

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

**Seventy-fourth Session
March 26, 2007**

The Senate Committee on Human Resources and Education was called to order by Chair Maurice E. Washington at 1:35 p.m. on Monday, March 26, 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

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Joe McCoy, Committee Policy Analyst
Sara Partida, Committee Counsel
Betty Ihfe, Committee Secretary

OTHERS PRESENT:

Jodi Stephens, Executive Assistant to Senior Staff, Office of the Governor
Maureen Peckman, Governor's Education Advisor, Office of the Governor
Patty Wade, Governor's Education Advisor, Office of the Governor
Bob Dolezal, Superintendent of Schools, White Pine County School District
Aaron J. Hansen, Principal, White Pine Middle School
Richard Harjo
Karlene McCormick-Lee, Ed.D., Associate Superintendent, Clark County School District

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John Wagner, The Burke Consortium

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators; Clark County Association of School Administrators and Professional Employees

Julie Whitacre, Nevada State Education Association

Phillip S. Paulucci, Nevada State Education Association

Carolyn A. Stewart, Nevada State Education Association

Cindy Johnson, Nevada State Education Association

Vikki Courtney, Nevada State Education Association

Rene Cantu, Ph.D., Latin Chamber of Commerce, Las Vegas

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education

Dotty Merrill, Ed.D., Nevada Association of School Boards

Randy Robison, Nevada Association of School Superintendents

Bryn Lapenta, Ed.D., Washoe County School District

CHAIR WASHINGTON:

Today we are considering two bills concerning the empowerment program for schools. They are Senate Bill (S.B.) 238 and S.B. 304. Prior to hearing testimony on each bill, our Committee Policy Analyst, Joe McCoy, will present an overview. Following the overview, we will have one presentation by the Office of the Governor and one by the Senate Democrats.

SENATE BILL 238: Provides for a program of empowerment schools. (BDR 34-112)

SENATE BILL 304: Establishes a program of local empowerment and accountability for public schools. (BDR 34-249)

We will open the hearing on S.B. 238.

JOE MCCOY (Committee Policy Analyst):

Senate Bill 238 allows, but does not require, each school district to establish a program of empowerment schools. The central features of this measure include greater autonomy for school principals to administer school governance and budgeting, school choice among empowerment schools in the district and an incentive pay structure for all school staff that is linked to measurable objectives of student achievement.

The measure requires that each district wishing to participate create a design team to advise the local school boards on creating an empowerment program including the process by which a school may convert to an empowerment school, the enhancement of the school's principal autonomy, measurement of student achievement, provisions for school choice and the process for selecting empowerment schools in the district. The district design team is to be comprised of a broad spectrum of individuals including school district and education personnel, parents and community representatives. In order to participate in the district empowerment program, the school principal must establish a school empowerment team which has the responsibility of developing an empowerment plan for that school.

MR. MCCOY:

The school empowerment plan must include, in addition to other items, a description of how the school and school budget will be administered, the academic plan for the school, a plan for the selection of education personnel, any plans for a teacher incentive pay structure and goals and objectives concerning the pupil/teacher ratio, professional development for teachers, parental involvement and student achievement.

Senate Bill 238 further requires that each principal wishing to participate in the empowerment program submit the school's empowerment plan to the board of trustees for approval. It outlines the process by which the school board must communicate a denial of approval, and it allows an opportunity for the principal to correct any deficiencies in the plan. Based on a prioritized list of potential empowerment schools from the districts, the Department of Education, the Budget Division of the Department of Administration and the Legislative Bureau of Educational Accountability and Program Evaluation jointly review these applications and forward their recommendations to the State Board of Examiners. The interim Finance Committee awards the grants of money to the approved applicants.

The measure also requires the Department of Education to develop a uniform method for evaluating the empowerment school programs and an evaluation of student achievement using measurable outcomes and indicators. The measure specifies the date by which the reports of these evaluations must be submitted to the Governor, to the Legislative Committee on Education and to the Legislature.

JODI STEPHENS (Executive Assistant to Senior Staff, Office of the Governor):

For the past several months, the Office of the Governor, the Department of Administration, the Department of Education and the Committee staff have been working to define the parameters of the Nevada Empowerment Plan. We believe S.B. 238 provides flexibility to the schools and ensures relevant education to the specific needs of the students. Accompanying my written remarks ([Exhibit C](#)) is the script for our PowerPoint presentation entitled "A Program for Empowerment Schools" ([Exhibit D](#)).

The presentation highlights the key points of S.B. 238 including the authorization for and establishment of empowerment schools. It specifies the responsibilities for the board of trustees, the school principal, the design teams and the Department of Education. It outlines certain provisions that must be included in an empowerment program and addresses the financial appropriations. It gives a history of empowerment programs beginning with the Edmonton Public School System in Alberta, Canada under the leadership of Michael Strembitsky. The successes in the San Francisco Unified School District and in Seattle, Washington are also described. In Nevada, Dr. Strembitsky consulted with the Clark County School District (CCSD) on its empowerment schools pilot program. Improvement results in reading, writing and mathematics (math) from one of the four pilot elementary schools is illustrated and is encouraging.

