

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

**Seventy-fifth Session
March 18, 2009**

The Senate Committee on Health and Education was called to order by Chair Valerie Wiener at 11:11 a.m. on Wednesday, March 18, 2009, in Room 2149 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.

COMMITTEE MEMBERS PRESENT:

Senator Valerie Wiener, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Steven A. Horsford
Senator Maurice E. Washington
Senator Barbara Cegavske
Senator Dennis Nolan

COMMITTEE MEMBERS ABSENT:

Senator Shirley A. Breeden (Excused)

STAFF MEMBERS PRESENT:

Marsheilah D. Lyons, Committee Policy Analyst
Mindy Martini, Committee Policy Analyst
Sara Partida, Committee Counsel
Maureen Duarte, Committee Secretary

OTHERS PRESENT:

Elaine Wynn, Director, Wynn Resorts
Willie Ward-Hudson, Teacher, Kermit-Roosevelt Booker Sr. Empowerment School
Ben Sayeski, Chief Education Officer, The Andre Agassi Charitable Foundation
Maureen Peckman, Chief Operations Officer, Keep Memory Alive, Las Vegas
Dan Klaich, Executive Vice Chancellor, Nevada System of Higher Education

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Bill Hanlon, Director, Southern Nevada Regional Professional Development Program
Veronica Meter, Vice President Government Affairs, Las Vegas Chamber of Commerce
Lynn Warne, President, Nevada State Educational Association
Luis Valera, Las Vegas Latin Chamber of Commerce
Anne Loring, Washoe County School District
Fred Maryanski, President, Nevada State College
Anthony Ruggiero, President, State Board of Education
Laura Granier, Attorney at Law, Lionel Sawyer & Collins, Nevada Connections Academy
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Chris Ferrari, Imagine Schools

CHAIR WIENER:

We will have two sessions. This morning we will hear Senate Bill (S.B.) 330 and our effort will be to conclude it this morning. This afternoon we will meet again at our regular time, 3:15 p.m., to hear S.B. 164. In that session, we will start with our work session and then go into the hearing of S.B. 164.

SENATE BILL 330: Enacts the Initiative for a World-Class Education in Nevada.
(BDR 34-171)

SENATOR STEVEN A. HORSFORD (Clark County Senatorial District No. 4):

I would like to start by providing opening remarks on S.B. 330 ([Exhibit C](#)). We have a brief PowerPoint that will highlight the components of the bill ([Exhibit D](#), original is on file in the Research Library.) There are several people here to testify, and I would like to give them that opportunity. Then I would close with some final remarks.

SENATOR WASHINGTON:

I am just not getting this bill. It was posted last night so I have not had a chance to really go through the bill. I know Senator Horsford has indicated he is going to go through it section by section, but I would like to read the bill prior to going through it section by section. Is there any way we can have an opportunity to read the bill first before we go through it?

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CHAIR WIENER:

My thought would be that we can present it section by section, and we will have an opportunity to bring the bill back for greater discussion; but we need to get the witnesses on record now.

SENATOR WASHINGTON:

As members, we should have an opportunity to at least read the bill and digest it so we can form arguments for or against certain sections of the bill appropriately. It is a big bill and I do not discount the merits of the bill; I would like to read it.

CHAIR WIENER:

We will provide that, Senator Washington.

SENATOR WASHINGTON:

I would ask why we were not notified earlier about the bill being heard today or this morning

CHAIR WIENER:

The bill was introduced Monday, March 16. We will have an additional opportunity to bring this bill before the Committee. This is not the last, this is the beginning of the reform bills, and there are others that we will be considering. We will have great opportunity to have these conversations. Right now, we are doing presentations.

SENATOR WASHINGTON:

We should have had an opportunity, prior to the hearing, to at least read the bill, or have it in our hands, instead of waiting for the last minute to hear it during this Committee hearing.

CHAIR WIENER:

So noted for the record, Senator Washington. We will now bring witnesses forward.

ELAINE WYNN (Director, Wynn Resorts):

I am here to address S.B. 330 in the spirit of the purpose of the bill, which is to engage in a dialogue about education reform. I too appreciate the short time in which we had to prepare full testimony, addressing each of the points; but having said that, I am thrilled and totally delighted that this is a topic that is

now ripe for discussion. I do have a day job, but I wanted to explain to you a little bit about my background in terms of education so that you understand the breadth and depth of my interest and knowledge about the topics that are to be discussed.

I began the Golden Nugget Scholarship Foundation many years ago along with the Nevada Gaming Foundation for Academic Excellence, which granted scholarships to Nevada and New Jersey students. I was in the Clark County School District's (CCSD) strategic planning process; for eight years, I chaired the University of Nevada, Las Vegas (UNLV) Foundation, which was the private fund-raising entity of UNLV. I was on an interim committee to study the funding of higher education. I also served on the Board of Overseers of the Graduate School of Education at the University of Pennsylvania. I was a member of the Consortium of Policy Research and Education at the University of Pennsylvania which was a consortium of graduate schools of education from Harvard, Stanford, the University of Wisconsin and others. We did research on cutting-edge topics of education reform. I joined with Governor Bob Miller at the time he chaired the National Governors Association to attend the education summit that International Business Machines hosted in which every governor was asked to invite a business representative from their state to participate. The topic of that conference was standards, assessments and accountability.

I am currently, and probably have been, the oldest Standards Council member. This was my effort, to really take that whole engagement seriously to begin education reform in this State. I am honored enough to have an elementary school named after me in Las Vegas, which is a living laboratory that reflects changes that have occurred in education, at least since 1990, as well as the demographic changes occurring not only in Las Vegas but in the country. I co-chair the After-School All Stars in communities and schools of Nevada, which attempts to help at-risk children achieve equity in education. I am now the National Chairperson of Communities and Schools, which is the oldest, most successful dropout-prevention program in America.

Six months ago, I reached the lowest point I have ever felt in Nevada. I was demoralized. I felt, despite my always-positive attitude, that we had hit rock bottom; not as a private individual who had been engaged for a long time in education-reform attempts, but that in fact we were going nowhere. I felt a vacuum in leadership; I felt a frustration in that no one had emerged to take on this significant issue. Consequently, when I read in the newspaper on Sunday

that Senator Horsford was going to come forward with some program, for the first time I felt the heartbeats start again. It made me very excited when he invited me to testify today although I did not have an opportunity to create specific notes that would be much more targeted. I felt it was important for you to hear one woman's narrative about my impressions of our State and where we are going.

I have had the great opportunity to meet some extraordinary people in my lifetime. The founder of Communities in Schools, who is very wise, has described education as a triangle. It is a visual that is worth sharing with you. If you would consider one side of the triangle deals with governance and policy. The other side deals with the delivering of education, which of course involves our teachers, and therefore the quality of our teachers, administrators and all of the people who perform at our school sites. The bottom of the triangle has to do with integrated student services. Those are the things that contribute to making a child ready to learn when it comes to schooling.

All of those three things must work together. In the absence of that, we will constantly be frustrated. In Nevada, all three parts of our triangles are a mess. You are going to be spending many hours as you work on each of these issues of the triangle. I know there is no silver bullet, and this is going to be the hardest work that you ever do, but the primary mission of the State is to educate its people. If you were to take the most money that you spend, it is dedicated to this effort, and it deserves the greatest amount of attention. Unfortunately, that is not what always happens.

In terms of our governance, which I think is so critical, there is great confusion in our State. For the most part, many people think that the tail wags the dog, meaning that Clark County, because it is the fifth-largest school district in the nation, has all the strength, all of the leadership and is the one thing that pretty much dictates what happens educationally in the State. I know for a fact that wonderful things are happening all over this State; but there has to be a mechanism that is directing that effort, coordinating it and ultimately accountable.

We are one of the few states that still have elected board members. It may have served our country well long ago, but I do not think it serves it well any longer. I know it is amusing to say that it is political, because everything in town seems to be political, but a state board of education that is elected tends to be more

political than it should be. I do agree that we need to revise the way we think about how we govern our education in this State.

I agree with Senator Horsford. In order to get a superintendent that has the freedom to be innovative and dynamic, we have to relieve them of the responsibility of constantly providing to us reams of paper with information that is being requested to satisfy all of the requirements that come through the pipeline for the State Department of Education. The State Department of Education has to have resources. Resources is always a key word.

