

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

**Seventy-Fifth Session
May 31, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:05 p.m. on Sunday, May 31, 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 Joseph (Joe) P. Hardy
Assemblyman Ruben J. Kihuen
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Steven A. Horsford, Clark County Senatorial District No. 4

STAFF MEMBERS PRESENT:

Kristen Roberts, Committee Counsel
Carol M. Stonefield, Committee Policy Analyst
Danny Peltier, Committee Manager
Sharon McCallen, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Chanda Cook, Nevada Public Education Foundation, Las Vegas, Nevada
Catherine Levy, Las Vegas, Nevada, representing Andre Agassi Foundation,
Las Vegas, Nevada
Kathleen Conaboy, Reno, Nevada, representing K12, Inc., Herndon, Virginia
Joyce Haldeman, Las Vegas, Nevada, representing the Clark County School
District, Las Vegas, Nevada
Anne Loring, Reno, Nevada, representing the Washoe County School District,
Reno, Nevada
Julie Whitacre, Las Vegas, Nevada, representing Nevada State Education
Association, Las Vegas, Nevada
Josh Griffin, Reno, Nevada, representing Nevada System of Higher Education,
Reno, Nevada:
Russell Rowe, Las Vegas, Nevada, representing Wynn Resorts Ltd., Las Vegas,
Nevada
Chris Ferrari, Reno, Nevada, representing Imagine Schools Nevada, Las Vegas,
Nevada
George A. Ross, Las Vegas, Nevada, representing Las Vegas Chamber of
Commerce, Las Vegas, Nevada
Mary Jo Parise-Malloy, President, Nevadans for Quality Education, Las Vegas,
Nevada

Chair Parnell:

[Roll called.] Senator Horsford will present Senate Bill 330 (2nd Reprint) to us.

Senate Bill 330 (2nd Reprint): Enacts the Initiative for a World-Class Education
in Nevada. (BDR 34-171)

Senator Steven A. Horsford, Clark County Senatorial District No. 4:

[Spoke from prepared notes ([Exhibit C](#)).] Senate Bill 330 (2nd Reprint) is an
opportunity to have a debate on the state of our education system and how we
can implement sensible solutions that help to improve student achievement.
It is a proposal that allows us to take bold action based on the concerns of
parents, teachers, and business leaders, among others, who are all concerned

about the state of education in Nevada. It will allow us to review the structures we have in place to determine how they align with some of our policy goals for education going forward.

As I stated in the Senate when this bill was heard, this bill is not a criticism of the current administration and the Department of Education, or the Board of Education. While I understand there has been some concern about that, it has not been our intent from the beginning to malign any of the value that our current administration provides to education. They do a great job and are trying to fulfill the commitment they have.

This bill builds on the work this Committee has done over the years to improve education and try to increase per-pupil student investment, which also has to be part of any discussion on education. We talk about the fact that we lack financial resources and schools are not adequately funded, and we all agree that we would love to see more funds go to education. We did a great job, despite the challenges with this budget, to actually increase, albeit a very small amount, the per-student investment through the Distributive School Account (DSA) for the students of our K-12 program over the next biennium.

What we also know is that beyond the financial piece of what we need to do for education, there are other policy decisions that we have to address. Whether Nevada is 43rd, 47th, or 50th, depending on which indicator you want to use, the state of education is not as good as we want it to be. For those of you who are educators on this Committee, for those of you who are parents who have raised children or will raise children or who have grandchildren, or for those who just care about education, we know that we all can do better. We can have a better system for every child in Nevada.

Again, I would like to share a few remarks I provided in the Senate, because I think it is important that we recognize the hard work that has already been done as it pertains to education. Assemblywoman Parnell as Chair of this Committee, as well as Assemblywoman Smith among others in the Assembly, have championed incentives for teachers and other education personnel, as well as moved legislation dealing with high school reform. Speaker Buckley was essential in establishing the full-day kindergarten program and helping to identify funding for innovation and remediation programs. Senate Minority Leader Bill Raggio spearheaded the Nevada Education Reform Act of 1997 which established the academic standards that we are governed under now. I have worked with Senators Washington and Cegavske, among others, on establishing empowerment schools as well as charter school legislation. The issue of improving schools is not a partisan issue. We all care about how to improve the quality of education for all children, and while we may disagree sometimes on

the strategies and the approach on how to get there, fundamentally we are all striving to make education better for all kids.

I will talk a little bit about the situation we are currently facing in Nevada, as obviously these are not ordinary times. While we have done the best we can this legislative session to get through this budget, fundamentally, I believe we cannot forget that the promise of Nevada is really about opportunity and faith in our future. We all know that the future in Nevada rests on our school children. The state of what Nevada will be is determined by the faces of the children that are in our schoolhouses today. I believe that our education system is in need of reform and that we can do better for our students.

Just using the Iowa standardized test as an example, Nevada performs above national norms in the fourth grade. Those students perform well from first through third grades, but below national norms in eighth grade, and far below national norms in the tenth grade in every category; reading, language, math, and science. That speaks to why small class sizes are important in those formative years. It also begins to show us what we need to do to improve as students advance in their education.