We believe that Nevada's Empowerment Plan incorporates many of the site-based management principles which are already taking place in Nevada's schools today. Empowerment takes site-based management for districts and schools a step further by providing the flexibility to create a plan which is relevant to their student population. Governor Jim Gibbons looks forward to working with the Committee, staff and the education community in the coming months to pass this innovative, proven education plan.

CHAIR WASHINGTON:

We will open the hearing on S.B. 304.

MR. MCCOY:

Senate Bill 304 allows, but does not require, each Nevada public school including charter schools to establish an empowerment program. This measure provides greater autonomy for schools in regard to school governance, and it gives control of 90 percent of budgeted funds to the school empowerment

design team. As in Nevada charter schools, students residing within a two-mile radius of an empowerment school would be eligible to enroll. In addition, S.B. 304 permits an incentive pay structure for school personnel.

The bill requires that in districts in county populations of 100,000 or more, Clark County and Washoe County, at least 5 percent of schools in those districts must be approved as empowerment schools. Districts with county populations less than 100,000 are not required to have a minimum number of empowerment schools. Senate Bill 304 requires that each Nevada public school wishing to participate create a design team to develop an empowerment plan that must include a description of how the school and the school budget will be administered, the academic plan for the school, a plan for the selection of education personnel and any plans for a teacher incentive pay structure, professional development for teachers, parental involvement and student achievement.

MR. MCCOY:

The school design team will be comprised of a specific number of individuals including the school principal, licensed and non-licensed school personnel, parents and guardians of students, community or business representatives, the school support team's facilitator and other persons deemed necessary. The measure requires that members of the design team have experience in the areas of school finance, school administration or human resources, academic programs and curriculum, and the collection and analysis of data. The design team is given discretion over not less than 90 percent of the funds that the school district apportions to the school from the State Distributive School Account (DSA).

Senate Bill 304 further requires that each school wishing to participate submit the school's empowerment plan to a designee of the board of trustees for approval. It outlines the process by which the school board must communicate a denial of approval, and it allows an opportunity for the principal to correct any deficiencies in the plan. The measure states the empowerment schools will be exempted from State law governing education unless they are explicitly directed in statute to comply with specific provisions. Furthermore, the bill requires that empowerment schools give quarterly reports to their school board or school sponsor regarding their financial status and their compliance with the empowerment school plan. Audits of all empowerment schools are to be conducted annually.

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

Early last year I had the opportunity to visit New York City and to see several autonomy schools in action. I also visited Atlanta, Georgia and witnessed other approaches to autonomy. I have worked with my colleagues for nearly a year on the concept of autonomy which is now being referred to in Nevada as empowerment.

What I have found most promising in the schools I visited were the positive school environments, and how parents, students, teachers and community members were all engaged in the shared decision-making and learning process. Another promising practice I witnessed was that empowerment is not just for underperforming schools. We have some of the best schools in communities in Nevada, and sometimes they are not given the autonomy or the flexibility to add vigor to their program. We believe they should be given those opportunities. I was so impressed with this innovative model that when I returned to Nevada, I submitted a bill draft request (BDR) last July because I wanted to see the same approach here that I had witnessed in these other communities. That is how we got to S.B. 304.

You have a copy of the script entitled "Local Empowerment & Accountability for Public Schools (LEAPS)" ([Exhibit E](#), original is on file in the Research Library), which accompanies our PowerPoint presentation. My point of emphasis is empowerment is one approach, among many initiatives, that should be embraced to improve public education in Nevada. Empowerment is one bold move that should be followed by other bold actions. Those actions should include support for full-day kindergarten, increasing teachers' salaries, funding for career- and technical-education, and other models that improve education.

SENATOR HORSFORD:

Empowerment is not a program; it is a process whereby you create an environment for shared decision-making among parents, teachers, school children, and community and business members. Stakeholders at a particular school need to be given the autonomy for the budget and curriculum, the hiring and appointment of teachers and for how those teachers and other educational personnel are compensated. Senate Bill 304 differs from certain provisions in S.B. 238. Those differences include implementing empowerment without a \$60 million price tag, without creating new State bureaucracies, by not taking the one-fifth incentive retirement credit benefit from teachers in the at-risk,

high-needs and hard-to-fill positions (one-fifth incentive), and by including charter schools.

The presentation illustrates how LEAPS can get started. It explains its autonomy and accountability aspects, the participation of the entire community, the approval process, and it includes a sample budget. It shows the benefits of the LEAPS approach where approximately 16 schools in the CCSD and 5 schools in the Washoe County School District (WCSD) immediately identified. Any other school districts in the State can implement LEAPS if they choose.

