

**MINUTES OF THE  
JOINT SUBCOMMITTEE ON K-12/HUMAN SERVICES  
OF THE SENATE COMMITTEE ON FINANCE  
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-fourth Session  
March 8, 2007**

The Joint Subcommittee on K-12/Human Services of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order at 8:05 a.m. on Thursday, March 8, 2007. Chair Barbara K. Cegavske presided in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4406, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**SENATE SUBCOMMITTEE MEMBERS PRESENT:**

Senator Barbara K. Cegavske, Chair  
Senator William J. Raggio  
Senator Dina Titus  
Senator Bernice Mathews

**ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:**

Mrs. Debbie Smith, Chair  
Ms. Barbara E. Buckley  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Sheila Leslie  
Ms. Valerie E. Weber

**STAFF MEMBERS PRESENT:**

Bob Atkinson, Senior Program Analyst  
Joi Davis, Program Analyst  
Gary L. Ghiggeri, Senate Fiscal Analyst  
Melinda Martini, Program Analyst  
Mark W. Stevens, Assembly Fiscal Analyst  
Michael Archer, Committee Secretary

**OTHERS PRESENT:**

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education  
Michael Raponi, Assistant Director, Office of Career, Technical and Adult Education, Department of Education  
Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education  
James Wells, Deputy Superintendent for Administrative and Fiscal Services, Department of Education  
Roy J. Casey, Director, Western Nevada Regional Training Program  
Hugh Rossolo, Director, Northeastern Nevada Regional Professional Development Program

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Phyllis Dryden, Office of Career, Technical and Adult Education, Department of Education

Stephanie Day, Budget Analyst, Budget Division, Department of Administration

Donnell Barton, Office of Child Nutrition and School Health, Department of Education

Joel Rector, President and Chief Executive Officer, Interactive Technologies of Nevada

Barbara Scheible, Washoe County School District Gifted and Talented Advisory Council

CHAIR CEGAVSKE:

Please explain the performance indicator in budget account (B/A) 101-2699 regarding the number of indentured apprentices enrolled in programs registered with the State Apprentice Council.

## EDUCATION

NDE - Other State Education Programs – Budget Page K-12 ED-8 (Volume I)  
Budget Account 101-2699

KEITH RHEAULT, PH.D. (Superintendent of Public Instruction, Department of Education):

Please see our handout entitled "Nevada Department of Education, Governor Recommends Budget for FY 2008 and FY2009" ([Exhibit C](#), original is on file in the Research Library).

MICHAEL RAPONI (Assistant Director, Office of Career, Technical and Adult Education, Department of Education):

Any program carrying the title of apprenticeship must be approved by the State Apprentice Council. Once apprentices are accepted into the program, they are called "indentured." The indentured apprentices have workers' rights and are subject to a graduated-pay scale. Economic conditions permitting, they are guaranteed at least 2,000 hours of on-the-job training in addition to classroom instruction.

CHAIR CEGAVSKE:

Why was there such a large increase in the number of apprentices in the last two years?

MR. RAPONI:

The demand from the building trades, particularly in the area of home construction in southern Nevada, has resulted in a demand for more apprentices. Consequently, the number of related-classroom instruction hours has increased from 46,000 hours in fiscal year (FY) 2004-2005 to 64,634 in FY 2006-2007.

CHAIR CEGAVSKE:

Please include the number of hours of related-classroom instruction in your performance indicators. Career and Technical Training Centers (CTE) are an important part of our educational system.

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CHAIR SMITH:

While apprenticeship programs are growing exponentially, why has the funding remained flat?

DR. RHEAULT:

The funding has remained at \$576,000 since FY 2000-2001. There is an enhancement in our budget to increase that amount to \$600,000 a year. The number of classroom hours in FY 2000-2001 was 31,800. At that time, we reimbursed for those classes at a rate of about \$18 an hour. In FY 2006-2007, there were 59,000 classroom hours which we reimbursed at \$9 an hour.

CHAIR SMITH:

What age group is being served by the apprenticeship program?

MR. RAPONI:

The applicants are all high-school graduates.

CHAIR CEGAVSKE:

In decision unit E-305, how will the funding be used for the SSTs in non-Title I schools?

E-305 Improve Pupil Achievement – Page K-12 ED-12

DR. RHEAULT:

The No Child Left Behind Act of 2001 (NCLBA) requires that the Department of Education (DOE) to provide School Support Teams (SST) for schools that are in need of improvement for three or more years. The Legislature identified some non-Title I schools that should also have SSTs. These are the teams we will now be discussing.

Ms. GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education):

To clarify a point made earlier by Dr. Rheault, under the NCLBA, a Title I school not making adequate yearly progress in four consecutive years is required to have an SST. When the Legislature reviewed the NCLBA at the time of implementation, they determined the same school support and accountability requirements of the NCLBA should apply to Nevada's non-Title I schools. Because this plan took time to implement, the current school year is the first one in which we have had a significant number of non-Title I schools that required SSTs. However, there are no State funds for these SSTs.

Despite the lack of funds, we managed to have SSTs evaluate 31 non-Title I schools. However, we will need funding on a continuing basis to meet the Legislative requirement. The amount of our request is much lower than the federal government allows for Title I SSTs. In our fiscal note for FY 2007-2008, we projected 102 non-Title I schools may require the services of SSTs.

CHAIR CEGAVSKE:

Who reviews the SSTs? Do we reassign teachers to be part of these SSTs?

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Ms. DOPF:

By statute, the DOE reviews the SSTs and is also part of the on-site analysis of classroom progress. The University of Nevada, Las Vegas helps us evaluate and analyze the data.

The statutes also require an expert teacher from a successful school to be part of each SST. We supply the SSTs with administrative staff.

DR. RHEAULT:

We are seeking a change in the statutes. With 102 schools potentially in need of the support team's reviews, I will not have enough personnel to fulfill that requirement.

CHAIR CEGAVSKE:

Please provide us with a report on the individual results from each school.

Ms. DOPF:

I will provide the Subcommittee with that information.

