in the last year is in our report ([Exhibit D](#)). We have five licensed teachers on our staff and several university professors, both from Truckee Meadows Community College (TMCC) as well as UNR, who teach classes part time. We currently have 35 students enrolled in the school. These 35 students are from a diverse group. They range in ages from 12 to 16 and come from a wide range of economic circumstances. There is a "Young Scholars" financial aid service that some of the students have applied for. By the end of this year, we will have spent \$2 million getting this school up and running and providing services to the students.

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

I have been working with The Davidson Academy on many issues over the past two years. The first few sections of the bill describe the request that the school start receiving apportionments through the State. The closest thing that is similar to this type of school in our State is a State Board-sponsored charter school. It is a school that is not affiliated with the school district. This school will not receive any more or any less per pupil than a State Board-sponsored charter school or than the Washoe County School District.

Section 12 still talks about the funding; it is just the normal accounting and apportionment, and is identical to what the State has already approved for State Board-funded charter schools. On page 17, some of the statutes that will be new to the school, start with Section 15. Several sections make it clear that the university school is a public school and that any accountability requirements that we have at the state level for reporting is included in this statute. So they will be reporting and must meet all of the requirements of the No Child Left Behind Act (NCLB). The school will need to be designated as are all public schools. Section 16 is a requirement that is not regulated at the State level. School discipline is regulated at the school level and school districts are required to have written rules of behavior for pupils. Section 17 refers to the applicants

for employment at the university school—if they are not a licensed teacher. Previously adopted statutes only require 70 percent of their teachers to be licensed. This bill says that potential teachers have to have their fingerprints taken and be run through the Criminal History Repository. If there is a felony, they would have to go through the Superintendent. Charter schools have this same option. Section 18 modifies the wording on how the students are selected, and I will have the school explain those changes, since they were submitted by the school themselves. Section 20 has to do with the exemptions from regulations unless specifically stated in the statute. Section 21 states that you cannot be a Governing Board member and regulate the school at the same time. Section 21 also says that not more than 2 persons who serve on the Governing Board can represent the same organization or business. Section 22 is the application through the Board, and I will let the representatives from the school explain this.

Vice Chair Smith:

In Section 18 it appears to lower the requirement significantly. Can I have someone explain this?

Mark Herron, Governing Board Member, Vice President and Chief Financial Officer, The Davidson Academy of Nevada:

This was not intended to lower the requirement. It was suggested by our counsel. He felt that this portion of the bill was not correct from a statistical standpoint.

Vice Chair Smith:

This is something that we need to take a look at: when it says anything within the 99th percentile, that would mean everything below that.

Mark Herron:

That is certainly not the intent. We probably need to redraft that language.

Assemblyman Denis:

Is Section 22 going to be discussed?

Mark Herron:

Section 22 has to do with modifying the criteria for selecting the students. We felt that it was necessary to have some subjective criteria, not just meeting the test scores. We found that student-readiness is an important part of the equation. The students need to be ready to pursue this academic challenge.

Assemblyman Denis:

It says in Section 22, line 21, that it satisfies the requirements of NRS 392A.030. What is that?

Mark Herron:

That refers to the section that refers back to the requirements.

Assemblyman Denis:

As you went through this process, how many kids from Nevada applied and qualified for this type of program?

Mark Herron:

I will defer that question to Colleen.

Colleen Harsin, Director, The Davidson Academy of Nevada:

We took all qualified students last year—those students who met the minimum eligibility criteria in terms of the test scores. There were 18 students listed for Nevada who met the qualifications.

Assemblyman Denis:

Do you anticipate having more applications than space available?

Colleen Harsin:

Yes, we have made very passive recruitment efforts because we are a new school and because we have a learning curve. We do have a website and have brochures, but have not done an all-out full recruitment yet.

Assemblyman Stewart:

Am I to understand that the reason there are so many out-of-state students is because there were not enough in-state students who qualified?

Colleen Harsin:

Our school meets the needs of this population who tend to be underserved in a traditional school environment. The majority of students who moved to Nevada to attend our school are those familiar with other programs and services offered by the Davidson Academy for Talent and Development. Attachment C of our report ([Exhibit D](#)) also includes an overview of the outreach activities.

Assemblyman Stewart:

So you did not have enough Nevada students who qualified?

Colleen Harsin:

It is not an issue of not having enough students from Nevada. We took all qualified Nevada students who applied and the rest of the student body is made up of students from other places who also qualified. We do not cater to Nevada only. Our school is open to others who move to Nevada from other states.

Assemblyman Stewart:

In the future, will Nevada students be given priority as you expand and as you get state funding?

