

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

**Seventy-fourth Session  
March 5, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:34 p.m. on Monday, March 5, 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 Barbara K. Cegavske, Vice Chair  
Senator Dennis Nolan  
Senator Valerie Wiener  
Senator Steven A. Horsford  
Senator Joseph J. Heck  
Senator Joyce Woodhouse

**GUEST LEGISLATORS PRESENT:**

Senator William J. Raggio, Washoe County Senatorial District No. 3

**STAFF MEMBERS PRESENT:**

Marsheilah D. Lyons, Committee Policy Analyst  
Joe McCoy, Committee Policy Analyst  
Sara Partida, Committee Counsel  
Carol M. Stonefield, Principal Research Analyst, Research Division, Legislative Counsel Bureau  
Betty Ihfe, Committee Secretary

**OTHERS PRESENT:**

Craig Kadlub, Clark County School District  
Loretta Evenson, Steering Committee, Parent Involvement Summit  
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators; Clark County Association of School Administrators and Professional-Technical Employees

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Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education  
Gloria P. Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education  
Lynn Warne, Nevada State Education Association  
Joseph A. Turco, American Civil Liberties Union of Nevada  
John Haldeman, Executive Director, The Bridge Center  
John Gwaltney, Ph.D., State Board of Education and State Board for Career and Technical Education, Department of Education  
James R. Wells, Deputy Superintendent for Administrative and Fiscal Services, Department of Education

CHAIR WASHINGTON:

We will hear a presentation concerning the kindergarten through twelfth grade (K-12) public education system in Nevada, the Distributive School Account (DSA), consider two bill draft requests for introduction and hear testimony on Senate Bill (S.B.) 143.

**SENATE BILL 143**: Revises provisions governing pupils and parents. (BDR 34-415)

We will open the hearing on S.B. 143. This bill came out of the interim Legislative Committee on Education.

SENATOR WILLIAM J. RAGGIO (Washoe County Senatorial District No. 3):

Prior to speaking on S.B. 143, I will report on the activities of the interim Legislative Committee on Education.

People often ask why the Legislature provides so much oversight and why we involve ourselves in the education process as much as we do. I think we need to remind ourselves, as well as the general public, that the *Nevada Constitution*, Article 2, section 2, assigns to the Legislature the responsibility to establish what is termed the "uniform system of common schools." In 1997, during the 69th Session of the Nevada Legislature, we took a major role and demonstrated considerable foresight by enacting the Nevada Education Reform Act (NERA). It was sweeping legislation at the time and preceded the federal No Child Left Behind Act of 2001.

Committee installed and required standards, assessments and accountabilities. Data requirements improved analysis of that data which has been helpful not only in our regular Legislative Session but also in the work of the Committee. We now know more about pass rates on our high school proficiency examinations, our criteria reference tests and how these scores vary by demographic groups. We know how we compare to the rest of the nation from the National Assessment of Educational Progress information and other norm reference tests. We know more about the dropout rates and how many college freshmen need remediation. The challenge now is to improve every aspect of education coordinating it from preschool to kindergarten through Grade 12 and on into higher education.

SENATOR RAGGIO:

This Committee considered and discussed a wide range of issues. We heard about local-school economy and about a site-based management pilot program in four schools in the Clark County School District. We received the Department of Education's presentation on a blueprint for high schools, which included better utilization of the senior year for students. We were impressed with the Washoe County School District's Gateway Curriculum which is an illustration of what can be used to increase student achievement. We considered a statewide high school curriculum and funding for some assessment tools. The Committee also received a subcommittee report on career and technical high schools.

During testimony in connection with the State's improvement plan, we heard from school personnel that mentoring programs are quite worthwhile. Grants were awarded by the Commission on Educational Excellence from the \$100 million fund. A pilot program for a full-day kindergarten and some at-risk schools were funded with \$22 million from that fund. The Committee would like to see the remainder of those funds used for innovative programs. The Committee also agreed with school personnel that more coordination is needed between the various technology councils and commissions to oversee specific areas of educational governance.

While the Legislature authorized the creation of charter schools in 1997, we are aware that some issues concerning these schools need a more in-depth review. We recommend that a subcommittee, such as the one we had for career and technical high schools, be formed to continue work on charter schools. The purpose would be to extend that process to make it more meaningful. It should

be noted that Nevada probably has the most restrictive requirements of all the states in the establishment and operation of charter schools.

SENATOR RAGGIO:

Our law requires students up to the age of 17 to attend school, and we realize there are problems with enforcement. We are aware of the truancy problems and the dropout situation, especially in high schools, but the Committee is also concerned about the increasing remediation issues at the eighth-grade level. While much of this enforcement is the responsibility of the parents, the school has a major role as well. The Committee agreed parents play a most important role in the success of their student, so among the Committee's recommendations is a statewide parent advisory council that has some statutory structure. In addition to the other requirements in the Educational Involvement Accords passed by the 73rd Session of the Nevada Legislature, the Committee proposes that both parents and students sign a Code of Honor.

When Congress enacted the No Child Left Behind Act, they included provisions on parent involvement. Sections 11-18 of the Act provide that a component of the parent-involvement policy will be a school/parent "compact." The compact is to be developed jointly between the school personnel and the parents. It provides ways for parents to participate in decisions relating to their child's education. The federal law describes the school's responsibilities as providing instruction and a supportive learning environment and the parent's responsibility as supporting the children's learning by monitoring their attendance, homework and outside distractions.

The proposals in S.B. 143 are based upon those federal requirements. With support from the Parent Involvement Summit and information provided by the Superintendent of Public Instruction, S.B. 143 was recommended by the Legislative Committee on Education to encourage parental involvement in Nevada schools. Believing that parents and schools must be equal partners in the success of students, the Committee included ways for parents, staff and students to build a partnership to share the responsibility for improved student achievement. These proposals would apply only in elementary schools, both district and charter schools, designated as "in need for improvement" for the third consecutive year. In that third year, a school support team is mandated.

SENATOR RAGGIO:

Sections 5 and 6 of S.B. 143 require the Superintendent of Public Instruction to convene an Advisory Council on Parental Involvement. The Council would review policies and practices and submit a report to the Legislature on the results of parent involvement. A precursor to this bill was the Educational Involvement Accords. The Accords did not require either the parent or the student to acknowledge the receipt of or an understanding of the Code of Honor. Senate Bill 143, section 4 requires each school district and charter school to not only provide parents and students with the opportunity to sign the Code of Honor regarding cheating, but it also requires the Code to be returned to the school and kept on file.

Section 2 of S.B. 143 describes the report to parents. Another requirement in the bill is that current parent-contact information must be on file in the school. This is essential not only for reporting purposes, but also for the health and safety of the students. The report is from the teacher, is addressed to the parents and is sent home with each semester's progress report. The report informs the parents of the federal requirements and of the benefit their involvement plays in the education of their child or children. The report indicates their child's attendance, participation in classroom activities and completion of homework. The report also describes the extent of the parent's participation in their child's education, including whether or not they have participated in conferences with their student's teachers.

Sections 1 and 3 of the bill state as data is collected, it will be aggregated. Data from the current reports and from the Educational Involvement Accords will be provided to the school support team. The team will use this information to propose revisions in the school's improvement plan. No personally identifiable information will be in the aggregated report that is given to the support team.

