

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Fifth Session
April 27, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:48 p.m. on Monday, April 27, 2009, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Bonnie Parnell, Chair
Assemblyman Mo Denis, Vice Chair
Assemblyman David P. Bobzien
Assemblywoman Marilyn Dondero Loop
Assemblyman Ruben J. Kihuen
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Joseph (Joe) P. Hardy (Excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Kristin Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Danny Peltier, Committee Manager
Scarlett Smith, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Michele Paul, Commissioner, Commission on Educational Excellence, Carson City, Nevada
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District, Las Vegas, Nevada

Chair Parnell:

[Roll called.] All of the bills presented today are from the Legislative Committee on Education, and I will be presenting them. I will now turn the meeting over to Vice Chair Denis and begin with Senate Bill 12.

Vice Chair Denis:

I will now open the hearing on S.B. 12.

Senate Bill 12: Revises provisions governing the Commission on Educational Excellence. (BDR 34-299)

Assemblywoman Bonnie Parnell, Assembly District No. 40:

I am here to present S.B. 12. I chaired the interim Legislative Committee on Education, which is the Committee that requested S.B. 12 relating to the Commission on Educational Excellence. I am going to go over the background of the bill as a reminder and, for the new members, the purpose of the Commission on Educational Excellence and why it was created. It was created by the 2005 Legislature to award grants of money from the Account for Programs for Innovation and the Prevention of Remediation to public schools in the state. The programs funded from this account were designed to support plans for improvement developed for schools under the federal No Child Left Behind Act.

I carried one of those bills in that session, and it was an exciting concept. It was the first time we had ever talked about the issue of different schools

needing different things. One school may have had a large gifted and talented population and may have needed additional funds to work with that group, whereas another school may have had a different need. We felt that it was time to create some kind of funding mechanism to allow individual schools to apply to address their specific needs.

During the interim, after creation of the Commission, the Legislative Committee on Education reviewed the evaluation of the effectiveness of programs funded by the Commission and received testimony concerning the distribution of funds. The Committee became aware of the potential for applicants to request funding from multiple sources for the same or similar projects. In many instances, the Commission had no knowledge that another group may have awarded funds for a similar request. The Committee also learned that the Commission, in some cases, funded remedial programs that were not recommended by the Committee for inclusion on the list of effective remedial programs. Schools were choosing programs that had not been approved. Finally, although the legislative auditor is requested by law to conduct a biennial audit of programs funded by the Commission, no specific guidelines had been given to the auditor.

Senate Bill 12 proposes a requirement of applicants for funds from the account, to include a statement with the application indicating whether the request for funds is to support a new program or continue an existing program and identifying all other sources of money requested or received by the applicant for the same or a similar program. In addition, this measure would prohibit the Commission from awarding money for a program of remedial study that is available commercially, if such a program has not been recommended by the Legislative Committee on Education and adopted by the Department of Education. Let me be clear, this provision would apply only to commercially available, off-the-shelf programs and would in no way prohibit a request for funds for innovative programs.

Based on concerns relating to the use of funds, the measure would require the legislative auditor, in his biennial audit, to review the length of time it takes for an applicant to receive approved funding from the Commission, make a determination of whether the applicant utilized the approved funding for purposes approved by the Commission, and make recommendations for the most efficient and economical use of the grant money by schools. When the evaluation was presented to the Legislative Committee on Education, the Committee saw me get a bit upset regarding the lax attitude we have had regarding the money in this fund.

I was here initially when we created the Commission; I think it can be used for great purposes. This session alone, when we had the hearing on the high

school and middle school bill, we often heard that the money available from that innovation and remediation fund helped them do exciting things. Yet, we also know that we need to be very fiscally accountable, and we cannot just expect to have a huge amount of funding available and not continuously watch it and make sure that those dollars are being used in an appropriate way and in a timely fashion. We found that for many of these programs, after the money had been received, the programs were not being implemented.

I think S.B. 12 puts everybody on notice that the Commission has done a good job, but we need to continue to be vigilant, and in turn, if the schools request funding and receive that funding, it has to be used in a timely and accountable way. We were excited to put this into a bill, and I think it adds accountability to this program. I think we all feel this has proven to be very successful; however, we cannot get lax about the way it is being used. That concludes my remarks, and I believe there are others here who would also like to speak to it. I would be happy to answer any questions.

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

The Department of Education is here to support S.B. 12. My staff administers the program on behalf of the Commission on Educational Excellence. To give you some sense of magnitude, it is a large program. There were 369 individual school grants and 89 consortium grants given, which means there are over 400 grants that go out to schools. It does create a problem in having staff monitor the program.

