

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

**Seventy-Sixth Session
March 2, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 3:21 p.m. on Wednesday, March 2, 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 Elliot T. Anderson
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:

Assemblyman Paul Aizley (excused)
Assemblywoman Olivia Diaz (excused)

GUEST LEGISLATORS PRESENT:

Assemblyman John Ocegüera, Clark County Assembly District No. 16
Assemblywoman Debbie Smith, Washoe County Assembly District
No. 30

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Crystal Abba, Associate Vice Chancellor, Academic and Student Affairs,
System Administration Office Nevada, System of Higher Education
Carol Lucey, President, Western Nevada College
Kyle Dalpe, Director, Public Information Office, Truckee Meadows
Community College
James Richardson, representing Nevada Faculty Alliance
George Ross, representing Las Vegas Chamber of Commerce
Richard Perkins, representing Wynn Las Vegas
Heath Morrison, Ph.D., Superintendent, Washoe County School District
Joyce Haldeman, Associate Superintendent, Community and Government
Relations, Clark County School District
Dottie Merrill, Executive Director, Nevada Association of School Boards
Lonnie Shields, Assistant Executive Director, Nevada Association of
School Administration
Lynn Warne, President, Nevada State Education Association
James W. Penrose, representing Nevada State Education Association
Rorie Fitzpatrick, Director, Special Education, Elementary and Secondary
Education and School Improvement Programs, Department of
Education
Samuel P. McMullen, representing Las Vegas Chamber of Commerce
John W. Griffin, representing Boyd Gaming Corporation
Jennifer J. DiMarzio, representing Nevada Connections Academy
Kathleen A. Conaboy, representing K12 Inc.
William E. Roberts, Ed.D., Superintendent, Nye County School District
Robin Vircsik, Private Citizen, Las Vegas
Mary Beth Heavrin, Private Citizen, Las Vegas

Mark Coleman, Clark County Association of School Administrators
Alison Turner, President, Nevada Parent Teacher Association

Chair Bobzien:

[Roll was called. Opening comments were made regarding Nevada Electronic Legislative Information System (NELIS).]

This is a big day for us. Education is clearly a topic that is significant to all of us. We have all heard the statement that our children are our future leaders, and businessmen and women of tomorrow. Knowing this, it is distressing to hear that the State of Nevada ranks near the bottom in many of the quality of education indicators. This week we will begin our task of hearing measures focused on reforming education in our state.

Today, we have four measures to consider that spotlight the need for a system of education in Nevada that is efficient and effective—one that provides our schools with a wealth of highly effective teachers and administrators—and finally, a measure that rewards our schools for progress in closing the gaps between those that are academically proficient and those who are not.

We will begin with Assembly Bill 220 dealing with higher education.

Assembly Bill 220: Encourages the Board of Regents of the University of Nevada to implement measures to ensure the educational needs of students and prospective students will be met. (BDR 34-725)

Assemblyman John Ocegüera, Clark County Assembly District No. 16:

Assembly Bill 220 does three things. It helps with accountability and efficiency of the Nevada System of Higher Education (NSHE); it adds value and accessibility for students; and it adds a targeted higher-quality program to deliver more graduates ready for Nevada's future jobs ([Exhibit C](#)).

Mr. Chairman, as you said in your opening remarks, we focused a lot on economic development earlier and we believe that education is the key to economic development; we need to prepare our K-12 and our higher education students for the future jobs of this state.

Assembly Bill 220 encourages the institutions to do a few things: to audit the programs provided and evaluate the types of degree programs and courses offered at each institution; to deduplicate unnecessary redundancies to increase cost effectiveness; to match the programs offered with student demand and industries where jobs will likely be available upon graduation; and to match

them with state economic development goals for future growth in future industries.

It also prioritizes and relocates resources to high demand academic programs that are critical to Nevada's economy. It should consider the job market for each institution's graduates and Nevada's long-term economic goals.

I have mentioned to the Chancellor and others in higher education that they should be collaborating with each other as well as other entities and businesses to maximize the cost savings and value to students, for example, providing online courses for entry-level classes. They should review the opportunities for campus consolidations—bringing programs together under one administration. They should emphasize instruction as an essential priority in the mission of each campus and ensure that resources are directed toward this priority.

Assembly Bill 220 thinks there should be a clear three-tier system of higher education. This will be more cost effective and ensure that the programs and services are appropriately tailored to student populations. The three tiers should be: the community colleges should focus on entry-level and continuing education programs, including remedial courses and two-year degrees; the state colleges should focus on baccalaureate degrees; and the universities should focus on upper degree and research programs.

There are a few case studies that we modeled this after. One is University of North Carolina President's Advisory Committee on Efficiency and Effectiveness (PACE). This program began in 2006 and consolidated the redundant programs throughout the university system in North Carolina including the library catalogues, and mail and courier services. They had a savings of \$259 million in the first five years. That program has been so successful that they are continuing it into the future.

In Indiana, the Reaching Higher program previously had a low percentage of students enrolled in two-year campuses, creating an inverted pyramid cost structure. They implemented a program to remove the remedial classes and associate degree programs from the colleges and universities and instituted a sharply defined mission for regional campuses including a coordinated and differentiated organization plan. Indiana realized cost saving for its universities and students while increasing accessibility and graduation rates for its students.

The Nevada System for Higher Education is under a different governance structure than we are. Some call it the fourth branch of government, so we cannot necessarily tell them what to do, but we can encourage them. This bill does no more than encourage them to do some of these things. We think if

they look at them, there will more accountability and efficiency. There will be more value and accessibility and we will have higher-quality targeted programs to deliver more graduates ready for Nevada's future jobs.

Chair Bobzien:

I notice on NELIS that we do have an amendment ([Exhibit D](#)). Is that something you wish to present at this time?

Assemblyman Ocegüera:

There was some concern regarding the amendment specifically calling out the teaching and nursing fields at the state colleges. It was not our intent to hone in on any specific programs—it was to be more broad-based in nature, but in drafting, that is how it came out. We are happy to remove that if that makes people feel more comfortable.

Chair Bobzien:

Do we have any questions for the Speaker?

Assemblywoman Neal:

Could you give us more information about the North Carolina PACE program?

Assemblyman Ocegüera:

I do not have a whole lot of information, but I can get you more. Basically, what it did was look at redundant programs. If there was a program in a state university that was similar in nature to one in a community college, they centralized the administration of those programs, thus saving money. I will get you more specific information on that program.

Chair Bobzien:

In conferring with Ms. Martini, we can also get information regarding PACE to the Committee for more background.

Assemblyman Kirner:

You outlined the different missions of the three tiers that you envision. Could you repeat for me what you saw as the mission for the University of Nevada, Reno (UNR) and the University of Nevada, Las Vegas (UNLV).

Assemblyman Ocegüera:

I said that the universities should focus on upper degree and research programs—that if we are going to have research universities, we should have research universities, and that is where the dollars are.

Assemblyman Kirner:
Upper degree meaning . . . ?

Assemblyman Ocegueda:
First of all, the master's-level programs.

Chair Bobzien:
Do we have any other questions for the Speaker? We have a number of bills to cover this afternoon and a number of people who have signed in for multiple bills, so I think it would be appropriate to take comment after each bill presentation. I will call out the names for A.B. 220.

Crystal Abba, Associate Vice Chancellor, Academic and Student Affairs, Systems Administration Office, Nevada System of Higher Education:
It is evident from this measure and from the conversations going on in this building, across the state, and across the country—conversations before the Board of Regents and in our newspapers—that we are at a crossroads, a crossroads that is defined by reform. When I think of reform, I think of change and it reminds me of a quote I remember from high school: "He who rejects change is the architect of decay." At this crossroads, we have no choice, if we are going to survive, but to embrace change and use it as an opportunity to embrace reform.

You will hear me say several times that the Chancellor, the Board of Regents, and the Presidents all embrace change and reform at this time. More important, these reforms are ongoing. Many reforms I will discuss with you today are things that we have been working on for several years.

You have, in NELIS, a copy of "The State & the System" ([Exhibit E](#)). This is basically the plan from the Board of Regents, the Chancellor and the Presidents that outlines what we plan to do in terms of reforms for higher education at public institutions in Nevada. This plan does, basically, three things. It is ironic, as I looked at the PowerPoint that the Speaker went through, that in many ways what he outlined is covered in what we call "The Plan," shorthand for the document's subtitle: "NSHE Plan for Nevada's Colleges and Universities."

