

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

**Seventy-Sixth Session
May 9, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:28 p.m. on Monday, May 9, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman David P. Bobzien, Chair
Assemblywoman Marilyn Dondero Loop, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblywoman Lucy Flores
Assemblyman Ira Hansen
Assemblyman Randy Kirner
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Washoe County Senatorial District No. 4

STAFF MEMBERS PRESENT:

Mindy Martini, Committee Policy Analyst
Kristin Roberts, Committee Counsel
Taylor Anderson, Committee Manager
Janel Davis, Committee Secretary
Gianna Shirk, Committee Assistant

OTHERS PRESENT:

Craig Stevens, Director, Education Policy and Research, Nevada State Education Association
Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Craig Hulse, Director, Department of Government Affairs, Washoe County School District
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Dylan Shaver, representing Wynn Las Vegas
Dotty Merrill, Executive Director, Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Superintendents
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District
Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators

Chair Bobzien:

[Roll was called. Rules and protocol were stated.] Welcome. I would like to invite Senator Kieckhefer to the table. I will open the hearing on Senate Bill 315 (1st Reprint).

Senate Bill 315 (1st Reprint): Requires the Commission on Professional Standards in Education to provide for the licensure of teachers and administrators pursuant to an alternative route to licensure. (BDR 34-819)

Senator Ben Kieckhefer, Washoe County Senatorial District No. 4:

This bill is an offshoot of a deficiency in our system. It was identified as Nevada was preparing its application for Race to the Top funds, which we unfortunately did not receive. Part of that process developed the Education Reform Blue Ribbon Task Force. In addition, *Nevada's Promise* identified some key steps we can implement to improve the quality of our education system in

Nevada. This bill represents one piece of that, which is to create an alternate route to teacher licensure.

Ultimately this bill requires the Commission on Professional Standards in Education to develop the regulations by the end of this year and to create an alternate route to licensure (ARL) for an individual who wants to become a teacher. Section 2 of the bill says that the required education and training may be provided by any qualified provider which has been approved by the Commission. The bill would require that provider to be selective in its acceptance of students. It would also require that there would be some school-based educational component of training. The bill would limit the amount of coursework that is required and allow the training to be completed in two years. Upon completion, the person would be able to obtain a regular teaching license in the State of Nevada.

Section 5 of the bill, page 6 offers reciprocity to similar alternate routes from other states. I received a call from someone who had moved to the City of Las Vegas from Texas. He had gone through an ARL program in Texas and wanted to teach in the Clark County School District (CCSD), but was unable to get licensed. Clark County School District did not recognize his education certificate due to the fact that it came from an ARL program outside a system of higher education.

The main edit that came out of the original draft of the bill was a provision that I agreed to remove to try to obtain some consensus on the bill. You will hear testimony from the Nevada State Education Association (NSEA) that will offer an amendment that I am in support of.

Chair Bobzien:

To clarify, are you considering the amendment friendly?

Senator Kieckhefer:

I consider the amendment friendly at this point.

Chair Bobzien:

Are there any questions?

Assemblywoman Dondero Loop:

Under section 5, subsection 1(b), it reads, ". . . including without limitation, the reciprocal licensure of persons who obtained a license pursuant to an alternative route to licensure similar to the alternative route to licensure prescribed" I am for reciprocity and making sure we have teachers in classrooms, not substitutes; however, I am also very aware of what

specifications are in a teacher license. Just because you have gone to college, or have an ARL certificate from another state does not mean that you automatically have one for this state. You may need to be mentored or take a certain class. When I hear stories of people coming in from other states that cannot get hired to teach in Nevada, it is a concern. The level of quality of other programs is unknown. How can you guarantee that "similar" means the same as our licensure product?

Senator Kieckhefer:

Section 5 puts the decision in the hands of the Commission to adopt regulations. It will be up to the Commission to adopt those standards. They can ultimately craft them as they see fit to ensure specific requirements or criteria they want to have in terms of training of an individual that would be applicable. It could be something where they have to review on a case-by-case basis that individual's licensing from another state. I leave it in the hands of the people who we deem to be the experts, and that is the Commission.

Assemblywoman Dondero Loop:

With what you just said, I feel like that is what we already have. We are leaving it in the hands of the Commission to make sure whoever comes into Nevada is licensed in a quality manner. Now we are asking this to be put into statute. Do you understand where I am going with this? I will be the first to tell you that I believe in reciprocity and alternative licensure, but I want to make sure that we are not just saying, "similar" as a catch-all because we have had teachers come from all over the United States who say they were student teacher of the year, but cannot get hired now. There is a reason for that. We want to make sure that we are not hiring teachers to hire a body.

