

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

**Seventy-Fifth Session
March 30, 2009**

The Committee on Education was called to order by Chair Bonnie Parnell at 4:04 p.m. on Monday, March 30, 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
Danny Peltier, Committee Manager
Sharon McCallen, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

Bryn Lapenta, Senior Director, Public Policy, Accountability and Assessment, Washoe County School District, Reno, Nevada
Nicole Rourke, Director of Intergovernmental Relations, Government Affairs, Clark County School District, Las Vegas, Nevada
Lonnie Shields, Reno, Nevada, Assistant Executive Director, Nevada Association of School Administrators; also representing Clark County Association of School Administrators and Professional-technical Employees
Kathleen A. Conaboy, representing K12, Inc., Reno, Nevada
Mike Kazek, Head of School, Nevada Virtual Academy, Las Vegas, Nevada
Francisco Aguilar, representing Andre Agassi Foundation, Andre Agassi College Preparatory Academy, Las Vegas, Nevada
Carol Andrew, Principal/Director, High Desert Montessori School, Reno, Nevada
Michele Robinson, Superintendent of Schools, Odyssey Charter Schools; Board President for the Charter School Association of Nevada, Las Vegas, Nevada
Leigh Berdrow, Administrator, ACE High School, Reno, Nevada
Steve Knight, Executive Director and Principal, Silver State High School, Carson City, Nevada
Chris Ferrari, representing Imagine Schools Nevada, Las Vegas, Nevada
Laura Granier, representing Nevada Connections Academy, Reno, Nevada
Joyce Haldeman, representing Clark County School District, Las Vegas, Nevada
Anne Loring, representing, Washoe County School District, Reno, Nevada
Theresa Ethridge, Information Manager, Andre Agassi College Preparatory Academy, Las Vegas, Nevada
Anterine Jackson, Executive Assistant to the Chancellor, Andre Agassi College Preparatory Academy, Las Vegas, Nevada
Zayli Jackson, Private Citizen, six-years old, Las Vegas, Nevada
Cher Allison, Teacher, High Desert Montessori School, Reno, Nevada

Chair Parnell:

We were delayed in starting today's meeting due to technical problems in Las Vegas. We also have Committee members presenting bills in other committees that are running late. We will begin today's meeting as a subcommittee. [Roll taken.] Please mark other members present as they arrive.

We only have Wednesday's meeting, and two meetings next week. A lot of what we will be doing is work sessions on bills that we have heard. If you have an amendment to any bill that we have heard, we need to receive it one full day prior to the work session. We received four or five just today for today's work session. That causes great difficulty for Ms. Stonefield who I happen to know worked over the weekend preparing today's work session document. That means if we are hearing something on work session for tomorrow, and if you have an interest in a bill that we have not had a work session for, please email those amendments directly to Carol Stonefield.

Wednesday's Education meeting will be a joint meeting, and we will be starting at 3:30 p.m. in room 1214.

Except for one bill today, this is charter school week in the Education Committee. Since Ms. Smith will be presenting two charter school bills today, and because we have a presentation on the new Charter School Association of Nevada, I would like to keep those together.

I will briefly go over the middle school piece of legislation that is a result of this Committee's introduction. It is Assembly Bill 487.

Assembly Bill 487: Revises provisions governing pupils enrolled in middle school and junior high school. (BDR 34-780)

Acting Vice Chair Kihuen:

[The meeting was turned over to Assemblyman Kihuen as Vice Chair in lieu of Assemblyman Mo Denis.]

Assemblywoman Bonnie Parnell, Assembly District No. 40:

I am very excited to present Assembly Bill 487 to you today. I need to make the disclaimer that I spent 27 years teaching middle school; therefore, I also know a thing or two about our middle and junior high school students.

I believe our middle school and junior high school students have gone unnoticed far too long concerning any kind of reform. We have ignored this group of students. We have spent so much time and are beginning to see the results of the efforts we placed on our primary grades. After No Child Left Behind

(NCLB) came to us, we put our focus and full-time attention on making sure that children knew how to read. We were primarily looking at the early grades. Last session we started to look at high school reform with the passage of Assembly Bill No. 212 of the 74th Session. Until this session we have not had the conversation on middle school. Most of you in this room, and many of my Committee members, have either taught or raised a middle school child. Middle school students go through great transformations. It is a time of tremendous physical and academic transformation. They go from having one homeroom teacher to multiple teachers. They also go into a middle school and are put in a position, for the first time, of making choices determining their out-of-core classes. This transition is difficult for many, and A. B. 487 begins the process of reforming this time in a student's school experience.

Having been a sixth-grade teacher in a middle school, I found that the parents were often more terrified of the transition than the students were.

Assembly Bill 487 is the middle school bill which resulted from our Committee discussions. We heard from a number of people who said that the involvement of students in determining what they need to do to successfully graduate from high school, needs to happen much earlier than it currently does. To reflect this concern, A.B. 487, section 2, requires each school district to adopt a policy for each middle and junior high school to develop an academic plan for incoming students. We talked in our high school bill about capturing those ninth-graders in that transitional year: letting them know from the beginning what their responsibility is, and what they have to do to make sure they graduate from high school. We also need to look at the incoming sixth-grade students. What are the choices they will have before them? What do they need to do to successfully promote from eighth grade into high school? This is an extension of the idea of greater involvement with the student, the parent, and the counselor in looking at what that student's responsibility will be through those middle school years.

Assembly Bill 487, section 3, requires local boards of trustees and districts which have at least one middle school or junior high with more than 500 students, to adopt a policy to provide for a program of small learning communities for incoming students; much as we did in Assembly Bill No. 212 of the 74th Session with our ninth-graders. Last session, when we wrote that bill, the design I had in mind for the ninth-grade transitional small school community was what I actually taught at the sixth-grade level at Carson Middle School. There was what we called a "wing" that housed all of the sixth-graders. That allowed the sixth-graders to be a bit separate from the "big" seventh- and eighth-graders. They did go to the main building for physical education and their out-of-core classes, but the wing at least gave them a space where it

was just other sixth-graders. We developed teams, with four core teachers to a team. We were able to get to know those 100 to 120 students well. That helped them transition into the later middle school years. That is the concept of the part in section 3.

Relationships are critical for success. I remember Mr. Dugan saying how important relationships, rigor, and relevance were.

Section 5 of this bill also requires that districts adopt policies for peer and adult mentoring programs. Finally, this bill requires that conferences be held with the pupil, parent or legal guardian, and teacher to review the student's progress at least once during enrollment in the middle and junior high school years. We will have a couple of amendments for this bill, but that is basically the intent.

As many of you know, once you leave elementary school the only time you are likely to have a parent conference is if there is a problem. There are six or seven teachers through the middle school years. Again, unless there is a problem with a specific teacher, or the counselor has a concern, you as a parent will not be called into a parent conference as you had been in grades K-5.

If you look at middle schools and high schools, we all know that is where parent involvement drops off dramatically. This is also an attempt to try to pull those parents in and help them recognize that they are probably even more important during those middle school years.

Assemblywoman Dondero Loop:

I would like to make a statement of support. I was a teacher for 30 years in K-5, getting those children ready and knowing that we had nurtured them and cared for them. Then they went to middle school, and all of a sudden their world was upside down. As a mother of three children who went through middle school, I saw the same thing happen with them, even though they had very attentive parents at home. This is a wonderful piece of legislation that is needed, and I support it and thank you for your time.

Assemblyman McArthur:

For clarification, in section 3, what is a small learning community?

Assemblywoman Parnell:

We had a lot of discussion in the last session, and the very same language happens to be in statute now for our ninth-grade classes. It is finding a program designed for smaller learning to make it easier for the kids to know who to connect, with and to have more one-on-one with adults that sixth-grade year. We want to do everything we can to help them with the transition, just as we

do with ninth-graders. What can we do in that year to ensure that they know who to go to if they have a problem and that they know what is expected of them. The small learning community is the example I gave of having a separate physical building that we called the sixth-grade wing, where we could nurture them a little more before they went into the main campus area. Again, it is a school board policy. Knowing the high schools in your community, the school board can then come up with a policy that recognizes the need for some kind of small learning community.

Assemblyman McArthur:

So it is both the physical aspect as well as the group of people they can go to?

Assemblywoman Parnell:

Yes.

Assemblyman McArthur:

There are two parts here. One is where you require some academic plans, and the other one is where conferences are required. However, there is no requirement for the students to actually comply with this, and it says they graduate anyway. Is there any incentive to make them get into the program with these things? It says if they do not attend the conferences, they can still graduate and move on. Is there something to help them do what you want them to do?

Assemblywoman Parnell:

I am going to let Assemblywoman Mastroluca come to the table to answer those questions. That section actually came from language and an idea that she has been working on for some time. While we are waiting I would like to add that this bill does not have a fiscal note, which is important to know.

Assemblywoman April Mastroluca, Clark County Assembly District No. 29:

I agree, but we have to begin with baby steps. In Nevada, the research I have done indicates it has never been widely accepted or required to do any type of conference, just an annual "see how things are going," from sixth to twelfth grades. It pretty much stops at fifth grade. This is a big step, to require a middle school to do this. It is tricky, however, because the language at the beginning of the section does say the word "shall," but the language for the parent is "may." We can regulate the school districts; we cannot necessarily regulate the parents.

Assemblyman McArthur:

I understand the intent and that is fine. Hearing that it does not say you have to do it will make it tough to enforce.

Assemblywoman Mastroluca:

Hopefully, I will be able to sit across from you in two years and say that I disagree. I believe this is another way for parents to be involved. Once your child hits sixth grade, you really feel shut off from the educational system. I am hoping parents will embrace this idea of being able to be involved in their child's education.

Acting Vice Chair Kihuen:

Are there any questions from Committee members? I too want to commend you, Chairwoman Parnell, for bringing this bill forward. I know we have had this discussion in earlier Committee meetings, but I think it is in junior high school where we begin seeing many students start thinking of dropping out. Parents are working multiple jobs and not able to attend to their children's needs. This bill is long overdue. I want to commend you, and Ms. Mastroluca as well, for including the language in this bill.

Assemblyman Stewart:

I heartily agree with this concept, and I think the temporary Vice Chairman is doing an excellent job.

Acting Vice Chair Kihuen:

Thank you and we will now take testimony from anyone supporting this bill.

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

We are in support of Assembly Bill 487. As a 15-year veteran of middle school, as an administrator or teacher, I too believe it is very important to begin that funnel of working to concentrate kids toward graduation at the middle school level. We applaud all of the sections.

We would like a couple of small changes ([Exhibit C](#)). One is to section 5, regarding the mentoring; we had the same concern with Assembly Bill 505 that contained the language for the mandatory peer and adult mentoring. We would like to see the adult mentoring be permissive. My amendment perhaps does not drill down to that as much as it could. We do have programs of peer mentoring in most of our middle schools. We are concerned that our administrators will spend too much time trying to screen to get people into the adult mentoring program. We would rather that piece be permissive.

Our second concern is in section 6: not being able to mandate that parents come in to do the programs. We do not want schools to have to chase the parents down. We want to have student conferences available to the children, teachers, and parents, but the parents do not come in, and we do not want to spend our time trying to force them to come into the school to complete the program. We are in full support of this bill.