In 2008, in Nevada, we spent \$7,133 per student, almost \$3,000 less than the national average which is \$9,963. This is according to the Nevada Department of Education QuickSTATS which we were all provided ([Exhibit D](#)).

In Nevada, we have 19.3 students per teacher while the national average is 15.4. Even though we are in this economic crisis, and will be in it for a while, we have to have the courage to protect and strengthen our schools. We should be proud that we have done that and have not balanced this budget on the backs of our children.

We know the budget cuts, the cuts to teachers' salaries and education personnel, and the fact that higher education was slated to receive 36 percent cuts that would have resulted in one or more institutions having to close, but again, we were able to overcome that. Today we are here to talk about how we can continue to move the system forward. That is what we are proposing to do. We need to restore hope in our state, and in what the future can hold. We need to renew our commitment to the American dream that brought so many people to Nevada in the first place, and we need to start by reinvesting in education. This can be done, in part, by considering new approaches that maximize our education resources. We can do this by having high-quality leadership and working in a solid governance structure that is accountable to delivering results for Nevada's children. We need to focus on achieving results

and finding ways to lower class sizes so each child gets the attention that they need.

I recognize none of this is easy, and sometimes there are lofty goals. To start with lofty goals, you have to have a structure that ultimately can implement them over time. We need to work on addressing the dropout issue in our schools, and this Committee, and specifically the Chair, has proposed a number of very good bills that are helping to address our dropout problem, recognizing that Nevada is second-to-last in the nation in the rate of children who get a high school diploma within four years. I also believe that we need to cut programs that are not working and make sure that every school employee contributes to an efficiently run system.

This is going to be important because of what is happening on the federal level, in some instances, with the new administration. I know this Committee stays up on the new initiatives coming out of the administration. Secretary Duncan, the Secretary of Education, has indicated that educational standards, reform, innovative approaches in charter schools, and other programs are going to be a big part of where the administration goes. They have already signaled support for early childhood education; they are putting in hundreds of millions of dollars, emphasizing higher standards and stronger accountability. They speak often about incentive pay, charter schools, and increased access to higher education. The President is calling on every American to invest in at least one year of education beyond high school, to improve our own abilities and skills so that we can make our country stronger.

As we face the future, we will face it with courage and competence because it is our moral responsibility to do so—to leave our children a state in better shape than we found it.

Senate Bill 330 (2nd Reprint) does the following: It sets goals for education reform, specifically around improving proficiency, increasing the number of students entering high school and leaving with a diploma, and improving our students' scores on college entrance exams. Senate Bill 330 (2nd Reprint) sets measures to be better aware of our schools' status, including the proficiency testing data—the collection and improvements to the System of Accountability Information in Nevada, otherwise known as SAIN, to better track students through their high school years. Senate Bill 330 (2nd Reprint) builds closer cooperation between K-12 and higher education so that our students are ready for college and our teachers get top-quality professional training. Finally, most importantly in my opinion, it revises the composition and election of the Board of Education. Let us go into the specific provisions, and I will discuss them with the PowerPoint, but also in the sections of the bill.

Section 8 deals with the composition of the Board. The bill proposes to restructure the way the State Board of Education is assembled, shifting from one student member and ten members elected by the public, to a board of seven members, which would be a mixed board of elected and appointed members. There would be one elected member from each congressional district, which is currently three, one member who would be appointed by the Governor, and two appointed by the Legislative Commission. The Nevada System of Higher Education would appoint a non-voting member to the Board.

This governance structure does a couple of things; when you look at the models that are out there and the various ways that states do this, we could go any direction. What is different about the State Board of Education from the Board of Regents, for example, is the *Nevada Constitution* specifically says that the Board of Regents is to be elected. For the State Board of Education there is no constitutional provision for an elected board. That is a statutory decision for the Legislature to make. For those who will say that this will hamper representation from a broad array of individuals—I would say that first and foremost, by having a mixed structure of elected and appointed members, those individuals who choose to run to be one of the elected members based on the congressional district would have the opportunity to do so.

Again, section 8 spells out the additional qualifications that an appointed member would have, which are important provisions. Page 7, at section 8, begins talking about it and goes on to page 8: "(1) Have experience in prekindergarten, elementary, secondary or postsecondary education; (2) Have experience in public policy or public administration; or (3) Be active in the business community or industry of this State." The members would be appointed from a list of nominations provided by associations and organizations that are concerned with issues relating to public education, including associations that represent education personnel. All of you have experience in this, and many of you know the challenges we are having and have had recruiting and getting people to run to serve on the State Board of Education. There literally have been vacancies, there have been long periods of time when there has been no person who could fill a position, and at some point, there have been districts not represented because of a void.

This does not speak to any individual person; it just speaks to the process. What this bill envisions to do is to involve both the Governor and the Legislature more in the process of how the State Board of Education operates. The rationale behind that is, constitutionally, the Legislature and the Governor are to provide for a system of normal schools in Nevada, and to adequately fund those schools. That is our job, and the State Board of Education carries out those functions. If we do not have a connection based on experienced individuals

who have the dedication to carry out those functions, then we have a disconnection going on.

