

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

**Seventy-fourth Session
March 28, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:34 p.m. on Wednesday, March 28, 2007, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 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.

COMMITTEE MEMBERS PRESENT:

Senator Maurice E. Washington, Chair
Senator Barbara K. Cegavske, Vice Chair
Senator Dennis Nolan
Senator Joseph J. Heck
Senator Valerie Wiener
Senator Steven A. Horsford
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
Melinda Martini, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau
Joe McCoy, Committee Policy Analyst
Carol M. Stonefield, Principal Analyst, Research Division, Legislative Counsel Bureau
Sara Partida, Committee Counsel
Patricia Vardakis, Committee Secretary

OTHERS PRESENT:

Dotty Merrill, Nevada Association of School Boards

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Craig Kadlub, Clark County School District
Ray Bacon, Nevada Manufacturers Association
Kim Wooden, Clark County School District
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Anne Loring, Washoe County School District
Gloria P. Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education
David W. Saba, American Board for Certification of Teacher Excellence
Bill Hanlon, Southern Nevada Regional Professional Development Program
Julie Whitacre, Nevada State Education Association

CHAIR WASHINGTON:

Senate Bill (S.B.) 348 needs to be rereferred to the Senate Committee on Finance. I will entertain a motion.

SENATE BILL 348: Makes an appropriation to the Division of Forestry of the State Department of Conservation and Natural Resources for support of the Urban and Community Forestry Program. (BDR S-965)

SENATOR CEGAVSKE MOVED TO REREFER S.B. 348 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NOLAN, WIENER AND HORSFORD WERE ABSENT FOR THE VOTE.)

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SENATOR WILLIAM J. RAGGIO (Washoe County Senatorial District No. 3):
I will give testimony on S.B. 184 and S.B. 185. The bills were recommended and are supported by the Legislative Committee on Education.

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

SENATE BILL 185: Revises provisions governing the Commission on Educational Excellence. (BDR 34-426)

Senate Bill 184 relates to academic standards, student performance and accountability measures. In 1997, legislation was enacted known as the Nevada Education Reform Act (NERA) to require accountability from our public schools. In 2003, the Legislature acted to comply with the federal No Child Left Behind (NCLB) Act of 2001. Since that time we have been amending our compliance legislation required by that Act as the Nevada Department of Education and the school districts implement the various provisions. A section summary of S.B. 184 ([Exhibit C](#)) has been provided for the Committee. I draw your attention to two items which are the most important provisions of the bill. The first item concerns high school curriculum. During the interim, the Legislative Committee on Education spent time considering high school including: curriculum, career and technical education, college preparation and remediation and the transition from middle school to high school. Research tells us that the best predictor of success in post-secondary education is the rigor of a high school curriculum. The members were impressed with a presentation called "The Gateway Curriculum." This is essentially a default curriculum. What it means is all students are enrolled in rigorous courses of English, mathematics, science and social studies. The default curriculum identifies that when the students are enrolled in those rigorous courses and require an additional year of a subject, only with the approval of the parent and a school official can a student withdraw from the courses in which he is automatically enrolled.

SENATOR RAGGIO:

It was the intention of the committee to provide for a course of study with these "opt-out" provisions. The "opt-out" provisions were omitted from the work session motion. Instead of what you have before you in S.B. 184, the provision would require every high school student to earn credit in order to qualify for a high school diploma. We are offering an amendment to S.B. 184 ([Exhibit D](#)) that will return the bill to the intent of the committee. If the amendment is adopted, S.B. 184 would require every district to provide a default curriculum consisting of four English and mathematics courses including algebra I and geometry or equivalents. Three science courses, including two laboratory courses, and three social studies courses, including American government and history or world geography or history, are also part of the curriculum.

We want the whole four-year high school program to be meaningful and to help us reach the stage where our students who graduate will be able to compete

with students across this State, country and the world. This has long been neglected.

We became aware of some statistics and consequences that resulted from a lack of understanding on the part of middle school students as to what will be required when they transition into high school. Our study of high school curriculum made us aware of what is necessary for that transition. The committee received testimony that some eighth-grade students lack adequate preparation to perform at the ninth-grade level. Some students have discovered they only need to pass English and mathematics to be promoted to high school. Senate Bill 184 directs the Nevada State Board of Education to provide regulations that require passing grades in English, mathematics, science and social studies.

The bill addresses retention in eighth grade. The existing statutes prohibit a board of trustees from promoting a student if he or she fails to complete the course of study that is required for promotion. It is important at this age level that they not be advanced. The committee received testimony from the districts that the schools cannot keep these students in eighth grade indefinitely. If a student is retained once in eighth grade and has not earned the credits to advance to ninth grade, the bill would direct the districts to provide a program of remedial study to that student. If the student completes the remedial course, then the student can be promoted to the ninth grade.

SENATOR RAGGIO:

We have similar requirements for tenth grade and are providing remediation through those levels and above. We want to reduce the potential for failing to pass the High School Proficiency Exam.

Senate Bill 184 makes a number of changes to the annual reports of accountability in school district and State plans for improvement that is required by the NERA and the NCLB Act. Some of the provisions of S.B. 184 have been requested or recommended by the department or the school districts.

The changes to those reports and plans are, throughout the statute "Subgroup" it would be changed to group. The annual accountability would report the number of eighth-grade students who drop out during and after eighth grade. The charter school data would be reported according to the sponsors. It would repeal the technical assistance partnerships and modify school support teams

for school that have been designated as demonstrating need for improvement for three or more consecutive years. There are a great number of schools that are contemplated to be in this classification.