Assemblyman Aizley:

We are missing the boat on getting qualified people into the classrooms. I made an attempt many years ago to teach in CCSD. I was not coming in from another state. I have been teaching math for more than 40 years in the interim, and I am still not qualified to teach in the school district, even though I have a Ph.D. in mathematics. You cannot get into the district; the district cannot hire people with expertise because the licensing is off the wall, in my opinion.

Senator Kieckhefer:

I edited that part out of my bill, Mr. Aizley. I originally had a proposal that would allow a school district to offer a provisional license under rules that the district board would have deemed acceptable. That was an area of contention, so I decided, for the good of the bill, to amend it out.

Assemblywoman Dondero Loop:

Last session I sponsored a bill that Dr. Rheault helped me with. The bill allowed people with a bachelor's degree from another area of expertise to become teachers with some sort of monitoring. There is now something in place with state licensure.

Chair Bobzien:

I would like to further clarify section 5 regarding reciprocity. I should know better than to bring up concealed carry in the Assembly Committee on Education, but I think there is an interesting parallel. In the states for which we recognize reciprocity there is a certain test that is substantially similar to the one we offer in Nevada.

Since we are directing the Department of Education to promulgate regulations for similar ARL programs, we can expect that those states covered under reciprocity are the states with programs that look very much the same as ours. In the case of the Texas teacher, not knowing anything about the Texas ARL program, we do not know if that situation would be helped, but ideally, if it is a similar program to what we are adopting with this legislation, then he would be covered. Is that your understanding as well?

Senator Kieckhefer:

That is my understanding. I do not know if this provision would have helped that individual. By what he told me, he was a great teacher, and I am sure that he was. He is currently teaching in a private school in Las Vegas when he wanted to teach in one of the public institutions in Clark County. It is not a bad thing, but to put the limit on him like that was unfortunate.

Assemblywoman Neal:

I would like to give you an example. Let us say there is a long-term substitute teacher who has been in the school for four years, has a master's degree, and has been through the training. How does this bill fit with a teacher like that? I saw the section in the bill that said if you had a higher degree—it was one of the criteria—you had to be licensed within your particular profession. Is that correct?

Senator Kieckhefer:

Could you tell me the exact area of the bill you are talking about?

Assemblywoman Neal:

I am looking on page 4, line 4.

Senator Kieckhefer:

That is existing law.

Assemblywoman Neal:

So, was it just renumbered in the bill?

Senator Kieckhefer:

That is correct. It was renumbered in the bill to accommodate the additional section, that is section 2, subsection 1; everything underneath was renumbered.

Assemblywoman Neal:

I was wondering if this would apply retroactively. At that point, the person would have had a lot of experience, had been with the school, and completed his five years. Before ARL was situated this way, was it retroactive?

Senator Kieckhefer:

Not that I am aware of. The regulations would be created to lay out or certify certain educational programs that would fall under the requirements of an alternate route to licensure. Unless an individual had gone through that specific route that gets approved and set out by the Commission as a qualified provider, then his situation would not change.

Assemblywoman Neal:

Would the individual have to start over with his experience, or could he use his experience and go through the ARL program and get some kind of credit to offset the five years that he may have been in the district?

Senator Kieckhefer:

I cannot answer that question because it would be up to the programs certified by the Commission. This bill does not actually create the program for an alternate route; it directs the Commission to certify and approve those programs.

Chair Bobzien:

Ms. Neal, if you hold that question, we may be able to get some additional insight from other testifiers. Are there any other questions?

Assemblywoman Mastroluca:

My colleague asked a similar question regarding reciprocal licensure, but I did not hear what I was looking for. People who have an alternative route to licensure in another state have the best of intentions, but this bill is diluting it as far as the quality of the teacher you are going to end up with. Do you agree?

Senator Kieckhefer:

I sure hope not. I do not necessarily believe that the system of higher education is the only system that can teach people how to teach. If we are creating alternate routes outside of that, we should be doing so because we believe that it is turning out high quality teachers. The amendment that you will see presented from the NSEA parlays to that. The same is probably true in other states. It is recognized that you do not have to go through a strict system to become a highly effective teacher. I would not say it is diluting the quality of the person we are going to receive; I would say it is providing highly motivated, well intentioned people with options in terms of how they want to get to their goal.

