

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

**Seventy-Sixth Session
June 4, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 2:55 p.m. on Saturday, June 4, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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
Assemblywoman April Mastroluca
Assemblyman Richard McArthur
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Randy Kirner (excused)

GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2

STAFF MEMBERS PRESENT:

H. Pepper Sturm, Chief Deputy Research Director, Research Division,
Legislative Counsel Bureau
Rick Combs, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative
Counsel Bureau
Julie Waller, Program Analyst, Fiscal Analysis Division, Legislative
Counsel Bureau
Mindy Martini, Committee Policy Analyst
Kristin Roberts, Committee Counsel
Taylor Anderson, Committee Manager
Sharon McCallen, Committee Secretary
Sherwood Howard, Committee Manager

OTHERS PRESENT:

Bart Mangino, Legislative Representative, Community and Government
Relations, Clark County School District
Caroline McIntosh, Superintendent, Lyon County School District
Dale Erquiaga, Senior Advisor, Office of the Governor
Ray Bacon, Executive Director, Nevada Manufacturers Association
Joyce Haldeman, Associate Superintendent, Community and Government
Relations, Clark County School District
Craig Hulse, Director, Department of Government Affairs, Washoe County
School District
Dotty Merrill, Executive Director, Nevada Association of School Boards
Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education
Dave Cook, Vice President, State Board of Education and State Board for
Career and Technical Education
Bill Hanlon, Director, Southern Nevada Regional Professional Development
Program
Kathleen Conaboy, representing K12 Inc.
Laura Granier, representing Nevada Connections Academy

Chair Bobzien:

[Roll was called. Committee protocol and rules were explained.] We are going to be hearing two Senate bills this afternoon, Senate Bill 197 and Senate Bill 212 (1st Reprint), but we will begin with a work session on Senate Bill 276 (1st Reprint).

Senate Bill 276 (1st Reprint): Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-643)

Mindy Martini, Committee Policy Analyst:

Senate Bill 276 (1st Reprint) was heard on June 1, 2011. [Read from work session document ([Exhibit C](#)).] Is there an amendment you would like to discuss?

Chair Bobzien:

Yes. At this point it is a conceptual amendment. In section 5.5 there is the reference to the production of the pamphlet. What I had requested and what staff was working on is to make clear that the pamphlet will be produced as money is available. It is an acknowledgement that these are tough times, so we may not be able to make that a requirement just yet. Once money is available we would be able to. Do we have any discussion on S.B. 276 (R1)?

Assemblyman Hansen:

I looked up the existing law. If you will go to *Nevada Revised Statutes* (NRS) 388.134 through 388.139, you already have all of that in law regarding bullying, and cyber-bullying. However, there is a provision for a sunset for some of it, effective through June 30, 2010. I am wondering why we do not take the sunsets off of all that we have already discussed.

There is another section, NRS 389.520, under the Council to Establish Academic Standards for Public Schools, and it is also supposed to set up policies dealing with cyber-bullying specifically. There are things in the existing law that seem to cover a lot of the issues in the new bill.

Assemblywoman Dondero Loop:

You are absolutely right. We have heard many of these types of bills in the Assembly Committee on Judiciary, but this clarifies the parent process as well as expands some of the acknowledgement and allows us to give students further information as well as their parents and the staff members at the school.

Assemblyman Hansen:

Do you know why those were sunset, Mr. Chair? For example, in NRS 392.915, it originally said, "Threatening to cause bodily harm or death to pupil or school employee by means of oral, written or electronic communication."

Assemblywoman Mastroluca:

If I remember correctly, some of those were sunset because they were covered by the next piece of legislation. What happened in 2007 in an effort to

acknowledge the issue of bullying and getting it onto the books, the Legislature omitted defining what bullying was. We had a law saying you could not do it, but we did not have a law defining what it was. In 2009 we added a statute that defined bullying. Therefore, one needed to expire, so the other one could take its place.

Assemblyman Hansen:

You are right. Then NRS 392.915 says, "Effective July 1, 2010." Thank you for clarifying that.

Assemblyman Stewart:

This is a serious problem. Cyber-bullying is going to be a big issue as well. A lot of the bullying takes place after school and on the Internet now and it is going to be very difficult to handle. I do not know how effective this is going to be, but I will vote for it at this point. When we talk about parental involvement, I think this is an issue that parents need to be more involved in—both the parents of the person who is bullying and the parents of the person who is being bullied. It is very difficult to enforce this. It depends a lot on the principal and the teachers involved and how diligent they are. I have spoken to a couple of principal friends of mine and they already have some programs in place. I hope this helps, but frankly it is difficult to see that it will.

Assemblywoman Mastroluca:

I often take Mr. Stewart's experiences in the classroom into consideration when making decisions that have educational items. I will say in regard to this bill, there was a young woman, whose parents are my constituents, who committed suicide last year due to bullying. Her friends were also subject to bullying and I have been working with that family and with the school district to try to get them some relief. I do not want to ever have to open up a newspaper and see that has happened again and not know that we did everything we possibly could to show that, as residents of Nevada, we recognize that this is an issue and we take it seriously—to show as legislators that we take this issue seriously. As a parent, it is paramount that we show that we take this issue seriously. If we have to bring it up at every legislative session and add and tweak and make it better, then that is our responsibility to do until we can get the point across to everyone that this is not acceptable behavior and we will do everything we can to make sure people are educated and trained and children have a safe learning environment.

Assemblywoman Woodbury:

Section 14 states:

The parent or legal guardian of a pupil involved in the reported violation of NRS 388.135 may appeal a disciplinary decision of the principal or his or her designee, made against the pupil as a result of the violation, in accordance with the policy governing disciplinary action adopted by the board of trustees of the school district.

Is anyone aware of what that policy is and can anyone give me a scenario when that appeal might happen and how onerous this might be on a school?

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

Speaking for the Clark County School District (CCSD), we have due process that is set up as far as disciplinary action that takes place at a school. For example, if we were to find a student who was, in our opinion, responsible for bullying, there are a number of consequences outlined by the CCSD. We would recommend anything from suspension to expulsion. When that does take place, there is always a parent meeting. This is followed by us explaining to the parents that they do have the right to appeal and that goes to the next level with our student services department. As a school, we cannot expel; we can only recommend expulsion, and then based on the merits of the findings, a final decision is made.

Assemblywoman Woodbury:

This is just in line with other disciplinary actions—the appeal process is already set in the policy and this is just going along with what is already set up in the policy for other disciplinary action.

Bart Mangino:

That is correct. In working with the sponsor on that, the language was placed in there so that the individual school district would still retain the authority as far as its disciplinary policies would be followed against students who were found to be responsible for bullying.

Chair Bobzien:

To be clear, this was your amendment. Correct?

Bart Mangino:

Correct.

Assemblyman Hansen:

Did you say you are currently not allowed to expel? Does this bill give you that authority so you can expel students who are consistently bullying and intimidating?

Bart Mangino:

The individual school does not have the authority to expel. We recommend expulsion. Then the final decision is based on the appeal process. The only ones who can expel a student would be the board of trustees.

Assemblyman Hansen:

Has that been the policy for quite a while?

Bart Mangino:

If I am not mistaken, I believe it is actually statute.

Assemblyman Munford:

There is a difference between expulsion, being expelled, alternative education—like Opportunity School—and suspension, and all of those things can apply to disciplinary action toward a particular student. Which one is the most severe?