SENATOR RAGGIO:

The Legislative Committee on Education reviewed this issue during the interim between Legislative Sessions and we were aware of the number of schools that were to be involved in this process. This is the reason for Senate Bill 184 which provides funds to accommodate those SSTs.

[SENATE BILL 184](#): Revises provisions governing education. (BDR 34-419)

However, this bill does not authorize additional personnel. The SST requirement should apply to the non-Title I schools because it does make a difference.

CHAIR CEGAVSKE:

In decision unit E-275, has the DOE developed a plan to use State funds in support of the System for Accountability Information in Nevada (SAIN)?

E-275 Maximize Internet and Technology – Page K-12 ED-11

DR. RHEAULT:

We need continued maintenance on the system we used to collect data from school districts and charter schools each night. There are several items we did not originally include in the maintenance plan, including working with the Department of Information Technology (DoIT) regarding computer security. This is all part of the 61-percent increase in our budget request for the SAIN system for FY 2007-2008 and the 68-percent increase for FY 2008-2009.

CHAIR CEGAVSKE:

Please provide this Subcommittee with a detailed description of your plan for using federal and State funds to support the SAIN program in FY 2007-2008 and FY 2008-2009.

CHAIR SMITH:

Will this additional funding help connect professional-development training to student achievement?

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DR. RHEAULT:

No. This is only enough funding to help us maintain our computer system and meet the new technical and security requirements.

CHAIR SMITH:

Is there a plan to use this system to track student achievement resulting from professional-development training?

DR. RHEAULT:

We already have the ability to match students to teachers, but have not yet added data on teachers' professional development. Our next planned phase will ensure we have our teacher database fully linked with the system so the teachers are connected with all the data.

CHAIR SMITH:

You were approved for \$600,000 in federal funds, yet only \$430,000 has been spent. How will the rest of the funds be spent?

MR. JAMES WELLS (Deputy Superintendent for Administrative and Fiscal Services,  
Department of Education):

That money can be rolled forward and we expect to spend it the same project.

CHAIR CEGAVSKE:

Is there a timeline for phasing in the SAIN program?

DR. RHEAULT:

We are entering Phase III of the SAIN Program implementation. I will provide the Subcommittee with a time line for the entire project.

CHAIR CEGAVSKE:

Why was the entire \$50,000 approved for the Peer Mediation program not utilized in FY 2005-2006? Please explain why only \$28,275 has been obligated in FY 2006-2007.

MS. DOPF:

I do not know why all the funds were not used. I will provide the Subcommittee with that information.

CHAIR CEGAVSKE:

What has been accomplished with the funds that were spent? Has it been effective? What is the status of the February 2007 report?

MS. DOPF:

We are currently collecting information regarding the effectiveness of the program. The February 2007 report describes how we used the funds.

ASSEMBLYWOMAN LESLIE:

More schools in Washoe County want to participate in the Peer Mediation program than are able to get it. How many schools have been able to continue with the program?

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DR. RHEAULT:

Of the 19 schools that used the program in FY 2005-2006, all were pleased with the results. We will provide you with information about the number of schools able to continue this program.

CHAIR CEGAVSKE:

The Regional Professional Development Program (RPDP) is a key component of a recent plan to better utilize educational technology in the classroom to increase the number of academic-achievement students. Is the RPDP aware of their future involvement?

DR. RHEAULT:

I have not yet formally notified the RPDP. The Commission on Educational Technology, the Commission on Professional Standards and the Council to Establish Academic Standards met in January 2007 to discuss how our technology requirements might be aligned. They concluded there was not enough emphasis on professional development in technology. The group suggested that RPDPs throughout the State be made a vital part of this plan.

CHAIR CEGAVSKE:

Is the needs assessment information available to us?

DR. RHEAULT:

Yes. I provided your staff with a listing by category of funds provided in the technology plan for FY 2006-2007 as well as a summary of the total needs of the school districts for FY 2007-2008. This also includes individual school district's assessments for each category of technology need.

CHAIR CEGAVSKE:

Is RPDP funding to be involved in this technology plan?

MR. ROY J. CASEY (Director, Western Nevada Regional Training Program):

We are unaware of the information Dr. Rheault just provided to the Subcommittee. As such, we do not know at this time what it will cost.

ASSEMBLYMAN DENIS:

Have schools already done some training in computer technologies through the RPDPs?

MR. CASEY:

Yes. There was a push for technology-professional development when the RPDPs were first created. It is ongoing. The plan proposed by the DOE will likely be an expansion of our existing program.

ASSEMBLYMAN DENIS:

I serve on the Commission on Educational Technology and we have requested the funding be made in a single payment, rather than splitting it up. This will provide greater flexibility and it is an important component of this budget.

MR. HUGH ROSSOLO (Director, Northeastern Nevada Regional Professional Development Program):

We must see the scope of the plan before we can determine how to apply funding within our own region.

DR. RHEAULT:

Most of that \$3 million in funding will go to expand the number of teachers in Clark County, where they already offer technology-professional development through RPDS coursework. Consequently, most of the funding in the school district assessment is not tied to individual teacher assessment in technology. The total funding requested in the needs assessment for educational technology is \$36 million. The biggest change is the Commission's budget request is the funding be put together, rather than dispersed over several categories.

CHAIR CEGAVSKE:

We will now discuss the CTE program in decision unit E-304.

#### E-304 Improve Pupil Achievement – Page K-12 ED-13

Please describe all the funding sources for the CTE programs. Also, what is the DOE's plan for using the \$1 million for each year of the biennium recommended in the *Executive Budget*?

DR. RHEAULT:

Funding for career education is limited. A portion of the funding comes from the Carl D. Perkins Vocational and Technical Education Act (Perkins) funds. These funds are shared by school districts and community colleges. In addition, \$1 million in competitive grants was approved through A.B. No. 580 of the 73rd Session. With the exception of these funding sources, and what the school districts contribute on their own, there is no other CTE funding available. The CTE staffs have maintained good records of what they have requested with each type of funding.