Resulting from work with the Parent Involvement Summit Steering Committee, Assemblywoman Debbie Smith is proposing several amendments to this bill. They will be presented later in this hearing. One amendment would require a pupil to dress according to the dress code of the school. Another would make sure the report to parents would not be used against either the teacher or the principal in their performance evaluations. Another would require three parents on the Advisory Council instead of two. As chair of the Legislative Education Committee, these amendments are acceptable to us.

CHAIR WASHINGTON:

Senate Bill 143 has acquired a fiscal note. While there is minimal impact on the State, the school districts have submitted some cost estimates. While Carson City reported there would be no financial impact to obtain the reports, the Clark County said it would be difficult to quantify the dollar amount required. Douglas County was not able to assign a cost to collecting the information and Elko County said there is no fiscal impact for them. Esmeralda County indicated a future impact of \$1,000. Some larger figures have been estimated. Lincoln County estimated \$13,500 for each biennium year with a future impact of about \$27,000. For fiscal year (FY) 2008, Nye County is estimating \$88,664 and \$133,000 for FY 2008-2009 with the same number for future impact. Washoe County estimated \$100,000 for FY 2008 and \$102,000 for FY 2009.

SENATOR RAGGIO:

We will have to determine why it costs that much to implement some forms. I will ask our Fiscal Division staff to evaluate this information and discuss it with the school districts.

CHAIR WASHINGTON:

An explanation is in order as to why there is no financial impact on some school districts and an impact of over \$100,000 on others. It appears some estimates were derived by using three cents a page.

SENATOR HECK:

Why are we waiting three years for a school to fail? This is being reactive rather than proactive. If we had parental involvement in place from the beginning in all schools, perhaps those schools would not be failing three years in a row.

SENATOR RAGGIO:

This concept could be extended to all schools. We were trying to focus on those schools that require intervention now. There would be no objection to including all schools; however, it may become a question of funding. Addressing parental involvement is a requirement under the No Child Left Behind Act.

SENATOR HECK:

As a requirement, do we lose federal funds if we do not institute this program?

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SENATOR RAGGIO:  
No. I do not think so.

SENATOR HECK:  
Do I understand this program is highly recommended through the No Child Left Behind Act, but implementing it is not necessarily a requirement tied to funding?

SENATOR RAGGIO:  
We believe so, but I will have to get back to you with an answer.

SENATOR HECK:  
Who is responsible for tabulating all this information on parental involvement? Does it mean teachers will be taking attendance of parents at school events?

SENATOR RAGGIO:  
The school administration would probably have different people report that information.

SENATOR HECK:  
Are we putting another burden on the teachers to be responsible for tracking the activities of the parents if they show up at a school event? Is it up to the teachers to make sure who is there?

SENATOR RAGGIO:  
Anything we put into the law would be an additional requirement for someone to do. Teachers do have a lot to do; however, they do already know who is not turning in their homework and which parents are not attending conferences.

SENATOR HECK:  
If there is a parent who is not involved in their child's education, do we really think that making them sign a piece of paper saying they are going to be involved is actually going to get them involved?

SENATOR RAGGIO:  
Based on the recommendations of the Parent Involvement Council chaired by Assemblywoman Debbie Smith, we need to do everything we possibly can to get those uninvolved parents involved in their child's education. This may not be the perfect answer, but it is a step forward. A recent study found when parents

were made aware of the positive difference their participation made in their child's education; the parents did improve their efforts to be involved.

CHAIR WASHINGTON:

We are concerned about being too intrusive with how parents raise their children. How can we balance getting the parents involved and accountable for their children's education without intruding in their child rearing? In S.B. 143, section 2, subsection 6, it assigns the teachers to compile the information and provide it to the requiring groups. In section 2, subsection 8, paragraph (b), it states the information must be aggregated, and the identity of the individual parent or legal guardian is not to be disclosed. How will the teacher who gathers the information keep those identities from being disclosed or exposed?

SENATOR RAGGIO:

Most of the information is already known to the teacher, but before the information is submitted to be aggregated, the names of the students and the parents will be dropped off. The reports will contain only the aggregated information.

CRAIG KADLUB (Clark County School District):

This year the Clark County School District (CCSD) hired a Parent Services Coordinator, which certainly indicates our commitment to parent involvement. We signed onto S.B. 143 as neutral, because we have concerns about some parts of the bill being labor-intensive. In section 2, subsection 3, paragraph (c), subparagraphs (1) and (2), schools are supposed to identify whether the parent/guardian contact information on file is current. Updating all that information would be labor intensive.

Parents already receive written academic achievement reports, tardy notices and absentee notifications from the school. Our teachers do not want to create another report for parents not to read. We would like to work with you to find ways, other than sending home another written report, to engage parents who are not involved with their children's education to become involved.

CHAIR WASHINGTON:

Since parents already receive some of this information on their child, is the information available in aggregate form?



MR. KADLUB:

Since this bill addresses only elementary schools, most, if not all of the information, is already covered in the elementary report card.

SENATOR HORSFORD:

I am addressing this question to our research staff; can you tell us if there is a definition of parental involvement in the *Nevada Revised Statutes* (NRS)? How do we report on parental involvement if there is not a definition for it?

SENATOR NOLAN:

We know there is a correlation between poor academic achievement and poor attendance. A teacher in the CCSD contacted me recently, concerned about student absenteeism. His "A" students have only a 1.4 absentee rate and his failing students have numerous absences. Between the middle and high school students erasing the auto-dialer absentee messages long before their parents get home and what might be construed as a liberal absentee policy in the CCSD, perhaps the Legislature should direct school districts to have a stricter attendance policy. While consideration should be given to multi-track schedules or year-round schools, excessive absences should still result in the loss of class credit. Can we be more effective with attendance policies?

MR. KADLUB:

The CCSD does have a ceiling on both excused and unexcused absences. These policies could be tightened up; one of our school district's bill requests this session deals with truancy. We believe truancy is a precursor to dropping out.

SENATOR NOLAN:

Let us know if we can work together to incorporate an attendance policy into what we want to accomplish with education.

SENATOR CEGAVSKE:

There are students who only attend classes all the way through the twelfth grade. They do not study, take tests or participate in the class, and yet they receive an attendance certificate. Why is the State paying for someone to just take up space? How is this being addressed?

MR. KADLUB:

We have a multitude of programs in place specifically to get youngsters back into school with the goal for them to pass the proficiency examinations. The case you mention is an unfortunate reality, but we do not have the option of

withholding services to these students. The No Child Left Behind Act states if there is a school-age student in our district, we need to have that student in school.

SENATOR CEGAVSKE:

Is the alternative-education program available for this type of student? Is there anything we can do for these students?

MR. KADLUB:

One of the unfortunate situations in the CCSD is the high number of teacher vacancies. This impacts our ability to provide all the programs needed to meet all our student needs. We are aware that having so many substitutes in the classroom, especially long-term substitutes, does not produce the most effective results.