Bart Mangino:

Actually, as far as school district is concerned, the most severe would be the recommendation of and the follow through on expulsion. There may be some other avenues that would fall under criminal acts. However, in the discussion we are having here, as far as school district policy, the most severe is expulsion.

Assemblyman Munford:

Opportunity School is just an alternative program where they can be integrated back into the school after a certain period of time. Is that correct?

Bart Mangino:

That is correct.

Chair Bobzien:

Do we have clarifying questions on the bill specifically for Mr. Mangino? We are not rehearing the bill; we are in a work session.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS
SENATE BILL 276 (1st REPRINT) WITH THE CONCEPTUAL
AMENDMENT TO CLARIFY TO THE EXTENT THAT MONEY IS
AVAILABLE FOR THE PAMPHLETS.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

Chair Bobzien:

Is there discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND MCARTHUR VOTED NO. ASSEMBLYMAN KIRNER WAS ABSENT FOR THE VOTE.)

[Recessed at 3:14 p.m. while waiting for Senator Denis.]

[Reconvened at 3:27 p.m.]

Since Senator Denis is on the floor, we are going to have Mr. Sturm walk us through these bills so that we can hear them. We do not have these bills in our possession, but we are giving them the necessary policy hearing. We are hopeful Senator Denis can be with us for at least part of this. With that we will open the hearing on Senate Bill 197.

Senate Bill 197: Revises provisions governing the system of governance and oversight of public education. (BDR 34-94)

H. Pepper Sturm, Chief Deputy Research Director, Research Division, Legislative Counsel Bureau:

Senator Denis asked me to read from his remarks. As legislative staff, I cannot advocate or oppose any legislation. As you pointed out S.B. 197 is still being processed on the Senate floor, and you will be getting it soon. Do you have a copy of the mock-up ([Exhibit D](#))? [A mock-up of the bill was provided because the first reprint of S.B. 197 was pending.]

Chair Bobzien:

It is on the Nevada Electronic Legislative Information System (NELIS) and our Committee Manager mailed it to everyone as well.

Pepper Sturm:

As printed, S.B. 197 is thoroughly revised ([Exhibit E](#)). There should also be a one-page table ([Exhibit F](#)) that gives you an idea, and a very lengthy table that gives you a detailed idea of what is in the bill ([Exhibit G](#)). [Read from prepared text ([Exhibit H](#)).]

Senator Moises (Mo) Denis, Clark County Senatorial District No. 2:

We are still waiting for the reprint of this bill. It was supposed to be out of Legal in 30 minutes and that was about 3 hours ago.

Under provisions related to the Superintendent of Public Instruction this position is currently appointed by the State Board of Education/State Board for Career and Technical Education. [Continued to read from prepared text ([Exhibit H](#)).]

Chair Bobzien:

Regarding the Regional Professional Development Program (RPDP) piece ([Exhibit I](#)) from the Northeastern Nevada RPDP, I see that we do have Legislative Counsel Bureau (LCB) Fiscal Division staff and I will invite them up to give us a brief summary of their understanding of that piece. At this point do we have any questions from the Committee for Senator Denis?

Assemblyman Munford:

I have some concerns with the appointment of the Superintendent of Public Instruction by the Governor in the sense that what if the Governor is only there for one term? That means the Superintendent will probably go too. It seems as though the State Board of Education has minimal duties or authority. I think you are taking away their ability to make policies. Even at the district level, the board of trustees or school board appoints the superintendent for that district. I think that should still be handled by the State Board because it is elected. Then there is better communication between the people of the community and the State Board because they have some input in selecting that Superintendent. When you take it away from the people, it becomes a government thing, a political thing. I do not totally support it.

Senator Denis:

This will be a hybrid State Board. You would have four individuals who are elected who live in congressional districts and three who would be appointed. The Superintendent himself will be appointed by the Governor, but the Governor will receive three names from the State Board and he would select one of those. If none of those are acceptable, he does have the ability to ask for three more names. The State Board still has the responsibility to give him the list he would choose from.

Part of the reasoning for having the Governor make the appointment is if education is an important issue for our state and the Governor is the person who runs the state, he should have more input into what is happening in education. Allowing him to have some input in that through the appointment of the Superintendent will help. This is a different way of addressing this issue; throughout the United States, there are different models. In some cases all board members are appointed as opposed to all of them being elected. In this case, you have some being elected and some appointed.

We looked at all the different models. The Assembly Concurrent Resolution No. 2 of the 75th Session study, which was reported in *Bulletin No. 11-03, Education Governance K-12* (Legislative Counsel Bureau, January 2011), came out with the original bill and also looked at that issue. The study, authorized by that Assembly concurrent resolution in the 2009 Session, was conducted during the interim by the Legislative Commission's Committee to Study the Governance and Oversight of the System of K-12 Public Education. There was a recommendation there to have the whole State Board appointed. We thought this would be a good balance. People still have a choice in voting for their State Board person. The Board is smaller because you have four elected, three appointed, and then there are four nonvoting appointed members. You are getting the best of both worlds.

Chair Bobzien:

For a point of clarification, the *Nevada's Promise* recommendation from the Nevada Education Reform Blue Ribbon Task Force was for all appointed, but the A.C.R. No. 2 of the 75th Session study was, in fact, a hybrid model.

Assemblyman Hansen:

In regard to appointments, we just passed a bill, Assembly Bill 322, where we removed the mandatory provision making the Governor select somebody based on a board selection. I would like to see it made more flexible for the Governor. Instead of it being mandatory, make it a recommendation where he still has some options. Apparently the testimony on A.B. 322 indicated the direction everybody is heading is allowing the Governor greater flexibility. I think this is a great idea and most of it came from the Education Reform Blue Ribbon Task Force. If you saw the authority flowchart, you would realize that one of the reasons we have such a difficult time determining who to hold accountable is because nobody is. That is what this bill is helping to clean up. I fully support it, but I would just like to see the Governor have more flexibility.

Senator Denis:

I know that was considered in this whole process and this is what we ended up with. It is a good compromise.

Assemblyman Aizley:

I have some questions about an 11-member board, and the basic question is what is your quorum? Another would be that you have 4 appointed nonvoting members and I think it always better for all members to vote. I do not know why you have nonvoting members on a board. If they are nonvoting, do they then count in the quorum? If you do not specify what a quorum is, then the *Nevada Revised Statutes* (NRS) says it would be 51 percent, and 51 percent of 11 gives you 6. You may have 4 nonvoting members and 6 show up, and the

nonvoters will outweigh the voters and that just does not come out right in my opinion.

Senator Denis:

Only the voting members would be included in the quorum. The purpose for the four nonvoting members would be for their expertise. You have one from the administrators, and a student representative. The actual voting would be from the seven members—four elected, and three appointed.

Assemblyman Aizley:

You actually do not have an 11-member board; you have a 7-member board.

Senator Denis:

Technically it is a 7-member voting board. The quorum would be 4, at least for a majority vote.

Assemblyman Aizley:

My experience is that people attend meetings when they can vote and sometimes do not when they are nonvoting members.

Senator Denis:

That is true, but this is a different model. We have used that same model where we have nonvoting members. I serve on the Commission on Education Technology and it has some nonvoting members; there is one who does not show up, but the rest do because they have a vested interest in that.

