

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

**Seventy-Fourth Session
April 9, 2007**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:58 p.m., on Monday, April 9, 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/. 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

STAFF MEMBERS PRESENT:

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



OTHERS PRESENT:

Mark Shriver, Vice President and Managing Director, U.S. Programs for
Save the Children
Lawrence Matheis, Executive Director, Nevada State Medical Association
Ruth Mills, Representative, Nevada League of Woman Voters
Susan Meacham, Associate Professor, University of Nevada, Las Vegas
Barbara Paulsen, Dietician, Partners for a Healthy Nevada
Nicole Bungum, Supervisor, Office of Chronic Disease Prevention and
Health Promotion, Southern Nevada Health District
Mary Anderson, District Health Officer, Washoe County District Health
Department
Keith Rheault, Superintendent of Public Instruction, Department of
Education
Bradford Lee, State Health Officer, Department of Health and Human
Services
Sheila Story, Nurse, Carson City School District
Diana Taylor, Director of Health Services, Clark County School District
Craig Kadlub, Representative, Clark County School District

Chair Parnell:

[Meeting called to order at 3:58 p.m. Roll called. Quorum present.] I will open the hearing on Assembly Bill (A.B.) 318 and ask Assemblywoman Smith to come to the table as well as Mark Shriver.

Assembly Bill 318: Makes an appropriation to the Department of Education for allocation to Save the Children for in-school and after-school literacy programs. (BDR S-1085)

Assemblywoman Smith, Assembly District No. 30:

I am here to introduce A.B. 318. This bill is for an appropriation of \$1.5 million for an allocation to Save the Children for in-school and after-school literacy programs. Mr. Shriver will go into the detail of this program. The language in the bill is standard language about how the money will be appropriated and what the reporting requirements will be. This program is specifically designed for rural Nevada schools. It seeks public and private partnerships so that there are matching funds or actually more private funds in these programs. Their work can be judged and decisions can be made based on their past performance.

Chair Parnell:

We would like for Mr. Shriver to share his background with us in this area. Also, before you begin, I just want to make a note for those of you looking at the bill in the bill book, that this was referred to Ways and Means. The whole idea of after-school programs is something we have heard about along with the Adequacy Study and other reports that we have talked about.

Mark Shriver, Vice President and Managing Director, U.S. Programs for Save the Children:

I was in the Maryland Legislature for 8 years and served on the Committee for Ways and Means. I was the chair of the Joint Committee on Children, Youth, and Families with the State Senate, who had members from the Education Policy Committee in both the House and the Senate, as well as the money committees.

The bill is for "Save the Children." We are very excited about the opportunity to expand our work with the program in Nevada. Currently we are in 14 states across the country. Save the Children has been in the United States for 75 years. Our work on the international front is in Africa, Latin America, and Asia. We started a program here in the United States after the Depression. Our program goes from the West Coast to the East Coast. What we are trying to do is to provide not just a safe space for kids after school, but to work during the school day to partner with poor children in rural Nevada and across rural America to try to increase their reading skills to at or above grade levels, and to get them to live healthy and fit lifestyles. When I was a member of the House of Delegates in Maryland, people would come in and ask for money. We designed this program to show people like you that there is a great Return on Investment (ROI) for the taxpayers in the State. What we are doing is working during the school day, after school, and in the summer time to make sure the kids are reading at or above grade level. We are supplementing what the schools are doing. We are working in partnerships with the schools. We work with kids that are Title I kids or free-and-reduced-meal kids. The high poverty schools are the ones that we work with. After school there is a very coordinated reading alone program, reading aloud to adults who are trained, and a physical activity component. The kids will take quizzes to see if they are retaining information from the books. The kids become very competitive. We set very high standards for these kids. We use our resources to buy the books and educational software, and to train staff so they are on the cutting edge to teach the kids to read.

We have a public/private partnership. Save the Children is funding the program at Pyramid Lake and a number of other programs across the State with private resources. We are partnering with state governments, such as Tennessee,

New Mexico, and Kentucky, as the kids there are struggling to meet the requirements of the No Child Left Behind Act (NCLB). Those are the kids who we are trying to work with and the schools that we are trying to help support. The bottom line is we have an evaluation that is set up by an independent entity. It is showing strong progress with 55 percent of the kids, almost 60 percent, doing what we call Normal Curve Equivalencies (NCEs). Almost 80 percent of the kids who come into our program are not reading at grade level. We want to be held accountable for getting those kids reading at grade levels. If they do not start reading at grade level, we would say "fire us." Pull our funding if we are not doing what we say we can do.