MS. PHYLLIS DRYDEN (Office of Career, Technical and Adult Education, Department of Education):

Our CTE staff is cross-trained and provides both primary and secondary consultants to each of the regions. In this way, we stay informed about all the grants. We monitor the programs and know how the money is spent. Our staff is careful to meet the requirements of these grants. The Perkins grant represents only about 7 percent of the total funds at the local level. The rest of the funding comes from the Distributive School Account (DSA) and local taxes.

We intend to spend the \$1 million requested in this budget to meet our quality criteria for teachers, safe laboratories, and up-to-date equipment. We will be including this in our next Perkins grant plan.

CHAIR SMITH:

Much of the early funding provided in A.B. No. 580 of the 73rd Session was used to set up the district advisory groups. Will you be able to use more of that money in the classrooms? Also, can individual schools apply for these grants, or must it be done by the school districts?

MS. DRYDEN:

Clark and Washoe Counties and Carson City had already established district advisory groups. We used that funding primarily to establish these groups in rural school districts. Only school districts, not individual schools, can apply for these grants.

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CHAIR CEGAVSKE:

We will now discuss the 5-percent salary increase for speech pathologists. The Governor is not requesting funds for this in the *Executive Budget*. Since this pay raise is mandated in *Nevada Revised Statutes* (NRS) 291.160, will the Governor be submitting legislation to repeal the appropriate NRS sections?

DR. RHEAULT:

A number of items included in A.B. No. 580 of the 73rd Session are not included for funding in the current budget, such as the speech-pathologist budget, teacher-performance pay, mentoring and recruitment activities and the pilot pre-kindergarten English proficiency program.

CHAIR CEGAVSKE:

This appears to be an unfunded mandate to the school districts.

DR. RHEAULT:

We were required to cut \$15 million from our budget and there was not room under the "Two Times Rule" to keep everything. I do not know if there will be Legislation forthcoming to repeal the appropriate NRS sections.

ASSEMBLYWOMAN BUCKLEY:

The current *Executive Budget* does nothing to improve teachers' salaries. The Assembly Committee on Education has requested legislation to reinstitute the pay-for-performance issues resulting from A.B. No. 580 of the 73rd Session. Pay for performance is an effective program.

DR. RHEAULT:

If there is no bill to repeal those existing NRS sections, the school districts must cover pay for performance out of their DSAs. I have had inquiries from some school districts about the impact of the Governor's empowerment plan on retirement funds. Depending on what version is eventually approved, the Legislature may have to repeal additional statutes.

CHAIR SMITH:

This is potentially a large unfunded mandate. Does the Governor have a plan to address that problem?

MS. STEPHANIE DAY (Budget Analyst, Budget Division, Department of Administration):

The Budget Division has not yet discussed this with the Governor.

CHAIR SMITH:

Please get back to us with that information as soon as possible.

ASSEMBLYWOMAN BUCKLEY:

If the speech pathologists are already being paid, how do we legally cut that funding?

CHAIR CEGAVSKE:

We were surprised no one asked for it earlier.



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ASSEMBLYWOMAN BUCKLEY:

We cannot simply submit the budget decision and take this pay away; nor can we allow an unfunded mandate.

DR. RHEAULT:

For FY 2006-2007, the DOE will be reverting approximately \$125,000 from the total for speech pathologists, so we did not exceed the cap on this. This year, the cost of the 5-percent reimbursement was over \$540,000.

CHAIR CEGAVSKE:

We will now move on to your supplemental appropriations request. Have sufficient funds been budgeted over FY 2007-2008 and FY 2008-2009 for the National Certified School Counselors program?

DR. RHEAULT:

The addition of more counselors in the second semester resulted in a total of 136 counselors and school psychologists eligible for the 5-percent salary increase in FY 2006-2007. This was a higher number than we anticipated and requires us to seek the supplemental appropriation of \$125,000.

The amount in the DOE for the Nationally Certified Counselor program is \$285,460; however, we will expend \$425,000 this year. It is difficult to estimate how many individuals will want to qualify for this certification. We have over 1,000 counselors and school psychologists in the State and about 12.5 percent of them have national certification.

I suggest funding the 5-percent bonus for all positions into one category or budget. This will allow us greater flexibility, particularly when one category of employee might experience a surplus which we can use if another category has a funding shortfall.

CHAIR CEGAVSKE:

Does this mean you have adequate funding in this budget request? Where is the supplemental request for the teacher-signing bonuses?

DR. RHEAULT:

The amount requested in the *Executive Budget* is low.

MR. WELLS:

The Budget Division has advised us the supplemental request for the teachers'-signing bonuses is being incorporated into S.B. 182.

**SENATE BILL 182:** Makes a supplemental appropriation to the Department of Education, other state education programs, to fund the Counselor National Board Certification Program. (BDR S-1250)

SENATOR TITUS:

What is the rationale for decreasing funding for these bonuses?

MR. WELLS:

At the time we created this budget request, the FY 2005-2006 information was the latest information we had. We spent about \$260,000 in FY 2005-2006.

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There has been a significant increase this year in the number of people qualifying for the 5-percent bonus. We did not foresee that kind of an increase.

SENATOR TITUS:  
What amount do you project for next year?

DR. RHEAULT:  
We will need 40 more counselors next year, at a cost of \$480,000.

SENATOR TITUS:  
Will the Governor recommend the amount, or do you intend to come to the Interim Finance Committee (IFC) for additional funding?

DR. RHEAULT:  
We have not yet approached the Budget Division with a plan to overcome this shortfall.

SENATOR TITUS:  
Despite Education First, we have yet another shortfall in this budget.

CHAIR CEGAVSKE:  
Is the amount in the *Executive Budget* for the Teacher Signing Bonus program also low?

DR. RHEAULT:  
Funding in the *Executive Budget* for the Teacher Signing Bonus program is sufficient.

ASSEMBLYWOMAN LESLIE:  
If that amount is sufficient, why are we considering a supplemental appropriation?