Chair Bobzien:

That is a good comment. I would make the statement that looking at who the nonvoting board members are, I would say they had a sufficient amount of interest in the process to want to be at these meetings and if they do not, we will have to come back to the Legislature to look at that.

Assemblywoman Neal:

In section 8.5, the added language is that the Superintendent will now serve at the Governor's pleasure. My question is, how does that promote stability within that position?

The second question has to do with section 11. It deals with subsections 1(i) and 1(j). There are several factors in subsection 1(j), subparagraphs (1) through (5). There is supposed to be a summary of the innovative education programs and the impact on economically disadvantaged children in subsection 1(j). Subsection 1(i) is the analysis of the extent to which the lowest performing schools have improved. But then you get to subsection 1(k), the corrective

plan. Since the Superintendent of Public Instruction will only present a report in the odd-numbered years, in the even-numbered years he will provide a written report. Are we saying the information required to determine the need for a corrective action plan will only occur every other year? What is the time frame to correct an issue you may be seeing midyear?

Senator Denis:

I do not think that changes the way it is currently done. The report is basically a state-of-the-state report that talks about these issues. As far as the corrective plan—as mentioned earlier—the Superintendent has the ability to enforce that, so he could do that at any time if there are things that are not being done, especially according to law if there are regulations. He will be able to enforce corrective action at any time.

Assemblywoman Neal:

Even though, under section 10, where his new powers or changes to his powers . . .

Senator Dennis:

If I am not mistaken, I think I am correct in that currently that is just the way it has been interpreted, but I believe the Superintendent has, in the past, taken on the ability to do regulations. Some have interpreted that they do not, but this will clarify that. The Superintendent does have the ability to enforce corrective action.

Assemblywoman Neal:

Now they will be in the Executive Branch of the state government, so I was wondering how fast or what that relationship is now, with giving information and reporting back?

Senator Denis:

I cannot imagine that it would be any different. The Superintendent would still be in the same office that the Superintendent currently is, but he would also report to the Governor. That way there would be that connection between the Governor and the education system. With a smaller Board, I feel it would be a more qualified Board than we have had. The person who represented me on the school board was one of those who did not represent my area. What this mixture of a Board will do is be more responsive to education in Nevada.

Assemblyman Stewart:

Is there a provision for vacancies occurring if someone resigns or something?

Assemblyman Aizley:

The Governor appoints until the next election.

Senator Denis:

I believe it is section 6, subsection 7; the Governor appoints a commissioner to fill a vacancy until the next general election, and the appointee must be qualified. The appointees are also appointed for a specific term.

Chair Bobzien:

If we have no further questions, I would like to thank Senator Denis for dashing up here to help us work through this bill. We will have the LCB Fiscal Division's staff come up and walk us briefly through the RPDP piece that was added to this bill last night.

Rick Combs, Assembly Fiscal Analyst, Fiscal Analysis Division, Legislative Counsel Bureau:

First I will walk you through what our office was asked to do in this regard. When we were approached, we were asked to look at what type of funding mechanism could be used to take the current amounts that are budgeted for the RPDPs in the school funding bill and see how those amounts could be reallocated to achieve this concept that you just heard: flexibility for the Clark and Washoe County School Districts while still providing for the current structure that is in place for the other school districts. That is what Ms. Waller was asked to do. I will have her walk you through the process she went through. We would advise the Committee that you will probably want to hear from the school districts and the RPDPs as well to get ideas as to how this would impact them.

Julie Waller, Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau:

As Mr. Combs indicated, staff was asked to derive a base allocation of funding to cover administrative and fixed overhead costs for the Southern Nevada RPDP and Northwestern RPDP as well as a level of funding to provide services to the rural districts within each of those regions. Any remaining funding would then be a direct appropriation to Clark and Washoe County School Districts for them to purchase professional development services which may include service purchased from the RPDP piece.

Due to time constraints when this assignment was given, staff was not able to consult with the RPDPs to determine what would constitute a base level of administrative and overhead funding. Absent this input, staff reviewed each budget submitted by the RPDPs prior to session. Again, with no clear definition of what constituted a base level of administrative and overhead funding, an

assumption was made to include funding for a director, a trainer, and one office staff person along with all the fixed overhead and operating costs.

Additionally, earlier in the session, staff had requested the Southern Nevada RPDP and Northwestern RPDP to provide the percentage of resources they expended on providing training to the rural districts within their regions. The Southern Nevada RPDP indicated approximately 24 percent was expended on training for the rural districts. For the Northwestern RPDP, it was 43 percent. The funding to provide service to the rural districts was derived by subtracting the base overhead funding, then applying these percentages to the net funding available. The combined total in the bill, appropriated to the Clark and Washoe County School Districts as fiscal agents, includes this base and overhead and administrative level of funding along with the level of funding for the rural districts. The remaining funding of the legislatively approved funding for the RPDPs, then is a direct appropriation to Clark and Washoe School Districts for them to be able to purchase the professional development training services either from the RPDPs or from another source.

Basically, that is how this funding level was determined. Again, I would comment that the RPDPs did not have input into this level of funding that was determined for their base level. Mr. Hanlon from Southern Nevada RPDP is in the audience if you wish to hear his comments on the impact of this decision.

Chair Bobzien:

To be crystal clear about the intent of this proposal as you understand how it was crafted, the figure for the fiscal agent allocation piece—for instance, Washoe County—is essentially designed to run the RPDP and deliver services for the other members in that group, in other words, Storey and Lyon Counties—and with an amendment coming over soon, Churchill County as well—and not for the services that they may be consuming. Then the second allocation is for them to buy those services for their own school district. Is that correct?

Julie Waller:

That is correct.

Rick Combs:

I would like to point out that if you look in the mock-up ([Exhibit D](#)) at section 55.5, subsection 4, page 21, line 23, it says, "The Clark County School District and the Washoe County School District shall use the money allocated to the school district pursuant to subsection 2"—that is just the money allocated for Clark and Washoe at the top of the page—"for the provision of professional development for teachers and administrators" A couple of times I have

heard the term "purchase" and I want to point out that I do not know what the intent is with the term "provision" in here, but it is just a different word than purchase. I do not know if there is any intended meaning by that or not, but I wanted to point it out for your consideration.

Chair Bobzien:

"Acquire." Thank you for pushing for a little more precision. "Purchase" is probably a clumsy word; acquire would be good.

Do we have questions from the Committee for our LCB Fiscal staff on this particular piece relating to the RPDPs?

Assemblyman Munford:

Where does that leave Mr. Hanlon's training program? What does that leave him in terms of funding?

Julie Waller:

The funding that would be appropriated to the CCSD, as the fiscal agent, which would be to provide for RPDP administrative costs, as well as training for the rural districts within that region, is currently \$1.45 million each fiscal year. In addition, the funding appropriated directly to Clark County is approximately \$2.5 million each year, for which it could choose to hire the RPDP to provide that professional development service or go outside RPDP if it so desired.

Assemblyman Munford:

That is vitally important to train teachers especially in math and science.

Assemblyman Stewart:

Would this then reduce the direct appropriation to the RPDP people?