Chair Parnell:

This is a safe place for the kids to be, and they also get the literacy and the physical activity they need.

Mark Shriver:

This program is more than just a recreational program. We want to help them, especially in the areas where the families are poor.

Assemblyman Hardy:

The bill, as it is written, does not say anything about matching funds or private money. Is there a plan to put that stipulation in this bill?

Mark Shriver:

Most of the money that goes into the Save the Children program is private money. It comes from corporations, foundations, large gift individuals, cost-related marketing, et cetera. The program at Pyramid Lake is all privately funded. What we would ideally like to do is open an office in Nevada and grow the program here so that we are not just in six or seven schools. We would like to be in multiple schools. We do not have a private stipulation in this bill, but the money that we would get from the State would get passed through to pay the staff working in schools. Those salaries are all subsidized by private dollars. At this point, about 93 percent of the funding is private money.

Assemblyman Stewart:

Do the schools apply to your organization for acceptance into this program?

Mark Shriver:

Yes, that is the way it has worked in other states. A Request for Proposal (RFP) is sent out and the schools apply.

We are evaluated on our progress. We have to show how many kids that came into the program were not reading at grade level, and at the end of

two semesters, we have to show how many are now successfully reading at grade level or are making substantial gains.

Assemblyman Stewart:

Do you have a number of schools that you anticipate will apply to this program in Nevada?

Mark Shriver:

We would look for direction from the State. We want to be sharply focused and run this program like a business. We would rely on the State to give us direction on where the greatest need is.

Assemblywoman Smith:

I want to note that Ways and Means will ask for specifics on how the money will be spent, so we will find out in that committee.

Mark Shriver:

We want to run this in a way that makes the State proud of being partners with us. We want to show a strong return on the investment for this State.

Assemblyman Denis:

How many kids do you think you will be able to help?

Mark Shriver:

It depends on the size of the school. If the school has 200 kids and we have to restock the library and purchase software packages, every kid in the school would benefit. We just do not know how many kids would participate in the after-school component as opposed to the in-school program. In the long run, every kid in the schools whom we work with will benefit in some way.

Chair Parnell:

Is there anyone wishing to speak on A.B. 318? Seeing no one, I will close the hearing on A.B. 318.

ASSEMBLYMAN HARDY MOVED TO DO PASS AND REREFER
ASSEMBLY BILL 318 TO THE COMMITTEE ON WAYS AND
MEANS.

ASSEMBLYMAN BEERS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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The bill will be rereferred to Ways and Means. I will open the hearing on Assembly Bill 354 and turn the gavel over to Vice Chair Smith.

Assembly Bill 354: Revises provisions governing the health of pupils.
(BDR 34-850)

Vice Chair Smith:

We will go ahead with A.B. 354.

Assemblywoman Parnell, Assembly District No. 40:

We have made some changes to this bill that make it much easier to live with. There was a story on the *Today Show* about childhood obesity. There are stories weekly regarding the concerns about childhood obesity and health issues as a result. Identification of potential hearing or vision problems would be found early on. Currently, the kids are only checked out for these problems if the problem is brought to the schools attention. This bill now talks about collaboration. The school nurses are already overburdened. What the amendment does is create collaborations between the public health nurse, students in your medical schools, doctors, et cetera. There is nothing more important than making sure that the students are healthy and that they can hear what the teacher is saying. The school nurses will report data to the State Health Department for statistical purposes only. There is also an appropriation to the State Health Division to be used by the Nevada Public Health Foundation to convene at least two statewide meetings with representatives from all health authorities and local health officers in the State to identify health-related issues and priorities with children. Our role is to make sure that the kids are healthy and have good vision and hearing while they are in school.

Assemblyman Hardy:

Are other medical schools allowed to assist with those examinations?

Assemblywoman Parnell:

Absolutely, it is not just limited to the University Medical School.

Assemblyman Beers:

I noticed that on page 1, line 2, and repeated on page 2, line 13, the nurses are identified as a single gender, and they are both male and female nurses.

Assemblywoman Parnell:

We will make sure it is not gender specific.

Assemblyman Hardy:

When we start looking at the volunteers—the nurse practitioner, student, physician's assistant, the people in nursing schools—they can all participate in the examinations for height, weight, and scoliosis? I think all of these people should be included in the bill.

