

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

**Seventy-Fifth Session
March 25, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 3:52 p.m. on Wednesday, March 25, 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:

Assemblywoman Debbie Smith, Washoe County Assembly District
No. 30

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Jan M. Crandy, Member, Commission on Autism Spectrum Disorders;
Member, Nevada Autism Task Force, Las Vegas, Nevada
Bryn Lapenta, Senior Director, Public Policy, Accountability and
Assessment, Washoe County School District, Reno, Nevada
Scott Reynolds, Assistant Superintendent of Special Education and
Student Support Services, Washoe County School District, Reno,
Nevada
Bart Mangino, representing the Clark County School District, Las Vegas,
Nevada
Janelle Mulvenon, M.S., Bureau Chief, Early Intervention Services, Health
Division, Department of Health and Human Services
Ellen Richardson Adams, Program Manager, Early Intervention Services,
Health Division, Department of Health and Human Services
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education
Dr. Jane A. Nichols, Vice Chancellor, Academics and Student Affairs,
System Administration Office, Nevada System of Higher Education
Lesley Pittman, representing the United Way of Southern Nevada,
Las Vegas, Nevada
Jhone Ebert, Assistant Superintendent, Clark County School District,
Las Vegas, Nevada
Bill Uffelman, President and CEO, Nevada Bankers Association,
Las Vegas, Nevada
Robert Henry, Director, Department of Adult Education, Clark County
School District, Las Vegas, Nevada
Julie Whitaker, representing the Nevada State Education Association,
Las Vegas, Nevada
Dotty Merrill, representing the Nevada Association of School Boards,
Reno, Nevada
Randy Robison, representing the Nevada Association of School
Superintendents, North Las Vegas, Nevada

James Wells, Deputy Superintendent for Administrative and Fiscal Services, Department of Education
Anne Loring, representing the Washoe County School District, Reno, Nevada

Chair Parnell:

[Roll was called.] We will start with Assembly Bill 359.

Assembly Bill 359: Revises provisions governing the requirements for certain personnel who work with children with autism. (BDR 34-1024)

Assemblywoman Melissa Woodbury, Clark County Assembly District No. 23:

I appreciate the opportunity to appear before you today in support of A.B. 359. As background on this bill, Assembly Bill No. 629 of the 74th Session created the Nevada Autism Task Force, and I will quote from that legislation: "To study and make recommendations to the Governor and the Legislature regarding the growing incidence of autism and ways to improve the delivery and coordination of autism services in the State."

The Task Force subsequently produced this document, which I believe you all have on your desks (Exhibit C). This report outlines 146 recommendations organized by the seven categories you will see on the tabs. From those 146 recommendations, the 11 most critical priorities were identified and outlined in the Executive Summary, which begins on page 9, under the title "Recommendations for Immediate Action." Assembly Bill 359 addresses portions of item numbers 3, 4, 6, and 7 of those recommendations for immediate action.

We worked with the Washoe and Clark County School Districts, and also received feedback from other school districts. There is an amendment that representatives of the Washoe County School District will present; however, section 6 is not included in that amendment because there were no changes to that section.

To review a few points in this bill, section 2 establishes a grant fund for the training of educational personnel in autism to be administered by the Department of Education. While our intention in including the training of professionals and paraprofessionals in this bill was to make any training that takes place this biennium contingent on the provisions of stimulus dollars, the establishment of this grant fund would allow gifts or grants to be accepted into this fund from any source at any time. In addition, important legislation would already be in place for funding considerations in future sessions.

Section 3 addresses the training of licensed personnel employed by school districts or charter schools who work with pupils with autism.

Section 4 of this bill directs that certain school personnel refer to this report, the *2008 Report of the Nevada Autism Task Force*, when assisting parents of pupils with autism in decision-making processes.

Sections 5 and 6 of this bill address the knowledge and skills needed by paraprofessionals and personnel of the Health Division of the Department of Health and Human Services who work with pupils with autism or provide services to their families.

Section 7 of this bill addresses stimulus money. This is a section we are still working on, but we are going to be looking for some stimulus money if any is available and designated for autism.

Our intent is to provide districts and agencies with what they need without adding more financial hardships than they are already facing. That is why each section includes the words "to the extent that grant funds are available." Further, we left some of the language broad enough that each district could have autonomy in establishing its own programs with the report of the Task Force as a guide.

You all have testimony from Korri Ward, a former Nevada Autism Task Force member and mother of a now-15-year-old son with autism ([Exhibit D](#)). Seated with me here is Jan Crandy, another former member of the Task Force and current member of the Commission on Autism Spectrum Disorders (ASD), as well as Bryn Lapenta of the Washoe County School District.

Chair Parnell:

When you were referring to the grant fund, were you referring mostly to the language in the amendment that has been presented by Washoe County?

Assemblywoman Woodbury:

That language is only in the amendment. It is something we added.

Chair Parnell:

I just wanted to clarify that for everyone. Are there any questions from Committee members for Assemblywoman Woodbury? I do not see any. Welcome, Jan, please state your name for the record.

Jan M. Crandy, Member, Commission on Autism Spectrum Disorders; Member, Nevada Autism Task Force, Las Vegas, Nevada:

I know this document is thick. It does have an executive summary, but I encourage you to read the education and best practices sections. We felt strongly about improving the knowledge of those who work with and treat individuals with disorders with an overall vision for treatment and education which includes provisions to ensure parents and caregivers receive accurate information. That is a serious problem in the field. We need to change that and see that students receive the necessary support, staff receive appropriate training, and teacher retention is improved.