We have provided for the following; the Commission on Educational Technology would be required to conduct needs assessments of the school district which would be in the spring of even-numbered years. The Commission will survey the districts and report its findings and recommendations to the Legislative Committee on Education in time for its work session. In the spring of 2008, the Commission, recognizing technologic advances, should consider the feasibility of using laptop computers in lieu of textbooks.

The Council to Establish Academic Standards shall submit its academic standards under this bill to the State Board of Education for review and comment. We took heed of the State Board of Education's concerns that it has the responsibility to hold public hearings on the proposed standards but did not have the authority to question the standards or return them to the Council for further consideration.

A research project to consider the calibration of actual class assignments to grade-level standards would be conducted. The committee received a presentation on a proposal to analyze the level of assessments to standards to make certain there is correlation and to determine the percentage of assignments that actually are challenging students at the specific grade level. This research project would come under the purview of the Legislative Committee on Education. The Committee would select schools to be analyzed, receive a report and provide that information to the district.

The Committee has been given the document "Improving Student Academic Achievement" ([Exhibit E](#)), the components of NCLB Act and the consequences of failure to make adequate yearly progress.

CHAIR WASHINGTON:

We will open the hearing on S.B. 185.

SENATOR RAGGIO:

In 2005, the Commission on Educational Excellence was created by S.B. No. 404 of the 73rd Session to oversee the grant program to distribute

funds in what was termed "the account for programs for innovation and the prevention of remediation."

Governor Guinn presented in the budget the amount of \$100 million over the biennium to be used to curb illiteracy and to provide a fund for remedial programs that would assist in meeting those goals. As a compromise, at the request of the Assembly, \$22 million was allocated for utilization of full-day kindergarten in a limited number of at-risk schools. The remainder of that fund was utilized for the purposes known as the Trust Fund for Educational Excellence. The \$22 million is now in the budget that is proposed for this session. In the proposed budget there is \$59.8 million in fiscal year 2008 and \$61.3 million in fiscal year 2009 to continue the activities of full-day kindergarten. If it is approved, it would be available under the Innovation and Remediation Trust Fund. There were additional remediation funds that were for secondary level which are proposed to continue for the total amount of over \$14 million.

CHAIR WASHINGTON:

Are those funds incorporated in the Innovation and Remediation Trust Fund?

SENATOR RAGGIO:

It is the anticipated continuation of Innovation and Remediation Trust Fund from the last biennium.

CHAIR WASHINGTON:

Is this for the at-risk kindergarten?

SENATOR RAGGIO:

This is the money that is available outside the funding for full-day kindergarten for at-risk schools. The committee was very supportive of continuing the grants for innovation programs for remedial improvement. We have received reports from the Department of Education on direct appropriations that were utilized, the administrative support and the instructional support.

Throughout the interim of 2005 and 2006, the Commission on Educational Excellence established its guidelines, it reviewed the grant applications and secured outside services to evaluate the effectiveness of the grants and the program. The Commission reported to our Legislative Committee on Education.

There are changes needed to ensure accountability and functioning in the event the Legislature chooses to extend this funding for that program.

Senate Bill 185 provides the recommendations from the interim committee on the changes that the members thought would improve the workings of this Commission on Educational Excellence. The bill requires the Commission to establish guidelines for the application process. The guidelines must include consideration of the list of priorities of schools, ranked according to adequate yearly progress and Title I eligibility. The guidelines must also require the entire membership of the Commission to review and approve any applications before funds are allocated to any of the grantees. The bill provides that the Commission may request some of the funds in the account to be used for up to \$50,000 a biennium for site visits and "best practices fairs," and not more than \$250,000 a biennium for evaluation of the programs. Whether the Legislature chooses to fund these programs is uncertain at this point. Based on the recommendation of the Legislative Committee on Education, these changes are to be made to ensure accountability and that the intent of the Legislature in approving this funding source will be implemented. On behalf of the committee, I urge your consideration of S.B. 185.

CHAIR WASHINGTON:

We will continue hearing testimony on S.B. 184.

SENATOR HECK:

What is the reason behind the repeal of the technical assistance partnerships?

MELINDA MARTINI (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

During the interim we received testimony from the school districts on the effectiveness of the technical assistance partnerships and the school support teams; it was found and recommended that the technical assistance partnerships were a paperwork effort and not being utilized by the schools. The school support teams were recommended to continue and they were found to be effective.

CAROL M. STONEFIELD (Principal Analyst, Research Division, Legislative Counsel Bureau):

The technical assistance partnerships are not part of the provisions of the NCLB Act. By repealing them we would not be out of compliance with the NCLB Act.

SENATOR HORSFORD:

Was there any discussion about reporting dropouts starting at the sixth-grade level?

MS. MARTINI:

The Legislative Committee on Education was focusing on middle school students, the eighth- and ninth-grade transition. There were no discussions concerning the earlier grades.

SENATOR HORSFORD:

What is meant by the "remedial program of study"?

MS. STONEFIELD:

The testimony received from the school district suggested summer school or some intensive instruction would enable the students to demonstrate proficiency at the eighth-grade level in preparation for ninth grade. If this bill were enacted, the districts could provide remediation on an individual basis.

SENATOR HORSFORD:

Would there be local flexibility around the individual needs of a child and the type of remediation program that would benefit the child?