Assemblywoman Parnell:

We are asking individual school districts to look to see who they have in their community to address these needs.

Assemblyman Hardy:

The sports physicals that we do for the kids should count for this kind of examination.

Assemblywoman Parnell:

You are absolutely right.

Lawrence Matheis, Executive Director, Nevada State Medical Association:

The reason I am here is because the first part of this bill came from the Nevada Health Care Reform Project. The second part comes from the Nevada Public Health Foundation, which is a nonprofit organization that has tried to encourage the infrastructure of public health in this State. I serve on the boards for both places.

We know that childhood obesity is a problem throughout the State and is a huge problem for southern Nevada. A number of organizations have sought national grants to deal with this issue and have been turned down because they do not have the data to justify the grant request. The initial purpose was to aggregate data to show that we indeed have a problem in Nevada. The best way to do this is by height, weight, and body mass index. We have to have effective intervention to deal with why we have this childhood obesity issue. We want to be able to target intervention that works for this problem. We need to reexamine at the issue of getting physical examinations done on students as early as possible.

The people who do public health throughout rural Nevada have never gotten together. Last year, the Public Health Foundation, for the first time, convened a meeting which brought all of these people together to figure out what their priorities should be. It was very successful and should be something that could feed into the legislative process. They would have at least two meetings per year and a report would be generated after each meeting.

Ruth Mills, Representative, Nevada League of Woman Voters:

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

[Assemblyman Mabey entered the meeting room at 4:37 p.m.]

Susan Meacham, Associate Professor, University of Nevada, Las Vegas:

I have prepared a few PowerPoint slides that I will have to send to you through the mail ([Exhibit D](#)). I will refer to them as I share information with you. The beginning is the economic cost of overweight and obese children which is substantial. More current research shows that about \$130 billion a year will be spent in the United States for direct health care costs. In Nevada we expect to exceed \$337 million per year not including the indirect costs associated with obesity. There is loss of productivity, higher insurance premiums, decreases in school funding related to child attendance, and other types of indirect costs. There are no fiscal attachments to this amendment to compensate for the staff needed to collect the height and weight data. In fact, we are not asking for any funding; instead we are asking for the legislation to make a statement that says that Nevada cares. To have that legislatively stated by approving the collection of heights and weights, we hope that this will improve our stance when we request federal grant funding or private funding. I would also like to stress that what we will be doing will be considered monitoring of heights and weights, not screening. A number of states have tried heights and weights, and they have run into complications when they attempt to send home individual reports to children. We really do not have the services to provide to the children as a result of these reports.

The school districts are in the best position to be awarded this federal or private funding. We would like to, as researchers, be agents of change and assist the districts with obtaining this type of funding to improve children's health. We do not have any preliminary data that is significant. We have collected heights and weights on a few select districts, but this does not represent the statistics for the State.

The Nevada Department of Education studied the school nutrition policy that led to a Nutrition Advisory Committee. From there we had a subcommittee on medical and societal costs. From there we went to the Fitness and Wellness Advisory Council in 2006, and when the *Nevada Strategic Plan for the Prevention of Obesity* was released.

We have been consistent in confirming that the school districts are concerned about this issue. The concern is with the fiscal ability to support a staff to take care of these problems. We can request federal funding for programs to help in this area. The National Institutes of Health (NIH) has over \$400 billion in federal

grant money that they make available through 1,000 grant programs. Forty-four of these are specifically for obesity research. With this type of funding we can make a strong run at being competitive for this funding. We are one of seven or eight states that have active obesity legislation. The school district in Clark County has been pilot testing the computerized risk management system, and this will hopefully be implemented districtwide by August of this year. In one state survey, we were the only state to show that, over the last two to three years, the adult population in Nevada showed a decrease in obesity. We were the only state out of 50 that was able to show this. Passing A.B. 354 will be an improvement for Nevada's children as well as for their future.

Barbara Paulsen, Dietician, Partners for a Healthy Nevada:

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

Nicole Bungum, Supervisor, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District:

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

Mary Anderson, District Health Officer, Washoe County District Health Department:

We are in support of this bill. I was astounded when I found out that height and weight was not part of the normal evaluation process in the school system. I believe that this should be part of the normal screening. The obesity epidemic is a national effort and clearly an issue for Nevada. I would like to comment on the section that provides that appropriation of \$75,000 for the Nevada Public Health Foundation to hold two or more statewide meetings each year. After attending the first statewide meeting last April, I saw the energy and synergy that this type of meeting can provide throughout the State. It is a very important component of supporting public health initiatives.