What does The Plan do? It does three basic things: it is about our institutions operating more efficiently; it is about graduating more students; and, third, it is about being accountable and transparent to the public and to the state. I would like to address each of those things.

What is NHSE committed to do in terms of making sure that our institutions are operating as efficiently as possible?

We have pledged, committed to the state and NHSE, that we will close programs that are not graduating a sufficient number of students. We will consolidate operations. We will review our business protocols and change our operation so that we are operating in the most efficient way possible.

Further, we will reevaluate our partnerships and extend new partnerships. Those are partnerships not only with the state, with K-12, but also with the business community.

The second part of The Plan talks about graduating more students. You are probably all familiar with the national campaign that was started by President Obama; by 2020, he would like 60 percent of our workforce to have a credential or a degree of some type. In order to do that, the State of Nevada committed, with 23 other states, and joined Complete College America. Through Complete College America, NSHE and other institutions across the state have committed to increase the number of students that we graduate each year by 1,064 students. That is a compounding increase over time. That means this year is 1,064 more, next year will be 1,064 times two, and the year after times three. Each year we will incrementally increase the number of students we are graduating.

We cannot do that alone. In order to do so, The Plan talks about improving our partnerships with K-12 to make sure that our students are adequately prepared. It talks about initiatives such as course redesign. Students today learn differently than they did 10 or 15 years ago. We need to reevaluate the way we are delivering instruction.

We have also talked about and have entered into various research endeavors where we are looking at what points students come into our system, but more importantly, those points where we lose students. If they make it through remediation, do they make it through the first 15 or 30 credits of college level work? We have begun the process of evaluating those various points during their college career and we know that there are points where they drop out. We need to look at those points and figure out ways that we can evaluate policies, protocols, and procedures to make sure we do not lose those students, because our first priority is graduating them.

One thing that is absolutely critical in The Plan is financial aid. No student should be barred from attending one of our institutions because they do not have the money. The Plan commits to making sure that we have appropriate levels of financial aid to make sure that barriers to entry no longer exist.

In addition, it means eliminating programs that we do not need. If we have programs on the books where there is not sufficient demand it does not make sense for the state or the System to pick up the tab for that. We will do a process of evaluation—and we do this now—and evaluate those programs for which there is no longer a need.

Finally, and probably most importantly to the Legislature and the members of the public, there is the aspect of accountability and transparency. We commit to goals that are clearly definable and measurable, and then use metrics every year so we can tell the public exactly what progress we have made in terms of achieving those goals.

I would like to point out that when you look at this document and then look at what is going on across the nation, there is a tsunami that is heading across this nation and this document explains the way NSHE is addressing that. If you look at other states like Virginia, and a coalition of 17 states in the south that make up the Southern Regional Education Board, they are all in the process of evaluating higher education. We know it is not only an imperative for the State of Nevada, but it is a national imperative that we graduate more students.

The Chancellor and I and others will be the first to concede that there are areas in which we are not doing as well as we could, and one of those areas is graduating students. You have all heard of our unfortunately low graduations rates. We commit through The Plan, and we commit through our contributions with the Complete College America that we will, if nothing else, graduate more students. If we do not, the State of Nevada will suffer. Your children and your grandchildren will suffer. My own child will suffer.

Finally, not only do we embrace this opportunity, we recognize its importance. I do not want to leave you with the impression that this is the first time we have looked at reforms of this nature. If you go through the various subsections of section 2 of the bill, it talks about auditing and reviewing academic programs. It talks about auditing and reviewing facilities to make sure that the facilities are being utilized appropriately. These are all things that we do now. I would be happy to lead you through the numerous reports and studies that we do on a regular basis that, at this point, meet many of the provisions of the bill. In addition, the Board of Regents has clearly defined the mission for our institutions which is not dissimilar to what is described in the bill.

Chair Bobzien:

We will continue with the panel at the table before we begin taking questions.

Carol Lucey, President, Western Nevada College:

I would like to echo Ms. Abba's statement about the appropriateness of a bill that addresses the connection between higher education reform and economic development.

The most important thing in this PowerPoint is the data ([Exhibit F](#)). The workforce role of Western Nevada College is critical—it is essentially our mission.

I want to share two major themes which we believe support A.B. 220. The first is the fact that our programs arise out of local community needs. These can be diverse, ranging from credit-free, to dual enrollment in high schools, through an applied baccalaureate program. We are currently providing a certificate for the Carson Valley Manufacturers' Forum. That is machine tool technology and general education courses that the manufacturers determine that they want their people to have. These are for current plant workers.

All of the community colleges, as you know, offer nursing programs. Health care is critical for the future of our state. All of the community colleges have outstanding and successful programs. We have high pass rates on our national tests, and high retention rates. These programs are the jewels of our college.

We have emergency services, we provide a Peace Officers' Standards and Training (POST) Academy in which we train police officers as well as fire and emergency personnel on an as-needed basis.

We are the local starting point for baccalaureate degrees as is mentioned in A.B. 220, and we have a large percentage of our students who transfer to the University. We assist rural school districts, serving seven counties, many of which are very small isolated communities. We often provide the higher-level math and foreign languages, the kind of special enrichment programs that these rural high school students need.

We also have a program that serves our rural areas, a Specialty Crop Institute in Fallon, which is helping people who are now growing row crops to develop strengths in more expensive value-based crops such as farmer's market, organic, cut flowers, et cetera. These are all, in a sense, locally derived missions.

The other half of our mission is the importance of producing college graduates. We do that by going out to every high school in our service area to attract more first-generation college students. We test our high school juniors to determine whether they are ready for college courses; if they are not, we counsel them on

how they can get ready. We want every area high school student to see college as possible so we are really focused on these first-generation students.

We want to keep our tuition and fee structure reasonable. Recently, my financial aid director provided me with data which demonstrated that of the 1,500 full-time degree seekers we have on campus now, over two-thirds are eligible for financial aid and over half are eligible for the maximum Pell Grant. Very low-income families need reasonable tuition and fees, and we need to provide appropriately staffed financial aid services and scholarship funds to enhance their college experience.

I applaud an emphasis on reform and performance indicators. Ten years ago, this college had 15 percent of its high school students going on to college after graduation in June—now it is 30 percent. We have doubled the number in ten years, a fairly steady increase in what is called the college capture rate.

In that same period of time, we have gone from 12 percent of our headcount enrollment being full-time students to nearly 30 percent. This is how we build college graduates: first by getting young kids to think, yes, they can get to college; by helping them succeed in college; by convincing them they need to go to school full time, because full time is the secret to getting a college degree. And they need to set a goal; if we do not know where we are going, we will not get there. The percent of full-time students enrolled in college who have a declared goal have increased, from when we started the program in 2000, to nearly 70 percent.

Our students today are far different from what they were ten years ago. They are needier, younger, and they are more diverse. The fact is that our financial aid awards have increased from about \$2 million a year to over \$11 million in 2009 and it is up again this year.

If students do not persist in college, they do not graduate. The pattern of two distinct strategic plans shows that in the late 1990s only 50 percent of our students stayed with college past the first semester. We began a strategic plan to address that fact and we modified that plan in 2006 and today we are up to 63 percent who do stay. The final result is that we have had a 35 percent increase in our graduation rate over the last ten years.

We have a graduation rate at Western Nevada College (WNC) of 20 percent and plan to get to our peer rate of 23 percent in the next year or so. We also have 28 percent of our students transfer out. They do not take a degree with us. They go straight to the University. In our estimation, that is still a successful

outcome. We do have data, we are reforming, it has been a slow ten-year process, but good things are happening.

Kyle Dalpe, Director, Public Information Office, Truckee Meadows Community College:

I want to make some quick points in relation to A.B. 220 from a more institutional level. Of course as an institution we would follow direction from NSHE on doing the proposed activities, some of which we are already doing.

We currently have a planning and budget council of which I served as chair and we consistently, every two or three years, look at our mission, look at our program facilities, and decide what needs to be done at the operational level of the college.

Our graduation rate has been increasing over the last few years to get graduates into the workforce. We have set a goal that is above the national average for our current cohort which will finish up in roughly three years.

We created our renewable energy program which will launch a geothermal component in the fall of this year that is based on an Economic Development Authority of Western Nevada (EDAWN) report, *Target2010*, that came out a few years ago talking about renewable energy and how it would work in this state. We have solar, wind, and now geothermal, so we are preparing people for jobs that are up and coming.