MS. STONEFIELD:

Yes.

SENATOR HORSFORD:

Was there any discussion concerning the qualifications or licensure of the teachers who teach those core subjects? What are the rights of the parents if the subject is being taught by someone who does not have a proper license or is a long-term substitute?

MS. MARTINI:

There was discussion concerning qualified teachers, and it is a requirement of the NCLB Act. It is required to have certain percentages of highly qualified teachers. In that context it was discussed, but not directed toward the new core subjects. It is an ongoing report that is provided by the Department of Education. We have been looking into the substitute issue and collecting information on long-term and short-term substitutes.

SENATOR HORSFORD:

I agree on the use of laptops in lieu of textbooks, but how do you integrate technology into coursework?

MS. MARTINI:

The discussion involved getting the Commission on Educational Technology to meet with the Council to establish Academic Standards and the Commission on Professional Standards in Education. Jointly those groups could produce a plan for making technology effective in the classroom. The recommendation to look at laptops versus textbooks was not linked in the same discussion.

CHAIR WASHINGTON:

Senate Bill 184 requires a technical assistance partnership to advise each school based on the years they need improvement. What is the technical assistance partnership?

MS. MARTINI:

The technical assistance partnership consists of someone from the school district and the school. It is very limited. It is the first group of people to help that school start to develop their plan for improvement. It is not required by the NCLB Act, but the State felt would be a first step in the helping the schools.

MS. STONEFIELD:

On page 50 of S.B. 184, under "Text of Repealed Sections," it lists the requirements. This would be formed in the first year when a school is in need of improvement. This means the school has failed to make adequate yearly progress two years in succession. The thought is that this group of people would be available to provide assistance to a school. The partnerships were meeting and giving reports that were more of a paper exercise.

SENATOR HECK:

Senator Raggio stated \$55 million would be carried forward from Innovation and Remediation Trust Fund. Is that for the fiscal year or the biennium?

MS. MARTINI:

It is \$55.4 million for the biennium. In fiscal year 2007-2008, it would be \$27.7 million and in fiscal year 2008-2009 the Governor recommends \$27.7 million for a total of \$55.4 million.

SENATOR HECK:

Has there been discussion about using this money as the funding mechanism for that program and leaving the other \$60 million alone?

MS. MARTINI:

What you are referring to is being discussed in the budget hearings for the Department of Education. The money is in those accounts.

SENATOR HECK:

Are we going to process this bill in the event the funds are not shifted?

MS. STONEFIELD:

Senate Bill 184 is the product of the interim Committee on Education who voted to recommend this legislation in August of last year. At that time, the discussion on empowerment schools was in the future. The members did not anticipate what was coming forward.

SENATOR HECK:

The idea of empowerment is new. My concern is that if this bill is processed, it will lose the availability and be used for something else.

CHAIR WASHINGTON:

There are several variables to be considered such as empowerment, the at-risk pilot program, and the all-day kindergarten. It is important to at least establish the policy portion of the bill.

SENATOR HORSFORD:

When the term "at risk" is used, particularly when addressing full-day kindergarten, is it referring to the federal or State standard?

MS. MARTINI:

The "at risk" has been tied to the free and reduced-price lunch program. "At risk" for a full-day kindergarten was reduced to 55.1 percent. When talking about funding, it is tied to the free and reduced lunch program.

SENATOR HORSFORD:

Is that the federal standard?

MS. STONEFIELD:

Our definition of an at-risk pupil will be tied to the federal eligibility for the free and reduced-price lunch program. We do not have a definition for an at-risk school. With full-day kindergarten the funds were distributed until the point of 55.1 percent was reached.

CHAIR WASHINGTON:

When we dealt with charter schools and labeled them at-risk schools, that 51 percent qualified them to be classified as at-risk charter schools.

MS. STONEFIELD:

The definition of an at-risk pupil is in the charter school statutes. There are additional factors involved in that definition. Charter schools were authorized to serve at-risk pupils.

CHAIR WASHINGTON:

For funding purposes there was a problem concerning whether the charter school met the federal requirements at 51 percent of the student population.

SENATOR HORSFORD:

Does the pupil need to be enrolled in the free and reduced-priced lunch program to be an at-risk pupil, or do they only need to meet those criteria?

MS. MARTINI:

The Department of Education would be able to tell you what practice they use. My opinion is they would need to be enrolled. Many of the middle schools or high schools do not use the at-risk free and reduced-priced lunch program because many of the students may qualify for the Innovation and Remediation Trust Fund but will not enroll. There is no count of those pupils.

CHAIR WASHINGTON:

Section 4 of S.B. 184 refers to an evaluation process to make sure that the school districts applying for the funds are using them for innovative remedial programs. There has been some concern that several school districts have used those funds for purposes other than was intended. Will this bill provide the assurance that the funds are going to be used as intended?

MS. MARTINI:

The contractor or evaluator does a site visit to make certain the program is being implemented appropriately and the funds are being properly used. Throughout the year, if a school claims the program did not work, it can be stated that the program was implemented appropriately or that the school did not implement the program appropriately.

CHAIR WASHINGTON:

Some districts are saying the courses and flexibility in the Innovation and Remediation Trust Fund are too restrictive and they do not have the opportunity to be innovative in addressing the student needs. Has there been any discussion concerning this issue?

MS. MARTINI:

The flexibility issue has not been brought to my attention. Staff has understood the program to be very flexible.

