

**MINUTES OF THE
JOINT SUBCOMMITTEE ON K-12 EDUCATION/HIGHER EDUCATION
OF THE SENATE COMMITTEE ON FINANCE
AND THE ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-fifth Session
March 6, 2009**

The Joint Subcommittee on K-12 Education/Higher Education of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Bernice Mathews at 8:05 a.m. on Friday, March 6, 2009, in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Bernice Mathews, Chair
Senator Steven A. Horsford
Senator William J. Raggio
Senator Warren B. Hardy II

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Debbie Smith, Chair
Assemblyman Mo Denis, Vice Chair
Assemblyman Morse Arberry Jr.
Assemblywoman Barbara E. Buckley
Assemblyman John Ocegüera
Assemblywoman Heidi S. Gansert
Assemblyman Tom Grady

STAFF MEMBERS PRESENT:

Bob Atkinson, Senior Program Analyst
Joi Davis, Program Analyst
Gary L. Ghiggeri, Senate Fiscal Analyst
Julie Waller, Program Analyst
Michael Archer, Committee Secretary

OTHERS PRESENT:

David Perlman, Administrator, Commission on Postsecondary Education
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Gloria Dopf, Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education
James Wells, Deputy Superintendent for Administrative and Fiscal Services, Department of Education
Carol Crothers, Assistant Deputy, Assessment, Program Accountability and Curriculum, Department of Education
Shawn Franklin, Technology and Innovative Programs, Department of Education
Donnell Barton, Office of Child Nutrition and School Health, Department of Education
Randy Robinson, Nevada Association of School Superintendents

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Dotty Merrill, Nevada Association of School Boards
Bart Mangino, Clark County School District

CHAIR MATHEWS:

We will open the hearing on budget account (B/A) 101-2666, the Commission on Postsecondary Education.

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NDE - Commission on Postsecondary Education – Budget Page K-12 ED-153
(Volume I)
Budget Account 101-2666

DAVID PERLMAN (Administrator, Commission on Postsecondary Education):
Please refer to my handout, "Testimony in Support of Budget Account 2666, Commission on Postsecondary Education," ([Exhibit C](#)). This budget account will allow the Commission to meet the legislative intent stated in the *Nevada Revised Statutes* 394.125; as well as fulfill the duties specified by the annual reimbursement contract with the U.S. Department of Veterans Affairs. That contract reimburses a portion of our salary, most of our in-state travel and all of our out-of-state travel. It also provides about \$14,000 for administrative expenses. The Commission continues to provide an important level of protection for students by precluding the operation of diploma mills, overseeing a rigorous licensure process, conducting on-site reviews, working closely with other State regulators, managing a recovery fund, providing transcripts from closed schools and providing intervention and resolution of student complaints.

The private schools industry has experienced negative effects from the current economic climate, especially in reduced funding for student loans. Adults are still making the decision to return to school, and enrollment has dropped by only 21 students over the last year. The Commission currently licenses 115 trade and technical schools, 24 private colleges and universities. We also approve 30 alcohol-awareness training establishments and 23 out-of-state accredited institutions that employ agents in Nevada. In addition, we oversee veterans training programs in 24 schools which are not regulated by the Commission on Postsecondary Education. The role of postsecondary education is more important than ever and we ask for your continued support.

CHAIR MATHEWS:

Does the Commission regulate substance abuse programs other than for alcohol?

MR. PERLMAN:

No, we do not.

SENATOR HORSFORD:

I wish to disclose that I am associated with an organization that is postsecondary certified and will abstain from the decision-making process on this budget.

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CHAIR SMITH:

We were having problems certifying apprenticeship programs for veterans. Has this been corrected? Do you keep records of how many veterans receive services through those programs?

MR. PERLMAN:

We have resolved all but one of those problem cases. While the Commission is only tasked with certifying these programs, we do have access to information about the number of veterans enrolled in them through the U.S. Department of Veterans Affairs.

CHAIR SMITH:

Please provide that information to our staff.

Constituents of mine who submitted requests for reimbursement from the Alcoholic Beverage Awareness Program have not heard back from the Commission. Why have you not responded? Also, the money for this reimbursement comes from fines against the owners of establishments who violate the Alcoholic Beverage Awareness Program Card provision. Is it true you have not levied a single fine since this Program was instituted?

MR. PERLMAN:

We were getting a thousand requests for reimbursement each month; but the number has subsequently decreased. We have only one employee to process these requests and are waiting for funding in this budget so we can complete that workload.

We have not levied any fines since the program was instituted.

CHAIR SMITH:

If you do not respond, they will continue to make requests and the work will become backlogged even more. How do you plan to get this workload completed?

MR. PERLMAN:

I do not know.

CHAIR SMITH:

Have you interacted with the agencies responsible for enforcing this program to find out why nothing is happening?

MR. PERLMAN:

No, I have not. That is done through the Department of Taxation. This program has been a success. We now offer these programs statewide and have online services.

CHAIR SMITH:

Are you involved in Washoe County's participation in this?

MR. PERLMAN:

No, that is through another agency.

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CHAIR MATHEWS:

You should at least send them a form letter to advise them that you have no funds to pay the reimbursement.

MR. PERLMAN:

I can do that.

ASSEMBLYWOMAN BUCKLEY:

You should use your Website and telephone answering message to advise them they will not be getting a reimbursement payment soon.

MR. PERLMAN:

I will do that.

SENATOR HARDY:

I wish to disclose that I am associated with the Associated Builders and Contractors of Las Vegas. Our apprenticeship program is postsecondary certified and I will abstain on all matters relating this budget.

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

Please refer to our handouts "QuickSTATS" ([Exhibit D](#), original is on file in the Research Library) and "QuickFACTS" ([Exhibit E](#), original is on file in the Research Library). Page 29 of [Exhibit D](#) shows the Nevada student enrollment growth has declined from 1st to 6th in the nation. On page 31 of [Exhibit D](#), the pupil to teacher ratio is 4th highest in the nation. As shown on page 37 of [Exhibit D](#), even when the capital expenditures are added into the calculation of per pupil expenditures for 2008, Nevada is still ranked 44th in the nation.