The notion of reciprocity is not one that I am embarking upon with a blind eye, but one that recognizes the Commission's power, through regulation, to set and have standards. It is not like a driver's license where it is good everywhere; there needs to be a critical look at the type of program the person has gone through to ensure that it does meet standards that we consider to be appropriate for people who are entering a classroom.

Assemblywoman Mastroluca:

Have you done research to find out if this type of statute exists in other states? What other states accept reciprocal license for ARL?

Senator Kieckhefer:

I do not know. I did not research that.

Assemblywoman Mastroluca:

I recognize the small advantage to being 50th in education is that hopefully we would not get any teachers from other states who did not meet our standards.

Chair Bobzien:

That answer to Assemblywoman Mastroluca's question would be interesting to know. By tracking the progress of ARL legislation in other states, my understanding is—since a lot of this is in response to the Race to the Top effort—we are trying to bring ourselves into compliance with what the federal definition of ARL is. The hope would be that more and more states would move toward this model so we can have a free flow amongst the states that have the standards. Are there any final questions? [There were none.]

Craig Stevens, Director, Education Policy and Research, Nevada State Education Association:

I am here to support S.B. 315 (R1). We believe in ARL; we believe that providing alternative routes and getting more qualified people into the classroom

is a positive thing. We have provided a very friendly amendment ([Exhibit C](#)). When someone comes into the state, or when there is a new program that the Nevada Department of Education (NDE) sees, we should be able to track those programs and it should start at the pre-service level. The NSEA is trying to provide more accountability to these programs. Our amendment allows the NDE, through the State Board of Education/State Board for Career and Technical Education and the Commission on Professional Standards, to track where the pre-service comes from, track the educator through the system, and see if he is creating growth and if he stays in the classroom more than three years. They can then verify where that pre-service comes from so that we can make sure that we are providing and accepting the best ARL programs across the state.

We believe our amendment, after some time, will collect a lot of data on what is out there, whether it is Teach for America, the American Board for Certification of Teacher Excellence (ABCTE), the University of Nevada, Reno (UNR), or the University of Nevada, Las Vegas (UNLV). Who is providing the best pre-service out there? We believe it will create competition and accountability for those people who are looking to enter into our state and say, "We provide great teachers." This bill will have them prove it. That is why we are putting it forward; it was part of the Race to the Top application to the federal government. We are trying to move those provisions forward and provide accountability for not just the educator, but for the people who are providing us the educators.

Chair Bobzien:

Are there any questions for Mr. Stevens on the amendment? [There were none.]

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District:

We believe in ARL programs and have been able to put teachers through our ARL program and recruit in high need areas, as well as regular classroom teachers. We believe that establishing appropriate and rigorous criteria for alternative routes can help us hire additional highly effective teachers. We add our support to the bill.

Chair Bobzien:

Do you have any issues with the amendment? [Ms. Rourke made it apparent there was no issue with the amendment.]

Craig Hulse, Director, Department of Government Affairs, Washoe County School District:

We are also here in support of S.B. 315 (R1). Earlier this session you heard a very similar bill, Assembly Bill 230, which is in line with the Education Reform Blue Ribbon Task Force—a part of the application process for Race to the Top. The Washoe County School District (WCSD) has a friendly amendment ([Exhibit D](#)). In *Nevada Revised Statutes* (NRS) 391.019, section 2 would be amended to add one provision that allows for candidates to apply for an alternative route license prior to receiving an offer of employment from the school district, private school, or charter school allowing any individual who feels he is qualified and would like to get an alternate route license and join the education profession.

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

We are in support of the bill, but I wanted to clarify the confusing section on alternative route versus special qualifications licenses. Assemblywoman Neal had brought up the special qualifications license on page 3 that begins with section 2, subsection 2(g). That section was put in place in 2007 when a medical doctor had the same problem as Assemblyman Aizley; he could not get a license to teach health in his daughter's middle school class.

The special qualifications license was put in place, and started as a Ph.D. or a master's degree and was expanded to a bachelor's degree. I recommend this license to anyone with work experience in a particular subject area. We have issued a number of them to engineers who came from the Nevada Test Site. We license people specifically for high-level math. If you look at the qualifications, for example, with a couple of years teaching experience at the higher education level plus other work experience, we can issue a special qualifications license.

The difference between the special qualifications license and the ARL is that most of the individuals funneled through the alternative route do not have any work experience to go along with their degree. An example is the Teach for America graduates. They have a bachelor's degree and went through an alternative program, but they do not have any work experience in their subject area so they would need to go through an alternative route.