SENATOR HORSFORD:

During a previous presentation it was indicated that funding for the remediation was outside of the Distributive School Account (DSA). Is the \$14 million part of this bill?

MS. MARTINI:

Previously, remediation funding was included in the DSA. The funds have been shifted over to the Account for Programs for Innovation and the Prevention of Remediation. It is all whole. It is above and beyond the amount for elementary schools and it is its own "pot of money."

SENATOR HORSFORD:

Do schools apply for those funds in a similar manner as the Innovation and Remediation Trust Fund?

MS. MARTINI:
Yes.

SENATOR HORSFORD:
If a school knows they are going to need to implement a program, would they apply for those funds?

MS. MARTINI:
Yes. If it is a middle school or secondary school, they would apply for the \$14.1 million funds.

SENATOR HORSFORD:
Is that the same amount as the last biennium?

MS. MARTINI:
The Governor has recommended an increase to those funds.

SENATOR HORSFORD:
If we are requiring a new remedial program at the eighth-grade level, we need to ensure that there are resources to those middle schools to fund the activities that we are requiring in our legislation.

DOTTY MERRILL (Nevada Association of School Boards):
The Nevada Association of School Boards wishes to speak in favor of the changes that have been made in existing accountability statutes and appreciates the Legislative Committee on Education moving in this direction in response to testimony provided during the legislative interim. The first is to change the language from subgroups to groups of students throughout the bill. This change communicates an attitudinal change. On page 13, section 4 and in other parts of S.B. 184, the accountability reporting for charter schools has been changed so that the charter school data is not aggregated into the school district's sponsor data, but remain separate for those charter schools.

We applaud the elimination of the technical assistance partnerships. The efforts of the partnerships were duplicated by the school support teams who engage in the same responsibilities. We also support the modification of the school support teams that is included in this bill.

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

CRAIG KADLUB (Clark County School District):

The Clark County School District echoes the testimony provided by Dr. Merrill. The language "world history and geography" on line 1, page 45 of S.B. 184 would cause a fiscal impact as a result of new materials necessary for a geography course.

RAY BACON (Nevada Manufacturers Association):

We continue to watch the evolution of the standards process and the accountability in the State of Nevada. We have come a long way from where we were a decade ago. The changes in S.B. 184 are sensible and major steps in the right direction. A key issue is the definition of what is "at risk" and needs to be defined. Many people take objection to the federal term of "at risk."

KIM WOODEN, (Director of Quality Assurance, Clark County School District):

Quality assurance is a department which includes the grant programs. We support the establishment of guidelines proposed in S.B. 185. It will result in more funds being targeted directly at the classroom. It makes a difference to have the resources available to implement proven innovations and remediation so students can strive for excellence. Continuing feedback from the original grants is showing strong student achievement and increased teacher proficiency. At present, we are at the interim stage of reporting an analysis, but the final reports will be ready by late summer. Senate Bill No. 404 of the 73rd Session allowed all schools the opportunity to address their targeted areas of need based upon the school improvement plan. While overall we support S.B. 185, our concern is the language on lines 1 through 9 on page 6 of the bill. It is important to continue to allow all schools to be competitive in the grant process because all schools have their own needs and are committed to improving pupil achievement.

One of the strengths of S.B. No. 404 of the 73rd Session is it empowered all schools and grade levels, ranging from providing additional support for an elementary student to learn to read to providing support so students can pass the high school proficiency examination. If the Committee has specific requests related to the successes of student performance through The Innovation and Remediation Trust funding, we will provide evidence that exists at this time.

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

We are in support of S.B. 184. The bill has many good features. We support the deletion of technical assistance partnerships in section 9. In section 11, we are in agreement regarding the changes that will allow some flexibility to staff the school support teams. We agree with the change from monthly reports to quarterly reports in section 12. We have no objection to the course-work requirements in section 20 of S.B. 184. We support the authority to request a rereview of the academic standards as depicted in section 21. In section 25, we support the funding in the bill to help with non -Title I school support teams.

We support the teachers needed to implement section 20 of the new course-work requirements. The change from what is being required for a high school diploma would require additional courses in mathematics, science and social studies. Presently, there is a surplus of social studies teachers. Clark and Washoe Counties have adopted the requirements in the bill, which equates to 90 percent of students in the State. I will need more information on how this bill would affect the rural districts. By adding a fourth math course, some of the smaller rural districts will not be able to afford another teacher. There is distance education and other means to achieve this requirement. If the bill is passed as presented, it would start with ninth-grade students in the next school year. It will not require all the additional mathematics teachers in the first year. This can be phased in over a four-year period to meet the requirement. Currently, we are short of mathematics and science teachers, so this is a concern.

Title I uses a similar term as "at risk," usually we call them eligible for Title I and it is based on some socioeconomic-status factor. In Nevada, we use the free and reduced-price lunch program as a guide. There is no set definition. It is set by program as they occur.

When the Commission on Educational Excellence last met, there were a few concerns with S.B. 185. On page 4, lines 30 through 38 of S.B. 185, our concern is the Commission reviewing every application. Last year, we had 562 applications the first round. We choose to bring in teams of reviewers and there were nine teams with one commissioner on each team to review the applications. We took the review group's recommendations and approved them. Our concern is it would take eight hours a day for three weeks for each commissioner to review all the applications. There are school district employees

serving on the commission. We would propose a compromise between what we did last time and having to review every application.

The Commission is concerned with the language on lines 6 through 9, on page 6 of the bill that it may affect our review of schools that want to do innovative programs and may not be Title I schools or are not in the category of "adequate yearly progress."