I sit on the Commission; I am an ex officio voting member. We were as diligent as we could be as far as funding. The Commission has not actually taken a vote on it, but I support the bill. In fact, since this issue came up, we have modified the application to include the new application requirements for the current biennium. We are pretty much already doing this, and we will double check the wording to make sure everything is in-line for the future. As far as the funding of the programs on the remedial list, I do not have a problem with that because those programs have been proven by research to be effective. We can support S.B. 12 as written.

Michele Paul, Commissioner, Commission on Educational Excellence, Carson City, Nevada:

I also support S.B. 12. As a commissioner, we appreciate the feedback that we get from the Legislature. I feel like this has been a success. With Senate Bill No. 185 of the 74th Session, I thought there was a lot more direction given, and I believe we should be appreciative of that, as a Commission.

Vice Chair Denis:

Is there anyone else who wishes to speak in support of S.B. 12? Is there anyone wishing to speak in opposition? Is there anyone neutral on the bill? I will close the hearing on S.B. 12 and open the hearing on Senate Bill 19 (1st Reprint).

Senate Bill 19 (1st Reprint): Revises provisions governing the award of grants of money by the Commission on Educational Excellence. (BDR 34-302)

Assemblywoman Bonnie Parnell, Assembly District No. 40:

Senate Bill 19 (1st Reprint) is another bill which came out of the Legislative Committee on Education and relates to the Commission on Educational Excellence. Senate Bill No.185 of the 74th Session and Senate Bill No. 404 of the 73rd Session both relate to Senate Bill 19 (1st Reprint). Senate Bill No. 185 amended the statutes to require school districts to adopt a policy to allow a student who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. While in high school, the student would be required to complete appropriate remediation in the subject areas that he failed to pass. As a side note, this bill has a lot to do with the transitional issue between middle school and high school, and if you consider that, it will clear this up a little bit. So, the student could go into high school, but he still had to remediate what he had not completed in eighth grade, which has posed a problem.

During the interim, the Legislative Committee on Education received results of a poll of school districts indicating that in some cases, a student faces extreme difficulty completing both the eighth grade coursework, in which he is deficient, and keeping up with ninth grade work. You may remember one of the issues we talked about with the high school bill was that so many ninth-graders at the end of that first year are already credit-deficient. What we have done is create a situation that would have added the likelihood of being deficient at the end of that first year of high school. Yet, testimony from the school districts also noted that allowing a student to remain with his class peer group is a motivator to stay in school.

So, in order to address this situation, S.B. 19 (R1) would require the Commission, when awarding grants for programs in grades 7 through 12, to give first priority to applications for programs for pupils enrolled in grades 7 and 8 who have not completed the credits or coursework of study required for promotion to the next grade. In other words, a middle school applying for grant money from the Commission on Educational Excellence, which is the prevention of remediation and innovation money, should first consider funding programs that will help kids stay current with their coursework while in middle

school. Another factor to consider is applications for bridge programs, which would assist this group of students to make the transition from middle school to high school.

So, this bill gives a priority status for middle schools to look at their demographic and see how many students are credit-deficient. If they do have a large group and think they have a program that would assist these children and are going to apply for grant money, the program to help transition should take a priority as to what problem they need to solve first. Senate Bill 19 (1st Reprint) also provides that if more applications are received than funds are available, the Commission on Educational Excellence shall make awards on the basis of the list of priorities of schools, as provided by existing law, which is in subsection 5 of the bill.

This bill points out what we heard during the interim in the Legislative Committee on Education meetings. It also refers to what we have heard as an Education Committee through the discussions on the middle school bill, the high school issues, and how we can increase the high school graduation rate. It comes together when you look at it from that broad perspective. That is the purpose of S.B. 19 (R1) and I would accept any questions.

Assemblywoman Dondero Loop:

Are the funds that are going to be available going to be reclassified under these bill numbers, or will they continue to be the old bill numbers?

Assemblywoman Parnell:

If we called it anything, we would still call it "185 dollars," because we are not doing anything different to the Commission and we are not funding the program this session. What we are saying is, in the future, the bill would make it a priority to make those funds available to middle schools and junior high schools, if the request comes in.

Assemblywoman Dondero Loop:

So, this would be moving forward when the funds become available?

Assemblywoman Parnell:

Yes.

Vice Chair Denis:

I like the clean-up in subsection 7, "supplemental education services," just in case someone wanted to interpret that as something else.