I will now discuss B/A 101-2615, the School Remediation Trust Fund.

NDE - School Remediation Trust Fund – Budget Page K-12 ED-22 (Volume I)
Budget Account 101-2615

Please refer to our handout entitled "The Department of Education Budget 2009-2011" ([Exhibit F](#), original is in file on the Research Library). This is a flow-through account where all the funds go to the school districts for payment of programs and services. It provides support for the Innovation Grant Program administered by the Commission on Educational Excellence. It also has funding for the Full-Day Kindergarten Program. Though it was funded for Empowerment Schools, the funding was never used for them.

The Innovation Grant Program was suspended in this budget account and there is no funding for it. That includes no funding for the operational expenses of the Commission on Educational Excellence. The enrollment includes funding for the Full-Day Kindergarten Program. At that time it was for at-risk schools. We could fund schools with a 51.1 percent, or higher, number of free-and-reduced lunch students. In 2007, the budget also allowed the payment of 15 teachers who were funded with the original remediation grants. That equated to 114 schools and the funding supports 464.5 full-day kindergarten teachers.

The program funded in the Governor's budget includes continuation of the original at-risk program for the 114 schools and 15 teachers. We did build in adjustments for growth using the same calculations for growth that were calculated for the general student population. This amounted to enrollment inflation of 0.64 percent for fiscal year (FY) 2009-2010 and 0.95 percent in FY 2010-2011. That level of growth would call for the addition of 9 teachers in FY 2009-2010 and 12 teachers in FY 2010-2011. The funding for FY 2009-2010 is \$27,929,000. In the *Executive Budget*, this includes new State appropriations, interest on the money in the trust fund and the balance carried forward. It would eliminate all money in the trust fund. This raises the question of whether we expend the \$25 million earmarked for teachers or if we utilize every dollar in the account, including the interest and carryforward funds. That would make a difference of about \$3,000 for each teacher we reimburse. This account reimburses the salary and benefits cost of the teachers in the Full-Day Kindergarten Program.

SENATOR HORSFORD:

Please comment on the results of the curriculum alignment study; particularly, with regard to mathematics in high-risk schools.

DR. RHEAULT:

The study was requested by the Legislature and evaluated work assignments and testing from about 100 elementary schools in Nevada over the course of a single week. A private company examined the assignments and testing and determined there was a discrepancy between the class work, the testing results and the standards for that grade level. The discrepancy was greater for mathematics than for writing and reading. The company recommended emphasis on additional professional development for teachers; particularly, to help them better understand the need to adjust their classroom assignments and testing to meet the standards for that grade level at that point in the school year.

SENATOR HORSFORD:

Please provide me with a full copy of that report. If the students are not receiving instruction on which they will be tested, whose fault is that? A generation of students is falling behind. What is your strategy to fix this problem?

DR. RHEAULT:

The State establishes the standards for grade levels. The school districts use those standards to develop the curriculum to meet all the standards. It is an issue that should be addressed by the Regional Professional Development Program (RPDP), or school district programs, to work specifically with teachers at the school sites to make sure they are aware of the requirements and to clarify the standards.

SENATOR HORSFORD:

The study concluded the depth of knowledge of low-performing schools in mathematics was significantly lower than those of high-performing schools. There is probably a correlation between their income status as well. What is your plan for correcting this problem?

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DR. RHEULT:

Any school that is on the needs-improvement list, where they have not made adequate yearly progress (AYP) over three years, is required to do a curriculum alignment. A key component is through the RPDPs. Schools can also initiate plans for improvement. We do not have a plan funded for every school achieving those standards.

SENATOR HORSFORD:

The 100 schools mentioned in the study are only a sample of all the schools in the State. Do we know how many schools actually have this problem?

DR. RHEULT:

If it is happening at the sample schools, it is likely happening in schools across the State.

SENATOR HORSFORD:

Should we designate part of the Innovation Grant Program money to resolve this problem?

DR. RHEULT:

I am a member of the Commission on Educational Excellence. We funded over 450 grants. All of the funding that goes to the schools is based on their school improvement plans. Much of this money is based on critical reviews of their school improvement. The reason they are asking for funding is to provide an up-to-date level curriculum to their students.

SENATOR HORSFORD:

While this is a resource issue, it is also one of accountability. The instructional leaders must be held accountable. Either they get the curriculum aligned properly or they need to go. They are part of the problem.

ASSEMBLYWOMAN SMITH:

How many of the 100 schools in that study that were found to have problems were Title I schools?

DR. RHEULT:

We have not looked at that information but will do so and provide it to your staff.

CHAIR SMITH:

This is a mentoring and coaching problem. Perhaps Title I money can help. Do you keep track of the tuition-based full-day kindergarten classes?

DR. RHEULT:

We do not routinely track that information. My staff will provide that to you.

CHAIR SMITH:

I would like to know the rates those schools are charging.

ASSEMBLYWOMAN BUCKLEY:

As a result of the curriculum alignment studies, we would like to see the Department of Education (NDE) react as if it were an educational emergency. I

want to see plans from the school districts on what they are going to do to correct the discrepancies between standards and achievement.

I am a supporter of the Innovation Grant Program. If the Legislature were able to restore some funding to this program, I will need to know from the school superintendents how much would be necessary and for what purposes it would be spent. Please provide that information to our Subcommittee as soon as possible.

DR. RHEAULT:

We will provide that information. A bill working its way through the Legislature would restrict secondary funds to focus on eighth-grade promotion. If all the middle schools apply for this funding, it will be entirely depleted.

SENATOR HARDY:

Curriculum alignment should be considered fundamental, rather than innovative thinking. I do not understand the connection between mentoring and curriculum alignment. Please have someone explain that to me later.