We have created a Success First program which targets a specific population of students who are the first in their family to continue on to college. They go full time and receive some assistance to help them reach their degree goals.

From an operational standpoint, and from an institutional level, this is what we are doing and how we can implement some of the actions called for in this bill.

Chair Bobzien:

Do we have questions from the Committee for any of the three panelists?

I have one specific to the bills calling you to look at the state economic development plan and looking at the jobs that are coming and what you are producing. It is pretty clear that both institutions are doing that, but this bill represents, as the Speaker pointed out, our strong voice to NSHE that this needs to be a priority. What do you do now? What more can you do?

Carol Lucey:

We do have a program with local manufacturers. We work with Northern Nevada Development Authority (NNDA) and also with the Carson City Area Chamber of Commerce as well as have relationships with a number of local sectors. For example, our manufacturers provide scholarships to high school students to take machine tool technology courses during the daytime at WNC. We also have philanthropy which supports students in the construction trades and they are able to leave their high school classes in the mornings and take construction courses at WNC. We have a ladder at WNC that can carry a student straight from high school through a bachelor of technology degree.

As needs are identified, we pursue them. Of course, we are very aware of the fact that we cannot go into programs where we cannot guarantee students jobs. We have to be cautious.

Kyle Dalpe:

I will add that we are significantly involved with businesspeople who serve on our advisory councils for our programs to discuss the viability of the programs, and then maybe even to spur off a new program or a new advisory council for something up and coming.

When we listen to the community, we tend to hear what is up and coming and what they need because we are the community's college and we are here for the community.

Assemblyman Kirner:

As I listened to the Speaker present, it appears that the bill would suggest an expansion of the three tiers with the second tier being a state college level and four-year degrees. That suggests that some of the community colleges might become four-year institutions and the level of grade point averages (GPA), SAT or ACT scores would increase for students going to the University. Is that your understanding of the bill as well?

Crystal Abba:

That is an excellent question. I would actually read that section of the bill as more of a reinforcement of the existing missions that are defined by the Board of Regents. The Board of Regents, as a constitutionally autonomous body, is charged with setting the missions. The institutions, on their own, through their institutional strategic plans, refine them to some extent.

If you look online at Title 4, Chapter 14, section 3 of the Board of Regents Handbook, the Board of Regents has clearly defined the missions for each institution. When I read Speaker Ocegüera's bill, I see that as almost

a backdrop that reinforces what we are doing now. We now have a three-tier system.

Chair Bobzien:

I think that mission differentiation piece is always the one that we are concerned about in the Legislature. We certainly have heard that over the years from the System and we get it; we have different levels. This bill coming forward is our statement to you that we take this very seriously and we hope that you do as well.

Crystal Abba:

If you look at the admissions policies for our universities, we have gotten much better in the last ten years at placing students where they most appropriately belong. There are higher GPA standards and test score standards to get into the universities. For those students who, right out of high school, may not need those standards, they receive a letter that says they have open admission at our community colleges; you can go there, start your degree, and at a certain point, you can transfer over. Again, our bottom line is that we want to get them out and get them graduated.

Chair Bobzien:

I am still taking those in favor of A.B. 220.

James Richardson, representing Nevada Faculty Alliance:

We have Nevada Faculty Alliance chapters on each of our campuses. We have a statewide organization.

I am happy to support the bill that is before you. I would also like to put on the record that I think the kind of testimony that you have already heard demonstrates that we get tremendous value for our dollar with the higher education system in Nevada. We have had to deal with an average of 20 percent in budget cuts over this biennium and we are down 700 or 800 positions system-wide. That has forced us into a reform mode. We had done a lot of planning and changes to figure out a way to deliver, to even more students, the kind of education they need, and what the State of Nevada needs to diversify its economy.

With that being said, I am happy to support the concept of more transparency and more cooperation and communication between the System and the Legislature. Obviously a significant amount of funding comes from the Legislature to NSHE, and you deserve to know how it is spent.

I would reiterate briefly what Ms. Abba said, that we do all kinds of studies and reports. I think the system will be very happy to share those with you at the appropriate time as called for in this bill.

We want to build your confidence in us. We are trying to do a good job with the resources we have during this crisis. We need you to believe in us and to know what we are doing. We are open to the philosophy behind this bill.

I would also like to say, on the record, that faculty are involved in these reforms. We are not doing reforms from the top down in our system. We have faculty deeply involved in the governance of all of our institutions. They are working, they are cooperating, and they are coming up with ideas. We are part of the solution, not part of the problem. I hope you believe me in that regard.

I also would go on record supporting the amendment that the Speaker offered. There was a bit of concern about that one line dealing with the state college and the amendment clarifies that considerably. I would urge you that if you pass this bill, which I hope you will, that you will include that amendment.

George Ross, representing Las Vegas Chamber of Commerce:

The Las Vegas Chamber has adopted as one of its absolute primary goals, the development, diversification, and growth of the state's economy. As we have undertaken that goal, it has become very clear to us, that in those states that have achieved economic and differential economic development, the absolute primary drivers of that growth and diversification have been the excellence of the university systems and the integration between those systems and their economies.

Consequently, although we understand the Regents run the university system, we really like what this bill encourages. In a time of economic crisis it is imperative that we retain, given the resources we have, as strong and effective a university system as we can. The examination and audit of the strengths and efficient use of the facilities goes in that direction.

Very importantly for us, is the fact that the bill includes language that encourages the System to ensure that opportunities, programs and services are tailored appropriately to the jobs and industries likely to be employing students and also to the state economic development.

We also know that the Legislature, while it may only be able to encourage, has a lot of different ways and levers it can use to encourage particular directions.

Richard Perkins, representing Wynn Las Vegas:

Wynn Las Vegas, throughout this afternoon's agenda, will indicate its support for various reforms of education and particularly those that are indicated in *Nevada's Promise* that nudges this bill and any bills that follow.

As it relates to A.B. 220, I will testify on behalf of myself. Having spent 14 years in this body and all of those years being a supporter of higher education it was important in 1999 that we had a study that actually created the three-tier system that we have today. I am a product of the Nevada System of Higher Education.

We also had an analysis in 2005 of our System of Higher Education and the programs that were being offered at the time. We are six years hence, and it is always good to have some introspection and additional analysis to make sure we are doing what is right for our state.

I will tell you that Speaker Ocegüera's bill is much better than the bill that I had in 2005 that did that analysis, and I am looking forward to working with you all on it and seeing that we move our state ahead.

Chair Bobzien:

Are there others wishing to speak in favor of A.B. 220 here or in Las Vegas? Is there anyone opposed to A.B. 220? Is there anyone neutral on A.B. 220? I will close the hearing on A.B. 220.

We will take the next three bills together due to time constraints. A number of these are concepts you have heard of before. They are now here in bill form. After we have heard the presentation on all three, I will take the input and testimony for and against on all three of them.

Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:

I want to start with a bit of an overview and talk to you about how we got here. The Speaker and I will then talk more specifically about the bills we have that are interconnected. We have invited Dr. Morrison to be the lead-off person to testify on these measures.

About a year ago, we began hearing about the Race to the Top application and President Obama's education reform ideas and many of you served in the special session when we changed one of the teacher evaluation issues so we could qualify for the Race to the Top application. That really set us on a course for where we have landed today.

I will start by saying that this is a pretty big darn deal. I hope everyone, as we move through this testimony, really understands the magnitude of this reform package that we are going to talk about.

We had put together a team that worked on the Race to the Top application last year and was connected to the Blue Ribbon Task Force on Education Reform that Governor Gibbons put together. That task force on which I served along with Dr. Morrison, was really a broad representation of different walks of life, different organizations, and different businesspeople from around the state. The commitment of that group was once the application was finished, we wanted to make some overall recommendations for education reform in this state. We continued meeting, and as you know, we did not qualify for funding, but we learned a lot from the process, and we learned a lot from the results of the reviewers of the Race to the Top application. We started putting together our recommendations which you had in your Committee last week regarding *Nevada's Promise*. So much of what we talk about here is out of *Nevada's Promise* and I know the Chairman has more bills coming forward that relate to *Nevada's Promise*.

