

**MINUTES OF THE
SENATE COMMITTEE ON HEALTH AND EDUCATION**

**Seventy-fifth Session
May 8, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 2:48 p.m. on Friday, May 8, 2009, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 5100, 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.

COMMITTEE MEMBERS PRESENT:

Senator Valerie Wiener, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Shirley A. Breeden
Senator Maurice E. Washington
Senator Dennis Nolan

COMMITTEE MEMBERS ABSENT:

Senator Steven A. Horsford (Excused)
Senator Barbara K. Cegavske (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Mo Denis, Assembly District No. 28
Assemblywoman Bonnie Parnell, Assembly District No. 40
Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Mindy Martini, Committee Policy Analyst
Sara Partida, Committee Counsel
Betty Ihfe, Committee Secretary

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OTHERS PRESENT:

Hilarie H. Robison, Executive Director, Nevada Public Education Foundation
Chanda Cook, Director of Community Initiatives, Nevada Public Education Foundation
Anne Loring, Washoe County School District
Lucy Flores, Nevada Commission on Minority Affairs
Dr. Jane A. Nichols, Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education
Craig L. Marshall, P.E., Deputy Manager, State Public Works Board
Nicole Rourke, Director of Intergovernmental Relations, Government Affairs, Clark County School District
James M. Wright, Chief, State Fire Marshal Division
Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District
Lonnie Shields, Nevada Association of School Administrators
Jeanette Belz, ACE Charter High School
Kathleen Conaboy, K12, Inc.
James R. Wells, CPA, Deputy Superintendent, Administrative and Fiscal Services, Department of Education
Chris Ferrari, Imagine Schools

CHAIR WIENER:

We will open the meeting with a presentation of "Cities in Crisis 2009: Closing the Graduation Gap, Educational and Economic Conditions in America's Largest Cities" ([Exhibit C](#), original on file in the Research Library).

HILARIE H. ROBISON (Executive Director, Nevada Public Education Foundation):

This "Cities in Crisis 2009" report, [Exhibit C](#), was recently published by the Editorial Projects in Education Research Center which is the same group that produces the "Diplomas Count" report. It was funded by the America's Promise Alliance. Because of our partnership with this national organization, the Nevada Public Education Foundation and the Ready for Life movement, we were given a "heads up" regarding this report coming out. Different organizations use different calculation methods. Whatever the exact number is and whether people agree on that number, the number is too high. Each dropout is a young person making a million-dollar decision when they leave school without a diploma. In [Exhibit C](#), they looked at graduation rates in the 50 largest United States cities from 1995 to 2005. They calculate this differently than the

way the school district and the State calculate them. Over that 10-year period, Clark County School District (CCSD) ranked the worst in graduation rates showing it declining 23.1 percent over that 10-year period. That left the CCSD in the 43rd position with a graduation rate of 44.5 percent for 2004–2005, which was the year of data used for this report. They used Census Bureau data. They noted the largest number of students is lost at Grade 10 in the CCSD. Nationally, it is Grade 9. The CCSD published graduation rate for that same year is 62.7 percent. The 2007-2008 number for the school district is 63 percent. Nevada's published graduation rate is 67.4 percent for 2007-2008. There are different ways to calculate the numbers. According to the Kids Count Data Center, Nevada ranks worst among all 50 states in the percentage of high school dropouts, teens not attending school or working and young adults who enrolled in or have completed college. This report also looked at the economic impact of not graduating. Those are important numbers and can help get the message out to people who do not see this as a concern to them. The report, [Exhibit C](#), looked at the Las Vegas metropolitan area for 2007 on the economic impact, and it indicated that 48 percent of the adults without a diploma in Las Vegas are steadily employed compared to 54 percent with a diploma.