There were provisions earlier in the bill that dealt with changing the way our Superintendent is selected. Those provisions have been deleted from the bill based on concerns out there. It is something that should be looked at in the future, but out of respect for other opinions, we have agreed to delete that provision. The Board of Education would maintain the process whereby they select the State Superintendent, and that would not be changed under this bill.

I have provided the Committee with two organizational flowcharts. I would like to thank the Legislative Counsel Bureau for helping us put these together.

The first chart ([Exhibit E](#)) shows the current K-12 Educational Governance Structure in Nevada. The various boxes and lines show interaction between various entities. You see that a lot of things have been shifted away from the Board of Education over the years. In a lot of ways, the Board has lost its authority to govern. We have a lot of commissions and councils that are independent or indirectly related to the State Board of Education.

The structure that we are suggesting, based on the bill as written, is the Proposed Policy Structure for Public Elementary and Secondary Education ([Exhibit F](#)). It shows that the Governor would appoint one member to the State Board of Education, the Legislature through the Legislative Commission would appoint two, and the Legislative Committee on Education would continue to have its statutory role in following through on many of the policies to come.

You have the Department of Education which would be governed by the State Board of Education with the three elected members and the four who are appointed, as well as the State Superintendent for Education, the state-sponsored charter schools, and the advisory bodies as determined by the Board and the Superintendent.

You then have the independent education bodies. These are the things that were brought up during the course of the discussion on this bill. The first is the Commission on Professional Standards. Senator Woodhouse had worked on the legislation that established this council. The history of that was because of the role of certifying the standards for teachers—that function should be an independent function—it should not be under the Department of Education, because you want checks and balances.

The second is the Regional Professional Development Programs which have been established in prior legislatures. They have a separate governance

structure from the State Board of Education, and that is why they are independent.

Then you have the P-16 Advisory Council which has roles and functions beyond the State Board of Education, but they are interrelated, so they would be independent but aligned.

Finally, we have Ready for Life which is one of the initiatives of the Nevada Public Education Foundation ([Exhibit G](#)). There is additional language in the bill that establishes a statewide council to oversee the implementation of the Ready For Life initiative. It will take that program from its current phase, which is being implemented in a few counties, to a statewide program to try to improve the graduation rates for all students in Nevada.

This is the proposed structure as we have indicated, and to recap before I go into the specifics and language of the bill: S.B. 330 (R2) sets goals for education reform; sets measures to be more aware of our schools' status and how they are working towards improving achievement over time; builds closer cooperation between K-12 and higher education; revises the appointment and election of the Board of Education; and requires reporting on the use and effectiveness of our state grants in education. Under this education reform plan, Nevada children will be ready to compete in careers for the twenty-first century and will be ready to compete with all children globally.

Section 8 shows the governance structure as well as the qualifications that members would be required to have to be considered for appointment.

Section 9 requires the State Board of Education to establish clear and well defined goals for education of pupils in the state; as well as improvement in the system for public education.

Section 5 requires the Department to adopt a model to measure and track the achievement and progress of students and further authorizes the board of trustees of each school district or the governing body of a charter school to submit their educational programs in peer remediation and other programs that were previously deleted from the bill.

Section 5.7 establishes a statewide advisory council for the support of youth based on the goals Ms. Cook will talk about.

Section 69.3 requires, through Assembly Concurrent Resolution 2 that the Legislature has adopted, that we also look at the program for performance pay for licensed education personnel.

Section 70 of the bill requires the Legislative Commission to monitor the progress and effectiveness of the changes and reformatations.

The pay-for-performance language that was originally proposed in the bill created both qualitative and quantitative measurements based on a voluntary program of pay for performance. We worked on the Senate side with the various stakeholders on that language, and it was passed, initially, out of the policy committee and went to the Senate Finance Committee. At the request of some of the professional associations we decided not to go forward with that language as proposed in the bill—essentially keeping the status quo which is that the pay-for-performance can be negotiated at the local level. It can be used as a system for performance pay at the local level. I am requesting as part of the process to have that added to the long-term study that is being done in the interim as one model for pay for performance that we could consider in future legislatures, among others.

Assemblyman Bobzien:

I want to thank the Majority Leader for bringing such a big picture and a sweeping proposal on education to the Committee. I have an ongoing concern with what we are doing in the Legislature when it comes to education; it just is not big enough. The breadth and scale of this is commendable and the vision as well.

I particularly appreciate section 9 with the goal setting, improving the performance of pupils in the state, and the standardized college entrance examinations. We are at a point now where we realize even if students elect not to go on to higher education opportunities, the preparation that we do to get them to score well on those tests will lead them to perform well in the job market after their K-12 experience.

I appreciate the critique that the governance structure for K-12 has morphed into different boards and entities, sometimes having conflicting missions. There is great potential for lack of communication and alignment for what all those different entities are doing. I have seen this chart many times, and I am quick to point out that just looking at the dotted lines and mass of boxes is not the true story. Frankly, many of these boxes and lines were created for a reason. With all due respect, there have been liberties taken by collapsing multiple boxes into one box. It is important to point out there are issues to be carefully considered as we make adjustments to the tangled chart we have.