Colleen Harsin:

Students do have to live in Nevada in order to enroll in our school.

Alfredo Alonso, Representative, The Davidson Academy of Nevada:

The intent is that no matter who comes to this school, they have to live in Nevada. So they are all Nevada residents. If someone from another state applies, then they and their families have to move here.

Assemblyman Beers:

Can you give me specifics on how you adapt the curriculum towards the students' needs? I have heard that you do not over-challenge or under-challenge the student.

Colleen Harsin:

Most of it is done with pre- and post-assessment opportunities for the individual student. For example, within our environmental science class we have a three-tiered model in place, which is fairly unique in terms of providing core-level instruction. Those students who are excelling in the core-level have opportunities to pre-test by unit into an honors level for that course.

Alfredo Alonso:

There were concerns about the Governing Board and Section 18. We would like to work on that amendment.

Assemblyman Stewart:

I saw that two students received "Ds." In this day of grade inflation I commend whoever gave them the Ds for having the fortitude to do so.

Colleen Harsin:

It is tough. We are very sensitive to grade inflation and do not want that to occur. These kids are used to excelling with minimal effort.

Vice Chair Smith:

For those of us who were on the Committee last year and worked through the development of this school, we know just how bright these kids are. There are a small percentage of students that meet the criteria that this school requires. We were exposed to the book *Genius Denied* as a part of this process and in reading it you can see how difficult it can be for these students and their families.

Keith Rheault:

I just wanted to say how unique these students are. A student may be age-wise in 6th grade, but he may be at the 10th-grade level in academics. NCLB still requires the students to test, which leaves us to figure out if they take the 6th-grade test or a 10th-grade test. That is why the individual learning plan for each student is the key to figuring this out.

Alfredo Alonso:

One last point I would like to make is the students can work at their own pace.

Assemblyman Beers:

What specific courses of study are being utilized in your program?

Colleen Harsin:

We are looking at Nevada State Standards as our guide for that, at least for the minimum standards. We are adding to our elective opportunities.

Assemblyman Beers:

What are the bullet-point subjects?

Colleen Harsin:

We have mathematics, language arts, electives, American government, and physical education. The electives are being developed based on the student's interests. It is likely that we will have an advanced literature course as well as an Eastern civilizations course, and a plan for Spanish and Chinese this fall. We are building a yearbook right now and will likely have yearbook as an elective next year.

Vice Chair Smith:

The bill that we passed last session had an enabling provision so that the kids could take the university classes?

Jan Davidson:

Yes, that is correct. We strive to get the kids to not only focus on academics, but to get them to be more community minded.

Jim Richardson, Representative, Nevada Faculty Alliance:

I watched the development of this school with great interest. I am here to say that we are very excited about what has happened on the University campus through the generosity of the Davidsons and their hard work. This is a great opportunity for gifted children to attend this academy. A few months ago, the *New York Times* printed an article about the Davidson Academy.

Vice Chair Smith:

I will close the hearing on A.B. 567 and open the hearing on A.B. 512 and welcome the Chairwoman back to the table.

Assembly Bill 512: Revises provisions governing educational personnel and student teachers. (BDR 34-1370)

Assemblywoman Parnell:

I am here to present A.B. 512, which is a bill about student and substitute teaching. I have Racquel Abowd here with me whom this bill was modeled after. I will have her tell you her story first and then I will explain this bill.

Racquel Abowd, Student Teacher, Carson City Middle School:

I was paid for a majority of the time that I did my student teaching. Shortly before the school year started there was an opening in the 6th-grade science class. I was going to do part of my student teaching with another teacher. When I found out about the opening, I went to the principal and discussed the possibility of me taking on that position as a long-term substitute while completing my student teaching. I had to agree to have two lead teachers whom I had to report to, one in English and one in science. I also had to agree to present additional lessons in the classroom. The children did not have to have a substitute in their class as I was there—a licensed teacher, and remained in the long-term substitute position for the rest of the year. The students did not have to deal with several different teachers. I had to have twice as many evaluations from the school I was teaching at.

Assemblywoman Parnell:

People think that someone student teaching should not be teaching full time. As a regular teacher, Ms. Abowd was nominated for the nationally known Disney Award for her excellence in the classroom. It showed me that after the four years of college, if someone really wants to teach, they can excel in the classroom.

Assemblyman Denis:

It makes sense that if you have someone student teaching, they would be more qualified after their four years in college than a substitute who only has to have

2 years of school. Are the student teachers done with their four years of college when they start their student teaching or do they have another semester of school left?