The median income is \$20,000 for nongraduates compared to \$26,000 for graduates. They call that gap the diploma advantage. There is a 35-percent diploma advantage compared to a national average of 70 percent. These numbers are for 2007, which is before the current economic situation. The economic impact of not having a high school diploma in Las Vegas is less than the other 50 largest cities in the United States. The poverty rate is 18 percent for nongraduates compared to 9 percent for graduates. Las Vegas had a lower poverty rate than other cities in the report. If the more than 19,500 high school dropouts from 2008 had earned their diplomas, Nevada's economy would have realized an additional \$5.1 billion in wages over their lifetimes.

The graduation gap among Hispanics, African Americans and Native Americans will be the same and all will achieve the same educational levels as Caucasians by 2020. Nevada's personal income would increase by \$2.2 billion.

There are ties to our justice system. More than 80 percent of the prison population consists of dropouts, and dropouts are three and one half times more likely to be arrested than graduates. It costs six times more every year to incarcerate an individual than to educate him or her.

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CHAIR WIENER:

I worked with several people who were also concerned about what we are doing to assist our children on a multidimensional approach. That was an asset-development model, reinforcing and building on the positive. Have you integrated some of those in your best practices and recommendations?

Ms. ROBISON:

The assets-development approach is evident in a variety of ways and in organizations working with young people across the State. It is similar to the America's Promise Alliance.

CHANDA COOK (Director of Community Initiatives, Nevada Public Education Foundation):

The asset-development approach is very similar to the America's Promise Alliance by having a caring adult in a child's life. It includes other research done by the Bill and Melinda Gates Foundation called The Three Rs, which are rigor, relevance and relationships. The importance of relationships in a child's life is a critical component. We are aware of the asset approach, and it fits in with things needed to get our youth ready for life.

Ms. ROBISON:

We are trying to systematically build those systems and supports with partners who are already on the ground doing the right work.

ANNE LORING (Washoe County School District):

The Data Profile Group of the Education Alliance that I am a member of has been following the issue of high school graduation rates for some time. A few days ago, there was an article in the newspaper regarding the drop in high school graduation rates in the southern Nevada. You have been given a copy of the "Special Report: Clark County School District, Nevada" ([Exhibit D](#)). There is a graph of the ten-year, cumulative-promotion index on page 3, which is the number used as a surrogate for graduation reports by this group. It shows the drop over ten years that was described in the newspaper for CCSD. The drop occurs entirely in two specific years. There is a 15-point drop in the year 2000 and a 9-point drop in the year 2005. Regardless of any of these numbers, they are terrible. The drop is not real. It does not reflect any greater number or percentage of high school dropouts in CCSD. In the year 2000, when there was a 15-point drop, it corresponded to a policy decision by our Department of Education which was trying to encourage young people to focus on their need

to gather credits throughout high school. They made a policy change called "reclassification" that said if a student finished their first year and had not earned five credits, the second year they would be reclassified as a freshman. In our day, we would have been a sophomore. The biggest problem with credit deficiency is in Grade 9. After the change was made in the year 2000, it looked like Nevada had a massive increase in the number of freshman for the numbers reported to the National Center for Education Statistics, and freshman enrollment is a critical number. In 2000, the denominator of the fraction ballooned, and the formula dropped by 15 percent. In 2005, there was a similar explanation. After the passage of the No Child Left Behind Act, we had to report graduation rates as part of the Adequate Yearly Progress. The federal government said states that have adjusted diplomas for special-education children could no longer be counted as graduates because the diploma did not meet the standard diploma requirements. Suddenly, we could not count approximately 15 percent of the graduates. This drop does not reflect an actual 23-percent decrease in high school graduates. With the eight different calculations with six different formulas, Washoe County School District's high school graduation rate ranged from 44 to 75 percent.

CHAIR WIENER:

We will now hear Assembly Bill (A.B.) 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)

ASSEMBLYMAN MO DENIS (Assembly District No. 28):

This bill provides for closer monitoring efforts to increase minority participation in the university system. It does that through a report and makes it consistent throughout the system.