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

I was not signed up to testify until I saw the amendments. The districts were a little concerned about the extra work this bill would create for them. I think that was cleared up in what I have heard so far. In Section 1, subsection 1(a), regarding the height and weight, I read that to say that this should be done prior to completing first grade and then two additional grades. I read that to say the height and weight is to be checked at every examination at these grades. Is that correct? I see Assemblywoman Parnell nodding her head yes. So, we are talking about one additional examination that is not currently required. There are three examinations for the student instead of the two that they currently have.

Assemblyman Mabey:

My concern is that if the \$75,000 request goes to Ways and Means that this bill may die because of the lack of funds. How important are these meetings and if they are important, can we get money from grant funding or some other source?

Mary Anderson:

The meetings are needed to get all of the public health officials together, which is very beneficial. I do not know if there is a grant available for this type of function.

Assemblyman Hardy:

I am wondering if public health employees have continuing education requirements. If they do, could we say that one of the things they have to do is have continuing education about the in-state means of public health? This would require them to have these meetings that were discussed.

Mary Anderson:

I think adding a specific requirement for public health related education creates an additional complexity. When I look at this as part of the licensing requirements, which requires 4 hours of the education related to security issues, bio-terrorism, et cetera, there have been other measures that have been put forward about specific types of education. Public health practitioners are not always just board certified in, say, preventative medicine; they may be board certified in another arena and keep adding very specific Continuing Medical Education (CME) requirements in addition to what that person's own board might require. It becomes more cumbersome to accomplish all of the mandates. I do not think that is the best mechanism to do this.

Assemblyman Hardy:

I am not interested in creating a new CME, but under the structure of any current CME, we can define what we want to do. We can put this under an existing statute. We can say that this meeting counts towards the CME. I am looking for a way to avoid the \$75,000 so we can get this bill through.

Assemblywoman Parnell:

I would rather leave the bill intact at this time. Ways and Means can have that discussion about the bill. We do not want to lose the language that refers to the weights and heights measures and what it does for our kids. If they get a bill in Ways and Means that has a lot of merit, but there simply is no money to do the appropriation, Ways and Means may pass it without the money.

Vice Chair Smith:

We have two Ways and Means Committee members here. It could be amended and passed out, but you have to have the champion and the person who is going to make sure it meets all of the deadlines. There is such a volume of bills in Ways and Means and if it is declared exempt, it may be a while until it is heard.

Assemblyman Hardy:

If you take out the \$75,000, do you lose the exemption that we want to get?

Carol Stonefield, Committee Policy Analyst:

This bill has not been declared exempt. It is eligible for exemption if it is referred to Ways and Means. If this Committee were to take the appropriation out and just vote it out Do Pass as Amended, it would not necessarily be claimed by the Ways and Means Committee since it would not have any funding in it. Either way, it is subject to the deadline to get out of this Committee by the 13th.

Assemblyman Hardy:

What if we pass this bill without the \$75,000 and then brought an amendment onto the floor with the \$75,000?

Vice Chair Smith:

May I suggest that we finish with all of the testimony and then try to figure out a strategy?

Bradford Lee, State Health Officer, Department of Health and Human Services:

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

Sheila Story, Nurse, Carson City School District:

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

Assemblyman Hardy:

Are you talking about the percentile in the growth chart?

Sheila Story:

That is correct.

Diana Taylor, Director of Health Services, Clark County School District:

The group of chief nurses met to discuss A.B. 354. At that time, in its present language, we were opposed to it. It is more workable now by adding the availability of other qualified health care workers doing these examinations. I am listed as being against it, but I am certainly not against addressing the issue

of obesity in children. The school nurses in Clark County have long been concerned about not being able to do height and weight without the written permission of the parent. As it stands, only kids being assessed for special education get the height and weight done. We will be happy to add this to the monitoring that we currently do.

I do understand the need for the data when requesting grant funding for programs. The National Association of School Nurses has indicated that the optimum ratio of nurse to student is 1 to 750. In Clark County it is 1 nurse to 2,000 kids. Anything that is added makes an impact on the nurses. It appears to be adding a third screening at a third level. Right now we do this twice for each student. Even though there will be assistance provided to manage these new requests for height and weight, it will impact school nurses who are just barely able to complete the tasks they currently have.