Teachers are a subject near and dear to my heart. When you go into teaching, you should not have to take a vow of poverty. I have always claimed that we must be able to reward our teachers and make them the professionals that we claim we think they are. Yet, a slot mechanic at Wynn Las Vegas, a hotel and casino, makes more than a starting teacher does, and that is not appropriate, in my mind. This is not to diminish the importance of a slot mechanic, but it shows you how we value teaching in the marketplace. There are myriad ways that we can approach teaching with incentive pay or merit pay. There are many people who have done studies, so we do not have to reinvent the wheel, but we do have to take this on as a mission. Naturally, our unions have a role to play; they are partners in this effort, and they must be considered and respected as well. There have been very significant movements made in that regard in other cities too.

We have a myth that we have a shortage of math and science teachers. We do not have a shortage of math and science teachers; they are being prepared in colleges. It is just that they are not going into teaching because their knowledge is so important that in the marketplace they are being paid more to go into private business. There are many more myths that are similar. Good teachers must be paid well to go to challenged schools. This is a no-brainer. Why people do not understand there has to be incentives to make teachers go to places that will be more challenging is something that ultimately must be addressed.

In terms of the last piece of that triangle, that is what I have committed the rest of my life to doing; joining with community partners to try to help bring whatever services that already exist in a community to address issues of health, clothing and various things that children need when they come to school. I am prepared to do that.

For me, education in America has become about equity. What is fair? What is fair in terms of providing equal opportunity to all of our children? If we cannot address it in our cities and our states, we have no hope of ever addressing it in our Country. It is our responsibility, first and foremost, as Nevadans, to take care of this. I will offer my help and services where I can as we move forward with this. Even in these most difficult circumstances, now is the time to act. President Obama has said, "I have no choice but to attend to all of the issues that are confronting our Country. I cannot attend just to the economic issue because education is part of that. I cannot attend just to foreign affairs because foreign affairs are part of our economy." This is the situation in our State.

I appreciate your allowing me to speak this morning, and again, I will offer my services going forward. This is something we must do so we can move the needle before I die.

SENATOR CEGAVSKE:

The one thing you did not talk about was your role; there is probably more that you could have added to your comments about what you have done for the State, and we thank you for that. You had a role in the Council to Establish Academic Standards for Public Schools (ASC). In my brief time to read through this entire bill, it looks as if it removes the ASC. How do you feel about the ASC?

MS. WYNN:

I have always felt that the creation of the ASC was done out of frustration because the State's Department of Education was not able to handle it in the normal course of their affairs. That was a woeful situation. For the State to continue to superimpose more and more commissions to deal with a workload that rightfully belongs in departments that already exist, shows that we have a deficiency. I have chaired with the ASC because of my institutional memory of how it all evolved. There was great frustration, certainly at the gubernatorial level as well as the Senate level at that time, that although the department had attempted to create standards, the work product was unacceptable. It was unacceptable because there were not sufficient resources allocated to the people that did it. I would never suggest that the people who worked on them were not well-intended and did not have the capacity to do a good job. The problem was that the result was not impactful, it was deficient, and out of frustration, they said, "Let us take this out of the jurisdiction of the DOE and create its own council."

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SENATOR CEGAVSKE:
They did that with several of the commissions.

Ms. WYNN:
Absolutely, and those are symptoms of a broken system.

SENATOR CEGAVSKE:
I agree with you. One of the issues I wanted your comment on, and this Committee, the State, the DOE and the State Board of Education also knows, that they have literally no ...

Ms. WYNN:
Whenever there is a redundancy, it is inefficient.

SENATOR CEGAVSKE:
The problem now is the report that was given to us about what is being taught. Academic standards and the alignment, but the standards and how they fell off from sixth grade; can you address what we are looking at?

Ms. WYNN:
I am a very strong believer in strong leadership. You cannot run a company without a good chief executive officer (CEO). Right now, and I mean no disrespect to the current leadership at the DOE, they are so overburdened and overwhelmed doing tasks that are off task that we have to create a situation that allows us to hire a good CEO in this State. I cannot remember a time, except at the very beginning, when we had superintendents who actually traveled around the State to visit the schools and districts, to take the temperature and the pulse of what was going on and to try to bring innovative programs. That is exactly what has to happen here. The accountability must be restored so that when things do fall apart we know where to go and who is responsible, even though there is always overlap because where money is involved, everybody is accountable. There still has to be somebody who is responsible for hiring that individual. It would be like a corporation; we have a board of directors, we have hired our chief operating officer and they report to us. If they do not perform, they get a performance review and opportunities to improve their situation. If it does not work they are fired, and we start all over again.

I am not suggesting that the business model is appropriate in public institutions in all cases, but we can certainly learn to better run our affairs. When the main business of a state is education, that is where the most expertise should occur.

SENATOR CEGAVSKE:

As you have said, we have tried the Band-Aids. We have tried so many different Band-Aids I do not know what will make the difference. We had bills in the last couple of sessions to do reform, and we did not even get hearings in the other House, but it is not for lack of trying. The problem is we can set out A, B and C, but it is having somebody, as you said, to follow through and have oversight.

Ms. WYNN:

Your leadership is bubbling up, and I commend Senator Horsford for identifying this and saying, "Even though I am sorry, and it got speedily handed to everybody, we are in a crisis here." It was in a meeting that I know you are quite familiar with where I threw my hands up and said, "I am no longer prepared to give another moment to the State beyond the ASC. I just feel frustrated because I feel there is no coalescing of people to address this crisis." Now, it is being brought to your attention and the goodwill of this Legislature. The leadership of this Legislature, in the absence of any other leadership, must take a performance role.

SENATOR CEGAVSKE:

We can talk about academic standards later.

SENATOR WASHINGTON:

Ms. Wynn, I appreciate your testimony and comments in regard to education. I am not going to go through my long history; I have seen good leadership work on this issue for a number of years; some are still here, some are not. My question is in regard to the leadership over State education, the superintendent, and what you have talked about in general.

I am trying to better understand the bill, so I will go through this as quickly as possible. I see that section 9 sets the standard for the prime goals, but section 11 deals with the selection of the superintendent. I guess the name is changed to Superintendent for Education. Within that, there is the state board that submits three names to the Governor. The Governor then selects a nominee from those three names. That selection goes to a confirmation hearing. The

hearings' dates and times are 45 days if in session and 30 days if not in session with the Legislative Counsel Bureau or Legislative Commission.

My question to you is that if we are going to put ownership of education on the appropriate leadership, in this case, the Governor, would it not be better for the Governor to make his own selection or appointment to that role so that the superintendent would be accountable not to the State Board of Education but to the Governor? This section puts a limit on whom the Governor can or cannot select.

Ms. WYNN:

I would answer respectfully by saying I am not testifying to my support of any of the specifics in this bill. It was the spirit of beginning the debate which is what has caused my testimony. As you all discuss this, there are many examples throughout this country which would be worth examining to see if there are other models that are preferable. I am not prepared to give you a negative or positive response.

SENATOR WASHINGTON:

What I am looking for is advice since you have dealt with education matters for years and the success of the Wynn Corporation. I respect your opinion and your leadership ability because you have been successful. I am asking you for your opinion on how the selection process, if you could write it the way you want to write it, should be done. How would you select a superintendent?

Ms. WYNN:

I cannot answer that right now because this has taken me completely by pleasant surprise. I promise you that if I were given the opportunity to study it, I would give you an answer.

CHAIR WIENER:

We do so much here for K-20, and I know you have done a lot of work for the younger ones. Do you have any thoughts about reform, whatever route we take? This starts a magnificent debate for policy reform. We know to get a jump-start we need to start sooner. In your experience, is there something you would offer for the pre-K piece of this? That is where the readiness really begins.

MS. WYNN:

If we had about two weeks, we could sit here and discuss all of these specific issues. They are relevant and they are all part of the solution. My approach to problem solving is to try to compartmentalize and prioritize. That is why I feel comfortable with the triangle visual. If it were up to me, the first thing I would focus and concentrate on would be the governance structure of our State. Once you have professionals who have had a history of education reform, wherever they have come from, they can also continue to help inform us on what they have used in the past, what would be successful and what would work. There is no question that prekindergarten is vitally important, and more important than that is this issue of equity. We know that we have certain children who are prekindergarten age, who come to school already advantaged because of their situation, and we have other children who are totally disadvantaged. The period of time it takes to bring them to a level playing field will be different even if you are investing the same resources in both populations. This is why it is so important to try to bring the disadvantaged little ones up to a level where they are prepared to learn. That is the bottom part of the triangle.