I want to speak specifically to the Council to Establish Academic Standards. As disclosure, I am one of the two legislative appointments on that Council. We are at an interesting position at the national level when it comes to education

reforms, and your allusion to Secretary Duncan and where things are going in the coming year is a very important one—certainly the idea that the relationship between the federal government and the states, when it comes to standards, is about to radically change. There is definitely credence to the proposal that the states may soon be out of the business of doing science, technical, English, and math standards; that perhaps there is a role for federalized standards and the states will have a much different mission going forward. I am not saying I endorse that proposal; I am just saying that is something that is out there and will radically change what we need to do when it comes to K-12 education here in Nevada.

The Council has been around since 1997—it was set up for a reason. It serves a fairly specialized function. Between acknowledging the importance of that function and the accumulated knowledge and practice the Council has built while accomplishing its mission, and, more importantly, just knowing that things could go one way or the other in the next year with No Child Left Behind (NCLB) reauthorization in standards, I am unsure that the proposed solution of abolishing the Council and giving that function back to a board of education is the way to go. If I were asked that question a year from now with a different landscape at the federal level, I might arrive at a different answer.

Assemblyman Stewart:

I agree with Assemblyman Bobzien. I think this chart is a bit unfair in that we are leaving off the homeschool students, the private schools, the Nevada Public Education Foundation, the federal government, the State Budget Office, et cetera. It would make this look much more complicated than the new system if we put all boxes and arrows back on the chart. I am also concerned with leaving a student off the State Board. That position is very important for getting student input.

Assemblyman Denis:

Something that really stuck out for me is that I do not see parents mentioned anywhere. The number-one factor in education success is a parent. In some of the things we are recommending here, I do not see that. We fought for years to get an advisory council on parent involvement, which does not appear on the new chart but could be added at the determination of the Board.

I also have a personal preference for the Commission on Educational Technology. I know what they do and have seen successes there. I hate to see the successes go away. In education we tend to get rid of things as they start working instead of figuring out a way to tie them in.

This is the day before the end of session, and I feel frustrated that I do not have time to give input on this and I would like to. We should definitely be getting parental involvement with regard to the plan since we are getting businesses and school districts involved. Generally, even at the local level with NCLB, they have an advisory committee where a parent is involved in that process.

Senator Horsford:

In response to Assemblyman Stewart, while there would not be a student representative on the Board, there is in section 21, subsection 1, paragraph (a), subparagraph (5), the recommendation that a representative from the Nevada Youth Legislature, appointed by the Chairman of that forum, be part of the consultation for the state plan which is where a lot of work actually gets done and carried out. That is one of the recommendations we made on the Senate side.

The second point is, although it is not reflected in the chart, the Advisory Council on Parental Involvement is still an independent and authorized council. That is not at the discretion of the Board. Because I understood the history and the importance of why that was created, it did remain a stand-alone advisory council.

Assemblywoman Mastroluca:

Section 5, subsection 4, at the top of page 4, refers to the ability for the Department to contract with a qualified independent consultant. Do we really need to pay for one more consultant? Is there a specific thing you were looking at, or was this something you just wanted to put out there in case it was ever needed?

Senator Horsford:

That is my understanding, and this came up in one of our Assembly Committee on Ways and Means Senate Finance meetings. The school improvement teams that go out are contracted. They are independent consultants who go out and do the reviews of the school improvement plans. I think that is why the language is in there pertaining to that particular portion. It was nothing I had specifically requested.

Assemblywoman Mastroluca:

At Section 20 on page 11, there is an addition to subsection 2, paragraph (b), on line 40, saying that the State Superintendent for Education shall locate the offices of professional staff and other personnel to reflect the geographic diversity of the state. As much as I love living in southern Nevada, I want to make sure that everyone else is represented too. How would you accommodate that to include Washoe and the rurals?

Senator Horsford:

Great question. When we first started looking at this legislation we requested a lot of information from the Department to understand various things. One of the things we requested was a list of all of the employees, positions, functions, were they federal or state, and where were they located. Of 182 state employees, only 25 of them in the Department of Education are in southern Nevada. That is primarily the professional standards staff that works with the teachers on getting their applications and paperwork completed. That is why this language was added. Currently, the problem is that the majority of the staff that work with the Department of Education are not close to the schools they are supposed to serve or support. They spend a lot of time and money on travel doing their job, but it is different than if you actually live in those communities and know what their needs are. This language would provide that, and it would provide it for the whole state including the place that has the majority of the student population which is Clark County.

Assemblywoman Mastroluca:

How do you do that without duplicating services? If you move something to the south, would it have to be duplicated in the north? I suspect you will run into the same travel issues, maybe just not as often.

