

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

**Seventy-Sixth Session
May 18, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:31 p.m. on Wednesday, May 18, 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:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District
Dane Watson, representing Nevada State Education Association
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Craig Hulse, Director, Department of Government Affairs, Washoe County School District

Chair Bobzien:

[Roll was called. Rules and protocol were stated.] Welcome. Today we will have a work session on six measures. I would like to open the work session on Senate Bill 96 (1st Reprint).

Senate Bill 96 (1st Reprint): Revises provisions governing the Governor Guinn Millennium Scholarship Program. (BDR 34-586)

Mindy Martini, Committee Policy Analyst:

The first measure, S.B. 96 (R1) was heard on April 25, 2011 ([Exhibit C](#)). This bill encourages a student who is receiving the Millennium Scholarship to volunteer at least 20 hours of community service during each year that he or she receives that scholarship. No amendments have been submitted for this measure.

Chair Bobzien:

I would like to entertain a motion.

ASSEMBLYMAN MUNFORD MOVED TO DO PASS
SENATE BILL 96 (1st REPRINT).

ASSEMBLYMAN KIRNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will open the work session on Senate Bill 196 (1st Reprint). Ms. Martini will provide us with an overview.

Senate Bill 196 (1st Reprint): Revises provisions governing empowerment schools. (BDR 34-86)

Mindy Martini, Committee Policy Analyst:

This measure was heard on May 2, 2011. It makes various changes concerning empowerment schools. [Continued to read from ([Exhibit D](#)).]

Chair Bobzien:

Is there any discussion?

Assemblyman Kirner:

My notes suggest that there is a significant fiscal impact. I suppose this will be referred to the Assembly Committee on Ways and Means. Is that correct?

Chair Bobzien:

We will take one moment to verify that.

Assemblyman Kirner:

I would like to add that I was very impressed with the empowerment schools we visited on the Clark County School District (CCSD) tour. I think empowerment schools are good and I would like to see this legislation go forward, but I am concerned about the fiscal impact.

Chair Bobzien:

The original fiscal note had a note of \$75,000 in fiscal year 2011-12. The amendment took out the study in the plan, so the fiscal note went away. Can we have confirmation on that?

Bart Mangino, Legislative Representative, Community and Government Relations, Clark County School District:

That is correct.

Assemblyman Kirner:

According to the work session document, it says there are no amendments. Was there an amendment to this that took out the fiscal note?

Chair Bobzien:

This is the first reprint of the bill. It was the previous amendment that resulted in this reprint.

Assemblyman Kirner:

Is there no fiscal note at this point?

Bart Mangino:

That is correct.

Assemblyman McArthur:

I generally like the ideas about empowerment schools, but why do we have to have more money for them if the whole idea is to make schools better?

Bart Mangino:

Initially, the models that we had in CCSD were funded at a different rate. As a result, we are determining the success of the previous model because it is what we actually did. When you take a look at the programs we have in CCSD, you see additional time in the school day and additional staff members that provide them the opportunity to do things different than a traditional school would.

Assemblyman McArthur:

If that is the case, then you cannot do empowerment school systems without more funding. Is that correct?

Bart Mangino:

That is accurate. Some of the ideas behind the empowerment allow you to do certain things, but when you start talking about increasing the school day and the number of staff members, that is going to require additional funding. There would be some concepts that you could do as far as flexibility, but when you start to have discussions and you are looking at restructuring the school—particularly the time frame of the school day and the additional staff that would be required—it gives you more flexibility to zero in on what your needs would be.

Assemblyman McArthur:

I am curious as to why we would want to get rid of the 100 school cap. It looks like it would take 20 years to get that way because we are only up to 17 school districts in the first four years. Why was there a cap in the first place?

Bart Mangino:

It is my understanding that the original legislation allowed for the movement to empowerment schools to put a cap on it. Additionally, a cap and a sunset were put on the bill to come back and revisit this legislative session. As a result, the amendment enables school districts to have the flexibility in instituting empowerment schools. The original legislation capped it at 100 schools.

I could not give you the rationale behind it. It may have to do with the funding in the initial legislation, but it was more a fiscal cap.

Assemblyman Kirner:

In testimony that we just heard, there was a sunset. Has the sunset been removed?

Chair Bobzien:

That is correct.

I would like to entertain a motion.

ASSEMBLYWOMAN DONDERO LOOP MOVED TO DO PASS
SENATE BILL 196 (1st REPRINT).

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman Kirner. Please let the record reflect that Assemblyman McArthur reserves the right to change his vote.

We will continue with the work session and open Senate Bill 237 (1st Reprint).