Over the course of several months and throughout that process with the Blue Ribbon Task Force we were able to have a lot of discussion and vet a lot of ideas. After that, I personally convened three all-day roundtables. We brought together 30 to 35 people—businesses, associations, parents, classroom teachers—to talk, not only about *Nevada's Promise*, but also about the interim committee recommendations, and the school district recommendations so that we could begin having a conversation about what reform could look like in this legislative session. If you have those conversations ahead of time, it helps when you get to the legislative session and have so little time. That is the process we have been through in looking at these ideas over the past several months. It has been an amazing process. A few of you on this Committee, as well as people in the audience, have participated in one or more of the roundtables spending all day together talking about these really tough issues.

I will close with saying that this is really significant. Part of what we modeled some of this legislation after was the reform that the Colorado Legislature passed last spring. When that happened it made national news. It was a big deal that they had passed some very bold and forward-thinking reform. That is what we are talking about here today.

We know that there are some technical challenges in these bills, especially the two bigger bills. We are committed to putting together a working group and working with our legal staff to make sure we have all of the technical concerns

addressed. We think we have some very significant pieces of reform legislation based on the merits of what we want to accomplish.

I am going to let the Speaker begin with his bill Assembly Bill 229 and then I will follow.

Assembly Bill 229: Revises provisions governing the accountability and performance of public schools and educational personnel. (BDR 34-515)

Assemblyman John Ocegüera, Clark County Assembly District No. 16:

In this series of bills, the first one we would like to discuss is A.B. 229 as we think it does four main things ([Exhibit G](#)):

- It establishes professional pay for teachers on a merit pay system.
- It establishes more accountability for administrators and teachers. (Throughout the bill, and many of the bills you will see, we are talking about both administrators and teachers. If it is good for one, it is good for the other.)
- It will add more time for the evaluation of teachers.
- It will define gross misconduct.

In A.B. 229 we implement a performance-based compensation program for educators which emphasizes student achievement. The system will be a performance-based compensation plan for all of Nevada's high-performing teachers and administrators. That will be based on the fact that we currently have a two-tier system, and we will have a four-tier system in the future; that is why we talk about these bills being intertwined. All of that is not in this bill, but it is in another bill.

The evaluation will be multifaceted and include the use of student growth indicators and value-added tools. It will be locally designed so each individual school district will design its own to best meet the needs and diversity of the school district. The merit pay system developed locally recognizes teachers as professionals and encourages their career development and solidifies student achievement as the measure of success for all educational personnel.

We looked at the performance plans of a number of states including Alaska, Arizona, Arkansas, Florida, Georgia, Minnesota, North Carolina, and Texas, and we have taken what we think is the best out of all of those. Denver and Houston and their local school districts also have good plans and we have stolen some ideas from them.

As far as a longer period of evaluation for teachers and administrators, we intend to increase the probationary period to three years. Currently it is an one-year probationary period that can be extended to two years. The second year can be waived so we are going to take that to a three-year standard time.

We want a better system for streamlining the nonrenewal of these probationary employees. If you receive a negative evaluation, you will receive notification that you run the possibility of your contract not being renewed per the language in A.B. 229, section 9, subsection 1, paragraph (a).

The educator will have to acknowledge receipt of that notice. If they received two negative evaluations during the same year, we realize there could be a possibility of a principal or an administrator out there who did not like that educator. We then give the opportunity for an outside administrator, someone other than that principal, to evaluate that educator and give them the opportunity to show that the first administrator was not performing the evaluation correctly.

The current system has a two-tier evaluation system of satisfactory and unsatisfactory. We look to go to a system that has a four-tier system with ratings of highly effective, effective, minimally effective, and ineffective.

Also, in the bill, we want to strengthen the district's ability to dismiss for gross misconduct. We have heard of terrible cases, although few and far between, of teachers being accused of bad things. There should be no question that you should be able to dismiss those teachers. In the bill it states, ". . . any act or omission that is intentional, wanton, willful, reckless, or deliberate disregard of the interests of the school or school district or pupil thereof." I would look at that as a code of conduct. If you commit one of those acts, you are going to be fired.

Another thing we wanted to include in this bill is that there seems to be a perception that there are more administrators in proportion to teachers. We want to know if that is an urban myth or if it is the truth. We want the Nevada Report Card that is publically posted by the Department of Education to tell us what that ratio is. Districts will each be held accountable for the ratio of noninstructional to instructional staff, and we will see if there is waste and too many administrators, or if it is just right.

In conclusion, we think that A.B. 229 firmly places student achievement as Nevada's top priority. It increases fairness and accountability for teachers and administrators; it makes nonrenewal for substandard performance easier, it recognizes teachers as professionals, and rewards the many great teachers we

have in Nevada. It makes it clear that gross misconduct will not be tolerated and is grounds for immediate dismissal.

Going back to Assemblywoman Smith's opening comments, A.B. 229 directly addresses *Nevada's Promise* recommendations to use performance evaluations to inform key decisions such as: teachers' assignments, professional development, compensation, retention, and dismissal.

We may want to go through both of the bills.

Chair Bobzien:

That is what I was thinking. These bills are obviously interconnected, so whatever your preference is.

**Assembly Bill 222: Creates the Teachers and Leaders Council of Nevada.
(BDR 34-873)**

Assemblywoman Debbie Smith, Washoe County Assembly District No. 30:

I would first like to talk about Assembly Bill 222 and give you some context as to what has driven us to where we are: the amazing growth that this state has experienced in the last 20 years and the thousands of teachers who were hired year after year.

For those of us who have been around, we have heard the stories about Clark County School District literally recruiting every warm body they could find at every teaching college across the country and eventually going to some foreign countries to fill their teaching positions. They still had several hundred vacancies every year. I think we have seen the results of that. We have had people pushed through the probationary system more quickly than they should have been, and we have had a hard time keeping up with evaluations and renewals and the close monitoring that needs to take place with new teachers. These bills attempt to sort that out and to put us back on solid footing. If there is one thing I have learned in the past year while spending so much time across the state and talking to so many people, it is that we are suffering in many ways from the growth that we have experienced. We have an opportunity now to pull back and redress these issues. That is what you are seeing here.

This bill specifically creates the Nevada Teachers and Leaders Council (Exhibit H). This is directly out of the Blue Ribbon Task Force on Education Reform. I am assuming you have heard about this piece when you heard the report from Mrs. Wynn and Chancellor Klaich last week. This creates the evaluation system that the Speaker referred to—the four-tier system, rather than the binary system that we currently have. This is a system intended to be fair

and reliable and to accurately assess educator performance. We want it to be grounded in student growth and achievement data, remembering that this also includes principals and the effectiveness of the principals as well.

A big piece of this bill, of course, is the Teachers and Leaders Council. I think it has been well constructed and discussed across the state that we need to create a council that can do this work. It is a big job; it is heavy lifting to do the details that need to be taken care of to develop a new evaluation system and all that it entails. This is being handled the same way in other states.

The members of the Teachers and Leaders Council will consist of administrators, teachers, school district employees, and parents. They will not receive compensation, but will be entitled to per diem when they meet. They will develop this performance evaluation system. The Council will consist of 16 members: the Superintendent of Public Instruction, or designee; the Chancellor, or designee; 4 public school teachers; 2 administrators; 2 members of school boards; 1 charter school administrator; 1 representative of the Regional Professional Development Program (RPDP); 1 parent; and 2 general member seats who need to be people who have expertise in education policy. This is going to be a lot of work and it will need someone with knowledge and background in this area.

The key components of the educator evaluations are that 50 percent of the evaluation must be based upon student achievement. Again, for those who served in the special session, you remember the change that allowed this to happen and this actually codifies the 50 percent into state law. Evaluations will use multiple assessment methods and will give the educators an opportunity to demonstrate their effectiveness. A key component for me is that evaluations will consider the educators' practices that encourage parent involvement. They will not be judged on the number of parents they bring in, but they will be evaluated based on how they encourage and attempt to involve parents and families.

In closing this bill, the Blue Ribbon Task Force certainly recognized that we need changes. We need changes to support our good teachers as well as help teachers who need assistance, and then have a system that will deal with teachers who should not be in the classroom. Let me say that, in no way do I believe we have an epidemic of bad teachers. We have many wonderful teachers, many in this room and on this Committee. We need to make sure we have a system in place that does the right thing for the students in this state. We think this bill will be the first step in implementing that.

Mr. Chairman, if I may, I will go on to the final bill.

Chair Bobzien:
Please do.