SENATOR WASHINGTON:

As we digest this bill, I also know that in the last Session there was a similar measure introduced by Senator Cegavske. Our Committee did not have enough time to go through the policies of that bill. I understand that the bill is going to be reintroduced. I also understand that you were in support of that bill at one time. Are you equally in support of the bill that is going to come forward from Senator Cegavske?

MS. WYNN:

Yes, I would like to revisit the bill. It was in the spirit of engaging in a debate about changing the structure. Whether the specifics of the bill were exactly what I would support, I would have to look at it again. But I was thrilled to hear that we would contemplate a change in governance. I would remind everyone that was two years ago and the world was in a different place. Right now, I would suggest that we are in a more severe crisis mode, and that out of the crucible comes growth. Although we were not in a crucible two years ago, perhaps we can all feel the heat of it more this time around.

CHAIR WIENER:

Are there any other questions or comments from the Committee? Thank you very much for coming forward. We have a teacher from southern Nevada who

would like to come forward. Please state your name for the record, and then we will come back to Carson City.

WILLIE WARD-HUDSON (Teacher, Kermit-Roosevelt Booker Sr. Empowerment School):

I greet you as a native Nevadan and as a product of the CCSD. I attended school from kindergarten through the first grade within the CCSD. Upon completing my high school education, I entered the workforce as a support-staff employee in the CCSD. In those ten years as a support-staff employee, I pursued an education in "early childhood." I currently sit before you happy and excited to be a first-year, preschool early childhood teacher. It took me eight years to accomplish this goal; I worked full time, and was a mother and a wife. During those eight years, I went to school nights, weekends and throughout the summer. As I became a licensed teacher, I signed my contract on August 13, 2008. It was a bittersweet time for me. As I signed my contract, with my salary printed boldly, my salary as a first-year teacher was a reduction in pay from being a support-staff employee.

I love being a teacher; there is nothing else that I would do in this world other than teach and educate young children. If given the opportunity to have more of a salary, to be a better wife, to be that mom that can educate and be a financially stable person within the home, I will love it. I ask that you carefully consider the bill, all the education and years we have worked and the financial situation we are in right now.

BEN SAYESKI (Chief Education Officer, The Andre Agassi Charitable Foundation):

I have also been a teacher and a principal. I have helped with major reforms for Governor Warner through the University of Virginia and with the Wahl Foundation. I am here today in support of S.B. 330 because we are explicitly linked in the challenges contained in that bill. At the end of the day, we have to answer some fundamental questions: how do we know how well our kids are doing? Which schools are performing better than others? Which interventions and which programs are working?

I am also here today because I have a bit of an illness. I watch these committee meetings online, I watch C-SPAN and I watch any other number of things that are online. My wife is a special education professor at UNLV and has tried many times, by using special education strategies, to get me to modify my behavior, and to little use. I say that because I feel for anybody who is trying to answer

those questions. When you are on that side of the aisle, it is tough to know, based upon anecdotal stories, what is really working in our schools. I have watched thousands of times people who come with impassioned pleas for something that works. But how do we know which things are working?

At the Andre Agassi Charitable Foundation, we believe part of the answer lies in regression analysis and hierarchical linear modeling via a computer program we call the Education Strategy Consulting Achievement Matrix (ESC). I have a presentation describing this model ([Exhibit E](#)), and I will demonstrate the program's functioning for the Committee.

Page 2 of [Exhibit E](#) shows a screenshot from the ESC that we did for a textbook company so they could see the effectiveness of some of their programs. Each dot in the box on the left represents a different school district in California. Using this model, we identify explicitly those who outperform that demographic prediction. Those that fall to the right of the vertical line are beating the prediction, and those to the left are underperforming.

When I was a school principal, one thing I never liked was when someone took a one-year snapshot of my school. So we took the last five years of data. If you put the mouse on one of these dots, you can see the statistics for that district. This gives you a clear trend of what has been going on in that district. This model resets itself every year; as the state average moves up, your performance has to move up commensurate with that. This kind of modeling also levels the playing field, so you can compare a school with 20 percent redesignated fluent-English-proficient (RFEP) students with a school that has 80 percent RFEP students with a school that has none.

With this particular chart that was done for the textbook company, they also coded the districts by color to show those they had invested in more heavily and compared them to the others to see how they did over time. This same technique could be used to follow charter schools, empowerment schools, pay-for-performance incentives or any other policy-level question you were interested in. This gives you an honest, transparent conversation about whether or not that intervention is having its intended impact.

At Agassi, we do not know where exactly on this matrix we are going to come out, because to do that we would have to measure ourselves against all of

Clark County. We want to be measured with the highest amount of rigor so we know that over time we are training to the upper right corner of the ESC Matrix.

We designed this tool so it could be used at a state level, a district level or a school level. You can make every dot a district, a school or even an individual teacher. The dots in the upper right corner of the Matrix are overperformers; those in the lower right corner are opportunities. Those in the upper left corner are red flags because they are underperforming but doing well on an aggregate; these are the ones where everybody should be most concerned. These are the ones that detract value from the experience a child is getting in school. If I had had this program when I was a principal, I would try to figure out what the overperformers are doing right and try to scale those behaviors and those interventions.

That is the ESC Matrix in a nutshell, and I think it helps address some of these fundamental questions.

SENATOR NOLAN:

I am sure there are other vendors out there that have programs, maybe not identical to this, that would give us a snapshot of how things work over time. Are you asking the State to adopt this as one model? Is this the best model? You use it, so apparently you believe it is the best modeling program available on the market. Are you looking to sell it to us? Where are you going with it?

MR. SAYESKI:

What we have done is work first with Clark County. To do this right, you need access to student-level data. What we are trying to do with the Foundation is raise the funds to do this analysis so that we can do it not just for Clark County, but for the State as well so you get that bigger picture.

With regard to the differences between this program and others, there are a number of vendors who have what we call black-box mentality, in that they do not allow you to see the algorithm behind this. We fundamentally believe that if you are going to make significant and serious policy-level decisions based upon this analysis, you ought to have access to that algorithm and understand how it was derived, as should the DOE. Secondly, I would say whatever differentiates this program from the others is the animation of it. If I were to actually show you the regression output, all of you would be nodding off. Even I look at that

stuff and nod off, and I am interested in it. That is the fundamental difference between the ESC Matrix and the others.

SENATOR WASHINGTON:

I appreciate your presentation, but like Senator Nolan, I am confused as to where we are going with this. We already have a system that does tracking by ethnicity, gender, age and grade level, and we are in the process of working on the longitudinal study for those students starting in first grade through the sixth grade. At one time it was the Statewide Management of Automated Record Transfer program, and then we changed to the System of Accountability Information in Nevada program. It primarily does the same thing by tracking policies and interventions that we input to make sure we are on the right track. We have gone through the process of setting standards with each subject matter as well as each program claim. Are you asking us to consider this or augment what we are doing already? Is yours better than what we are doing? Can you help me?

MR. SAYESKI:

The major difference you will find is that with the inception of No Child Left Behind, there was a lot of disaggregated data so that you could track specific populations. This is like putting Humpty Dumpty back together again. You took all the data and disaggregated it so you can track specific things, but you were never able to put it together in one piece so you could take a look at all the variables at one time. That is the major difference between looking at a specific subgroup over time as opposed to taking all of those 180 variables into consideration at the same time. That is where the growth modeling comes into play. That is different from what you are currently doing.

Actually, there is another proposal on another bill to engage the growth modeling process, so the fundamental difference is how you look at those. Is it piecemeal or is it putting it all back together? The progression shown in the Matrix is hierarchical linear modeling (HLM). If you want more technical background on HLM, Vanderbilt just put together a conference this past summer to which major leading experts came from around the country. It gave very good snapshots of the differences between HLM and the kind of programs you are talking about.