Julie Waller:

Yes. Currently the appropriation, the education funding bill, is a total appropriation to the CCSD for purposes of use by the RPDPs to provide professional development training to the Southern Nevada RPDP which includes the CCSD and the rural districts within that region. Basically this change in S.B. 197 (1st Reprint) is providing the appropriation to the CCSD as the fiscal agent which would encompass the administrative cost for the RPDP as well as a funding level to provide services to the rural districts. It then breaks out the funding for both Clark and Washoe County School Districts as a direct appropriation for them. They would then have the choice whether to purchase those professional development services from the RPDP or if there were other outside services that they chose to purchase, they could do so.

Chair Bobzien:

We will now move to the proponents of the bill.

Assemblyman Stewart:

Can we hear from Mr. Hanlon on this?

Chair Bobzien:

We have a long list of people who are signed in and I am sure Mr. Hanlon would be happy to come up as part of that.

Caroline McIntosh, Superintendent, Lyon County School District:

I am also Secretary/Treasurer of the Nevada Association of School Superintendents and Chairman of the Northwestern RPDP Governing Board.

I am in support of the RPDP portion of S.B. 197 (R1). The superintendents have not taken a position on the other two sections of the bill. We want to call your attention especially to the amendment to move Churchill County into the Northwestern RPDP for geographic reasons. I believe that amendment is included in the work session document ([Exhibit E](#)). Churchill County has asked for that provision and we have worked that out between the Northeastern Nevada RPDP and the Northwestern RPDP to accommodate them geographically and bring them in with one full-time employee (FTE).

Again, we want to express our appreciation for the support for the RPDPs. They are absolutely vital for us to be able to support our teachers and administrators for rolling out the Common Core State Standards.

Chair Bobzien:

Thank you for calling attention to that one amendment. There is supporting documentation in the work session document about why they are seeking that and what it looks like. To be clear, your take on the RPDP part of this bill is that it is something that is workable?

Caroline McIntosh:

Yes. I think things are a work in progress and we appreciate the support and that the 17 superintendents will stand together and make this work. We will make sure we all get services for all of our staff members.

Chair Bobzien:

Are there any questions for Ms. McIntosh? [There were none.]

Dale Erquiaga, Senior Advisor, Office of the Governor:

The Office of the Governor is in strong support of this bill in regard to the change of appointment of the Superintendent and the restructuring of the State Board. This Committee knows we supported a bill in this house earlier this session and the Governor has spoken about the need to restructure our governance models since the time he took office. We are in strong support of the bill from that regard.

In sections 54.5 through 55.5 dealing with the RPDPs, I would not presume to take a position on because of the complexities of the funding. I will say this: the RPDPs are a critical component of our educational system in this state. Particularly for the rural counties, they provide a service that is not otherwise available. Having been in Churchill County, I will give a big "Amen" to the Churchill County amendment for family's sake. The rural counties rely on them extensively so I would encourage this Committee to do whatever you can to protect the RPDP piece. In general, the RPDPs are important; as you all have heard much testimony about the transition to the Common Core Standards, they will play a role.

I know there is some question about where those dollars flow, different from the Distributive School Account (DSA) bill. With this bill, as I said, I would not presume to tell you what to do with it; we just ask that you keep the RPDPs whole and keep them functioning, and that this bill be allowed to move expeditiously.

Chair Bobzien:

Are there any questions for the Governor's Office? [There were none.] Is there anyone wishing to get on the record in support of S.B. 197 (R1)?

Ray Bacon, Executive Director, Nevada Manufacturers Association:

I served on the Education Reform Blue Ribbon Task Force and this bill is consistent with the Blue Ribbon Task Force recommendations with the exception of sections 54.5 through 55.5, which were not discussed, and consequently I cannot take a position on that. Personally, I have some questions.

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

The Clark County School District is neutral on this bill, both on the governance piece regarding the State Board and the Superintendent structure, and also on the RPDP piece. I did speak with my superintendent, Dwight Jones, about this change in the funding mechanism and his feeling about it, and as always, we

appreciate flexibility. The ability to manage the money in a different way to be flexible is always appealing to us.

Having said that, however, we imagine that we will continue to acquire services as we have in the past from the RPDP. We have no complaints about the RPDP or the way it delivers services or the kinds of techniques it uses. They are great to work with and have been a great partner for the school district.

In addition to that, I had a further conversation with my superintendent this morning after speaking with Mr. Hanlon. He has a fundamental managing problem that he needs to work out because he has a payroll he has to make. The amount of money in this bill that is directly allocated to him is not equal to the number of employees that he has. After the discussion this morning with my superintendent, we have committed that we will spend a least \$1.5 million of the \$2.5 million that is being allocated to us in the next year so that on July 1, he will not have to wonder if he will have to lay off some of his people; he can continue. Should we decide that we are going to make fundamental changes in the way we acquire our professional development in the year after that, then that would be something we would do on an ongoing basis so there would be no surprises for the people who work for the RPDP. At this point, we will probably spend our entire \$2.5 million with RPDP as we have in the past because we have no problems; we just like the flexibility.

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

I will not repeat a lot of what was just said, just a big "Me too." We have gone through certain dollar figures since we received this amendment a short time ago and have been on the phone a lot trying to figure out how this would affect us and our partners—Storey, Lyon, and Douglas Counties and Carson City. The preliminary numbers, as Ms. Haldeman said, were \$1.5 million for Clark County, and about \$550,000 preliminarily for Washoe to commit to make sure that the rurals would be receiving the same services they are today and to ensure that with the RPDP in our region, the employees are held harmless at least temporarily, so we can decide how we would use this flexibility going forward. We do appreciate that flexibility and we want to put it on the record that we are committed to keeping that RPDP intact for the rural communities.

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

I am here today neutral on the bill as a whole, but in strong support of the continued funding for professional development across the state. This bill includes \$7.4 million in each year of the biennium; although that amount is broken out in a new way, we believe that professional development throughout the state is critical and that there will be the continued opportunity and outreach

for professional development in all 17 school districts. This is particularly important as we move forward with the Common Core State Standards because those standards will raise the level for excellence across the state.

I would like to point out one important piece to emphasize for you and that is in section 38.7. This is a new concept. It may have been mentioned briefly before, but I will focus on it for a moment. It has to do with a new evaluation system for teachers and other licensed educational personnel who participate in the program at each of the regional training centers. [Read from section 38.7, subsection 1, paragraphs (a), (b), and (c) ([Exhibit D](#)).] We think this is a really critical piece for now being able to track the success of the program and to be able, in the next biennium, to look back to see the improved effectiveness of each person based on the training that he or she received from the RPDP.

Chair Bobzien:

Is there anyone else wishing to get on the record in the neutral position? [There was no one.] Is there anyone in opposition?

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

Had we been talking about the original bill that was submitted from the A.C.R. No. 2 of the 75th Session study from the Legislative Commission's Committee, I would have been here in 100 percent support of the bill. Unfortunately, the current amended version does not have any resemblance to it. The only piece from the original bill is the modified State Board makeup. Other than that, everything else has been gutted or changed in the bill itself that the Legislature spent five months working on.

First, regarding the changeover to the appointment of the Superintendent by the Governor versus the Board, my personal belief—and I have made it known to the Legislature before—is that I think that the current system is best. It gives good checks and balances to the state. I can give you examples where that would not or could not occur. One of them was last fall when Senator Woodhouse had some prebudget hearings set up for the state agencies and I believe mine was the only state agency that testified during those prebudget hearings. All of the others under former Governor Gibbons were not allowed to come and testify.