DR. RHEAULT:  
For the current school year, the Teacher Signing Bonus program is underfunded and we need a supplemental appropriation. We underestimated for the current biennium because we had not included 449 teachers at 114 schools and the full-day kindergarten.

ASSEMBLYWOMAN LESLIE:  
We will need the correct information so we do not underfund this program again. Has the DOE implemented the recommendations of the FY 2005-2006 Legislative Counsel Bureau (LCB) audit?

DR. RHEAULT:  
All the audit recommendations were implemented, and we will soon be providing the Legislature with a six-month report.

CHAIR CEGAVSKE:  
We will now hear the budget for the School Remediation Trust Fund.

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NDE - School Remediation Trust Fund – Budget Page K-12 ED-16 (Volume I)  
Budget Account 101-2615

Why did four schools not want to opt for full-day kindergarten?

DR. RHEAULT:

Though four schools qualified for full-day kindergarten, they opted not to do so. I will investigate this and will provide the Subcommittee with that information.

Although there are nine additional elementary schools that meet the 55.1-percent free- and reduced-lunch criteria for State-funded full-day kindergarten, yet are not currently funded for full-day kindergarten.

CHAIR CEGAVSKE:

Does the DOE have a plan to evaluate the full-day kindergarten program?

DR. RHEAULT:

We have asked elementary-school administrators in schools with full-day kindergarten to document and evaluate the program. The DOE does not have a detailed plan at the State level for evaluating full-day kindergarten.

Ms. DOPF:

We have not requested funding or staff to evaluate full-day kindergarten. However, we have spoken with the LCB staff about utilizing the information we obtain from the Criterion-Referenced Test system. This would allow us to assess third-graders who have been through the full-day kindergarten program by analyzing their achievement levels against third-graders in schools that did not have full-day kindergarten.

CHAIR CEGAVSKE:

Should the DOE have an evaluation program for this?

Ms. DOPF:

We would like to perform a complete evaluation of the program; however, we do not have the additional staff it would require.

CHAIR CEGAVSKE:

It is in the best interest of Nevada to evaluate the full-day kindergarten program. Do school districts provide you with this information?

Ms. DOPF:

We are developing a system for the school districts to use to provide us with information regarding full-day kindergarten. However, the computer system must be retrofitted both at the school-district level and the State level.

DR. RHEAULT:

Most full-day kindergarten programs were funded with federal money, tuition from parents or a combination of both. These funds are not easy to track. Our computer system was not programmed to consider whether a child was in half-day or full-day kindergarten. We will be able to track this better in the future.

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CHAIR CEGAVSKE:

Why has grant funding from the Innovation and the Prevention of Remediation program been used by nine schools to implement full-day kindergarten?

DR. RHEAULT:

When the 2005 Legislature appropriated funds for the Innovation and the Prevention of Remediation, the Governor made it clear it could be used for full-day kindergarten and other programs.

CHAIR SMITH:

Full-day kindergarten is not a pilot project that requires a report to determine its feasibility. These children are already in school and we are evaluating them through the system as we always have. I do not expect a report evaluating this program because it is not a requirement of the appropriation. Evaluations we already receive from Washoe and Clark Counties have been helpful. I, too, heard the Governor specifically give permission for schools without full-day kindergarten to use Innovation and the Prevention of Remediation funds for that purpose.

SENATOR TITUS:

How much will it cost to provide full-day kindergarten to the nine schools which qualify and want it? Is that funding in the DOE budget?

DR. RHEAULT:

It will cost an additional \$1.3 million in FY 2007-2008 and \$1.38 million in FY 2008-2009. That funding is not in the budget.

SENATOR TITUS:

If the law says those schools are entitled to this program, but the money is not available, what do you do?

DR. RHEAULT:

We started with the schools having the highest free- and reduced-lunch needs and then worked down the list until the appropriation of \$22 million was expended. The size of a school also factored into the amount of funding it received. All we are reimbursing through the current program is teacher salaries and part of their benefits. If the nine schools had been considered last year, they would have been included in this process; however, given the amount requested in this budget request, it appears they will not qualify for funds.

SENATOR TITUS:

Do these nine schools have any legal recourse for obtaining these funds?

DR. RHEAULT:

The NRS does not state that schools qualifying under criteria for the 55.1-percent free- and reduced-lunch will receive funding. Rather, it allows them to be prioritized based on the amount of funding the Legislature provides. I will compare these nine schools, with the ranking of the other 114 schools, to see if they might now qualify at a higher priority.

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ASSEMBLYWOMAN BUCKLEY:

How many parents have chosen not to enroll their children in full-day kindergarten?

DR. RHEAULT:

I have not heard of any parents who have chosen to have their children opt out of the program.

ASSEMBLYWOMAN GANSERT:

Do those nine schools receive their initial funding through the account for Programs for Innovation and the Prevention of Remediation established by S.B. No. 404 of the 73rd Session? Do we have a report on that program?

DR. RHEAULT:

No. Coincidentally, there were nine other schools that used S.B. No. 404 of the 73rd Session. The evaluation team is currently on site and an updated report will be available in April 2007. We will extract random scores from existing sites to do a pre- and post-analysis before the Legislative Session ends.

ASSEMBLYWOMAN GANSERT:

Can those nine schools reapply for this funding?

DR. RHEAULT:

They can reapply if the funding is approved to continue the account for Programs for Innovation and the Prevention of Remediation. The problem is they will all have to reapply once we know if the Legislature refunds it. We are preparing the applications now in anticipation of continued funding.

Ms. DOPF:

The amount of money in the S.B. No. 404 of the 73rd Session remediation pool has been reduced due to the need for full-day kindergarten funding; we are down to \$56 million from \$78 million. Consequently, we will not be able to fund all the remediation programs requested by schools.

ASSEMBLYWOMAN GANSERT:

Have you looked at the percentage of funding that was granted to the Innovation and the Prevention of Remediation programs that were onetime appropriations versus programs you believed would be ongoing?

Ms. DOPF:

We have not done such an analysis. These tie to the school-improvement plans. To the extent the plans identify consistent needs, we would expect the site may want to continue as this is the only way they have to receive that type of funding.