SENATOR WASHINGTON:

Maybe we need some more information from Dr. Keith Rheault in regard to HLM, because I am not really sure what it involves. This has nothing to do with No Child Left Behind. As a State we are grappling with disaggregating the subgroups by grade level, which was a mandate from the federal government with No Child Left Behind. We had the subgroups all put together; it was not disaggregated at first. We were just looking at the proficiency based on National Assessment of Educational Progress scores, Criterion Referenced Test Scores, etc., as a child was promoted from one grade to the next.

We do have a set of standards set by a standards committee. It looks like you are taking the same set of standards that are already implemented at the state level using your model, disaggregating those standards and putting them back together. Why are we are putting those standards back together? We disaggregated them so we could follow the progress of each student as they travel through their school career, find their deficiencies and address those deficiencies before they get to a point of no return.

MR. SAYESKI:

It is a complicated modeling process. I can refer you to the Vanderbilt University Website so you can see what HLM actually involves. In terms of the disaggregation versus HLM, the achievement of the State is nested in districts which are nested in schools which are nested in teachers. That HLM takes all of that into account, as opposed to just taking a snapshot of something that is happening in isolation and looking at that over time. Unless you do this HLM model, you cannot compare across schools on an even playing field.

Let me take it one step further. Let us say I am a school and I do a specific intervention, and I get a 15-point increase in the Academic Performance Index. Is that good, bad or indifferent? What you do not know, after you have controlled for all the demographics, is if the other schools made 20, 15 or 5 points. That is the kind of question that you cannot intuit.

SENATOR WOODHOUSE:

I apologize, but I must make another presentation in 15 minutes, and I will be back as soon as I can. I will get a copy of the rest of this hearing and listen to that. Thank you all for how much you care for education, and I look forward to working with you.

CHAIR WIENER:

I shared my concerns in a meeting we had last week when we had an update on the State plan about the frustration with the needs-improvement schools. At Valley High School, where by all other standards there was improvement, has been labeled a needs-improvement school because one subgroup was underrepresented. What would this do regarding that to help a school improve?

MR. SAYESKI:

There are two things that come to mind. First, if you look at the graph on page 2 of [Exhibit E](#), the state average is the vertical line. In general, the schools on the bottom half of the graph are the ones that will not be making the required annual yearly progress (AYP) mark. You would treat a school on the bottom left side of the graph very differently than you treated a school on the bottom right side of the graph, even though they are both failing to meet their AYP. These folks need some support and some aspirin; these folks need penicillin and surgery. To give one the same treatment as you gave the other would be insulting. Knowing this, you can be more effective in terms of how you allocate your resources.

Secondly, if my school was in the bottom left corner of the graph, I could use this data to look at other schools with the same subgroup issue as I had but were doing better on their AYP. That way, I could get best practices from other schools with the same situation as mine without having people flying in from 40,000 feet to tell me what to do. This is real data under the same context. This helps us find the schools that are nailing it every time.

MAUREEN PECKMAN (Chief Operations Officer, Keep Memory Alive, Las Vegas):

I am honored to be before you today. Thank you for the opportunity to address what is an important topic for the State. I have had many individual conversations with all of you on different points on the spectrum of education reform and the education process in the few years I have been involved in this issue as an advocate. I am heartened to say that as much as we are talking about improvements we need to make, I do not think we are short of people who are willing to put the effort forward on this Committee on groundbreaking proposals by the Senator here.

I am an advocate for education reform in this capacity and the executive director of a southern Nevada business group comprised of CEOs who are concerned about quality-of-life issues in Nevada. However, our cornerstone

issue has been the education progress in Nevada. It is my honor and enthusiasm to testify on behalf of S.B. 330. In the same light as Ms. Wynn, I am in full support, as are the colleagues I represent, of the spirit and intent behind this very large document that embraces many significant leaps and changes to how we view delivery of public education in this State.

My own support today is driven by my role overseeing this business group and it is driven morally. To revisit some of Ms. Wynn's comments, she has been involved in this issue for many decades fortunately. I would hope that in the next 20 to 30 years I could only begin to fill her shoes in partnering with all of you and your colleagues. I would hope, now and in the future, to continue what is the obligation of every citizen to participate in this issue.

Senator Horsford stated in his testimony, "It is without a doubt that we face unprecedented economic times" requiring Nevada to compete locally and certainly globally, more than ever today with our contracting economy and the competitiveness for jobs, certainly within our own local job market. At the same time, I find no better time to dissect and exploit the opportunities before us.

In previous times, I have testified before this Committee with regard to my concern about education in Nevada. In the last Session, I supported the creation of the empowerment schools system. It has been launched, and we are now entering our fourth year in Clark County. We now have 17 schools in that system, and I am very quick to state it is not another program we have launched. It is a system, a new way of how we deliver public education. We get down to aligning the resources with the decision makers at the school level. We simply hold them accountable for increased outcomes in the classroom. We have seen double-digit increases in proficiency under what I call a very "commonsense" model.

More than that, we have seen some other wonderful, unintended but aspirational outcomes, like a significant reduction in crime rates in neighborhoods near these schools. I speak about that particular concept that we have supported because it was something that was very counterintuitive to the current public education model that is employed in the State at the state, district, and school level. It is something worthwhile. We now have over 7,000 children in that public education system who have a different view of what their education is like today if they go to school, and a different

opportunity for what the outcome would be when they finish their high school experience here in Clark County under the "commonsense" model.

This bill begins to set the standards for what the State's role is in public education, the district functions, their roles and responsibilities and specifically, what the schools' roles and responsibilities are within public education.

We felt like we could move the ball with the empowerment systems, and we found leadership in Superintendent Walt Rulffes and other key members, both within and outside the school district, with members of the Legislature through the leadership of Senator Horsford and all of you in supporting the empowerment system. We are here again today to offer our support for this bill.

Again, we believe that many of the tenets in this bill speak to reinforcing existing methodologies that have short-term impact. We can do better, we must do better, and we need to apply new thinking to this business called public education.

As we saw in a very slight microcosm with these empowerment schools, we were able to reduce crime as well. Who would have figured? Again, I am so grateful to be before you today because, like Ms. Wynn, I have found myself in the few years I have been involved at a low point. Certainly there have always been and will continue to be centers of excellence or examples of excellence that do go on in our State system here. At the same time, Nevada has always been a state that thinks big; we just do things that people say are impossible. Certainly, within Clark County, we have the fifth-largest school district in the Country. How would it be possible to take 340,000 kids, and certainly within the broader state parameters as well, to do what history says is not possible. Turn it around; take kids who are by virtue of their skin color, or their economic background or the zip code they live in, considered to be disadvantaged and to lift them up to perform as well as the kids in the suburbs. By the way, take the kids in the suburbs, which are adequately called "suburban heighting," who will always be 80-percent proficient regardless of what happens in those four walls and push them to 95 percent because we have trouble in those schools, too. How would it look for us to be a model for the rest of the Country?

Let us not just look at putting another program in or boosting a percentage point, let us look at retooling the entire model. It begins with all of you, and I welcome your leadership because you have all shown it for so many years.

I am proud to be before all of you, but at the same time, it is a heavy lift, and you cannot do it alone; you need our support. This bill is a bright, fresh guidepost. No document is perfect, and certainly, this is not exempt, but this has guideposts for all of us. The wisdom that you have all provided to me in the few years I have been involved has had a big play in this issue.

In my closing remarks, I ask you to consider every component of this; every component is valuable. Consider it with an open mind. Consider it knowing that the business community is watching, supportive and willing to roll up its sleeves to contribute time and resources, certainly at a time when we are trying to keep our own businesses afloat. This is about a sustainable Nevada, and a sustainable Nevada will always be there for us as businesses, but we need to be here for you first as citizens about an issue that is critical to our future.

SENATOR WASHINGTON:

Businesses survive, or strive, being able to compete by putting their best forward, whether through a product or service, to best their competition. Would you suggest, or believe in being innovative, or come up with a model that would allow creative innovation where it actually allows competition for educational dollars?

MS. PECKMAN:

I do not have a bill to look at or to review and comment on, but in theory, life is competition. I think competitiveness is something that is inherent to human nature and the systems that we have all created for ourselves. It measures whether we are successful or ensures the best people get the job done on behalf of the greater good certainly within a business scenario. We have to be able to put those types of principles of what creates the best outcome for success. We need to have transparency. Mr. Sayeski just gave a presentation that is critical to what we are all talking about here. Unless you know where you are, you do not know where you need to go.