Vice Chair Smith:

Is there anyone else that would like to testify for or against A.B. 354? Seeing no one, I will close the hearing on A.B. 354 and turn the gavel over to Chair Parnell. We will work on this bill again at a future hearing and will not take action on it today.

Chair Parnell:

This bill will come back on Wednesday for a work session.

[Short recess called at 5:22.].

[Meeting called back to order at 5:33 p.m.]

Before we start the work session on A.B. 563, I would like Assemblywoman Smith to provide an overview of the progress made by the working group who was assigned to this bill. This is the iNVEST legislation.

Assembly Bill 563: Revises provisions governing education and makes appropriations relating to education. (BDR 34-531)

Assemblywoman Smith:

Assemblyman Hardy, Assemblyman Denis, and I were assigned to have a working group and look at the iNVEST legislation, to document, and try to subdivide it. We were to look at how iNVEST is playing out in other legislation. We looked at how the pieces of iNVEST were broken up, both on the fiscal side and on the policy side. The idea was to have some legislation which is just policy that we can move out of this Committee. Then we would deal with the fiscal side. Staff is working on putting together a document for us for this

Wednesday's meeting, with a matrix regarding the different tenants of iNVEST and ideas of how to move forward.

Chair Parnell:

We will have all of those recommendations and will discuss them at next Wednesday's work session. We will not address questions until that time. I will ask Carol Stonefield to present A.B. 267 to the Committee.

Assembly Bill 267: Requires the board of trustees of a school district in certain counties to cause each meeting of the board to be televised.
(BDR 34-1164)

Carol Stonefield, Committee Policy Analyst:

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

Chair Parnell:

I would like to hear comments from the members of that working group and the sponsor of that legislation to go over the intent of the amendment and tell us why that change is being requested ([Exhibit J](#)).

Assemblyman Segerblom:

Dr. Hardy actually did a lot of the work in this amendment.

Assemblyman Hardy:

The working group met and in the process of working through the bill, we recognized that some people have had anxious moments about the mandatory language of putting a city and/or county usage on their video equipment and the personnel that would be involved with that. Assemblyman Segerblom and I met with interested parties and determined that if we made this permissive, we would give the cities and counties, who have the capability of having the school board share their equipment or their time, the opportunity to come back and report to us what it would take to do a taping or live broadcast.

Chair Parnell:

I was surprised that with the size of Clark County their board meetings are not being televised. We televise our meetings in Carson City and in Washoe County. I will go along with the comments of the working group, but I feel that just by televising a meeting you can calm the dissidents out there. Is there a motion?

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS AS AMENDED
ASSEMBLY BILL 267.

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We will start the work session on Assembly Bill 334.

Assembly Bill 334: Revises provisions governing charter schools. (BDR 34-413)

Carol Stonefield, Committee Policy Analyst:

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

Assemblywoman Smith:

This started out to be a simple amendment on the qualifications of a school administrator, but then I had another issue that I decided would be appropriate to address in this bill ([Exhibit L](#)). In a discussion regarding a particular charter school, we found that two of the charter school's administrators make more than the State Superintendent. I thought we should put some kind of cap on administrative salaries. The amendment says "the highest paid employee of the school district." We were talking about using the word administrator, so my intention might not be clear. I really wanted that administrator to make no more than any other administrator from public funds. They can certainly be paid more using private funds if the school chooses to do that. I would suggest that in the amendment, the language actually be "the highest paid administrator in a comparable position in the school district" rather than "employee." Does that make sense? It would focus on the district that the charter school is located in. In our budget hearings, we discovered at one charter school in particular that the administrator and his assistant administrator were both making \$11,000 a month. I found that to be very inappropriate and feel that this kind of salary should be controlled a little bit.

Assemblyman Hardy:

When I was reading the amendment, I wrote myself a note asking if it could be more if private funds were used. Realistically, we are trying to get a charter school to do what we want it to do and to take at-risk kids. I have no problem with paying someone more, but I guess I do not understand where the public funds come from a charter school and how they can be augmented with private funds. If public funds are used, they should be accountable.

Assemblywoman Smith:

That is the intent, but with the public funds, they could spend up to what a local administrator would make. With private money, if that school wanted to augment that salary to any amount that the board chose, that would be fine. The Distributive School Account (DSA) money, it should be limited to something reasonable, and reasonable seemed to be something comparable to what other administrators make.