CHAIR CEGAUSKE:

How much of the money appropriated for this program was not used?

DR. RHEAULT:

Of the \$92 million appropriated for both secondary and elementary schools, all of it was sub-granted or allocated except \$50,000. There are other small

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amounts from grants which will be collected at the close of the fiscal year and returned to the Remediation Trust Fund.

CHAIR CEGAVSKE:

Do you have a formal procedure these schools must follow for returning these funds to the Remediation Trust Fund?

DR. RHEAULT:

Yes. I will provide this Subcommittee with a copy of those procedures.

CHAIR SMITH:

To elaborate on the earlier discussion about the number of parents who choose to opt out of full-day kindergarten, I know of very few people who did this.

Please clarify whether or not there were some grants given to districts that did not use them.

DR. RHEAULT:

Yes. Some schools in Clark County received over \$1 million to hire more teachers. They told the Commission they would drop the request for hiring. The Commission approved an amendment to support the regional schools which include career academies and technical academies.

CHAIR SMITH:

I am not sure you are answering my question. It has been our understanding that the districts were not able to spend the money. If that happens, do we have a plan to return the money the program?

DR. RHEAULT:

Yes. We funded the grants for 18 months. If the money is not spent by June 30, 2007, it reverts back to the Fund. The school districts are aware of the procedures.

CHAIR CEGAVSKE:

This is supposed to be an interest-bearing account. To date, the account is not being credited with that interest. Have you discussed this with the Office of the Treasurer?

MR. WELLS:

Yes, we have been in conversations with the Treasurer. The reason they did not give us funds in the first year is because money is collected throughout the year. There is not really a cash balance in an account once an appropriation is made. The Treasurer's policy does not authorize payment of interest to accounts whose funding sources are the result of appropriations. However, our position is when appropriation money is carried forward into the next fiscal year; it now represents a cash balance and should earn interest.

CHAIR CEGAVSKE:

Will we receive any interest for the past year?

MR. WELLS:

They are not comfortable paying interest distributions on appropriations.

ASSEMBLYWOMAN BUCKLEY:

I would like to hear your recommendations at a later time regarding S.B. No 404 of the 73rd Session. Some educators have told me that letting the schools decide what they need and how they want to secure student achievement is the best thing the Legislature has ever done. Are we able to subtract the onetime capital expenses and see what we have left? We need to develop a plan to continue this innovative school-based project.

SENATOR TITUS:

It does not seem necessary to take money from teacher-incentive programs for this new idea of "empowerment." Why not continue to fund this Innovation and the Prevention of Remediation program which also allows the schools to decide how best to operate?

DR. RHEAULT:

It would fit within this innovative remediation funding.

ASSEMBLYWOMAN GANSERT:

I see "empowerment" as looking at the schools as a whole unit instead of as a number of individual grant programs. This approach makes sense.

DR. RHEAULT:

The teachers and school principals are happy with the way the funding is distributed. It would be helpful if the Legislature provided us with more direction about what you do and do not want funded.

SENATOR MATHEWS:

I am baffled by a process that does not allocate funds based on the greatest need. In the schools in my district, students are not doing well. They are achieving only in the schools with innovative principals. All this talk of "empowerment" is fine, but the bottom line is we should be putting the money in schools where the children need to learn how to read so they can have jobs in the future. People are left behind, generation-after-generation, because we are spending too much time seeking the power to empower.

CHAIR CEGAUSKE:

We will now discuss the budget account for Education State Programs.

NDE - Education State Programs – Budget Page K-12 ED-19 (Volume I)  
Budget Account 101-2673

Is the grant writer position one that we should continue? Is it cost effective?

DR. RHEAULT:

The Legislation providing this position required we request reapproval of the position during this Legislative Session. Since April 2006, the grant writer, Ms. Bette Hartnett, has written 20 full grants. I do not think the position has paid for itself yet. We just received approval of a \$5 million grant application she wrote for special education. Ms. Hartnett currently has more grant-request applications than the time to review them.

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ASSEMBLYWOMAN LESLIE:

Is the \$5 million grant for special education a matching grant? Will the funds be ongoing?

Ms. DOPF:

This federal grant does not require matching State funds. It does not obligate Nevada to provide future matching funds on an ongoing basis.

CHAIR CEGAVSKE:

Are grants specifically for providing services, rather than hiring personnel or administrative purposes?

Ms. DOPF:

Each grant has different requirements. Some allow for administrative costs and personnel; others do not.

CHAIR CEGAVSKE:

What is the status of the Information Systems manager vacancy? What are the information technology (IT) needs which requires this position to be filled?

DR. RHEAULT:

We are requesting a total of three new IT technician positions. When the former Director retired, we came to the IFC to have that position reclassified. Before we could hire someone, the Governor ordered a statewide freeze on hiring new IT positions. As a result, the position is still vacant, and we are left without anyone to manage our large and complex IT needs. We submitted a request for review of this decision by a three-member panel through the Governor's Office, but it was denied. The Governor advised the DOE they intend to reconsolidate IT positions within the Department of Information Technology (DoIT). Though the DoIT has been helpful to us, they cannot replace the IT manager whom I need to make long-range plans for the DOE. Filling this position is my highest priority.

CHAIR SMITH:

This is frustrating. How can any of the data-information systems we have been discussing today be implemented unless we can do something about this problem?

ASSEMBLYWOMAN BUCKLEY:

I do not know if centralizing IT personnel is a good or bad idea. What is important here is to get this position filled so we can get the information we need on our students' performance.

ASSEMBLYWOMAN LESLIE:

It is the Legislature's decision to approve this position, rather than a three-member panel in the Governor's Office. We should ask these panel members to come before this Subcommittee and explain their reasoning.

CHAIR CEGAVSKE:

Will the combination of IT equipment you currently have and the IT equipment you are requesting in this budget be sufficient for your needs? What is the cost of your laptop computers?



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MR. WELLS:

That is correct. The equipment will be sufficient.