CHAIR MATHEWS:

Please provide us more performance information on tuition-based full-day kindergarten schools compared to the other full-day kindergarten programs.

DR. RHEAULT:

We have not conducted a statewide evaluation. Clark County is working on a report and we will provide it to you.

As with other budget accounts, we have submitted a bill draft request (BDR) requesting elimination of norm-referenced testing (NRT). However, in this account if the funding for mediation is not provided, it will not require a bill draft request (BDR). The statute just refers to the fact that the Commission on Educational Excellence shall distribute the money available no changes are required to suspend the program for a two-year period.

SENATOR RAGGIO:

The NRT was an integral part of the Nevada Education Reform Act. We included this to make sure we had good measurement of students' progress. We still have the National Assessment of Educational Progress (NAEP) test, but what are we giving up by not having the NRT in the evaluative process as well?

DR. RHEAULT:

We used the NRT ten years ago to make sure the Criterion Referenced Test (CRT) was properly aligned and did not show higher results than on the NRT. Now every state participates in the NAEP as mandated by the No Child Left Behind Act of 2001 (NCLBA). With the NAEP, we are compared to other states but can also use the proficiency level of students tested in Nevada on the NAEP to see if it is in line with what we are showing on the CRT. However, since everyone is now required to test on the NAEP, the NRT would be a duplication of effort and is not required by the NCLBA. Not using the NRT will save about \$900,000 a year and provide results similar to the NAEP. Our comparison of all the three tests showed similar results.

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SENATOR RAGGIO:
I appreciate the information but do not agree.

CHAIR SMITH:
Do we have a report from Clark County about the Empowerment School Program?

DR. RHEULT:
Before the money was frozen, we had distributed planning money to the school districts. Douglas and White Pine Counties did the planning in the hope they would get the additional funding. Much of the funding was returned when they learned the funding of \$400 a student was not going to be available. I will get you information on the status of the Empowerment School Program in Clark County.

CHAIR MATHEWS:
We will now open the hearing on B/A 101-2673, Education State Programs.

NDE - Education State Programs – Budget Page K-12 ED-26 (Volume I)
Budget Account 101-2673

DR. RHEULT:
This budget account is funded through a General Fund appropriation. It includes most of the State-funded staff in our Department. The budget includes activities associated with the State Board of Education, the administrative duties of the State Superintendent of Public Instruction, management of the NDE and the technical expertise of professionals in various education subjects. It also includes charter school administration, academic probation panels and the Commission on Educational Technology.

Decision unit E-310 provides additional funds to expand the number of team leaders in the legislatively required school support teams to non-Title I schools if they are in their third year of needing improvement. The number of schools reaching this level is anticipated to be 122 in FY 2009-2010 and 167 in FY 2010-2011. This enhancement unit funds a team leader for each school at \$10,000 as opposed to \$20,000 provided by the federal grant for Title I schools. We are currently working on a BDR to provide flexibility in the requirement that school support team leaders be at every non-Title I school. This is necessary because the proficiency levels will be increasing as a result of the NCLBA. Because of the requirements of the NCLBA, we anticipate in three or four years 400 schools will not be meeting the AYP. Because schools are on the needs-improvement list for a variety of reasons, such flexibility in the fourth year will hold down expenses to the State.

E-310 Improve Pupil Achievement – Page K-12 ED-28

SENATOR HORSFORD:
Have the school support teams been successful?

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GLORIA DOPF (Deputy Superintendent for Instructional, Research and Evaluative Services, Department of Education):

We are evaluating the school support teams and will provide you with the results when the evaluation is completed. The school support teams look at the recent data and revise the improvement plan by focusing on key goals. In non-Title I schools, team leaders are not there after the initial process because the funds end at \$10,000. Title I schools receive \$20,000 and so have the school support team mentoring over the course of the entire year. When the team and the school leader work together well, it almost always results in improved achievement. Some schools do not need the services of the school support teams every year as the law requires. The BDR we are proposing will help give us the ability to differentiate between school needs.

SENATOR HORSFORD:

Do school support teams duplicate the work of the school districts and the RPDPs?

Ms. DOPF:

They do not duplicate the effort. They provide a more focused approach to a school's particular need. The RPDP and school districts operate on a different level.

SENATOR HORSFORD:

Is a school support team determined to be successful if the school meets the AYP?

Ms. DOPF:

That is not the only measure. It also has to do with teachers being able to teach to the proper level.

SENATOR HORSFORD:

I do not see how the school support team leader is thought to know more about what the school needs than does the principal or the teachers. The role of the support teams should be to identify problem areas and require a corrective action plan which holds school leaders accountable. It is a stigma for a school to be identified as not meeting the AYP and demoralizing for the parents, students and teachers. I would like to see the results of the report you are having conducted on school support teams.

DR. RHEAULT:

We will provide that information.

This budget account eliminates four staff positions that were unfilled in FY 2007-2008. These were the empowerment consultant, gifted and talented consultant, parental involvement consultant and cultural diversity consultant.

CHAIR SMITH:

How will the elimination of the parental involvement consultant affect the Parent Involvement Council?

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Ms. DOPF:

I am acting in place of the parent involvement consultant. The Parent Involvement Council provided a report to the Legislature on February 1, 2009, with recommendations for proposed legislation. It was a difficult task because we did not have proper funding. I recommend greater support for the Parent Involvement Council.

CHAIR SMITH:

It is important to involve parents. Some schools used the Innovation Grant Program funds to help create an outreach plan for parents.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2720, Education Support Services.

NDE - Education Support Services – Budget Page K-12 ED-49 (Volume I)
Budget Account 101-2720

JAMES WELLS (Deputy Superintendent for Administrative and Fiscal Services, Department of Education):

This is our indirect cost account. The budget is funded from assessments on the administrative expenditures of other NDE budget accounts. It includes rent for the State and other programs subject to the unrestricted indirect cost rate. It also includes statewide allocated expenses, such as the Statewide Cost Allocation Plan, the Attorney General Allocations as well as certain operating contracts. It also encompasses employee costs and related costs of accounting, budgeting, payroll, grant writing, purchasing and information technology. Decision unit E-904 is a request to transfer an administrative assistant in B/A 101-2673 to B/A 101-2720.