**Nicole Rourke, Director of Intergovernmental Relations, Government Affairs,
Clark County School District, Las Vegas, Nevada:**

We also support this bill as well as the amendments supplied by Ms. Lapenta from Washoe County. Clark County School District has already implemented an online academic plan for middle school students. We will have to modify the plan to identify the courses required for promotion to high school, but we are more than willing to do that to comply with this regulation.

The smaller learning communities mentioned in this bill, at the middle level, are similar to the middle school teaming concept. Clark County started teaming in 1990 and has promoted the concept both throughout the district as well as nationwide. Currently, we have teaming in some form at all middle schools and support the concept whole-heartedly. We support a requirement for districts to develop a policy; however, we do request that you allow flexibility in implementation. Clark County School District schools will start the 2009-2010 school year with 3 percent less staff than the current year, which has a considerable impact on workloads and morale. We are worried about asking people to, once more, do more with less.

Although this bill does not have a fiscal note, we feel it will add more responsibility to current staff. The district has a "stay in school" mentoring program that provides adult mentors to students who are at risk of dropping out of school. Currently, we have 165 mentors; 77 of whom serve middle school students, and 88 serve elementary school students.

It is difficult to recruit mentors due to the time commitment—one hour per week throughout the school year. We recruit from around the valley; however, even senior citizens are hesitant to make this kind of commitment. We also have an e-mentoring program in which we have 68 e-mentors who support students through e-mail and have quarterly face-to-face meetings.

There are considerable hard costs to the mentoring program for recruitment, fingerprinting, and training. That is why we support the permissive language presented to you.

While we have peer mentoring at some schools, requiring peer mentoring for all schools will also require additional training and support.

Finally, we support the establishment of district policies that support the concepts presented in A.B. 487, but ask that you allow us flexibility in the implementation of these ideas so that the intent is carried forward according to the needs of students and schools.

Lonnie Shields, Reno, Nevada, Assistant Executive Director, Nevada Association of School Administrators; also representing Clark County Association of School Administrators and Professional-technical Employees:

I represent the Nevada Association of School Administrators and the Clark County Association of School Administrators and Professional-technical Employees. We want to commend the Committee for bringing this bill forward and to echo our strong support for the intent of the bill.

There are a couple of places that I question and would like to bring to the Committee's attention. One is at page 3, lines 28 through 36, where it says that an administrator will be specifically assigned to the grade level coming in. In our middle schools, it specifically means that you are going to take an administrator and put him in charge of only the sixth grade, if it is a sixth through eighth program; or put him in charge of only the seventh grade if it is a seventh through eighth program. We have a very limited number of administrators in our middle schools at the present time. Most of our middle schools in the north have only a principal and a vice principal. If the bill means "to the extent possible," that would be well within our purview and what we could see happening.

I also taught middle school for eight years, and it was eight of the most enjoyable years of my career. Those children are always questioning and are always pushing you. They are always making you think one step ahead of them, and if you do not, they will be one step ahead of you. The intent of the bill is excellent. Also, when I would call a parent for parent conference, especially at the eighth-grade level, I was almost always met with the comment "My goodness, you are actually calling me." They had not heard from anyone since their child entered middle school.

We feel that the bill is very important; however, the bill also calls for two additional reports to be prepared by the administrator at the middle school level. That is fine. We will do them we are happy to do them, but you have to realize that with NCLB and all of the reports that we are requested to do from the local school districts, a large portion of our time is taken up with writing.

We should be in the classroom on a more regular basis doing classroom observations, or working with the curriculum.

Acting Vice Chair Kihuen:

Is there anyone else in support?

Kathleen A. Conaboy, representing K12, Inc., Reno, Nevada:

I represent K12, Inc., which is a national curriculum and education management company. They provide curriculum and management services to charter schools in 21 different states and the District of Columbia. Currently there are more than 55,000 full-time students attending schools that use the K12 curriculum in this country. When I was visiting with some community members regarding other issues, I met with Mrs. Mastroluca and asked her about Assembly Bill 487, section 6 in particular, to see if she thought this bill would apply across the board to charter schools. We were not quite sure how the implementation would happen, but I would like to introduce Mike Kazek who is the Head of School at Nevada Virtual Academy which is a distance education program in the state. He will tell you how this model fits into the things we already do. If it is the pleasure of the Committee, we would be delighted to come back next session and talk about providing a pilot to show how this specialized attention would work in the virtual education realm.

Mike Kazek, Head of School, Nevada Virtual Academy, Las Vegas, Nevada:

We are in support of Assembly Bill 487. To lay the foundation, remember back to your middle school days and that it was a scary time. I receive a lot of phone calls from parents who have a negative feeling toward middle school. This bill fosters relationships early on and promotes cooperation with our parents to educate their children. We are breaking down those barriers. I want to thank Assemblywoman Mastroluca for bringing this to the table. Our virtual schools will be able to meet the provisions of this bill, and we are happy to do it. We think that our children need to have a guide and direction in the middle school so that we do not lose them at that early age. The bill also helps to address the disciplinary issues that face our school children at that age, because even in a virtual setting we do have trancies and behaviors which we do not condone. Nevada Virtual Academy is in support of this bill.

Francisco Aguilar, representing Andre Agassi Foundation, Andre Agassi College Preparatory Academy, Las Vegas, Nevada:

I am here today to testify in support of this bill. I met with our Chancellor, Marsha Irvin, last week and presented her with an idea regarding section 6. She was already aware of it and ready to move forward. I will keep you posted. Thank you.

Carol Andrew, Principal/Director, High Desert Montessori School, Reno, Nevada:
When we first opened our charter school, we understood that we were charged with serving at-risk students. We at High Desert took that responsibility quite seriously and researched what at-risk children need. Assembly Bill 487 is right on the money.

If children do not bond with someone in the ninth grade, going into high school, their chances of dropping out are extremely higher. I also look at the districts and the number of conferences that this bill will require, and I would just encourage you, as the budgets get tight, to hang on to this bill and its intention; at least for the children who are considered at-risk, because it is a lifeline for them.

Assemblyman Hardy:

Speaking of at-risk, do you have an easy definition for at-risk?

Carol Andrew:

You, the Nevada Legislature, defined it for charter schools. It has four factors....

Assemblyman Hardy:

All of your students would be at-risk?

Carol Andrew:

Fifty-three percent of our students are at-risk this year. It is a different definition from what the traditional public schools use. They just use the free and reduced lunch factor as their risk factor. We extend that to: a language other than English being spoken in the home; low income; being a year behind grade level, not the discrepancy model used for special education, but just being slightly behind; and fourth, having family socio-economic stress factors. It does extend to a larger population than what free and reduced lunch populations are. It really represents those children who are struggling. It is a significant factor to this particular bill, because they are the ones who most need it. With Nevada's dropout rate, it is an essential bill, and I commend you and support it.

Assemblyman Hardy:

At-risk students could potentially be in the eye of the beholder. If a teacher identifies a child who he considers at-risk, then the way you are presenting it, would that be an option for them?

Carol Andrew:

There are probably people here who could address this better, but the whole response to the intervention process that is new to public schools—we are all

wading into it—does ask us to identify those children who are struggling in a new way and to serve them better. I believe this piggybacks onto that quite well.

Acting Vice Chair Kihuen:

Is there anyone else in support of the bill? Is there anyone in Las Vegas? Is there anyone opposed to the bill? Is there anyone neutral? Are there any other questions from the Committee members? [There were none.]

We will close the hearing on Assembly Bill 487.

[Chair Parnell resumes leadership of the Committee.]

Chair Parnell:

Thank you, Mr. Temporary Vice Chair. Great job. With that we are going to the presentation that is on our agenda, "Charter Schools Association of Nevada" from Dr. Michele Robinson.

Michele Robinson, Superintendent of Schools, Odyssey Charter Schools; Board President for the Charter School Association of Nevada, Las Vegas, Nevada:

It is an honor to be afforded the opportunity to present our organization to this Committee. I will review for you the concept of charter schools, our history in the nation and here in Nevada. I will tell you specifically about our organization, our aspirations, and our goals for the future ([Exhibit D](#)).

Charter schools are independent public schools, making them free of tuition. They are designed to be more innovative and to be held accountable for improved student achievement. The intent for charter schools is that they will be held more accountable for student outcomes rather than for processes for achieving those academic goals. They are created through state statute, and currently Nevada's laws are ranked 22nd by the Center for Education Reform.

The concept for charter schools was born from the educational reform movement which originated from the landmark research titled *A Nation At-Risk: The Imperative for Educational Reform*. This bold document set off a wave of federal, state, and local reform efforts. The report identified a number of concerns for the state of education. In response to those concerns, the National Commission on Excellence in Education made 38 recommendations for improvement across five major categories: content, standards and expectations, time, teaching, and leadership and fiscal support.

The charter school movement began in 1991 with a launching of state statutes in Minnesota. California quickly followed, creating its own charter school laws. These important initiatives created public schools which focused on improving academic achievement, creating unique learning communities and laboratories that foster innovative instructional methods, assessment, and accountability systems.

There are currently over 4,600 charter schools operating across the nation in 40 states serving the needs of over 1.3 million children. Our innovations enjoy bipartisan support.

The original intent of the Nevada charter school law was to provide a vehicle for innovation for families that were searching for new options to providing quality education for their children. When laws were first introduced in Nevada, Senator Williams stated that he envisioned charter schools as being afforded flexibility, while also being held to high standards and expectations for performance.

Nevada laws allow for sponsorship from local school districts, the State Board of Education, and the Nevada System of Higher Education. Currently, Nevada proudly offers 25 charter schools serving over 6,000 students from very diverse populations.

There are a few organizations and teams supporting charter schools that have emerged in Nevada. For clarification, we thought it might be helpful to differentiate between a few of these organizations of whom you may have heard. The first is the National Alliance for Public Charter Schools, which is a national organization whose goal is to advance the charter school movement. The Alliance's goal is to increase the number of high-quality charter schools available to all families. The Alliance provides assistance to state charter school organizations and resource centers, and develops and advocates for improved public policies. It also serves as the united voice for this large and diverse movement.

The Governor's Charter School Leadership Team is an oversight committee made up of state leaders as a result of a two-year grant that was received in the Governor's Office awarded by the National Governors Association and the Center for School Change. The purpose of the grant is to identify roadblocks to charter school development in Nevada. This group is currently working with the Charter School Association of Nevada (CSAN) for development of our second annual Charter School Summit. It will be held here in Carson City on May 8, during National Charter School Week. Our new statewide group, CSAN, is comprised of charter school administrators who have recently formed as a

stakeholder group to help charter schools flourish in Nevada. Development of the Nevada group has been supported by the National Alliance.

Our Association is united by a mission to promote quality educational standards by inspiring Nevada charter schools through professional development, public affairs, policy, and public relations.

We are committed to professional development and training designed around best practices in education, along with the dissemination of information regarding the innovative approaches to education that can be found in our state's charter schools. We are eager to participate in public affairs and policy development designed to enhance the success of this valuable movement.

We are a newly formed organization, still in its infancy, but made strong through its member participation. We receive technical support from the National Alliance for Public Charter Schools through a grant that was written by Ricci Rodriguez-Elkins and the Center for Charter School Development. We have a proud membership consisting of 21 of the 25 charter schools currently operating in Nevada. We have included a list of those members in your handout.