Senator Horsford:

That may be true, although this would be something you would leave to your State Superintendent to figure how to best implement. In general, my concern is, again, when you start to look at the various positions and the roles and functions of what they are supposed to do—this is the fundamental policy discussion you will have with different views and opinions—is the State Board of Education a compliance board, or is it a support to schools and teachers in those schools? To answer your question specifically, would there be duplication? I do not know. The language essentially states that the staff that works for the Board should reflect the geographic diversity of the entire state. There should be staff throughout the state that are organized in such a way that the Department functions effectively, but also reflects the diversity of the state and the experience that comes from living in various parts of the state. That is why we have rural legislators and have that voice that is so important, because representing rural communities is very different from an urban district. It is important to have staff that can also reflect the needs of our entire state.

Chair Parnell:

One of the real issues in the Department of Education is when teachers need to renew their license; there are very few people in that office. The Carson City office is open for four hours, two or three days a week, and it causes a lot of conflict. You can just imagine the percentage of renewals of teacher licenses,

the vast majority of which come from Clark County. As a practical example, does that fit your scenario?

Senator Horsford:

Absolutely. I am sure there are many others based on people's experiences with the Department.

Assemblyman Hardy:

In looking at the arrow chart, there are the Legislative Bureau of Educational Accountability and Program Evaluation, the State Budget Office, the homeschools, private schools, county boards, charter schools, the University School for Profoundly Gifted Students, the Nevada Public Education Foundation, the federal government, and the Department of Education that did not make it over to the second chart. Where did those go? Are we doing away with all of those?

Senator Horsford:

Each one of these functions is spelled out in the bill. They get rolled into the Department of Education. Some of those, as pointed out before, are there now, but because of the specific, independent functions that are in those boxes—separate staff and separate policies and interactions on how some of these things are handled—in some instances the Department of Education cannot make the decision on how to interact with that "box" because we prescribed through legislation how they have to interact. Some of that is maintained in the bill, for example, regulation of private schools continues, but it is a function that falls under the Department of Education. Lines on the chart where there is a direct relationship—those functions continue. We are not abolishing those functions. The advisory commissions, Educational Technology, Educational Excellence, and Council to Establish Standards, go away; they become advisory to the Board. The Nevada Public Education Foundation is still here, but they are under the Ready for Life box. You could change the title; we just refer to the initiative, not the entity there. The Legislative Bureau of Educational Accountability and Program Evaluation function is in the bill; it is just restructured and streamlined in various manners.

Assemblyman Munford:

You call this a world-class revision; what do you mean by world class? Is this idea being practiced in other states? Is this a model that is completely developed by you and others? Who are the others?

Senator Horsford:

The term was something we developed in the drafting of the bill. There is no program or specific components. The elements of the bill—strong governance,

some of the provisions we started with around the appointment process for the Superintendent, the pay-for-performance model, as well as having clearly defined performance benchmarks that can be measured year-to-year—are components that can lead to a world-class education for Nevada students. That was some positioning that we were trying to establish because our goals should be bigger than NCLB and the primary standards that we establish. It is creating something big and bold and showing we are all committed to making education the best it can possibly be. There is no other reason for the term other than the development of the language in the bill.

Chanda Cook, Nevada Public Education Foundation, Las Vegas, Nevada:

I will not speak much on Ready for Life, as we have talked about that before. We have approximately 1,000 members across the state; we have Ready for Life in Clark, Washoe, and Churchill Counties. One of the tenets of Ready for Life, one of the things we truly believe, is that we cannot educate and get our youth ready for life connected to work or higher education unless we connect education, work force, and the youth development systems. The goal of this state advisory committee would be to give us the ability to communicate at the state level as well as the local level. By connecting with the Shared Youth Vision that is part of the Department of Labor and the Nevada Department of Employment, Training and Rehabilitation, it also gives us the connection to the federal level. It would improve the ability for us to look at barriers, to share, to remove some of those barriers, and to create a greater collaboration and communication system.

Assemblyman Denis:

On the back page of the Ready for Life handout, concerning the proposed membership, do you have any parent representation on the membership?

Chanda Cook:

It gives us flexibility. We were trying to be very limiting in who we had to mandate. The Nevada Public Education Foundation has the ability to add a parent, and I would have to say that most of the people involved in this are parents. They are filling multiple roles.

Assemblyman Denis:

You are naming a lot of groups here; I just did not see the Nevada Parent Teacher Association (PTA), there which is the largest parent organization.

Chanda Cook:

We would have representation from the local Ready for Life as well as these groups, so you would have representation that also comes up with Washoe,

Clark, and Churchill Counties. The PTA's voice would be heard when they are involved at the local level as well as being a partner with us at the state level.

Assemblyman Denis:

If you are going to name such specific groups as you have on this chart, I would like to see the Nevada PTA on there as opposed to just talking about parental involvement. Some of the criteria we require for education are that they have education experience, or business experience, and I also like to see that they have the parental experience of having a child in public school as that can give a different perspective.