E-904 Trans from Ed State Programs to Support Services – Page K-12 ED-56

Decision unit E-900 is a request to transfer one informational technology professional III and one grant writer position from B/A 101-2673 to B/A101-2720.

E-900 Trans from Ed State Programs to Support Services – Page K-12 ED-55

Decision unit E-901 is a request to transfer one program officer from B/A 101-2673 to B/A 101-2720.

E-901 Trans from Support Services to Ed State Programs – Page K-12 ED-56

Decision unit E-250 requests one budget analyst I position to address the increased workload associated with 21 varied and complex executive budgets administered by the NDE. This position will also be responsible for reviewing charter school applications and budgets.

E-250 Working Environment and Wage – Page K-12 ED-51

CHAIR SMITH:

Will this position help with the tracking of the economic stimulus funding?

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MR. WELLS:

Yes. There are new reporting requirements for the stimulus package that will require more of our time.

CHAIR SMITH:

Will you get administrative funding to offset the need for meeting those reporting requirements?

MR. WELLS:

We get administrative funding from Title I and the Individuals with Disabilities Education Act (IDEA) funds. It is a relatively small amount.

CHAIR SMITH:

Do you have a tracking system in place to obtain the required data?

MR. WELLS:

Yes. We are currently in discussions on how to best utilize that to meet these reporting requirements.

Decision unit E-251 requests one auditor II position to address the workload associated with the increase in the number of charter schools, the growing State enrollments and the growing number of State and federal grant programs, especially the number of Child Nutrition sponsors. Part of this position will be funded through B/A 101-2691, Nutrition Education Programs.

E-251 Working Environment and Wage – Page K-12 ED-51

NDE - Nutrition Education Programs – Budget Page K-12 ED-136 (Volume I)
Budget Account 101-2691

Decision unit E-253 requests funds for adequate funding to perform the audit functions assigned to the NDE audit staff. This is primarily due to the expansion of charter schools. Many of these schools are in Clark County. We recently moved an auditor to Las Vegas and intend for the new auditor position to be located there as well.

E-253 Working Environment and Wage – Page K-12 ED-52

CHAIR MATHEWS:

Will this new position decrease the overtime for your current auditors?

MR. WELLS:

Yes.

SENATOR HORSFORD:

How many NDE positions are located in Las Vegas?

DR. RHEAULT:

Of our 150 employees, 26 are located in Las Vegas.

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SENATOR HORSFORD:

In addition to the auditors, how many other employees incur travel costs? How many students are there in Nevada?

DR. RHEAULT:

Most of our staff travels to Las Vegas. However, even those stationed in Las Vegas are sometimes required to go to other places in the State. The NDE employees in Las Vegas are teacher licensing staff. They generally do not travel. We have career and technical program staff there, as well as special education and nutrition employees stationed in Clark County. There are about 437,000 students in the State. About 75 percent are in Clark County.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2697, Proficiency Testing.

NDE - Proficiency Testing – Budget Page K-12 ED-59 (Volume I)
Budget Account 101-2697

DR. RHEAULT:

This budget receives a General Fund appropriation and uses federal assessment programs to match the State funding. Funding is included for the NRT in grades 4, 7 and 10, provided and administered under a contract with CTB McGraw-Hill. The budget also includes necessary resources to oversee the High School Proficiency Examination (HSPE) which students are required to pass before receiving a standard Nevada High School Diploma. This program is currently accomplished through a contract with a national testing company to administer, score and report the HSPE. Funding is also included to support the testing of writing skills for all students in grades 5, 8, 11, and 12, as well the CRTs in grades 3 through 8.

Page 23 of [Exhibit F](#) covers a recommendation in our proposed budget amendment to convert two existing contract employees involved in test development and data management for the HSPE and CRT to NDE staff positions. We would realize a savings if we were to convert these two positions from contract employees to positions supported by a combination of the General Fund and federal money.

SENATOR HORSFORD:

Contract costs in this budget have increased by 52.6 percent. Have you attempted to obtain a lower bid from other contractors?

CAROL CROTHERS (Assistant Deputy, Assessment, Program Accountability and Curriculum, Department of Education):

The Governor's recommended budget includes federal money that is used for this contract. We have submitted a budget amendment to give the federal money its proper allocation. We have added the alternate assessment to our contract and discovered, through a compliance agreement with the federal government, that we needed more technical assistance on the development of our IDEA-required alternate assessment. Those costs have been incorporated into the contract and are primarily being paid for out of federal IDEA funds. We have had additional costs related to item development. Moving forward into the

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new biennium, we are looking at new ways to develop our items which will decrease the cost of the item development process.

SENATOR HORSFORD:

Are you saying the mix of funding that is 46.1 percent General Fund and 53.9 percent federal is from IDEA? Are these funds used just for testing?

MS. CROTHERS:

It is a combination of IDEA and federal assessment money from the NCLBA. The portion of funding from the NCLBA is specifically for assessments. The IDEA funds are not specially designated for testing, but we have decided that is a good use of the money.

SENATOR HORSFORD:

Prior to us agreeing to a 52-percent increase in the contract, I would like to know if there has been an effort to negotiate better terms.

MS. CROTHERS:

We are looking at less-expensive ways to do item development.

SENATOR HORSFORD:

How else can we use the IDEA funds?

CHAIR SMITH:

Two issues should be considered. There is an increase to the contract because we have new items and a new test being added. We also have inflationary costs. Given the economic climate, can we negotiate with vendors on those inflationary costs?

MS. CROTHERS:

We have also had student growth which adds to the cost to the contract. As we move through the new Request for Proposal (RFP) process, we are looking not only at changes in item development, but with regulation, to move the tests around so we can save money. We can also negotiate much better than we have in the past. We understand your concerns.