Racquel Abowd:

In my case, the only thing I had left to do was my student teaching.

Assemblyman Beers:

Is student teaching the only internship that requires a four-year degree that is not paid during that time?

Racquel Abowd:

As far as I know, yes.

Assemblywoman Parnell:

We ask teachers to complete four years of college, become highly qualified, work with all of the restrictions of NCLB, then we ask them to student teach for a semester and make no money. We are short teachers and cannot figure out why. These people go through four years of college, have college debt, need to pay for living expenses, and then do not get paid for the first few months of teaching. It would be difficult to work at a separate job when you are doing your student teaching. Substitute teachers, after their two years of college, get paid a daily rate right away, yet student teachers, after four years of college, do not get paid until they complete their student teaching.

Racquel Abowd:

While you are doing your student teaching, not only are you not getting paid while you are teaching in the classroom, but in most cases you are paying for school and your living expenses without the ability to work at another job while you are doing this.

Vice Chair Smith:

This is really talking about valuing education and the resources that we put towards education.

Assemblyman Stewart:

Who required you to have the additional evaluations?

Racquel Abowd:

The additional evaluations were required by Sierra Nevada College where I was attending. I did not have a lead teacher in class with me on a continual basis. They required the additional evaluations as part of my student teaching requirements. Most people have a lead teacher in the classroom with them. The

lead teacher, the principal or vice principal, and Sierra Nevada College all evaluated me.

Assemblyman Denis:

From an educational standpoint, do you feel that because you did not have a teacher with you in the classroom that you did not get what you would have gotten if a teacher was there with you all the time?

Racquel Abowd:

Personally, I feel that I had a better experience. It was a team experience. I worked with the other teachers on curriculum and used my resources more, rather just relying on my lead teacher. That was more beneficial for me in the long run.

Assemblyman Stewart:

If you have lead teachers in a normal student teaching situation, they leave the classroom after about the fourth or fifth week anyway.

Racquel Abowd:

That is true in some cases. That is up to the lead teacher to make that decision.

Assemblyman Stewart:

Schedules for most universities show that the lead teacher is to leave.

Racquel Abowd:

That is true.

Karyn Wright, Director of New Teacher Development, Clark County School District:

[Read from prepared testimony ([Exhibit E](#)).]

Vice Chair Smith:

I am assuming that there is some consistent language that we use to identify high-need areas. I know we use that in other areas and maybe we can use that language for certain classifications.

Assemblywoman Parnell:

I think we can use that language as a priority. We could do that so that it would not limit student teachers to just those areas.

Vice Chair Smith:

We could do something that is a little more broad and would allow incorporating any other areas that may come up.

Keith Rheault:

Every district has the opportunity to submit a list of critical teacher shortage areas to the Department of Education. Clark County probably has 15 subject areas that they have a shortage of teachers in. I have approved hiring of retired teachers.

Assemblyman Hardy:

How does that affect teachers' retirement through the Public Employees Retirement System (PERS)?

Assemblywoman Parnell:

The teachers get straight substitute pay, so the retirement issues do not enter into this. That was my intent when writing the bill.

Assemblyman Denis:

This could be a great recruitment tool—would this help to get teachers from other states to come to Nevada?

Assemblywoman Parnell:

That would be difficult because of the language in the bill. The student teaching as part of the college experience is under the direction of that college system. I do not think we would see them coming to Nevada to do their student teaching.

Assemblyman Denis:

We currently have students from Utah come and student teach in Las Vegas. I guess the University would have to work with them.

Assemblywoman Parnell:

We would have to look at the language, as currently it says, "the teacher who supervises the student teacher through the Nevada System of Higher Education or an accredited postsecondary educational institution." That should take care of it.

Julie Whitacre, Representative, Nevada State Education Association:

We want to go on the record in support of A.B. 512.

Vice Chair Smith:

I will close the hearing on A.B. 512. I will open the hearing on A.B. 313 and have Assemblyman Oceguera come to the table to introduce this bill.

Assembly Bill 313: Revises provisions governing the tracking, monitoring and revocation of teacher licenses for criminal behavior. (BDR 34-731)

Assemblyman John Oceguera, Assembly District No. 16:

[Read from prepared testimony ([Exhibit F](#)).]

Vice Chair Smith:

Julianna Ormsby had signed in to talk about an amendment she has, but she had to leave. She sent an email stating that she would work with the Majority Leader, Assemblyman Oceguera, on the amendment.

Assemblyman Oceguera:

Yes, and some of those might already be taken care of in an amendment that is coming forward.