The second piece I have concern with, as Assemblyman Hansen mentioned, is the flowchart I put together from 1989 to the current setup with all the boards, commissions, and councils that have been added over the years. I believe the amended version of the bill actually makes the governance structure worse instead of improving it. The reason is that the original bill had the deletion of

the Council to Establish Academic Standards for Public Schools, the Commission on Educational Technology, and Commission on Educational Excellence and moved that responsibility for the standards and technology plan under the State Board and the state Superintendent. The amended bill deletes all of the changes to those committees and leaves them just as they were. When you look at the flowchart after this legislative session, it is going to look exactly the same. The only thing I am going to have to do to it is add a couple more direct arrows. In each of those cases, this bill now requires the Superintendent to be responsible for those committees, yet I do not have any authority to appoint any of them, and I would find it difficult to direct their actions in accomplishing the pieces. Several of the committees, including the Standards Council, have two legislators on them and some high-level business people. It would be difficult to be responsible when you do not have the authority to appoint or direct their actions in all cases.

I would have to add another direct arrow in that the Superintendent will still have to work closely with the modified Board, but will report directly to the Governor because the Superintendent serves at the pleasure of the Governor's appointment.

Finally, I also have concern with the changeover of the funding of the RPDP piece. The Department of Education is relying heavily on the RPDP structure to help us carry out the training that will be needed for the Common Core Standards instruction, and in understanding student achievement results moving forward. If this bill jeopardizes it . . . I cannot see how it would not affect it. I think it was mentioned that the Southern Nevada RPDP has a budget of about \$3 million now; they are only going to be guaranteed \$1.4 million. If they are losing two-thirds of their guaranteed budget, unless there is some commitment like I heard from Joyce Haldeman from the CCSA, there is no way it will not affect the highly trained and experienced staff that they currently have.

Dave Cook, Vice President, State Board of Education and State Board for Career and Technical Education:

I have two statements and one question to pose to you. First, the State Board of Education was a strong participant in the A.C.R. No. 2 of the 75th Session study that took place more than a year ago. We believed in what came out of that study. However, we have always felt that the major piece of the A.C.R. No. 2 of the 75th Session study was the reorganization of the disparate committees. The irony here is that in the last stages, this bill's amendments have totally changed that. As the Superintendent has said, it actually makes it worse instead of better. It would be far better that these committees are reattached to the State Board of Education, and that the State Board of Education is given the authority and the responsibility for these committees.

If you have the Superintendent be responsible for these committees, but he has no authority over them, this is a bureaucratic nightmare. I think you will be very disappointed in this. I would strongly recommend you readopt the original intent of the A.C.R. No. 2 of the 75th Session study.

When it comes to the governance of the State Board of Education, I should point out that most state boards have elected or elected/appointed combinations. Although we did work with the A.C.R. No. 2 of the 75th Session committee and we did understand that four members would be elected, the State Board favors eight: two for each congressional district.

Whatever geographic boundary that you give me, I will file and I plan on winning that race. However, if you can imagine, most elected officials come from a situation where they are Parent Teacher Association (PTA) members. They are involved perhaps with teachers, but what they are, are mostly political neophytes. To tell a person that she would have to run in a congressional-sized district is hugely daunting. You will lose many of the most beneficial people who could help us on this Board. That is not the best plan. I would strongly recommend that you reset it to two per congressional district. That is a more workable election district for neophytes, providing a more responsive Board and a more manageable district size.

In following the amendments to this bill, and the proposal of the three voting positions to be appointed—one by the Senate Majority Leader, one by the Assembly Speaker, and one by the Governor—I now understand that all three would come from the Governor's Office. Has an amendment been made that has slipped past me? The Board has no position on this; it is just for my own clarification.

Chair Bobzien:

I have one question for you to be sure the record is clear. You are today speaking as an individual or are you representing your adopted position of the Board.

Dave Cook:

I represent the State Board in speaking here. The Board did not support the adjustments. We supported the original A.C.R. No. 2 of the 75th Session study's structure which brought the committees back under the Board. We thought this was the central piece. We did accept, as a compromise, the structure of four elected officials; we favor eight.

Mindy Martini, Committee Policy Analyst:

In response to your question about the appointed/elected members, you will see that in section 6 of the amendment that all three are appointed by the Governor, one member appointed by the Governor is nominated by the Senate Majority Leader, and another one is nominated by the Speaker of the Assembly.

Assemblyman Stewart:

I agree with a lot of what Dr. Rheault and Mr. Cook have said. I was on the A.C.R. No. 2 of the 75th Session committee, and many boards and commissions that we had have not been reduced. I am very disappointed in that. I agree with Dr. Rheault in that if he is going to oversee them, he needs to have some authority, or they need to be abolished. I also am a big fan of the RPDPs and I hate to see funding reduced. If I were on the State Board and were making a recommendation of the three to the Governor, Dr. Rheault would be one of those three.

Assemblyman Munford:

I echo Mr. Stewart's comments. I agree.

Chair Bobzien:

Seeing no questions, we will go to anyone else wishing to get on the record.

Bill Hanlon, Director, Southern Nevada Regional Professional Development Program:

I am so very pleased that the two larger school district superintendents saw immediately what problems this might pose for the small school districts in their regions and took action very quickly.

[Read from prepared text ([Exhibit J](#)).]

Assemblyman Stewart:

As one who had to go out of state to take an Advanced Placement (AP) course, I know it is very expensive to do that. I personally have taken a class from Mr. Hanlon and know of his teaching ability and others on his staff, so I would be concerned about cutting any funding for the RPDPs. We are fortunate to have very progressive-minded superintendents like Mr. Jones and Dr. Morrison, but we might not always have them, so I would be very supportive of maintaining the funding for the RPDPs.

Also, once again, we need to do something with that spider web of an organizational chart.

Chair Bobzien:

I appreciate that comment, Mr. Stewart. Again, the perspective from the Assembly Committee on Ways and Means—even with this budget agreement—is that we have some dramatic cuts to education and it is important to note that the sum total of funding for these programs is only going down by 2.5 percent. Certainly this funding arrangement presents the Southern Nevada RPDP with some challenges, but I was heartened to hear Ms. Haldeman's statement that the CCSD understands what this is and it intends to work out some kind of arrangement.

Assemblywoman Dondero Loop:

I recently spoke with a teacher who had not had an AP class at her school in almost 17 years because there was not anybody trained to teach that class. I want to validate and support Mr. Hanlon in that the AP classes are very important as we move students toward graduation and higher education and they need those classes to pursue their college degree.

Assemblyman Munford:

Where do you stand now in terms of funding? Is this going to impact you in the way of staff? Ms. Haldeman mentioned something about trying to preserve or protect your staff. That is the most important element to your entire program.

Bill Hanlon:

Yes. The money that Mr. Jones has committed will be able to keep our staff whole.

Chair Bobzien:

I will say personally that the role the RPDPs play with the Common Core Standards—the challenges that we are facing in the years to come—clearly will be a major topic for the interim. We will be keeping an eye on this.

Do we have anyone else to get on the record for S.B. 197 (R1)? [There was no one.] We will open the hearing on Senate Bill 212 (2nd Reprint).

[Although agendized as Senate Bill 212 (1st Reprint), the bill under consideration at this point in the meeting was Senate Bill 212 (2nd Reprint).]