The Clark County School District states that they are retaining only 70 percent of the teachers who teach in autism classrooms. In Nevada, there is no consistent statewide standard of service or treatment for children, youth, and adults with autism. That is, Nevada state agencies and school districts do not regularly support, recognize, or provide evidence-based services or education. Training is also inconsistent across the state. Paraprofessionals in Nevada are required to only have a high school diploma, except for those working at Title I schools where there are additional requirements. Title I paraprofessional requirements include 60 credits, or an associate degree, or passing a high stakes test. The State of Nevada does not require specific training or certification for paraprofessionals who work with individuals with autism. We would like legislators to change this fact. Nevada legislation has recognized the need in other areas, and in past sessions has set requirements and standards for the deaf and hearing interpreters.

Children with ASD often demonstrate behaviors on a daily basis, making their needs intense for the teaching staff. Without trained support in the classroom, teachers often spend their day redirecting the higher needs child while providing less instructional time for the other students in the class. It is not unusual for a class to consist of eight children with autism, one teacher, and one paraprofessional. One of the reasons cited by teachers for not remaining in ASD classrooms is the lack of support from trained paraprofessionals. If you have to teach your paraprofessional and the kids at the same time, it is a hard task. Paraprofessionals are instrumental to the success of individuals with ASD as well as providing the necessary support to teachers. Given knowledge of ASD and appropriate training, paraprofessionals become part of the classroom team which can better support students and become a key role in their success. Success means helping the student become independent.

Critical areas of knowledge also include having the skill level to know when to provide support and then knowing how to "fade," or gradually reduce, prompts. A lot of children with autism become very prompt-dependent because the aides

are glued to them, and without proper training, the aides do not know how to fade prompts so the students are unable to do without the aides.

Although the school districts may provide some training in first aid and student confidentiality, many paraprofessionals have little or no experience or specialized training in working with students with autism, other than what might be taught to them by the teacher, who is also trying to teach the class. Other states, such as Minnesota, Virginia, and California, provide appropriate training and have developed certification processes which reflect pay scales based on the paraprofessional's competencies. That information is in Appendices B, C, and D of the document.

The Autism Task Force concluded that staff retention in classrooms serving students with autism is problematic. Providing sufficient in-service and follow-up training for staff is difficult. Part of the Clark County School District's problem is that they train teachers, but the teachers are not retained, so they must train new teachers, and the cycle just continues. The amendment states that, if funding is available, it could be used to help teachers get autism endorsements. I am from Las Vegas, so I know the statistics. In Clark County, teachers report being overburdened by the paperwork, especially for high-risk students who have autism spectrum disorders. If the paraprofessionals in the classroom participated in the data-taking, that could take some of that burden from the teachers.

Rural school districts have difficulty providing specific training for teachers and paraprofessionals who serve students. We think this bill could help them in different ways because rural school districts could use the funds as they see fit. Teachers report that caseloads and class sizes are too high to effectively meet the needs of the students. Research also indicates lack of training as a contributing factor to high staff turnover. Assembly Bill 359 will improve the performance and skills of paraprofessionals, which will improve the support the teachers and the students receive in the classroom and, we believe, greatly improve staff retention. The bill is supported by the school districts. They recognize the need for training and are in critical need of funding to provide this training. On the health issues, we do plan to meet with the Health Division of the Department of Health and Human Services prior to the Health and Human Services Committee's hearing on this bill, and we will work with them on any amendments that may be needed.

Chair Parnell:

To clarify, this bill is going to have to be rereferred to the Assembly Committee on Health and Human Services. If you look at the original bill beginning with section 6, regarding Health Division personnel, that topic must be looked at by

the Health and Human Services Committee. Following today's discussion, we will probably refer the bill to Health and Human Services.

Do you feel our special education teachers have been trained to deal with children who have autism spectrum disorder, or is their training designed more for the classroom special education aide or the teacher?

Jan Crandy:

There is some training going on across districts but it is not enough. They need more training but it is a funding issue. I know Clark County needs more staff to provide more training, and they have a waiting list for training. Teachers need to be trained, too. By training the paraprofessionals, we are hoping that we will not have as much turnover and that there will be some consistency in the classrooms. It is a first step.

Chair Parnell:

I chaired the Interim Committee on Education, and we found that we need to communicate better with the universities. If the special education teachers coming out of our colleges of education feel they need more of that kind of training, then that might be a suggestion you and I could make. The teachers really should be qualified when they graduate from school. I can understand the paraprofessionals in the classrooms getting frustrated, because they have not learned the skills to deal with these students.

Assemblywoman Woodbury:

The training in colleges is good, but there are teachers who hold special education licenses but not endorsements in autism. Establishing the grant fund would allow districts to choose to use that money to pay for endorsements. Some are not getting autism endorsements because there is a high burnout rate among autism teachers and also because they cannot afford it.

Jan Crandy:

The Clark County School District states that at least 20 percent of their classrooms that are autism-specific are taught by long-term substitutes. Those substitutes do not even have endorsements, and full-time teachers without the endorsements only have a certain period of time in which to get them. If the full-time teachers do not get autism endorsements, they must be moved out of their classrooms and be replaced by long-term substitutes.

Chair Parnell:

That is a serious issue. Are there any questions from Committee members? I do not see any.

Bryn Lapenta, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, Reno, Nevada:

I am here to support Washoe County School District's amendment in case there are any questions, but our Assistant Superintendent of Special Education, Scott Reynolds, is here to speak to the bill.

Scott Reynolds, Assistant Superintendent of Special Education and Student Support Services, Washoe County School District, Reno, Nevada:

I am here in support of A.B. 359. I have requested changes be made in the initial language of the bill ([Exhibit E](#)) in order to be more workable for the Washoe County School District. While professional development for District staff is currently available, clearly, A.B. 359 provides for much needed enhanced professional development.

The initial language was too restrictive as it related to who would receive the professional development and under what circumstances. We have worked with the bill's sponsors and provided suggestions. We believe that with some limited changes to the initial language of the bill, and with the modification to the funding requirement attached to the bill, this will provide much needed professional development for District staff, which will ultimately result in better outcomes for children and families affected by autism.