SENATOR HORSFORD:

In section 22 of S.B. 184, how will the Department of Education implement the new standards for the additional courses that are required?

DR. RHEAULT:

The last time, we started with the sixth grade. We informed the students of their requirements when they reach the eighth grade. It will take a few months to develop the regulations that need to be added to the *Nevada Administrative Code*. They would go to the State Board of Education to adopt and hearings would be held. The regulations would go into effect the following year for the sixth-grade students.

SENATOR HORSFORD:

Does the Department maintain information by school and subject matter as to whether a highly qualified teacher is in the class?

DR. RHEAULT:

We know exactly which teachers are highly qualified and which are not. We know them by districts and subjects. I have not seen a list by school, but every school must know that figure. If the school is "in need of improvement," they must provide that information to the parents.

SENATOR HORSFORD:

Do they provide this information in the aggregate numbers? Do they tell how many highly qualified teachers are in the school not in a particular class?

DR. RHEAULT:

I will need to see how it is reported.

SENATOR HORSFORD:

Why is the language needed in section 22, lines 31 through 45 of S.B. 184? A student cannot be promoted to the ninth grade without earning the required credits. Is the language saying that if a student earns the required credits but does not do the remedial program that student cannot go to the ninth grade?

DR. RHEAULT:

I do not know why the language is there. The current requirement is the student must have one and a half successful semesters of English and mathematics to move forward. There was not a specific remedial course requirement. When the bill was initially passed, the interpretation was that the student needed to repeat the whole course. If a student can demonstrate knowledge of half of the required course, then the remedial part is getting them to know the other half they were not successful in learning. This could be addressed through summer school or after-school programs. In another statute there is language stating a student cannot be retained in a grade for more than one year. The only exception to that requirement was for eighth-grade students.

SENATOR CEGAVSKE:

The reason for the language was eighth-grade students were being passed on and there were no attempts to make sure they were ready for the ninth grade. The concern was the drop-out rate of students in the eighth grade.

Dr. Rheault stated that they can account for every highly qualified teacher, but the substitute teachers are an issue.

DR. RHEAULT:

All the licensed teachers in a classroom get reported to the Department on October 1. We have a clear count because we can tie that information to their database as to whether they are highly qualified. Substitute teachers may come one day and not return for a month. It is not information that has ever been collected.

SENATOR CEGAVSKE:

The problem is the number of substitute teachers and the length of time they are teaching. There are students who have substitutes for extended periods of time and sometimes for the entire term. These students are being tested and graded on the subject matter, but are not getting the quality of education that they would receive by a highly qualified teacher. The problem may be the

substitute teacher may not be getting the material to be able to teach what is necessary. This should be a high priority. We need to have accountability of every teacher, even the substitute teachers. This information would help us to understand the issues that are occurring in education.

DR. RHEAULT:

I do not disagree. If you would look at the variation as to whom we give a substitute license, many of the substitutes on the list are qualified teachers have a degree but choose to be a substitute teacher. There is a wide variation of who might fill in as a substitute teacher.

SENATOR CEGAVSKE:

Some of the substitutes want to do a good job, but they are not given the materials or the assistance.

ANNE LORING (Washoe County School District):

We are in support of S.B. 184. We appreciate the improvements and the cleanup on the accountability reports and the process for school improvement. We support the amendment in section 20 on the high school course of study. We like the flexibility of the wording "at a minimum" because in Washoe our board put algebra II as the requirement for all students who complete this course of study.

The Committee's legal counsel may want to look at section 28 of S.B. 184 which is the time of implementation of the bill. They may want to adjust the wording with regard to the new amendments in sections 20 and 23. We urge support of the amendments and the bill.

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

I have a few comments to make on S.B. 185. I am the staff liaison to the Commission and to the evaluation process required for S.B. No. 404 of the 73rd Session projects. The Legislative Counsel Bureau requested us to construct a database on direct instruction, instructional support and administration. The database is set up so that it can be queried. On page 6, line 33, I have submitted an amendment ([Exhibit F](#)) to clarify the language.

I want to raise a concern. The amount in the evaluation is insufficient to cover the evaluation costs that we feel are necessary for a program of this magnitude

and to continue some of the evaluation efforts that have existed under the previous projects. The cost in the evaluation allocation is \$250,000 for the biennium. The current evaluation of the project is for a contract for \$438,400 for the biennium, since there was no money specifically targeted in the first round of S.B. No. 404 of the 73rd Session. A percentage of the funds based on what the district received for their district funds was put into a "pot" to support evaluations. The evaluation is more than taking data and comparing before and after implementation of the projects. The evaluators went on-site to almost 70 schools to look at the beginning implementation and what the school was doing with the first receipt of the funds. They went back on-site to view the progress made in implementing the projects. They have gone to 40 sites and are following up with phone interviews on the balance of sites plus each of the 17 school districts because of the large number of sites that are in district-type projects. We have a database and the preliminary evaluation report in October which was shared with the Legislature. They are preparing an updated report for the Legislature before you finish your deliberations on S.B. No. 404 of the 73rd Session. This will show the pre-data on the achievement and speak to the implementation level. Then there will be a final report.

CHAIR WASHINGTON:

I will make a note that you are approximately \$200,000 short for the evaluation process.