We used the DoIT's recommended prices for both our laptop and desktop computers when we built our budget request.

CHAIR SMITH:

What is the status of the gifted and talented coordinator and the parent-involvement coordinator?

DR. RHEAULT:

Until four years ago, we had an employee who volunteered as a gifted and talented coordinator, in addition to her other duties. When we were building this budget, we had input from many interested parties. The Nevada Association for the Gifted and Talented made two presentations before the State Board of Education and State Board of Career and Technical Education, but we chose not to forward their recommendations to the Budget Division.

A parent-involvement consultant was among the Board's highest priorities. Due to budget limitations, it was not included in the *Executive Budget*. We recently provided your Fiscal Division staff with the cost of those positions.

CHAIR SMITH:

I recently learned of a charter school that has no teaching staff, yet is receiving DSA funds. Is all the money going to the school's administrators?

DR. RHEAULT:

You are referring to the Nevada State High School which technically meets the statutory requirements as a State charter school. The students all take dual-credit courses at Nevada State College and the administrators manage the Nevada State High School. The high school has only two administrators and a part-time teacher. The Nevada State College admits these high-school juniors or seniors who are college sophomores when they graduate from the program.

CHAIR SMITH:

I understand the administrators at the Nevada State High School are making large salaries essentially to purchase Nevada State College credits with DSA funds.

DR. RHEAULT:

There is no statutory limit on the percentage of what is paid for administrators versus what is paid for students. They have their own governing board which decides that.

CHAIR CEGAVSKE:

We will now hear the budget for education support services.

NDE - Education Support Services – Budget Page K-12 ED-28 (Volume I)  
Budget Account 101-2720

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Is there federal money to pay for the three IT technician positions you are requesting in decision unit E-505?

E-505 Technology Invest: Improve Pupil Achievement – Page K-12 ED-31

DR. RHEAULT:

This budget account is 40- to 50-percent federally funded.

CHAIR CEGAVSKE:

Your reserve level is too low. You are currently at \$7,434. What is your plan to increase that reserve level?

MR. WELLS:

We had a number of high-priority needs. Using funds from the reserve was our only alternative.

We are attempting to build up the reserve through indirect costs. It is not necessary to have a reserve for this budget account.

CHAIR CEGAVSKE:

Please work with our staff on a plan to increase the amount of money in that reserve.

E-250 Working Environment and Wage – Page K-12 ED-30

In decision unit E-250, why do you need an administrative assistant for a personnel section?

MR. WELLS:

Our staff has increased to 142.5 full-time equivalents (FTEs), and we are requesting eight additional positions. We only have one personnel employee, and the workload is far greater than one person can effectively perform.

CHAIR CEGAVSKE:

Please provide supporting documentation to our staff.

Have you considered other funding mechanisms that would spread the cost more equitably for the \$129,000 upgrade videoconferencing equipment?

DR. RHEAULT:

I receive many complaints from parents about not being able to videoconference our State board meetings. Many people do not have the time or money to attend our meetings in person. I do not know if the equipment can be funded federally because it is used predominantly by Nevada entities.

CHAIR CEGAVSKE:

We will now discuss the budget account for Proficiency Testing.

NDE – Proficiency Testing – Budget Page K-12 ED-35 (Volume I)  
Budget Account 101-2697

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Do the increased demands of the writing-assessment program take teachers out of their classrooms? Have you researched the way other states assess their students' writing?

DR. RHEAULT:

Currently, teachers do most of the scoring on weekends. However, with the increase in students, it is becoming nearly impossible for teachers to score every writing test during the year. We are exploring electronic methods, such as scanning the writing tests and having them scored at regional sites. This will reduce travel costs.

Many other states have gone to electronic formatting through scanning and having vendors do the assessment remotely. I have seen presentations from several vendors. I do not know what these vendors charge for this service, but it would be more expensive than what we are currently paying.

Ms. DOPF:

We have received positive feedback from teachers involved in the scoring program. In addition to having the opportunity to be part of an assessment program, it is an important professional development.

CHAIR CEGAVSKE:

Please describe the increase in the Norm-Referenced Testing Contract. How many students have been tested in FY 2006-2007?

M-200 Demographic/Caseload Changes – Page K-12 ED-36

DR. RHEAULT:

The increase is based on preliminary estimates. We will need to rebid the Norm-Referenced Testing contract for FY 2008-2009. The cost increases are based on information from only two of the four vendors we contacted.

I estimate 100,000 students were tested in FY 2006-2007.

SENATOR RAGGIO:

Does the mathematics portion of the high-school proficiency examination now have a cut score of 304? When will we have the pass-rate results for 2006?

DR. RHEAULT:

Yes. We use a cut score of 304. I will provide this Subcommittee with the report on the high-school proficiency-examination scores for 2006.

CHAIR CEGAVSKE:

We will now discuss the budget account for Teacher Education and Licensing.

NDE - Teacher Education and Licensing – Budget Page K-12 ED-40 (Volume I)  
Budget Account 101-2705

Please describe the effectiveness of the existing database, identify the total costs for maintaining the system and the cost of the Web-based database system program.

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DR. RHEAULT:

I will provide this Subcommittee with specifics about the database. The main project we are currently working on will electronically image paper copies of teacher-licensure files. Our database only costs about \$30,000 a year to maintain and is one of the better systems in the country. It allows us to see the courses each teacher is teaching and if they are licensed to teach them. The system also provides licensing information about substitute teachers, though it does not maintain information about their past employment. We do not have a link to inactive teachers, only active records. We have increased our fees for processing licenses.

CHAIR SMITH:

Can an applicant obtain their licenses online? Would the IT manager position you are requesting help speed up this process? How old is your backlog?

DR. RHEAULT:

We are still working on a way to allow online licensing. The fingerprint-card requirement has traditionally been a problem, though that will soon be electronic also.

The IT manager position would speed the process. Our backlog in Las Vegas is over a month long. The northern part of the State has a negligible backlog.

ASSEMBLYWOMAN WEBER:

What is your goal for processing an application?