Bart Mangino, representing the Clark County School District, Las Vegas, Nevada:

We are in support of A.B. 359 as amended. Again, we would like to recognize the willingness of Assemblywoman Woodbury and also the Autism Task Force in assisting and adding the language for teacher training and paraprofessional training. That is very critical to our District.

Chair Parnell:

Are there any questions or does anyone else wish to speak in support of the bill? I do not see anyone. Is there anyone who wishes to testify in opposition to A.B. 359 or is anyone neutral on the bill?

Janelle Mulvenon, M.S., Bureau Chief, Early Intervention Services, Health Division, Department of Health and Human Services:

As indicated by the preceding testimony, we are most willing to work with the sponsors of this bill and the Autism Task Force on amendments to section 6. The Health Division recognizes the importance of professional training. We will defer our testimony until we are able to work on those amendments.

Ellen Richardson Adams, Program Manager, Early Intervention Services, Health Division, Department of Health and Human Services:

I agree with Janelle.

Chair Parnell:

Is there anyone else wishing to speak on A.B. 359? I will close the hearing on A.B. 359. Again, this bill must go to Health and Human Services. I think, because of time constraints, it would be best to move the bill.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND REREFER ASSEMBLY BILL 359 WITHOUT RECOMMENDATION TO THE ASSEMBLY COMMITTEE ON HEALTH AND HUMAN SERVICES.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

Are the makers of the motion and the second in agreement with that language? Is there any discussion? [There was no response.]

THE MOTION CARRIED UNANIMOUSLY.

I will turn the gavel over to my Vice Chairman and present Assembly Bill 505.

Assembly Bill 505: Revises provisions governing pupils enrolled in high school. (BDR 34-784)

Assemblywoman Bonnie Parnell, Assembly District No. 40:

I am really excited about Assembly Bill 505, and I think what is important for all of you to recognize is that you, as a group, really created this bill. On Monday, March 16, this Committee heard from many individuals who gave us suggestions for increasing Nevada's high school graduation rate. This bill is the result of everything they shared with us that day, as well as suggestions you made to me.

Section 1 requires the Department of Education to work in consultation with the Nevada System of Higher Education to establish a college and workforce readiness plan. One of the items we get "dinged" on every year by the Quality Counts assessment is that Nevada does not have a definition of college and workforce readiness.

Section 5 is a clean-up section and goes back to the ninth-grade academic plan that was passed in Assembly Bill No. 212 of the 74th Session. It appears that ninth-grade counselors are having difficulty getting parents' signatures, so

section 5 removes the requirement that parents sign the academic plan but gives the parent and pupil opportunities to review and revise it. If the counselors did not get the academic plan back signed, the school became noncompliant. I received a call early last fall from a high school counselor with a real concern about that, so language to take care of that issue was drafted for us.

Another part of section 5 would ensure that notice was given to the ninth-grade student about all the opportunities that a high school might have such as advanced placement (AP) courses and honors courses. What kinds of information can we give our ninth-graders to excite them and give them the interest to stay in school and graduate from high school? Clark County has a document they give their ninth-graders that is an incredible example of doing it right. That ninth-grade pamphlet has almost everything you would ever want to know about graduating from Clark County high schools. Maybe we can have the other 16 school districts do something similar.

Section 6 is a section I am very excited about. Over the last couple of years, the issue of financial literacy has become very important. We have high school students leaving high school who do not even know how to balance a checkbook. We can talk all we want to about algebra I and II and calculus, but I think it is pretty frightening, and at this time in particular, to consider that students might be leaving home or going off to college who do not understand things such as credit cards, debit cards, and payday loans. We added this section that would mandate instruction on financial responsibility. The instruction can be part of a course that high school students are otherwise required to take.

Section 7 is a clean-up section and provides that a person who is receiving special education under an individual education plan (IEP), and who did not graduate before he reached 22 years of age, may receive an adult adjusted diploma. This bill encourages people to get a diploma—a high school diploma, an adult diploma, some kind of diploma. We wanted to capture that student who might have dropped out of high school, had an IEP, and decided at some point in time to go back and get a diploma.

Section 9 requires the board of trustees of each school district to adopt a policy for peer and adult mentoring for ninth-grade pupils to ease the transition from middle school to high school. Having someone who would track that student through the ninth grade has really been shown to help. There are students who are involved in the "Link Crew" at Carson High School. That is a great program. Some high schools have also added the component of adult mentors. Spring Valley High School in Las Vegas opened with segregated grades, and there was

an adult assigned to every student in all four grades. Maybe the adult only called his student once a month, but there was a connection with an adult at that school, and we are trying to capture that connectedness. At the end of that 3-hour hearing on March 16, what we heard loud and clear was that relationships at that high school probably rose to be the most important thing in determining whether or not a student stayed and graduated from high school.

Section 10 requires the board of trustees of each school district to adopt a policy for pupils enrolled in school to remediate credits during the school day if they are credit-deficient. Another thing that came out loud and clear in our hearing March 16 was that the likelihood of not graduating increases dramatically for ninth-graders who become credit-deficient. So, section 10 addresses the need for immediate credit recovery so that by the end of ninth grade more students actually have the number of credits they need to continue on the pace that they should be on.

Section 11 relates to safety at a high school and the feeling that there is a safety net. It requires the board of trustees of each school district to adopt a secret witness program so that pupils may anonymously report unlawful activity on the grounds of a school, at an activity sponsored by a public school, or on a school bus. I serve on a task force sponsored by the Nevada Attorney General, and a lady came to one of our meetings. She has interviewed every living school shooter, and through conversations she had with those individuals, she discovered that in every case someone knew it was going to happen, but no one knew who to contact to let the authorities know. That is pretty chilling to think that in every single case, someone knew that students were planning a school shooting. What Carson High School did, at no cost to the school district, was work in conjunction with our sheriff's department and our chamber of commerce to create a secret witness program.