CHAIR MATHEWS:

Are you currently negotiating these contracts?

MS. CROTHERS:

No. We will be starting an RFP in the next few months and will be writing the RFP with a different scope in mind. Once the bids come in, we will begin negotiating.

DR. RHEAULT:

Decision unit E-275, Maximize Interment and Technology, contained in our budget amendment of March 1, 2009, provides \$50,011 in software license fees for the operation of the System of Accountability Information in Nevada (SAIN).

ASSEMBLYMAN DENIS:

Is this for maintenance or upgrade?

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SHAWN FRANKLIN (Technology and Innovative Programs, Department of Education):

It is for maintenance and software licensing. There are no upgrades for this system. We have gone to the 2008 version of Sequel software for functional reasons. We have assurance agreements on some of the other software, so we can obtain upgrades.

ASSEMBLYMAN DENIS:

Please provide our staff with your entire list of maintenance and upgrade needs.

MR. FRANKLIN:

I will do that.

DR. RHEAULT:

In decision unit E-660, we are requesting the elimination of the NRT. We have submitted BDR 1216 that would permanently eliminate the NRT from the budget and the requirements for schools to offer it.

BILL DRAFT REQUEST 1216: Eliminates the requirement for the administration of the Norm Referenced Examination.

This will save the \$925,470 in each year of the coming biennium. National comparison of data can now be made with the NAEP because all states now participate.

E-660 Program Reductions/Reductions to Services – Page K-12 ED-61

CHAIR SMITH:

Please give us the status of the SAIN. Why was it not completed as projected?

MR. FRANKLIN:

Please refer to our handout titled "SAIN Status, March 3, 2009" ([Exhibit G](#)). We are working with the licensure office in trying to determine the most cost-effective way to meet the new goal for completion.

DR. RHEAULT:

We are expecting completion of the system in December 2009.

CHAIR SMITH:

Why are we running almost a year behind the original anticipated completion date?

MR. FRANKLIN:

The main reason for the delay is we had to rearchitect all of our security models around our Bighorn portal, the Website on which we work to create the system. A detailed list of what we completed on the project can be found on page 4 of [Exhibit G](#).

CHAIR SMITH:

You were funded by the State in an amount higher than anticipated and have also received a federal grant. Where has this funding gone?

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MR. FRANKLIN:

The money appropriated from the General Fund for this project in the last biennium paid for the maintenance, upkeep and continuation. The federal grant allowed us to start over on the architecture so the data would be properly protected.

CHAIR SMITH:

Is the SAIN set up so the school districts will be able to use the system when it is finally available?

MR. FRANKLIN:

Yes. We work closely with the school districts and have two groups who meet regularly to discuss the SAIN.

CHAIR SMITH:

Will we be including long-term substitute teachers in this database?

MR. FRANKLIN:

The long-term substitute teachers have a license number. As long as the districts show them being scheduled for teaching a course, it will be reflected in the system.

DR. RHEAULT:

There is still a statute prohibiting us from linking teachers to student achievement in performing evaluations. The data can be used for purposes other than that.

SENATOR HORSFORD:

Will this component of the SAIN be implemented by December 2009?

MR. FRANKLIN:

If you mean the linkage to teacher and student data, the answer is yes.

SENATOR HORSFORD:

You are sure it will meet this deadline?

MR. FRANKLIN:

Yes, unless something unforeseen happens that we cannot overcome.

SENATOR HORSFORD:

The NDE should create a performance indicator so there will be consequences if the SAIN is not brought online. Dr. Rheault, I suggest you arrange for that.

DR. RHEAULT:

I will.

SENATOR HORSFORD:

What components of the SAIN will not be completed by December 2009?

MR. FRANKLIN:

The federal grant period is spread out through July 2010 with a one-year extension if we need it. There are several components that will not be

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completed until then, including electronic transcripts between schools. Full integration of the fiscal data will not be completed by December 2009.

DR. RHEAULT:

The completion dates for the various components are listed on pages 6 and 7 of [Exhibit G](#).

SENATOR HORSFORD:

Are all school districts in full compliance with what they need to do?

DR. RHEAULT:

Yes, they have been providing uploads and links to the SAIN.

SENATOR HORSFORD:

We have tens of thousands disengaged youth under the age of 22 who are not in school. Will we be able to track them on the SAIN?

MS. DOPF:

The SAIN will track those students who drop out in the ninth grade or later. However, it does not track those who have already dropped out. We are now required to follow the NCLBA graduation rate methodology and I do not believe there is a tracking component for the youth who are already out of the graduation rate data. The Education Foundation and Project Ready for Life are making efforts along those lines. We will try to find mechanisms to reengage those youngsters.

SENATOR HORSFORD:

This is a critical area that must be addressed. These young people are entitled to a public education until they are age 22. We have a responsibility to track them along with other students.

ASSEMBLYMAN DENIS:

How can we be assured there will be no other need for such a drastic change in the SAIN system architecture?

MR. FRANKLIN:

Our current system is well protected and we have taken many precautions to ensure further rebuilding of the system will not be necessary. We try to anticipate changes and build flexibility into the system as we go.

ASSEMBLYMAN DENIS:

When will the entire system be completed?

MR. FRANKLIN:

We are using many features of the system already. As each component rolls out, we put it in use.

ASSEMBLYWOMAN GANSERT:

How will you use this information to make change? Will the information be available at all levels?

MR. FRANKLIN:

On pages 7 through 9 of [Exhibit G](#) we have listed our intended business uses and the levels of access for the SAIN. It will be rolled out down to the teacher level. According to Family Educational Rights and Privacy Act Regulations, each level will have access to what they have an educational right to see.

ASSEMBLYWOMAN GANSERT:

When will we receive feedback and an action plan based on the information you will be obtaining from the SAIN?

MS. DOPF:

This information is already available at the State, district and school levels and can be accessed on the NDE Website. The next level will provide information to the schools about their individual students. That information is subject to a more protected level of privacy.