James Jackson, Representative, Nevada State Education Association:

[Read from prepared testimony ([Exhibit G](#)).]

Assemblyman Hardy:

The department that it alludes to in this bill is the Department of Education?

James Jackson:

Yes.

Assemblyman Hardy:

Is there a mechanism for the Department of Public Safety, the police, or the sheriff's office to notify the Department of Education, so they can do further notifications?

Assemblyman Oceguera:

I do not know of any, but there is no prohibition on that.

Assemblyman Hardy:

I do not know how the Department of Education would know if an employee has been charged or convicted unless they read it in the newspaper.

Assemblyman Ocegüera:

If you look at Section 2 of the bill it states that a procedure needs to be developed to track and monitor the status of criminal cases. Once the Department is notified, then we can take action.

Assemblyman Hardy:

I am worried about how an agency will notify the Department of Education.

Assemblyman Ocegüera:

It would have to come from the court system. The court systems are a little reluctant to take on the task of notification to the schools.

Vice Chair Smith:

Notification is a very important component of this bill. On page 2 in Section 2, subsection 3, it talks about the conviction of the act. I am assuming if that person is on appeal and not incarcerated this bill completely takes care of that person in the same manner as a person who is incarcerated.

James Jackson:

If the person is on appeal, the conviction has been made but could be overturned.

Vice Chair Smith:

I know of a teacher from another state who killed two people, was convicted, and the conviction was on appeal. He was free while the appeal was going on and in the classroom teaching. I want to make sure that nothing like that can happen with this bill.

Assemblyman Ocegüera:

We may want to talk to someone from Legal, but it seems to me that a conviction is a conviction and that would preclude someone from teaching in the classroom.

Vice Chair Smith:

I just want to make sure that the language is very solid.

James Jackson:

It probably is sufficient once a judgment is made on a felony.

Assemblyman Beers:

In reference to Amendment 4 ([Exhibit G](#)), we have talked about not being broad enough and in some cases too broad. In this area I think we are missing a few specifics. There are some cases where a conviction cannot be reached. I do

not think a file should be destroyed if there may be proceedings sometime in the future.

James Jackson:

If a teacher is tried and not convicted, he cannot be removed from the classroom. He has gone through due process in front of a jury, and if he is acquitted, that ruling is final. That is the ruling that the school district has to base their decision on.

Assemblyman Segerblom:

It is common practice, at least in Clark County, that even if criminal charges are dropped, the district will go forward with a termination, not using the conviction itself as the grounds, but the acts that lead to the charge.

Louise Helton, Private Citizen, Las Vegas, Nevada:

[Read from prepared testimony ([Exhibit H](#)).]

Donna Hoffman-Anspach, Board of Directors, Nevadans for Quality Education:

[Read from prepared testimony ([Exhibit I](#)).]

Alison Turner, Representative, Nevada Parent Teacher Association:

The Nevada Parent Teacher Association (PTA) sees A.B. 313 clearly as an issue of child safety and welfare, and we urge the Committee to support this bill.

Keith Rheault:

We had a Legislative Counsel Bureau (LCB) audit. This bill follows it very closely, and we are here to support it. There are a couple of items new in the bill that were not in the LCB audit recommendations, and one is to require school districts and charter schools to let us know if they are aware of a conviction or an arrest so we can start tracking it. We rely on districts to report it. We rely on staff reading the newspaper. The most recent teacher suspension was a rural district that was into the trial before we ever heard about it. Anything we can do to get information quicker so we can start tracking the case would be better and that is what this bill would do. We have concerned citizens that have called the Department of Education when there are felony charges against a teacher who moved to Nevada. The last thing I see in the bill is the word "conviction." There is difference between suspending a person from employment when he is arrested and charged with something. So we cannot move forward to terminate someone with just a charge. We have to wait until there is a conviction. Sometimes that can take months or years.

As part of the LCB audit, we are required to maintain a log and track everything. As part of the log, we still keep the name and case number after the case has

been resolved, which is in conflict with this bill that states that those records are destroyed if there is no conviction. We will work with the sponsor on wording for that.

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

I would just like to add our support to this bill.

Vice Chair Smith:

Seeing no further testimony, I will close the hearing on A.B. 313 and hand the gavel back to Chair Parnell.

Chair Parnell:

We will take a short recess. The meeting will be called back to order at 5:45 p.m.

[Meeting called back to order at 5:50 p.m.]

I will open the hearing on Assembly Bill 460 and invite Assemblyman Anderson to the table.