LORETTA EVENSON (Steering Committee, Parent Involvement Summit):

Nevada's first Parent Involvement Summit meeting called Connecting the Dots was held in March 2006. It was sponsored by former Governor Kenny Guinn, Senator William J. Raggio, and former Speaker of the Assembly Richard Perkins. Over 160 people attended the Summit, including representatives from 16 of the 17 school districts.

The purpose of the Summit was to provide education about parent involvement and to build consensus on what was needed for parent involvement statewide. You have before you the final report of that Summit ([Exhibit C](#)). Page 6, [Exhibit C](#), describes the recommendations of the Summit. One of the goals is to establish a statewide Parent Involvement Council that could make recommendations to the Legislature.

After reviewing [S.B. 143](#), the Steering Committee is suggesting some amendments ([Exhibit D](#)). In [Exhibit D](#), section 2, subsection 2, paragraph (b), we would include the parent-involvement coordinators from the Washoe County School District (WCSD) and the CCSD in the group to develop the parental involvement form. In section 2, subsection 3, paragraph (c), subparagraph (4), we would require the pupil to follow the dress code of the individual's school rather than saying "appropriate." This change would make enforcement objective rather than subjective. In section 2, subsection 8, paragraph (b), in the aggregate reports, we would add the classroom teacher to those being protected from disclosure. In section 2, subsection 8, we would add

a paragraph (c) which would state, "The completed reports of parent involvement will not be used against the teacher or in their principal evaluations." In section 5, subsection 2, paragraph (a), instead of two, we would designate three parents or legal guardians of pupils to be appointed to the Advisory Council. In section 8, we would delete subsections 5 and 6 to avoid this Act expiring on June 30, 2009. With the approval of these amendments, we support S.B. 143.

SENATOR HORSFORD:

Since a lot of parental involvement comes from the community level, why have community-based organizations not been included in this plan?

MS. EVENSON:

That is one of the reasons we would like a statewide coordinator. The coordinator would be able to provide information not only to the larger communities but also to the rural areas, thereby reaching many more organizations.

SENATOR CEGAVSKE:

In S.B. 143, section 2, subsection 2, paragraph (b), how many people are you looking for from each entity or is it just one representative from each?

MS. EVENSON:

I believe it is one representative from each entity, but I will check on it.

SENATOR CEGAVSKE:

Again, in S.B. 143, section 2, subsection 3, paragraph (c), subparagraph (4), what defines the dress code? From what I have seen in the CCSD, each school sets its own policy. If you want students to dress appropriately, should not the administrative and instructional staff dress appropriately, too? Some schools mandate what is to be worn and it varies from business attire to uniforms. The establishment of a dress code is provided for in NRS 392.458. Is there a way to measure compliance?

MS. EVENSON:

Most of the school districts do have a dress code in place. While the bill indicates a pupil is to be dressed appropriately for school, the word leaves much to interpretation, so we prefer the bill to stipulate that the pupil is to follow the

dress code of the school. The bill does not address anything as to a dress code for teachers.

SENATOR CEGAVSKE:

Would it be better to have a statewide dress-code rather than having each school do something different?

MS. EVENSON:

That would be advantageous but probably difficult to achieve. In this amendment, we determined "appropriate" was too vague and opted to recommend adhering to each dress code policy of each school.

SENATOR CEGAVSKE:

What is the rationale for three parents instead of two on the Advisory Council? Why delete the expiration date of this Act?

MS. EVENSON:

The purpose of the three parents is to have geographical representation from the north, south and the rural areas of the State. We do not want the Act to expire because we would like the coordinator position to be a permanent one.

SENATOR CEGAVSKE:

The rationale for having an expiration date is because it obligates us to evaluate the effectiveness of the program next session. We need to see if the goals and objectives are being met. I am in favor of leaving the expiration date in the bill.

LONNIE SHIELDS (Assistant Executive Director, Nevada Association of School Administrators; Clark County Association of School Administrators and Professional-Technical Employees):

While the Clark County Association of School Administrators and Professional Employees is in favor of S.B. 143, we would prefer it be separated into two bills. The first bill would establish the Advisory Council for Parent Involvement which we heartily support. The second bill would address the report to parents.

It is this report that concerns us. We are apprehensive that another report could create an adverse reaction from the very set of parents we most want to reach and get more involved. Rather than create another written report, we would like

to investigate using already-established, effective, alternative systems such as Ed-Line in the WCSD.

We have two other concerns about the written report to parents. The first is the additional workload it places on teachers and administrators. The second is the costs associated with implementing the requirements. Although the costs are unknown at this point, there will be some financial impact on administrators, teachers, secretarial time and supplies. We support the amendments presented for this bill. We ask to be included in the work process on it, and we remain committed to keeping our parents informed and involved.

CHAIR WASHINGTON:

How many elementary schools in the WCSD have not made Adequate Yearly Progress (AYP)?

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

Statewide, for the current school year in the three consecutive years or above of "in need of improvement" category schools, there are 29 Title I schools and 31 non-Title I schools. Title I schools are not only eligible to receive those funds, but they actually are receiving them. The non-Title I schools are eligible; however, the allotted funds only cover about 53 percent of eligible sites, so they are not receiving those funds. These 2 categories total 60 schools in all grades. We project those schools will increase to about 100 schools next year and may be as many as 170 the following year.

CHAIR WASHINGTON:

Are you saying 100 schools will not meet AYP?

Ms. DOPF:

The Title I time clock began ticking prior to No Child Left Behind. Some schools already had their starting scores, so this year is the first year we had non-Title I schools at the N-3 designation. Schools that do not make adequate yearly progress the first year do not get a designation; however, those schools do go into the designation of needing a school support team. If they do not make progress the second year, they get an N-1 designation, the third year N-2 and N-3 the next year. The schools addressed in S.B. 143 would be the 29 Title I and the 31 non-Title I schools I referred to previously. They are the N-3 "in need of improvement" schools for more than three-consecutive years.

The N-3 elementary schools total 40, and we expect some increase in that number in the next school year.

CHAIR WASHINGTON:

Do you have the student demographics and geographics for those 60 schools? We should not only have the demographics of the N-3 schools, but it would also be helpful to know whether the teachers are first-year, established or substitute teachers. It would be beneficial to know how the principals and parents interact as well. Additional information about the student population, such as whether the households are single or dual, the number of siblings in the residence and the socioeconomic status, would also be helpful. As we try to involve parents more in their children's education, we want to include all populations and not target just certain segments of the population.

MS. DOPF:

Yes, we have some of that information you mentioned. Every school in the State has a demographic profile and an AYP profile on the Department's Web site. We will provide you with the information of those 29 Title I and 31 non-Title I schools; however, the parental-involvement information you mentioned is not on the Web site.

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

The Department of Education can implement everything in S.B. 143 pertaining to the Advisory Council; however, the State Board of Education does have a concern with the increasing number of new or additional councils, boards and commissions that oversee parts of education. Since this Advisory Council has a sunset date, I am considering it as an ad hoc committee. One important aspect in this bill is in section 6, subsections 1 through 8. It gives the Council a clear direction as to the work they are to accomplish.

In S.B. 143, section 5, subsection 8, the Department is required to pay some per diem and travel expenses of the Council members; therefore, I have submitted a fiscal note for \$10,000 for the first year and \$5,000 the second year. I based these figures on the other commissions we oversee such as the Academic Standards Council. The amount is reduced for the second year because I anticipate the work of the Advisory Council to be completed by December in order for me to submit the final report for the Legislature by February 1, 2009. This report is required on section 6, subsection 10 of the bill.