Concerning sections 12 and 16, remember that our Superintendent of Public Instruction, Keith Rheault, talked about archaic exemptions for compulsory school attendance. For instance, if you were 14 years old, you could leave school to join a circus, or something like that. Sections 12 and 16 delete some of the language in the *Nevada Revised Statutes* (NRS) that was very lenient and allowed students to leave high school and not complete it.

That is the bill, section by section. This Committee has made a strong commitment to doing more to increase the numbers of students we graduate from our high schools. One thing that is not in the bill, and that we may add, has concerned me and a number of people on this Committee. We talk about the 45 or 49 or 57 percent graduation rate—whatever some outside group says Nevada's high school graduation rates are. We know that in a couple of years

we are going to have to use the formula that the National Governors Association has created. That formula eliminates a number of kids who I think need to be counted, and reflects a purist attitude in determining who we consider as having been successful in high school. I happen to think that a student who gets the adjusted diploma, or someone who goes back to school and is able to get an adult diploma particularly when their lives may be difficult, or someone who gets a certificate of attendance, should be included. Those are diplomas given to students who have overcome difficult barriers in their lives. I do not care if we use the National Governors Association's formula, but I think we, as Nevadans, need to be able to go to the Nevada Department of Education website and see how many students really completed high school. One way or the other, they did it. They came back and did it. Maybe it was the special education student who at 21 years of age decided to go back and finish high school. I think they deserve to be counted, so I would like to add language to this bill. Superintendent Rheault has said that the information is actually available; we just need to capture it and show it on the Nevada Department of Education's website. With that, if you have no questions for me, I would like to turn this testimony over to the individuals who will address specific sections of the bill.

Vice Chair Denis:

Are there any questions? [There were none.]

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

I am strongly in support of section 1 that would get us moving toward school readiness and workforce alignment with our high school graduation requirements. Most of you are familiar with the fact that the state is in line to receive some stimulus funding as part of the \$324 million in stabilization money, but the state has to provide five assurances. One of those assurances has to do with state academic content standards and student achievement standards. I have information on the baseline data they are going to use, because we have to show improvement from where we are upon receipt of those funds. The baseline data they are going to use is Achieve's 2000 report. The report is based on a survey of states that provides information on states' efforts to align their standards, graduation requirements, assessments, and accountability systems with college and career expectations. That is exactly what this bill is going to require that we move towards. We can use that to work towards the assurances we are going to have with the stabilization money.

I also support section 5 because that is a way to get information to students and have a targeted audience so we know it gets to every student.

I support the financial literacy training in section 6. There is another bill with almost identical language, but that bill would require students to pass a state test on literacy and that would be a part of the diploma requirements. When I prepared a fiscal note for that bill, it was very large, because having a state-mandated test means it has to be reliable, valid, secure, et cetera, but that would not make any difference to this bill.

Finally, I do strongly support the deletion of the three sections of NRS on excused attendance that I do not think should be available or used in today's education system.

Dr. Jane A. Nichols, Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education:

I would like to commend you for putting together a bill that has captured so many of the themes that we in education in Nevada have been talking about for a long time such as pathways to success and a higher graduation rate. I would like to address section 1 and pledge my support, the System's support, and the support of the academic officers of our colleges and universities to work with Dr. Rheault and the school districts. We are ready and will deliver a plan that defines college readiness and workforce readiness in the way that I spoke with you about previously and that is so essential as we go forward.

I would also like to address section 5. That section is dependent on counselors and high schools having the information they need to be able to communicate and talk about the importance of different pathways—things like AP courses. We will need to work with the counselors and make certain all of that information is available to them. The last part of section 5 refers to the requirements for admission to the Nevada System of Higher Education. That, in particular, is targeted at the admission to our universities and Nevada State College which have admission requirements beyond high school graduation.

Also mentioned in that section is that ninth-grade pupils and their parents should be notified of the requirements for the Millennium Scholarship—both curricular and grade point average. We pledge our support to also work with the high school counselors and with families to get that information out. We have put out a "Go to College" brochure that really outlines these same things, but within that context we do not have the details on things such as AP courses, so we would work with the counselors to be certain all of that information is available. Thank you very much for this bill, and I am here to support your good work.

Vice Chair Denis:

Are there any questions for Dr. Nichols? [There were none.]

Lesley Pittman, representing the United Way of Southern Nevada, Las Vegas, Nevada:

[Read her testimony in support of Assembly Bill 505 from prepared text ([Exhibit F](#)).]

Bryn Lapenta, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, Reno, Nevada:

We really like the collaboration between the Department of Education and the Nevada System of Higher Education in section 1 and respectfully ask to be included in that discussion. We really look forward to participating in those discussions and working on helping children succeed.

Concerning section 5, we would like to thank Chair Parnell for working with the counselors. It was really important to them to have the ability to work in collaboration with the parents, but not necessarily to get their signatures. The counselors believed this four-year academic plan was a very important piece, but felt the necessity for parent signatures was getting in the way of their being able to work with all of the students. We also really like the idea Dr. Rheault mentioned regarding having the notification piece be during that four-year plan.

Jhone Ebert, Assistant Superintendent, Clark County School District, Las Vegas, Nevada:

I brought the documents we have within the Clark County School District, and they do note all of the items listed in this bill—the four-year academic plan as well as the Millennium Scholarship. We have three documents. One is for fifth-graders moving on to middle school, and in that document we talk about graduation requirements and how to read a transcript. Going from eighth to ninth grade, we have a "moving on to high school" guide. The college guide is of critical importance in that we close that gap between high school and college. We have these available on the Web for everyone to use.