Chair Parnell:

The university coaches make higher salaries because of supplanting from other sources other than public dollars. The school administrators would be able to do the same thing.

Assemblyman Hardy:

I suspect that there is a pay grade associated with administrators pay? I still do not understand how the DSA money is used to pay the administrators' salaries.

Chair Parnell:

Schools do not use pay grades. I will ask Keith Rheault to come up and address the DSA question.

Keith Rheault:

The way the revenues come into a charter school is no different than how they come into the school district. If the school reports 200 students, we give them a certain dollar amount per student. It is up to the governing body of the charter school to figure out what to pay for with that money. The revenue has to pay for administrators, teachers, and all of the courses.

Assemblyman Munford:

Can charter schools apply for grant funding?

Keith Rheault:

We do get a federal charter school grant within two to three years of their being in operation. They can qualify for the federal grant and can use that for many purposes except for school staff.

Assemblyman Munford:

Can they use it for administrative salaries?

Keith Rheault:

I do not think that is allowed with the federal funds. They can use it for just about anything else.

Assemblyman Munford:

Can the school use additional funds that they receive from the federal government to augment that school's operational funds?

Keith Rheault:

Right now they can solicit grants, gifts, and/or donations from anybody. They could solicit funding from private donors, from foundations, or from federal applications. Any of that is available to both charter schools and to school districts.

Assemblyman Munford:

There are so many charter schools in my district.

Chair Parnell:

Are there any other questions to amendments to A.B. 334? I think we can Amend and Do Pass. On page 4 of the amendment, line 10, we would delete the word "employee" and add the words "administrator in a comparable position."

ASSEMBLYMAN DENIS MOVED TO DO PASS AS AMENDED
ASSEMBLY BILL 334.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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I will open the work session on A.B. 460.

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

Carol Stonefield, Committee Policy Analyst:

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

Assemblywoman Smith:

Ms. Roberts just pointed out that Section 1 of the bill, if we delete the other sections, does not make sense, so we would include in that amendment that was offered by the sponsor of the bill, which is to delete Section 1 as well ([Exhibit N](#)). It talks about the addition of days and those were all taken out. If we accept that amendment, we would take out Sections 1, 2, 3, 4, 9, and 10.

Chair Parnell:

The Washoe County School District's amendment ([Exhibit O](#)) would include the word "reasonable." It puts a qualifier on what type of assistance would be given to that teacher.

Assemblywoman Smith:

A.B. 280 is similar to this bill and that is why these sections were removed.

Assemblyman Hardy:

Do we need any of the language in Section 1?

Kristin Roberts, Committee Counsel:

Section 1, page 2, line 26, says 183 school days. Assemblyman Anderson's suggestion would be to remove that and by doing so, the other amendment of that section is just technical. We can correct that at a later date.

Chair Parnell:

I am okay with the suggestions made by Assemblyman Anderson and understand the need to look at Section 1 because of the confusion it might cause. I would like some input from the Committee as to whether or not you think the word "reasonable" needs to be in the request for assistance from a teacher.

Assemblyman Beers:

Who defines the word "reasonable" when the request is made?

Craig Kadlub, Representative, Clark County School District:

Because the administration is expected to make a reasonable effort, which is already in the bill, then in a parallel manner the thought was that the assistance should be reasonable as well. In other words, what if a teacher wants to go to a conference in Delaware and was told that he could not go. Is that a reasonable request or not? So a reasonable request should be made by the teachers and also a reasonable effort made by the administrators.

Assemblyman Bobzien:

I am not sure that we need an amendment because I do not believe that the language obligates the school districts to answer the specific requests for what the assistance should consist of. If you have a teacher who is requesting assistance, the school district can make a reasonable effort to assist that teacher. That definition alone should address the concerns of someone who may be making specific demands for assistance that would not be characterized as reasonable.

Assemblyman Hardy:

I agree with Assemblyman Bobzien. Many times when we need assistance, we are not sure what we need. The people who are doing the assisting should know what that teacher needs.

Assemblyman Segerblom:

Under the Americans with Disabilities Act, if an employee comes forward and says I have a disability and would like you to work with me, the employer has an obligation to interact with that employee to see if the request is reasonable and can be accomplished. To say that they have to act reasonably is not the standard. The employee has to ask for assistance and the employer has to work with them to find a solution.