Assembly Bill 225: Requires an additional probationary period for certain teachers and administrators. (BDR 34-876)

Assemblywoman Smith:

Assembly Bill 225 is a companion bill to the legislation that the Speaker presented. Although it sounds simple and it is a short bill, it is a very big change in the way we operate. Basically, it says, "A postprobationary employee who receives an unsatisfactory evaluation for 2 consecutive years, shall be deemed to be a probationary employee . . ." once again. Then that person would fall under the same provisions as the probationary employee that the Speaker has described in his piece of legislation. I will say that again; if you are postprobationary, and you have two unsatisfactory evaluations two years in a row, you would then be placed back on probationary status for two years. At that time you would have the opportunity to improve, to go through the evaluation process, and to get the help you need to improve, or be in a situation where your contract would not be renewed. This is a really significant change.

I would like to note that we often hear the term *tenure* talked about. In the K-12 system this is not tenure. It is either probationary status or postprobationary status. Most of us think of tenure as being a situation where you cannot be terminated. That is not the case in the K-12 system. There is due process, and that is considered postprobationary.

That is the goal of this particular piece of legislation and that wraps up the three bills.

Heath Morrison, Ph.D., Superintendent, Washoe County School District:

Over the last 1½ years, Washoe County School District has engaged in one of the most aggressive reform agendas in the country. At the same time, I have had the honor of being a part of that work with our Board of Trustees and stakeholders all across our school district. I also had the great fortune of being a part of the Blue Ribbon Task Force on Education Reform that Assemblywoman Smith mentioned.

As we did the work on the Blue Ribbon Task Force, and tried first to get our application for the Race to the Top done, we benchmarked the major reform efforts going on all over the country, the ones we thought were getting notoriety because they were the right reforms. Quite frankly, we felt some of the districts and states that were engaged in the reforms were chasing dollars and not the right things for our children. We looked at all of them. What you

have here today is serious reform and they are reformed in the right way. They are reforms that speak to the heart of what is going to really make a difference in our 17 school districts, and what is going to make a difference for the 440,000 students in the State of Nevada.

We overcomplicate educational reform—it is not really that hard. It is about putting a great teacher in every classroom; having schools led by great leaders; having a positive, safe, and engaging culture in our schools. It is also about agreeing and valuing engaging of our parents and communities in the educational efforts of what happens in our school buildings. What you have today is an opportunity to see some serious reform in all of those areas.

The quality of teaching is the number one determination of how we are going to be able to see student success. Three years of a great teacher closes and eliminates any achievement gap. The research is valid on that. It is clear, concise, and it is all over the country. What we have in looking at extending the probationary period from its current one year to three years puts us in line with 36 other states. Only two other states have a one-year probationary time period like Nevada: Hawaii and Mississippi. Those are not models of education excellence we want follow.

The call to look at a teacher to go from their postprobationary status back to a probationary status speaks to the concern that many people have. As Assemblywoman Smith said—and I concur and applaud the statement—the majority of our teachers and principals in Nevada's public education come to work every day, they are dedicated, they are talented, and they make a tremendous difference. But, like any occupation, there are some employees whose job performance is not where it is needs to be. What we owe all of those individuals relates not only to the postprobationary status, but also to the reexamination of the evaluation system, to the development of the Council of Teachers and Leaders, and to how we are going to evaluate using something more robust than a binary evaluation system, using student performance and having multiple measures. What this speaks to is having a commitment to value excellence. It speaks to helping a struggling employee understand clearly where they are struggling; to commit to honoring the obligation we have to support them to get better; to get them on the pathway to better performance; then ultimately, to separate, if that individual cannot improve their job performance to a level that is worthy of the children that we have in our public education system today.

It speaks to a more robust, more comprehensive way to evaluate, but also to compensate our outstanding teachers and administrators. The focus of the

Council of Teachers and Leaders will be to look at pay for performance and to do common sense things that will make a difference in our schools.

As I often say about school reform, it is about having great teachers in every classroom, great leaders leading those schools, and engaging our communities in having positive, safe cultures in our schools. It is not hard to know what to do; it is just hard to get it done. I make the analogy that it is like losing weight—if you eat better, eat less, exercise more, you are going to lose weight.

What I applaud here today is Assemblywoman Smith saying these are conversations that have been going on for months. They have involved stakeholders from all over our state. They have been bipartisan, urban and rural, education practitioners, and people outside of the educational field. Many, many individuals have weighed in on these reforms. These aggressive reforms are aggressive reforms that are going to take us to the next step. I also believe, because of the way they came before you today, there will be better buy-in and better support.

There are two models of reform happening across our country in education. There is reform that we *do* to people, and there is reform that we do *with* people. I guarantee the reform we *do* to people is doomed to fail. The reforms that we do *with* people are the right reforms and they are about children and are the reforms that are going to get noticed and applauded. Most importantly, they are reforms that are going to do what we said we needed to do in our Blue Ribbon Task Force—that is to make a commitment and a promise to Nevada's children.

Assemblyman Hansen:

In A.B. 225, section 1 talks about a postprobationary employee. In section 4, it says that will not apply if it is superseded by the terms of a collective bargaining agreement. Does that not mean that all of the union teachers are excluded from section 1 then?

Assemblywoman Smith:

No. In fact, and Dr. Morrison can weigh in if he has a different opinion, what we found when we were drafting this, is that the collective bargaining agreements rely on the definition in statute for what defines probationary and postprobationary status. Their contracts then deal with the intricacies of how they deal within probationary and postprobationary outside of what is in the statute. We have been advised that the statute drives the determining factor.

Assemblyman Kirner:

Probationary basically means all new hires? They are all originally probationary, and we are extending what is currently a one-year window to a three-year window?

Assemblywoman Smith:

That is correct.

Assemblyman Kirner:

It clearly says though that a postprobationary employee who receives an unsatisfactory evaluation for two consecutive years You can have teachers who have unsatisfactory evaluations for two years, and then you are going to grant them an additional two years? I am from the private sector. If I have an employee that has a single unsatisfactory year, they are gone. Here we are granting them two years, with at least a potential third window. I do not know what kind of reform this is, but it seems if we have teachers that are inferior for at least three years, that is at least three classrooms full of students that are getting an inferior education. As you pointed out, the quality of the teacher is the most important factor in educating students. I do not understand how you could have that big of a window for someone with an unsatisfactory rating.

Chair Bobzien:

Was that a question or a comment?

Assemblyman Kirner:

Both. There is so much to absorb so quickly that I would love the opportunity in the future to ask questions.

Chair Bobzien:

I will say for members of the Committee and the public, we will not be moving these bills today. You will certainly have time to read up on them. Is there a response at all?

Heath Morrison:

The important thing to remember about an evaluation is that you can have an evaluation by itself, or you can have an evaluation system that is part of a commitment to professional growth. The evaluation reflects performance concerns. In the private sector you know that there can be some areas of deficiency on the part of an employee and you feel you can work with them and make them better. There are some that are more important than others that hurt the productivity of your business. It is very much like that in public education. The evaluation should not be seen in isolation. It should be part of

the professional growth commitment to that teacher, to that principal. The evaluation system is the first opportunity to explain to the employee that there are performance concerns and there is an expectation for them to improve. The question then becomes how much support? Who is going to deliver that support? What is the commitment of the employee to get better? What is the level we want to get them to, which in this case, is satisfactory.

Even if there is a desire on the part of the school district to separate, the current system allows the employee the right to binding arbitration and, at that point, the ruling of the arbitrator is final. It is a much different model from the business world.

Assemblyman Hansen:

Do these provisions eliminate the arbitration factor, or do you still have to deal with that if you have an unsatisfactory teacher?

Assemblywoman Smith:

What we are focused on here is the probationary status—either those first three years, or the additional two years if the postprobationary teacher goes back on probation. During that time, in the bill that the Speaker described, an employee goes through the evaluation process. An employee with a one-year contract would then be subject to nonrenewal of that contract if he did not go through those evaluations satisfactorily. The Speaker mentioned that that wording is actually on the evaluation process.

Assemblyman Hansen:

At that point, the teacher does not have the right to go to an arbitrator to challenge that ruling?

Assemblywoman Smith:

That is my understanding.

Assemblyman Munford:

I would convey to my colleague that, as a teacher first starting out, you are like a rookie in sports. There needs to be an adjustment period and if you do not quite get it right away, there is development, training, and adapting that we go through. It is not an easy thing to step right into a classroom and be extremely effective. It takes time. At a school you have to have a strong administration—your principals and assistant principals—because they are the ones that will be doing the evaluating. They are there to see what your weakness is, where you need improvement and strength. I know when I first started teaching, I was very nervous. You have student teaching as part of your training, but that is not enough. When you are standing in front of those students and they are

looking at you, you have to perform, but it takes some time to make that adjustment. That is where the training comes in. Every administrator has to be effective in not only managing that school, but in training and developing those teachers. The administrator is the master teacher. I taught for 36 years but I do not know if I was ever on probation or not.