The LEAPS program is one approach to education reform. It is a research-based and test-piloted approach. There are two hallmarks of LEAPS. The first hallmark is autonomy. Autonomy means giving the decision-making authority for the 90-percent funding to the school's design team. The second hallmark is increased accountability. This accountability includes measurements for academic standards and proficiencies and quarterly fiscal reports plus an annual audit to be submitted to the local school district. In addition, accountability reports required by the *Nevada Revised Statute*, chapter 385, would be made public to show how schools rank based on test scores, graduation rates and proficiency standards. This is a level of fiscal transparency that we do not currently have for any schools in the State.

SENATOR HORSFORD:

Under S.B. 304, there is not the fiscal impact to the State General Fund as there is in S.B. 238. If the one-fifth incentive for teachers is maintained or retooled, then the provisions of S.B. 238 cannot be implemented as envisioned by the Governor. To that end, S.B. 304 gives local schools autonomy over their dollars. For additional funding needs, schools can apply to one of several funds that total more than \$200 million and which are currently available. It will take legislative action by all of us this session to ensure that the criteria for these funds are stipulated in such a way that all schools have a fair and equitable chance to receive funding.

The LEAPS concept is one approach to education reform. It is a locally authorized, autonomy program for schools and significant gains can be made in schools that are provided with this level of autonomy. I ask the Committee to give as much consideration to S.B. 304 as possible.

SENATOR JOYCE WOODHOUSE (Clark County Senatorial District No. 5):

My long-time experience as an educator and administrator serves as the basis for my support of S.B. 304. As you see in my handout ([Exhibit F](#)), I have four reasons for believing the LEAPS approach will truly make a difference in the quality of education provided to Nevada's students.

First, I believe in incremental growth where we begin with a designated and manageable number of schools, adding more schools at a reasonable and responsible pace. Second, the LEAPS approach involves school staffs, parents and the business community in the development of each school's plan. It gives stakeholders decision-making authority to set priorities based on their school's needs. Third, this bill allows other important educational issues to be pursued without taking monies from other programs. A few of those are full-day kindergarten, incentives to attract teachers in hard-to-recruit subjects and augmented funding for books, educational supplies and equipment. Fourth, schools where this approach has been implemented find highly motivated teachers and students eager to learn. We need to continue the efforts begun in the four pilot schools in the CCSD. I heartily support S.B. 304 and encourage your positive support of its passage.

CHAIR WASHINGTON:

We have heard overviews and presentations on S.B. 238 and S.B. 304. We will now have questions from the Committee.

SENATOR CEGAVSKE:

In both plans, if empowerment schools decided they wanted early intervention programs such as career and technical schools, could that happen?

MRS. STEPHENS:

Yes, absolutely. The schools can address the needs of their specific student population. For instance, if they want all-day kindergarten or more vocational training, they can incorporate those programs into their empowerment plan.

SENATOR HORSFORD:

Yes, S.B. 304 allows for career and technical programs and for other choice-related programs such as magnet schools.

SENATOR CEGAVSKE:

How did you envision the design teams being incorporated in the plan?

MRS. STEPHENS:

We envision two design teams. One team would be at the district level and incorporate a broad spectrum of educational and community people beginning with the superintendent. The second team would be at the empowerment school and incorporate its various staffs beginning with the principal.

SENATOR CEGAVSKE:

As the strength of the empowerment program centers with the principal's leadership, how do you envision removing an ineffective principal?

MAUREEN PECKMAN (Governor's Education Advisor, Office of the Governor):

There are checks and balances built into the program such as measurements for academic outcomes in the classroom and climate surveys. Climate surveys are taken from every group involved from the students to the maintenance staff. These types of surveys are permissible under the law as they are not specific to teacher performance, but they do reflect the atmosphere and environment in the school.

SENATOR HORSFORD:

In S.B. 304, there is a pay-for-performance provision for the entire staff which is based on benchmarks. Failure to meet the established benchmarks, especially with the principal, would result in accountability issues.

SENATOR CEGAVSKE:

The four empowerment pilot schools in the CCSD are associated with the teachers' union. Could any non-union, public schools or charter schools be an empowerment school?

SENATOR HORSFORD:

Under S.B. 304, at a minimum, collective bargaining standards must be followed. Charter schools are still considered as public schools and must meet the minimum standards. Charter schools do require the bargaining language, and they can organize if they choose to do so.

MRS. STEPHENS:

It is the same for S.B. 238.

SENATOR CEGAVSKE:

How do you recruit the teachers and the principals?

SENATOR HORSFORD:

We envision a petition process where the principals and teachers petition the school district to receive the empowerment school designation. The hiring process would be described in the plan.

SENATOR CEGAVSKE:

Why does the LEAPS approach have one design team and S.B. 238 has two design teams?

SENATOR HORSFORD:

Having only one design team and having it located at the school level streamlines the process. There is a role for the school districts, but it is one of support rather than of decision making for the individual schools.

