

**MINUTES OF THE  
SENATE COMMITTEE ON HUMAN RESOURCES AND EDUCATION**

**Seventy-fourth Session  
June 1, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:10 p.m. on Friday, June 1, 2007, in Room 2135 of the Legislative Building, Carson City, 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.

**COMMITTEE MEMBERS PRESENT:**

Senator Maurice E. Washington, Chair  
Senator Dennis Nolan  
Senator Joseph J. Heck  
Senator Valerie Wiener  
Senator Steven A. Horsford  
Senator Joyce Woodhouse

**COMMITTEE MEMBERS ABSENT:**

Senator Barbara K. Cegavske, Vice Chair (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Bonnie Parnell, Assembly District No. 40

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Committee Policy Analyst  
Joe McCoy, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Shauna Kirk, Committee Secretary

**OTHERS PRESENT:**

Dr. Dotty Merrill, Executive Director, Nevada Association of School Boards  
Catherine Levy, Andre Agassi Foundation  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

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Mike Cate, Board of Directors, ACE High School  
Craig Kadlub, Clark County School District

CHAIR WASHINGTON:  
We will now hear Assembly Bill (A.B. 591).

**ASSEMBLY BILL 591 (2nd Reprint)**: Revises provisions governing charter schools. (BDR 34-49)

ASSEMBLYWOMAN BONNIE PARNELL (Assembly District No. 40):  
Assembly Bill 591 represents a compilation of issues that have been plaguing our charter schools and concerns that they have had. During the interim, I talked with a lot of people involved in the charter school movement. We have now had charter schools in place since 1997. We now have charter schools that have been in existence for over a five-year period of time. We have some that are just exemplary charter schools. We have some that have become everything we had hoped they would become. They are fiscally and academically responsible. We thought it was time to help the new charter schools become even better. This bill represents a tiered system of charter schools. Once they meet certain benchmarks, should all the restrictions that we have asked be eased to some degree? There are two key components in A.B. 591. One is the recognition of our exemplary charter schools. Once they become exemplary, how can we recognize them? The second part of this bill provides charter schools the opportunity to be sponsored by a college or university within the Nevada System of Higher Education (NSHE). Those are the two main components.

If you look at section 15 of the bill on page 25, it sets forth the requirements of the new tier. You will see a list of what constitutes a charter school moving into this second tier. If a school meets these qualifications, it would be exempt from annual performance audits. An audit would be required every three years. It is important to note that is not the financial audit. It is only the performance audit. Currently, they have both performance and fiscal audits annually. The charter school would be eligible for any available money via the Department of Education. You will notice in the original bill, we did ask for an appropriation of a million dollars for charter schools to access for various things, but that has been deleted from the bill. Section 17 of the bill authorizes a college or university within NSHE to sponsor a charter school. I have handed out two copies of examples for you ([Exhibit C](#)). There are many more across the

country, but Stanford University is working with some schools in East Palo Alto. You will also see examples of collaboration between the University of Chicago and charter schools in the Chicago area. It is often used for individuals wanting to become teachers. They have a charter school where teachers can try all the latest techniques in the teaching world. The bill also addresses some of the concerns of our charter schools. We heard from a number of them that oftentimes they received no response when services were required from a school district. There is language in section 2 that addresses the services that a school district must provide to a charter school. Later in the bill, in section 23, it prohibits more than two persons who serve on the governing body from representing the same organization or business. Section 1 of the bill requires school districts to report information on the district accountability report separately from other schools. They want it in a nonaggregated form. This bill responds to the concerns that many of our charter schools have had, and it recognizes that we do have some great schools. I also handed out a chart that shows the appropriation being deleted which took out the fiscal note for this bill.

CHAIR WASHINGTON:

On the makeup of the governance of the board, there has always been a concern about the number of teachers that represent the board. Was there any testimony regarding reducing the number of teachers that serve on the governance?

ASSEMBLYWOMAN PARNELL:

No, there was not.

CHAIR WASHINGTON:

That was an issue when we first worked on this bill in 1997. Every now and then it would be difficult to find three teachers to sit on the governance.