[Senate Bill 212 \(2nd Reprint\)](#): Revises provisions governing charter schools.
(BDR 34-900)

H. Pepper Sturm, Chief Deputy Research Director, Research Division, Legislative Counsel Bureau:

This bill did pass on the floor of the Senate. Senate Bill 212 (2nd Reprint) is the bill that creates the State Public Charter School Authority. [Continued to review work session document ([Exhibit K](#)).] It is the new state-level sponsor for charter schools. Districts can sponsor charter schools and for a while the State Board of Education/State Board for Career and Technical Education had a subcommittee that could sponsor as well. This creates a new sponsor and that would be the State Public Charter School Authority, a seven-member authority, with two appointments each by the Governor, the Senate Majority Leader, and the Assembly Speaker. There is one appointment by the Charter School Association of Nevada.

The measure transfers the authority to sponsor charter schools from the State Board of Education to the Authority. It then abolishes the State Board of Education Subcommittee on Charter Schools which is in statute. The bill also establishes the Authority as a local education agency (LEA) as defined in federal law for schools that it sponsors, and requires the Authority to distribute state and federal categorical grant funds to the schools that it sponsors. The bill creates the account for State Public Charter School Authority and allows the Authority to accept gifts, grants, and bequests for deposit into the account. As amended, the bill provides that the State Board of Education will be responsible for adopting regulations concerning charter schools. The bill also specifies the circumstances and processes through which a charter school may purchase certain services from its sponsor. The measure establishes a new process for assessing and apportioning the annual charter school sponsorship fee. In addition, the bill provides that a charter school must have been operating in Nevada in good standing for five years in order to qualify for a reduction in the fee it pays to its sponsor. Further, it specifies that a request to reduce the sponsorship fee paid by a charter school to its sponsor must first be made to the sponsor. If that request is denied, the charter school may appeal to the Superintendent of Public Instruction whose decision is final. Senate Bill 212 (R2) also establishes certain reporting requirements for charter school authorizers and requires a sponsor to forward accountability information to the Authority to be included in the Authority's annual accountability reports for all charter schools in Nevada.

Finally, as amended, the bill defines an educational management organization (EMO) and prohibits several potential elements from being included in contracts between a charter school and a contractor or EMO. These provisions are currently outlined in *Nevada Administrative Code* (NAC) 386.403 and include items that would give control of the school to the contractor or the EMO. Prohibited matters include things like exclusive control of finances and hiring

decisions, prepayment of fees, various prohibited practices concerning borrowing practices and loans, setting minimum enrollment requirements, unearned fees, incentive payments to the EMO, and maintaining school accounts containing state and local revenues in another state.

That concludes my remarks.

Chair Bobzien:

We want to bring Dr. Rheault back up for clarification on the amendment that is needed. There was a budget closing issue that is leaving some folks stranded.

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

We fully support the bill and look forward to its passage. I was waiting for the piece that you indicated would be heard in a fiscal committee. I had a fiscal note attached to the budget that had a number of positions, most of which were identified in the bill itself. I have a concern that I may not have the opportunity to bring it up at a fiscal hearing as that hearing may not happen. That is why I asked if I might bring it up to your Committee.

We did reorganize the Department of Education this past year and we do have a charter school office and all of the positions that are in the office are currently paid with the administrative fee through the sponsored charter schools.

In the bill itself, it allows that only one of those positions gets transferred over. I am not sure that when the bill was written that they knew we had four staff members on the department payroll. My concern would be that we do not have to lay off the current charter school office staff when this new Authority would take over, and that they would be allowed to transfer over from the Department office to the new Authority. We understand the director of this Authority would be appointed by the Governor, so the director would not be one of those positions that would transfer. We have two educational consultants. One is a special education specialist who works with the charter schools, and another is an education consultant. We also hired a Management Analyst and an Administrative Assistant III. Hopefully, through an amendment, they would be allowed to transfer over instead of being laid off and then having new people rehired for the exact same positions.

Chair Bobzien:

We will take that into consideration when we work session this. Do we have any questions for Dr. Rheault on this issue?

Keith Rheault:

I want to clarify that we do strongly support this bill. We have met throughout the legislative session with all interested parties—charter schools that are sponsored by the state, charter schools that are sponsored by school districts—and came up with a number of amendments that are currently in the bill. The one thing I would like to point out, in the past, this type of authority was referred to as an 18th district. I want to make it clear that it is not an 18th school district. In the bill you will see that it is defined as a local education agency (LEA) and there is a difference between a district and an LEA, but the federal government recognizes, for funding purposes, LEAs and that is how we will define this new group.

The reason we are 100 percent behind this is that we will be able to use this and funnel all appropriate federal funds to this group so that it can distribute to all of the ten sponsored charter schools. We cannot do this at this time in a couple of programs.

Kathleen Conaboy, representing K12 Inc.:

There is an amendment that you have to section 46 of the bill ([Exhibit L](#)). The intent of the amendment is to allow the Authority to provide some centralized services to all charter schools. I was hoping that we could consider the amendment that would take a little bit off the top of everybody's sponsorship fees and allow that money to fund the centralized functions.

On the page 2 of the amendment you will see that we said exactly that: "Before distributing the quarterly apportionment, the Superintendent of Public Instruction shall withhold a percentage from the total due to each sponsor and distribute that percentage to the Public Charter School Authority in order to fund the centralized functions"

I have couple of thought pieces which you have. The first is a chart ([Exhibit M](#)) of the first reprint of the bill and you will see the citations by page and section where I believe there are centralized functions that will be accommodated through the Authority on behalf of all schools.

A really interesting example of that happened yesterday. Our charter school received a very lovely note from Steve Canavero, Director of the Office of Charter Schools, announcing to all charter schools in the state that the Department has received some federal funding to help work on a project from the National Association of Charter School Authorizers for everybody to work together to develop a comprehensive set of rubrics that will help with application evaluation criteria and a comprehensive performance framework.

This is an example, even outside of the bill, of the kinds of things that Dr. Canavero's office, the Office of Charter Schools, currently does for all charter schools. This is a very important process in professionalizing the approach to sponsorship of charter schools in this state. Indeed, Dr. Canavero's email yesterday suggested that he had the full support of the largest school districts, Washoe and Clark, so I am assuming they will be participating in that effort, which I consider to be a centralized effort.

Also, yesterday, when the Senate Committee on Education had a work session that included Assembly Bill 171, Mrs. Benitez-Thompson's bill, and their work session document pointed out that there would be staff in the Charter School Authority that would continue to help applicants. That is another example of centralized functions.

The second chart ([Exhibit N](#)) is a "for example." We have been talking about 1 percent, 1 1/2 percent, and 2 percent fees for the last couple of years because we have been working on this bill for a couple of years. Nobody had ever quantified what that amount of money was. You can see the amount, by sponsor and the number of students currently in charter schools. Those numbers at the top of the chart ([Exhibit N, top of page 1](#)) came from Dr. Canavero's office. We calculated what 1 percent, et cetera, worth of fees currently generates in support of the Office of Charter Schools and other sponsors. At the 2 percent level, the total of that line is almost \$1.8 million. If you took a little of that off the top—10, 15, 20 percent—to fund the centralized functions and then the ten remaining charter schools that are sponsored by the Authority and others who would come along with us, it would fund the remainder of the budgets specific to our needs and issues.