In preparation for today's presentation, I asked our members to send me a list of their highlights and achievements for their schools. I have to say I received volumes from these innovative organizations that are leading the way in helping students to achieve their potential. We thought to highlight a few of those for you. The first one is the Nevada State High School. This is a dual-credit high school where students receive both high school and college credit while attending school at the Nevada State College campus in Las Vegas. Nevada State High School has achieved the honor of being recognized as high-achieving or exemplary in meeting state and federal requirements as outlined in No Child Left Behind. They boast a 98.6 percent graduation rate.

The Academy for Career Education (ACE) is a Career and Technical Education High School in northern Nevada emphasizing construction and engineering. Through this innovative program, and hands-on learning students earn both high school and college credit. Through hands-on learning, at the completion of each school year, students have built a house as well as a future. Technical and trade skills are intimately integrated into daily academics, and their students include National SkillsUSA Gold Medal winners in both plumbing and architectural design.

Odyssey Charter School is the first distance education program in Nevada for school-age children. We were the first charter in southern Nevada, and now we

are the largest in the state. Parents are the cornerstone to our school's success, and to that end we are committed to strong parent involvement and training. Our next school is the Mariposa Academy of Language and Learning. This is a dual-language school, integrating foreign language acquisition with academics. Mariposa Academy blends a unique and challenging program that stresses high academic achievement with a development of second language skills. Half of their students' school day and curriculum is presented in Spanish and the other half is presented in English. All members reported a thriving list of students waiting to enter their schools.

The hope that CSAN has for the future of charter schools in Nevada includes a concentration on parity in funding for schools that have proven they can do more with less, but should not. We see our schools being judged on what we accomplish, not on how we accomplished these goals. We are created through autonomy to bring innovation to education, and therefore, will not look like, nor should we operate like, traditional public schools. We ask that legislation and regulations be carefully evaluated for their impact on charter schools; steering clear of those that impede our flexibility to innovate, as well as preventing roadblocks, thus allowing us to provide opportunity for our students.

We, as an organization, are looking forward to working with you in development of the 18th school district, or the charter school institute, which we believe will be instrumental in assisting charter schools in meeting their hopes for Nevada's youth.

CSAN is committed to working with legislators in promoting the improvement of education and opportunities for students in our state. We are grateful for the opportunity to meet with you today, and thank you for paving the way for charter schools in Nevada.

Assemblyman Kihuen:

Is the dual-credit program at the Nevada State High School similar to what the College of Southern Nevada (CSN) and some of the other institutions offer where students are getting high school credit as well as college credit?

Michele Robinson:

Yes. Nevada State High School works with the Nevada State College campus, and I believe that Clark County School District works with CSN as well.

Assemblyman Kihuen:

I actually had the privilege of touring Mariposa Charter School last year, and I was very impressed. These children are perfectly proficient in English and Spanish. I spoke to a child in Spanish, and then I started speaking English to

him. He responded with perfect Spanish and English. These children are going to be considerably more marketable when they graduate from college by being bi-lingual.

Chair Parnell:

How did the Association come to be? I see that it has only existed since 2009. If you could give some background I would appreciate it.

Michele Robinson:

Ricci Rodriguez-Elkins, who operates the Center for Charter School Development, worked with some of the charter school operators in writing a grant to the National Alliance for Public Charter Schools. That is when CSAN began to develop, when the Alliance came in and helped us put it together with the technical support. It was just a few people coming together and finding the resources to get us started.

Chair Parnell

Did you have a source for funding to help start the Association?

Michele Robinson:

No, it is not funded at all. The only thing the Alliance has provided, which has been incredibly helpful, is technical support.

Chair Parnell:

Welcome, this is Charter School Week, and we just had a great overview on the new Charter School Association of Nevada. I will now turn it over to Assemblywoman Smith, who has two charter school bills. We will open the hearing on Assembly Bill 181.

Assembly Bill 181: Revises provisions governing charter schools.
(BDR 34-550)

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

We have a lot of support and desire for charter schools and helping them fulfill their mission. We have had a lot of bills and discussion the last few sessions. I had originally submitted one bill as a placeholder for charter school issues that arose. It started out as a simple little bill with only a couple of issues, but it has become a bit of a Christmas tree. You will hear about that in the ensuing testimony. I want to talk about the original two issues that were in this bill, and then others will come up to discuss the amendments.

In section 1, subsection 4, you will find the first provision of this bill. It enables charter school boards to pay a meeting stipend of not more than \$80 for

attendance at a board meeting. That would be decided by their governing board, and would not be paid for more than one meeting a month. A charter school board member contacted me a few months ago and indicated that their board was frustrated. They like to have a very community-oriented, hands-on board. They felt that not being able to give a stipend or offer any benefits as other public school boards do, made it difficult for them to attract community members, and particularly parents, to serve on their board. I had not realized that they were not able to do so in charter school statute.

In the last session, we passed an increase for our regular district board members. There was a lot of discussion regarding the fact that we do not want to deter potential board members because they cannot pay a babysitter, or even have transportation to the meetings, or whatever it is they need to attend. I went back to the old language of the school board and put in the \$80 stipend. The charter school boards operate under a smaller purview as they do not have the responsibility of the size of budgets, or the number of schools, or the outside obligations that a regular school district has. I thought it was appropriate to go back to our old stipend of \$80 per meeting. Again, it is enabling. Some may choose not to do it, and some boards may choose to do so. I did clarify with Legal that there is nothing at this time that would prohibit a board from providing or offering health benefits to a board member if they wanted to do that. That was the other issue that came out of this. It appears that is something they can already do, so the meeting stipend was something they thought would be beneficial. It is \$80 a month; and if the board feels they have the money to pay it, and if it would help attract more community members to their board, it is a good thing.

The second item originally drafted is in section 2, subsection 1, paragraph (e). There was confusion in our previous legislation regarding the issue of how many students are required to meet the coursework to allow this charter to meet the requirements for certain things to be waived in their audit process. I am going to let Leigh Berdrow from ACE High School explain that. You should have an amendment ([Exhibit E](#)) because the bill is worded a little differently than was suggested in section 2, subsection 1, paragraph (e), concerning "75 percent of the pupils." Leigh will talk about why this is necessary and the difference in the amendment. It is a short amendment.

Chair Parnell:

Feel free to put it on the record if it is short.

Assemblywoman Smith:

It is a very simple clarification of this issue. On another note, another group came to me and asked if this would possibly be a vehicle for a rather sizeable

amendment; thus it becomes the Christmas tree. I will let Kathleen Conaboy explain that amendment, as it is quite lengthy. Although not a lot of changes, the amendment goes throughout the bill and the charter school language. I am really here to talk about the meeting stipend and offer the issue that ACE had. I am in agreement with the amendment that will be offered by Kathleen Conaboy.

Chair Parnell:

Are you also comfortable with the one proposed by Leigh Berdrow?

Assemblywoman Smith:

Absolutely, it is the same concept; it just makes adjustments to the language to make the point they want.

Chair Parnell:

I would like to make a comment prefacing the ACE amendment for the people that were here last session. If you remember the tiered charter school legislation we passed, where if you had clean financials and a certain number of students making Adequate Yearly Progress (AYP), then you did not have to be quite as micromanaged. This is some cleanup language from that section of the law put in last session.

Leigh Berdrow, Administrator, ACE High School, Reno, Nevada:

We are a career and technical charter high school in Reno. What we are proposing, basically, is exactly what Madam Chair described. We are just looking for definition and cleanup in section 2, subsection 1, paragraph (e). The original amendment said "at least 75 percent of the pupils enrolled in grade 12 in the charter school in the immediately preceding school year completed the required coursework...." What we are looking for is 75 percent of the kids who are ready for graduation, and have passed the proficiency examination. That is the clarification we are looking for. Initially, it just said everyone who tested, so we had some questions regarding kids who test in grade 10. What we are really looking for is the graduation rate. Because charter schools have students who frequently enroll in their senior year, we want to be able to have that time to complete their coursework. That is who we want to count. Frequently we will have them for two years as we will get them as fifth-year seniors, as we refer to them, and that is part of why they come to us. They need something different. We want to be held accountable for our time with them, not time we have not had with them. What we are looking for is 75 percent of the seniors last year who completed their coursework and have passed the proficiency examination. We actually exceed this rate, but that was the one already written in.

Chair Parnell:

That was great clarification because we have tenth-graders taking the proficiency examination.

Assemblyman Kihuen:

For the record, I also had the opportunity to tour ACE Charter School, and I loved it.

Chair Parnell:

I have not been to the new school, although I have been to the old school a number of times.

As there are no questions, do you want to speak to the bill in general?

Leigh Berdrow:

Yes, and thank you for the opportunity. I also wanted to speak to the fact that we do support the other amendment that Assemblywoman Smith proposed. Our board members actually perform their duties as a charitable obligation. They will tell you that it is the only board that costs them money. We have some teacher-members, and the stipend might help us to have them attend more regularly. They do have day-care situations.

If I may, I would like to respond to the amendment proposed by Ms. Conaboy as well.

Assemblywoman Dondero Loop:

Who traditionally are members of the board? Is it always just parents?

Leigh Berdrow:

I am only familiar with our board. Our board is primarily made up of the three teachers, which is required by law, but the rest of them are industry representatives because we are a career and technical school. We are broad-based industry wise; we have an attorney, and a CPA, but mostly we have various general contractors and members of those organizations. They are the support system for that school, and they help drive our resources as well as our curriculum and the business side. We are very technically oriented at our school. I cannot say that with regard to other charter schools as I am not familiar with them.

Chair Parnell

Also, Ms. Dondero Loop, there is in statute the minimum expectation of who needs to be on the governing board of all of our charter schools.

Kathleen A. Conaboy, representing K12, Inc., Reno, Nevada:

I represent K12, Inc., which is a curriculum and management services company that works with the Nevada Virtual Academy in Nevada, as well as with charter schools and school districts in 21 states and the District of Columbia. We have 5,000 full-time students enrolled in schools that use the K12 curriculum. I failed to mention earlier that K12-affiliated schools employ 1,600 teachers around the country, which creates the largest network of online school teachers in the United States. We are very much committed to professional development. As a corporation, K12 is very interested in good public policy in the states in which they operate. They have asked me to work with some of the other charter schools in this state to see if we could not do a little cleanup on the current amendments.

The amendment is intended to clarify the portions of the statute that seem unclear or unwieldy in their implementation. We identified the issues to be considered over the course of two years as K12, Inc. and Nevada Virtual Academy interacted with both the board and the Department while the Nevada Virtual Academy first sought a charter and later a charter amendment. This amendment has had input from a number of other schools and help from some lobbyists with whom you are familiar: Chris Ferrari from Imagine Schools, Craig Butz and Laura Granier from Nevada Connections Academy, Leigh Berdrow from ACE, Michele Robinson from Odyssey, John Hawk from Nevada State High School, and Francisco Aguilar from Agassi. My colleague from McDonald-Carano-Wilson, Jim Endres, has also contributed extensively to these changes. In addition, Jim and I met with Superintendent Rheault and Deputy Superintendent Jim Wells at the beginning of this process. We met again with Deputy Superintendent Wells in a lengthy meeting last week. I would like to express my gratitude for the Department's collaboration and input because it has always been our goal to continue to collaborate with the Department of Education on the development and implementation of good public policy. Since the amendment was put out late last week, there has been some discussion among the other interested groups, and I sense that some of the contributors, as well as others, would like to testify.