SENATOR HORSFORD:

Has the State Board discussed S.B. 143, particularly the Advisory Council portion of it? If so, could the Department implement this concept without legislative action?

DR. RHEAULT:

The State Board is meeting on March 14, 2007. This topic is on the agenda, and I will be asking their position on this bill. Since we have worked with the Parent Involvement Summit, we could put together a smaller version of this. The advantage of having this bill in effect is it gives clear direction as to what the Legislature wants accomplished in the area of parental involvement.

LYNN WARNE (Nevada State Education Association):

We are in support of the basic premise of this bill; however, we are concerned about the additional time this might require out of a teacher's day. While we support the amendments, we agree this bill needs more work to accomplish its premise.

CHAIR WASHINGTON:

How much additional time are we talking about if most of the information being requested in the bill is already being collected?

MS. WARNE:

Classroom teachers already do track much of this information, but aggregating it into a report twice a year is additional work. In S.B. 143, section 2, subsection 7, the teacher who is designated to consult with the other teachers about the pupil's progress will require additional time in order to comply.

CHAIR WASHINGTON:

This bill would require information to be submitted for data processing and to be aggregated there. If the teacher collects and submits the information, could not the system do the aggregation and format it, so it can be sent to parents?

MS. DOPF:

Some elements, such as attendance, are part of the State reporting process and the student information system; however, we do not extract it on an individual school basis. Some elements proposed in this bill are not maintained in the State information system. Districts would have to extract the information and place it

on the student information system. Then, we could access it at the State level. For the elements we already have, we certainly can run those reports.

CHAIR WASHINGTON:

In order not to duplicate the collection of information or take instructional time away from the teachers, let us get together to see if there is a better way to do this. I would like to see if the reporting can be accomplished at the district level rather than at the individual school level.

SENATOR CEGAVSKE:

Ms. Warne, it is my understanding teachers have laptops or computers in their classrooms to track attendance. Can you get us a list of what teachers currently submit on a regular basis to the district?

MS. WARNE:

There is a computer tracking system for attendance. I will get a list of the other things teachers track on their computers and provide it to you.

JOSEPH A. TURCO (American Civil Liberties Union of Nevada):

While this bill has a laudable goal, I have a few exceptions to it. We know that race and class play a role in how schools operate. Schools designated as "in need of improvement" very often are schools in impoverished neighborhoods, schools with students of color or schools with lots of immigrants. Their parents are often the working poor who are unable to go to the Parent Teacher Association meetings, or they are parents who do not speak English. These socioeconomic factors affect their level of involvement in their children's education.

Initially in this bill, we are not treating anyone any differently, but the eventual impact will be disparate upon people of color. Although this is not meant to be punitive, it feels punitive. Why wait through three years of failure, and why not have notifications in every school? If what is in this bill were proposed for every school, I would not be testifying before the Senate Committee on Human Resources and Education today.

JOHN HALDEMAN (Executive Director, The Bridge Center)

The Bridge Center has a truancy-prevention program. We have 60 clients with 56 of those being active clients. Out of the 56 clients, 6 of them involve elementary school truancy. This figure indicates a change in who are the



truants. We used to see truancy occurring only in high school. Most of our clients are of color, but without exception, success occurs when the parents are working with the school to bring their student back to the classroom. As parents really make the difference, we applaud the engagement of the parents in this process.

CHAIR WASHINGTON:

We will close the hearing on S.B. 143. We will have the presentation by the Department of Education on the K-12 public education system in Nevada and on the Distributive School Account.

DR. RHEAULT:

Before we continue with our presentation from two weeks ago, Dr. John Gwaltney of the State Board of Education will share some information with you. Please refer to the handout that has been distributed entitled K-12 Educational Governance Structure in Nevada ([Exhibit E](#)).

JOHN GWALTNEY, PH.D. (State Board of Education and State Board for Career and Technical Education, Department of Education):

In representing the State Board of Education, we want you to know that one of our highest priorities for the coming year is to look carefully at the governance structure of public education. A year ago as President of the Board, I asked the Superintendent of Public Instruction to prepare an organization chart because during my four-year tenure on the Board, I had not seen one. The chart on page 1, [Exhibit E](#), illustrates the organizational structure in 1989 prior to the Reform Act when we began the serious evolution of public education in the State. The chart is fairly simple, and you can follow the structure quite easily.

When you look at the 2005 structure on page 2, [Exhibit E](#), you will see there has been a proliferation and fractionalization of responsibility in the governance. I must add at this point, there are some additional groups relating to education currently functioning in the State that are missing from the 2005 chart.

The State Board is not critical of any single commission or organization depicted in this chart. People have worked diligently to carry out their activities as they saw them to be. For the most part, the difficulty has been they have functioned autonomously, not communicating with each other, and not sharing their problems and successes effectively.

DR. GWALTNEY:

The State Board believes that a serious look at the organizational structure of public education can provide a higher utilization of available funds and a more appropriate gathering of knowledge concerning satisfactory accomplishments and failures. In doing so, education can be improved now. We realize this is rather difficult for us to prove; however, the people to whom I have shown this organizational chart over the past year have been shocked that we have arrived at this particular point.

At the top of page 3, [Exhibit E](#), you will note there are approximately 109 people involved in the governance structure of public education above the local board level. Let me state at this point, this is not at all a suggestion we look at the governance structure at the local level; it is simply a suggestion we look at the governance structure above the local boards beginning with the superintendents. The various entities in which the 109 people participate directly and over which they have decision-making control are in the first grouping. The primary responsibility of each entity and the year it was created is in the middle grouping. In the last grouping under "Year Established," you will notice the proliferation that has taken place in the last few years. Most of these entities have been created by the Legislature. The State Board is concerned about this trend, and believes in the long run it has a negative effect on the overall ability of Nevada to deliver public education.

SENATOR CEGAVSKE:

When I first saw this convoluted chart, I was amazed. While I do appreciate some of this structuring has occurred due to the rapid growth of our State, it depicted for me the state of our education system. I have asked the staff to put a dollar amount under each organization and I wonder if you have a copy of that? Senator Hardy and I are working on bill drafts to make changes in the governance structure, and we would appreciate your assistance.

DR. GWALTNEY:

I would be delighted to work with both of you on this project.

CHAIR WASHINGTON:

In a related subject, please comment, if you will, about the discussions taking place concerning the Board of Regents and the State Board of Education being appointed bodies rather than elected ones.

DR. GWALTNEY:

I would comment in this way. The State Board believes deeply this issue needs to be looked at scrupulously. We are not offering a solution to the Legislature, but we are simply asking whether or not this is the most efficient way to spend the education dollars in Nevada. If the situation warrants, I am available to help in any way you ask.

CHAIR WASHINGTON:

I understand there are some appointment issues being discussed.

DR. GWALTNEY:

Stepping away from my role as a representative on the State Board, I can tell you that if you were to eliminate the public's participation by taking away the voting process altogether, I think that would be a mistake. I think election is of value to this body and to the State Board. However, a closer relationship between the education governance entities, the State Legislature and the Office of the Governor would be, in the long run, of great value.