Assembly Bill 460: Revises provisions regarding public schools and educational personnel. (BDR 34-1279)

Assemblyman Anderson, Assembly District No. 31:

[Read from prepared testimony ([Exhibit J](#)).]

Chair Parnell:

To confirm for the record, we will be leaving Section 6 and Section 7.

Assemblyman Anderson:

We would be holding Section 6.

Chair Parnell:

Okay, Section 6 and Section 7. What about Section 8? So, we are keeping Sections 6, 7 and 8?

Assemblyman Anderson:

We are keeping Sections 6, 7, and 8. Section 5 of the bill is an issue that you may want to discuss as a policy issue. Finding good, quality teachers is a difficult task. The site administrator has a difficult task of trying to manage his staff.

Assemblyman Munford:

Is there a policy showing how the teacher evaluations are supposed to be done?

Assemblyman Anderson:

In the Washoe County School District there is. There have been several changes in how this has been done over the 33 years that I have been teaching. Different administrators have different ideas on how an evaluation should be performed. An evaluation should not be intimidating. The quality of teachers' work is what should be evaluated. If you want to keep teachers, you have to reassure them that the original hiring was correct and clearly demonstrate the need for improvement.

Assemblyman Beers:

Do all administrators have classroom experience?

Assemblyman Anderson:

They all have degrees and most have teaching experience, but not all have experience in the subject that they are evaluating.

Al Bellister, Representative, Nevada State Education Association:

We are here in support of A.B. 460. We hope that this bill will accomplish two things with regard to teacher retention. We have a significant teacher shortage in this State. One of the ways to alleviate teacher shortages is to focus on retention. This bill looks at the issues of teacher compensation and administrative support. When a teacher leaves the profession, they do an exit interview. If you look at those interviews, oftentimes they say they left because the pay is not sufficient and/or because of the lack of administrative support.

Section 5 of the bill deals with skills, knowledge, and responsibility-based pay. We have looked at what we can do regarding teacher compensation and what kind of things we can do in addition to the single-salary schedule that we have had in place in this State for a significant number of years. What we like about this bill is that there are no caps. It is available to all teachers and is part of collective bargaining.

We can also look at school districts targeting resources around professional development and program areas that are vital to success in their school districts. There are many things that we can consider through Section 5 of this bill. Sections 6, 7, and 8 set out administrator accountability. I brought some evaluation forms with me from around the State ([Exhibit K](#)), ([Exhibit L](#)), ([Exhibit M](#)), and ([Exhibit N](#)). I thought I would share them with you. They are very comprehensive. This is the form that the teacher gets, which the

administrator fills out regarding teachers' performance. This bill requires an administrator to be in the classroom for a cumulative total of not less than 60 minutes and if it is a probationary teacher—of those 60 minutes, 45 of them must be consecutive. If it is a post probationary teacher, the administrator must be in the classroom for 30 consecutive minutes of the required 60 minutes. That is critical for the administrator to be able to identify all of areas shown on the evaluation form, to conduct a reasonable assessment of those areas, and give a teacher reasonable feedback of what they saw in the classroom.

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators:

We think that bad evaluations are written, but that it is rare. We do not have a problem with putting a time limit on how much time is spent on the evaluations. Most administrators are doing these evaluations to help the teachers. The decision has to be made as to whether that teacher is doing his job in the classroom.

Craig Kadlub:

We are largely in support of this bill because the evaluation components are reasonable. I would add that in Sections 5 and 6, it would strengthen the bill if we actually evaluated the end product, which means that our pupils are learning and that we can see what they have achieved. On page 9, paragraph 7, it says "upon the request of a teacher, reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation." Reasonable effort is very vague, and I believe that Ms. Loring has a suggested amendment. We would like to request that it say "for which the teacher requests reasonable assistance." In other words, we would not think that it is reasonable if someone said "can you send me to a conference in Ohio" and the principal refuses—does that mean that the principal did not accommodate the teacher's request for assistance? We would like the request to be reasonable as well as the principal's effort.

Anne Loring, Representative, Washoe County School District:

We support the comments of Mr. Shields since there are some examples of poorly done evaluations, but we do not believe that it should precipitate legislation.

Chair Parnell:

I will close the hearing on A.B. 460. I will open the hearing on A.B. 459 and invite Assemblyman Segerblom to the table to present the bill.

Assembly Bill 459: Makes various changes relating to teachers. (BDR 34-787)

Assemblyman Segerblom, Assembly District No. 9:

[Read from prepared testimony ([Exhibit O](#)).] My suggested amendments to the A.B. 459 have been handed out ([Exhibit P](#)).