DR. MERRILL:

We have provided an amendment ([Exhibit G](#)) to S.B. 185 that we have shared with Senator Raggio and provided to staff. The intention of the amendment is to slightly revise the application process for a grant of money from the account governed by the Commission on Educational Excellence. The amendment provides that school districts and charter schools may submit an application and it removes the submission of an application directly to the Commission by an individual school.

SENATOR HORSFORD:

Is this amendment on behalf of all of the school boards in the State?

DR. MERRILL:

Yes.

SENATOR HORSFORD:

What was Senator Raggio's reaction to the amendment?

DR. MERRILL:

I have not been able to speak to Senator Raggio directly. I have been assured that the amendment is in his possession. I will speak to him before Friday.

SENATOR HORSFORD:

The tone of this Legislature is to give increased flexibility and autonomy to local and charter schools. Now, not allowing the individual schools to submit directly to the Commission for funds that have been allocated for their purpose seems to be the opposite of the direction in which we want to proceed. There was some criticism of some districts who submitted requests to the Commission which were completely outside of the legislative intent or scope of the funds. If they use that type of judgment the first time, how will we know they would allow the applications to come forward that will impact the resources in the classroom?

DR. MERRILL:

I cannot speak to what has happened in the past. The intention of the amendment is to provide assistance. Charter schools do not need to ask their sponsor for assistance. In our amendment, the charter schools can go straight to the Commission. There are times when charter schools would like to ask for assistance from their sponsors. In the past, there was not the opportunity to provide the assistance that we believe could be helpful.

SENATOR HORSFORD:

Is this permissive or mandatory language?

DR. MERRILL:

The process will direct them to submit their applications through the district.

SENATOR HORSFORD:

The technical assistance language is permissive. You stated that charter schools "may" submit to their sponsor.

DR. MERRILL:

If the charter school wishes to ask for assistance, then they will be provided the assistance with the application. If the charter school chooses not to ask for

assistance and wants to move forward with the application to the Commission, it is permissible.

SENATOR HORSFORD:

Does the application need to be reviewed by the district?

DR. MERRILL:

No. The charter schools do not submit their application for review by the district.

SENATOR HORSFORD:

If regular public schools or public charter schools submit for technical assistance, does the district maintain or capture some fee for that assistance?

DR. MERRILL:

No. They only receive the existing administrative fee that school districts currently receive.

SENATOR HORSFORD:

What about regular schools?

DR. MERRILL:

There is no cost.

SENATOR CEGAVSKE:

We will close the hearing on S.B. 184 and S.B. 185. We will open the hearing on S.B. 264. I will be testifying on this bill.

SENATE BILL 264: Revises provisions governing the licensure of teachers.
(BDR 34-910)

SENATOR BARBARA K. CEGAVSKE (Clark County Senatorial District No. 8):

Senate Bill 264 would establish an alternative route to teacher certification for individuals who hold a Passport to Teaching certificate from the American Board for Certification of Teacher Excellence and would provide another source of qualified teaching personnel for Nevada public schools. The difficulties in teacher recruitment across the nation are particularly acute in Nevada. Each year in the Clark County School District approximately 2,600 new teachers are

needed to cover increased enrollments and to replace teachers who have left the workforce.

As of the first week of February 2007, there were 490 teacher vacancies in Clark County schools. Nevada's teaching shortage has resulted in the increasing dependence on long-term substitute teachers who are difficult to find in some areas and whose qualifications are less than what is required of a highly qualified teaching staff. Senate Bill 264 would open another avenue to certification. The bill would help fill the gaps in Nevada's teaching force by admitting individuals who have received Passport to Teaching certification in a given subject area. Senate Bill 264 requires that applicants pass other examinations the State requires for teaching their specific subject area and agree to participate in a mentoring program for the first year of their employment as teachers. Currently, Passport to Teaching is the only federally approved program that assists professionals and other individuals with bachelor degrees in becoming teachers. The Passport to Teaching Certificate is recognized under the federal NCLB Act. It has been accepted by six other states as valid routes of alternative certification. This program was created by the American Board for Certification of Teacher Excellence with the help of grants provided by the U.S. Department of Education including, a \$35 million grant in 2003 for the board to continue its work.

To be eligible for Passport to Teaching certification, each applicant must hold a bachelor's degree in any subject area from an approved college or university. The board assigns an advisor who is an experienced teacher to individuals interested in pursuing a career in the teaching profession. The advisor then recommends a preparation plan based on the applicant's strengths and weaknesses for the subject area in which they wish to teach. The applicant utilizes the board's online refresher course, practice CD-ROMs and other resources to prepare for the final subject matter examination in the final professional teaching knowledge examination.

In recent sessions, the Legislature has recognized the teacher shortage in our State which resulted from Nevada's high rate of population growth, student enrollment growth and the difficulties in recruiting teachers in rural areas, intercity areas and specific subject areas. The Legislature passed A.B. No. 206 of the 73rd Session which encourages individuals with advanced degrees to teach in their subject's area. The Legislature approved signing bonuses for teachers in A.B. No. 576 of the 73rd Session and A.B. No. 580 of the

73rd Session and it made a similar grant in S.B. No. 427 of the 71st Session. Assembly Bill No. 555 of the 71st Session authorized retired teachers to return to the classroom without penalizing their retirement benefits. The creation of the Nevada State College was supposed to be in response to the teacher shortage crisis in our State.

Senate Bill 264 would build upon these efforts and would encourage qualified individuals who are committed to education to contribute to one of the most vital and pressing needs of our State. This bill is intended to solve an issue. This is a creative idea to help us recruit teachers. I would request anyone who is in opposition to this bill to bring us positive alternatives.