[Senate Bill 237 \(1st Reprint\):](#) Revises provisions governing the Nevada Youth Legislature. (BDR 34-9)

Mindy Martini, Committee Policy Analyst:

This measure was originally heard on March 16, 2011. During the work session last Wednesday, questions were raised concerning the language in section 5, subsection 2, where it said, "Money for the Fund must be provided: (a) By direct legislative appropriation; and (b) Through . . . gifts, grants, and donations." Since that time, based upon the Committee's questions, Senator Wiener has submitted an amendment provided in the work session document ([Exhibit E](#)). Instead of creating a Nevada Youth Legislature Fund, which was a special revenue fund in the State Treasury, the amendment creates the Nevada Youth Legislature account in the Legislative Fund. These changes take place in section 2 through 5 of the amendment. [Continued to read from [Exhibit E](#).]

Chair Bobzien:

I will entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO AMEND AND DO
PASS SENATE BILL 237 (1st REPRINT).

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED
NO.)

I will assign the floor statement to Assemblyman Anderson. Ms. Martini, please continue with the work session.

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)

Mindy Martini, Committee Policy Analyst:

This bill would also require the Commission on Professional Standards to include provisions as reciprocal licensure regulations that recognize licenses for alternative route to licensure (ARL). For this measure, three amendments have been submitted ([Exhibit F](#)). The first amendment is from Chair Bobzien. This measure concerns the reciprocal licensure provisions in section 5 of bill. The amendment would require the regulations for reciprocal licensure to be as rigorous or more rigorous than the ARL program in Nevada.

The second amendment was submitted by the Nevada State Education Association (NSEA). This would amend section 6 of the bill, requiring the State Board of Education/State Board of Career and Technical Education to prescribe, by regulation, a system of evaluation for the providers that were approved by the Commission on Professional Standards in Education to provide the education and training under the new alternative route to licensure program. [Continued to read from ([Exhibit F](#)).]

The third amendment was submitted from Washoe County School District (WCSD) ([Exhibit F](#)). This amendment amends section 2 of the bill, which concerns the regulations adopted for the alternative route to licensure program. Currently, *Nevada Revised Statutes* (NRS) 391.058 requires a school district or a charter school to apply to the Nevada Department of Education (NDE) for approval before it employs an alternative route to licensure person. [Continued to read from ([Exhibit F](#)).]

As members may recall, Dr. Keith Rheault noted that he supports this amendment because it would align the alternative route requirements and the special qualifications licenses together. At that time he noted that both of those licenses tend to be very similar in all other requirements. This would make them the same.

Chair Bobzien:

Is there any discussion on S.B. 315 (R1)?

Assemblyman McArthur:

Do we know if the author of this bill is aware of all three of these amendments and if they are friendly amendments?

Chair Bobzien:

I will indicate that the WCSD amendment and the NSEA amendment are both considered friendly amendments. I have not had a chance to speak with the Senator on my own amendment, but intend to once this is processed. Is there anymore discussion on the bill?

Assemblyman Kirner:

I do not understand the NSEA amendment. Can someone explain the intent?

Chair Bobzien:

This was presented at the hearing. I understand that the bill sponsor is amenable to this.

Dane Watson, representing Nevada State Education Association:

From my understanding, the amendment wants to track how the pre-service divisions do, as far as preparing teachers for the classroom.

Assemblyman Kirner:

I would appreciate a teacher perspective because I am not a teacher.

Chair Bobzien:

The whole point of this is to have other institutions in the mix producing teachers. This is a means to evaluate, see where we are, and keep track of the quality of instruction and product teachers put forth.

Assemblyman Stewart:

Have we checked with the State Board of Education to see if this would be an additional burden on its staff?

Chair Bobzien:

I would like to call up Dr. Keith Rheault to answer that question.

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

I know when the NSEA brought this amendment forward, we did not object to doing it. It will cause additional database work. For example, we currently know if they receive an alternative license, but we do not know how they got it or what program they went through. To have categories would cause a small amount of additional work. The bill itself allows some additional providers to be approved for the alternative route to licensure program like Teach for America or the National Board for Professional Teaching Standards. This change would allow for us to track it in our database and we could see, for example, 15 of our teachers who went through Teach for America went through great evaluations. We would expand that to include the University of Nevada, Reno, the University of Nevada, Las Vegas, University of Phoenix, and all other educational entities that license teachers in the State of Nevada.

It was very similar to the requirements that were going to be in the Race to the Top application. We would have had to do this if we got approved. They required noting where teachers graduated. We cannot go back and retroactively try to figure out how many of the 28,000 teachers were licensed under certain programs that will be moving forward as we license teachers. As we license new ones, we will program that into our system. We are moving forward with data, but it will not be for all 28,000 teachers.