LUCY FLORES (Nevada Commission on Minority Affairs):

As Assemblyman Denis has said, it is just a report and most of the information we are asking for was already being collected by the system. It is a matter of getting it all in one place. If any person wanted to know the efforts being made by each institution to address the lack of diversity, they had to go to each institution to ask what they are doing to increase minority participation. I have a document, "Shaping Nevada's Future: What the State Can Do to Invest in

College Access and Success," I would like to have made a part of the record ([Exhibit E](#)). We hope current efforts will lead to an increase in numbers. We know it has been effective when looking at the trends of enrollment. We now have to pay attention to the retention. We are recruiting more minority students but are not getting them through college. We know the demographic trend is going up for minorities. If we want to diversify and keep our economy competitive, we have to educate more of them. It is not sustainable for us to have such a high population of minorities with such a disproportionate share of them being educated. It is also a sustainability issue for us and makes economic sense.

DR. JANE A. NICHOLS (Vice Chancellor, Academic and Student Affairs, System Administration Office, Nevada System of Higher Education):

I am here in support of this bill. You have been given a copy of the "2007-08 Diversity Report" ([Exhibit F](#), original is on file in the Research Library). This bill requires us to report to the Legislature and gives us a deadline to get it to you at the beginning of the Session. It will also be a two-year picture instead of one year. Our philosophy is that what is measured and reported is what gets attention. If you do not measure it and report it, it does not get any attention. We try in this report, and in other reports, to put out data that we are confident is accurate and reliable. We use a federally mandated source of data. It is available so when it goes before the Board of Regents, the Board can ask the president and the institution why they are not doing better in any particular area. A criterion that the presidents are specifically evaluated on every year is their progress in increasing minority recruitment, retention and graduation. This report includes employees. We are putting a lot of emphasis on faculty just as we do with kindergarten through Grade 12. If we do not have faculty who look like the students who are coming our way, then we have a real problem. The recruitment and retention of faculty, particularly Hispanic and African American, is extremely important to us.

CHAIR WIENER:

Do we have information on things distinguishable to Nevada? What seem to be the trends for us as to where we need to do the work?

DR. NICHOLS:

The State has changed dramatically in terms of its demographics. One of the things in this report that we center in on is how quickly the State is changing, and how it is expected to change by 2026. At that point, the white portion of

the population will be the minority. It is different for every county. The truth is that we have to do a lot better than we are currently doing. The students we traditionally have been successful with will not be there. If we are going to be successful in Nevada, we have to find new ways of attracting, keeping and serving these students. There are many things not in this report that are in other reports that we produce. For example, there is the work that we do with Gaining Early Awareness and Readiness for Undergraduate Programs and with our Challenge College Access Grant. We have to reach our students earlier. We have to reach them in Grades 6, 7 and 8. We also have to provide support services for the students and the families.

CHAIR WIENER:

We will close the hearing on A.B. 327 and open the hearing on A.B. 40.

ASSEMBLY BILL 40 (1st Reprint): Revises provisions governing the review and approval of plans for the construction or alteration of school buildings. (BDR 34-322)

CRAIG L. MARSHALL, P.E. (Deputy Manager, State Public Works Board):
I have written testimony in support of A.B. 40 ([Exhibit G](#)).

CHAIR WIENER:

These are huge projects, and it is a county entity that has total authority over its own. Can you comment on that?

NICOLE ROURKE (Director of Intergovernmental Relations, Government Affairs, Clark County School District):

In this instance, we would be in the same situation as any other local government that has a building department building their own facilities. For instance, Clark County built the government center. They have their own inspection services. In this case, we are the owner. Just as when building your own home, you would check for quality. We have a quality-assurance staff watching as things happen and doing onsite inspections. If there is a mistake or an error, they catch it at that time.

CHAIR WIENER:

Is the amendment already included in the first reprint, or is there additional amendatory language?

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MS. ROURKE:
It is included in the first reprint.

CHAIR WIENER:
What was the change?