The other one was brought up in the Washoe County amendment in that we can issue a license to anyone who applies for special qualifications. You do not need a job; you do not have to have a commitment from the district. In the case of alternative route the way it is currently written is the district has to offer a position, and then they can apply for the alternative route, which is an impediment to getting it. We fully support the amendment from WCSD where

people who qualify for an alternative route can get the license then go look for work in the district.

Chair Bobzien:

Are there any questions?

Assemblywoman Neal:

I have a question on section 2 where it talks about five years of experience. For example, say you are coming in and you have had experience doing X, Y, and Z. You are saying that you can get your special license now. How are you proving classroom experience?

Keith Rheault:

It depends on how you look at it. If you look at the explanation, the work experience has to be in the field that they are going to provide instruction in. In the example that you gave, the long-term substitute could have had experience in any subject. We probably would not use that as experience because if he had a degree in math, but if he was a long-term substitute in a classroom as an elementary teacher, it should apply to the field he is in. The reason this was put in place was to get expertise in a particular subject.

In a medical doctor's case, for example, we issued a license to teach health, physiology, and life science, so there are a number of endorsements on his special qualifications list. We have a verification of work experience form that they would have to provide with their application. If they had experience at a postsecondary institution we would have them provide that work experience document to the higher education institution to document that they were employed at a university or community college for two years and taught these subjects.

Chair Bobzien:

Are there any additional questions?

Assemblywoman Diaz:

The bill states that the coursework does not have to be satisfied at an institution of higher education; it can be satisfied through other providers that operate independently. Who are we going to give the authority to, to provide this coursework? That is very important in forming our teachers. How are we going to verify that they are capable of carrying out those courses and the quality of those courses?

Keith Rheault:

That is one of the reasons we support the bill. It still leaves the decision and determination to the Commission on Professional Standards. They would review the providers and approve them. For example, Teach for America comes into the state and has a number of teachers placed in Clark County. As a provider, it does not necessarily go through a university; it does its own training for the teachers. They would have to submit an application, be reviewed by the Commission, and be put on our list saying we have reviewed the training program. All their teachers have to have a bachelor's degree in some subject area, and then the Commission would have the provider reviewed and approved. Each one of those entities would have to go through that process to be on our state list. There would be quality control and checks, and if they were not good enough, they would not be approved as an outside provider.

Chair Bobzien:

Thank you. Are there any other questions? [There were none.]

Dylan Shaver, representing Wynn Las Vegas:

I wanted to come here on behalf of Wynn Las Vegas to express its support for S.B. 315 (R1). We would also like to express support for the amendment that Mr. Stevens from the NSEA presented.

Dotty Merrill, Executive Director, Nevada Association of School Boards:

I am speaking in support of the bill and appreciate the Senator's proposal as it is embodied in this piece of legislation. We primarily support page 6, section 5, the piece of the bill that focuses upon the reciprocal licensure. If someone has an alternative route to licensure certification in another state, he would be accepted in Nevada as well. We support this idea because it provides another alternative for boards—particularly in rural Nevada—to find individuals who may be effective and highly qualified in a specific content area. Perhaps they have had another career or different profession and this alternative route—if they started someplace else—could move them to our state. We also support both amendments.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am here on behalf of the Nevada Association of School Superintendents to support S.B. 315 (R1) and both amendments. We think this bill gives us another opportunity to have additional talents for our classrooms.

Chair Bobzien:

Are there any questions for the panelists? [There were none.]

Assemblyman Aizley:

I have a comment to make about education and mathematics. I look back on my experience teaching the graduates from our school systems at the university and I find that they are not adequately prepared mathematically. I am narrowing this down to mathematics, which is my main interest. I have a lot of criticism about what is being taught in the high schools. This is obviously not the place to discuss that, but on the other hand, where is the place to talk about it? The students coming into freshman mathematics are not ready for it; they have had bits and pieces of courses, but have missed the basics in mathematics and I do not see that we are doing anything about it. For example, they come into a Calculus class, but they do not know Trigonometry, Solid Geometry, Analytic Geometry; they do know tricks from Calculus.

This simply messes up the sequence and has been a part of my frustration while I have tried to work with the school district. Years ago, I tried to do some teaching in Clark County, but was not able to because I did not have my 40 years of experience; I only had two or three, but I had taught math in elementary school, but they would not let me do anything with the school district. The frustration has grown over the years and I do not mean to keep going on, but we are not teaching mathematics correctly to our kids. They are not learning it and I want to know why, and that is one of the reasons why am I on this Committee—to find an answer.