I would also like to thank Mrs. Smith for allowing us to use Assembly Bill 181 as a cleanup bill. She has been very gracious and patient with the many iterations we have been through.

On page 1, under *Nevada Revised Statutes* (NRS) 386.500 at the top of NRS 386.505, we have deleted the subcommittee on charter schools ([Exhibit F](#)). It has been discussed in many venues that the subcommittee was redundant because the subcommittee, essentially, only has the authority to

recommend to the State Board of Education. We have sat through numerous meetings, as have others, and found that the same testimony that is provided one day to the subcommittee actually has to be completely provided again the next day to the full committee. It seems to be a huge over-commitment of time. We are recommending that the subcommittee be disbanded.

There was a lot of discussion with some members of the State Board of Education regarding NRS 386.506. The discussion concerned whether Nevada Virtual's particular model of education, which is a distance education model, was actually just home schooling, and whether we are providing a vehicle for home schooling parents to get state funding for their children. We had a Legislative Counsel Bureau opinion saying that was not the case—that the statute was clear. This just further clarifies that if a parent of a home school child chooses to cease home schooling his child and takes the appropriate steps, which include filing the appropriate paperwork, he can enroll his child in any form of public school, which would also include a charter school. It is a clarification.

If we could remove the subcommittee on charter schools, NRS 386.507 would come out. On page 2, NRS 386.520 gets to the composition of the founding board of a governing school. There have been some schools for which it has been difficult to find three teachers who want to be founding board members. Often, people are concerned about being a teacher in a school district and then going off on a tangent to help found a charter school. Based on conversations with the Department of Education, this section also gets at the issue of the capabilities you find on a governing board. It is my understanding many of the problems the Department has with charter schools has to do more with management and oversight issues than curriculum. The issue is, if you could limit the education-based expertise on the board to two of the members, then have at least two other members who represent expertise in some of the business services that are needed by the school such as accounting, financial services, law, and human resources, that would actually strengthen the founding board of a charter school. Those would be the required members, and in addition to those members, the committee could have any number of members of the public, representatives of business or nonprofits, parents, or representatives of the college or university.

Chair Parnell:

Could we just stop and see if anyone has questions? I have a couple. On page 1, language in NRS 386.506 says "take the appropriate steps." I am assuming that means going back to the school district and letting them know that they are now a student? Could we tighten that up to reflect that they are

communicating with the school district and notifying them that they are, once again, a public school student.

I am curious why, on page 2, after changing the three to two (educational personnel) you have, "In addition to the members described above, the committee may, in any number...." Why you felt that was important?

Kathleen Conaboy:

Beyond the two educational personnel, and two members who have at least one of those areas of business expertise, as well as four required members, the board could be as large as they want it to be and choose people from the a, b, c, or d categories. Is that clear, or do you feel it needs further clarification?

Chair Parnell:

No, I just felt when you identified everyone and then said, "In addition to the members described above, the committee may consist of..." it did not seem necessary to have, "in any number." We will tackle that when we get to it.

Assemblyman Denis:

In subsection 1, we are saying you have to have two educational people and at least two in the other two categories. I think the parents are very important, but if you make it optional, they may fill the board with everyone other than parents. When you say we have to have this, I would want to have parents be part of what we mandate.

Kathleen A. Conaboy:

Mr. Denis, if that is your pleasure and the pleasure of the Committee, we can move it. Parents were not even in there to begin with, so that is an addition. We can put them in the required category or in the "may" category, whichever category you deem most appropriate.

Assemblywoman Mastroluca:

As someone who works with volunteers for a living, I know the group you are trying to put together for your membership of the committee to form the charter school. However, it is sometimes hard to find the people in these different professions who have the time to give. By requiring that, I am afraid you may make it more difficult in the long run. I could see if you prefer or recommend, but by requiring and limiting it to four, you may have a hard time finding people with these requirements. That would especially apply in some rural areas.

Kathleen A. Conaboy:

I reached page 3, NRS 386.520, subsection 2, paragraph (n). The statute read, "... the time by which certain academic or educational results will be achieved."

It seems almost impossible to say with certainty what results will be achieved at exactly what point in time. It might make more sense to say "time frame for reaching..." In other words they would be aspirational. You would outline the educational and academic results that you are reaching for within a certain time frame, rather than penalize people because they had not accomplished x, y, or z by a certain date in their application. This makes it a little more permissive.

Subsection 3 addresses an issue that arose when we and another charter school were dealing with the State Board about our original charters. This previously read that "The Department shall review an application ... to determine whether it is complete." A legal term of art that might be more accurate here is, "substantially complete and compliant." There are 65 or 66 items that a charter school has to describe in their application, and substantial completion and compliance might be that they are at 62 or 63, not the 65th, but continue to work with the Department on the few remaining details.

Regarding the concept of whether the Department actually had the authority to deny an application, it is our understanding from legal counsel when we worked with Nevada Virtual Academy, that the Department makes a determination. It does not actually deny an application, and this is to clarify that. Rather than saying "deny," it says that the Department would provide written notice. For instance in the case of converting a home school, the Department would state that is an ineligible application for consideration by the State Board.

On paragraph (b), it is the same thing. The Department does not actually deny an application; they determine that it is not substantially complete and compliant, then notify the applicant and meet with them to remedy the deficiencies.

What is crossed out, at the bottom of page 3 and at the top of page 4, is the description of "teacher," because "educational personnel," which we are now using as the term of art for the people on the board, is a broad category. Ms. Roberts, I believe you agreed with Mrs. Smith that it is more appropriate the way it is written there?

Chair Parnell:

I think we need to discuss this section. At the bottom of page 3 it refers to subsection 1, which goes back to talk about the personnel. What this amendment would do is delete the term "teacher," and substitute "educational personnel," which I am assuming could be just about anybody.

Kathleen Conaboy:

It could be an administrator or a teacher.

Chair Parnell:

Or any licensed person? You have deleted "holds a current license to teach." Would this educational personnel person have to have a current license? These are all issues that were heavily discussed when this legislation was created. I think there might be some concern with both the deletion of the term teacher, and then also deleting the current license requirement.

Kathleen Conaboy:

I do not want to put words into your legal counsel's mouth, but when I spoke to Mrs. Smith about this last week, she asked me to visit with Ms. Roberts. Ms. Roberts thought saying, "two educational personnel licensed by the state," met the intent of these sections that we are deleting at the top of page 4. Ms. Roberts, if I am misinterpreting, please...

Assemblywoman Smith:

We were trying to simplify this because the desire was to add administrators. I suggested we use the normal licensed-educational-personnel language. The intent would be if they are licensed and current. That would encompass both teachers and administrators. It makes it cleaner and more in the way we normally identify things in our statute.

Chair Parnell:

To clarify things, this is the organizing committee; this is not the governing board? Are we still on the group of people who are organizing the school, but not governing?

Kathleen Conaboy:

You are correct. There is a section, NRS 386.549 that almost mimicked this. So what we said in NRS 386.549, which we will be discussing shortly, is that it would reflect work composition outlined in NRS 386.520.

Assemblywoman Dondero Loop:

Would licensed personnel include someone like a school psychologist who may be licensed by the state but is not necessarily a teacher?

Kathleen Conaboy:

It was my understanding from the discussion with Ms. Roberts that we were talking about people who held education-related licenses—such as a teacher or an educational administrator.

Assemblywoman Dondero Loop:

My concern is that if this mimics what is on the board, I was just trying to make sure we had teachers represented. Administrators have been teachers who

have worked up to administration; whereas someone like a school psychologist may not have been a teacher.

Kathleen Conaboy:

I cannot go any further than I already have on that one.

Chair Parnell:

This gives us all things we can look into and consider before the work session.

Kathleen Conaboy:

We are at the top of page 4, NRS 386.525. Once again, since the Department, in effect, does not approve or deny an application, this would be upon determination by the Department that an application is substantially complete and compliant. Because we took out the subcommittee on charter schools, which is where applications used to go if they were to be sponsored by the State Board, they would simply go directly to the State Board. All the way down the page, you now see reference to the State Board rather than to the subcommittee on the charter schools.

Subsection 6, the way the subcommittee on charter schools used to operate, is now gone.

Subsection 7 states, "if the State Board denies or fails to act upon an application...." We had a very unfortunate, although nicely resolved, occurrence with the State Board. Because the Board is composed of ten members, we had a five-five deadlock for a number of sequential meetings which left us in limbo. Because a deadlock is not actually a denial, they believed we were not entitled to have findings of fact or conclusions of law that we could then address to remedy the situation. If we are trying to clarify things, it is if the board denies an application or fails to act upon an application. That gets particularly to the fact the Board has an even number of persons. That is continued on the top of page 5 and is the only other change there.

On page 6, when we went to the statutes for direction on how to do an amendment, there was no direction in the statutes on how to do an amendment to a charter. There was also confusion even in the amendment on the new application process concerning what kind of documentation you had to submit to the Department if you were moving from an elementary charter school to a high school charter school. Charter school is listed as a kind of school in the statute. In discussions with Dr. Wells, this mimics the regulations to renew a charter. What we are saying here is that a charter school is able to expand its charter to provide services to children in grades that it was not originally chartered to provide services to. If the amendment complies with the

provisions of this section, then the sponsors shall amend the written charter. This is essentially how charter renewals work. If the Department does its investigation, or its review of the school that is interested in renewing its charter, and the school meets all of the regulatory guidelines that are required of charter schools, the Department shall then approve the renewal.

That is a change. I understand that "may" and "shall" are very important words, but...

Chair Parnell:

I do not have difficulty with going from "may" to "shall", but since you have "shall," I am surprised we need to delete all of the language below that. That is giving leeway to look at how the scope of this charter school is going to change via the amendment.

Kathleen Conaboy:

If I may tell a story that relates specifically to the Nevada Virtual Academy, we had applied for a K-8 charter originally. Our charter was granted to be grades 4-8 because there was some consternation at the State Board level regarding the efficacy of K-3 education using a distance education model. We resolved that issue after a year and half, and moved into wanting to expand into high school. Our intent had always been to allow our students to stay in the continuum of the distance education program. We understood the statutes, and because charter schools are listed as a kind of school, we read the statutes to say that what we needed to do was to amend our charter. Even legal counsel said that the statute was unclear. The Department read it the other way and decided that we should put in a full application. We submitted a full application because of what it says at the end about changing the expansion of grade levels which changes the kind of school.

To everyone's credit, we all reached a meeting of the minds at the end of this process. We went through the whole process of the 500-page application with the 65-point checklist. We were allowed to keep our same board; our curriculum had already been approved, which was an entirely separate process and in the end our charter was amended. We were not issued a new charter. The changes we are proposing here, based upon the experiences of one school, are to streamline the process.

I am on page 7, at NRS 386.535. If the charter is to be revoked, the failure to meet the terms and conditions of the written charter should be "material." That is another word recommended by Nevada Virtual's legal counsel. It means that it is more substantial than meeting the deadline for a report.

Subparagraph (4) under subsection 1 came from our conversation with Deputy Superintendent Wells who wanted to refer back to the issue that the regulations of the Department, relative to academic performance, needs to be considered as much as any sort of management issues that might be considered in the revocation of a charter.