DAVID W. SABA (American Board for Certification of Teacher Excellence): Nevada is not alone in the teaching shortage. It specifically hits hard in the urban and rural areas and in the subject matters of mathematics, science and special education. When the program was created, we looked to help states and districts meet those growing needs. There are 3,500 candidates and we have certified over 400 teachers. Over 40 percent are in mathematics, science and special education. One third of the candidates are male. Eighteen percent of our candidates are non-white. When you look at colleges of education, 25 percent of the people seeking a major in 1970 were going into education. Today that has dropped to 14 percent.

This represents that students today are not going into education and the individuals that did go into education in 1970 are retiring in increasing numbers. The average age of individuals going through our program is 37 years old. We are targeting and getting career changers to move into the classroom. It is a rigorous program. It is not a shortcut to get into the classroom. Approximately 60 percent of the candidates are eliminated before they enter a classroom. They realize that it is not just knowing mathematics or science, they must know how to convey that information. We provide extensive workshops for them to get ready to teach in the classroom, and they must pass a rigorous examination in professional teaching knowledge. By eliminating those who are not qualified, we are achieving a higher retention rate once they get into the classroom.

Mathematica Policy Research Incorporated and independent research groups in Washington, D.C., are doing research on our program as these candidates get into the classroom. They found that 92 percent of the people are still teaching. We are not only making an impact, we are making sure that once these

individuals get into the classroom, they are effective and stay in the classroom. They surveyed the principals that hired these teachers. They found 95 percent of the principals that hired these teachers felt they were as good as, or better than, teachers coming through the standard routes.

MR. SABA:

We also have done research on the examinations. We questioned whether the examinations can be a predictor of student performance. In Tennessee, 100 veteran teachers took our test and those that passed the test had significantly higher student learning gains in the classroom than those who failed the test. These are all positive indicators. There is no cost to the State or school district. The cost is borne by the candidate going through the program. We are subsidized by the Department of Education so the cost is \$560 to the candidate. If there is no mentoring program available within the district, there is a \$350 mentoring program fee, of which \$150 will go to the teacher who will mentor that person, and \$200 goes toward providing the course work they complete during that time.

It generally takes someone approximately ten months to complete the program. Approximately 40 percent of the people going through the program were involved in education or are current college professors working as substitutes, aides or in some other way in education. There are people on emergency waivers, and they can come off the emergency waiver and become a fully certificated teacher.

This is a crisis that is affecting the entire country. It will take decisive action to make sure the Legislature is doing everything possible to help with this problem.

SENATOR HECK:

What is the mentoring program that is outlined in S.B. 264?

MR. SABA:

We left that "loose" because we wanted to make sure all our candidates are not having a student-teaching component in addition to their programs, so they need a strong mentoring program wherever they go. If the district does not have a mentoring program, they would revert to our mentoring program which we would provide and the cost would be borne by the candidate. The principal selects a mentor. The mentor goes through a training program. Upon completion of the program, the candidate goes through advanced classroom management

and instructional design course work. Then there are six visits with a mentor during the first year.

SENATOR HECK:

Are there only six periods during which the mentor is face-to-face with the applicant?

MR. SABA:

Yes. It is the minimum we can provide that the candidate will bear the cost, but this could be expanded if it was required by the State.

DR. RHEAULT:

I am not in opposition to the program just described. I am in opposition to S.B. 264 because of the precedent it would set. By specifically naming an organization, you take the licensing of the teachers in Nevada out of the hands of the Legislature or the Commission on Professional Standards. We will accept whatever changes they make in the future or that are current. If they were to drop the mentor program or add things, whatever the Passport is in the future will need to be accepted. The State has had a Commission on Professional Standards that has regulated teacher licensing since 1979. They have the authority to hear the presentation and adopt the measure, but the statute does not state that regardless of any future changes we need to accept this license. It gives the Commission the opportunity to hear testimony and change the regulations as needed to move forward.

CHAIR WASHINGTON:

Does it mean this can be done through regulations?

DR. RHEAULT:

A program had previously been presented and rejected by the Commission. This is a different program than the one which was previously presented.

CHAIR WASHINGTON:

If we pass the statute, does it take this out of the Commission's hands?

DR. RHEAULT:

It is my belief. The statute says no matter what they change in the future, if they show up with this Passport, we need to take it because it is in statute.

CHAIR WASHINGTON:

The intent is to provide an opportunity for those who may specialize in certain subjects or have certain expertise and are retired or want to change professions and teach.

DR. RHEAULT:

It would be important to include that concept in our regulations. They could qualify under the current special qualifications. It would be cleaner if the Commission recognized them.

CHAIR WASHINGTON:

What is the alternative?

DR. RHEAULT:

It is a license that has been in effect for eight years. You do not need to come from a teacher education program background. They receive a three-year temporary license. They get in a specific subject area and, during the three years the person holds the provisional license, they need to have five successful evaluations and the student teaching is waived. They would be qualified by taking course work during the three years for a regular license.

BILL HANLON (Southern Nevada Regional Professional Development Program):

The number of students in Las Vegas that are being taught secondary mathematics on an everyday basis by a substitute is between 7,000 and 10,000 students a day.