DR. RHEAULT:

There are two more handouts in the packet we presented to you. The first document is the Nevada Department of Education Governor Recommends Budgets for FY 2008 and FY 2009 ([Exhibit F](#)). We will discuss it first. The second document is The Distributive School Account (DSA) Budget 2007-2009 ([Exhibit G](#), original is on file in the Research Library), and we will discuss this report before addressing any non-DSA budget items.

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

Pages 1 and 2, [Exhibit F](#), provide the overviews for the budget accounts that are under the auspices of the Department of Education. These items are not specific to the DSA but do include all of our programs. The boxes on pages 1 and 2, [Exhibit F](#), list the 20 budget accounts used by the Department. The number of full-time equivalent employees (FTEs) and the cost associated with each budget are shown at the bottom of each box.

On page 1, [Exhibit F](#), the budget accounts in the top three boxes provide administrative support to the Department. The next five boxes are special-use budget accounts. Some of these accounts provide money to the school districts; others have specific uses such as the teacher licensing account and student testing account. The budget accounts in the eight lower boxes are

federal programs that receive federal funding with no State match. On page 2, the budget accounts in the top five boxes show the federal programs that have some form of State match or some other form of match. The single box labeled budget account 2710 is for the Fund for School Improvement, Estate Tax. As this fund is diminishing, we anticipate the fund will no longer exist after this next biennium. As you can see, the Department currently has 142.5 current employees. There are eight new FTEs associated with our request this biennium. The last box on the page shows the consolidated amounts of the Department totals for the first year of \$1,539,810,000 and for the second year of \$1,617,840,000.

MR. WELLS:

On pages 3 and 4, [Exhibit F](#), under the heading, Summary of Nevada Department of Education Governor's Request Budgets for the 2007-2009 Biennium, there is a series of numeric Decision Unit boxes. Each box indicates the sources of funding such as 100 percent federal, federal funding that has a State match requirement, the State General Fund and the State General Fund including other State funding. Also in each box are the number of existing employees and the number of FTEs being requested. On page 5, there is a summary, and on page 6, there is a chart basically showing the same information in a non-graphic display.

The federal programs administered by the Nevada Department of Education are listed on pages 7 and 8, [Exhibit F](#). A ten-year history of those grant programs has been provided as well as our estimates for FY 2008 and FY 2009. The No Child Left Behind Act grants are listed in the top section on page 7. The next section lists the grants not funded by the U.S. Department of Education, which are primarily nutrition-related programs for school lunches and school breakfasts. The third section is the competitive grant category for the U.S. Department of Education funds. That category is followed by the career and technical education grants category and by the adult education and special education grants from the U.S. Department of Education. Discontinued grants are at the bottom of page 7 and are continued on page 8. Some of the grants in the previous sections have been or are being discontinued. They will be moved into this discontinued category when we report in the next biennium.

SENATOR CEGAVSKE:

Where are we with the grants writer position? Do we have a permanent position now and, if so, is that position filled?

DR. RHEAULT:

Yes, we have a full-time grants writer funded by State appropriations for this biennium. Since the position is only funded until the end of the year, we will be asking the Legislature, as an enhancement, to continue the funding for this position.

SENATOR CEGAVSKE:

We had been notified by Washington, D.C., that we were not applying for money that was available. As you will recall, I was quite insistent about hiring a grants writer. In your opinion, has it been successful?

DR. RHEAULT:

Keep in mind the grants writer has only been on staff for eight months. We have kept a list of the grants she has written. Some have not been funded, but many of them, such as teacher incentive funding and assessment funding, are pending for review. I can say many of the grants would not have been written without a grants writer.

SENATOR CEGAVSKE:

Has she been able to help any of the 17 school districts specifically with where they can apply for grants? Did she write any grants for the districts or has she been writing just for the State?

DR. RHEAULT:

I do not have the specific list with me, but many of the grants involved school district support, so they had to sign on. We have worked closely with a number of districts to determine for which grants we, or they, might be eligible.

SENATOR CEGAVSKE:

I know the goal is to have that position pay for itself. It sounds as though we could be approaching that goal, even with only having the position filled for eight months.

SENATOR HORSFORD:

Can you point out which federal grants were discontinued?

MR. WELLS:

An example of a discontinued grant is on page 7 in the first section under Account 2605, [Exhibit F](#); it is the Community Service grant. This grant has been

discontinued along with some others. They will be moved into the last section when these figures are compiled for next session.

SENATOR HORSFORD:

I have several questions. First, can you tell us if any of those grants were discontinued because we did not provide any State match? Second, were any of the federal grants discontinued because Nevada did not qualify for some reason or because of some policies we have or do not have? Third, related to the FTEs, is it possible for you to give us a breakdown by region in the State where the State employees are housed?

MR. WELLS:

Any of the grants that were eliminated were eliminated because we failed to provide a match or because we did not have specific proposals. Most of these federal programs have ceased, but we will confirm that information for you.

CHAIR WASHINGTON:

Since we are seeing this documentation for the first time, [Exhibit F](#), page 7, is Account 2709-45 titled Character Education, being discontinued? Why are some of the others in that section not being discontinued?

MR. WELLS:

Some of those items with the highlighted numbers are block grants. They are multiyear grants, so we receive all the money in the first year. These grants end after five years, so their discontinuation date is 2009.

In moving to the next part of our presentation, I will be referring to the document entitled The Distributive School Account (DSA) Budget for 2007-2009, [Exhibit G](#). The DSA account is Budget Account 2610. It includes 12 specific programs providing aid to the school districts and to charter schools. Those 12 programs are listed on page 3, [Exhibit G](#). They are part of the Governor's Recommended Budget for FY 2008-2009. You will notice the Governor's Empowerment Program is included in this DSA budget.

CHAIR WASHINGTON:

Where are the at-risk kindergartens listed?

MR. WELLS:

The at-risk kindergarten program is located in the Innovative and Remediation Trust Fund, which is Budget Account 2615 on page 3, [Exhibit F](#).

SENATOR CEGAVSKE:

In our Adult High School Program, do we allow dropout students under the age of 18 to return to school to get a high school diploma, which they need in order to enlist in the military?

DR. RHEAULT:

Yes. They can return to school. I have written letters to the various branches of the military informing them that our adult diplomas are equivalent to our general diploma. The only missing requirement is the two credits of physical education. The military has accepted our adult diplomas.

SENATOR CEGAVSKE:

How many people seeking this diploma are inmates? How many students are actually in the courses we have outside the prison?

MR. WELLS:

The breakdown of the Adult High School Diploma Program is on page 18, [Exhibit G](#). In 2006, the actual enrollment in the Corrections Program was 4,887 people with an additional 750 students in the Jean Program. The enrollment in the Regular Program was 19,120.

SENATOR CEGAVSKE:

In the Regular Program, are these people enrolled in the alternative education facilities? Does the enrollment come from any other facilities?

MS. DOPF:

These programs are run primarily by the school districts. They are housed at various sites such as in the alternate facilities themselves, in an off-site facility or sometimes within the high school after regular school class use.

SENATOR CEGAVSKE:

Are these youngsters or are they people 18 years of age or older?