Chair Parnell:

I would like Senator Horsford to come back to the table and help us narrow this discussion down from the three different directions this bill is going. We also need to discuss Assembly Concurrent Resolution 2. Just as a refresher, that is a study that has been approved by the Assembly leadership to study K-12 governance—the whole issue of what to do with the State Board of Education and with the 22 boards, commissions, councils, et cetera. That would be studied during the interim via A.C.R. 2. If we were to pass S.B. 330 (R2) as is, there would be no need to have A.C.R. 2 because the structure, of the Board in particular, already would have been changed. There are some great things in this bill that I would like to see approved, but my concern is the conflict we have with regard to governance. If you could help us with this?

Senator Horsford:

There are a couple of options. You can approve the bill with the direction as proposed and use A.C.R. 2 to implement or to develop an implementation plan and possibly delay the enactment of the governance until those items are studied and concluded. That is one option. You can not approve the provisions that change the structure, do the study as proposed, and then decide next session how to treat those elements; or not do either. Those are the three options as I see them.

Chair Parnell:

I think we may as well stay on that issue for awhile. The greatest portion of that is in section 8 of S.B. 330 (R2). That is where it revises the makeup of the Board. There are other subtle issues, like the commissions, that play into that, but section 8 in its entirety would conflict with the long-term study.

Assemblywoman Dondero Loop:

Senator, would you be opposed to consolidating the areas that would fit into A.C.R. 2 so we are not creating more committees and overlapping?

Senator Horsford:

Are you referring to the commissions and councils, or the interim committee?

Assemblywoman Dondero Loop:

In reading this it seems there is some overlap between S.B. 330 (R2) and A.C.R. 2, and I am wondering whether there is a way to streamline that to be more efficient.

Senator Horsford:

Again, I recognize the challenge. The resolution, as well as the bill, were advancing at the same time, and now we are at the point where we have to make a decision on what to do. My position is we need to change the governance structure. If that is not going to be supported, there are two ways in which it can be handled.

The first option is if there is enough support to change the governance structure, but to delay the implementation based upon the review and the study that would be done, both to the structure as well as to the commissions and councils and what they would look like. We did this previously with a bill from Assemblywoman Leslie where we merged data. It involved mental health divisions and the policy decision was made to allow the director to design an implementation plan and bring it back to the next legislature. The next legislature then reviewed the plan and how the transfer of the positions and functions would occur to make sure everyone was still in agreement, and it was enacted in the next legislature.

That is an approach that could be taken. A policy decision could be made, and not necessarily in the same language that is proposed in section 8 of this bill. It could be that the Legislature declares that the governance structure of the Department of Education should be changed and the commissions and councils under the Board and the Department should be restructured, and that it should be done in the form of a study. The study would look at all of those areas, and then report back how that structure should look.

I am open to those considerations. This is what we worked on in the Senate side. There was input from various stakeholders. Everyone does not agree, but this is at least an option that if you were going to change the governance structure, you could change it this way, or you could just make the statement that you plan on changing it based upon the results and the review of the interim study.

Assemblywoman Dondero Loop:

As an educator, I appreciate your doing this and paying special attention to education. It is long overdue and needs to be our priority. Any work we do with this, I will be on the team.

Assemblyman Bobzien:

As we are talking about the sweeping changes to what we are doing with all of the various functions, I certainly see some opportunity for cost savings. However, knowing the budgets of some of these independent commissions, at the same time, I can see possibilities for additional costs. Could you give us some insight as to discussions you have had with Dr. Rheault, if all of this goes forward. What are the unknowns?

Senator Horsford:

To be clear, the Board of Education is opposed, obviously, to the change of the governance structure. The Superintendent has not taken a position on that. He did provide some input, both in hearings and in private, regarding the implementation of the process we were proposing with the Governor's appointment of the Superintendent with confirmation by the Legislature.

Again, we have taken those provisions out of the bill. Those were the primary areas he was concerned about, because presently, the Superintendent has a certain level of autonomy as he is not appointed by the Governor. He can do certain things such as attending the Federal Stimulus meeting that United States Senator Reid had in Las Vegas, whereas other directors were told not to attend. That is why we ultimately decided, at this time, not to move forward with those provisions.

As far as the structure and some of the cost savings, in the initial bill, there were a couple of additional positions that were proposed to be director-level positions based on some of the functions that we thought needed to be enhanced in the current structure of the Department. Because of the budget, those positions ultimately were not approved, and they are not included in the pay-for-performance bill. Beyond that, I do not know what additional provisions of the bill would require additional money or provide potential savings, but Dr. Rheault has reviewed, that and the information is available from our staff.

Chair Parnell:

Since the bill has so many parts, I would request that you discuss whether you are really in support or opposed to one particular part. That will help this Committee determine what might move along or what would fit better in another place.

**Catherine Levy, Las Vegas, Nevada, representing Andre Agassi Foundation,
Las Vegas, Nevada:**

I will speak to the bill overall and not to a specific section. [Read from prepared text ([Exhibit H](#)).]

Kathleen Conaboy, Reno, Nevada, representing K12, Inc., Herndon, Virginia:

K12 is an education management organization under contract to the Nevada Virtual Academy. I am here to support S.B. 330 (R2) because as you read it, there are two lovely words imposed in many sections and they are "charter schools." Many times when charter schools have been included in opportunities by inference, the implementation sometimes has been minor. I am delighted to see that charter schools are on a par with the schools from the school districts in this bill.