MRS. STEPHENS:

A difference in having two teams is the individual principal would take requests from the school's design team to the superintendent and that design team. Personnel would be recruited at that level.

MS. PECKMAN:

Identification can work both ways. Principals who would like to lead an empowerment school can approach the school district or the district can identify leaders within the district whom it deems would make good empowerment principals. In the CCSD pilot project, many teachers and principals have approached the superintendent expressing their interest to be considered for an empowerment school in the future.

In the New York City School System I visited, they are four to five years into this type of model. They have principals and teachers coming to them on an annual basis wanting to participate. They also field inquiries from administrators and teachers outside the city who want to come to the city to be involved in these schools. The New York system is finding that empowerment schools are actually a recruiting tool.

SENATOR CEGAVSKE:

There is a debate now about breaking up large school districts such as the CCSD. Would empowerment schools help or not help in these districts?

SENATOR HORSFORD:

I am not a proponent of breaking up the CCSD, although I do understand why this is being discussed. One issue is parents find it difficult to maneuver or understand the process in a large district. Another issue is people want to have more influence on what is happening in their schools. The empowerment program allows easier maneuvering and more influence to take place.

MRS. STEPHENS:

Whether the CCSD is divided up or not, we would like to see more participation by parents, students and individual representatives from the community. We also believe empowerment accomplishes this.

SENATOR CEGAVSKE:

With so many similarities in the two bills, we look forward to working together to combine them. It should be a very productive process.

SENATOR HECK:

Mrs. Stephens, would you clarify the role of the district design team and tell us what it is to accomplish?

MRS. STEPHENS:

The district design team would set the parameters for the program. The superintendent should have a say in how the district is run, so that team would create the outline for the program. The school's design team would work with the superintendent on the plans. Upon their completion, the plans would go to the board of trustees.

CHAIR WASHINGTON:

There seem to be about five distinct differences between the bills. First is the exclusion or inclusion of charter schools. Second is the setting up of a \$60 million fund or the site-based management formula. Third is the mechanism as to how parents would be able to choose an empowerment school for their children. Fourth is whether the funding and incentive decisions are made at the district level or made at the school level. Fifth is the initial number of empowerment schools, either 100 schools throughout the State or 5 percent of the schools in counties over 100,000 population. Two additional differences are the number and structure of the design team or teams and whether or not oversight is provided by the Department of Education.

SENATOR HORSFORD:

Oversight is an important key distinction between the bills. Not only does S.B. 304 come without a \$60 million price tag, it does not have the two layers of oversight. Under S.B. 238, page 8, section 11, lines 1-4, there is \$850,000 appropriated for the State Department of Education to carry out the provisions of the bill.

I am not clear as to how S.B. 238 is going to be funded. I wonder and am concerned if the one-fifth incentive money is the mechanism being used. I reiterate the policy of empowerment and autonomy to local schools can be implemented without that level of a fiscal note.

CHAIR WASHINGTON:

It is my understanding that because the Investing in Nevada's Education, Students, and Teachers (iNVEST) program did not achieve its goals and objectives, those funds would be reallocated to the Governor's empowerment program. In addition to that, it would be helpful if the \$15 million, one-fifth incentive money could also be reallocated so it could be used at the beginning of teacher's careers instead of at the end of their careers.

The funding mechanism in S.B. 304 requires no increase in the budget and would allot 90 percent of the DSA to each school where the principal would govern and control it.

These bills lend themselves to great collaboration. I believe we can work through the issues together to get an excellent bill.

PATTY WADE (Governor's Education Advisor, Office of the Governor):

While Governor Jim Gibbons and many others, including those of us here today, are enthused about the S.B. 238 empowerment bill for the schools, we are more than willing to work on combining the bills. We are confident we will be able to achieve a great result. Education in Nevada is in need of something major; the empowerment model and system is that something major.

CHAIR WASHINGTON:

With the distance they have traveled to be here today and with weather threatening their return trip, I would like the Committee to hear the testimony of the representatives from White Pine County before we ask more questions.

BOB DOLEZAL (Superintendent of Schools, White Pine County School District):

While we have not yet called it empowerment, we have used site-based management in our district for the past six years. In the fall of 2001, I was asked to fill in as superintendent of the White Pine County School District. Our district was in turmoil. The superintendent left in controversy. Five board members had been elected with an agenda to change the superintendent's office. Our two Title I schools were in need of improvement.

We found ourselves needing to be a leader in school improvement without knowing how to approach it. With the invaluable and necessary assistance of the Regional Professional Development Programs and the Department of Education, the Title I schools created school improvement plans. Before it was mandated by the State, our board of trustees decided all our schools needed school improvement plans in order for the district to move forward.