On page 8, at NRS 386.540, we took out the subcommittee on charter schools and replaced it with the State Board. This is where paragraph (c) suggests that the process for submission of an amendment should be clarified just like the process for an application or revocation. This is the issue that I referred to earlier: that there was nothing in the statute on how to start an amendment process. Both paragraphs (c) and (e) deal with that.

At page 9, I will admit up front that this new language in subsection 5 has befuddled a number of people who have read this. It is getting to the point of formalizing requests for information, and perhaps avoiding the issue of unfunded mandates to charter schools. When we were dealing with the State Board—and many of those members did not rerun in the last election—we would go to them with answers to questions that we had been asked at board meetings, but we were always asked the next iteration of a question. Much of it had to do with some of the things we were talking about earlier management, infrastructure, and budgets. The issue became that they wanted more information from us, and the answer had to be, "If you do, that is fine, and we are happy to comply. You are our sponsor, but could you tell us up front in a formalized and objective way that everyone has to respond to." If the Department wants more than what is currently required, we wanted to make sure the processes were formalized and applied uniformly. The last part of the sentence says you can ask us for what you want, but if it is going to cost us a lot of money to create, or if it demands that we implement some kind of a new system, then we need to be able to say, "That is an unfunded mandate. Could you tell us how the Department will fund it for us?" I know the Superintendent has something to say about that. It bothers them because sometimes the State Board mandates things, and the Department may or may not have a budget to deal with it. It is an issue we need to put on the table because it happened to us.

Nevada Revised Statutes 386.547 deals with duties of the State Board. We were hoping there could be a process, regardless of the sponsor of the charter school, by which we receive parity in funding with all of the public schools and have access to information about sources of funding. I understand from some of my colleagues in the lobby corps who work with the school districts that this is a concern for them, and they may want to address it when we are finished.

The governing body is addressed in NRS 386.549. Ms. Parnell, this section answers your question concerning whether the governing body was the same as the implementing body, or the founding body, of a charter school because it was almost the same and things were redefined. We suggest that the composition of the governing body should conform to the membership of the founding body.

Chair Parnell:

I do not have a question, but we may want to have a conversation about that. I think there is a real difference between the group that is organizing the charter school and the group that is actually operating it. That is when you really do need to specifically consider teachers.

Kathleen Conaboy:

Okay. They were almost the same in the current statutes, so it is probably good to look at them side-by-side and decide who should be where.

In NRS 386.549, subsection 4, I need to apologize to the bill's sponsor. I was overly zealous in my editing and edited her amendment. I am sorry Mrs. Smith. When other charter schools looked at what was in the current Assembly Bill 181, the only question that came to mind concerned the stipend for the charter school board, because the current bill as submitted by the sponsor reads, "...each member is entitled to receive..." What some of the charter schools wondered is whether you could have a vote of the governing body to determine whether you were even going to pay stipends, because your budget might not allow that? I think Mrs. Smith clarified earlier that it certainly was at the discretion of the board. They could, if they so decided, make payments up to \$80 per month. If that is the intent, I apologize for my editing of your amendments.

Language on page 11, at NRS 386.5515, subsection 1, paragraph (e), is exactly what is in Mrs. Smith's bill, and you have the amendment from Leigh Berdrow. That is bill language.

Earlier in the session Mr. Arensdorf, from the Department of Education, came to this Committee and made a point. Sometimes with statewide schools, like Connection, the school district in which the charter school is located does not accommodate individual pupils, so reference should be to the school district in which the child resides. This is what the corrections on page 12, NRS 386.560 refer to.

Subsection 1, subsection 4, and subsection 5 get to the issue of where the child resides. Our headquarters for the Nevada Virtual Academy are in Clark

County, but we have students enrolled all over the state. If the child wants to be in extracurricular sports we would, of course, want to go to the school district in which the child resides.

There are no changes on page 13. On page 14, you will notice in subsection 4 that charter schools sponsored by school districts pay a 2 percent fee in their founding year and 1 percent in years thereafter. Charter schools that are funded by the State Board of Education pay 2 percent in their founding year and 1.5 percent of the total money appropriated in years thereafter. We would like to see that be equal. Obviously, because those paying 1 percent do not now want to pay 1.5 percent, we would like to even it out at 1 percent, regardless of sponsor.

Chair Parnell:

As you have been involved with the charter school institute bill that we will be hearing on Wednesday, note that we will have to wait to take any action on charter school bills until a week from Wednesday because these all directly or indirectly affect something else. Of course we will not know that until the end when everything has to become compliant with other bills that have passed. There are some issues within all of these that would be determined with the passage of an institute bill.

Kathleen Conaboy:

Absolutely. Because there are so many bills out there that touch on charter school issues, Mrs. Smith suggested that we work on this amendment as if there were nothing else out there; then we will deal with things as they come along.

Chair Parnell:

Are there any questions for Mrs. Conaboy? It will probably take some time for everyone to digest that one.

**Steve Knight, Executive Director and Principal, Silver State High School,
Carson City, Nevada:**

I want to applaud everyone who has done all of this work. Amendments to Assembly Bill 181 clean up a lot of language that we have problems with. I see two other things that I have problems with.

Chair Parnell:

Are you referring to the bill or the amendments?

Steve Knight:

Excuse me, not the bill but the proposed amendments.

Chair Parnell:

I hate to spend too much time on the proposed amendments, but if you have a couple of errors you want to reference, go ahead.

Steve Knight:

There are just two quick comments. On page 2, concerning the additional members who are either on the committee to form or on the actual governing board, it might be very difficult, as was pointed out, to find people with expertise in accounting, financial services, law and such. Second, I think we really need to define the word "expertise". We need to narrow that down if we do require it.

At page 4, concerning the word "denial," the Committee needs to provide a mechanism and some language of reasons for denial for the state's school board or whoever does sponsor the schools. We got rid of "shall approve all charter schools" and changed it to "may," but we need to have an "allow" and have a trigger or a mechanism to define what can be denied. Every charter school that comes in front of the board or committee that is sponsoring it needs to be able to say "no" to some of them. Charter schools, as Dr. Robinson pointed out, are supposed to be new, innovative, and non-replicative, so not every single application needs to be approved. Otherwise we are going to be like Arizona and California with 800 to 1,000 charter schools.

Other than that, I find both bills excellent.

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

I would like to testify in support of the amendments and of Assemblywoman Smith and you, Madam Chair, for all of the work that has gone into trying to streamline the charter school process. What this amendment reflects, as Ms. Conaboy represented, is collaboration between the Department, the charter school community, and its newly formed association in trying to follow your legislative intent: to allow charter schools to run efficiently, to streamline the process, and to ensure there are mechanisms, as the previous speaker indicated, to get rid of bad charter schools. We want to thank everyone for their efforts and acknowledge our support.

Laura Granier, representing Nevada Connections Academy, Reno, Nevada:

I would also like to thank everyone who has worked so diligently on this bill and the amendments which do include very important clarifications. Nevada Connections Academy very recently went through the application process and

also the amendment process, and the clarifications included here will smooth that process out.

Charter school law is a rapidly developing area of the law which is a very positive thing, as it allows for innovation and alternative and important choices for our students. Thank you.

One quick comment I have on the amendment is under NRS Chapter 386.535, paragraph (4), which is proposed to be added. It is not so much an objection; I just note for the record that it seems substantively redundant because paragraph (a), subparagraph (3), that already exists, refers to any other statute or regulation applicable to charter schools. That covers the gamut.

Chair Parnell:

Would you tell us what page or section you are on rather than just the NRS?

Laura Granier:

Certainly, I am at page 7 of the amendment and *Nevada Revised Statute* (NRS) 386.535, subsection 1, paragraph (a), subparagraph (4).

Chair Parnell:

The regulation of the Department is referenced in NRS 386.530, subsection 2.

Laura Granier:

If you look at subparagraph (3) that is already in that statutory provision, you will see that it refers to the provisions of NRS 386.500 to 386.610 inclusive, or any other statute or regulation applicable to charter schools.

Chair Parnell:

Is there anyone else here wishing to testify in support of Assembly Bill 181, either in Carson City or Las Vegas? Is there anyone wishing to speak in opposition of A.B. 181 in either location? Is there anyone who is neutral on the bill?

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

We received access to the amendment for Assembly Bill 181 today about noon. We sent it to the various people in the district for feedback, and some comments came back to us just before this meeting began. We would like to have the opportunity to sit down with the maker of the amendment to work through some of the issues that we spotted. Some of them are the same issues that you, as well as other speakers, pointed out, Chair Parnell. We want to make sure we understand them and that we are on the same page. We do

not know whether we are for or against it. We need a little more time to make sure we have the opportunity to provide input.

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

If I may just say ditto to what Ms. Haldeman has said. We also just saw this midday today, and we are getting information back from our staff.

Chair Parnell:

I will close the hearing on Assembly Bill 181 and open the hearing on Assembly Bill 393.

Assembly Bill 393: Revises provisions governing charter schools. (BDR 34-527)

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

I have been having conversations with charter school representatives. In one of my conversations with Mr. Aguilar and others from the Agassi School, we talked about some of the challenges that the charter schools with a kindergarten and a prekindergarten have in ensuring the ability for children to continue through the system. I had suggested that they also speak with Carol Andrew from the Montessori School because I had actually attended a couple of their meetings when they were having the same challenges, and it escalated into a big issue for them. I thought perhaps if they were looking to solve the problem, they could collaborate. I offered one of the bills I had to use for this issue. Mr. Aguilar will talk about the solution and also the second provision regarding the children of full-time employees of the charter school. If it would meet your pleasure, I will let Mr. Aguilar describe their intentions and the reason behind the bill.

Francisco Aguilar, representing Andre Agassi Foundation, Andre Agassi College Preparatory Academy, Las Vegas, Nevada:

Begin with paragraph (c) of the bill regarding a child of a person employed in a full-time position by a charter school. When I first began this position with the Agassi Foundation, I met with staff members, principals, as well as management within the school, and asked, what are your biggest challenges being a member of Andre Agassi College Preparatory Academy? One issue that was continually raised by every constituency of the school was the challenge of being a parent with a student enrolled in another school. We are demanding of our employees, our teachers, and our principals. We expect them to arrive early and leave late and meet the schedules of our students. They arrive at 7 a.m. and leave at about 5 or 5:30 p.m., or even later. I would like to invite Anterine Jackson with her daughter Zayli Jackson who is here to testify today from Las Vegas, as well as Theresa Ethridge, on behalf of Agassi Prep.

Theresa Ethridge, Information Manager, Andre Agassi College Preparatory Academy, Las Vegas, Nevada:

I have worked at Agassi Prep for three years and have applied for my four children to attend this school. It has been a hardship, in part because of the time difference which does not coincide with my work schedule. I believe that it is unfair to the employees at Agassi Prep not to have the chance to enroll our children, especially if we do not live within the two-mile radius. I know that my children would benefit from attending Agassi. Having them attend the school where I work would allow increased participation from me in school activities, instead of having to miss work or having to leave early for conferences that I may need to attend at their school. With my children attending Agassi it would be possible for me to be more involved with the school and work activities while I continue to assist with so many of the programs Agassi has to offer.

As it is currently, my husband and I have to miss work or school to attend our children's school functions such as open houses and spelling bees because I am at work. If they were actually at Agassi, we would be able to participate in all of those activities.

The employees who work at Agassi make Agassi a great school and a great place to learn and to work. We would like to have the option to have our children there.