ASSEMBLYWOMAN GANSERT:

Are you currently formulating an action plan for different schools?

MS. DOPF:

The State Improvement Plan is generated from that data. This results in an annual report of specific action plans for the schools provided by the NDE. In addition, the school districts use that same data, along with school-specific information, to modify those action plans. The result is what produces the instructional models. The NDE does not currently have access to that local data through the SAIN.

ASSEMBLYWOMAN GANSERT:

Do you revise the action plans each year according to the data results?

MS. DOPF:

Yes, we do. The NDE does an analysis that includes both the State and local action plans. Schools failing to make the AYP are subject to the improvement plans described earlier.

SENATOR HORSFORD:

I would like to see the NDE draft a strategic plan with accountability components that measure the Department and the school districts year-to-year. When 40 percent of students fail to earn a high school diploma, you have a problem. The system is failing them. We need to benchmark this data and use it to guide future decisions to meet our goals. The plan should make it clear how people will be held accountable if those goals are not met. Now that the SAIN is in place, the rest of the system must be informed of the available data. There are many policy decisions involved here and the budget should be aligned with such a plan. Please provide us with a copy of the State Improvement Plan.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2705, Teacher Education and Licensing.

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DR. RHEAULT:

This account is self-funded by fees collected through licensure. The cost of a new teacher's license is \$161.

On page 27 of [Exhibit F](#), we have listed the types and number of licensure transactions in FY 2007-2008. The major emphasis in this budget is to achieve savings through technological improvements.

Decision unit E-275 requests staff training on the use of the new teacher licensure system enhancements as well as funding for the final two lobby workstations. At these stations, applicants for prospective and renewal teacher licenses can fill out, print and submit necessary forms required to obtain the license. Page 29 of [Exhibit F](#) lists specific system enhancements we hope to achieve with this funding.

E-275 Maximize Internet and Technology – Page K-12 ED-69

Decision unit E-276 requests replacement of the telephone system in the Las Vegas office. The best quote we have received so far is \$34,762. On Page 30 of [Exhibit F](#), we show details of this change.

E-276 Maximize Internet and Technology – Page K-12 ED-69

CHAIR MATHEWS:

Is the State phone system so outdated you cannot get new technology to make it compatible?

MR. WELLS:

We have been told it would be less expensive to replace our phone system than to hook up with the State telephone system.

CHAIR SMITH:

Are you effectively monitoring revoked teacher's licenses?

DR. RHEAULT:

We are tracking all revocations that we are required to follow and complete.

CHAIR SMITH:

Is there a notification process?

DR. RHEAULT:

All districts are notified if a teacher's license has been revoked or suspended. We also report it to the National Teacher Recruitment Clearinghouse.

SENATOR HORSFORD:

Decision unit E-250 called for \$29,378 in the next biennium for travel of two staff members from the Office of Teacher Licensure to attend three conferences. Please justify that expense.

E-250 Working Environment and Wage – Page K-12 ED-68

DR. RHEAULT:

I do not have that information now but will provide it to you.

ASSEMBLYMAN DENIS:

Have other states developed a teacher licensing program software that we can purchase instead of incurring the expense of developing our own?

DR. RHEAULT:

We have studied systems used in other states. While those teacher licensing systems did have common components, our unique regulations and licensing process were so different that they were not cost effective to use. Our technicians are looking into the possibility of adopting a base program from another system, thus saving development costs on that component. It is necessary to stop using our current programming language, FoxPro, and start using a more universal system.

MR. WELLS:

The Department of Information Technology is working on an occupational licensing system that we may be able to use.

ASSEMBLYMAN DENIS:

What is the difference in cost between purchasing the new phone system for your Las Vegas office and becoming part of the State phone system?

MR. WELLS:

I do not have a quote for installing the State phone system. I will obtain one and provide you with that information.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2678, GEAR UP.

NDE - Gear Up – Budget Page K-12 ED-84 (Volume I)
Budget Account 101-2678

DR. RHEAULT:

The NDE gets a federal grant of \$3 million each year for the Gaining Early Awareness and Readiness for Undergraduate Programs. Of this, \$1.5 million is for grant administration and \$1.5 million is put into a scholarship program. Page 34 of [Exhibit F](#) describes the funding process in greater detail. We provide quarterly updates to the Legislature about this Program.

CHAIR SMITH:

This Program does not appear to be reaching a large number of students. Please explain why.

DR. RHEAULT:

This is a limited program which involved only about 2,000 to 3,000 students in the first year. We have learned some lessons from the first group which may help increase the number of students in subsequent years.

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CHAIR SMITH:

Do we compare their performance with non-GEAR UP students in their schools?
We should include that as a performance indicator.

DR. RHEAULT:

We have not made that comparison but have access to that data if you would like it.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2706, Other Unrestricted Accounts.

NDE - Other Unrestricted Accounts – Budget Page K-12 ED-88 (Volume I)
Budget Account 101-2706

DR. RHEAULT:

This account consists of small federal programs which I have listed on page 35 of [Exhibit F](#).

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2709, Discretionary Grants, Restricted.

NDE - Discretionary Grants - Restricted – Budget Page K-12 ED-94 (Volume I)
Budget Account 101-2709

DR. RHEAULT:

Programs in this budget account are subject to a restricted indirect cost rate approved by the U.S. Department of Education (ED). On page 36 of [Exhibit F](#), I have listed the various grants which comprise this account.

CHAIR MATHEWS:

Have the charter schools been notified that the federal charter school grant, typically available to the NDE, was not renewed and that the charter schools must now apply directly for that grant?

DR. RHEAULT:

The last of our funding under this grant ended in October 2008. We have advised the charter schools they can apply for the grant directly to the ED.

SENATOR HORSFORD:

Have you notified the charter schools that they must apply directly for the federal grant?

DR. RHEAULT:

Yes, we have notified them.

SENATOR HORSFORD:

The economic stimulus package is providing money to charter schools for retrofit. Have you reviewed that and are you notifying the State-sponsored charter schools of those grant opportunities?