Our school district is the 10th largest in the State, or the 8th smallest, with 1,400 students. Our schools have many, many miles between them. They range in size from a high school with 435 students to a kindergarten through 12th grade (K-12) school with 110 students. We have 22 students in Grades 3 through 6 in a 1-room school with 1 teacher and 1 teacher's aide. In one community, we share facilities with the Millard County School District in Utah. Their kindergarten through second grade students attend school in our district, and our seventh through twelfth grade students attend school in their district. One size definitely does not fit all in our district; it has to be a custom fit.

MR. DOLEZAL:

The board of trustees expects our principals to accomplish three basic things with their school improvement plans. First, they are to identify the professional needs of all their staffs, as everyone needs professional development. When people feel valued, they become better employees. Second, the principals are to have their instructional strategies and curriculum decisions made at the school level. They have been given the directive not to let the fear of failure interfere with what they are trying to accomplish. Third, the principals are to determine their staffing needs and take advantage of flexible scheduling.

We have changed our focus from teaching to learning. It is not about how the teacher does things; it is about how the student learns. All of our schools have adopted professional learning communities. We use that model for school

reform. Students are our number-one priority. Recruiting teachers is a struggle; however, our White Pine County Association of Classroom Teachers designed a new teacher induction program. Veteran teachers volunteer their time to teach professional development classes. Kindergarten teachers have increased their instruction from three to four and one-half hours a day. In taking ownership, our staff has given more to us for no additional cost. They call these efforts, "More for the Same." Teachers have become the source of our problem solving. In our district we have created a culture of support, increased collaboration, and a much better relationship between the administration, the teachers and the support staff.

MR. DOLEZAL:

What do we do with ineffective principals? If a principal struggles with the changes and is not effective, with site-based management or empowerment, that principal finds it necessary to seek another venue. Currently, three of our six building principals and two of our assistant principals are White Pine High School graduates.

This has been a brief overview of the culture of our school district. Some of our schools have received national recognition and so has our school board. Our most critical issue is a change in our fund sources. Maintaining funding for all levels of our schools is critical to our district. The funding from S.B. No. 404 of the 73rd Session is a vital bridge for us between our goals and our reality.

We believe empowerment funding must be separate from the General Fund. We recognize through our iNVEST program that our school districts need to give more wages to our teachers. We do not agree with funding empowerment by transferring the one-fifth incentive money. We hire new teachers who are not vested with the State. If we could use that one-fifth incentive money in another way, such as helping them pay their college loans, we think we could attract more teachers. Empowerment without some financial assistance really does not give us any ability to change. We need some money to make the changes.

AARON J. HANSEN (Principal, White Pine Middle School):

I graduated from college in 1995, so I am quite young to be a first-year principal. As a direct result of S.B. No. 404 of the 73rd Session funding and with the autonomy I have from the school district office, my school has been able to implement programs that have cut our failure rates more than one-third

in comparison with the previous year. Over 25 percent of our students have made the honor roll. Out of 110 students in the eighth grade, we only have one student in danger of not passing and our suspension rate has been cut by 62 percent.

Because of the free- and reduced-lunch qualifications, my school is fed by two Title I schools. We have about a 20-percent transient rate. In the summer, my staff was tired, beaten down, resistant to change and rooted in the traditions of a traditional school. When I was hired, I was given the directive to make things happen. Supported by the district office, with autonomy to make decisions for my school and empowered with the S.B. No. 404 of the 73rd Session funds, I created a leadership team. The entire staff went on a voluntary retreat to the "beautiful mountains" of the Ely Boy Scout Camp. We reminded ourselves why we became teachers. We asked ourselves if we could really reach every child like we have been mandated by the federal government. We committed to a vision that every child in our school would learn at high levels. We committed that each child would have a relationship with an adult. We committed to change, and we committed to each other.

MR. HANSEN:

We created Cougar Traits which you will find on the back of the pamphlet you have received ([Exhibit G](#)). The traits are our school values. We realized schools cannot be valueless anymore. We have to teach values because so many students come to us without values that coincide with school values and norms. For the first two days of school, we took the students into the classrooms, into the hallways and outside to the park. We took them on a bus ride around the block. We showed them how the Cougar Traits look in those situations. We taught them how we expected them to act, how to address an adult, how to talk to their fellow students. We taught them the values of our school and of our Cougar culture.

The academic and behavioral results that I cited are in the pamphlet on page 2, [Exhibit G](#). We were able to gain these results in just one semester because we were empowered to make the decisions about our school ourselves, and because we were given the resources to affect real change. In my current budget, after the bills are paid, I only have about 4 percent that I really control.

With all due respect, there is no empowerment without some extra dollars. Asking a school like mine, that has proven it is able and willing to make huge

changes, to continue to progress without giving us the resources to do it, is like asking a boxer to get in the ring with his hands tied behind his back. Please take my statements and my school's progress into consideration as you make your decision about this bill. The proper funding, along with a continuation of the Commission on Educational Excellence in Senate Bill 185, is what will make empowerment able to bridge the vision of improvement to actually become a reality.

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

SENATOR CEGAVSKE:

How would having 90 percent of the money that is proposed in S.B. 304 come to the school, with the remaining 10 percent going to the school district, work in your district?