Section 6 is the financial responsibility section. Seeing what is happening with home foreclosures within our wonderful state, we know that financial literacy is critical for all kindergarten through twelfth-grade students and adults. We have a question that still needs clarification. The request in the bill is for financial literacy to be a requirement for graduation and that instruction in financial literacy be part of a class. We do have financial literacy in all our course work in mathematics, social studies, and current technical education. In our school district we also have three specific courses at the high school level that address financial literacy. Two of them are elective courses, and one is a course that qualifies for graduation which is the mathematics of personal finance.

When we look at our current graduation requirements, which have been in place since 1979 ([Exhibit G](#)), you can see that we have stringent requirements within our state. Twenty-two and a half credits are required for graduation, which leaves students in a six-period, four-year program with 1½ credits of flexibility. We would like the opportunity to work with the Committee to determine if financial literacy is required, and where it would specifically go within the curriculum. Again, at the high school level, we do offer financial literacy as an elective.

Bryn Lapenta:

Regarding section 6, financial literacy is covered in a nine-week block of advanced algebra applications in the Washoe County School District. Washoe On-Line Learning for the Future (WOLF) also offers a financial mathematics elective course, and some schools have added financial literacy as part of their enrichment or intervention periods. We have partnerships with many financial institutions and are working with the University of Nevada, Reno's (UNR) economics department, and with United Way on asset building. We have a student-operated full-service branch that is in the Academy of Arts, Careers, and Technology (AACT), which is our career and technical high school. All ninth-grade students at AACT must take a financial literacy course. There is also a student-operated branch of Clearstar Financial Credit Union at Reed High School. We are looking for funding for a free, online course for juniors and seniors regarding financial literacy. The cost would be about \$9,000 a year for the entire Washoe County School District.

Jhone Ebert:

Moving on to section 7, I would like to reflect on the No Child Left Behind Act. With that act, we have seen great gains for our students with disabilities. Their gains have come about by having one standard for students who have individual education plans (IEPs). Section 7 of A.B. 505 proposes to change the standard. At this point, where it is appropriate, we have students who are provided with accommodations, and they have earned adjusted diplomas, so there is a route for students within our state to earn adjusted diplomas. We would like to be able to keep the one standard and focus on it for our students and not change it to two standards at this point in time.

Bryn Lapenta:

Section 9 is about peer and adult mentoring. As you heard from our students when they came and testified about graduation, peer mentoring is something we have found to be really successful in our district. We worked with the students in the Nevada Youth Legislative Forum to develop a Senate bill that was about peer mentoring, so we are fully in support of peer mentoring. We are concerned, however, that the language is mandatory and not permissive.

When you get into the realm of adult mentoring, we are concerned about principals spending a lot of time gathering adult mentors instead of spending time in instructional leadership, so that is our concern with that part of the bill.

Jhone Ebert:

We would concur with the adult mentoring portion of the bill. Within the Clark County School District, we have programs currently in place such as "Link Crew," "Capturing Kid's Hearts," et cetera, that have been shown to be successful in working with our students, and we would continue those programs.

Bryn Lapenta:

With regard to section 10, we already have some credit recovery courses and credit remediation. Our concern with prescribing remediation during the day is that there are six courses available to a student for four years, so that is 24 credits possible to be obtained during the course of the regular school day and not during summer school or during any before or after school programs. However, it takes 22½ credits to graduate, so there are only 1½ credits left over. We are worried about time, but we currently do offer programs for remediation and credit recovery during the school day for students.

Jhone Ebert:

Referring to section 10 and those students who are credit-deficient, it is very important that they be able to get on track as soon as possible. Looking again at the paper we provided you listing graduation requirements in Clark County, graduation requires 22½ credits in 6 periods a day over four years. If a student fails two classes, right there, we are not physically able to provide that student, within the 6-period day, enough time to make up those credits. In our school district we have provided block scheduling in the past, but with budget cuts, we will no longer be able to do that. If we were able to have after school programs and expand the school day, that would be the way to provide credit-deficient students with an opportunity to become credit-sufficient.

Bryn Lapenta:

Section 11 requires a secret witness program, but we already have one in place. Information about it is on the bumper stickers of all the cars in the school district. It is a hotline that our students made the posters for, and those posters are all over the schools and on television. It is very well publicized in the Washoe County School District, and students are taught that they can text, email, and call. It is all anonymous and it has done tremendous things for us. In addition to that program, we also have a whistle-blower's hotline. Anyone who sees waste or sees anything that might be an illegal activity can call and

report that anonymously. We think this is a great idea, and support the section wholeheartedly.

Vice Chair Denis:

How long have you had those programs?

Bryn Lapenta:

The whistle-blower's hotline was instituted within the last two years. The big campaign to publicize secret witness started in 2003.

Assemblyman Bobzien:

Have you any experiences, anecdotes, crimes you know were prevented, or successes that you can share with us?

Bryn Lapenta:

I cannot share information about the crimes that have been prevented. I know there have been occasions when students have texted that someone had a weapon and any problems were prevented. That information was on our district website during this past school year. We started the program because something bad had happened in the schools. I cannot tell you how much we support this and believe it prevents bad things from happening to our children in our schools.

Assemblyman Bobzien:

Is this program in Clark County?

Jhone Ebert:

We do not have an identical whistle-blower program, but I spoke with Bryn earlier about stealing some of their ideas.

Assemblyman Bobzien:

Fantastic.

Bryn Lapenta:

Section 12 discusses exempting a student who is employed full-time by the entertainment industry. We already have a policy in place called "unique circumstances" to allow this for students who are professional athletes as well as students who are employed in the entertainment industry.

Jhone Ebert:

The last item, section 16, we definitely support.