DR. RHEAULT:

The requirement to take these classes is anyone who has dropped out of school. It could include older people who want a diploma.

SENATOR CEGAVSKE:

Do you have a breakdown of those ages?

DR. RHEAULT:

We will get that for you.

SENATOR HORSFORD:

I have seen that breakdown, and it begins with individuals age 17 and older. The Clark County Adult Education programs have seen a significant increase of 17- to 21-year-old individuals enrolling in adult-education classes. This increase is being attributed to the students who have not been able to pass the proficiency examinations and then realize they need a diploma. My concern goes to policy in this area.

If my recollection is correct, approximately 40 percent of the 19,120 enrolled in the Adult High School Diploma Regular Program are 17- to 22-year-old individuals. This is a significant percentage. If those individuals are technically entitled to a public education up to the age of 21, or in some instances 22 for special education circumstances, how do we address the financial disparity? That disparity is the fact adult education only gets \$682 per pupil compared to the \$5,800-per-pupil basic support. Why are there no special education programs in the adult education programs, although a significant number of the enrollees had an Individualized Education Program (IEP) in the traditional school setting?

DR. RHEAULT:

The school attendance requirements are ages 7 through 17. At 18 years of age, students can leave school or drop out unless they are special education students. We continue to serve special education students through 21 years of age if they have an IEP in place. The adult education diploma program was put in place to meet the requirements of those who did not get a diploma by the time they were 18 years old. There is nothing in the *Nevada Revised Statutes* to prevent students over the age of 19 from being in the regular school system working towards a regular diploma.



The financial disparity is the result of a long-standing, no-frills way of funding the program. Each student's program is individualized, so the adult diploma requirements can be met as expeditiously and as inexpensively as possible. Adult students in this program are still required to pass the high school proficiency examination to receive their diploma. As long as they are in the adult diploma program, they can continue to try to pass the test.

MS. DOPF:

Special education students have two choices for their education after the age of 17. If they remain in the public traditional K-12 system, they receive individualized instructional services based on their IEP, and they are entitled to continue through the age of 22 or graduation, whichever comes first. Just as other students can do, these students can choose to drop out of the system at the age of 17 and if they wish, look toward an adult diploma. This prevents the adult high school program from saying, "You are a student with disabilities and we are not going to serve you." The drawback for special education students who choose the adult high school diploma program is the special education program does not receive any dedicated funds through the State to support the services the students need. The adult programs do their best without having specialized funding for the special education population. The challenge is how to bridge that funding gap.

SENATOR HORSFORD:

Realizing there is a trend toward increased attendance in the adult diploma program, especially among the 17- to 21-year-old students, should we not be addressing that situation now? You referred to it as drop out, although in a recent civil rights project at Harvard, the research indicated there is "push out" occurring, not necessarily drop out. If institutions are, in any way, contributing to these students no longer being in the traditional school setting, if the only option left to them is adult education and if the basic services of English Language Learning (ELL) programs or special education programs are not available to them so they can obtain the degree to which they aspire, we should revisit that policy. Since we are investing \$22 million of State money, we should be better serving the needs of these students.

DR. RHEALT:

The situation probably does need to be examined. Our census data indicates Nevada is either fiftieth or fifty-first in the number of individuals between the ages of 18 and 25 who do not have a high school diploma. Those ages have

been lowering. It used to be a majority of our adult education students were age 25 and over.

SENATOR WIENER:

Is public education still offered for the incarcerated in the four counties where the prison institutions are located?

MR. RHEAULT:

I believe so.

SENATOR WIENER:

At one point, there was no standardization of curriculum or acceptance of credits between the prison facilities. Since credits earned by inmates were not transferable between institutions, it took much longer for inmates to complete their courses. Of the 4,887 inmates enrolled in the adult diploma program, are you seeing an improvement in the graduation rates or in Education and Early Development Diplomas or General Education Diploma performance?

MR. RHEAULT:

I have not looked at the data to see whether or not the number of adult diplomas in the inmate population has increased since the standardization was put in effect.

SENATOR WIENER:

Please provide us with those numbers and tell us if the duration of their education from start to finish has been reduced.

MR. WELLS:

Continuing with the Basic Support calculations on page 4, [Exhibit G](#), as with all other budget accounts, the DSA is built on 2006 actual figures. This information is provided to the Department from the school districts through a report called the NRS 387.303 Report. That basic number from 2006 is then increased by modules for caseload, benefits changes, salary increases and so forth to get to the amount of the Governor's request for the upcoming biennium. That total is \$1,793,428,771. The enrollment statewide is 400,103.2 students which results in a total basic support number of \$4,482 per student.

The Adjusted Base Budget begins on page 5, [Exhibit G](#). The salaries from FY 2006 need to be rolled forward to FY 2007 because there was a

2-percent step increase and a 4-percent cost-of-living increase which were included in the FY 2005 budget. It also includes roll ups of 2 percent for both FY 2008 and FY 2009. That 2-percent roll up was intended to accommodate the cost of the employees in the school districts moving up the pay scales. We recognize there are veteran teachers who either retire or leave the system, and they are replaced by newer, entry-level teachers.

The adjusted base also includes a 3-percent increase in the student-related operating costs for textbooks, instructional, instructional software, the library and other supplies. The equipment expenditures are included at the 2006 actual amounts and the total recommended budget for the adjusted base is just over \$2 billion in FY 2008 and again in FY 2009.

SENATOR HORSFORD:

Are teachers automatically entitled to the step on salary scale increase if they were hired after a certain year, or is that some local-level decision?

MR. WELLS:

That is basically recognizing there are pay scales at the local level. There is upward movement or pay increases as the teachers accumulate more years of service or education.

SENATOR HORSFORD:

I heard the CCSD offered higher pay to teachers for just one year, but it only applied to teachers who were hired after a certain date. Teachers who were hired before that date were not entitled to the increase, and new teachers hired after a certain date were started at a higher rate of pay.

SENATOR CEGAVSKE:

The CCSD did do that, and it has been an issue. The District offered a new teacher coming into the system a Grade III pay level. That was a higher pay rate than other teachers who had been in the system and who were working their way up the pay scale were receiving.

MR. WELLS:

Pages 6 and 7, [Exhibit G](#), show the average salaries for continuing teachers and the enrollment growth. Note the slight decrease in projected enrollment growth. Continuing on page 8, the next Decision Unit included in the basic support calculation is for benefits adjustments. In this particular upcoming biennium,

there are two adjustments. The first is an increase in the Public Employees' Retirement System rate from 19.75 to 20.5 percent. The second change is for the Health Insurance Expenditures. It was changed from a percentage of salaries to an actual dollars spent for each employee, as salary is not an indicator of health insurance costs. We also increased that by 12 percent in each of the 2 fiscal years for health insurance-related costs. All other fringe benefits remained at the same rate as in FY 2006. The Governor's Recommended Budget for this particular Decision Unit is \$29,170,373 in FY 2008 and \$57,965,513 in FY 2009.

MR. WELLS:

The cost-of-living adjustment Decision Unit is on page 9, [Exhibit G](#). These numbers are the same as those included in the Governor's Recommended Budget for State employees. Those figures are 2 percent in FY 2008 and 4 percent in FY 2009. It totals to \$41,408,969 in FY 2008 and \$130,047,666 in FY 2009.