MR. DOLEZAL:

In a small district like ours, we are not sure how much we would need for the district. It depends on the reporting aspect. We would strive to put as much of that 100 percent into the school as possible.

SENATOR CEGAVSKE:

Would the reporting required in S.B. 304 be feasible for each school?

MR. DOLEZAL:

Quarterly reports might be a little burdensome because we do not have a lot of support staff, but we will do whatever the law requires.

MR. HANSEN:

While I have been empowered with the decision-making authority, the reality is 83 percent of our dollars go toward our staffing needs. To be an empowered school without receiving extra dollars would create a problem for us.

SENATOR CEGAVSKE:

Have you read both bills? Are you in favor of both these bills?

MR. DOLEZAL:

Yes, we have read the bills. We are taking a look at the mandated reporting. We are talking about building an empowerment team. If empowerment becomes

legislation and if our district and our schools chose to do it, the law will give us a framework. That framework will not be easily dismantled by a change in the superintendent or a change in the school board. From that respect, we think that having a framework and a model would give us a great deal of strength. Even when we have changed principals and teaching staff, we have maintained student achievement because the school plan is the driving force. When a principal is hired, he or she has to commit to the plan. What we want to avoid is a culture of change whenever there is a change in the leadership.

SENATOR HORSFORD:

Earlier you said you are able to fund many of the things you desire as a principal because of S.B. No. 404 of the 73rd Session. As long as that funding is maintained, and you are able to apply for at least the same, if not more money, than you will be able to maintain your programs, is that correct?

MR. HANSEN:

Yes, that is correct.

SENATOR HORSFORD:

To follow up, the provision in S.B. No. 404 of the 73rd Session allows schools to apply for more money and to determine the use of that money rather than having the monies earmarked for a specific use prior to receiving it. The only new thing in S.B. 304 that the local schools would have to do pertains to more fiscal reporting. The reason for that is schools would have control over 90 percent of the funds; therefore, that level of accountability for those funds is necessary. It is commendable to hear that you put so much of your resources into the classroom.

CHAIR WASHINGTON:

We appreciate you driving all this way to testify before this Committee, and we thank you.

CHAIR WASHINGTON:

Before we recess for a floor session, we have four BDRs for this Committee to consider. They have been requested either by this Committee, the Task Force for the Fund for a Healthy Nevada or the Legislative Committee on Health Care.

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BILL DRAFT REQUEST 38-1365: Requires the disclosure of certain information relating to health care and revises provisions governing health maintenance organizations. (Later introduced as [Senate Bill 552](#).)

BILL DRAFT REQUEST 40-241: Makes various changes concerning the policies and procedures of the Task Force for the Fund for a Healthy Nevada. (Later introduced as [Senate Bill 541](#).)

BILL DRAFT REQUEST R-127: Urges Congress to lower the age of eligibility for Medicare coverage. (Later introduced as [Senate Joint Resolution 14](#).)

BILL DRAFT REQUEST R-1358: Urges the President and Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization. (Later introduced as [Senate Joint Resolution 15](#).)

CHAIR WASHINGTON:

I will entertain a motion on these requests.

SENATOR CEGAVSKE MOVED TO INTRODUCE BDR 38-1365, BDR 40-241, BDR R-127 AND BDR R-1358.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR NOLAN WAS ABSENT FOR THE VOTE.)

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CHAIR WASHINGTON:

This meeting of the Senate Committee on Human Resources and Education is recessed at 3:02 p.m. We will reconvene at 4:30 p.m.

CHAIR WASHINGTON:

The meeting of the Senate Committee on Human Resources and Education is reconvened at 4:30 p.m.

We will continue the hearing on S.B. 238 and S.B. 304.

SENATE BILL 238: Provides for a program of empowerment schools. (BDR 34-112)

SENATE BILL 304: Establishes a program of local empowerment and accountability for public schools. (BDR 34-249)

RICHARD HARJO:

For over 15 years, I was the chairman of the Nevada Indian Commission. During my tenure, one of my major concerns was Indian education. A couple of years ago, we learned from the State Board of Education that our students were doing very poorly with dropout rates in excess of 50 percent. We appeared before the Board several times last year pleading for assistance. Many Indian people reside on reservations, which are separate entities unto themselves, but there are some public schools on their properties. Statewide, there are 5,000 Indian children attending 500 different public schools. When the empowerment bill was announced, I thought, "Here is an opportunity to have at least one empowerment pilot school on a reservation." I am asking for an amendment to include Indian education in this bill.

CHAIR WASHINGTON:

We did not include the Native-American population in either of these bills, and we will rectify that omission as we work on this bill.

KARLENE MCCORMICK-LEE, ED.D. (Associate Superintendent, Clark County School District):

We have prepared a handout entitled, "Comparison of Empowerment Bills S.B. 238 and S.B. 304 with the Clark County Model" ([Exhibit H](#)). In earlier testimony, you heard comparisons of the bills. In this handout, we have added a column which compares each bill to the current empowerment model being used in the CCSD.