Bryn Lapenta:

I would also like to add that we support section 16 concerning repealing of the three sections so students cannot legally drop out of school. We support this bill with our minor recommendations for sections 9 and 10 and think it will be great legislation.

Assemblyman McArthur:

I have a question about section 7 which talks about getting a standard high school diploma. Starting on line 23, there is an enumeration of all the ways a student could get a standard diploma if he did not pass a proficiency exam. Is that correct?

Jhone Ebert:

Right now, students are able to earn adjusted diplomas within the school districts, so a student who has an IEP that has necessary accommodations written within it can earn an adjusted diploma. It is my understanding that this bill would create an alternative to that—another standard for the students besides the one that currently exists.

Assemblyman McArthur:

On page 23 of the bill, it looks as though the same thing occurs in section 7, subsection 4. These are other ways a student could get an adjusted diploma such as by providing an essay, senior project, or some sort of portfolio work, so there are a lot of ways to get an adjusted standard diploma. It looks as though we are going around the idea of trying to use our proficiency exams. Why do we have so many ways to get around that to get a diploma?

Vice Chair Denis:

The bill is talking about the adjusted adult diploma, but I am sure we could get that answer for you.

Assemblyman McArthur:

So, this language refers to obtaining adjusted diplomas after age 22?

Jhone Ebert:

Currently, what exists is an adjusted diploma. That is one option for our students. This bill is adding another way; however, the Clark County School District would prefer that it remain as it is now, having only the adjusted diploma and not adding the adjusted adult diploma.

Assemblyman Munford:

How does a student become eligible to bypass the proficiency exam and qualify to get an adjusted diploma? Does he fail the proficiency exam a certain number

of times, or does he say he does not want to take it and that he wants to go another route? Do you apply for it and become exempt from taking the proficiency exam even as a sophomore or junior?

Bryn Lapenta:

A student who is a special education student can have an individualized education plan, or IEP. The decision of the IEP team might be that the student complete course work but not take the high school proficiency exam. That student would earn an adjusted diploma. That is a decision made by the IEP team. That student would not receive a standard diploma because he had not passed the high school proficiency exam, but he would receive an adjusted diploma.

Assemblyman Munford:

Is this available to a student enrolled in the regular curriculum? I was under the impression that it was.

Keith Rheault:

The section you are referring to is already in statute and was put in place in 2007. It was a new requirement that would allow students who had not passed the writing examination three times to take an alternative exam in the writing area only. There were a number of strings attached. The student had to have a 2.75 grade point average and had to have failed the writing exam three times. Then we developed an alternative assessment, other than the official state writing test, that the student had to provide three writing samples in three areas. This last year, we only had 60 to 65 students try the alternative assessment in writing. As I recall, about 32 of them were successful. There is a Senate bill this session that would expand that, lower the grade point average, and open up the alternative assessment to all areas.

Assemblyman Munford:

With that diploma, could he enter the higher education system?

Keith Rheault:

A student who took the alternative writing exam, for example, would receive a regular diploma as long as he met all the course work requirements, but he still has to pass the high school proficiency exams in reading and math. The student could be a special education student who had an IEP. Many of the IEPs state that the student will attempt to pass the high school exam, but if he cannot, it allows the student to complete the course work appropriate for that special education student. If that student cannot pass it, then he would get the adjusted diploma. That is one reason why we cannot include students who

have adjusted diplomas in the high school graduation rate. They did not meet all the requirements for a regular diploma.

Bill Uffelman, President and CEO, Nevada Bankers Association, Las Vegas, Nevada:

I would like to thank Assemblywoman Parnell for putting section 6 into this bill. We worked with her previously on financial literacy and are working with her again this session. I echo the comments Ms. Pittman put into the record on behalf of the United Way, as the Nevada Bankers Association is a participant in United Way programs. The Nevada Bankers Association provides a program called "Banking Is" free of charge to any teacher in the State of Nevada who wants it. It is a curriculum comprising many of the elements that are in this bill. The American Bankers Association (ABA) Education Foundation has a program called "Teach Children to Save" during the month of April. This year, that program on financial literacy and monetary planning has been extended to year-round in grades kindergarten through twelfth. In the fall, we have a program entitled "Get Smart About Credit" that targets juniors and seniors in high school. It talks about credit cards, mortgages, and teaching students to save. Hopefully, some of them will pick credit cards and use them wisely. If they do not pay attention in that class, they may not use those credit cards wisely.

There are a number of curricula and a lot of information available. "Banking Is" is on a CD-ROM and was once mentioned as a possibility for broadcast over public television. My children, who graduated in the state of Illinois, had to pass an exam on all these issues to graduate, although they did not have to take the class. They could study it on their own, but they had to pass that exam. As has been mentioned by others, a lot of the issues we are confronting concerning bankruptcy, foreclosure, and failure to pay credit cards, et cetera, could have been avoided if folks had had this kind of training in their backgrounds.

Assemblyman Hardy:

Would this training be free and available online for distant learners, charter schools, and private and public schools?

Bill Uffelman:

All these things are available. All anyone has to do is ask. A banker will coordinate with the school to go and teach children about saving and getting smart about credit. For example, in Clark County, the school district has been an active participant at United Way. All a teacher had to do was ask, and a banker would go to the school, teach one piece of the curriculum, and then

leave the teacher with the rest of the curriculum. The number of lessons in the curriculum depends upon the grade level the curriculum is targeted at.

Assemblyman Hardy:
Do they contact you?

Bill Uffelman:
They could do that. Email me, call me, call my assistant, or call the United Way, and we will take care of them.

Assemblyman Hardy:
Are you affiliated with Communities In Schools, or are they separate from anything you do in partnering with the schools?

Bill Uffelman:
Are you speaking about the Nevada Bankers Association or the banks?

Assemblyman Hardy:
Yes; and yes.