Chair Bobzien:

Thank you. We are going to close the hearing on S.B. 315 (R1) and open the hearing on Senate Bill 365 (1st Reprint).

[Senate Bill 365 \(1st Reprint\)](#): Eliminates certain mandates pertaining to school districts and public schools in this State. (BDR 34-184)

Craig Hulse, Director, Department of Government Affairs, Washoe County School District:

I am here to present Senate Bill 365 (R1) for Senator McGinness. From conversations with the Minority Leader, the idea behind this bill was to find out which unfunded mandates in state law were costing the school districts, either dollars or human resources. Those mandates would be removed, providing flexibility to the school districts to use their current funding to better meet the unique needs of individual students. The list was a lot larger, but negotiations with Chairman Denis from the Senate Committee on Education caused the current list to come together. The amendment ([Exhibit E](#)) is due to a mistake pointed out by Mindy Martini. Through conversations with various stakeholders regarding plans to improve pupil achievement, adopting common core standards, and other education movements this session, we have decided to

remove the language that deletes the use of prescribed textbooks. This deletion was passed in the Senate. The amendment ([Exhibit E](#)) would leave that in current state law.

The plans to improve the achievement in pupils in this bill include a District Improvement Plan and a School Improvement Plan (SIP). Both are required by federal law, under the No Child Left Behind Act of 2001 (NCLB) for school districts and schools that are either Title I or in need of improvement. These additional state laws are required of every school and district in the state. Requesting that those get struck would relieve an administrative burden for those schools in our district that are not Title I and are not in need of improvement.

The middle and high school small learning communities are a great idea in principle, but the reality is when we are talking about less funding and a mandate in schools, those principals lose flexibility on how to best meet the needs of their unique students. In some schools, small learning communities do great things and the principals love having them. In others, it requires them to shift resources such that they are not necessarily getting the maximum value for their dollar. In *Nevada Revised Statutes* (NRS) 388.165, the effective date for middle school academic plans is moved two years further out due to the current fiscal situation. In NRS 391.235, engaging administrators in the classroom is made permissive. The current state law says every district law administrator must go to a classroom for at least a day. This bill makes that permissive in times of fiscal uncertainty or in times of continued budget cuts; this is something that we are asking for.

The last section of the bill is something that came initially from an amendment from the Nevada State Education Association that would allow each school district to submit a report on further unfunded mandates that go outside the scope of this bill. This Committee could go over and bring forth any of those recommendations to be limited as state law in the next session. With that, I will take any questions the Committee might have.

Chair Bobzien:

Are there any questions for Mr. Hulse?

Assemblywoman Dondero Loop:

My question addresses the plans to improve the achievement of pupils. I want to make sure, that if we remove that from law, we will not be penalized in the future. If we have other chances to do things—like Race to the Top, grants, et cetera—I want to be absolutely sure we will not be penalized because we have gotten “dinged” on some of these things in the past.

Craig Hulse:

I do not believe that it would at all. The federal law would supersede anything the state does. The federal law, under NCLB, requires that Title I schools and schools in need of improvement—the genesis of that law was to capture schools in need of improvement—must show some type of improvement plan. The state law that was passed in 2003 went above and beyond and required every school to give an improvement plan. We would continue to do the improvement plans with the Title I schools and the schools in need of improvement.

Assemblywoman Dondero Loop:

Is that an “absolutely sure,” or a “sort of sure”?

Craig Hulse:

That is an “absolutely not sure.” In conversations that I have had, there is no way to know until something like that happens. I do not believe anything, including school improvement plans, was included in the Race to the Top application. I may be wrong. I would refer to Dr. Rheault for the complete answer.

Chair Bobzien:

It may be a good idea to ask Dr. Rheault. Obviously federal law would trump state law, but, as we have seen in the past, we have had to make changes to statute to pursue opportunities from the Department of Education. In knowing that there is a reauthorization going on right now for NCLB, we might want to have some discussion about looking ahead. I do not want to come back next session and say, “We have to go back and change this again.” I do not know the answer to that either, but we will hear from Dr. Rheault as to what his thoughts are.

Craig Hulse:

I will reach out to our federal delegation; that this is the first I have heard of that concern. I will certainly ensure that it does not happen; it is not the point of the bill, and we will do everything so that it will not hurt us in the future in terms of receiving federal money.

Chair Bobzien:

That would be great. Are there any additional questions?

Assemblyman Anderson:

What is the purpose of section 21.5? Why are you making that permissive?

Craig Hulse:

Are you referring to administrators in the classroom?

Assemblyman Anderson:

Yes.