Chair Parnell:

It would be a little like when I was teaching at an elementary school and my sons were at my school for a while even though they did not live in that school zone. With a charter school you cannot really go to the school board and ask for a variance to another school. This would be taking care of the same process in a regular school district. Is that correct?

Francisco Aguilar:

Yes, from what I understand in speaking with some of the administrators at Clark County School District, teachers within Clark County School District are allowed to enroll their children in their same school, so this would match a similar policy within the area.

Anterine Jackson, Executive Assistant to the Chancellor, Andre Agassi College Preparatory Academy, Las Vegas, Nevada:

I am the parent of a six-year-old daughter, who is here with me, and the stepparent of a 14-year-old daughter and a 16-year-old son.

I came here to testify for a bill that I truly believe should be passed. As a devoted employee of Andre Agassi and a devoted parent, I truly believe that work and life balance is important.

My father has often shared stories with me about his upbringing. He would tell me that in his youth, it was unheard of to have both parents working. His father would work and his mother would stay home and take care of the family. This would allow for ample quality time with the parental unit. Unfortunately this is not true in this day and time because we deal with the hardship of a bad economy, a high rate of foreclosures, and much more. In all honesty we are blessed to be working. However, because this is something that we have to deal with as Americans, I do believe that the core of our existence, which is family, should not be compromised in any way.

While aiding and protecting the children of Agassi I believe that I should have the opportunity to do the same for my children. Agassi, as we all know, borders North Las Vegas, and my daughter goes to Lamping Elementary School in Henderson which is below Anthem. After working 8 a.m. to 5 p.m., it takes me approximately 30 minutes to get to her after work. There are times I have to stay late to deal with important issues that are going on at the office, and Safe Key at my daughter's school stays open until 6 p.m. I sometimes have to scramble to get someone to pick her up in order to fulfill my duties at my job. Once I do get her and complete homework, it is time for her to go to bed. As a result, I see that the family foundation that I have built for my children is slowly crumbling. It is very painful to have your daughter call you and say that she misses you and wants you to get to her sooner, and there is nothing I can do about it.

Clark County School District allows their employees to have their children attend the school that they work at, and although Agassi is a charter school and is based on a lottery, we all have the same goal in mind, and that is to be available and help children reach their full potential. As a parent, I want to be able to do the same for my children. I want to be able to help them flourish and let them know that they have the support system they need in order to succeed in this world. Having my daughter as well as my other children go to school where I am employed would save me precious time with my children that is irretrievable once gone. It would help me financially by my not having to make double trips back and forth to work, home, and school, and most importantly, it would allow devoted parents like myself to invest the time and dedication needed to help children succeed.

I thank you, Madam Chair and fellow Committee members, for allowing me to speak this evening.

Zayli Jackson, Private Citizen, six-years old, Las Vegas, Nevada:

I want to say that I miss my mom and I want to be with her. Thank you.

Chair Parnell:

Plus it is a pretty cool school too, so you would have two really good things while you are there everyday.

Francisco Aguilar:

Referring to paragraph (b), as Agassi approached and reached its potential as a K-12 school, we started looking at any opportunities to serve the community in which we are located. One of those issues is offering a Pre-K class. As we do our research, we want to make sure that some of the rules are in place before we reach out to the community and start enrolling children and completing the program for Pre-K. As I started to discuss this issue with Assemblywoman Smith, she said you need to call the individuals at High Desert Montessori School in Reno. They currently have a Pre-K program that automatically goes into a K program within the charter school. However, the statutes do not allow for them to admit students at the Pre-K level. They admitted students for the kindergarten level which presented some challenges, so they would do the lottery two years and seven months in advance of actually enrolling the student in kindergarten. However, if the student chose not to enroll in the Pre-K program, they would still have admittance at the kindergarten level. They would fill that seat with another student in Pre-K. When the student was finished with the Pre-K program, they did not necessarily have a seat in the kindergarten program and would have to enroll in another school.

At this time I would like to call up Cher Allison and Carol Andrew.

Chair Parnell:

If I were like Senator Raggio, I would be saying, let us not over talk this. It is looking like a pretty good bill, so do not talk us out of it. Welcome.

Cher Allison, Teacher, High Desert Montessori School, Reno, Nevada:

I also manage the program for children age three to six, and I would like to thank you for supporting this bill. I am very excited about it.

The children in my classroom all work together. We have a mixed-age room that supports all of those ages. At Montessori children start school at age three, not five, so those preschool children are not preschool at our school. They are school-age children. The kindergarten-age children are actually the elders, if you can believe it. We rely on their leadership, and the fact that they have had two years of curriculum that has built the position that they have in

the program. As the law stands, it does not support our program. I would like to thank you for considering this.

Carol Andrew, Principal/Director, High Desert Montessori School, Reno, Nevada:
We have found our way through the law, but it is very convoluted and difficult to maintain. You can imagine trying to keep track of children for two years and seven months before they start kindergarten. We have managed to do it, but it is a burden to our families and our staff to maintain. We are a fee-based program. We are very interested in working with the Mariposa Academy Charter to establish a connection to Head Start. We believe that is the vehicle to use. When we first made our application for a charter school in Nevada, we made it very clear that our educational curriculum begins at age three and that the inclusion of three- and four-year-olds in our program was essential for us to be a Montessori school and to develop into a mature academic environment.

I want to clarify something, because I do not want anyone to have incorrect information. We advertise in December, three years before the child would be entering kindergarten. We have open enrollment in January. We have been lucky that with our lottery for kindergarten, two years and seven months later, we have been able to give a lottery number to everyone who has been on the list. At some point that is going to be exceeded. We have negotiated this with our sponsor, Washoe County, who is very helpful in trying to help us craft a legal path through this. Basically, we give everyone a golden ticket for kindergarten for two years. We have the choice of either using that ticket as a three-year-old, a four-year-old, or as a kindergartner. We propose that with a two year and seven month lead time we could open a new class if we had to in order to support them.

Again, it works, but it is convoluted. This bill seeks to make a process that is essential to the service of at-risk students more direct.

Assemblyman McArthur:

On page 2, subsection 2, I do not know what you meant, or if I am reading it wrong, but it looks like these are charter schools for only those pupils who are at-risk, and not like other charter schools. You did not mean to limit the function of the schools, did you? Did you mean just schools that pertain to pupils who are at-risk?

Francisco Aguilar:

That is the main mission of Agassi Prep, to serve the at-risk segment of the population.

Assemblyman McArthur:

So you did mean to limit it to at-risk students?

Francisco Aguilar:

Yes.

Carol Andrew:

We are also in service to at-risk students. There is tremendous research to show that the at-risk student needs high-quality preschool in order to be ready for kindergarten and to be successful. I am happy to let that amendment stand and the narrowing of the language apply.

Chair Parnell:

In response to Mr. McArthur, when we initially took care of charter school legislation, we recognized that the unique thing about charter schools was they focused on a particular population. As the Agassi school has done, we actually came back and made sure that it was continuing to be the population they had originally wanted because they were starting to get lotteries from Beverly-Hills-type locations. That is why we have tried to stay really tight with the language, especially for the ones that have the dedicated population.

Francisco Aguilar:

May I make one more point? There is also the question of employee enrollment. Agassi Prep has classes with an average size of 25. If we allow employees to enroll their children as students, would that take away a seat from someone in the general community? The answer is no. We would add a number of seats to the class, but cap it at a certain number so that class sizes do not explode.

Carol Andrew:

It is important to note that the main criticism is that we have to charge, because it is preschool, and it is not covered within public education. I want to point out that we work with the Children's Cabinet, and our low-income, at-risk students are able to attend without paying. This is not about the fee-based program; it really is about good service to at-risk students.

Chair Parnell:

Is there anyone else to speak in support of Assembly Bill 393? Is there anyone in opposition to A.B. 393? Anyone neutral? I will close the hearing on Assembly Bill 393. It is the pleasure of the Committee to take action on Assembly Bill 393.

ASSEMBLYMAN HARDY MOVED TO DO PASS
ASSEMBLY BILL 393.

ASSEMBLYMAN DENIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

We will take a ten-minute break. The Committee has a work session document before them that we will start on. Again, remember we are down to only three meetings after this one.

[Reconvened at 6:19 p.m.]

Chair Parnell:

If we could turn our attention to the work session document, I will allow Ms. Stonefield to start, and I would like to thank her publicly for the work that goes into these documents. It takes a lot of time and attention to prepare them properly.

Assembly Bill 145: Requires school districts to grant the use of certain athletic fields to nonprofit organizations which provide programs for youth sports.
(BDR 34-815)

Carol M. Stonefield, Committee Policy Analyst:

If you will turn to the three-ring binder that contains the work session document, the first bill for the Committee's consideration is Assembly Bill 145. [Read Assembly Bill 145 from the work session document ([Exhibit G](#)).]

Assembly Bill 285, as mentioned in the special note of Assembly Bill 145, is also in today's work session.

Chair Parnell:

I have a question on the first page about the amendment offered by the Clark and Washoe County School Districts ([Exhibit H](#)), at subsection 1, where it deletes the phrase "without charge." Then if you turn to the previous page, the special note on Assembly Bill 285 in the last sentence says the grant shall be at no charge. I am a little confused as to where we stand. Do we charge or do we not charge?

Carol Stonefield:

The "grant shall be at no charge" is in Assembly Bill 285. The amendment proposed for this A.B. 145 removes the without charge provision, so they would be able to charge.

Chair Parnell:

If we were to take action on Assembly Bill 145 "without charge," then when we get to Assembly Bill 285 would they conflict?

Carol Stonefield:

Madam Chair, if it is the desire of the Committee to vote out similar language, then Assembly Bill 285 would need to be brought into conformity with A.B. 145.

Chair Parnell:

My next question would be to the Clark County School District, and that is, did you get the approval of the sponsor, Assemblyman Hambrick, for the mock-up amendment?

**Nicole Rourke, Director of Intergovernmental Relations, Government Affairs,
Clark County School District, Las Vegas, Nevada:**

Yes, we met with Assemblyman Hambrick, the Washoe County School District, and the Elks Lodge to discuss the amendment and the finalization of a joint amendment.

Chair Parnell:

So everyone is clear, on page 3 of this section, at the top, is where it says: Clark County School District, contact Nicole Rourke, section 1, "this entire amendment has been agreed on by the sponsor."

Nicole Rourke:

Yes. Concerning the "without charge" portion, I actually spoke to Assemblyman Hambrick early on and that was in our original amendment. He readily agreed to take that off, understanding our difficulty with it.

Chair Parnell:

For the purpose of the Committee members, I had a personal conversation with one of the members of the Elks, and they are onboard with this amendment as well. Since they are not here, I wanted to make sure that was on the record. Is there discussion?

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 145.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

Assemblyman Hardy:

Are we not considering number 2 and number 3, or does number 1 include number 2 and number 3? Are we voting on just the amendment number 1 going to Assembly Bill 145, or are we ignoring Washoe County School District and the Elks?

Chair Parnell:

No, the Clark County amendment incorporates the Washoe County amendment and incorporates the Elks amendment.

Assemblyman Hardy:

So the one we are voting on is the one that is dated March 11, 2009?

Carol Stonefield:

There appear to be different amendments in different work session books. I do apologize for that. The amendment should be dated March 26, 2009, and there should be just the one amendment from the Clark County School District and the Washoe County School District. There should not be an amendment from the Elks. The Washoe County School District amendment would have been merged into the Clark County School District amendment.