Assemblyman McArthur:

Where do these funds come from? I am not familiar with it.

Assemblywoman Parnell:

As I said before, when I prefaced S.B. 12, in 2005 the Legislature acknowledged the fact that different schools have different needs, yet we were doing a one-size-fits-all. If there was any money available, everyone would receive the same amount for the same purpose. As we began to look at it differently, there was a fund created in the 2005 Session that the state was able to put money into. Schools, from that point on, could apply for funds for different programs of innovation and prevention of remediation. That fund was in existence from the end of the 2005 Session until the Governor made the first cuts last fall, when the money stopped being funded.

Assemblyman McArthur:

So this is a state fund?

Assemblywoman Parnell:

Yes. The school districts have to fill out a lengthy application to get grants approved for their use.

Kristen Roberts, Committee Counsel:

It is my understanding that the account does not revert to the State General Fund, and that amount was reserved for reversion.

Vice Chair Denis:

Is there anyone else wishing to speak in support of S.B. 19 (R1)? Is there anyone wishing to speak in opposition?

Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District, Las Vegas, Nevada:

I am here to register mild opposition to S.B. 19 (R1) for one specific reason. We feel so strongly about the effectiveness of these grants.

[Spoke from written testimony ([Exhibit C](#)).]

I do not disagree with a single word spoken by Assemblywoman Parnell regarding S.B. 19 (R1). We did have those discussions about middle schools and the needs that middle school students have to help them be successful in high school. At the same time, had the focus in the interim Committee been based on third-graders and what they need to be successful in middle school, there might have been a different impetus from the interim Committee on Education. The point is that every school is different and the needs of the

children are different. The principals, in their school improvement plans, have identified what those needs are. If we have any money at this time, it will be so severely limited that we will target all of it to one particular area, when the thing that made these grants so successful was the flexibility and the ability to use them where they were needed the most. We are concerned about the targeting that this bill requires. We are in full support of the grants and all of the good they have done. Thank you for making them available in the past because they have truly been programs that have been the most successful.

Vice Chair Denis:

Because the interim Committee identified a need, do you have any recommendations on how we should act different?

Joyce Haldeman:

If you identify a specific need, we should create a program for that need. But we cannot mix it up with the flexibility of these remediation grants. The reason they are successful is because (1) we receive the money, and (2) principals get to identify how they are going to use them. This session is the wrong time to talk about adding additional funds. I just want to remind you these grants have been so successful because a principal gets to call the shots on how to use them. It must be very frustrating for a principal to be required to put together a school improvement plan and to identify what the students in that school need and how they would achieve the plan, and then not be able to act on that plan because there is no funding that comes with it.

The suggestion I would make about this bill is, because of the limited resources, is to put a sunset on this bill so that after this biennium, we could go back to opening up remediation grants to all of the things they could be available for. I am just concerned we are restricting and targeting money to a specific program, instead of the grants that have been so successful.

Vice Chair Denis:

Is there anyone else in opposition to S.B. 19 (R1)? Is there anyone neutral? I will close the hearing on S.B. 19 (R1) and open up the hearing on Senate Bill 164 (1st Reprint).

Senate Bill 164 (1st Reprint): Revises provisions governing charter schools and university schools for profoundly gifted pupils. (BDR 34-298)

Assemblywoman Bonnie Parnell, Assembly District No. 40:

Senate Bill 164 (1st Reprint) is another bill presented on behalf of the interim Legislative Committee on Education. During the interim, the Committee devoted considerable time to studying charter school operations and sponsorship. We

held one meeting at the Andre Agassi College Preparatory Academy and spent the entire day discussing issues of charter schools; what their concerns were, what we needed to fix, what was going well, and what was not succeeding. The Committee received testimony from charter schools, school districts, the State Board of Education, and the Department of Education regarding problems and recommended actions. Senate Bill 164 (1st Reprint) addresses four specific proposals that should make it easier for charter schools and sponsors to work together and that will enable teachers working in charter schools to provide better education for the children attending them.

Section 1 amends *Nevada Revised Statutes* (NRS) 386.530. The bill proposes to change the deadline by which a charter school must submit to its sponsor an application for renewal of its charter. Existing law provides that the application must be submitted 90 days prior to the expiration of the charter. Senate Bill 164 (1st Reprint) would increase that to 120 days. The Washoe County School District proposed this change. Its representatives told the Committee that 90 given days did not give a sponsor of charter schools enough time to review all of the provisions of a charter before it expires. To be fair to both the sponsor and the charter school, an additional month was requested.