Assemblywoman Mastroluca:

Mr. Watson, can you tell me how this information would be beneficial to the NSEA?

Dane Watson:

I would have to get back with you because my colleague, Craig Stevens, was the one who proposed and presented this amendment. Basically, we want to know which programs are good for the alternative route to licensure so that we can promote them.

Assemblywoman Mastroluca:

Would knowing how many came from each program help you figure out which ones are good, or are you just looking at volume?

Dane Watson:

We want to track everyone, not just volume.

Assemblywoman Woodbury:

Mr. Chair, I was wondering if you could explain your amendment. It looks very similar in language compared to the original bill. Could you explain the difference between the original language and your amendment?

Chair Bobzien:

When we heard this bill there was some concern on behalf of the Committee about the reciprocity piece in S.B. 315 (R1), but not in the other bill on the Senate side dealing with this same issue. The idea is that we want to interact and welcome those who have ARLs from other states with the assumption that they are similar, but just as rigorous or perhaps even more rigorous. It is unfortunate that I would use this analogy, but it is similar to what we do now with concealed carry permits in other states. There are other reciprocity situations that are similar. The idea is that if another state has something that is set up and it is judged to be as rigorous in terms of its requirements then it would certainly be good enough for us. I do not know if this is the author's intention behind "similar," but this is an appropriate step forward from similar.

Assemblywoman Dondero Loop:

I want to offer some clarifying information. The National Center for Education Information has an entire classification of state alternative routes. For the sake of consistency, they report and analyze what is going on in the field of ARL certifications. It is important; there is an entire class A through I classification system, and each of those classes have different pieces. I believe Nevada is Class D. With that being said, it is important that we follow what is going on with ARL because we have teachers who are coming into our systems with that information and those certifications.

Assemblyman Kirner:

Mr. Aizley, does this bill address that if you come out of retirement you are going to be able to do this? [Laughter.]

Assemblyman Aizley:

I can be licensed.

Chair Bobzien:

Is there anyone willing to make a motion?

ASSEMBLYWOMAN DONDERO LOOP MOVED TO AMEND AND DO PASS SENATE BILL 315 (1st REPRINT) WITH ALL THREE PROPOSED AMENDMENTS.

ASSEMBLYWOMAN MASTROLUCA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Bobzien:

Assemblyman McArthur reserves his right to change his vote on the floor. Assemblyman McArthur will do the floor statement, and I trust that if he changes his vote he will tell me his vote has changed and can no longer do the floor statement.

Let the record reflect that this is one of the components of *Nevada's Promise* education reform package. We will now move onto Senate Bill 317.

Senate Bill 317: Requires that plans developed and implemented to respond to crises occurring at public schools and private schools also address response to emergencies. (BDR 34-77)

Mindy Martini, Committee Policy Analyst:

This measure was heard on April 25, 2011. It requires crisis response development committees to include emergency response matters within their crisis plans. [Continued to read from ([Exhibit G](#)).]

Chair Bobzien:

Would anyone like to make a motion?

ASSEMBLYWOMAN DONDERO LOOP MOVED TO DO PASS
SENATE BILL 317.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mrs. Diaz will do the floor statement. We will move to our last bill, 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)

Mindy Martini, Committee Policy Analyst:

This measure was heard on May 9, 2011. It revises certain statutory provisions affecting school districts. Currently the measure would delete the requirement for district-level plans for improvement. [Continued to read from ([Exhibit H](#)).] The amendment before you does several things. First, it deletes the school-level plans for improvement in addition to the district-level plans for improvement.

You will see these revisions throughout the amendment. [Continued to read from [Exhibit H.](#)]

The amendment presented would provide for a pilot of small learning communities, and at least 50 percent of the middle and junior high schools with an enrollment of 500 or more. On page 20, section 37.5 is deleted. This is the section that would have provided for the review during the interim by school districts of the education-related policy programs and procedures. The remaining portions outline the sections that continued to be repealed either through the original measure or through this amendment.

Chair Bobzien:

Thank you. Mrs. Mastroluca, would you like to provide additional commentary?

Assemblywoman Mastroluca:

The reason for the removal of the school wellness plan for improvement is—and if I am wrong Dr. Rheault can correct me—that those plans are already required for Title I schools. By having them in statute, it is an extra process for schools that do not necessarily need these plans written because they are doing fine. This was to help take the burden off schools. Those changes are for the smaller learning communities in middle and high schools, and was something that we passed last session.

The districts were actually very excited about it, but with everything that is happening as far as budget cuts and loss of employees, there is a concern that it would become burdensome. Instead of losing the program altogether, the compromise was that we would do it in 50 percent of the schools and roll it out in two years to give them time to prepare.