SENATOR WASHINGTON:

Moving along the lines of empowerment, you would say that competition is good because it brings out the best and it allows us to take the best practices and move them forward. If we have competing measures, allowing them the opportunity to compete in the arena of education, you would support something like that?

MS. PECKMAN:

I support the idea of competition through accurate data and understood goals to which everyone needs to subscribe. If you are talking about different types of educational institutions, whether private, public or charter, I would say in terms of understanding the marketplace, there are more than enough kids to go around. In terms of where the dollars go, I would not be well versed enough in public policy toward charters or public schools to properly answer your question from a technical perspective. I can tell you if you look outside of our country for just a brief moment, look around the world, look at how they treat their ideas of how they are going to educate their children, what we do in public education in America and how we do it is uniquely American. We say, "We do not care where you came from, or what zip code you came from; we do not care where you began. If you get a great education which we are going to pay for at least kindergarten through 12th grade (K-12), and you work hard, you can be whatever you want to be."

Most other countries do not offer that. You are tracked out by your ninth or tenth birthday, if then. If you do not have the right last name, you do not get an education. If you happen to be the wrong gender, that counts you out as well. I do have a personal affinity toward the institution of public education because it is a great equalizer if done correctly. We can improve on that. That is why we are all here today. But at the same time, innovation in education is critical because our times are moving so quickly, more than ever in history. To have charters, private schools and all these different types of educational institutions providing a competitive landscape is nothing but a good thing for getting the best outcomes in the classroom. It ultimately creates the strongest economic fabric for our country as we move forward.

SENATOR WASHINGTON:
Have you read the bill?

MS. PECKMAN:

Just the basic tenets; I received it last night, as well. Like Ben Sayeski, I watch C-SPAN also. I feel very good about this being the starting document for what I hope will be a very serious debate.

SENATOR WASHINGTON:

You have resonated quite well that you are in support of the bill. You are commended for that. I am reserving my opinion as I read through it. In the

aspect of innovation, finding best practices and discarding others, would you agree to discard those practices that we are currently engaged in if they are not producing the best results for not only teachers but also our students?

MS. PECKMAN:

Yes, there should be no sacred cows. Everybody needs to come into the room, put all their wares on the table and acknowledge. Our greatest obstacle has not been two separate political parties that by nature would be invested in the failure of each other; it has been lack of accurate data coupled with what is a very emotional issue because we are talking about children.

SENATOR WASHINGTON:

I am not referring to political parties. If there is something that is not working or producing, in the spirit of reform, maybe we need to take a second look at it, dismantle it and start all over with some new, innovative ideas that would produce the best results for our teachers and our students. Are you in agreement with that?

MS. PECKMAN:

Yes. What tends to happen on this and many other issues outside of education is that you come up against an issue which is very hard. You run up against invested stakeholders who, for a long time, supported an ideology or methodology which worked but does not work effectively, or at all, any longer. You run up against constituencies who have now become blamed for why we are failing. Whether it is the parents, teachers, organized labor or lack of funding—there is a veil of truth to all these things. The solution is not to focus on the blame as this gives everyone an excuse not to get to the core of why we are there to begin with; which is, “it is not working anymore.”

To the extent that people can check their weapons at the door and acknowledge that not every parent is going to be a fabulous parent, there are as few teachers who are weak. Yes, funding will continue to be an issue until we can show better uses of existing resources. We must show why we deserve more funding, even when we know it is underfunded to begin with. We need to be able to have those very straight conversations with each other.

SENATOR WASHINGTON:

In the bill, it refers to starting pay for teachers, and the previous testifier from Las Vegas, Willie Ward-Hudson, alluded to it. The fact is the starting pay should

be at \$40,000; at one time, I heard \$28,000 and another time I heard \$33,000, which does not mention anything about benefits.

Under the spirit of reform, with no sacred cows, we are trying to find the best practices that would allow our children to achieve and teachers to perform. Not arguing the merits of the starting pay, would you agree or disagree that it would be to our benefit to allow teachers to settle their own pay grades? These would be based on individual merits, academic achievements, certifications, methodologies, professionalism and certain curricula. Let us open up the door if we are going to reform the bureaucracy; let us reform it, totally.

MS. PECKMAN:

A good friend of mine once said, "Let the chaos reign, but reign in the chaos." There is a little bit of truth and a little bit of excitement in many of your comments. The thing that is most attractive to me is your willingness to not just go outside the box, but to leave the zip code. Time is of the essence. We all bring a lot of experience and wisdom to the table in our work on the issue, and we know something simply is not going to be plausible, certainly within this time frame. We need to think about the current infrastructure, the current system; not the current programs but the current system, and how we fix the system. Until we fix the system, the programs we continue to feed to this broken system will have very little impact, if not declining impact. That is where we get to the return on investment for the dollars we invest. It is not measuring up.

DAN KLAICH (Executive Vice Chancellor, Nevada System of Higher Education):

I will be brief. Although there might be some tiny differences, I want you to know I am the exact same person as Ms. Hudson who testified earlier. I am a native Nevadan, a proud graduate of the Nevada public schools, and I have given my life to education as she has. I am not here to short-circuit Senator Washington's questions. I am here to tell you how to govern public education. I am here personally and on behalf of Chancellor Jim Rogers who had spent five years as Chancellor in the Nevada System of Higher Education (NSHE) holding up K-12 as our partner. There is nothing you can do more important for higher education in Nevada than to improve the quality of our public schools. We beg you to do whatever you can to do that.

I would like to specifically talk about section 9 of this bill which encourages cooperation and collaboration between K-12 and higher education; again, we

are solidly behind this proposal of the bill, however you do it. Senator Horsford has proposed a certain aspect of it. This is something that we owe the State and that is aligning our education systems. We were once part of the American Diploma Project which could have aligned expectations. We dropped out of that and are in the process of getting back in. I know there are members of this Committee that know much more than I.

To the extent that this bill says, "Bring education and Nevada together," we are totally in support of that. Anything you can do to improve education improves higher education. We stand here in support of our partners in public education, K-12.

SENATOR CEGAVSKE:

Is NSHE prepared and ready to make the changes that they need to make? We have a lot of teachers who have testified to our education committees for years that have told us they are not getting what they need to be prepared to teach in the classroom. We cannot get NSHE to change; Nevada is the only state that does not have oversight over the university system. I have seen reluctance from NSHE to make the needed changes and overhauls from A to Z. This is not just about K-12; this is about the whole system.

We tried, but unfortunately were not successful in our K-16 efforts in the last two years. I am hoping we can navigate back to that. Until we get instruction that the teachers are getting to teach in the classrooms, until we start at the top and make those significant changes, we can only dabble at doing things in K-12. Unless this is truly a team effort between NSHE, K-12 and our education system in Nevada, we are not going to make any changes. We keep going around in circles as to what we think we need to fix. We know what we need to fix; but the special-interest groups, the powers to be, get in the way because they do not want to have a difficult task of really doing reform. You would be remiss to admit there does not need to be some significant changes in higher education. I have heard no talk about it. No one has come forward. You do not have to answer; I am just putting it on the table today. Higher education has to come to the table and say, "We agree, we need to make changes, we are ready to come forward and say, yes, we need to change the way we are teaching the teachers in the classroom." We have a laundry list, and I would be more than happy to go over the laundry list again, as we do every session. Until higher education is ready to join us, I do not know how we can make all these significant changes that are going to accomplish what we need to do in Nevada.

MR. KLAICH:

I do not think anyone from higher education is going to sit in front of this Committee and say, "I'm glad you are finally tackling those problems at K-12, because we do not have any." That is not the case, Senator. You talk specifically about teacher education and, to the extent that we do not provide the teachers that our districts need to teach the students, shame on us. One of the efforts we have undertaken in the last year and a half is to meet with every superintendent, dean and director of our schools of education to address those exact issues. We are making progress, but we are not there.

Certainly, NSHE needs to improve the way it delivers education, and we hear some good ideas when we come to Carson City. We hear some ideas that we do not agree with. The chairman of the Board has announced that he intends to appoint a committee of outside business persons to look at efficiency and effectiveness within the NSHE and to report to the Board on exactly some of the things that you have indicated. I also understand there is a bill draft that has some of the same aspects of what I am sure we will be hearing about later in the Session. I think we are fair game. We need to deliver and we need to account to you. You need to increase the accountability measures and the metrics of success that we report to you and to stand accountable for those when we do not.