I will highlight some specific differences being used in the CCSD model that may assist you in your collaboration on these bills. A major difference concerns the district design team and its tasks. The district team is monitoring the incentive program and developing an accountability agreement. The district team is working to ensure compliance with State laws and to coordinate decentralization efforts in order for budget allocations to go directly to the schools. The district team is developing a framework for working as an empowerment school which they call "Keys to Empowerment."

The CCSD model includes giving more autonomy to the school's design teams through decentralization. Those areas with more autonomy include time and calendar, governance, staffing, budget and the instructional practices within each building. Decentralization includes providing more accountability concerning student achievement, teacher incentives and use of funds. One aspect of the CCSD model that is not addressed in either bill is each of the empowerment schools has a community business partner. Each partner has agreed to not only donate dollars over the course of three years but will also lend expertise to staff development. Another difference is a specific administrator has been given the responsibility to facilitate the autonomies, to ensure the plans are educationally sound and comply with federal and State laws and to serve as a mentor to the principals.

We have taken the evaluation process to a level beyond what was expected by contracting with the University of Nevada, Las Vegas' Center for Assessment and Leadership. They are conducting an extensive, independent evaluation of the empowerment pilot program.

CHAIR WASHINGTON:

When we put together the working group on this, we will include you as we work through these issues.

JOHN WAGNER (The Burke Consortium):

Looking at these two bills originally, I thought they might be partisan bills; however, after listening to the testimony, I think they can be amended quite well in order for the schools in Nevada to be empowered.

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

While we have not taken a formal position on either of the bills, we are ready and willing to work with you on this concept. When passed, principals will be standing in line to work with an empowerment school. One of the keys to its success will be the prerogative for the principal to select his or her own staff; a staff that is either already committed, or can be readily committed, to the empowerment process.

We want to go on record as being opposed to using the incentive money as a crossover to fund the empowerment program. We believe one of the major

problems in education facing our State is the inability to attract good teachers and then retain them. We need the incentive program with flexibility in each school district to make that happen.

SENATOR CEGAVSKE:

In listening to these presentations today, it is evident hiring effective principals is vitally important to the success of any school but especially in empowerment schools. In the CCSD, one of the reasons we hear why principals or administrators leave is because they do not get the support they need from district administration. How does your association deal with this?

MR. SHIELDS:

If we are going to expand our empowerment schools, we will have to train our principals in the empowerment concept. They need to know what will be expected and accept what is required of them in their new roles. Some of that training has not yet taken place.

SENATOR CEGAVSKE:

Another thing that is happening is we are taking our good teachers out of the classroom to promote them to administrators. Perhaps we need to look outside the public school system for administrators.

MR. SHIELDS:

Certainly there are some capable people outside the education field that could be good school administrators; however, to be an outstanding school principal, it is essential for that person to have a background in childhood education and understand what it takes to motivate students and teachers. If you want to hire a manager to take care of facilities or the budget, looking outside the education field is certainly reasonable.

SENATOR CEGAVSKE:

Most of those people have had at least 16 years of education, have they not?

MR. SHIELDS:

Probably, but they have not had four years in the College of Education.

JULIE WHITACRE (Nevada State Education Association):

I am director of governmental relations for the Nevada State Education Association and am pleased to introduce four other members of the Association

who are testifying from Las Vegas. They each are members of design teams for the empowerment pilot elementary schools in the CCSD. Three of the pilot elementary schools have a traditional school year, and one is a year-round school with nine hundred kindergarten through fifth grade students.

PHILLIP S. PAULUCCI (Nevada State Education Association):

I am reading from my written statement ([Exhibit I](#)). In the last district-wide Teaching and Learning Conditions Survey, respondents cited empowerment as the number one concern in ranking positive working conditions. I have seen the positive impact on students and teachers that professional empowerment affords. Locating the decision-making process at the school level is both necessary and prudent for effective teaching and learning. While I am in favor of S.B. 304 for empowerment in the schools, I am opposed to removing the incentive for teachers to fund empowerment.

CAROLYN A. STEWART (Nevada State Education Association):

As a member of the design team at a child-centered, cross-graded, full-inclusion model that includes autistic students, I have first-hand knowledge about the necessary factors which promote a successful empowerment school. You have a copy of my remarks ([Exhibit J](#)) which I invite you to read. A carefully crafted plan for empowerment schools with built-in safeguards to monitor direction is set forth in S.B. 304. The bill embodies a culture of change. One of the changes unique to my school is we now successfully use a self-assessment report card. The moral purpose in educational change is about improving society through improving educational systems for the good of the public school community.