Pages 10 and 11, [Exhibit G](#), have information comparing FY 2006 staffing ratios to FY 2002 and information about the basic support levels for the Nevada Plan. The basic support projected is a 14.28-percent increase for FY 2008 and a 4.04-percent increase for FY 2009.

In talking about the DSA, expenditures are only one side of the equation. The other side is the revenue picture. The revenue side is important because there are several components that have a drastic impact on the way the State has to make up the money that the school districts are shorted. The Nevada Plan guarantees a certain amount to the school districts, and if you collect more in sales tax and property taxes at the local level, then the State's General Fund has to pick up less. If you collect less in those two line items, then the State's General Fund actually has to pay out more.

Revenue projections are vital when it comes to putting the DSA together. We take the expenditures and subtract those two elements that are collected at the local level. These elements are the sales tax, the local school support-tax and the one-third public schools operating property tax. Then, in order to come up with the amount that is needed for General Fund dollars, we add back in all the other DSA programs and come up with a total number that is the State's responsibility. We subtract the information for the other revenues that are used in the DSA, such as the slot tax, interest on the permanent school fund, federal

mineral-lease revenues, the out-of-state local school support tax, the estate tax and the total amount due from the General Fund dollars. That is how we arrive at the \$849,607,357 amount on page 12, [Exhibit G](#).

SENATOR CEGAVSKE:

As an effect of the smoking initiative petition, we are aware a thousand employees have been laid off in businesses, and most of the gaming businesses are reporting a 25-percent decrease in their revenues. Most of those businesses pay a flat fee regardless of the number of slot machines they have. It will be interesting this year to see what the projections were and to see what actually happens.

SENATOR HORSFORD:

On page 11, [Exhibit G](#), you said the total expenditure for FY 2006 is just under \$1.8 billion, and it goes up to \$2.1 billion and \$2.3 billion over the next 2 fiscal years. On page 12, you have an "Add" list of the other DSA programs. Is that \$290,089,045 included in the allocation for each student?

MR. WELLS:

No, that is not included in the numbers on page 11, [Exhibit G](#). Those are just the basic support numbers for schools. The amounts for the other programs are then added on top of those. There are other amounts added for each student for each of those programs that are listed on page 12.

SENATOR HORSFORD:

Why are they not added? For those relevant to the student, why are they not considered part of the basic support?

MR. WELLS:

The basic support is just the basic support to schools. It has nothing to do with the way you allocate special education units to a school district or how class-size reduction teachers are allocated out of the district. The basic support is that Nevada Plan number guaranteed for each student regardless of in which district they live. This is to provide the equitable distribution of funds. That is the source of the \$5,122 and the \$5,329 on page 11, [Exhibit G](#). That is the basic support number used at the Department to come up with how much money goes to each district for each student. This does not have anything to do with how the funds are allocated for the class size reduction. We allocate those teachers out so many in each district, but it is a separate allocation from basic

support. It is the same thing with special education. There are a number of special education units and those are allocated to the districts using a different allocation methodology. There is not just one number that goes into that basic support, because other programs are allocated on different formulas.

SENATOR HORSFORD:  
Why is the ELL not here?

MR. WELLS:  
There is no specific allocation from the DSA for the ELL or for English as a Second Language. Those funds do not come from the DSA.

CHAIR WASHINGTON:  
Those are usually grants, are they not?

SENATOR HORSFORD:  
Some states have invested their funds in the ELL or have added additional special education funding based on the need or the demographics of their districts. Are you aware of this?

MR. WELLS:  
Yes. Other states use different allocation methodologies. Some states give a flat dollar amount for each student; some give a multiplier times the basic support. There are different methodologies for ELL, special education, career or technical and other programs. We currently do not have those allocation methodologies built into our allocation formula. Does that mean we cannot do it? No, it just means at this time, Nevada does not have them set aside for those particular populations.

SENATOR HORSFORD:  
The \$290 million cited on page 12, [Exhibit G](#), is State money allocated to the districts for these programs. How do you ensure this "fenced-off" money, which means it cannot be used for bargaining or used to augment the basic support, get to the schools for which it is intended?

MS. DOPF:  
Special education is unique. The Legislature in making final decisions about the DSA also decides the number of units to be allocated and how many units each district will receive. That is stipulated in the final funding bill. The districts get

those designated number of units. We verify those units by reports from the districts. We verify on-site as well as on paper. How the district receives the money influences what methods are used to verify the utilization.

SENATOR HORSFORD:

Secondary remediation is listed on page 3, [Exhibit G](#), at \$7 million. Earlier you mentioned secondary remediation was being discontinued in FY 2008-2009. Why is that?

MR. WELLS:

Secondary Remediation is not discontinued; the account has been moved. It has been transferred to Budget Account 2615, which is the School Remediation Trust Fund.

SENATOR HORSFORD:

This is the School Remediation Trust Fund money established in S.B. No. 404 of the 73rd Session, is it not? Schools have to apply for it, correct? What assurances are there the money will be spent in the way it was intended?

MR. WELLS:

You are correct; this is S.B. No. 404 of the 73rd Session money. We took \$6.8 million and transferred it into the Innovation and Remediation Trust Fund. It has become part of the pool for secondary schools that was allocated through that grant program that was created in S.B. No. 404 of the 73rd Session

The revenue assumptions are on page 13, [Exhibit G](#). Some specific revenues are collected at the local level. They are the local-school support tax which is estimated by the Economic Forum, and the one-third public schools operating property tax which is projected by the Department of Taxation. Other taxes collected at the local level are the two-thirds public school operating property tax, the government services tax and the franchise fees.

On page 14, [Exhibit G](#), are the DSA Revenue Assumptions. They are the slot tax, the interest on the permanent school fund, the federal mineral-lease revenue, the out-of-state local school support tax and the estate tax.

The Class Size Reduction funds in the DSA account are on pages 15 and 16, [Exhibit G](#). This program is based on the number of students in Grades 1 through

3 and the number of teachers needed to reduce class sizes from the average class size prior to the start of this program to 16 to 1 in Grades 1 and 2 and 19 to 1 in Grade 3. We do these projections by grade; however, for class-size reductions, we only use those increases for the first, second and third grades.

Page 17, [Exhibit G](#), is the special education unit growth which increases at the same rate as inflation for enrollment. Salaries are increased based on those same incremental increases as the other salaries for step on scale such as cost of living.

SENATOR HORSFORD:

I am recalling some research that indicates many students are put into special education programs prematurely. When was the last time the Department did a statewide review of the special education programs in the State?

MS. DOPF:

The special education staff within the Department is responsible for the oversight of the programs. They do on-site compliance reviews of schools and districts at a minimum every third year. They have an on-site compliance monitoring protocol to follow in each district. They collect the documentation of the compliance on an annual basis and have a data analysis and data review process. There is a significant number of performance indicators the school districts must show the Department staff including the disaggregated data of enrollment of special education. They look for disproportionalities through data analysis. There is also a responsive complaint-resolution process in place should it be needed by parents.