Craig Hulse:

In our last round of budget cuts, we made a \$2.5 million reduction in our central service office. Our cut recommendations going forward are \$7 million. We have a lot fewer people doing more work. Even though it is one day for each individual, that is one day he is not supporting schools or doing something that is in his job title. Instead the law requires him to go into a classroom.

Assemblyman Anderson:

The most important part of anyone's job is knowing the jobs of whom he is leading ten times better than they do. That is a very critical component in leadership. Is that not going to hurt the ability of the administrator to know what his teachers are going through and guide them more effectively, and ultimately, create a better classroom?

Craig Hulse:

I absolutely agree with what you are talking about, especially from my position talking about public policy all day for the entire session and how that affects classrooms. I got into classrooms as much as I could when my schedule allowed. I know that happens in our central office. Our number one goal is to support schools. There are certain positions in the school district for which this is not necessarily reasonable. Let me make it clear that this bill makes it permissive. They can still go if it meets their schedule. The state law does not help anything we do in the school district; we are asking for flexibility for those people to do what we feel is best at that time.

Assemblywoman Mastroluca:

Page 11, section 37.5 talks about unfunded mandates and undue financial hardship on school districts. Could you explain to me how procedures for reporting the use of physical restraints and mechanical restraints would qualify as an undue hardship or financial hardship when we are talking about the safety of children?

Craig Hulse:

Those conversations took place in the Senate Committee on Education and the revised version that passed on the Senate floor no longer has that provision in the bill; it has been trimmed down to a list of about eight in the proposed amendment.

Assemblywoman Mastroluca:

The bill is not in the first reprint? It is listed on page 12 of the bill.

Craig Hulse:

The second revision is the final version that passed.

Assemblywoman Mastroluca:

I apologize; I do not have the correct version in front of me.

Chair Bobzien:

We have the first reprint of the bill that is being discussed.

Craig Hulse:

The amendment ([Exhibit E](#)) would list everything that is included in the original bill and it would also clarify—with the struck and highlighted language—what is being added and deleted from our amendment.

Chair Bobzien:

We are trying to get clarification on this. Apparently the Senate dispensed the reprint, but we are trying to clarify that Amendment No. 541, which is what we see on the Nevada Electronic Legislative Information System (NELIS), is in fact, the current iteration of this bill. Please stand by while we check with Legal.

[There was a pause in the meeting while Chair Bobzien checked with Legal.]

There was an amendment, Amendment No. 289, that was never adopted. Amendment No. 541 was adopted resulting in S.B. 365 (R1). The comments made from Assemblywoman Mastroluca about concerns of things in the bill are still in the bill. We will have to have another conversation about where things are before we can process this bill.

Craig Hulse:

Mr. Chair, if I may clarify, in the bill, section 37.5 is simply items listed as to what the district can do in its review that goes to the Legislative Committee on Education. They are not struck or repealed by the bill; section 37.5 is a list of what the school district can submit for review. The review must include, without limitation, the items listed and then we can report on those items as to how they affect the school district. I hope that makes sense.

Assemblywoman Mastroluca:

It makes sense. I challenge the fact that the one particular item, paragraph (g) is a hardship. We can have a conversation off the record, but I challenge you on that.

Chair Bobzien:

Are there any additional questions? [There were none.]

Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:

We are in full support of S.B. 365 (R1) and appreciate the work of Mr. Hulse as he weeded through the amendments and revisions. I would like to address two things. First, the issue that Assemblywoman Mastroluca brought forth; as Mr. Hulse pointed out, section 37.5 simply lists the things that the trustees—should they choose to do a further review—would try to prove would be a financial hardship. It is not saying anything else; those were items that were listed in the original version of the bill.

When this bill was taken to the Senate it was a long bill with a whole bunch of things. We called it the “sacred cow bill” because there were things brought forth by previous legislators that meant a lot to them. All of a sudden we were taking those things out. The bill gives permission to trustees to pursue this and gives them a list of what to pursue. It is their job to write a report that defends why they think it should be removed.

Secondly, I wanted to address the administrator in the classroom, which was the issue Assemblyman Anderson brought up. It was four to six years ago when we put that provision in place. The Clark County School District testified in support of that bill for the very reasons he stated—if you wanted to be an effective administrator, you need to be where the kids are. The reason we agreed with the repeal of it in this bill was because it has become difficult for administrators to meet the exact requirements of the law. If you are a licensed administrator, your requirement is to spend the day in the classroom as a substitute.