MR. MARSHALL:
The Public Works Board wanted to allow Clark County to go to a local entity. The school district requested we put them in as the building department rather than a local jurisdiction.

CHAIR WIENER:
Is that alright with Public Works?

MR. MARSHALL:
Yes.

JAMES M. WRIGHT (Chief, State Fire Marshal Division):
This allows the State Fire Marshal Division the opportunity to continue our long-standing relationship with the school district and provide fire prevention, plan review and inspection services for them.

MS. ROURKE:
I have written testimony I would like to submit for the record ([Exhibit H](#)). The district's building department is a certified department by the International Accreditation Service. We are the second school district in the nation to receive this honor and 1 of 11 building departments certified throughout the country. We are monitored by an independent body.

CHAIR WIENER:
We will close the hearing on A.B. 40 and will open the hearing on A.B. 487.

ASSEMBLY BILL 487 (1st Reprint): Revises provisions governing pupils enrolled in middle school and junior high school. (BDR 34-780)

ASSEMBLYWOMAN BONNIE PARNELL (Assembly District No. 40):
Our middle schools and junior high schools have gone too long being unnoticed regarding education reform. We have focused on primary grades. Last Session, we took action on high school reform with the passage of A.B. No. 212 of the

74th Session. Middle school students go through great transformation, both physically and academically. They go from having one homeroom teacher to multiple teachers and must make choices in determining their out-of-core classes. This transition is difficult for many and this bill begins the process of reforming this time in a student's school experience. I have had two or three meetings where we talked about our ideas. We had counselors, teachers, students, school nurses and dropouts at these meetings. The focus was how we can graduate more students from Nevada's schools. It was the consensus of everyone the primary problem is that we have not been focusing enough on the lower grades. We think it is all going to happen in Grades 11 and 12. A lot of the disengagement begins in the middle school years.

This bill requires each school district to adopt a policy for each middle school and junior high school to develop an academic plan for incoming pupils. The first time we had ninth graders have a plan of expectation over the next four years was with A.B. No. 212 of the 74th Session. This is using that same idea when coming into middle school or junior high by making them responsible for creating and signing off on their academic plan. Not many students in Grade 6 know what they need to accomplish to be promoted from Grade 8 to Grade 9.

To address the concerns relating to the increased size of our middle schools and junior high schools, this bill requires local boards of trustees in districts that have at least one middle school or junior high school with more than 500 students to adopt a policy to provide for a program for small learning communities. I was teaching at Carson Middle School when it became a middle school. That school was an old high school that converted a wing into Grade 6 to act as a bridge to the main campus with the older students. That was important. Relationships at the school are critical for success. To that end, this bill also requires districts to adopt policies for peer mentoring and may include adult mentoring programs.

Finally, this bill requires conferences to be held with the pupil, parent or legal guardian and teacher to review the student's progress at least once during enrollment. Once a student gets into the middle school age group, they only have parent conferences if there is a problem. I am open to options. We may want to start the bill with "to the extent money is available." Another possibility is to change the effective date.

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CHAIR WIENER:

Would you be interested in the acceptance of gifts, grants or donations?

ASSEMBLYWOMAN PARNELL:

That is a great idea.

CHAIR WIENER:

If you leave it with "as funds are available," you may not have to move the effective date. The gifts, grants and donations may maximize the stimulus money.

ASSEMBLYWOMAN PARNELL:

I do not want the policy to get lost in the budget crisis. I am more concerned about the policy than the dates.

CHAIR WIENER:

Do you want to retain the date or upon passage and approval?

BART MANGINO (Legislative Representative, Community and Government Relations, Clark County School District):

The Clark County School District agrees with Assemblywoman Parnell as far as the importance of these programs. As a principal, I have seen the transitions firsthand. The concerns we have heard are that the schools are facing great uncertainty. The recommendation of moving the effective date would allow us time to get it correct. This must be well thought-out, and the staff and the parent community must be committed. The student-lead conferences have a tremendous amount of support for that concept. Right now, we are looking at the average class sizes of 34 to 1, which is double the State average. It is a huge time commitment if it is expected to start September 1, 2009. It will take approximately 3.6 hours per day for 180 days just to get through a student population of roughly 650 students.