Assemblyman Hardy:

I have no more questions then.

Chair Parnell:

Washoe County's amendment and the intent from the Elks, have been incorporated into the Clark County School District amendment that has been agreed on by all three parties. Are there any additional questions or comments?

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

The next bill for consideration is Assembly Bill 243.

Assembly Bill 243: Requires certain employers to grant leave to parents, guardians and custodians of children to participate in certain school activities. (BDR 34-670)

Carol M. Stonefield, Committee Policy Analyst:
[Read Assembly Bill 243 from work session document ([Exhibit I](#)).]

The amendment offered by Assemblywoman Mastroluca ([Exhibit J](#)) was offered after this bill page was drafted, so the mock-up amendment is provided in your book behind the pages of the bill description.

It provides that the leave must be taken in increments of at least one hour during regular school hours and provides that the leave may be taken to attend school-sponsored events. The request must be submitted at least five days prior to the taking of the leave.

On page 2, subsection 3, line 39, the proposed amendment deletes existing language that relates to the civil actions. It repeals civil actions against the employer and the ability to obtain wages lost, reinstatement damages, and attorney's fees. This proposal would permit a person to request a hearing before the Labor Commissioner and proceed under *Nevada Revised Statutes* (NRS) Chapter 607. The same language is then applied in section 4, to NRS Chapter 394 which relates to private schools.

As a final note, on page 4, section 7, by deleting the specified effective date of July 1, 2009, this bill would become effective on October 1, 2009.

Assemblyman Hardy:

I am trying to digest the mock-up, but if the employer does not grant the leave that has been requested at least five days in advance, what happens then? Is that contestable before the Labor Commissioner? Or is that just a *fait accompli* and the employer has the right to say, no you cannot go?

Assemblywoman Mastroluca:

It is my understanding that the hearing before the Labor Commissioner can only occur if someone loses their job or is demoted. An employer has the right to refuse the time off for whatever reason. The goal is to find an agreed-upon time.

Assemblyman McArthur:

On the first page of the proposed amendment, at the bottom where it says five days, do we need to specify whether that is five working days or just five straight days?

Assemblywoman Mastroluca:

We can do that, but it is also the fact that we do not have people working Monday through Friday in this state. Five working days can be something different to different people. That is the Committee's decision.

Assemblyman McArthur:

Is this the best way to leave it?

Chair Parnell:

You could do five school days. Is everyone comfortable with that?

Assemblywoman Mastroluca:

I could agree with that.

Assemblyman Bobzien:

Does that include weekends or whatever? Are we okay if we have holidays or in-service days? Are the district people pretty confident that we could do five school days?

Chair Parnell:

Even a professional leave day is considered a school day.

Assemblywoman Mastroluca:

I had more discussions with other people and also talked with the district personnel, and if it pleases the Committee, we would like the effective date to be August 15, so that it would be in time for the upcoming school year.

Chair Parnell:

For the freshmen members, we are asking because, normally, effective dates are either July 1, or October 1, or go into the next year. We need to get a commitment from Legal that it would be okay to begin August 15.

Assemblywoman Dondero Loop:

I would think that July 1 would work because that is far enough in advance of the end of August beginning timeline. My question is, would we need to change it?

Assemblywoman Mastroluca:

In speaking with the business community, it was their concern that they needed the time in order to notify the people in the business community. This does not sit in existing statutes, in commerce and labor, for a business to look at. It may not be something that comes on their radar. It would also give the district time to get things in place. We have schools in Washoe that start in June and July.

We cannot help everyone, but we have to give them time because they are going to have to create the forms that will allow parents to be signed-off on, saying they attended an event. We are trying to give some time but still keep it so it will start with the next school year.

Assemblywoman Woodbury:

Also along those lines, there are year-round schools that are still in session, so if we started July 1 they would get those four days in the summer would they not? That might be too soon to start; to pack in four days in two months.

Assemblyman McArthur:

Just to clarify the five days; we could use 120 hours if you wanted to do it that way. I do not care how many you do; I'm just trying to clarify.

Assemblyman Bobzien:

Does it make that much of a difference to do five school days versus five days? Five days is five days, and any employer can figure that out. I feel like the power of this should be in its simplicity. Five days. I like the August 15 idea. That is not exactly simple, but it makes sense.

Chair Parnell:

Okay, so Mr. Bobzien's recommendation is for the August 15 start day and not to identify anything more than just a simple five days.

Assemblyman Hardy:

Keeping it simple in a very complicated way—a business has to figure out who is going to take the place of the person who is going to be gone. That is why the school day seems a little more flexible so the business would be able to find out who is going to replace the person. If they tell me on Thursday that they are going to be gone on Tuesday, I have a weekend that someone is not going to be around or a four-day weekend, which is where I think the school days would be helpful for the business. They are going to have to fill a void.

Chair Parnell:

We are getting close. There is general agreement on the five school days and general agreement on the August 15 date. Are there any other questions on the bill or amendment?

Assemblyman Bobzien:

If you are willing to entertain a motion, I would like to amend and do pass with the five school days and an effective date of August 15.

Chair Parnell:

And the remainder of the amendment proposed by Mrs. Mastroluca?

Assemblyman Bobzien:

Correct.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 243.

ASSEMBLYMAN KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Carol M. Stonefield, Committee Policy Analyst:

The next bill for consideration is Assembly Bill 285.

[Assembly Bill 285:](#) Requires a certain amount of time each school day for physical activity in elementary schools and revises provisions governing the use of school property. (BDR 34-853)

[Read Assembly Bill 285 from the work session document ([Exhibit K](#)).]

There should be three amendments in your work session document. The first was offered by the sponsor, Assemblyman Christensen ([Exhibit L](#)), and it is behind the second page of the bill description. It specifies that the 30 minutes of physical activity must be scheduled after the school day has officially begun.

The second amendment following Mr. Christensen's is offered by the Clark County School District ([Exhibit M](#)) and the Washoe County School District jointly. It provides that the board of trustees shall grant use of athletic fields at elementary, middle, or junior high schools which do not contain lights, if the use does not conflict with the joint-use agreements with city or county recreation programs.

The amendment deletes references to granting "without charge" the use of school buildings and grounds. It inserts the requirement that the nonprofit organization must comply with any requirements for indemnification as required by the board of trustees, and provides the condition that if the board of trustees has entered into an agreement with the local government for use of the school athletic fields or playgrounds by community organizations providing youth sports programs, the requirement of granting the use of athletic fields to nonprofit organizations shall not apply.

Finally, the third amendment is proposed by Assemblywoman Parnell ([Exhibit N](#)) to delete the section that relates to the use of school buildings or grounds by the general public.

Then, of course, there is the special note that this contains similar language to Assembly Bill 145.

Chair Parnell:

Now that we have passed A.B. 145 as amended with the combination language, is that language specifically reflected in this amendment, or is there differing language between the two?

Nicole Rourke, Director of Intergovernmental Relations, Government Affairs, Clark County School District, Las Vegas, Nevada:

I have to apologize; we got a little over zealous with the red ink, as educators will do. We actually meant to leave "without charge" in there, and for the language to be identical in both A.B. 145 and A.B. 285 with reference to facility use.

Chair Parnell:

Let me recap that. On line 20 in the Clark County and Washoe County School Districts' amendment, "without charge" would not be stricken?

Nicole Rourke:

It would stay.

Chair Parnell:

Stricken...

Nicole Rourke:

Would not be stricken.

Chair Parnell:

It is stricken.

Nicole Rourke:

Oh! That does allow us to charge: I apologize. I thought I made a mistake, but it is okay.

Chair Parnell:

So the language is exactly the same? The question before the Committee is, do we want to pass both Assembly Bill 145 and Assembly Bill 285 with the facility

language, or do we want to address only Assembly Bill 285 as an issue relating to physical activity time in our public schools?

Assemblywoman Mastroluca:

I would prefer to accept amendments one and three because I believe it has already been taken care of in the previous bill.

Assemblyman Hardy:

When are we going to put 30 minutes more into the school day?

Chair Parnell:

Probably not for a really long time, but I must say I have never been in a school where the students did not have a total of 30 minutes of some kind of physical activity. When you go into the middle school, junior high, or high school and then even if you are fortunate enough to be in a school that has a physical education class, I believe we discussed that would be incorporated into that time. Virtually, that could be no recess, but physical education one day, or maybe a 15 minute recess and 15 minutes of some other organized activity at the school so that the total is 30 minutes. There are a lot of things that could be incorporated to make up that 30 minutes.

Assemblyman Hardy:

How many minutes do we have now in a school day in which a child has an opportunity to be physically active?

Chair Parnell:

From what I understand, some schools have very little, if any. It differs so much from school to school and particularly from school district to school district. I do not know if anyone in the audience could even answer that.

Assemblyman Hardy:

I guess I need to ask the question, does this apply to kindergarteners who are on half-day? Are they not in elementary school? So if they are on full-day, do they get an hour?

Assemblywoman Woodbury:

Is the lunch recess counted for this, because that is already 15 minutes right there? It is just coming up with 15 minutes more. It could be 5-minute activities in class between academic tasks or going out for a 10-minute recess. Usually most classes go at least one extra time beside lunch recess anyway.

Chair Parnell:

Even if it is half-day kindergarten, I would probably want those little guys to be running around a bit.

Assemblyman Stewart:

I think in elementary school they have physical education, not every day, but a couple of times a week. Could we put in an "average" of 30 minutes? Would that be helpful?

Chair Parnell:

If we look at the language offered by Assemblyman Christensen in particular, it is pretty broad: specify, that the 30 minutes of physical activity must be scheduled after the school day has officially begun. Outside of that, it is however you want to come up with 30 minutes. If you would feel more comfortable by us doing something more...

Assemblyman Stewart:

I believe they have two physical education periods a week, and that would be an average of 30 minutes a day. That would perhaps help the school districts with working in the 30 minutes.

Assemblywoman Dondero Loop:

I believe that grades 1 through 5 receive two 15-minute periods twice a week, at least in Clark County School District. The kindergartners receive a 30-minute period of physical education when they are half-day, but not every day. We also used to have a humanities class which was sometimes like theater arts. Those are movement activity pieces.

Chair Parnell:

I would like to draw everyone's attention back to the bill as it reads. Again, this would be statewide. I have no idea what different districts do. One of the nice things about this bill is, "requiring the boards of trustees of school districts to adopt a policy for the elementary schools within the school district to provide 30 minutes after the start of school for physical activity." It is really granting the decision making to those at the local school boards and making it work for the districts.

Assemblyman Hardy:

So if I were a strict constructionalist and the required 30 minutes came after the start of school, then after school would count too. I am doing Mr. Stewart's math. If I have two 50-minute periods per week, that is 100 minutes; if I have lunch of 15 minutes each, that is 75 minutes; 175 divided by 5 is 35 minutes

and I have my 35 minutes of exercise already in the system, depending on how fast you eat your lunch or what kind of physical activity that counts as.

Assemblywoman Dondero Loop:

I understand what you are saying. I think the intention of my colleague from the south is that this is additional activity, above and beyond the physical education times, although those days could be considered physical activity. I do not think he meant to average it out. I would suggest that maybe we want to back that up. Maybe we do not want to say 30 minutes. Maybe we want to say 20 minutes if that is an issue.