I just want to say it is not that easy. You have to have that window available to you for a period of time.

Assemblywoman Smith:

I come from the perspective of a parent, and someone who has spent a lot of time in schools and in classrooms. One of the things that has always been important to me is that teaching is unlike any profession in the private sector; on day one, you are put in a classroom full of students who you are responsible for and that door closes, and the expectation is basically the same for you on day one of your first year as day one of your tenth year. It really is a different environment than any other profession in that regard. I am sure it is a very lonely feeling as well, because you generally are behind that closed door and responsible for those young minds.

Sometimes people need a little more help depending on what that class looks like that year. Every year is different, and the challenges are different. It is helping our staff through that evaluation process and the instructional leadership from the principal to make sure that teacher is the best that he or she can be.

Assemblyman Kirner:

I am supportive of the changes you are trying to make. Having worked five years on a dissertation on performance appraisal, I understand performance appraisal and frankly I am not supportive of performance appraisal in general. I favor constant feedback. I do not think the culture is in all of our school districts and in the local schools to pull that off. I will be very interested in seeing how these performance measures and rubrics come about and what they look like and how they are measured.

You are generally moving in the right direction and I support the bills.

Chair Bobzien:

I do want to spend a little time on the Teachers and Leaders Council. If you recall, back to *Nevada's Promise*, you have seen many of these ideas before because we reviewed that plan and received a presentation. The Teachers and Leaders Council is so critical in bringing all of this together and putting it together.

I have a question for Dr. Morrison, having been on the Blue Ribbon Task Force. What do you see in the bill on the Teachers and Leaders Council? Are you confident that is what it is going to take to put this together in a functional manner and that you will be able to put it into practice in the school districts in terms of the composition and the charge to the Council?

Heath Morrison:

I have had a chance to look at parts of the bill draft request (BDR) that you are reviewing today. I know what we discussed in the Blue Ribbon Task Force and the subsequent conversations we have had being part of Assemblywoman Smith's roundtable. I would want to make sure that I have a chance to go through the whole BDR before I say we have it right.

The main tenets of the bill draft are exactly what we talked about. I will concur with the statement that we have not tended to do evaluations and performance evaluations very well, but many businesses do not. We spent a lot of time in the Blue Ribbon Task Force talking about looking outside of education. Currently, in Washoe County School District, we were very fortunate to be a recipient of the Teacher Incentive Fund (TIF). We are one of 63 school districts that received one of those grants, so we are working with the U.S. Department of Education and Clark County School District to look beyond public education. We are looking at Southwest Airlines and how they evaluate employees. We are looking at the U.S. military because it has to be that constant evaluation and feedback.

What I am excited about in the Teachers and Leaders Council is that it is going to bring different individuals together representing the various stakeholders that we need to hear from. There will be representations from all over the state and we will get some great definition about what the basic tenets are of an evaluation process. What are the basic tenets of a professional growth system? What are we going to bring to bear to the evaluation system outside of student performance? That has to be one factor, but the best evaluation processes use multiple measures. How often should the feedback come? What other parties are going to be weighing in on the performance of our teachers and our principals? It is going to be exciting work. Again, what is important is that it is going to be done in a collaborative way. It is going to be done in a way that people feel good about, and when it is done, it will have much more buy-in from the people in our 17 school districts and our various schools across Nevada.

Assemblyman Stewart:

In A.B. 222, regarding the Council, is this a temporary institution? Once they get the merit system in place, will they then dissolve or will they have other responsibilities afterward?

Assemblywoman Smith:

We do not have a sunset on this. The requirements are for them to meet semiannually initially. We know their working groups will take more work than that. What we know from other work, like this from the Council to Establish Academic Standards for Public Schools that I chaired for eight years, is that you need constant relooking, refreshing, and updating. So if you have that group in place, you always have that group to come back to. With the Standards Council it has been a very long and important process to constantly be updating and upgrading.

Assemblyman Stewart:

I was just thinking, with our economic situation and the attitude of the Executive Branch, it might be more palatable to have a sunset.

Assemblywoman Smith:

I am most cognizant of the budget challenges, so I will keep that in mind.

Assemblywoman Neal:

On the leadership bill, A.B. 222, section 6, subsection 1, paragraph (a), subparagraph (3), how does that section impact the current Curriculum and Professional Development? Is the Leadership Council going to tell Curriculum and Professional Development how to do their performance, or how they deal with teachers on this level? Is that their role?

Assemblywoman Smith:

There will be others who will testify after me who work in this field and will be able to share more of a perspective. Certainly Dr. Morrison can. The idea is always that everyone needs to be working together to make the system work and it has to be connected to strong professional development. Everything we do in our education world needs to tie back to, does the professional development work? Is it helping to make our teachers better teachers? Is what they are doing relevant? This Council should be able to help connect all of those dots. Also, through our longitudinal data system and the growth models that we are developing, all of that needs to come together in that way. This is certainly a role for the Council to play. I think you will hear more about that from others as well.

Assemblyman Munford:

Regarding the Council you are putting together, I am happy to see that you have four teachers on there, whereas the Blue Ribbon Task Force only had one. I hope that this Council will be diverse and have good representation of different ethnicities and groups.

Assemblywoman Smith:

I appreciate your comments Mr. Munford, and I can tell you personally, that is always my goal. When I convened the three roundtables we worked very hard to that end. You see the groups in this state that come together generally being concerned about geographic representation, ethnic diversity, and making sure we have people from various walks of life and from various parts of the state.

Chair Bobzien:

I would add my own appreciation for the roundtables you put together. They were very diverse in terms of perspectives: in terms of partisan representation, Mr. Stewart joined us for that effort; from north and south; from business; and from administration. It was very productive and led us to this point. Congratulations and thank you for that work.

Assemblyman Kirner:

I notice on A.B. 222 there is a fiscal note. I am assuming it is a minimum fiscal impact. Can you clarify that for me?

Assemblywoman Smith:

There is a fiscal note. Because the bill is so fresh we do not have it back yet. There will clearly need to be a person to staff this Council. There is no way that our current department staff could handle the workload this will entail. We will be looking for the opportunities for that. Initially, it will take a lot of coordination to make this happen.

Assemblyman Kirner:

One of the notes talks about state insurance. Is there a fiscal impact on state insurance?

Assemblywoman Smith:

We will look at everything. This bill will come to the Committee on Ways and Means. There is no question that we will have those discussions there and evaluate those possibilities.

Assemblyman Hansen:

Regarding the four teachers in A.B. 222, why is it limited to the Governor's ability to select exclusively from a list of nominees submitted by the Nevada State Education Association?

Assemblywoman Smith:

You will see that throughout the legislation that in our statutes, generally, there are organizations that are "go to" organizations that are able to provide teachers and administrators. School boards have their own association, so that has been an accepted practice in statutes as the way to seek those appointments and have names. Certainly the Governor has the ability to make those choices based on a larger list of names that is provided to him. It has been standard practice.

Assemblyman Hansen:

The only reason I bring it up is that my sister is a teacher in Clark County in the public school system, but she is not a member of the union, so she would be effectively excluded from this by this provision. I wanted to bring that to everyone's attention.

Chair Bobzien:

Are there any final questions for the panel? I think we have done a lot to cover a lot of ground and I appreciate the thorough presentation of these bills.

We have a long list of people who want to weigh in on this in Reno and in Carson City. For now we will stay with Carson City.

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

The Clark County School District is very supportive of all three of these bills. For many of them we say, "Long time coming, glad that they are here."

It is interesting, as you heard, how collaborative the effort was. I was one of those people who served on the Blue Ribbon Task Force and was also part of the summit meetings; a lot of the differences that people had were aired out then in advance. I think you will see a lot of people very supportive because of that amount of work.

As you know, there is a very short time period for turnaround to have responses from the people in the district because of the speed at which we are having hearings. We did send these bills out to a number of people in the district and by and large, there was no concern. Many were very supportive of what was there.