DR. RHEAULT:

Our goal is to complete the process in two weeks. However, in August and September, we will receive over 2,500 applications from substitute teachers in Las Vegas alone. To expedite these, we complete an investigation but do not actually issue the license until later. The school district then contacts us for verification of the teacher's eligibility instead of waiting for us to issue the paper license.

ASSEMBLYWOMAN WEBER:

Can it be done electronically? Are there reciprocity agreements with other states?

DR. RHEAULT:

As part of our imaging system, we hope to provide teachers with a paper copy of their license. Most other states only issue an electronic version of the license.

Yes, we have reciprocity agreements with 45 other states through the State Educational Technology Director's Association. In the area of special education, we have agreements with every state.

ASSEMBLYWOMAN WEBER:

Is the backlog for in-state licensure as well as out-of-state applicants?

DR. RHEAULT:

The backlog is for both.

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CHAIR CEGAVSKE:

Please explain the cost of the conversion project, including the source of funding utilized for the project. Also, how will the conversion process continue to be funded? Will the testing reserve level continue to increase?

MR. WELLS:

The testing reserve is built up through an increase in the licensing fee from \$65 to \$110. We project using some of that money for projects like the online application process and the scanning and imaging of teacher licenses. While the fee will increase initially, we will be using that money for those projects. I will provide the Subcommittee with the answers to your other questions.

CHAIR CEGAVSKE:

We will now discuss decision unit E-250.

E-250 Working Environment and Wage – Page K-12 ED-43

How do the teacher database system and the conversion of teacher license files to an online-imaging system affect the workload of the teacher-licensing analysts? Are these projects designed to save time and money?

DR. RHEULT:

The imaging process is not currently saving our analysts time because they are dealing with paper files. Once the project is complete, the process will be much quicker and they will save time.

I will provide the Subcommittee with information about the number of applications being processed throughout the State.

CHAIR CEGAVSKE:

If this position is not approved, will it create delays in your processing time?

DR. RHEULT:

As we continue to experience increasing workloads, it will delay the issuance of the licenses in Las Vegas.

CHAIR CEGAVSKE:

Please tell us how much time the director and other professional staff currently spend on the duties you wish to assign to the administrative assistant III position.

DR. RHEULT:

The director and other professional staff do not have clerical support in Las Vegas. Consequently, they must prepare all the paperwork relating to licensure, travel and office administration. This is not an efficient use of their time.

CHAIR CEGAVSKE:

We will now discuss the Drug Abuse education budget.

NDE - Drug Abuse Education – Budget Page K-12 ED-46 (Volume I)  
Budget Account 101-2605

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How much time does the education consultant spend on State activities? Is this federally funded?

DR. RHEAULT:

The education consultant position will be funded on a full-time basis for the remainder of the year because we were able to assign him another grant to manage. The funding from that grant will be depleted at the end of the fiscal year. The education consultant worked within the State on a number of student discipline grants and is heavily involved in the new methedrine task force. All the funds are federal money.

CHAIR CEGAVSKE:

Has the DOE investigated the possibility of requesting a waiver to allow a portion of the 20-percent discretionary funds to be utilized to support this full-time position in this budget account?

DR. RHEAULT:

No, we have not. I will look into it and get back to the Subcommittee.

SENATOR TITUS:

What are the duties of this education consultant?

DR. RHEAULT:

He is a consultant provided through the Safe and Drug-Free Schools and Communities Act. He oversees student discipline, works with the schools on Peer Mediation, safety plans and administers certain grants. He is also the contact between the DOE and the Office of the Attorney General.

SENATOR TITUS:

Why is the Governor not providing funding for the anti-drug programs he claims are so important?

DR. RHEAULT:

This particular budget request problem was the fault of the DOE. We did not consider the cut in federal funds when we submitted the budget.

SENATOR TITUS:

Will this request be coming to us as a budget amendment?

DR. RHEAULT:

It is not currently being considered as an amendment to the budget.

SENATOR TITUS:

Is combating drugs among high-school students not a priority of the Governor? Why then is he not funding this program?

CHAIR CEGAVSKE:

Senator Titus, this is a federally-funded position.

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SENATOR TITUS:

The federal funds are being cut. If the State wants to keep the position, it must come from the General Fund; however, the Governor did not put it in his budget.

MR. WELLS:

We originally included some General Fund appropriations in the DOE request to pay for half the position; however, it was cut from the final budget request.

SENATOR TITUS:

This is my point. You included this in your budget and the Governor's Office cut it, despite his being on record as wanting to fight methamphetamine use in our schools.

CHAIR CEGAVSKE:

We will now discuss the Gear Up program budget.

NDE - Gear Up – Budget Page K-12 ED-54 (Volume I)  
Budget Account 101-2678

We have received an evaluation of the fifth year of this program. One finding in the report indicated many Gear Up students may not be able to enroll in college based on their high-school grades and current performance on statewide tests. Please comment on this finding, the effectiveness of this program and how you intend to improve it.

DR. RHEAULT:

These findings do not seem appropriate. I attended a recent ceremony for Gear Up students at Proctor Hug High School in Reno. Most of that class had graduated and had plans to attend college. Gear Up is not as ineffective as you describe; however, I will look into this issue and get back to you.

CHAIR CEGAVSKE:

Please expand your performance indicators for this budget to reflect this data.

DR. RHEAULT:

We will expand on the performance indicators.

CHAIR SMITH:

When you review this information, please provide us with the effectiveness of the Gear Up program in other states.

DR. RHEAULT:

These students are the hardest served; that is why they are in Gear Up. Consequently, there will not likely be a 100-percent success rate.

CHAIR CEGAVSKE:

How many school districts are utilizing the Gear Up program?

DR. RHEAULT:

It is used in six school districts.

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CHAIR CEGAVSKE:

We will now hear the Title I Elementary and Secondary Education budget account.

NDE - Elementary & Secondary ED - Title I - Budget Page K-12 ED-67  
(Volume I)

Budget Account 101-2712

How effective has the Reading First program been, and how is success measured? Is performance in the Nevada Early Literacy Intervention Program (NELIP) measured using the same criteria? How do the NELIP and Reading First programs supplement one another?