That is my amendment for your consideration.

The amendment that was referred to during the presentation about the bill was Senate Amendment No. 876. I am not sure which version of the bill you are looking at. We had the first reprint on the table, but I think the Senate approved the amended amendment this morning and is sending that over to you.

Chair Bobzien:

An important point is that we are looking at what was approved last night and it is on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit O](#)).

Kathleen Conaboy:

As discussed earlier by Mr. Sturm, part of what that amendment did is codify some elements of regulation from NAC 386.403. That was an amendment that

was presented to the Senate Committee on Education, but we did not have advance notice of that amendment and did not have time to look at it. As you heard Mr. Sturm say, it is actually verbatim from what is in the NAC. There are regulations that all charter schools are currently living with.

Because there was no testimony at that time from the sponsor of the amendment, I was hoping we could create an understanding as to what the intent is as we codify these regulations. Specifically, I hope that we are codifying existing practice and interpretation of those rules. Nevada Virtual Academy and K12 Inc. participated in the development of the regulations in 2008 and we have operated successfully under those regulations since they were implemented in December 2008. However, the regulations contain some terms that are not defined anywhere in statute, terms like "indirect cost," "actual services," and "other monetary charges." They are not defined, and therefore, they are subject to interpretation. Under current practice and interpretation, we are being very successful in meeting what the Department of Education considers the parameters of those regulations. As we codify, we hope we also are codifying existing practice and interpretation.

Looking at Amendment No. 876, there are a couple of things that I noticed. Whether we talked about them on the Senate side, or there is misinterpretation in editing, the whole of section 42 is gone from Amendment No. 876 and I am not sure why. One of the things we talked about on the Senate side was that the Department of Education would retain the authority to promulgate regulations, so I can understand editing out the State Public Charter School Authority, but I cannot understand editing out the whole section.

The next thing that I found missing from Amendment No. 876 was section 44 of S.B. 212 (R1). Again, that may just be an editing error, because the regulatory authority should be retained with the State Board rather than the State Public Charter School Authority.

Also, sections 47, 48, and 49 are missing from Amendment No. 876. That is the fund for the charter schools which I do not think we meant to delete. We have added funds, and the ability to accept gifts and grants to all kinds of education bills this session. I believe that is an editing technicality.

In summary, I have three things: one is the funding of centralized functions; the second is the amendments that codify the regulations; and third, is what I think may be some editing mistakes in Amendment No. 876.

Chair Bobzien:

We will get clarification on that. Again, we do not have the bill in our possession, so we will not be moving this along. Thank you for putting your points on the record.

Laura Granier, representing Nevada Connections Academy:

This bill is very important to us and we are in support of it because currently, the school is missing out on what we estimate to be literally hundreds of thousands of dollars a year in available federal funding. I understand the Department has explained that it cannot funnel those federal funds through to the state-sponsored charter school without an entity such as this.

With respect to Ms. Conaboy's proposed amendment, it sounds like an equitable amendment. I do understand why the State Public Charter School Authority would be providing services to district-sponsored charter schools, but we believe the bill is so important that we support it with or without the amendment.

Regarding the amendment with respect to codifying the regulations relative to what could or could not be included in contracts with EMOs, I am also in agreement with Ms. Conaboy. I have represented the school and negotiated its contract with its EMO—the original and the one we just renewed—and we are in total compliance with the regulations. However, there are some terms in there that are ambiguous and we would hope that the interpretation of the regulations would carry into the statute to ensure there is no change in the terms under which the school has negotiated its current contract.

Assemblywoman Diaz:

What are the decentralized responsibilities?

Kathleen Conaboy:

I forgot to say that we are in full support of the bill. I went through the bill and developed a chart ([Exhibit M](#)) of things that I think the centralized Authority will continue to do on behalf of all charter schools. The first one is to look at best practices and foster a climate in which all charter schools can flourish. The email I read from is a good example of that—working with the National Association of Charter School Authorizers, helping all of the sponsors become better sponsors, and developing better metrics for applications, evaluations, and renewals. I am not sure what the final fiscal note is, and how much staff is actually moving, but if all the staff moves to the Authority from the Department of Education, the bill calls for things such as the Department providing review of applications. I assume that would fall under the Authority now on behalf of any sponsor. The Authority is supposed to develop a process

for change in sponsorship. The Authority is supposed to adopt criteria for what is now a subsection 7 charter when a charter school is not ready to commence full operation. It is supposed to look at regulations that charter schools were exempt from and talk about good policy going forward. These are things that the Authority will do: create and enhance the climate for charter schools in the state and that would be done on behalf of all charter schools. What it takes is staff time, and staff time is money, and that is what ends up in a fiscal note, and that is essentially why we are paying fees.

Assemblywoman Diaz:

Which staff would participate in the Public Charter School Authority? Who do you sign up to participate in this process? Is it people from the charter schools in the Clark County School District, or is it people coming from K12 Inc.? The 1.5 percent you are seeking to be compensated because of personnel . . .

Kathleen Conaboy:

Under statute now, every charter school pays its sponsor a fee for the things that sponsors do for their charter schools. Everybody pays 2 percent the first year, and currently the district-sponsored charter schools pay 1 percent to their sponsor. Those of us sponsored by the State Board pay 1.5 percent. That is an administrative fee that comes off the top of our Distributive School Account for all of the functions that our sponsors provide to us. They help us meet federal regulations, they do audits, they provide all kinds of technical support to us, and training for our boards. We pay that fee and will continue to pay that fee. What I am suggesting is that only the ten schools currently sponsored by the State Board will automatically migrate to the Authority, but the Authority will do things for us, as our sponsor, and continue to do things on behalf of all charter schools. I do not believe the full burden of the budget of the Authority should be borne only by the ten schools which are sponsored by the State Board. Does that clarify it?

Assemblywoman Diaz:

Somewhat. Thank you.

Chair Bobzien:

Do we have additional questions for Ms. Conaboy? [There were none.] It might be good to hear from others due to issues raised by the amendment.

Dave Cook, Vice President, State Board of Education and State Board for Career and Technical Education:

The State Board of Education is in support of Senate Bill 212 (2nd Reprint) and the creation of the institute. I would like to add, with the considerations that

Superintendent Rheault has presented to you in regard to employees transferring as part of a fiscal note, we do support this bill.

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

Clark County School District (CCSD) is in support of S.B. 212 (R2) as it was presented. We are not in favor of the amendment that was just proposed. Our position has been and will continue to be is that we are sponsors of charter schools. As you have heard testimony from our superintendent, Mr. Jones, he has also been an advocate of charter schools with regard to being a viable option for public school students. We understand and appreciate the operating costs for the sponsors of charter schools. We have been doing that with the eight charter schools that we currently sponsor.

Our concern with regard to the amendment however, is the fact that the language is quite subjective and vague as far as a fee that would be taken from CCSD specifically. Additionally, it is also vague as far as what services would be offered to all charter schools that are not currently being offered by the existing sponsors. With regard to that, our concern is that, within the language that has been proposed, and the charts that you saw, CCSD could lose anywhere from \$64,000 to \$250,000 of funding that could directly benefit our particular charter schools that we sponsor. There is an opportunity with S.B. 212 (R2) over the next biennium to identify specifically what responsibilities and what services charter schools receive from their sponsors.