Charles Thompson, Private Citizen, Las Vegas, Nevada:

Assembly Bill 459 exists to begin eliminating the weapons and procedures utilized to intentionally abuse, mistreat, intimidate, and generally beat up teachers. I know this because for the last two years my wife and I have been in near hand-to-hand combat with the Clark County School District (CCSD).

Chair Parnell:

Mr. Thompson, I am going to ask you to keep your comments specific to the bill and explain why you support the sections within the bill. I would like you to discuss the merits of this bill. Thank you.

Charles Thompson:

My concern is that the provisions of the bill address specific instances that have occurred. Many of them are in the publications that I have handed out to you ([Exhibit O](#)). I believe that it is time to address the reality of the problems in the CCSD. This bill is trying to alleviate the problem by trying to retain teachers. There have been over 3,600 teachers who left the school district in the last two years. They cannot continue doing this because they cannot be replaced with qualified teachers fast enough. If we ignore the fact of how those teachers are being treated, then I feel that we miss part of the story.

The bill sets forward that if an administrator is going to have a meeting with a school teacher and he knows that teacher's job is going to be discussed, the teacher has the right to bring a representative of his choice. The reason for this is because there are many instances when the school teacher is forced to go into a room to begin a process of intimidation. This eliminates that. That teacher also has the right, at his expense, to bring a court reporter in and/or bring a tape recorder with them. That is because what is said in those rooms sometimes is horrendous and meant to intimidate. Any person who the teacher selects would be at the teacher's own expense. If there is a meeting that is not subject to the provisions of this section, but the administrator raises the issue concerning the teacher's job during the meeting, then the meeting must be postponed for 24 hours to give the teacher the opportunity to bring a representative in.

My wife filed a complaint with the school district, and she could not meet with the person investigating the issue because she asked that I come along. The

administrator cancelled the meeting before they would let that happen. If there is a need for an emergency meeting regarding a teacher and the effect of his/her job, the teacher should be able to bring any other teacher with him just to have someone present. If a teacher wishes to have a meeting to discuss their working conditions, he should have to put it in writing, 24 hours before the meeting with the reason why he wants to have the meeting. This should eliminate much of the meanness that is affecting the teachers in Clark County, who are bailing out in droves. An investigation is to be conducted within a reasonable time limit. The reason for this is that with a majority of the investigations that occur, the teacher gets beaten down, the investigation is extended, and you never hear any more about it. This has become a practice of the school district. If the school district is forced into an investigation, as they were in my wife's case, then the investigation should be done, and if the teacher is not assigned to another administrator as proposed in this bill, the school district must hire an outside independent investigator.

The CCSD's investigation results are predictable. Before a school district requires a teacher to respond to an allegation of improper conduct of performance, the school district must provide the teacher with a detailed written notice of the allegation, which includes all of the names of the accusers, the date, time, place, and details of the improper conduct he is accused of performing. Also, this bill provides that if a teacher has witnesses, those witnesses must be interviewed.

I have given you a yellow book, which is "Integrity Issues" ([Exhibit R](#)) and an orange book, which is the "Teacher's Bill of Rights" ([Exhibit S](#)). I would hope that you will take time to look at this information. Again, I would urge you to read the statements from the teachers who I discussed earlier and submitted to you ([Exhibit Q](#)).

Laverne Thompson, Private Citizen, Las Vegas, Nevada:

I have been a 1st-grade teacher for 17 years, am certified for grades K-12, and have taught at various other schools and in other states. After 15 successful years of teaching, my principal of 2½ months, blindsided me and told me that I was relieved of my class and my classroom and let me know that he wanted me gone. For months he had been telling some of my fellow teachers that he was going to get rid of me. In addition he included three other teachers and stated that he was just getting started with his purging. I fought for all of us as the other teachers were fearful of losing their jobs. These circumstances caused me to lose 50 pounds, and I had a major heart attack. I did return to teaching again after the winter break in 2006. In the spring of 2006, the teachers at my school thought that a 25-year teacher should be honored by having the school yearbook dedicated to her. The principal fought to keep that from happening to

the point that the parents became involved. Parents are withdrawing their children because of this situation in our school. When the yearbooks were distributed with the dedication, two of us involved were threatened. The other teacher told the principal that she felt that both of us were in physical danger. We asked the principal to have the school police intervene, but no action was taken. I filed a formal complaint with the school police and no action was taken. The bottom line is that many of the administrators are intimidating and harassing their staff. Over 60 percent of the teachers at my school have left in the last two years. The principal has repeatedly stated that "I have so much power. I am the man." The worst thing that has happened in the CCSD administration is that the administration has approved and underwritten these activities. Teachers are scared. The abuse and intimidation has to be stopped. I urge you to pass this bill.