CHAIR WIENER:

Are you in agreement with the policy that is Assemblywoman Parnell's priority?

MR. MANGINO:

Yes.

CHAIR WIENER:

If we do it with "as funds are available," there is no reason to push the date out if the funds are available sooner.

MR. MANGINO:

The concern I have is that if it states "when funds are available," there is the argument that funds are there. It is a matter of prioritizing. It would be clearer if the intent is for funds designated specifically for the implementation of these programs.

CHAIR WIENER:

Assemblywoman Parnell, does that work for you?

ASSEMBLYWOMAN PARNELL:

I can get together with staff and draft something.

CHAIR WIENER:

If we pass this bill, money is available but it does not take effect for a year, the money still may not be there.

ASSEMBLYWOMAN PARNELL:

We can also look at the sections that talk about planning and later implementation.

MS. LORING:

We concur with the ideas of Assemblywoman Parnell. Clearly, the policy idea is excellent.

SENATOR WOODHOUSE:

Does the Washoe County School District have an adult mentoring program through your partners in the education office?

MS. LORING:

We do not have a formal one as far as lining up individual adult mentors with individual students. However, we have schools that have established programs of tying adult mentors from the community with young students at their school.

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SENATOR WOODHOUSE:

In CCSD it is called the "payback program," professionals and youths building a commitment. It does not address peer mentoring, but it does address the component of adult mentoring that is in this bill.

LONNIE SHIELDS (Nevada Association of School Administrators):

Our concerns have been addressed. However, there are two more reports required in this bill for principals. The principals currently do approximately 15 to 20 reports. The Nevada Association of School Administrators supports the bill and policy. I ask that in the future, we look at reports to see how necessary the reports are.

CHAIR WIENER:

We will close the hearing on A.B. 487 and open the meeting on A.B. 181.

[ASSEMBLY BILL 181 \(1st Reprint\)](#): Revises provisions governing charter schools. (BDR 34-550)

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

There is enabling legislation on page 13 of the bill. It allows charter schools to pay their board members an \$80 meeting stipend for one meeting a month. There is no obligation. If they have the resources to do it, they can. For our regular school boards, we have changed the amount of salary they receive. We agreed that in this case, it meets the stipend we pay other boards. Section 7, subsection 1, paragraph (e) changes the wording on the test requirement for the high school proficiency exam. It is a clarification from a bill last Session.

JEANETTE BELZ (ACE Charter High School):

The Academy for Career Education (ACE) is in full support of this bill. I specifically want to draw your attention to section 7, subsection 1, paragraph (e). This section deals with the performance audits that charter schools are required to have. If you look in subsection 2, charter schools are exempt from this once every three years if they meet the provision of subsection 1. In addition, if there is money available for facilities, the same criteria would apply. The original language in this section had to do with the percentage of students who were required to pass the Nevada High School Proficiency Exam. We asked our sponsor for an interpretation of this section, and they said it applied to all students, including Grade 10. The Department of Education said it applied only to Grade 12. We often get students who come to

us in Grade 12. We wanted to be judged based on our performances relative to their academic achievement. We requested in the amendment that the percentage application apply only to students in Grade 12 who had actually completed their coursework and taken the exam. It would then say, at least 75 percent of the pupils enrolled in Grade 12 in the immediately preceding school year who had completed the required coursework and passed the exam. We are in support of Assemblywoman Smith's amendment regarding the stipend.

KATHLEEN CONABOY (K12, Inc.):

The amendment we brought forward was intended to clarify portions of the statute that seemed unclear. Mike Kazek, Nevada Virtual Academy; Chris Ferrari, Imagine Schools; Craig Butz, Nevada Connections Academy; Leigh Berdrow, ACE Charter School; Dr. Michele Robinson, Odyssey Schools; John Hawk, Nevada State High School; Francisco Aguilar, Andre Agassi Foundation and Bryn Lapenta and Anne Loring with the Washoe County School District were some of the people who helped us with the amendments.