I have been contacted by a parent who stated her daughter had taken algebra last year from multiple substitute teachers. This year, she is taking geometry and has had multiple substitute teachers. The mother recognizes that her daughter is not receiving a quality education in mathematics. The alternative route to licensure is a good direction to take. We may want to ask the Commission to approve teachers who have retired and have allowed their license to expire to return without going through the procedures currently required.

Research suggests that students taught by substitute teachers on a regular basis are impacted in their education, their ability to succeed mathematically, their ability to pass a high school proficiency examination and their ability to advance to college.

MS. DOPF:

I was asked by Dr. Vernon Luft who is the chairman of the Commission on Professional Standards to provide some information to the Committee on this issue. In the past, the Commission has had a presentation from this group. At the time it was presented, the Commission did not adopt this program as an alternate way to be licensed. I have been informed that the program has been significantly changed in the past two years. Dr. Luft asks that the group return to the Commission to present the updated program and be considered as a way to have an alternate route.

MR. BACON:

This Committee is aware that from a business prospective, we are concerned about the quality of mathematics and science education in this State. If you look at the alternative programs that this State has been slow to adopt, we were at least passively resistant to Teach For America (TFA). We have found they are some of the best and effective teachers. The American Board for Certification of Teacher Excellence will take those individuals who have subject matter expertise, life skills and maturity and they will be introduced into the classrooms. Nevada has had a continual teacher shortage more than any other state. We cannot go by the rules that existed years ago and expect to be successful. We need to address the shortage in a timely manner. Subject matter expertise is the most important thing for a teacher to have and communication skills is another.

JULIE WHITACRE (Nevada State Education Association):

The Nevada State Education Association is in opposition to S.B. 264. We are not opposed to alternative routes to licensure or the program within the bill. We share the same concerns as stated by Dr. Rheault.

CHAIR WASHINGTON:

The Commission was created by the Legislature. Mr. Saba, how was the reception of the Commission toward your program and what was their opposition?

MR. SABA:

I was not part of the organization at that time and the organization has changed. We only had English, mathematics and elementary certifications. We did not have the full suite of sciences that we have available now. The program at that time would not have addressed as many needs as it does at present. We

were not requiring the mentoring at that point and did not have any research. We have used the Commission's input from meetings and the program has evolved into what it is today. This will give the decision makers a better basis for making the right decision.

SENATOR CEGAVSKE:

The Commission on Professional Standards was created by the Legislature and we can change its duties and structure. The teacher shortage is not just a matter of licensure. This is something that is our responsibility to help provide the "whole." We need teachers in the classroom. This is a program that is available to us. I have a problem if the only reason this bill is being opposed is because it needs to be brought before a Commission.

MS. DOPF:

The next Commission on Professional Standards meeting is May 11, 2007. The agenda could accommodate the interest of this group.

CHAIR WASHINGTON:

What was the report you referenced?

MR. BACON:

Teach For America is a program to take primarily students that come out of Ivy League schools and take people who do not have a degree in education and put them into at-risk schools in intercity situations. The program has been in existence for approximately ten years. The program has expanded substantially. We are now using that program in southern Nevada. I have seen reports. As a general rule, Nevada has been resistant to new ideas. We need to take some risks and put qualified people in the classrooms. We need to look at some innovative programs. Anytime we can put Nevada people in Nevada classrooms instead of importing as many as we do, then we will see stabilization in the system.

SENATOR CEGAVSKE:

The American Board for Certification of Teacher Excellence also has the support of the National Governors Association and U.S. Conference of Mayors. The program has been evaluated and there are people who are very supportive.

SENATOR WOODHOUSE:

The article that Mr. Bacon referred to regarding TFA was in the *Las Vegas Sun* on December 17, 2006. By all reports it is a positive program.

CHAIR WASHINGTON:

It was not approved by the Commission. It was done by the Legislature.

MR. BACON:

The Clark County School District went to the Commission to request approval for TFA.

MR. RHEAULT:

Clark County has been working through the current requirements and has submitted the programs that the students complete from TFA. We have also done it for Troops to Teachers programs. The TFA teachers are enrolled under the Alternate Route Program. Most of the TFA graduates have a bachelor's degree in the subject.

MR. KADLUB:

We are not in opposition to this type of program. Our concern is having multiple "gatekeepers" for licensure in the State. There is a mechanism in place and the programs are approved by that Commission. If the Commission is not working, then that would be another discussion. We would like to see licensure approved through that Commission.

SENATOR NOLAN:

If the Committee was to accept an amendment on your behalf to adopt this particular program but to have them go through the Commission, would that resolve your concern?

MR. KADLUB:

Yes. We want all the programs for licensure to go through the Commission. It is probably precedent setting to put into statute a particular vendor or company that we would be compelled to use without any delineation about the criteria or certainty that the criteria would not change over time.

CHAIR WASHINGTON:

I would like to amend the bill to limit it to counties over 400,000 in population. We will do a pilot program over the biennium. The Department of Education is

to provide oversight and we will let the district do the evaluation on the program. We will revisit this issue next biennium.

MR. RHEAULT:

If that is done, it should be open to the entire State.

CHAIR WASHINGTON:

We will open it to the entire State. Do it on a pilot program for two years. Each district will evaluate the program and you provide the oversight.

SENATOR NOLAN:

Would each district implement a pilot program?

CHAIR WASHINGTON:

It would be permissive.

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CHAIR WASHINGTON:

There being no further issues before us today, I will adjourn the meeting of the Senate Committee on Human Resources and Education at 3:53 p.m.

RESPECTFULLY SUBMITTED:

Patricia Vardakis,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____