CINDY JOHNSON (Nevada State Education Association):

Teachers today experience less control in decisions regarding their classrooms and their schools than ever before. Empowerment is not only about student achievement, but it is also about teacher retention. In my handout ([Exhibit K](#)), there is a quote by Eric Hirsh, the Executive Director of the Center for Teaching Quality. He states:

When teachers believe that their knowledge of teaching and learning (and the students they teach) is considered a valuable factor in decision-making, they become connected to their schools and districts in powerful ways. This connection can help improve the retention of those teachers in their classrooms and, ultimately, the success of the students they teach.

Teachers, administrators, support staff, parents and community members are all key to the education of our children. Senate Bill 304 is the right direction towards the goal of creating schools that are more responsive to the needs of those they serve.

VIKKI COURTNEY (Teacher, Clark County School District):

I had the opportunity to serve as a member of the superintendent's design team in the CCSD, and I, too, support S.B. 304. The four empowerment pilot elementary schools all have different populations and, therefore, need to have different approaches as to how each one can improve student learning. The quote in my handout ([Exhibit L](#)) is from author Richard Ingersoll in his book, *"Who Controls Teachers' Work? Power and Accountability in America's Schools."* He says, "Those who are entrusted with the training of the next generation are not entrusted with much control over many of the key decisions in their work." He goes on to note that in schools where teachers are more empowered, there is "less conflict between staff and students and there is less teacher turnover."

RENE CANTU, PH.D. (Latin Chamber of Commerce, Las Vegas):

I serve on the Board of Directors of the Latin Chamber of Commerce, Las Vegas, and I am a member of that Chamber's Education Committee. We support S.B. 304 for the following reasons listed in my handout ([Exhibit M](#)). The bill values community involvement, costs considerably less, is a grassroots process and helps local schools to help themselves. This bill would allow the funding formula to support things the Latin Chamber finds critical such as English language learning, all-day kindergarten, truancy programs and funding of higher education that serves Hispanic and other minority students.

CHAIR WASHINGTON:

Since we have two bills, we will embrace all the suggestions we are receiving and we invite the participation of all to make this a comprehensive bipartisan bill which will benefit all the students in Nevada.

MS. WHITACRE:

We are looking forward to working with you to find a compromise between the two bills. The most important reason our members favor S.B. 304 is the position on the one-fifth incentive benefit.

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

We support the concept of empowerment and also look forward to working with you to bring the best compromise forward. In S.B. 238, page 10, section 15, lines 28-45 and page 11, lines 1-13, if specific funding is provided for the empowerment schools, we remain concerned that in our experience, this approval process is cumbersome. We would like to discuss this aspect again.

Our other concern is starting a new program in 100 schools within a year's time period. We think it too ambitious. We have just over 600 schools in the State, so that would mean one of every 6 schools would be an empowerment school. For that to happen so quickly, there would have to be a lot of interest and a lot of training.

CHAIR WASHINGTON:

What about the 5-percent participation of schools provision in S.B. 304, do you think that number is overly ambitious?

DR. RHEAULT:

As I read it, that is a minimum number for the CCSD and the WCSD; it does not prohibit them from beginning with more than that number. Another area of compromise is to determine a manageable number somewhere between the 5-percent number, which is 21 schools, and the 100 number.

DOTTY MERRILL, ED.D. (Nevada Association of School Boards):

We would appreciate being involved in any working group or subcommittee that addresses the features of these two bills. There is a feature in each of these bills that needs a remedy. In S.B. 238, page 4, section 4, lines 13-16, it proposes "... schools may obtain a waiver from requirements and regulations of the board of trustees" In S.B. 304, page 2, section 3, lines 14-20, a similar inference appears. Our boards adopt regulations and policies to ensure consistency and equity in the school sites. It is important for all of the schools in the district to adhere to those regulations and policies.

While my testimony is submitted in writing ([Exhibit N](#)), the National Association of School Boards, along with the Nevada Association of School Superintendents, must go on record, again, that we are opposed to cannibalizing the funding for teacher incentives for them to be used to implement the empowerment program. According to the Nevada Report Card for

the most recent school year, in our secondary schools, one in four teachers is not highly qualified to teach English/language arts while more than one in five teachers is not highly qualified to teach math. In our elementary schools, about 15 percent of our teachers are not highly qualified. Taking incentive funds to fund empowerment severely undermines our efforts to create educational equity across the State. This crisis has the potential to adversely impact the future economy of our State.

CHAIR WASHINGTON:

We will make sure you also are included in the group working on these bills.

RANDY ROBISON (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents wants to be part of the working group, too.

CHAIR WASHINGTON:

You will be.

BRYN LAPENTA, Ed.D. (Washoe County School District):

The Washoe County School District requests to be involved also.

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CHAIR WASHINGTON:
You have been added to the list.

With no further issues to come before the Senate Committee on Human Resources and Education, we are adjourned at 5:15 p.m.

RESPECTFULLY SUBMITTED:

Betty Ihfe,
Committee Secretary

APPROVED BY:

Senator Maurice E. Washington, Chair

DATE: _____