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DR. RHEAULT:

I do not yet have enough detailed information about it to notify them. I will follow up on that.

SENATOR HORSFORD:

Who made the policy decision not to pursue the federal charter school grant?

DR. RHEAULT:

I made that decision. During our last application to the ED for this grant, we were advised we did not receive funding because the State's regulations governing charter schools were not improving. There were a number of such items that led me to believe it would be a waste of time with limited staff to reapply. I also considered in my decision that the charter schools could apply directly for these funds.

SENATOR HORSFORD:

What was it specifically that prevented us from getting federal funding?

DR. RHEAULT:

It had to do with the restrictive requirements of charter school laws in Nevada. I will provide you with a copy of their reply.

SENATOR HORSFORD:

This information will be important to us in our education policy committees. Charter schools will be a large part of the reforms taking place under the Obama Administration. Nevada must stay current with these reforms. We do not want to be left out, so we need to know exactly what the criterion are that disqualifies us for that grant money.

DR. RHEAULT:

I will provide that information.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2712, Elementary and Secondary ED, Title I.

NDE - Elementary & Secondary ED - Title I – Budget Page K-12 ED-102
(Volume I)

Budget Account 101-2712

DR. RHEAULT:

Budget account 101-2712 is fully federally funded under the Elementary and Secondary Education Act. As part of the funding for the Even Start Program, there is a federal match requirement. On page 37 of [Exhibit F](#), I have listed those to whom the funding is primarily directed. I am expecting guidance for the economic stimulus program which we estimate will be in the \$70-million range for increased Title I funding over the next two years. We will work on budget changes when we know the exact amount.

ASSEMBLYWOMAN BUCKLEY:

I have asked your staff to work with us with regard to analyzing the economic stimulus funding. We share priorities in proposed changes to the Governor's

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recommended budget. We do not want to see this money obligating us to programs we will not be able to pay for when the money runs out in two years. Our staff is studying how this funding might be used to help us achieve our top priorities in restoring cuts recommended by the Governor. Please advise us on how we can strategically use that money to achieve our goals.

DR. RHEAULT:

We will be happy to work with your staff on that issue.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2713, Elementary & Secondary ED Titles II, V, & VI.

NDE - Elementary & Secondary ED Titles II, V, & VI – Budget Page K-12 ED-112
(Volume I)

Budget Account 101-2713

DR. RHEAULT:

This budget account is fully federally funded. On page 38 of [Exhibit F](#), I have listed the specific programs under this account and their goals. The original budget did not include the educational technology grants. However, the economic stimulus package included \$4.2 million for those grants. We will be distributing those funds under the same requirements and restrictions as the current program. We have submitted a budget amendment to replace two contract employees for the HSPE and CRT to State employees, as mentioned previously.

SENATOR HORSFORD:

The Performance Indicators for this account are of concern to me. Performance Indicator 1 has as its goal the percent of elementary classes taught by highly qualified teachers for the last year of the biennium as 90 percent. In Performance Indicator 2, the percent of elementary high-poverty classes taught by highly qualified teachers is 90%. Performance Indicator 3 shows the percent of secondary classes taught by highly qualified teachers is 85%. Performance Indicator 4 has the percent of secondary high-poverty classes taught by highly qualified teachers as 81 percent. I suggest you increase the projected goals for each of those Performance Indicators to 100 percent and develop strategies to achieve those goals. What is the barrier to having highly qualified teachers in these areas?

DR. RHEAULT:

We do have a plan that was approved and submitted to the federal government to get to 100 percent in those Performance Indicators. That is an area of highest priority. We are working with school districts to get to that point.

SENATOR HORSFORD:

Do not start with low expectations. Set the goals high. Put your strategies in place and if you fail to meet the goals, reevaluate them and determine how to accomplish them next time. Those goals should be 100 percent. Please consider changing them.

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CHAIR MATHEWS:

We will now open the hearing on B/A 101-2606, Student Incentive Grants.

NDE - Student Incentive Grants – Budget Page K-12 ED-121 (Volume I)
Budget Account 101-2606

DR. RHEAULT:

These grants are supported by a General Fund appropriation to meet the federal match. Page 42 of [Exhibit F](#) provides details of the funding and enrollment requirements. The maximum amount of the grant is \$5,000 for each student.

CHAIR MATHEWS:

Does anyone ever apply for the maximum grant? Do you have good participation?

DR. RHEAULT:

The amounts are rarely \$5,000. The largest amount I remember approving was \$1,200. The average is about \$600 to \$800. This is because of the limited funding and the high number of applicants.

CHAIR SMITH:

Do we have information on how this affects the students such as how many of them graduate?

MR. WELLS:

We file an annual report of this with the federal government. I will provide you with a copy.

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2676, Career and Technical Education.

NDE - Career and Technical Education – Budget Page K-12 ED-124 (Volume I)
Budget Account 101-2676

DR. RHEAULT:

This budget account is supported primarily from federal funding with a maintenance of effort (MOE) provision requiring a General Fund appropriation to match federal funds for administrative costs. Enhancement unit E-250 is a request for the funding realignment of four positions to maintain compliance with the Carl D. Perkins Grant.

E-250 Working Environment and Wage – Page K-12 ED-126

SENATOR HORSFORD:

Our research shows Career and Technical Education is one of the best examples of a program that is working successfully. Why are actual performance indicators for FY 2007-2008 not displayed in the *Executive Budget*? Why are the projected performance goals lower than what is being achieved?

DR. RHEAULT:

I will revisit this information and provide it to you.

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ASSEMBLYWOMAN GANSERT:

In providing us with the actual performance indicators for FY 2007-2008, also please provide us also with the information for FY 2006-2007 so we can identify trends.

DR. RHEAULT:

I will provide that information.

SENATOR HORSFORD:

Because of its relevancy, students in Career and Technical Education Programs are more engaged and have higher attendance. I request you include a performance indicator denoting attendance and truancy as compared to comprehensive schools.