With that, CCSD is in support of S.B. 212 (R2) as it was initially passed out of the Senate Committee on Education, minus the amendment that was just proposed.

Chair Bobzien:

Thank you for the clarification. My sense as I am listening to this is we are breaking new ground and the services issue is already a thought . . . what are the interim study issues? This one certainly comes to mind to be looked at and watched in the coming months.

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

We support the concepts in S.B. 212 (R2). I am not familiar with the amendments, so I am not speaking to those. I would like to point out the importance of the concept of the State Charter School Authority itself. Establishing that Authority, regardless of how it is configured, enables the state to have the state-sponsored charter schools under the umbrella of an Authority that will be the LEA for those charter schools. That single piece then allows additional federal funds to go to those schools. Getting those funds to those

schools means that services and programs for the students attending those schools can be enhanced and that learning will increase as will achievement.

We are all in favor of additional money for schools in Nevada and the only way to get that money to those schools is through a mechanism that will establish an LEA, so we support the concepts included in this bill.

Chair Bobzien:

Are there questions for Ms. Merrill? [There were none.] Is there anyone else wishing to get on the record for S.B. 212 (R2) this afternoon? This is quite possibly the last bill hearing before this Committee this session. Are there any final comments?

Laura Granier:

I wanted to respond to Ms. Diaz's question. Under the bill, one of the centralized services provided is that accountability reporting for all charter schools would be done through the Authority, so it has eliminated that burden from the districts.

Chair Bobzien:

We are going to close the hearing on this bill. Do we have any public comment to take? [There was none.] We are going to recess until the call of the Chair, rather than adjourn. We will be coming back to do a work session on the bills that we heard today.

The meeting is recessed [at 5:11 p.m.] and will reconvene at the call of the Chair.

[Meeting reconvened on June 5, 2011, at 9:15 a.m.]

Chair Bobzien:

We have nine members at this point. Let the record show a quorum so we can proceed with our work session on Senate Bill 212 (2nd Reprint).

Senate Bill 212 (2nd Reprint): Revises provisions governing charter schools.
(BDR 34-900)

Mindy Martini, Committee Policy Analyst:

You heard S.B. 212 (R2) yesterday and this is the measure that creates a seven-member State Public Charter School Authority. This legislation transfers the authority to sponsor charter schools from the State Board of Education/State Board for Career and Technical Education to this Authority.

This legislation also abolishes the State Board of Education Subcommittee on Charter Schools.

As you recall, two amendments were discussed. The first was from Dr. Keith Rheault. It is a technical amendment to transfer the Department of Education's charter school positions that were officially transferred in the budget process, but have that show up in this bill so that those positions can actually transfer. That is more of a technical amendment.

The second amendment was from Kathleen Conaboy on behalf of K12 Inc., and this is the amendment that provides for funding of centralized functions.

Those are the two amendments for your consideration.

Chair Bobzien:

I would entertain a motion at this time.

ASSEMBLYWOMAN DONDERO LOOP MOVED TO AMEND AND DO PASS SENATE BILL 212 (2nd REPRINT) WITH AMENDMENT NUMBER ONE FROM DR. KEITH RHEAULT.

ASSEMBLYWOMAN FLORES SECONDED THE MOTION.

Is there discussion on the motion? I would say that I appreciate Ms. Conaboy bringing the amendment forward and as I noted in the hearing yesterday, it will certainly be added to the list of issues we look at over the interim. At this point, there is not enough unanimity to go forward with that. If there is no further discussion, all those in favor please say, "Aye."

THE MOTION PASSED. (ASSEMBLYMAN MCARTHUR VOTED NO. ASSEMBLYMEN ANDERSON, HANSEN, MUNFORD, STEWART, AND WOODBURY WERE ABSENT FOR THE VOTE.)

[Assemblyman Kirner reserved the right to change his vote on the floor.]

We will have another meeting for Senate Bill 197 (1st Reprint) once we have it in our possession. We are still waiting on the Senate.

The meeting is recessed [at 9:18 a.m.] and will reconvene at the call of the Chair.

[Meeting reconvened on June 6, 2011, at 3:06 p.m.]

Chair Bobzien:

[Roll was called. Protocol was explained.] We are going to have a work session today on one bill, Senate Bill 197 (1st Reprint), which we heard in concept previously, and we now have it in our possession. This will be the last bill we will consider for the 76th Legislative Session.

Senate Bill 197 (1st Reprint): Revises provisions governing the system of governance and oversight of public education. (BDR 34-94)

Mindy Martini, Committee Policy Analyst:

This bill was heard on June 4, 2011. This is the measure that makes numerous changes affecting the structure and the governance of Nevada's system of public elementary and secondary education. We have no new amendments for the Committee to hear on this measure.

Chair Bobzien:

We will entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED TO DO PASS
SENATE BILL 197 (1st REPRINT).

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Stewart:

In the spirit of cooperation and getting the legislative session over with, I will reluctantly vote for this bill. However, I am concerned about protecting the Regional Professional Development Program (RPDP) in the future. Mr. Jones and Dr. Morrison have agreed to keep funding the RPDPs so it will be okay for the foreseeable future, but I am concerned about after they leave, and the RPDP funding is so badly needed with the Common Core State Standards coming up. I hope the future administrations will be as wise as Mr. Jones and Dr. Morrison. I wanted to put that on the record and perhaps change my vote later on. The Governor will need to enlighten me a little more.

Chair Bobzien:

As we previously discussed during the conceptual hearing, this whole matter of the future of the RPDPs and knowing the Common Core Standards are coming should certainly be a topic of conversation over the interim. I appreciate and share your concern.

Assemblyman Munford:

I am opposed to the bill. I will reserve my right to change my vote on the floor.
I am not going to vote for it even in the work session. I am opposed.

Chair Bobzien:

Is there additional discussion on the motion? [There was none.] All those in favor please say, "Aye." Opposed?

THE MOTION PASSED. (ASSEMBLYMAN MUNFORD VOTED NO.)

Let the record show that Mr. McArthur reserves the right to change his vote on the floor.

Is there any public comment to come before the work session? Are there any items from the Committee members? [There was no response.]

The meeting is adjourned [at 3:10 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: June 4, 2011

Time of Meeting: 2:55 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 276 (R1)	C	Mindy Martini	Work Session Document
S.B. 197 (R1)	D	Pepper Sturm	Mock up of Proposed Amendment
S.B. 197 (R1)	E	Mindy Martini	Work Session Document
S.B. 197 (R1)	F	Pepper Sturm	Summary of Major Provisions of Proposed Amendment
S.B. 197 (R1)	G	Pepper Sturm	Proposed Amendment
S.B. 197 (R1)	H	Pepper Sturm	Prepared Testimony from Senator Mo Denis
S.B. 197 (R1)	I	David Bobzien	Proposed Amendment by Northeastern Nevada Regional Professional Development Program
S.B. 197 (R1)	J	Bill Hanlon	Prepared Testimony
S.B. 212 (R2)	K	Pepper Sturm	Work Session Document
S.B. 212 (R2)	L	Kathleen Conaboy	Proposed Amendment
S.B. 212 (R2)	M	Kathleen Conaoby	Centralized Functions of the Charter School Authority

S.B. 212 (R2)	N	Kathleen Conaboy	Charter School Authority, Possible Funding Scenarios.
S.B. 212 (R2)	O	Kathleen Conaboy	Amendment No. 876