SENATOR CEGAVSKE:

Do you still get the evaluations for a certain professor, student teacher or whoever is teaching, from their students when they finish their degree or a class? Does somebody actually look at those and review them?

MR. KLAICH:

The last time I did one of those was a long time ago, but I do believe that classroom teachers are evaluated at the end of their sessions. The best I can do is say that I think that is done. The good teachers look at those. The teachers that do not care probably do not look at them.

SENATOR CEGAVSKE:

We have asked before, and we have never been afforded them. I would love to see some responses and answers. I talk to the teachers in the classrooms. They are the ones that are in the field who come back to say, "This is what I am not getting." I have asked students if they turn in an evaluation. They tell me they

do. Some probably do not because it does not make any difference. I would like to see if the university system would share that with us.

I have asked teachers for suggestions of what would help. We have turned these over and have had their answers in the committees. It is so important when we are looking at this whole governance structure, where this governance is going and those in charge through K through 20.

SENATOR WASHINGTON:
Have you had a chance to read the bill?

MR. KLAICH:
No. I have read section 9 that deals with the collaboration between the Nevada System of Higher Education and the State Board of Education, but I have not read the entire bill.

SENATOR WASHINGTON:
Section 9, subsection 4 talks about the collaboration between the DOE and NSHE. Section 9, subsection 4, paragraph (a) talks about aligning the academic standards and curriculum developed for pupils enrolled in elementary and secondary education with the academic standards developed for those who are in postsecondary-educational institutions within the State. I do not have a problem with that.

MR. KLAICH:
We have made a good bit of progress on that. There is Gateway Curriculum in Washoe County and a similar curriculum in Clark County that has a different name. That is something we absolutely should do, you are right.

SENATOR WASHINGTON:
I agree. It is sad that we have to put it in statute, but that is okay. It is in section 9, subsection 4, paragraph (b) that I have a question. This deals with the Regional Professional Development Program (RPDP) we have funded for the past ten years now, and for which the Governor did not put funding in his budget. This bill basically says that you are not to supplant those responsibilities. Is the university system ready to supplant the ongoing professional development and training of teachers and use various classroom methodologies?

SENATOR HORSFORD:

As I understand it, my meeting is with Mr. Hanlon, Southern Nevada RPDP Regional Director. The Southern Nevada RPDP works in alignment with the NSHE, and the things that they teach are actually credits issued by the NSHE. What this language speaks to is helping the DOE get the expertise of those people who are in our institutions of higher education to better inform the practices that we have in professional development and the classroom. We invest, as a state, a lot of money into the NSHE. As the other members of the Committee have said, I would like to maximize and/or align those goals with the goals to improve the Department.

SENATOR WASHINGTON:

Those standards that are set, or those development and training procedures that are done through the Regional and Development Training Centers would be augmented. The intent is not to replace them.

BILL HANLON (Director, Southern Nevada Regional Professional Development Program):

I have read the bill three times; I am not overly familiar with it, but I am familiar. The RPDP is still in the program when you get to sections 59 through 64. I do want to make a comment that the RPDP is working in conjunction with the UNLV. We offer our programs through them, have them approved through them, and our classes and programs count toward their master's degrees. We have had and continue to have a partnership with them. I believe what Senator Horsford is concerned about is that when students come out of school they are not ready to go.

SENATOR HORSFORD:

The NSHE provides professional development and training. This training and development includes in some cases the RPDP to assist the DOE. This ensures that educational personnel are properly trained and are exposed to various classroom methodologies.

It is what they are prepared with as they come out and are working in the classroom. This training is not just for new graduate-trainees because there are some personnel going back and forth in their training. The RPDP is one resource that we use. It is not the only resource.

SENATOR WASHINGTON:

I want to make it clear that there is a collaboration between NSHE and RPDP to make sure that graduates of the college of education have the opportunity, or should continue the various methodologies, to make sure that we are getting the best and the brightest teachers for our students. I assume that is what the language is saying.

SENATOR WIENER:

We have been here awhile, and we have several other witnesses to come forward. We probably need to wrap up in the next 30 minutes because we need to get ready for the afternoon Committee. Is anyone else in support of S.B. 330?

VERONICA METER (Vice President Government Affairs, Las Vegas Chamber of Commerce):

We are pleased to see S.B. 330 includes many educational measures the Las Vegas Chamber of Commerce has been advocating for many years: in particular, performance measures for schools and teachers, accountability and especially a performance-pay program for rewarding excellent teachers. We are pleased to see some of those elements have been included in this particular bill, and we are supportive of that.

LYNN WARNE (President, Nevada State Education Association):

We were pleased to hear Senator Horsford at the introduction of S.B. 330 say that this is going to be a policy discussion. We look forward to working with the proponents of this bill to find practical solutions that will benefit all our students and educators around the State. For years, the Nevada State Education Association has supported and participated in discussions on performance pay. Just last Session we worked to move forward a bill that would bring together a group of educators, representatives from the administration, employee groups and business to talk about what an enhanced compensation schedule might look like and what performance pay might look like. Unfortunately, the funding for that program was one of the first things cut along with funding for the tools and resources; funding for that is being cut in this current, proposed budget.

For years, we have worked on improving the starting salaries of our educators so we can attract the very best of the profession in the State. Incentives to move veteran and highly qualified educators to high-poverty schools is another

program that we have supported. Unfortunately, those incentives are also on the chopping block in the Governor's proposed budget.

We look forward to working with Senator Horsford, the Senate Committee on Health and Education and the group as we find practical solutions to improve education in the State.

LUIS VALERA (Las Vegas Latin Chamber of Commerce):

I want to register our support for this legislation. In particular, I would direct the Committee's attention to some data that I found from the Nevada DOE. It states, "High school graduation rates among Hispanic students in 2006 stood at 55 percent. Of those who did go on to attend one of the institutions of NSHE, 41 percent of those needed some sort of remediation courses." Section 9 of this bill calls for that collaboration. We strongly support that where remediation classes are necessary, or where there is a disparate impact on our community.

ANNE LORING (Washoe County School District):

To coin a phrase from Ms. Wynn at the beginning of this hearing, we are certainly here to support this in spirit and specifically several sections on which our Board already has taken positions in our platform. They have not yet seen the bill. We have just tried to do a quick-skim reading of it, but we wanted to go on record in support of section 5 and the growth model. We appreciate that it covers other items beside test scores including graduation and attendance, and it would be used to evaluate effectiveness of programs. To copy a word from the sponsor, "we think that is sensible."

We are also in support of section 47 on pay for performance. Our trustees have had a long-standing support for that issue. I know they will be intrigued with the formula that is under discussion here of a 50-percent pay incentive based on student performance and progress as well as recognition of the professional accomplishment of our teachers.

As has been stated by others, I know they would join in support of section 58 for all of us who have worked so hard to try to improve the starting pay of our teachers. We have made some progress as Senator Horsford has acknowledged at the beginning of this meeting. This is one of those areas that is a funding issue. It has technical issues to be discussed, and we would like to be in on that discussion.

Our board of trustees would love to work with the sponsor on section 35. We have spoken with him before. Our trustees have had a concern about allowing students to graduate without having passed all sections of the high school proficiency examination. There have been some changes over the last two years. We would like to talk about those with him.

I would conclude in strong support. Senator Horsford said, with emphasis put on graduation rates, that it is really important that we develop the capability and start calculating a student-by-student graduation rate. Where one looks at the students who enter as in our case, we have done it for ninth graders, and how many graduated four years later. As Senator Horsford pointed out, with the two numbers that we have on graduation rates for the State already, they are bad and bad. We have done it now, student by student, and it is bad, bad and bad. Nevertheless, it does provide data on other aspects including the percentage of our freshman who fail to graduate because of the proficiency examination. We will share with you at a later date.

CHAIR WIENER:

We have ten minutes to hear from Las Vegas before we lose our connection, and I apologize. We have Fred Maryanski representing Nevada State College. We had one in support and one opposing. So can we have those in support of S.B. 330, please?