I am also reflecting on the work of the interim Committee on Education, much of which was done by the members here today. I recall the discussion on whether you would, in fact, have a bill draft request (BDR) this session regarding governance and the changes to governance, as well as the discussion of going forward with the recommendation for a study.

Some of the discussions today had to do with streamlining boards, making sure that form follows function, and concerns that the department that is responsible for reporting to the federal government and globally administering things in the state, did not have enough control of either the committees that had been spun off by the Legislature or their budgets. As I recall, that was an easier discussion than the structure of the Board overall. That may be something that is important to preserve in this bill.

Finally, I was hoping to point out that we have another bill that came out of this Committee which is Assembly Bill 489 and a companion bill Senate Bill 385 that described the Charter School Institute, and I hope before the session is over they will end up on that chart ([Exhibit F](#)) as well.

Joyce Haldeman, Las Vegas, Nevada, representing the Clark County School District, Las Vegas, Nevada:

As Senator Horsford was at the table speaking, I wanted to say "Yes" to everything he was saying, because I believe educators across the state agree the sweeping reforms that he is talking about need to take place.

I am concerned, however, with the haste that might take place if S.B. 330 (R2) passes in this legislative session, not because there is anything in there that might not be good, but we have not had enough time to vet whether or not those things are the correct way to go. The districts across the state would be

willing participants in reform and in having these discussions, but just the fact that this bill is not available in electronic form yet to enable us to send it out to the people who would like to give input, makes me want us to return to A.C.R. 2, which has already been passed. All of the things that have to do with sweeping reforms and the governance we could look at carefully over the interim when there is plenty of time for input.

Anne Loring, Reno, Nevada, representing the Washoe County School District, Reno, Nevada:

We are particularly supportive of section 9 with its emphasis on clearly defined goals and certainly hope that stays. Our Board has moved in that direction locally and has found it to be beneficial. They personally find it an area of the bill they are very supportive of and think it would be timely to do at the state level. Our Board is also very supportive of the growth model. You have already dealt with the growth model in Assembly Bill 14, and I am sorry I cannot comment on the specific differences. We continue to be supportive of performance pay and would be glad to see that move forward, and we are sorry that, once again, the budget does not provide the funding to do that. We think that is an important step also.

Assemblyman Bobzien:

With regard to section 15, I am trying to contemplate what the new arrangement's relationship would be with the districts and am concerned about the removal of public instruction from the title of the State Superintendent. I certainly acknowledge that is a nod to the role that is played with the other delivery mechanisms for education in our state, but—in my mind and my value system of how I look at education and our responsibility, constitutionally, that the Legislature provide that system of education—the public instruction piece of it is something I am reluctant to let go of. Do you have any thoughts on that?

Anne Loring:

I do not have an official position of our Board on that. I must say that was not something they dealt with. In all fairness to them and the sponsor, there have been a few iterations of this bill, and I am not sure exactly at what point that came in. I certainly concur with you if you look at the constitutional responsibility. It is about public instruction, although at that time it was called "common schools," but if we are talking about the superintendent who is in charge of the public schools that produce K-12 education in the state, "public instruction" would certainly be appropriate. State Superintendent for Education has a nice ring to it. The public might wonder which part of education we are talking about though. I would have to say it would be a personal view and does not represent the views of the Board of Trustees because we did not ask them.

Julie Whitacre, Las Vegas, Nevada, representing Nevada State Education Association, Las Vegas, Nevada:

I do not think I can say it any better than Washoe County and Ms. Dondero Loop said it. We are very excited to begin seeing some major reform and to start talking about big changes to education. They are long overdue. We want to be on board with whatever those changes may be and be a part of those actions and the progress that goes forward.

We would like to echo what Washoe County said as far as the major portion of the bill that we are especially excited about—section 9 with goal setting. We also like growth models; they are very important for measuring student achievement. We have long supported pay for performance and are glad to see that moving forward as well.

Josh Griffin, Reno, Nevada, representing Nevada System of Higher Education, Reno, Nevada:

We do support S.B. 330 (R2). We all recognize education is a K-16 discussion and are all starting to do that in this state and certainly here in this building. We think this bill continues, cements, and organizes that goal and objective. It is the right thing to do, and we stand ready to work with it and continue to move it forward.

Chair Parnell:

Assembly Bill 505, the high school reform bill, is still in Senate Finance, and that bill has the language on working with college readiness that Vice Chancellor Nichols and the Superintendent of Public Instruction have agreed to work on. We need to make sure that direction is given in some piece of legislation that gets through by tomorrow night. If we could all be watching for that college-readiness piece, I would appreciate it.

Russell Rowe, Las Vegas, Nevada, representing Wynn Resorts Ltd., Las Vegas, Nevada:

We are in support of S.B. 330 (R2), and Wynn Resorts, through Kim Sinatra its General Counsel, actually had an opportunity to serve on the working group during this session working on aspects of this bill. In particular, we very much support the pay-for-performance provisions. Wynn Resorts was involved in the interim study or committee that was put together after last session, and as someone mentioned, the funding dried up. A very good pay-for-performance proposal came out of the working group in Clark County in furtherance of that legislation last session.