Section 37.5 was removed because it was determined that they can actually do that at any time and there was no reason to put that information in statute. Their school boards can do those reviews whenever they feel necessary.

Chair Bobzien:

I would like to thank Mrs. Mastroluca for putting this together. This is very extensive and takes care of some concerns we heard during the bill hearing. I want to propose an additional amendment. I would like to call your attention to page 30 of this amendment. We are in the text of the repealed sections portion of the bill. This specific reference is that it repeals *Nevada Revised Statutes* (NRS) 390.220, "Enforcement by board of trustees of use of prescribed textbooks; exception for charter schools . . . Board of trustees of school districts in this State shall enforce in the public schools, excluding charter schools, the use of textbooks prescribed and adopted by the State

Board.” As I recall testimony and conversations about this bill, it was ambiguous as to what the impact of this requirement on the districts would be. These are some potential, unintended consequences of removing this. I would feel more comfortable not repealing this section of statute and would propose an additional amendment that this section be pulled out of the repealed sections portion of the bill. That would constitute two amendments.

Assemblywoman Mastroluca:

I appreciate the amendment; that was an oversight on my part. It was something that I was concerned about in the original bill and in doing the amendment in a short amount of time, I did overlook it. I would definitely welcome that change to the amendment.

Assemblywoman Dondero Loop:

I would like to disclose that while I work for a company that works in the textbook and instructional material industry, I have no more or no less to gain by this bill, but I will abstain from this vote.

Assemblyman McArthur:

We have a 30-page amendment to a 17-page bill. This is a lot of information to digest in a short period of time. Has this amendment gone through the author of this bill?

Assemblywoman Mastroluca:

The reason the amendment is so long is because in repealing removing the parts regarding the school-level plans for improvement—that exists in many sections of the NRS—they had to be removed in every single area. That is the reason for the extension. I gave a copy of the amendment to Senator McGinness and Mr. Hulse today.

Assemblyman McArthur:

Did they get back to you?

Assemblywoman Mastroluca:

Senator McGinness has been in committee meetings from the moment I gave it to him. I told him what time we were going to be in Committee and did not hear from him. You are welcome to ask Mr. Hulse if the Chair so desires.

Chair Bobzien:

Mr. Hulse, would you like to come up and give us perspective on this?

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

I had a brief conversation with Senator McGinness, the sponsor of the bill, and when he has the opportunity to read through the entire amendment it would be fine with him and we would both be in full support of this. We are in support of the amendment as discussed with Assemblywoman Mastroluca.

Chair Bobzien:

Since you cannot speak for the Senator, but you can speak for the Washoe County School District (WCSD), and I know that the genesis of the bill for the Senator was from the WCSD, can the WCSD give us an opinion on this amendment?

Craig Hulse:

The WCSD supports the amendment. I went through the summary of the amendment with the Senator.

Chair Bobzien:

Thank you. Is there any more discussion?

Assemblyman Stewart:

I need clarification on page 20, lines 17 through 19. Was the original pilot program adopted in July 1, 2009?

Assemblywoman Mastroluca:

The original pilot was supposed to go into effect July 1, 2009. Because we did not repeal the policy, it is still in effect. Action on the policy is not required until 2013.

Assemblyman Stewart:

Who would decide, perhaps the Board of Trustees of each district, which schools were going to adopt the program?

Chair Bobzien:

That was my understanding and Mrs. Mastroluca just confirmed by a head nod.

I will now entertain a motion.

ASSEMBLYWOMAN NEAL MOVED TO AMEND AND DO PASS
SENATE BILL 365 (1st REPRINT) WITH THE TWO AMENDMENTS
FROM ASSEMBLYWOMAN MASTROLUCA AND THE
AMENDMENT FROM ASSEMBLYMAN BOBZIEN.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN ANDERSON VOTED NO.)

Let the record reflect that Assemblyman McArthur reserves his right to change his vote on the floor. I will close the work session. Is there any public comment? [There was none.] The meeting is adjourned [at 4:17 p.m.].

RESPECTFULLY SUBMITTED:

Janel Davis
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 18, 2011

Time of Meeting: 3:31 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 96 (R1)	C	Mindy Martini	Work Session Document
S.B. 196 (R1)	D	Mindy Martini	Work Session Document
S.B. 237 (R1)	E	Mindy Martini	Work Session Document
S.B. 315 (R1)	F	Mindy Martini	Work Session Document
S.B. 317	G	Mindy Martini	Work Session Document
S.B. 365 (R1)	H	Mindy Martini	Work Session Document