I do want to make mention of that part in A.B. 229 where Assemblyman Ocegüera was talking about being able to identify the number and compare the ratio of administrators to nonadministrators. I especially wanted to thank him and members of his staff because I brought forth the concern that in Clark and Washoe Counties, we have different labels for some of the positions. For example, a dean in Clark County is considered an administrator, in Washoe County a dean is a teacher; in Clark County, a librarian is a teacher, and in Washoe County that is a support staff person. I just want to make sure we are comparing apples-to-apples in making that comparison. I am so appreciative of the effort they went to in making sure that the definition was done in such a way that we can clarify and clearly make sure that we count things accurately.

A huge "hallelujah" for putting into statutes the 50 percent nature of the evaluation related to student achievement in A.B. 222. The only concern I received from any of the people who responded to this bill was on page 15, section 13 where it states ". . . not later than the 2013-2014 school year, implement a performance evaluation" That is because the people in the district who worked on this were talking about how these bills, these evaluations, will be tied with the implementation of the common core coursework that we will be doing. They believe one more year is necessary so that we do not need to have one evaluation for 2013 and a different one starting the following year. That is the only caution I would offer in terms of tying evaluations to student performance and changing student performance and evaluations related to the common core. That might be something we would like to correlate.

Chair Bobzien:

I can be confident that you have already had that conversation with the bill's sponsor?

Joyce Haldeman:

Actually, I have not, but I will.

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

I would like to present some remarks first on A.B. 222 and then briefly on A.B. 229 and A.B. 225.

On behalf of school board members across Nevada, a special thank you to Assemblywoman Smith who has consistently worked very diligently as the legislator to improve the opportunities for the 437,000 boys and girls who attend public schools in our state.

The proposals in A.B. 222 represent "next steps" to ensure that all students attend schools with "highly effective" teachers and administrators. The Association is supportive of a number of the proposals contained in A.B. 222. I will highlight four of those for you. On page 7, in sections 4 through 6, with the creation of the Teachers and Leaders Council of Nevada, we appreciate the inclusion of two school board members to be selected from a list to be provided by the Nevada Association of School Boards.

In response to a previous question, all school board members in the state are represented by the Nevada Association of School Boards. We suggest, for your consideration, that the four teachers to be selected as set forth in section 5, subsection 1, paragraph (c) should be teachers who are recognized for their effective teaching—in other words, teachers whose students have consistently demonstrated high achievement. On page 9, section 7, subsection 2, paragraph (a), subparagraphs (1) through (4), we strongly support the four performance categories that will move the current binary to an evaluation system that more clearly delineates degrees of effectiveness. On page 5, setting a standard at 50 percent of the evaluation to be based upon the achievement of students, is one that has been debated by school board members, with trustees supporting this percentage—although some have argued for a higher percentage, and some have been hesitant to adopt a percentage until a measurement tool has been developed.

Nonetheless, this is the place to begin. It will be challenging for the Council to develop appropriate, "multiple, fair, timely, rigorous and valid methods," as referenced at the top of page 9, particularly for all teachers in all content areas.

We do support the 50 percent and it should be noted that a standard of 50 percent represents challenges without a growth model already in place for assessments of the content areas currently tested. However, with the timeline, that may or may not prove to be a critical factor.

On page 10, in section 8, and again in section 9 on page 12, we appreciate that the elected board members of each district retain the responsibility for developing, and I quote, ". . . a policy for objective evaluations in narrative form . . ." both for teachers and administrators. It is our understanding that the policy for the evaluation instruments will be developed with input from bargaining units, but the ultimate and final authority will rest with the elected school boards of each district. We believe this is an important point to make because it will enable local boards to reflect the values of their communities and unique local circumstances in the policy itself. We support this flexibility.

We appreciate the opportunity to have worked with Assemblywoman Smith on these concepts and we thank you for the opportunity to put those specific comments on the record, Mr. Chair.

We support A.B. 225 and A.B. 229. In A.B. 229, I am looking at section 8, subsection 2, it states, "The program of performance pay and enhanced compensation established by a school district . . . must have as its primary focus the improvement in the academic achievement of pupils" I join Ms. Haldeman in saying, "hallelujah." We think that is very important.

We do have concerns that we will be working on with Ms. Smith and Speaker Ocegüera in section 12 of A.B. 229 regarding the definition of gross misconduct.

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

I too would like to echo my thanks to Debbie Smith for including me in the roundtable discussions that took place. It was one of the more eye-opening experiences of my career. It was the first time in 42 years that business, education, and the Higher Education people sat down and discussed some of the problems that face our state.

I did not have a chance to peruse these bills the way I would have liked, but I reserve the right to be able to contact my committee on several things.

Nevada Association of School Administrators (NASA) is in support of A.B. 222. That support basically comes out of those roundtable discussions. A fair and reliable evaluation system would be welcomed by Nevada's administrators.

However, there is one point in the bill that is of utmost importance—the one line that deals with training. It says that adequate training tools will be developed and training will be offered to ensure inter-rater reliability using performance measurement rubrics. It is very important that the administrators who are going to be doing the evaluation process are sufficiently trained in that process so that we are all looking at the same benchmarks and helping the people perform and improve in the same manner.

Chair Bobzien:

Do we have any questions from the Committee for the panelists?

Lynn Warne, President, Nevada State Education Association:

We had the pleasure of serving on the Blue Ribbon Task Force and worked on the Teachers and Leaders Council language through that process and then also

through the roundtable. We are supportive of this legislation and excited to see this work move forward. There are a couple of small technical things that we will be supportive of some small changes with, but, in concept, this is a great collaborative piece that we are excited to see move forward.

There are provisions within A.B. 229 that we are supportive of. We are excited to see the accountability reports that include the numbers and percentages of administrators, teachers, and support staff in the schools, as well as the performance piece. That was patterned after legislation that was passed in 2007 with bipartisan support, with the business community and us and others. It was a good piece of legislation and we are anxious to see it come back.

We think the four level designations of highly effective, effective, minimally effective, and ineffective is a much more robust way to evaluate our educators as opposed to the binary system we have now. The definitions of these will be determined by the Teachers and Leaders Council.

There are provisions in A.B. 229 that we do have some concerns with and are looking forward to working with the maker of that bill so we can bring it to a point of agreement. I have brought Jim Penrose to talk through those points.

James W. Penrose, representing Nevada State Education Association:

Our firm probably handles 90 to 95 percent of the teacher dismissal and nonrenewal cases that arise statewide. It has been some years since I have dealt with a dismissal case, but I am generally familiar with the statutes. I have provided you with some information of which I will read the highlights ([Exhibit I](#)).

Under existing law, it is important to understand that there is a distinction between what we call dismissal and nonrenewal. There is further distinction in that regard in the rights of probationary and postprobationary employees. Under existing law, a probationary employee who is nonrenewed, as determined at the end of the school year, and is told that they will not be coming back the following year, has literally only a right to a notice of the reasons for that determination. Earlier on in the year there is an entitlement to what is called a "Hey Jack" letter. Other than that there is no right on the part of such an employee to dispute the termination of their employment—no right to arbitration, no right to a hearing officer—unless there is some provision in a local collective bargaining agreement (CBA) which gives them that right. As a matter of statute, they do not have that right and have no recourse.

Currently, under existing law, a probationary employee who is dismissed—who is told during the school year that they are going to be terminated effective as

soon as the process can be done—does have a right, depending upon the conditions of the local bargaining agreement, to a hearing, potentially, before an arbitrator if that is what the CBA provides.

As a preliminary matter, I want to make it clear Nevada State Education Association (NSEA) is supportive of many aspects of A.B. 229. For example, with respect to the extension of the probationary period to three years, that is something we are in agreement with. Adding the term "gross misconduct," however that might be defined, as a basis for dismissal, we are likewise agreeable with that. We have a little concern over definition as set forth in the bill, but we can talk about that.

We are perfectly agreeable with retaining the existing law as it relates to the nonrenewal of probationary employees. Again, those folks will simply get a notice of the basis for their nonrenewal. As I understand it, they will not, even under our agreement, have any entitlement to a "Hey Jack," letter. Basically, on or about May 1, they will get a notice that they are being nonrenewed and a statement for the reasons for that. That will be the end of it.

Finally, with the respect to the dismissal of probationary employees, NSEA is, and has been, willing to talk about what we have called "Due Process Lite," for those employees. Instead of a full-blown arbitration hearing, those folks would get a minimal notice and an opportunity to respond to allegations, conceivably even before someone who is designated by the superintendent of the district. It would not need to be an arbitrator or an independent hearing officer. Those are concepts we have discussed with the districts in connection with Senate Bill 39, which deals with many of the same issues that A.B. 229 deals with.