Section 2 amends NRS 386.549. Existing law provides that a governing body of a charter school must have, as members, a certain number of teachers who are currently or previously licensed in Nevada. The governing body may also include parents and representatives of a community and business organizations. There is no limitation on the number of members of the governing body. The Department of Education proposed to the interim Committee that the sponsor of a charter school should be authorized to appoint a member to the governing body if the sponsor determines that the governing body might need some expertise in a particular background such as finance or school management. The Senate Committee on Health and Education amended S.B. 164 (R1) to provide that the governing body request that the sponsor nominate one person to serve on the governing body. That would take care of the concern of lack of expertise.

Section 3 amends NRS 386.570. Existing law provides that the sponsor may request reimbursement from the charter school upon completion of the school year. In practice, this reimbursement occurs a couple of months later, when all year-end adjustments to the computations for enrollment and the account have been completed. Senate Bill 164 (1st Reprint) would change the reimbursement schedule so that a sponsor can request reimbursement at the end of a school quarter. It also provides for and recognizes that the final computation of apportionment of state aid, through the state Distributive School Account (DSA), may adjust the final reimbursement from the charter school to the

sponsor. The Department of Education and school districts testified to the interim Committee that if they could collect administrative fees sooner, they would have additional resources to continue services to the charter schools they sponsor.

Sections 4 to 7 of S.B. 164 (R1) amend several sections of NRS Chapter 391, relating to the regional professional development programs (RPDP). Existing law does not place an obligation on the RPDP to serve teachers in the charter schools, or the university school for profoundly gifted pupils. There is nothing that says if there is training going on, they have to include the teachers from a charter school. The State Board of Education brought this oversight to the notice of the interim Committee. Senate Bill 164 (1st Reprint) requires the governing body of each RPDP to assess the training needs of teachers and administrators in charter schools and the university schools, as it assesses the professional development needs of personnel in the schools of the school districts. It also authorizes the charter schools and the university schools to request training or to participate in programs. An RPDP may contract with a charter school or university school to provide professional development services that are in addition to the training required by statute.

There are many similar bills out there; some concepts we have already discussed are addressed in these bills. Assembly Bill 26 which we heard early in this Committee includes the provision relating to the deadline for application and has the same change from 90 days to 120 days. So, that was a common request. Assembly Bill 100 includes the provisions relating to quarterly reimbursement of administrative fees. The newest concept in this bill is that the RPDP would assume responsibility for the professional development needs of teachers and administrators in charter schools.

That concludes my presentation, and if you have any questions I would be happy to address those. I would also like to note that at the end of session, if there are two bills passed that have common language, it is all reconciled. They will take different provisions and anything that is common will be listed into law only once. That is all merged as these bills pass.

Vice Chair Denis:

We had quite a bit of discussion in our Committee about the make-up of the board and having parents, students, and teachers represented. I feel the same way about this bill as I do about what we have previously discussed.

Assemblywoman Parnell:

There is a difference in this bill from how we amended Assembly Bill 489 in regard to the make-up of the governing body and the group formed to start a

charter school. We do have differences out there with the numbers of teachers and whether or not parents are required to be on the board, or encouraged to be on the board. The conference committee at the end of session would resolve those differences.

Vice Chair Denis:

Is there anyone here to speak in support of S.B. 164 (R1)?

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

I am here to support S.B. 164 (R1); particularly section 3, which would provide for the quarterly payments which would make for a much better cash flow. To give you an example, for all of the services the Department staff has provided this year, we are not going to collect the 2 and 1.5 percent administrative fees until September. After adjustments are made in August, we send a note out to the charters as to the administrative fee and they are required to pay it by September 30th, so we are a year behind. Yet if fees were provided quarterly, cash flow would be much better and we could plan our services much better.

Vice Chair Denis:

Are there any others in support of S.B. 164 (R1)? Is there any opposition? Is there anyone neutral on the bill? The hearing on S.B. 164 (R1) is now closed. I will turn the meeting back over to Chair Parnell.

Chair Parnell:

I just want to remind Committee members that our bills are on the Senate side, and if you have personal bills, it is important to track where they are.

Is there anyone who wishes to speak in public comment?

[Meeting adjourned at 4:29 p.m.]

RESPECTFULLY SUBMITTED:

Scarlett Smith
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 27, 2009

Time of Meeting: 3:48 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 19 (R1)	C	Joyce Haldeman	Written testimony in opposition to <u>S.B. 19 (R1)</u>