Bill Uffelman:
I goad members of the Nevada Bankers Association into doing things. There are a number of financial institutions that have partnered with specific schools. Lexus Financial Services in Las Vegas has done that; Bank of America and Wells Fargo have also partnered with schools as have other financial entities that volunteer.

Vice Chair Denis:
Are there any more questions? Is there someone in Las Vegas who wishes to speak to this bill?

Robert Henry, Director, Department of Adult Education, Clark County School District, Las Vegas, Nevada:

I have reviewed A.B. 505 as proposed and support the many intents of the bill including the focus on the importance of transition, academic planning, and financial literacy for all of our Nevada youth. We all know the value of critical thinking in financial decision making. I would like to specifically address some of the components of section 7 of the bill.

Section 7 of A.B. 505 uses a new term that currently does not exist. An "adjusted adult diploma" is a concept that requires further study before formal action. How the language in this bill would expand the responsibilities of school districts and charter schools for those individuals 22 years of age and older

requires further exploration. This legislation proposes to expand the districts' responsibility for special education students beyond that particular age.

I recommend reconsideration of section 7, as it involves the use of the term "adjusted adult diploma." I would be willing to work with the Committee in crafting other language or helping to address the underlying intent.

Julie Whitaker, representing the Nevada State Education Association, Las Vegas, Nevada:

The Nevada State Education Association is in support of A.B. 505, but I, too, would like to turn attention to section 7. This is an issue that is near and dear to one of our member's hearts. She is a veteran teacher of adult education, and she feels the change that is being proposed is very important to the long-term success of some of these adult education students. I understand that there are some concerns, and I am hopeful that we can all work together to get the intent and the language of the bill right.

Dotty Merrill, representing the Nevada Association of School Boards, Reno, Nevada:

I had planned to communicate concerns from some of our smaller school districts about section 6, particularly those high schools that are in more isolated areas, but hearing what the Nevada Bankers Association said has reassured me that perhaps there are resources that our smaller school boards and school districts were not aware of. I now believe this can be handled. Turning to section 9 on page 23, some of our smaller school districts have great distances involved in providing services for students, and it might be very difficult for them to design and implement an adult mentoring program. Just getting the adults to connect with the kids might be a problem for those districts. In the same way, the policy of credit mediation taking place during the school day, as discussed in section 10, might also be difficult because of distance and transportation concerns which would make compliance very difficult in those places.

Thank you for the opportunity to bring those concerns to your attention. I also want to support the repealed sections on page 26. In testimony, the Association previously supported repealing those sections, and we appreciate Assemblywoman Parnell's inclusion of those.

Assemblyman Hardy:

Is there flexibility in section 9 for smaller school districts? I do not see mandatory language that a school district "should" do something. I do not see anything that would preclude the "something" from being "show up to school once a month and talk to a peer." I would not want to put an onerous level of

burden on those school districts, so I am saying this to provide legislative intent. Could we put a population cap on it, or something like that?

Vice Chair Denis:

Are there any other questions or comments? Chair Parnell, do you have further comments you would like to make? If not, I will close the hearing on A.B. 505.

Chair Parnell:

I will open the hearing on Assembly Bill 429.

Assembly Bill 429: Revises provisions governing the required minimum expenditures for textbooks, instructional supplies and instructional hardware. (BDR 34-855)

Randy Robison, representing the Nevada Association of School Superintendents, North Las Vegas, Nevada:

This bill is of great importance to the school districts. Assembly Bill 429 revises the formula for calculating the minimum expenditure requirement for textbooks for public schools.

Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:

When the textbook money was appropriated during this past special session, it generated a lot of general discussion about textbook funding. On one hand was the sadness that we had to take all that money, and on the other hand, there was conversation around how we could protect the districts in this situation. We actually have been a victim of our own success. Assemblyman Hardy and Senator Mathews have long advocated fencing off this money, so that our districts, students, and teachers have adequate money in this area. Over a period of time, we accumulated enough money so the program has been very successful; however, we never want to get into the situation where we are forcing people to spend money to get, and spend, additional money. That is the worst thing we can do in our public budgets.

Now that we have seen how the system works over a period of time, we recognized the need to do some adjusting and thought it was time we looked at the bigger picture. We asked the school districts, our fiscal staff, and the Department of Education staff to work together and come up with a better idea and tweak the formula. The other big change we included was to add instructional software to the items that could be included along with textbooks. It is probably obvious to all of us that instructional software is an important component to our instructional needs. As we become more progressive with what we use in our classrooms, we are seeing so much more use of technology.

We really do need to consider instructional software in that category. I am going to let Randy finish talking to you about the details of the bill.

Chair Parnell:

It really has become an issue. All of us are trying to be as fiscally responsible as we can be. We uncover situations like this where districts, because of our legislation and not because they chose to, were forced to spend money so they would have the money to adopt new textbooks when they needed it. I heard a story about a middle school. Prior to the start of the school year, there were a number of boxes in the teachers' lounge. These boxes contained textbooks, the teacher's text, and CDs. As of yesterday, the boxes were still in the teachers' lounge. We know those situations have been occurring, and I am happy you have brought this bill because it is time to address this issue. We must be fiscally responsible.

Assemblywoman Smith:

We must be very careful that we do not force the school districts into spending money just to spend money. At the same time, we need to provide adequate funding to be certain needed supplies are available in the classrooms.

Chair Parnell:

It is not the fault of the school districts. We pretty much directed them to spend money which created the situation that exists in some of our schools such as new textbooks not being utilized.

Assemblywoman Smith:

This situation is no different from many situations we get into when we pass legislation. We have some experience with it once it really hits the ground and starts working, and then we come back and figure out what would make it work better. In this case, it has a fiscal significance, so it is very critical in that regard.

Chair Parnell:

Are there any comments or questions for Mrs. Smith? [There were none.]