Ms. DOPF:

The Reading First program is measured by pretesting and posttesting. The programs have shown a substantive increase in reading performance. There is an interface between the NELIP and Reading First programs, but I am not familiar with the details and will provide the Subcommittee with that information.

CHAIR SMITH:

How effective has the Neglected and Delinquent program been?

Ms. DOPF:

The Neglected and Delinquent funds are part of the federal No Child Left behind Act. These funds are directed to the State for programs for neglected and delinquent children. In Nevada, these funds are used in training facilities to which these children are remanded by the courts.

CHAIR SMITH:

Do these training facilities provide their education as well?

Ms. DOPF:

Yes. The Neglected and Delinquent funds supplement these programs.

CHAIR CEGAVSKE:

Has the Even Start program been effective? Why is the federal government reducing funding for it?

Ms. DOPF:

The Even Start program is designed to help parents support preschool readiness needs. This program has been successful in Nevada. My information is that it is also successful in other states. I do not know why federal funding is being reduced.

CHAIR CEGAVSKE:

How will this reduction in federal funding affect continuing programs and the parents being served?



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Ms. DOPF:

It will eliminate the programs. We are hoping to save the portion of the salaried individual by redirecting that person's responsibilities back to other Title I responsibilities.

CHAIR SMITH:

This is unfortunate because Even Start is one of the few programs in the State where parental involvement is assisted.

CHAIR CEGAVSKE:

The federal government is discontinuing the Comprehensive School Reform program, a component of the NCLBA. Was this program effective? Are there any similar federally-funded programs that could help?

Ms. DOPF:

The Comprehensive School Reform program was established to provide a substantial amount of funds to schools to help them focus on achievement. It was a systems change at the school level and was effective at the site where it was approved. There is no replacement money specifically earmarked for it, though some of the Title I school-improvement money may continue to help these schools.

CHAIR CEGAVSKE:

We will now discuss the budget account for Elementary and Secondary Education in Titles II, V, and VI.

NDE - Elementary & Secondary ED Titles II, V, & VI – Budget Page K-12 ED-73  
(Volume I)

Budget Account 101-2713

With regard to the Title VI state assessment grant, please provide our staff with information about how that finding is being used.

DR. RHEAULT:

Yes, we will provide that information.

CHAIR CEGAVSKE:

We will now discuss the Career and Technical Education budget.

NDE - Career and Technical Education – Budget Page K-12 ED-82 (Volume I)  
Budget Account 101-2676

There are no major issues in this budget. Do Subcommittee members have any questions about this account?

Hearing none, we will move on to the Continuing Education budget.

NDE - Continuing Education – Budget Page K-12 ED-87 (Volume I)  
Budget Account 101-2680

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There are no major issues in this budget. Do Subcommittee members have any questions about this account?

Hearing none, we will move on to Nutrition Education budget account.

NDE - Nutrition Education Programs – Budget Page K-12 ED-92 (Volume I)  
Budget Account 101-2691

Please provide our staff with information about the new child and nutrition consultant position.

DONNELL BARTON (Office of Child Nutrition and School Health, Department of Education):

The National School Lunch Program (NSLP) requires us to provide statewide and local wellness policy to provide technical assistance, oversight and monitoring of the program's requirements. We must also implement the Hazard Analysis and Critical Control Point program, which monitors how the school districts obtain and prepare food. Other federal requirements mandate us to verify at least 3 percent of NSLP applications are valid each year. In addition, we conduct the School Meals Initiative review to make sure they are following USDA regulations as to the amount and nutritional value of the food being served. Nevada experienced a 16.68-percent increase in NSLP participation and an 18.08-percent increase in the school breakfast program. Because of all these additional workload requirements, we are requesting another position.

CHAIR CEGAVSKE:

We will now discuss the budget for Individuals with Disabilities.

NDE - Individuals with Disabilities (IDEA) – Budget Page K-12 ED-98 (Volume I)  
Budget Account 101-2715

Since the number of students you serve through this program has declined, why is the DOE requesting the same amount of funding as in past years?

Ms. DOPF:

This is an extremely volatile program in the sense that if one or two children apply and are approved, it will use all the funds we have requested and require us to request a supplement from the IFC.

CHAIR CEGAVSKE:

We will now hear from Mr. Joel Rector of Interactive Technologies of Nevada.

JOEL RECTOR (President and Chief Operations Officer, Interactive Technologies of Nevada):

Please refer to my handout entitled "Testimony Given to the Joint Ways and Means Committee, March 8, 2007 by Joel Rector, Chief Operations Officer" ([Exhibit D](#)).

Our Internet-based program, Supermathtutor, has proven to be a tremendous asset for improving student-math comprehension. We are licensed throughout Nevada. We are looking for help from the State to ensure more students get an

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opportunity to use our program. Many school districts do not have the funding to make the program available. Our program offers an opportunity for parents to become involved in their child's education.

BARBARA SCHEIBLE (Washoe County School District Gifted and Talented Advisory Council):

We are concerned that funding will not be available for a consultant to oversee gifted and talented education in Nevada. We have a critical need for a State-level position to oversee gifted and talented education in Nevada. According to the National Association for Gifted Children, Nevada is the only state in the country that does not have such a position. The current lack of oversight has left many gifted and talented students unidentified and unserved, particularly those in rural Nevada and under-represented populations. As Nevada tries to attract new businesses to the State, we are at a disadvantage in not having a state presence in gifted education when inquiries are made from out of state. We encourage the Legislature to consider such a position.

CHAIR CEGAVSKE:

Seeing no other business before this Subcommittee, this meeting is adjourned at 10:59 a.m.

RESPECTFULLY SUBMITTED:

\_\_\_\_\_  
Michael Archer,  
Committee Secretary

APPROVED BY:

\_\_\_\_\_  
Senator Barbara K. Cegavske, Chair

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

\_\_\_\_\_  
Assemblywoman Debbie Smith, Chair

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