SENATOR WIENER:

Have you had any input from the charter schools regarding whether or not they are having trouble with those teacher positions?

ASSEMBLYWOMAN PARNELL:

No. That did not come up in any of the discussions.

CATHERINE LEVY (Andre Agassi Foundation):

That has been an issue on occasion because the requirement is that the teachers be licensed. If a teacher is retired and has not maintained continuing education credits, it can be difficult.

CHAIR WASHINGTON:

It was my intent to process the bill today, but one of the Committee members has asked me to put a hold on it until tomorrow. We wanted to amend section 15, subsection 1, paragraph (c) to include that a charter school has to meet or exceed the adequate yearly progress (AYP) as determined pursuant to the *Nevada Revised Statutes* (NRS) or demonstrate improvement in achievement of the pupils enrolled in the charter school as indicated by an annual measurable objective determined by the State Board of Education. The reason we are requesting that amendment is because there are some schools that are taking a large number of "at risk" or English-as-a-second-language students. They fall below the AYP, but they are making significant improvements in their academic achievements. We do not want to penalize them but want to encourage them to reach those goals. The second amendment was requested by the district. It amends section 22, subsection 3, paragraph (a) to delete the provisions that deal with home-educational services for those students who have physical disabilities. I think it is a justifiable amendment. If they are going to a charter school and that service has to be provided, it requires the district to pick up the cost.

DR. DOTTY MERRILL (Executive Director, Nevada Association of School Boards):

Many school board members have long supported the charter school movement throughout the State and support the proposal that Assemblywoman Parnell has included in this bill that establishes a tier system, but it also establishes an opportunity for charter schools to be rewarded for many of the things that they do. The association strongly supports the conceptual pieces that are included in this bill. The concern is on page 34, in section 22, subsection 3, paragraph (a). When a student enrolled in a charter school is on an extended leave of absence due to physical condition or illness then a school district could be responsible for providing the education services. The school district is not receiving the distributive school account apportionment for that student and this would be an unfunded mandate for the school district. In addition, the NRS 386.565 contains language that the school district shall not interfere with the day-to-day operation and maintenance of the charter school. Also, the charter school may use materials that teachers from the school district are not familiar with.

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ASSEMBLYWOMAN PARNELL:

I am fine with that. As long as the State Board of Education was the one to determine how that demonstrated improvement would be defined.

MS. LEVY:

We would also be fine with the amendment.

SENATOR HORSFORD:

Is there no fiscal note with the bill?

ASSEMBLYWOMAN PARNELL:

No.

KEITH W. RHEULT Ph.D. (Superintendent of Public Instruction, Department of Education):

This Committee passed A.B. 334. It established a new school district for State Board sponsored charter schools. The U.S. Department of Education did not recognize that type of sponsorship as a local education agency. After looking at this, we are not sure that the university schools would be considered a local education agency. Another part of that bill allowed a current charter school chain sponsorship at any time. It could happen quicker than it was thought. It could be a simple fix if we put in it that pursuant to A.B. 334, where it created the new district, the university-sponsored schools would be included under that school district so they would be eligible for local education and federal funds. If not, they might change over from a school district sponsored charter to the university and find that they are not eligible for certain funds.

**ASSEMBLY BILL 334 (2nd Reprint)**: Revises provisions governing charter schools. (BDR 34-413)

SARA PARTIDA (Committee Counsel):

We cannot go back and amend A.B. 334 because it has already been enrolled.

MIKE CATE (Board of Directors, ACE High School):

We are in support of this bill.

CRAIG KADLUB (Clark County School District):

The Clark County School District is fine with letting one teacher have an expired license. We support the deletion of subsection 3, paragraph (a). I would also

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point out that across the page at the beginning of section 24, there already is language in statute that says a charter school may contract with the board of trustees for the provision of health services. That is on line 33.

CHAIR WASHINGTON:

We will now adjourn the Senate Committee on Human Resources and Education at 1:36 p.m.

RESPECTFULLY SUBMITTED:

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Shauna Kirk,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

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