Although a good idea, administrators have a lot of responsibilities; it is very difficult for them to find a day to spend in the classroom to fulfill that requirement. This year, for me to fill my administrator in the classroom requirement, I had to reschedule eight times. As we are going through the budget cuts, people have so much more to do. I want to make sure that you know, on a regular basis, every administrator is in the classroom frequently. That is one of the reasons why it was difficult to figure out how they were going to give an entire day; things got in the way because they were in other classrooms, preempting them from being in one classroom for an entire day. The people it was most interesting for were the noneducators because this was nondiscriminatory. Every administrator had to go. They enjoyed being there because it was not something they usually got to do. In terms of those administrators who work with curriculum, I am not sure if it was too instructive.

Assemblywoman Mastroluca:

Ms. Haldeman, on this point, we will have to agree to disagree.

Chair Bobzien:

Are there any other questions? [There were none.]

Lonnie Shields, Assistant Executive Director, Nevada Association of School Administrators:

I would like to speak in support of S.B. 365 (R1). I am concerned with what Assemblywoman Mastroluca is talking about. I do not understand it. I do not know where this bill is now, and so I will reserve my right on that particular item because section 37.5, subsection 1(g) should be reported and should not be considered a financial hardship on the school district. Am I making myself clear?

Chair Bobzien:

Yes. Despite the confusion, we are on the bill's first reprint. That particular item is part of the report that the board of trustees can take a look at. The controversy is whether or not that is even a productive conversation.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We talked about mandates when we wrote *INVEST 2011* this year and the necessity to try to be as productive and efficient as possible. This bill helps us to reevaluate and look at some of the things that we have been required to do and, with less manpower in our schools, eliminate some of those things that we can possibly do without. We support S.B. 365 (R1).

Dotty Merrill, Executive Director, Nevada Association of School Boards:

I am here to say, "Me too."

Chair Bobzien:

Are there any questions? [There were none.] We will move to opposition.

Craig Stevens, Director, Education Policy and Research, Nevada State Education Association:

The Nevada State Education Association does not support S.B. 365 (R1) for several reasons. We understand what the school districts go through when it comes to unfunded mandates, laws, and requirements that make them do something that simply they are not provided the money for. However, each one of these programs that are stricken in this bill is something that a legislator has fought for; something that he believed should be done in Nevada schools. Whether or not those programs should be in there or not is up for debate, and is the purpose for my opposition. Going in and putting forth a bill without any

debate on each particular program, why it was put in, and should it be on the cut list is why we are opposing the bill.

On the Senate side there was a much longer list. We put an amendment forward which struck all those programs from being removed. We put in the reporting requirements that in the next legislative session we will come back with a list of these programs—if they are, indeed, being effective, how much money they are costing, et cetera—and the Senate Committee on Education adopted that. It was changed, however, on the Senate floor. We stand in opposition to this bill because we have not had the discussions in the Committee. You, as a policy committee, have not discussed the policies eliminated in this bill.

Chair Bobzien:

I would like to call Dr. Rheault up as neutral to clarify some of our questions.

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

The one question I heard related to the requirement that Nevada has all schools complete a SIP, and if I got the question right, would this affect any future funding. I can tell you that we have used this requirement in some grant applications as a selling point in that we can say all schools are ready to move on with whatever grant we are writing because they have a SIP in place. We have also tried to utilize it since the Legislature required every school to have a SIP when we were fortunate enough to have funding for school remediation and innovation, a trust fund with about \$90 million several years ago.

The basis for approving individual grants to schools for remediation and innovation was the SIP. Without that, we would have had to find some other source on which to base our funding decisions. We have utilized it; I am not concerned with eliminating that piece itself because we still have the federal mandate that requires any school we designate as either Title I or in need of improvement to meet the federal requirements. For those schools we will have SIPs, and if NCLB does not get revised soon, in another two years, every school is going to be in need of an improvement plan and will be on this list whether this bill gets adopted or not. Hopefully, NCLB will be revised. I do not know what NCLB will look like, but regardless, we will have a number of statutory changes when it gets revised; the Legislature adopted a lot of statutes that matched NCLB that will have to be changed when the revised NCLB comes back. For example, highly qualified teachers will be thrown out in the new revision, but we have a number of areas in statute that refer to that. We will probably have to come back in 2013.

Chair Bobzien:

To clarify, are the existing federal requirements all Title I schools, or all schools in need of improvement?

Keith Rheault:

It is all schools in need of improvement.