FRED MARYANSKI (President, Nevada State College):

I am also chair of the Teacher Preparation Committee for the American Association of Colleges and Universities, and a member of the Las Vegas Latin Chamber of Commerce.

Briefly, I am very much committed to the partnership aspects between the NSHE and K-12. This has to occur as a partnership. In the south, we have monthly meetings with the superintendent and his staff, the deans of UNLV, Nevada State College, and the College of Southern Nevada. We have a dialogue on improving teacher quality and teacher education. We approach this with ideas of how can we help not what can we do for you, and it has been very successful.

With respect to quality teachers, I urge you to create uniformly higher standards for licensing teachers to ensure that they all come from quality programs and to monitor the output of the programs to determine which ones are producing

quality teachers. A very important component is teacher preparation. Each student teacher spends at least two semesters in the school before sitting for their licensure examination. Mr. Valera commented about the graduation rate of Hispanic students. I would urge you to pursue English language learner programs with greater vigor, particularly making sure that the State meets the standards to qualify for federal funds for that purpose.

I very much applaud Senate Majority Leader Horsford for including incentives in the program. Earlier, he said that President Obama indicated that teacher quality, not family income is the determinant of student success. Too often, family income determines the quality of teachers at a school. The new measures proposed must incentivize the best teachers to work at underperforming schools and to help to improve schools. This is a very important bill. I strongly support it.

CHAIR WIENER:

We have about nine minutes left to get everybody in the south. Whoever wants to testify, please come forward.

ANTHONY RUGGIERO (President, State Board of Education):

I agree with the first witness, Ms. Wynn, who said this bill will begin the debate, and the spirit of this bill is to engage in a debate regarding the change in governance. The State Board of Education has consistently maintained the position that the governing structure regarding education in Nevada does need to be changed. However, as the sign-in sheet indicates, I am against certain sections of this bill, in particular, section 8 and section 11.

Obviously, the change in structure regarding the State Board of Education and the way the board members are elected to their positions is a concern of mine. How the superintendent is selected is also a concern of mine. We are all for engaging in a debate regarding the change in governance; however, we have some concerns with some of the proposals that are being presented. I, like Senator Washington, just got the bill this morning and have only been able to peruse it while the other testimony has been ongoing. We do anticipate being part of this discussion, and we welcome the debate because there is another side to this story. Our Board is prepared. We are ready, willing, and able to do what this Legislature and this Committee thinks our Board should be doing. We have full faith and confidence in our superintendent and the entire DOE. Yes, there are some changes that need to be made. We do agree with some of

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the other sections of this proposal because we do agree with most of the other witnesses and some of their testimony. I did want to come here and let you know that even though I indicated I was against the bill, it was only a couple of sections. Otherwise, we are for the spirit of the bill which is about engaging in debate regarding the change in governance, of education in the State of Nevada.

CHAIR WIENER:

Is there anyone else in support or opposition to S.B. 330?

SENATOR HORSFORD:

I would like to conclude by thanking members of the Committee, and you, Madam Chair. It clearly was never our intent to try to move legislation before we can have a real, deliberate and methodical discussion. We know we have 120 days to debate these issues. Today's bill is the beginning of what I hope will be a very robust discussion around how we can improve public education in Nevada. I appreciate all the comments of my colleagues, of those who have testified for, against and with questions or reservations. I stand committed to working with anyone who shares our goals and our values to improve education for every child. We do have an opportunity to create a world-class education for our students. It will not be easy; it will take time. If we do it together, it will happen.

CHAIR WIENER:

I offer my services as well, Senator. This is a Committee of head, while the numbers get crunched and all the policies get considered. But we are also a Committee of heart. This is where this measure belongs, and this is where we roll up our sleeves and do the work.

SENATOR WASHINGTON:

I appreciate the effort by Senate Majority Leader Horsford in this bill. My only concern is that procedurally we have not had the opportunity to read the bill, actually go through it and digest it. I have a small concern that some who have come to testify today said that they had the bill the night before and had a chance to read it or look at it. I am not discounting that one way or the other. I just think procedurally we should have had an opportunity prior to getting to the Committee this morning to actually see this bill, to digest it and to pick out areas of concern or support. I would have appreciated the opportunity to have the bill prior to getting to the Committee.

SENATOR HORSFORD:

Because the bill was introduced on Monday and with the delay in printing, it was online for those who were able to access it. In prior sessions, we have had issues. You, as Chair of this Committee last Session, are aware some of these issues were circumvented by not coming to the policy committee, ending up in the Senate Committee on Finance. Some issues were brought forward in the last days of the Session. Over the next 75 days, we will continue to have discussion and debate, and there will be ample time to really digest the provisions of the bill. This is not a final document. I recognize there needs to be a lot of work, more deliberation and specifics that need to be worked out. I look forward to working with anyone and everyone who shares the goals of reforming education and improving student achievement. I thank you and other members of the Committee who have worked on these matters before, and I am hopeful that this time will be the time for us to get this legislation adopted.

SENATOR WASHINGTON:

We could have postponed hearing this measure one day out until we had a chance to digest it, but that is a call of the Chair. There are some admirable points and issues in the bill and some I would like to talk to you about. It would have been nice to have had the bill for just one more day instead of being thrust right into it.

CHAIR WIENER:

We will now recess at 1:31 p.m., and we will reconvene at 3:15 p.m. in this room.

We shall reconvene at 3:34 p.m. For those who are interested in a bill that we were hearing earlier today, S.B. 330, we will schedule an extended hearing on that, do a thorough walk-through with the sponsor and respond to that in whatever amount of time is needed to address the bill. We will schedule that action tomorrow, and we will know more tomorrow. We look forward to public participation as well.

We will begin the work session first then go on to S.B. 164. We have before us seven measures and will do another work session next Monday or next Wednesday as well.

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MARSHEILA D. LYONS (Committee Policy Analyst):
We heard S.B. 7 on March 2, 2009. There are two amendments proposed for this bill included in our work session document ([Exhibit F](#)).

SENATE BILL 7: Makes various changes to the Advisory Council on the State Program for Fitness and Wellness. (BDR 40-23)

CHAIR WIENER:

Those are the two that were offered to the Committee. Are there any questions or comments on the bill and/or the amendments?

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS S.B. 7.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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SENATE BILL 19: Revises provisions governing the award of grants of money by the Commission on Educational Excellence. (BDR 34-302)

Ms. LYONS:

This bill was heard on February 9, 2009, and was included in the work session of February 23, 2009, and rolled to today. There was an amendment proposed at that time. The Committee members had some concerns that have been worked out, and the amendment is attached for your review.

CHAIR WIENER:

That amendment is on page 5 of [Exhibit F](#).

SENATOR WASHINGTON:

Anne Loring and I worked on this language. She proposed it, and it is fine by me.

CHAIR WIENER:

Senator Horsford, did this respond to your concerns?

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SENATOR HORSFORD:
Yes.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS S.B. 19.

SENATOR HORSFORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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[SENATE BILL 62](#): Revises provisions governing special education. (BDR 34-426)

MS. LYONS:
There is a proposed amendment on page 7 of [Exhibit F](#).

CHAIR WIENER:
Any questions or comments on the amendment, [Exhibit F](#), on page 7, as provided by the Department of Education?

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS S.B. 62.

SENATOR WASHINGTON SECONDED THE MOTION.

SENATOR HORSFORD:
I am trying to understand page 7, line 29, of the amendment: Is the language "may" or "shall not"? I am trying to understand the language that will be included in the amendment.

CHAIR WIENER:
It would be "may use up to 15 percent," is that right?

MINDY MARTINI (Committee Policy Analyst):
That is correct; it would just change the language. It does not change the intent. It would be, "may use up to 15 percent."

CHAIR WIENER:
Rather than "shall not use more than 15 percent," it is a half-full, half-empty glass of water.

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SENATOR HORSFORD:

If a charter school wants to use more than 15 percent, what does the bill do?

MS. MARTINI:

This bill would authorize up to 15 percent of State funds for special education for purposes of intervening services. It is the same as the federal government allowing up to 15 percent of the federal funds. It just mirrors the federal law.

CHAIR WIENER:

We have a motion and a second. Is there any additional discussion?

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

I am volunteering for S.B. 7. Who would like to do the Senate Floor assignment for S.B. 19? Senator Nolan volunteers to do S.B. 19. Chair Wiener also volunteers to do S.B. 62.