Assemblyman Mabey:

I have a question on Section 6. The way I read the bill it says that a teacher may be involuntarily transferred only if necessary because of a budgetary emergency and the teacher does not refuse the transfer. Does that mean that it is impossible to transfer that teacher if he refuses? Section 6 needs to be refined a little. If there is really a need to have a teacher in a classroom, it should be able to be done.

Chair Parnell:

We can look at that to see if we need to change the wording to add an "or" somewhere.

Terry Hickman, Executive Director, Nevada State Education Association:

I want to say that we are in support of A.B. 459. There was an amendment passed out, and I have asked one of the attorneys from our firm to look at it and explain our position.

Francis Flaherty, Attorney at Law, Dyer, Lawrence, Penrose, Flaherty, and Donaldson:

We are proposing one amendment to A.B. 459 to replace Section 5 of this bill. Section 5 provides that if a teacher is terminated and that termination is subsequently overturned by an arbitrator, the teacher is entitled to full back pay and there is no duty to mitigate damages. It also provides that any decision from an arbitrator or a hearing officer would be invalid. In its current form *Nevada Revised Statute* (NRS) 391.314, subsection 3, requires that if sufficient grounds for the dismissal of a teacher do not exist, the teacher must be reinstated with compensation plus interest. So, rather than having two separate provisions dealing with back pay, one of which does not mention interest, we

felt that it was preferable to incorporate the two together into NRS 391.314. That is the purpose of our amendment.

Chair Parnell:

So NSEA's position is to delete all of Section 5?

Francis Flaherty:

Correct. It is to delete Section 5 in A.B. 459, but replace it with a new section that would amend NRS 391.314.

Assemblyman Hardy:

Line 3 of A.B. 459 says "unlike Section 5 of A.B. 549." Is that a transposition?

Francis Flaherty:

Yes, it is, and I apologize for that.

Trudi Lytle, Private Citizen, Las Vegas, Nevada:

[Read from prepared testimony ([Exhibit T](#)).]

Rose McKinney-James, Representative, Clark County School District:

The school district, having reviewed this measure, finds that it is very difficult to support, so we need to oppose it in its current form. It is important to note that we have a process in place, which we believe is effective, in which teachers can file a complaint. Much of what has been discussed so far is based on information set forth in NRS 288, which makes many of these issues matters of mandatory negotiations. The district is very active in this process and the rules deal primarily with the discipline of teachers. I have not had the opportunity to review the documents that have been provided this afternoon, but I do have a copy of the negotiated agreement between the CCSD and the Clark County Education Association. Within this document, which is about 65 pages, many of the items set forth in this measure are specifically addressed through the negotiation process. I can only speak on this bill from a policy standpoint.

Chair Parnell:

One thing I would like to see is to have any comments on this bill be put in writing after you have looked at your negotiated agreements. If there are issues, we need to know so we can solve the problem.

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators:

The teachers are under the scope of mandatory bargaining. There is a grievance and arbitration procedure for resolution of disputes. Everything from insurance

policies to the policy of what to do with the transfer and reassignment of teachers are already covered. These issues should all be covered under the mandatory bargaining law. I would also like to add that I do not like the fact that the names of administrators are used in these documents.

Anne Loring:

We will comply with your request and submit our comments to you in writing as quickly as we can. We also have major concerns with this bill, particularly with Section 6 in regard to the transfer of teachers.

Horace Smith, Private Citizen, Las Vegas, Nevada:

My wife and I served 57 years in the CCSD. The problems that this bill is trying to address have been well documented. I want my grandchildren to go to school where the teachers have experience, are happy, and are dedicated without being hassled or intimidated. I support this bill. We need good teachers to stay, not to leave.

Chair Parnell:

Is there anyone else who would like to speak on A.B. 459? Seeing none, I will close the hearing on A.B. 459. I will open up the work session and start with Assembly Bill 242 ([Exhibit U](#)). I will have Ms. Stonefield present the first bill.

Assembly Bill 242: Prohibits the enrollment of a student in the Nevada System of Higher Education without proof of immunization against meningococcal disease. (BDR 34-357)

Carol M. Stonefield, Committee Policy Analyst:

Assembly Bill 242 would require a student to submit evidence of immunization against meningococcal disease prior to enrollment in an institution of the NSHE. The student may enroll without proof of the vaccination if the student has a medical condition or holds a religious belief that does not permit him to be immunized. There were no amendments offered. In your folder is a memo and an attachment from the Student Health Services at the UNR and I also did a cursory review of the websites of the other institutions of this system and found a reference to immunization for meningitis on the Great Basin College website ([Exhibit V](#) and [Exhibit W](#)). I did not find a reference to this particular disease or vaccination on any of the other sites.