Randy Robison:

Let me briefly illustrate the issue we are trying to address. In 2003, the Legislature enacted a requirement and set a base year and second year allocation for spending on instructional supplies for that biennium. This used to be an issue in some of our smaller districts, but it is beginning to have an impact on all our districts as well. As a district goes through a textbook adoption cycle, if they are replacing the math books for instance, their textbook expenditures may spike. Under the provisions of the current requirement, the

next year they would have to meet that same, spiked level of expenditure, rather than the normal spending they might otherwise have had during that second year. As years went by, there began to be a gap between what districts would normally have spent versus what they were now required to spend. The gap led to examples, as was pointed out, where the districts had to spend the money or lose it.

Another difficulty arose because the money could only be spent on specific things. Changing the formula will address the bulk of the problem, and including instructional software will add the remaining piece by giving districts the ability to spend the money on the instructional supplies they need. Let me be clear, this will not take textbooks out of the hands of students. It will not limit or constrain districts from spending; it will simply revise the requirement to reflect the reality rather than an artificial expenditure limit.

The Legislative Counsel Bureau's digest does a great job of describing this. Section 1 also requires the Department of Education, in consultation with the Budget Division and the Fiscal Analysis Division, to determine the combined minimum amount of money required to be expended for each fiscal year for textbooks, instructional supplies, et cetera. The base year that will be used will be the year it was first enacted. The way the amount to be spent will grow will be based on the factors of enrollment growth and any inflation adjustment approved by the Legislature, which is a much more commonsense way to approach this requirement than "whatever you spent last year, you have to spend this year."

Chair Parnell:

Are there any questions for Mr. Robison? I do not see any. I am guessing where we identify "charter school and university school for profoundly gifted pupils," that the language there was changed to enable better fiscal accounting for the Department of Education. We will confirm that with Mr. Wells.

**James Wells, Deputy Superintendent for Administrative and Fiscal Services,
Department of Education:**

This issue has been a real thorn in the side of the Department. We have seen what Mr. Robison was talking about concerning the gap between what a school district would have spent had there been a formula such as the one proposed here, and what it was required to spend based on the existing formula. It has become problematic in some of the local school districts. Part of the problem has been that the requirement is a minimum expenditure requirement. If the district does not spend the money required to be spent when the Department provides that number, the money must be reverted. As a result, the school districts were spending in excess of that requirement so they would not have to

return money. With this proposed formula change, that problem will be very sufficiently addressed, and we appreciate this bill being brought forward.

The phrases "charter school" and "university school" that are added throughout this 4-page bill are more a clarification for the Department that those entities are, in fact, required to participate in this minimum expenditure requirement. It is already the practice of the Department to provide these minimum expenditure requirements to the charter schools and the university school.

Chair Parnell:

The effective date for this bill is not until July 1, 2009. Are all the school districts exempt from having to meet that high expenditure threshold this school year?

James Wells:

The 24th Special Session last June lowered the requirement for the current school year, which is Fiscal Year 2009, by \$48 million. We recalculated the formula to lower the requirement by 50 percent for all the school districts and charter schools.

Chair Parnell:

So, it is not necessary for us to make the bill effective upon passage to capture this year?

James Wells:

I do not believe that will be necessary because the requirement is low, and I do not think we will have any problems with the school districts and charter schools meeting their requirements this year.

Chair Parnell:

Great. Do we have any idea what the cost savings are going to be over the next biennium if this bill passes?

James Wells:

We calculated that there is a difference of approximately \$19 million a year between what the spending requirement would be under the new formula versus the existing requirement.

Chair Parnell:

So, there is a potential savings of \$38 million. Are there any questions for Mr. Wells? I do not see any. The only other person I have signed in to testify is Anne Loring. Welcome.

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

We are very strongly in support of this bill. We were very appreciative of the work the Legislature did in 2003 when this was enacted. It has been very beneficial for all the students across the state and, certainly, our students in the Washoe County School District. But, as has been described, the fence has gotten quite a bit higher than anyone foresaw at the time. Use of this formula will bring it back to more reasonable levels. We thank you and we are very strongly in support of the bill. We also thank Mrs. Smith, Chair Parnell, and Dr. Hardy for sponsoring this piece of legislation.

Dotty Merrill, representing the Nevada Association of School Boards, Reno, Nevada:

Our Association strongly supports this bill as well and appreciates the corrections that are included in it. We especially appreciate the inclusion of instructional software.

Chair Parnell:

Is there anyone else signed in either here in Carson City or in Las Vegas to testify in support of A.B. 429? Is there anyone signed in in opposition to A.B. 429 or anyone neutral? I do not see anyone. I will close the hearing on A.B. 429. For the Committee's information, this bill was concurrently referred to this Committee and to Ways and Means. I would like to take action on it so it can be reported to the floor and moved to Ways and Means.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS
ASSEMBLY BILL 429.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

For our new members' information, it always seems odd that we would have to send a bill that saves money to Ways and Means, but it lets them know that amount of money will be made available. They need to know the negative and the positive figures.

I will open the meeting up for public comment. Does anyone wish to make any statement either here or in Las Vegas? I do not see anyone. With that, the meeting is adjourned [at 5:32 p.m.]. Thank you for being here.

RESPECTFULLY SUBMITTED:

Scarlett Smith
Recording Secretary

Terry Horgan
Transcribing Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 25, 2009

Time of Meeting: 3:52 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 359	C	Assemblywoman Woodbury	"2008 Report of the Nevada Autism Task Force"
A.B. 359	D	Assemblywoman Woodbury	Letter in support from Korri Ward
A.B. 359	E	Scott Reynolds	Proposed amendments
A.B. 505	F	Lesley Pittman	Testimony in support.
A.B. 505	G	Jhone Ebert	Clark County School District's high school graduation requirements