Chair Bobzien:

It is good to get on the record the fact that that has been a "hook" in the past, that you have been able to build other programs on. That was one of the first cuts we made that caused me heartburn. Hopefully in the future when we start to talk about innovation and competitive grant programs, we will be able to have this hook in place. Maybe we can revive it if this bill were to go forward.

Keith Rheault:

I do not know how effective it is in the grants we have written. We included some language in the Race to the Top application that we do this. We did not get that funding; we put it in other grants that we might get. It adds to it, but I do not know that it has a big effect one way or the other.

Chair Bobzien:

Thank you for the clarification. Are there anymore questions?

Assemblywoman Neal:

On the SIP, are you modeling the plan off of adequate yearly progress or how NCLB is set up? I ask because in the improvement plan, you usually have to go through certain steps if you find schools on the watch list. How is this improvement plan that is for other kinds of schools going to be set up? I did not see any criteria.

Keith Rheault:

I do not have all the steps in front of me, but we differentiate between a Title I school that is in need of improvement for five years and needs to replace the principal versus a non-Title I school that is required to do a SIP. Usually it provides the non-Title I schools more flexibility, for instance, on the number of years. I can provide the difference, but it is spelled out in statute as to what we have to do in those cases. The sequence is that we have a state improvement plan that we revise every year. The districts take the state plan, develop their district school improvement plans, and then all the schools use the school district plan as the basis for developing their plan. There are strings attached for the in-need-of-improvement designation, but not necessarily the school improvement plan itself.

Assemblyman Anderson:

This question is for Mr. Hulse. I am wondering about the purpose of repealing the provision about textbooks in NRS 390.220—"Enforcement by board of trustees for use of prescribed textbooks" Could you explain why that is in there?

Craig Hulse:

Our proposed amendment to this bill actually leaves that in state law. After conversations with various stakeholders, once that became part of the discussion with common core standards coming up, there were a lot of complications with that. We are proposing to leave that section in state law as currently written.

Assemblyman Anderson:

I appreciate the fact that section will be left in. I did not understand how that necessarily saves money. In getting back to my point, that is what this is all about. I am worried that we are becoming cannibals with our education system because we do not have the funds that we need. So, the first thing we think about is what we can spare. To a point, I understand. If we need to find stuff that does not work, that is one thing; if we have stuff that is not efficient that is another thing. But if we are talking about stuff that has a benefit—like the administrator in the classroom—why are we getting rid of good things? And how much money is ultimately going to be saved by your estimates?

Craig Hulse:

I can try to figure out how many administrators we have in the central office, what their daily rate would be, and come up with the dollar figure that would save in manpower. When originally proposed, a lot of these were human capital costs put toward something else.

We often ask, "Are these going to cost the school district any more money?" When you put something in state law it does not matter if it does or not; we have to do it. With flexibility, those decisions can be made at each school district level, especially for school districts in the rural areas that do not have central offices. A superintendent will have to do some certain amount of reporting, be a superintendent, and spend an entire day in the classroom, rescheduling eight different times to make it happen because it is in state law. It is something we do not think is necessary.

Assemblywoman Neal:

What is envisioned as far as textbooks? There was another bill that said under common core standards, we are going to create materials that reflect common

core standards. Are we looking at doing the same thing? Secondly, are we looking at not having any textbooks?

Craig Hulse:

We are removing that section from this bill. Through conversations with a lot of different people with concerns, trying to repeal this law would not assist us in that process. Nothing concerning textbooks in this bill would be changed at all with our proposed amendment.

Chair Bobzien:

I appreciate that, but what we want to have—since that is what the bill says right now—is some discussion about the list, how it is used, why it is structured the way it is, why it was originally proposed for removal, and some orientation of what the policy is.

Craig Hulse:

I think the best person to talk about that with is Dr. Rheault. Initially when this was put forward, the idea was that school districts and their textbook committees could come up with their own list. The state can cut through the “red tape” of the administrative burden of going through the State Board of Education/State Board for Career and Technical Education approving those when they were typically approved almost unanimously by the school districts. It was more complicated than that.

Chair Bobzien:

That is fine. Thank you. Are there any additional questions? [There were none.] I would like to have Mr. Hulse work with the members of the Committee who have concerns about what is still in the bill. There is more work to be done before we can process the bill.

I will close the hearing on S.B. 365 (R1). Is there any public comment? [There was none.] The meeting is adjourned [at 4:48 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 9, 2011

Time of Meeting: 3:28 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 315 (R1)	C	Craig Stevens	Amendment
S.B. 315 (R1)	D	Craig Hulse	Amendment
S.B. 365 (R1)	E	Craig Hulse	Amendment