Chair Parnell:

When we had this hearing, we talked about maybe sending a letter—something other than passing this out as legislation. I will ask Assemblyman Mabey to comment since this is his bill.

Assemblyman Mabey:

I had talked to those involved, and they agreed that they would bring that up in an August Regulation Hearing, but I am fine with moving it forward as a bill. Mainly, the students that need this are students in dormitories, so it does not need to apply to all students. We would want to draft the bill so it mirrors what is done with other immunizations. Some kids and older people take courses over the Internet and would not need to be vaccinated. If we have the bill, we need to have those who draft the regulation identify who actually would need to be vaccinated.

Chair Parnell:

We will need to look at some amending language that we can present to the Committee next Wednesday. We will go on to Assembly Bill 566 ([Exhibit X](#)).

Assembly Bill 566 - Makes an appropriation to ComputerCorps to provide refurbished computers to certain pupils and their families. (BDR S-984)

Carol Stonefield, Committee Policy Analyst:

This bill for consideration relates to an appropriation for ComputerCorps of \$1,953,000 to provide refurbished computers to pupils for use in their homes, training of the pupils and families who receive the computers, and a TechCamp for the youth. Assemblywoman Parnell has offered an amendment to lines 9 and 10 on page 1 to clarify that the training to be provided with the requested funding would be a one-time group training to assist families in the setup and operation of the computer system, and then strike lines 11 and 12 on page 1 to delete the TechCamp ([Exhibit Y](#)).

Chair Parnell:

Assembly Bill 566 has been concurrently referred to Ways and Means.

ASSEMBLYMAN BEERS MOVED TO DO PASS ASSEMBLY BILL
566.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

Chair Parnell:

The meeting is adjourned [at 7:11 p.m.]

RESPECTFULLY SUBMITTED:

Denise Dunning
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 2, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Assembly Education Committee	Assembly Agenda
	B	Assembly Education Committee	Attendance Roster
	C	David Byerman, President, Byerman Solutions Group	Advisory Committee on Participatory Democracy Report to the 74th Session of the Nevada State Legislature
AB 567	D	Jan Davidson, President, The Davidson Academy of Nevada Governing Board	The Davidson Academy Report regarding progress
AB 512	E	Karen Wright, Director of New Teacher Development, Clark County School District	Prepared testimony
AB 313	F	Assemblyman John Ocegura, Assembly District No. 16	Prepared testimony
AB 313	G	James Jackson, Representative, Nevada State Education Association	Prepared testimony
AB 313	H	Louise Helton, Private Citizen, Las Vegas, Nevada	Prepared testimony
AB 313	I	Donna Hoffman-Anspach, Board of Directors, Nevadans for Quality Education	Prepared testimony
AB 460	J	Assemblyman Anderson, Assembly District No. 31	Prepared testimony
AB 460	K	Al Bellister, Representative, Nevada State Education Association	Washoe County School District – Teacher Evaluation Form
AB 460	L	Al Bellister, Representative, Nevada State Education Association	Douglas County School District – Teacher Evaluation Form

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AB 460	M	Al Bellister, Representative, Nevada State Education Association	Carson City School District – Teacher Evaluation Form
AB 460	N	Al Bellister, Representative, Nevada State Education Association	Clark County School District – Teacher Evaluation Form
AB 459	O	Assemblyman "Tick" Segerblom, Assembly District No. 9	Prepared testimony
AB 459	P	Assemblyman "Tick" Segerblom, Assembly District No. 9	Comments on AB 459
AB 459	Q	Charles Thompson, Private Citizen, Las Vegas, Nevada	Statements from teachers in Las Vegas
AB 459	R	Charles Thompson, Private Citizen, Las Vegas, Nevada	Integrity Issues – Clark County School District (spiral binder)
AB 459	S	Charles Thompson, Private Citizen, Las Vegas, Nevada	Teachers' Bill of Rights and Protection Act (Binder)
AB 459	T	Trudi Lytle, Private Citizen, Las Vegas, Nevada	Prepared testimony
AB 242	U	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Work session document
AB 242	V	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Memorandum on Meningococcal Meningitis
AB 242	W	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Meningitis information sheets
AB 566	X	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Work session document
AB 566	Y	Carol M. Stonefield, Committee Policy Analyst, Legislative Counsel Bureau	Proposed amendment