DR. RHEAULT:

I will see if they have the attendance data and will try to do that.

Decision unit E-600 recommends elimination of two education consultant positions, brings grant program funding to the expected levels for the biennium and reduces administrative expenses to comply with the Carl D. Perkins Grant administrative cap. However, in working with your staff, we find there may be carryover funds available. We submitted a budget amendment to have these positions added back into this account.

E-600 Budget Reductions – Page K-12 ED-126

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2680, Continuing Education.

NDE - Continuing Education – Budget Page K-12 ED-130 (Volume I)
Budget Account 101-2680

This budget is funded through the Federal Adult Education and Family Literacy Act. On page 46 of [Exhibit F](#) I have listed details about the education services it provides.

In decision unit E-260, we have requested staff training for certain employees. On page 47 of [Exhibit F](#) I have listed the details of that training.

E-260 Working Environment and Wage – Page K-12 ED-132

CHAIR MATHEWS:

We will now open the hearing on B/A 101-2691, Nutrition Education Programs.

NDE - Nutrition Education Programs – Budget Page K-12 ED-136 (Volume I)
Budget Account 101-2691

Page 48 of [Exhibit F](#) describes the federal allotment formula and the General Fund appropriation necessary to meet the MOE for a federal match.

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CHAIR SMITH:

This program is underutilized. Not only will good nutrition help children perform better in class, it will also put money into the State economy. What can you do to improve the number of students using this program?

DONNELL BARTON (Office of Child Nutrition and School Health, Department of Education):

Only 15 percent our students nationwide participated in the school breakfast program last year. Some school administrators do not provide this meal because they believe it is the parents' responsibility to do so. Most of the schools in Nevada can provide in-class school breakfast, yet, many school administrators, teachers and maintenance personnel resist doing so; claiming it takes away from instruction and creates additional cleaning problems. Our studies show this is usually not the case. Teachers can provide time for this meal at the beginning of the day without interfering in class work. The Humboldt County School District is considering cutting the program entirely because of budget problems. Washoe County School District is the only one in the State that is not losing money by offering the program.

In FY 2003-2004, Nevada received funds from the Vitamin Settlement Grant. Only four school districts applied for this grant. Now that this funding has been depleted, these districts have stopped, or significantly decreased, the school breakfast program.

Under Provision II of the U.S. Department of Agriculture's (USDA) Child Nutrition Act, all students at certain schools can receive free meals; yet, we have seen a decline in the number of some schools using this program. In FY 2007-2008, Clark County had 24 Provision II schools; now they have 11. Humboldt County had four schools in FY 2007-2008 and now has three. Washoe County has gone from four to eight Provision II schools in the same time period. The USDA advises that if 85 percent of students receive free-and-reduced price meals, the school district should begin realizing a profit. Not all schools qualify for Provision II status.

CHAIR SMITH:

Do we have data indicating a correlation between these breakfast and lunch programs and higher-student achievement?

Ms. Barton:

Yes. Students perform better when they are well fed.

CHAIR SMITH:

While I agree it is the parent's responsibility to provide their child with breakfast, it is not the child's fault if they do not. Has the State Board of Education addressed this issue?

DR. RHEAULT:

The State Board of Education has adopted a health plan for the school districts. Though we cannot force school districts to adopt these programs, we do encourage them to do so.

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CHAIR MATHEWS:

We will now open the hearing on B/A 101-2715, Individuals with Disabilities (IDEA).

NDE - Individuals with Disabilities (IDEA) – Budget Page K-12 ED-145 (Volume I)
Budget Account 101-2715

DR. RHEAULT:

Once we are advised about the amount of economic stimulus package funding we will receive, our staff will begin working with you on priorities. A high percentage of the costs of special education students in the school districts have been paid for out of the school districts' General Funds. We are hoping this infusion of federal money relieves some of that school districts' General Fund need for the next two years.

CHAIR MATHEWS:

Have you filed a budget amendment yet?

DR. RHEAULT:

We will do so when we learn the exact amount of the stimulus money.

CHAIR SMITH:

What is the status of the MOE for special education?

MR. WELLS:

The MOE for special education is in B/A 101-2610. It is our intent to submit a budget amendment for the special education MOE.

NDE - Distributive School Account – Budget Page K-12 ED-4 (Volume I)
Budget Account 101-2610

RANDY ROBINSON (Nevada Association of School Superintendents):

Superintendents rarely get as energized about an issue as they were about the Innovation Grant Program. In terms of focusing on what students need to achieve, this program is one of the best things the Legislature has ever done.

SENATOR HARDY:

Randy Robinson is a registered lobbyist for the Associated Builders and Contractors of Las Vegas. I am the President of that organization. This is not a Senate Standing Rule 23 disclosure; just a matter of public information.

DOTTY MERRILL (Nevada Association of School Boards):

Of the 654 schools in our State, 450 received Innovation Grant Program funds. This funding allowed the schools to propose strategies to improve learning and achievement though data provided directly to teachers and principals. They then used the data to formulate their school improvement plans with members of their school communities and parents who are involved in that process. Your support for continuing funds for the Innovation Grant Program will make great individual differences in the achievement of these students, both in the present and the long term.

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BART MANGINO (Clark County School District):
Innovation Grant Program funds have had a positive impact, particularly at the school level. As a principal, I can tell you those funds directly aided the students. The aim of those funds was to assist the schools in making broad-based and significant changes in their local schools. In Clark County, this program was highly effective in reaching the overarching goals of increasing student achievement with the benchmarks of the NCLBA. I support the further funding of this program.

CHAIR MATHEWS:
There being no further business before this Subcommittee, this meeting is adjourned at 10:50 a.m.

RESPECTFULLY SUBMITTED:

Michael Archer,
Committee Secretary

APPROVED BY:

Senator Bernice Mathews, Chair

DATE: _____

Assemblywoman Debbie Smith, Chair

DATE: _____