CHAIR WIENER:

Are you talking about the language in the first reprint that was amended in the Assembly?

Ms. CONABOY:

Correct. Page 1 of the bill deals with the composition of the founding board of a charter school. Section 1, subsection 1, paragraph (c) reflects comments we had from the Department of Education about the kind of expertise that is needed for the founding board so people can put forward a good application and the expertise is resident with the charter school. That was the first major issue that we dealt with. The subcommittee on charter schools is crossed out. The first time that appears is on page 3, section 1, subsection 3. There seems to be a redundancy at the State Board of Education. A subcommittee would look at a charter school application, have a lengthy discussion and later on at the same meeting, the same discussion was held with the full Board. There are people who felt it was just as efficient to deal with the full Board.

We were deadlocked on an amendment to a charter that the Nevada Virtual Academy holds. It was important that we clarify the process of how something gets to the Board and have some of the definitions be substantially complete and compliant as opposed to having a 500-page application for a charter school.

There is a legal concept about being substantially complete and compliant that allows you to continue to go forward while cleaning up other technical remainders that need to be fixed. We added the concept of the Department staff determining substantially complete and compliant in section 2 on page 5. On page 7, subsection 6, the Nevada Virtual Academy was deadlocked with the State Board of Education on two or possibly three meetings. One of the issues is whether it is a "denial or failure to act." This language clarifies the fact that if the State Board denies or fails to act on an application, they would then put in writing what it was they were concerned about. There would be an opportunity to address that between the school and the Board.

We discovered there were no clear guidelines for amendments on page 9 of the bill. This now requires that the Department set forth a process for amendments. There was some circular language in the statute about an amendment and whether it changed the kind of school. We worked with the Department and with the school districts on this.

On page 10, section 4, subsection 1, paragraph (e) requires the process for making the amendment be clarified.

What Nevada Virtual Academy and other schools have experienced when working with the State Board of Education was a continual request for information relative to our charter that was not codified and was not well described for us. Section 5, subsection 5 requires the Department to pay for any information that is not required in statute.

We decided on the Assembly side that we would make the governing board match the construct of the founding board. This is found on page 12 in section 6.

Because there are some statewide charter schools, the issue of the location of the school as opposed to the county in which the student resides was a technical change on page 14.

There was some discussion as to whether charter schools have access to information and training opportunities. There are a number of bills that are now delineating that charter schools should be included in certain things. This is to make sure that anytime there is money available through a school district or a different kind of sponsor, the charter schools are notified of that and have

access to pots of money like any traditional school. The language in *Nevada Revised Statutes* (NRS) 387.1235 was from Deputy Superintendent Wells. It particularly excludes facilities money.

On page 16, the changes are subtle. We raised the issue about the percentage of management fees that are paid by charter schools. Every charter school pays 2 percent during their first year of operation for management fees. Those that are sponsored by the school districts pay 1.5 percent. Those that are sponsored by the State Board of Education pay 1.5 percent. We thought that it was inequitable and asked for parity in the fees charged to the charter schools regardless of sponsor. Subsequent to this being passed from the Assembly, there were discussions about other bills that have a different level of fees for schools. The issue and concept was that regardless of sponsor, we are hoping for parity in the fees.

Page 19 of the bill refers to NRS 392. There was some discussion with the State Board of Education when the Nevada Virtual Academy was seeking a charter as to whether a distance-education program was actually homeschooling. We had clarification from the Legislative Counsel Bureau that it is not and is an approved form of curriculum for a charter school. This says that if a homeschooling parent chooses, per existing statute, to move their child from homeschooling and enrolls them in a charter school, they can do so.

CHAIR WIENER:

How would that have been handled without this clarification?