SENATOR HORSFORD:

If we are going to do anything to promote parental involvement, it should be to help parents maneuver the various systems. Parents often think they have signed an IEP with the best interests of the child at heart, only to find out later it is detrimental to the child. It also seems we have an inordinate number of students in special education and their IEPs will never allow them to graduate from our schools. We are investing \$120 million in these programs. Sometimes, I feel the system is on a compliance level instead of on a serving-the-needs-of-the-children level. How can we make these systems work best for the children and parents instead of for the bureaucracies that set them up?



CHAIR WASHINGTON:

Unfortunately, many children of color, primarily males, have been caught up in the special education programs with IEPs. It would be appropriate to have a presentation on special education, their policies and procedures and the procedures that assist parents in assuring them they are doing the best things for their children's education. We will make arrangements to have that presentation.

MR. WELLS:

Pages 18-20, [Exhibit G](#), cover the Adult High School Diploma Program and the other small programs that are included in the DSA.

DR. RHEAULT:

I have excerpted some pages from our previous presentation titled General Overview of Educational Issues Fiscal Years 2007-2009 ([Exhibit H](#), original is on file in the Research Library). Page 2, [Exhibit H](#), titled Full-day Kindergarten Program for At-Risk Schools and page 3 are what is happening currently in this area. Page 4 is the Programs for Innovation and the Prevention of Remediation Funds. Those are broken into secondary and elementary portions. Out of the \$100 million budget set aside by former Governor Kenny Guinn, there is \$69,572,468 remaining in the School Remediation Trust Fund.

CHAIR WASHINGTON:

Does that all-day kindergarten include those nine schools that are scheduled to come online?

DR. RHEAULT:

No. It does not include the additional nine schools that would qualify.

CHAIR WASHINGTON:

What is the cost of the nine schools?

DR. RHEAULT:

It is estimated at \$1.7 million for those nine schools. Most of them are in the CCSD and are fairly large schools.

On pages 5-7, [Exhibit H](#), there is a summary regarding how schools applied for the S.B. No. 404 of the 73rd Session funding and the breakdown of the grant

distribution process. I am aware there is a bill draft from the Legislative Committee on Education that will make some adjustments to the Commission on Educational Excellence as to how they review and provide grants. This would be in place then, if this money remains in the budget and is approved by the Legislature.

The "one-shot" funding list is on page 8, [Exhibit H](#). That completes my review of what we had in the packet.

SENATOR CEGAVSKE:

I had asked for the number of all-day kindergarten teachers, and how many teachers are substitutes, full-time substitutes and permanent teachers? Do you have those numbers for us yet?

DR. RHEAULT:

I have additional kindergarten information for how many of the 114 are "in need of improvement" and how many are not at risk. I do not have the substitute numbers yet.

SENATOR CEGAVSKE:

On page 7, [Exhibit H](#), you mentioned you had feedback from the districts. To what feedback are you referring?

DR. RHEAULT:

We have a final report being prepared now by the contractor. We expect it to be delivered to the Legislature by the end of March. It will look at any benefits of the funding and the programs.

SENATOR CEGAVSKE:

On page 7, [Exhibit H](#), the report says, "For round two, the review process was refined based on the feedback from the districts." Why was that word used?

MS. DOPF:

That refers specifically to the application process itself and how it worked. We tried to incorporate some of the round-one feedback into the work with the district.

SENATOR CEGAVSKE:

What was the feedback? Why would we give more money when we do not have any measurable outputs? That is my concern.

Ms. DOPF:

The program would have been operational less than a month or two. That would have not been enough time to have any expectation of outcomes. We did get site visits going to make sure that they were in operation. The feedback on this was merely on the grant process.

SENATOR CEGAVSKE:

Not having any feedback is one of the issues and problems with these monies. Instead of waiting until there were some measurable accounting for the money, the money was awarded too hastily.

SENATOR HORSFORD:

With \$69 million left in the S.B. No. 404 of the 73rd Session funds, and with money being redirected that was earmarked specifically for remediation, will the Department be establishing criteria and priorities for that funding? If the money has been used for high school dropout activities and for putting specialty teachers in programs, will those projects receive any preferred recommendation for continued funding? What we are looking for are outcomes to determine future funding.

DR. RHEAULT:

Referring again to the governance structure chart on page 2, [Exhibit E](#), the Department does not set the criteria. The criteria are set by the nine-member Commission on Educational Excellence unless criteria are specified by the Legislature. The grants we had only go through June 30, 2007. If additional funding becomes available, schools will have to reapply for the next biennium unless it is a part of their school-improvement plan. Schools can submit that as part of their request for renewed funding or funding for the continuation of the next biennium.

CHAIR WASHINGTON:

While we have attempted to improve our educational system to make sure the monies meet the appropriate and necessary needs of the students for which it was intended, we have created a system that is difficult to navigate. To avoid the numerous grant reapplication processes, we are devising a bill draft and

calling it the "Bucket Bill." There are some programs we could probably consolidate and put in the bucket, establish some measurable outcomes and allow the districts to have the flexibility to use those funds where they would be most needed in that district.

DR. RHEAULT:

Just tell us how you want the funds used. If we can get the money to the districts faster without all these applications and reapplications, we will hold them accountable.

SENATOR HORSFORD:

I volunteer to work on this project and on the bill draft.

CHAIR WASHINGTON:

That concludes the presentation by the Department of Education.

Shelia Mounlton, President of the Nevada Association of School Boards had to leave, but she asked that her written testimony ([Exhibit I](#)) be entered into the record.

We have three requests for Committee bill draft requests (BDRs). The first is requested by the Office of Disability Services. The second is requested by the Legislative Committee on Health Care, and the third is from the Office of Veterans' Services.

**BILL DRAFT REQUEST 38-594:** Revises provisions relating to programs and services for persons with disabilities. (Later introduced as [Senate Bill 220](#).)

**BILL DRAFT REQUEST 40-307:** Revises provisions relating to the development and implementation of health care policy in this State. (Later introduced as [Senate Bill 221](#).)

**BILL DRAFT REQUEST 37-637:** Creates the Gift Account for Veterans in the State General Fund and authorizes the use of money in the Account for the support of outreach programs and services for veterans and their families. (Later introduced as [Senate Bill 219](#).)

I will entertain motions to introduce these bill draft requests (BDRs).

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR 38-594, BDR 40-307  
AND BDR 37-637.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS HECK AND WIENER WERE ABSENT  
FOR THE VOTE.)

\* \* \* \* \*

SENATOR NOLAN:

I have no objection to this Committee hearing BDR 37-637; however, since the Senate Committee on Transportation and Homeland Security has been able to gather the various special license plates under its jurisdiction, it may be more appropriate for that Committee to hear this bill.

CHAIR WASHINGTON:

When the BDR 37-637 gets to the floor, I will request it be referred to the Senate Committee on Transportation and Homeland Security.

SENATOR NOLAN:

That is fine with me. Thank you, Mr. Chair.

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CHAIR WASHINGTON:

Hearing no other public comment and with no other issues before us today, the Senate Committee on Human Resources and Education will adjourn at 4:37 p.m.

RESPECTFULLY SUBMITTED:

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Betty Ihfe,  
Committee Secretary

APPROVED BY:

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Senator Maurice E. Washington, Chair

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