With respect to the governance restructuring, obviously, Wynn Resorts is not an expert on education. You all know that Elaine Wynn has been committed to

education in southern Nevada and in this state for many years. We rely on you to lead us on education reform, but I can tell you about the frustration levels on the performance measures in this state, and frankly, on the funding. As you know, Wynn Resorts stepped up with the room tax, along with some of our gaming partners, to address the funding side, so we are here on the governance and educational side and with respect to the restructuring. We support what is in this bill and also support the study. If there is some way you can figure out how to make those work together so this bill can move forward, we think that is what should happen. Wynn Resorts stands ready to assist in the interim and to help wherever we can and to continue moving forward with education in Nevada.

Chris Ferrari, Reno, Nevada, representing Imagine Schools Nevada, Las Vegas, Nevada:

Our school was started by two people with a vision for a better way to educate and a way to help children, and has worked in conjunction with Senator Horsford on different ideas and innovative methods to increase the goals that your policy committee has always tried to do through high school graduation and overall improvements to education. I wanted to be here in support of the efforts you and Senator Horsford are making today.

George A. Ross, Las Vegas, Nevada, representing Las Vegas Chamber of Commerce, Las Vegas, Nevada:

The Chamber sees this bill as a symbol of the Legislature and Senator Horsford's desire to elevate education to the absolute top priority. We are in favor of the educational aspects of this bill and, in particular, performance pay for teachers. We favor both the bill and A.C.R. 2 and pledge to actively participate in whatever you come up with.

Mary Jo Parise-Malloy, President, Nevadans for Quality Education, Las Vegas, Nevada:

We are not in opposition of the entire bill, but we do have big concerns with section 8. As said by Washoe County today, there have been many iterations of this bill, but we have had concerns with the governance structure since the bill was originally drafted.

I do not think anyone here today is going to argue the fact that the Nevada Department of Education and the State Board of Education need to be very closely examined to determine how they could function better. I think we would want to be very careful in our actions because what we do will affect over 400,000 students in this state. We believe that section 8 is a bit premature in that we need to go ahead with A.C.R. 2 to look at the governance structure so we can investigate thoroughly before making the changes proposed

in that section. We would also be opposed to actually passing section 8 in this bill and then postponing the implementation; we do not think that would be a smart thing to do.

We also have concerns with section 8 regarding the elected members. We do not think that they will reflect the geographic diversity, and it could possibly cause more trouble in that area.

We would also suggest that section 8 be moved to A.C.R. 2 and be made part of that study. It would be more effective that way.

Another thing is the State Board appointments. We do not think that is going to overcome the issues that are currently being faced with the structure as it is. If anything, these positions, being appointments, would probably become more political in nature. We do have concerns with that.

We also have worked with the Senator's office and have had many conversations about the bill, so this is not news to him or anyone else. We hope that section 8 will be made part of the study of A.C.R. 2.

Chair Parnell:

I have a copy of the recommendations from Nevadans for Quality Education if anyone would like to see those later [not given as an exhibit].

Section 8 is the one we would all agree is an issue—the resolution of the language in section 8 with the passage of A.C.R. 2 calling for a study. The other question, and a determination that would more likely be in a long-term study, would be: do we just eliminate the Commission on Educational Excellence, Educational Technology, and Academic Standards, or do we hold off on those three? Again, do we look at the bigger picture via the study and go forward, or do we keep this bill intact? We have a lot of choices and not a lot of time. I would request of the Committee members that if you have strong feelings, email me and we will try to find a good solution.

I would like to see the bill keep the preamble. Sections 3 and 9 are the two that cover the new look for the direction of the State Department of Education with monitoring compliance, et cetera. Section 9 is probably the heart of the bill. There is the Ready for Life section. There are different things we could do for pay for performance—we could give it to the Legislative Commission on Education during the interim. That is an option. If any of you have strong feelings, get to me.

I will recess to the call of the Chair, and not adjourn. It may be in a formal meeting like this, or you may see me calling a meeting behind the bar.

[Meeting recessed at 4:30 p.m.]

[Meeting adjourned on June 1, 2009, behind the bar of the Assembly.]

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

Denise Sins
Editing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 31, 2009

Time of Meeting: 3:05 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 330 (R2)	C	Senator Steven A. Horsford, Clark County Senatorial District No. 4	Prepared notes on The Initiative for a World- Class Education
S.B. 330 (R2)	D	Senator Steven A. Horsford	Nevada Education QuickSTATS
S.B. 330 (R2)	E	Senator Steven A. Horsford	Organizational Chart: Current K-12 Educational Governance Structure In Nevada
S.B. 330 (R2)	F	Senator Steven A. Horsford	Organizational Chart: Proposed Policy Structure for Public Elementary and Secondary Education
S.B. 330 (R2)	G	Senator Steven A. Horsford	Ready For Life
S.B. 330 (R2)	H	Catherine Levy	Prepared text