MS. CONABOY:

It was not handled. It was a remaining question and one of the issues that deadlocked the Board when we were seeking an amendment. We resolved that particular issue and a number of others in a lawsuit. When this reprint was issued, there was something that we considered significant that is eliminated from the reprint. It is one word. We had talked about revocation of charters and that is no longer in the bill. It is in NRS 386.535. There is a line in the NRS that says if a sponsor of a charter school wants to revoke a charter, they have to indicate why. The reason for that is charter schools have failed to comply with certain things. One is the terms and conditions of the written charter. We asked that the word "material" terms of the charter be inserted. That was agreed to in the work session of the Assembly.

MS. PARTIDA:

Material would work in this instance.

JAMES R. WELLS, CPA (Deputy Superintendent, Administrative and Fiscal Services, Department of Education):

The Department of Education supports A.B. 181 as amended in the first reprint. We would like to clarify a couple of things: In section 1, subsection 5 and also in section 2, subsection 6, it reads, "The staff designated by the Department shall meet with the applicant to confer on the method to correct the identified deficiencies." The Department would like to add the words "provide an opportunity to meet." We implemented this last year. We offer meetings with the applicants already. The problem is that I have two applicants who did not want to meet with us. We do not want to be held to something where we are not the party who is not providing that opportunity. That is the only change I would like to make in those two particular sections. The second change is in section 5, subsection 5 on page 11. This is about the process that we had for collecting information. If that information were outside statute, the Department would be required to pay for it. Most of the reports that are required by the Department are regulation and not in statute. We would like to add "statute or regulation."

On page 12, section 6, subsection 1, we would like to add the same language that is in section 1, subsection 1, paragraph (c). It is regarding the two members who possess knowledge in either accounting, financial services law or human resources. We believe that the members of the governing body of the school should have that same level of expertise required by the committee to form. I have a written amendment for the record ([Exhibit I](#)).

SENATOR WASHINGTON:

I do not have a problem with section 1, subsection 1, paragraph (c) dealing with the founding board for the governance of the charter school providing that expertise. It makes it difficult for the actual governing board to find those particular individuals. I look at it being another hurdle that the governing board would have to overcome to find one particular person that has an expertise in any one of these areas. I would be opposed to that. It is important, and they should, but the mandate makes it difficult.

MR. WELLS:

These do not have to be teachers. One of the things we noticed is that the school itself may not necessarily have an accounting person at that school. Having somebody on their board having accounting knowledge or legal background as issues come up is what we were looking at. Those continue to occur long after the application has been approved.

SENATOR WASHINGTON:

It is a wise decision to have these types of people on the board, but the practicality of always trying to find individuals to sit on the board might be very difficult for that board. Those types of individuals are necessary just for prudence sake.

CHRIS FERRARI (Imagine Schools):

There is another bill going through the process now, Senate Bill 164, which enables a governing body to request somebody from the sponsoring entity to serve on their governing board for such expertise. Regarding the word "material," that was something that during a work session the Committee line item voted on. That is not an amendment we are proposing. The language under NRS 386.535 states, the sponsor may revoke a charter if it determines the charter school or its representatives have failed to comply with the material terms of the charter. One other issue I wanted to address is section 1 on page 3 regarding a new subsection 1, paragraph (b) which references a parent or legal guardian who is not a teacher serving on that committee to form a charter school. While the intent is obviously to incorporate parental involvement, when you are at the stage of committee to form a charter school, it would be difficult for somebody to say that I have a child enrolled in that school because it is not formally opened yet. The recommendation also comes in section 6 where that person would be incorporating the actual governing body so the school is actually operating and that person could have a child in school.

SENATE BILL 164: Revises provisions governing charter schools and university schools for profoundly gifted pupils. (BDR 34-298)

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CHAIR WIENER:

We will now close the hearing on A.B. 181 and will adjourn the meeting of the Senate Committee on Health and Education at 4:33 p.m.

RESPECTFULLY SUBMITTED:

Shauna Kirk,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____