SENATE BILL 65: Revises certain provisions relating to advocacy for residents of facilities for long-term care. (BDR 38-330)

MS. LYONS:

The Committee heard this bill on February 18, 2009 and also in the work session of February 23, 2009, and rolled it to today. There are no amendments included in the work session document.

CHAIR WIENER:

Is there any discussion?

SENATOR WOODHOUSE MOVED TO DO PASS S.B. 65.

SENATOR HORSFORD SECONDED THE MOTION.

THE MEASURE CARRIED UNANIMOUSLY.

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CHAIR WIENER:

Senator Woodhouse volunteers to work S.B. 65 on the Senate Floor.

SENATE BILL 77: Provides for the establishment of programs of teen mentoring in public high schools. (BDR 34-696)

Ms. LYONS:

This bill is sponsored by the Senate Committee on Health and Education on behalf of the Nevada Youth Legislative Issues Forum heard on March 4, 2009. There are no amendments to consider for this measure.

CHAIR WIENER:

Is there any discussion?

SENATOR NOLAN MOVED TO DO PASS S.B. 77.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

We will open the hearing on S.B.161.

SENATE BILL 161: Revises provisions governing the Nevada Youth Legislative Issues Forum. (BDR 34-91)

Ms. MARTINI:

This bill was heard on March 4, 2009. There are amendments proposed on page 11 of Exhibit F. The amendment would clarify that students in private schools and homeschooled children may participate in a program. It would clarify that a person may only submit one application to one Senator in a calendar year. In addition, the amendment would render a position vacant if a member misses two meetings instead of two consecutive meetings. Finally, the amendment would render a position vacant if rezoning occurs at the school, which makes a member ineligible under the original appointment.

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CHAIR WIENER:

We clarified that only being able to apply with one application we needed to come up with the appropriate language. Right now, the youth lives in the district of the appointing Senator. We are making it more accessible to more young people to have the choice to apply to a Senator where they go to school, or Senator where they live, but they can only apply to one of those Senators.

I will entertain a motion.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS S.B. 161.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

I will open the hearing on Senate Concurrent Resolution (S.C.R.) 4.

SENATE CONCURRENT RESOLUTION 4: Urges certain agencies which provide child welfare services to develop a standardized practice model and to address certain issues related to child and family services. (BDR R-476)

MS. MARTINI:

It was amended to express concerns regarding the use of psychotropic drugs on children in foster care and a statement encouraging the assessment of the use of such drugs for the treatment of children in the custody of a child welfare agency in the State.

SENATOR HORSFORD MOVED TO AMEND AND DO PASS S.C.R. 4.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

Senator Horsford volunteers to work S.C.R. 4 on the Senate Floor. We are now poised to hear S.B. 164.

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

CHAIR WIENER:

As a reminder, we will be participating in a school activity Friday morning at 7 a.m. at Carson Middle School. We will be having breakfast with the young ones and learning more about the nutrition programs in the schools because our Committee that day will have briefings on federal programs for nutrition as well as programs in schools. We felt it was important to participate in the process, so we know what we are addressing as the people come to our Committee.

SENATOR MAURICE E. WASHINGTON (Washoe County Senatorial District No. 2): Senate Bill 164 came out of the interim Legislative Committee on Education, which was staffed by Ms. Martini. This is a small bill that cleans up some language regarding charter schools so I am not going to go through the entire bill, but I will hit the highlights.

The first of the amendments, section 1, page 2, line 4 of the charter school statutes, deals with the change in the renewal process for applications from 90 days to 120 days. This amendment is offered by Washoe County School District. The reason behind the amendment would give more time to review the application, both for the sponsor and the school itself, in turning in the application for renewal. Most of the members of the Committee agreed to this change and thought it was a very good change for renewal of applications.

The second change to the bill, section 2, subsection 1, paragraph (c) authorizes sponsors of charter schools to appoint a member to the governing body at their own discretion. I understand there is another amendment to the bill that has been offered. The amendment would read instead of "appoint," it is to "nominate" a person to serve on the governance at the request of the charter school over the governing body. This was adopted by the entire Committee ([Exhibit G](#)).

The third change, section 3, basically deals with the allotment and reimbursement done on an annual basis. Now, the bill changes it to a quarterly

payment adjustment with following reimbursement done on the final computations based on school apportionment. Most of us understand that to be on count day. The allotment is sent out to the schools on a quarterly basis, but the reimbursement was collected on an annual basis. Now, it puts it on a quarterly basis which is easier for the charter schools to handle as opposed to waiting until the end. The fourth change to charter school statutes in sections 4-7, deals with the ability of teachers to participate in RPDPs. They are excluded from it, but this now gives them the opportunity to be participants in the RPDPs.

CHAIR WIENER:

On the amendment that you did include in your testimony, could you share with those of us who did not have the opportunity to serve on that committee. This does change direction a little bit as to the legislation that you just summarized for us. What was the conversation around that?

SENATOR WASHINGTON:

The conversation was basically a request that did come from the leadership from Alliance with Charter Schools. Some wanted the sponsoring agent to have a member sitting on their governance. So instead of having the sponsors appoint somebody, it would give them the ability to nominate somebody to serve on that governance based on charter schools' request of a sponsoring agent.

MS. MARTINI:

During the interim of the Legislative Committee on Education, Dr. Rheault recommended that a sponsor, a financial person not on the board of the charter school, would have the ability to appoint an additional person to the charter school board. It would then be up to the sponsor to actually identify

SENATOR WASHINGTON:

The word I would choose is expertise. I guess in times past there have been some problems with fiduciary requirements, so if a governance wanted to have somebody with that expertise sit on their governance board, they could go to the sponsoring agent and then appoint someone. In this case, there may be changes to nominate somebody to sit on their governance board, most likely to come from the department itself.

LAURA GRANIER (Attorney at Law, Lionel Sawyer & Collins; Nevada Connections Academy):

In conjunction with K-12, we propose the amendment that Senator Washington has described. We support the bill with the amendment and my recollection, having sat in on the committee hearing, is consistent with what you heard earlier. Dr. Rheault proposed it after having requests from various charter schools which were looking for assistance in finding particular expertise in different areas to serve on their board. The amendment clarifies that this is something to assist charter schools and not to encroach on their autonomy. It would also avoid potential conflicts with existing bylaws of charter schools that provide for election of their board members.

CHAIR WIENER:

That is the clarity we needed between "appoint" and "nominate" in the election process.

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

I am here to support the bill, particularly section 3. That will change the payments for the administrative fees from yearly to quarterly. Regardless who oversees charter schools, it will provide for much better cash flow. The way things work now, when we close out the budgets of every school, we give them until August 15. We then calculate any adjustments to the payments for or against. Then we bill them and usually get payments in September, a year after the fact. This will still be that adjustment, but it will provide for a much better cash flow. We have currently one staff position that is supported with the funds. To wait a year, after providing the services for a year, does not provide very good service.

As far as the amendment regarding the nomination, I fully support that. When I brought it up, it was at the request, as stated by Ms. Granier, that one of the charter schools, a State Board-sponsored charter school, during the past biennium, had asked if they could appoint one of the members to their governing board. I said, "We do not want to get in the middle of governance of an independent charter and then the sponsor." I brought the amendment forward and said that if it were in statute that allowed it to happen, it would be fine. I am perfectly supportive, and it actually is better just to say, "I nominate." If they want to select the nomination, it is their decision.

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CHRIS FERRARI (Imagine Schools):

I want to say that we do support the bill with the changes provided in section 2 by Senator Washington.

CHAIR WIENER:

Is there any discussion?

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS S.B. 164.

SENATOR NOLAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR WIENER:

On Friday at 7 a.m., we will have some important presentations on nutrition, meeting federal standards and also nutrition in schools. We have very heavy agendas coming forth, and so we will be having work sessions more frequently. We will do the job we pledged to do. We will have the needed hearings and the conversations to keep doing the good work. Be prepared to work long days.

Is there any public comment about what we have done today? Is there anything else to bring to the Committee? There being no other business, the meeting is adjourned at 4:01 p.m.

RESPECTFULLY SUBMITTED:

Maureen Duarte,
Committee Secretary

APPROVED BY:

Senator Valerie Wiener, Chair

DATE: _____