Chair Parnell:

I was just informed by Legal that the federal school wellness policy uses 30 minutes. If we venture too far off what is before us, we are not going to be able to act on this today, and we will want to call Mr. Christensen in.

Assemblywoman Woodbury:

It is being done already for the most part. It is not that much of a problem. We are not really adding more into the recesses that are already there.

Chair Parnell:

We are looking at two possibilities. We are looking at passing Assembly Bill 285 as it was submitted by Assemblyman Christensen, except with the amendment that mirrors the language regarding facilities in Assembly Bill 145.

There has been a recommendation by Ms. Woodbury to amend with amendment number one offered by Assemblyman Chad Christensen specifying that the 30 minutes begin after the start of the school day, and also with the amendment referencing marrying the language with that concerning "facilities" found in Assembly Bill 145. Are there any questions? It would be amendments one and two.

Assemblyman Hardy:

That brings me back to my question of when are we going to teach math? What I hear us saying is that in addition to the two days of physical education, we are going to carve another 15 minutes or more out of the school day. I do not understand what we are doing.

Chair Parnell:

My interpretation is this: everyday at least 30 minutes of physical activity. If one of those days has a physical education class, then that would take up those 30 minutes. If there are other kinds of activities where you are getting physical activity, that would be subtracted from these 30 minutes. The

language is pretty general in that the policy must include a requirement that each child receive a total of 30 minutes of physical activity every school day. The minutes do not have to be consecutive. I believe most children in most schools today are getting close to those 30 minutes. Mr. Christensen's concern is that perhaps in some schools they are not. That is why we have the bill before us.

Ms. Stonefield, can you tell us if there was opposition testimony to this bill?

Carol Stonefield:

No, Madam Chair, I cannot tell you. I do not recall any.

Chair Parnell:

I will just ask the school districts since they would be the ones opposed to the legislation. I do not recall opposition.

Assemblyman Hardy:

I started school at 8:00 or 8:30 a.m., and school did not end until 2:30 or 3:00 p.m. We now start school at 9:00 a.m., and the elementary schools finish at 3:00 p.m. As I look at the hours, we spend less time in school now than we used to, and we had time to run around. I think our school day has been shortened. I am concerned that we are placing so much time and emphasis on grades and meeting reading requirements. By third grade our full-day kindergartners are just as bad or as good as our half-day kindergartners, so what are we doing in the school to teach? That is my issue. Where do we get the seat time?

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

I did not actually come to respond to Dr. Hardy's comment although I agree with him. Our school day has gotten shorter over the years and our expectations much larger. If you talk to a third-, fourth-, or fifth-grade teacher and discuss with them why high school kids cannot do math, they will say it is their fault because they did not have time to teach the child "to mastery." We talked about it, we went over it, they had a couple of days to deal with it, but they do not know their multiplication tables because there was not enough time to teach them to mastery. So Dr. Hardy is absolutely right.

I actually came to the table to talk about two different things. The reason we are not opposing this bill is because we already do this. We have 30 minutes of activity time, but it is in things like time built into the lunch hour and different things like that. Although it is not a continuous physical activity, it is built into the day. Giving children the opportunity to move about is very important, and it actually enhances learning to have the little break in between.

The other reason I wanted to come to the table is to ask you to please make an exception for schools that have half-day kindergarten. My granddaughter who attends half-day kindergarten goes to school for two-and-a-half hours. If you require 30 minutes of physical activity, that is a huge amount of their school day. I would ask you to either cut that in half or waive the requirement for half-day kindergarten programs.

Assemblyman Denis:

I think the reason we are here and talking about putting recess back is because they needed more seat time; that is why recesses were cut back. If we put recesses back into the school day, while we have asked them to do more, we are going back to the way it was before, which was less time in the classroom. Not that I disagree that it is important to have the activity, but it sounds like concerning the intent of this, they are already doing it—just in creative ways. That may or may not be the intent, but they have activity.

I agree about the kindergarten activity time. It could be an option rather than a mandated 30 minutes.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 285.

Chair Parnell:

We have a motion to amend and do pass. Mr. Bobzien, do you want to reference the kindergarten issue?

Assemblyman Bobzien:

Ms. Haldeman's point to exempt half-day kindergarten children makes a lot of sense. It would be too much to try to chop up 15 minute blocks to inject into a two-and-a-half-hour period. I do not know how you want to handle that, if you want to amend the motion or get a new motion to include the exemption for half-day kindergarten.

Chair Parnell:

It is important to note that it would not prevent those kindergarten classes from having activity; it would just not be in the statute. We have some elementary schools that are grades one through six. We can leave elementary as it is in the bill, but Legal can do an exemption for the half-day.

Assemblyman Bobzien:

I do feel the requirement for full-day kindergarten makes a lot of sense, so I would like to confine the exemption to half-day kindergarten.

Chair Parnell:

For Legal, show an exception for the half-day kindergarten classes. Again, it does not prevent them from doing it; it just would not be in statute.

Assemblywoman Woodbury:

I do not believe you will find a kindergarten teacher who does not build in activity throughout the whole kindergarten, so it is not a problem.

Chair Parnell:

Good point. They are physically active the whole time they are in class. They are exempt by virtue of that fact.

Assemblyman Stewart:

I am going to vote yes on this, but I would like to reserve my right to change to a no on the floor.

Assemblyman McArthur:

Is your motion without the third amendment?

Chair Parnell:

The motion to amend and do pass is with amendment number one, offered by Assemblyman Christensen; with amendment number two, the combined facility language offered by the Clark County School District and Washoe County School District; and with Legal including a way to exempt half-day kindergarten from the statute. Is that correct?

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY. (ASSEMBLYMAN STEWART RESERVED THE RIGHT TO CHANGE HIS VOTE ON THE FLOOR.)

Chair Parnell:

We will move to Assembly Bill 327.

Assembly Bill 327: Requires the Board of Regents of the University of Nevada to submit a biennial report concerning the participation of certain protected classes in the Nevada System of Higher Education. (BDR 34-1063)

Carol M. Stonefield, Committee Policy Analyst:

[Read from Assembly Bill 327 in the work session document ([Exhibit O](#)).]

Assemblyman Denis:

It is good bill.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS ASSEMBLY BILL 327.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

Assemblyman Hardy:

You said something about retain—is that defined?

Chair Parnell:

I believe it is in reference to keeping kids in that school, not so much retaining them in the grade level, but retaining them at the college or university.

Assemblyman Hardy:

How do you do that other than grades?

Assemblyman Bobzien:

Retention calculation is typically a carryover from year-to-year, fall-to-fall, spring-to-spring. All of the institutions have some kind of calculation that defines a student as retained, although they may differ a little.

Assemblyman Hardy:

Are not we trying to retain all students?

Assemblyman Denis:

We want to retain all students, but the purpose of this is to look at underrepresented student populations and how we can retain them. They have a higher rate of dropping out.

Assemblyman Bobzien:

My colleague is correct. Typically you look at the students who are retained. In other words, they progress through their credit work until they eventually leave the institution with a degree. All this is doing is referencing the existing studies that are done and, of course, breaking them out by ethnicity to try to identify problems and to keep tabs on what is happening in their institution.

Chair Parnell:

Another issue is when people have to report results and have been put on notice that something in particular is to be looked at in terms of results received versus efforts put in. We attract students, we retain students, and that is what the sponsor of the bill is looking for.

Assemblyman Kihuen:

I should disclose under Rule 23 that I am an employee of the Nevada System of Higher Education. I do not feel this will affect me differently from anyone else. I will be voting on this matter.

Chair Parnell:

Thank you for making that Rule 23 statement.

THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

The last bill for today will be Assembly Bill 348.

[Assembly Bill 348](#): Requires public schools to post a notice of certain information concerning educational programs and services available within the school district. (BDR 34-621)

Carol M. Stonefield, Committee Policy Analyst:

[Read from Assembly Bill 348 in the work session document ([Exhibit P](#)).]

Assemblyman Bobzien:

This is a wonderful bill, and the amendments are fantastic. This is an aspirational bill which gives clear direction to the school districts that they should be pulling out all of the stops to make sure all of the educational opportunities are available to parents and students. Are you willing to take a motion?

Chair Parnell:

Yes I would. Would you be specific about which amendment? We have the proposed amendment from the Academy for Career Education ([Exhibit Q](#)) on the first page behind the worksheet, and we have the proposed amendment from Clark County and Washoe County School Districts ([Exhibit R](#)).

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 348 WITH BOTH AMENDMENTS.

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.
THE MOTION PASSED UNANIMOUSLY.

Chair Parnell:

Assemblyman Munford will take Assembly Bill 348 on the floor.

Mrs. Mastroluca will take Assembly Bill 243 on the floor.

I will give Assemblyman Hambrick Assembly Bill 145 for the floor.

I will give Assemblyman Christensen Assembly Bill 285 for the floor, and as a backup, Mr. Stewart.

I will give Assembly Bill 327 to Assemblyman Denis.

We will remind you of those assignments and have the floor statements ready for you when they come to the floor.

Is there anyone wishing to make any public comments? We did have Assembly Bill 505 in here, but there have been a couple of amendments proposed recently, so we will take care that, if not Wednesday, next Monday when we will try to do the vast majority of our work session. Next Monday night will be another long evening. Members, do not forget, this Wednesday, Education is a Joint Committee meeting at 3:30 p.m. in room 1214.

[Meeting adjourned at 7:16 p.m.]

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Bonnie Parnell, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 30, 2009

Time of Meeting: 3:45 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 487	C	Bryn Lapenta	Proposed Amendment to A.B. 487 by Washoe County School District
	D	Michele Robinson, Superintendent of Schools, Odyssey Charter Schools, Las Vegas, Nevada, CSAN Board President	Presentation for Charter School Association of Nevada
A.B. 181	E	Assemblywoman Debbie Smith, Washoe County Assembly District No. 30	Proposed Amendment to A. B. 181 by ACE Charter High School
A.B. 181	F	Kathleen A. Conaboy, representing K12 Inc., Reno, Nevada	Proposed Amendment to A. B. 181
A.B. 145	G	Carol M. Stonefield, Committee Policy Analyst	Work Session Document for Assembly Bill 145
A.B. 145	H	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 145 by Clark and Washoe County School Districts
A.B. 243	I	Carol M. Stonefield, Committee Policy Analyst	Work Session Document for Assembly Bill 243
A.B. 243	J	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 243 by Assemblywoman Mastroluca
A.B. 285	K	Carol M. Stonefield, Committee Policy Analyst	Work Session Document for Assembly Bill 285
A.B. 285	L	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 285 by Assemblyman Christensen
A.B. 285	M	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 285 by Clark and Washoe County School Districts
A.B.	N	Carol M. Stonefield, Committee	Proposed Amendment to

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285		Policy Analyst	A.B. 285 by Assemblywoman Parnell
A.B. 327	O	Carol M. Stonefield, Committee Policy Analyst	Work Session Document for Assembly Bill 327
A.B. 348	P	Carol M. Stonefield, Committee Policy Analyst	Work Session Document for Assembly Bill 348
A.B. 348	Q	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 348 by Academy for Career Education
A.B. 348	R	Carol M. Stonefield, Committee Policy Analyst	Proposed Amendment to A.B. 348 by Clark and Washoe County School Districts