Assemblyman Munford:

In my experience as a teacher, the administrator always accommodates the employees who need assistance.

Assemblyman Stewart:

On most evaluation forms there is a place for recommendations by the administrator and you negotiate with the administrator as to how to fulfill those recommendations.

Chair Parnell:

We need to decide if we are going to pass this with amendment 1 or 2 or with neither. We will look at passing it with Amendment 1.

ASSEMBLYWOMAN SMITH MOVED TO DO PASS AS AMENDED
ASSEMBLY BILL 460.

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY

* * * * *

We will start on Assembly Bill 591 and ask Ms. Stonefield to explain this bill.

Assembly Bill 591: Revises provisions governing charter schools. (BDR 34-49)

Carol Stonefield, Committee Policy Analyst:

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

Chair Parnell:

If the members would like to look at page 23 in the mock-up, I will explain the amendments ([Exhibit Q](#)). In the original bill we were asking for 1 percent of bonded money to go to charter schools. Many of you realized that the school districts are having a hard time with building new schools, so we deleted the bonding section from this bill. I felt that it was important to note that some of the charter schools are expanding and need larger facilities. They need a way to solve their problems regarding facilities. In the language where we talk about the second tier, after the five years, when you have proven yourself to be financially and academically responsible, we opened up the million dollar appropriation in this bill to allow for money for facilities. That could be one of the reasons to make an application to that fund.

It was very unclear what kind of audit needed to happen every three years. We made it clear in the amendment that we are talking about performance audits and not fiscal audits. When we put the facility option under this million dollars with the level two, we recognized that many charter schools do not actually have a school. They might have Distance Education Programs or University Dual Credit Programs. If they need money for a facility, we wanted to make sure that they got the money and spent in on a facility where the kids could attend.

Assemblyman Hardy:

Is the "daily basis" on line 29 defined as five days a week?

Chair Parnell:

What we were thinking of is just having classes at the facility daily. Weekends would not be included.

Assemblywoman Smith:

We also talked about if you have, for example, a Distance Education Program. The students may come in periodically to take a test or something. We are trying to get to the schools with facilities that they need help with. We thought that if we said they offered daily instruction, it would get to that without saying that the kids have to be there every day.

Assemblyman Hardy:

So it is not the child who has to be there every day, but the school has to offer classes every day?

Chair Parnell:

Yes, that is how it is intended.

Kristin Roberts:

Based on Assemblyman Hardy's comments, we could clarify, on line 29 of page 23, that the charter school offers instruction on a daily basis during the school week. That would be the charter school's school week even if that includes a Saturday.

Chair Parnell:

I am happy to accept that as a friendly amendment.

ASSEMBLYWOMAN SMITH MOVED TO DO PASS AS
AMENDED ASSEMBLY BILL 591.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

[Meeting adjourned at 6:14 p.m.]

RESPECTFULLY SUBMITTED:

Denise Dunning
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 9, 2007

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A	Assembly Education Committee	Agenda
	B	Assembly Education Committee	Sign-in sheets
AB 354	C	Ruth Mills, Representative, Nevada League of Woman Voters	Prepared testimony
AB 354	D	Susan Meacham, Associate Professor, University of Nevada, Las Vegas	Power Point presentation
AB 354	E	Barbara Paulson, Dietician, Partners for a Healthy Nevada	Prepared testimony
AB 354	F	Nicole Bungum, Supervisor, Office of Chronic Disease Prevention and Health Promotion, Southern Nevada Health District	Prepared testimony
AB 354	G	Bradford Lee, M.D., State Health Officer, Department of Health and Human Services	Prepared testimony
AB 354	H	Sheila Story, Nurse, Carson City School District	Prepared testimony
AB 267	I	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 267	J	Carol M. Stonefield, Committee Policy Analyst	Proposed amendments
AB 334	K	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 334	L	Carol M. Stonefield, Committee Policy Analyst	Proposed amendments
AB 460	M	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 460	N	Carol M. Stonefield, Committee Policy Analyst	Proposed amendments

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AB 460	O	Carol M. Stonefield, Committee Policy Analyst	Proposed amendments
AB 591	P	Carol M. Stonefield, Committee Policy Analyst	Work session document
AB 591	Q	Carol M. Stonefield, Committee Policy Analyst	Proposed amendments