I am happy to try to answer any questions that you may have about the way the existing statutory process works. It is pretty complicated at first glance, but it is basically designed to do a number of things: to ensure that someone who is not performing up to par get some kind of advance notice that their performance or their conduct is deficient; to ensure that they get some modicum of assistance in an effort to make their performance satisfactory; to ensure that when a decision is made to terminate their employment, particularly at mid-year, they are given not only a statement of the reasons, but they be given an opportunity to contest it.

Another example is included in the materials that I have provided: if you have a probationary employee who has a student go to the principal of the school and say that a teacher touched him or her inappropriately, or took something of theirs, under A.B. 229, as it is currently drafted, that teacher would be

summarily terminated without the opportunity to be notified of what the basis was for the termination. They would not have the opportunity to even respond to those allegations. Our overriding concern about A.B. 229 as it is drafted is that there needs to be some process, it can be "Due Process Lite," but there needs to be some process to protect those teachers.

I would like to mention couple of major points of my materials, without going into any major depth. My initial concern about the bill, as it is drafted under existing law, is that a probationary employee can be nonrenewed without regard to the grounds for dismissal as set forth in statute. This bill would permit a probationary employee to be dismissed for any of those reasons, or no reason at all as I read the bill. It would also provide that such a person could be admonished, demoted, or suspended without pay, without regard to the statutory grounds for discipline. Under existing law, a teacher in this state can be suspended without pay for up to 20 working days which is a substantial period of time.

We do have some concern with the definition of "gross misconduct" that is in the bill. Basically as it is set forth it includes "without limitation." That enumeration is essentially meaningless. When you say in a definition that something includes, without limitation, a ,b, c, and d, it also includes e through z and anything else in the universe. Given the significance of gross misconduct, in the context of this bill, I think it is appropriate that it be defined to mean conduct that is truly outrageous, beyond the pale. Under the bill, any teacher, probationary or postprobationary, can be summarily dismissed for whatever gross misconduct ends up being.

We also have concerns over the elimination of the admonition requirement as it relates to probationary employees. My reading of the bill is that a probationary employee would have no right to an admonition, a statement independent of the evaluation from an administrator to an employee that either their performance is grossly deficient—so deficient that they are not going to be reemployed—or that they have engaged in some act of misconduct that needs to be remedied immediately.

Under existing law, a probationary or postprobationary employee is entitled to that notice, independent of the evaluation, immediately, and is not required to wait until the next evaluation is handed to them. There are certain exceptions to the admonition requirement that permit teachers to be terminated without compliance to that, and gross misconduct would be added as an exception to that.

Finally, our overriding concern regarding the bill is in section 18, which deals with the provision of statute that requires the superintendent to notify an employee when the superintendent intends to recommend that the employee be dismissed or nonrenewed. Existing law requires that that person be given a ten-day notice and be notified of their right to a hearing. This bill would eliminate even the requirement of notice. Conceivably, a probationary employee could be dismissed and could show up at school and find someone else in their classroom without ever having been notified that their employment was being terminated.

Chair Bobzien:

I think we may have some questions for you once we hear from the other panelists. We appreciate the document you provided and the analysis. I will just point out that this definitely stretches the definition of "for" the bill.

Rorie Fitzpatrick, Director, Special Education, Elementary and Secondary Education and School Improvement Programs, Department of Education:

I am here on behalf of Superintendent Rheault who had to be at four different legislative hearings at the same time today.

I am here to speak in favor of A.B. 222, the Teachers and Leaders Council. As one of the primary coordinators and authors of the Race to the Top application, it was a wild ride to develop that application. It had some highs and lows and clearly the low was not getting the money. The high was the unprecedented collaboration and statewide consensus around an overarching education reform agenda.

Assembly Bill 222 moves that agenda forward in the ways that were agreed upon during the development of the Race to the Top application and in ways that will be good for all of the members of the education community as well as other stakeholders outside education.

It has already been mentioned that the legislation supports the concepts that were articulated in the Race to the Top application and that were moved forward by the Blue Ribbon Task Force through their recommendations to the Governor. In anticipation of those recommendations, as well as a desire on the Department of Education's part to move that education reform agenda forward, the Department did, in the fall, pull together an educator effectiveness work team. Some of the people at this table and in this room were members of that team. It includes Department of Education staff, school district staff—both urban and rural districts—representation from the regional professional development programs, Higher Education, and the State Education Association.

In anticipation of this session, the education effectiveness work team came together, looked at legislation from other states, and has been participating in webinars, national meetings, and technical assistance opportunities from nationally respected experts in this arena. A concept paper was developed in December and January and then provided to Assemblywoman Smith. Upon preliminary review, A.B. 222 takes the concepts from that paper and moves that forward in the legislative arena.

We are in support. We are moving forward and we stand ready and willing to help. The Department has staff to help move the agenda forward.

Chair Bobzien:

Are there any questions for the panelists?

Assemblywoman Mastroluca:

Mr. Penrose, can you go over something for me? You made a comment, and I believe it was regarding A.B. 229, section 18; you said that it removed the ten-day notice? I am not seeing that in the bill. I am looking on page 36, lines 4 through 16, and I am not seeing that deletion.

James Penrose:

I am working from the bill draft request (BDR) document.

Assemblywoman Mastroluca:

I did not see it in the BDR either.

James Penrose:

If you look at section 18, the initial language in the section says, "At least 15 days before recommending to a board that it demote, dismiss, or not reemploy a postprobationary employee" In other words, this is existing law. Notice continues to be required in the case of dismissal of a postprobationary employee. Then what is stricken after that is the language ". . . or dismiss or demote a probationary employee" The deletion of that language would effectively, as I read the amendment, eliminate the requirement that a probationary employee get that notice.

Assemblywoman Mastroluca:

I did not see it and I was wondering where you got it.

Assemblyman Stewart:

In your opinion, if we had 17 different collective bargaining agreements, would we have 17 different interpretations, or would this law supersede the collective bargaining agreements?

James Penrose:

You could have a situation where you have slightly different rights from county to county depending on the provisions of each of the collective bargaining agreements. There is as a matter of existing law, a provision in Chapter 395 of the *Nevada Revised Statutes* (NRS) that permits the parties to a CBA to supplant or modify the provisions that are in statute. What I would anticipate will happen, and I believe what the districts anticipate will happen is, if A.B. 229 becomes law in some form, once the existing collective bargaining agreements that are in force today expire—most of them to my understanding are set to expire on June 30—the districts will come to the bargaining table. All of this discharge and discipline is an issue that is subject to mandatory bargaining. The districts will come to the bargaining table and some will ask to revise the provisions of their CBA to be in accord with the provisions of statute as modified by the bill. That is my assumption.

Assemblyman Stewart:

But they are not required to?

James Penrose:

No, they are not required to.

Chair Bobzien:

Additional questions for the panel? We now have supporters from the business community.

Samuel P. McMullen, representing Las Vegas Chamber of Commerce:

This is actually a hearing that we are pleased to attend. In fact, we have attended and testified in support of some of the things in this bill over many years and many sessions. We are pleased to see them again. There are a lot of very dedicated, interested, intellectual, and very hard working, diligent people that care about education.

The Las Vegas Chamber of Commerce also represents a category of people who truly care about the education system and the quality of education for our children, basically, their future employees.

A very important part of this bill for us is section 8. We were not involved in the day-to-day crafting of the Race to the Top application and I will say that we actually had concerns about the inclusion of NRS Chapter 288 as the mechanism by which the features of a performance pay or performance evaluation systems were bargained. I will also say, in true honesty, that we have always talked to the teachers and said that we understand that it would be a collaborative system, not a situation where anything was forced on anybody,

something where all parties had to basically negotiate and agree to it. That is not our preferred mechanism, but it is the mechanism in this bill. More than anything is the fact that we would move forward on creating an agreed upon system for true performance evaluation and utilize it along the lines that have been testified to today. This is something we clearly support and will always be there to support.

Relative to the issues of tenure, we appreciate what is done in this bill. We know there are other participants in the business community who want the total elimination of tenure. In some ways that concept would probably be the preference of the Chamber as well. If you look at this bill, what it does say is, in a postprobationary sense, if someone begins to be the kind of individual who is getting unsatisfactory ratings for more than one or two years and does not improve, they basically allow themselves to be categorized as a probationary employee again. That kicks in some of the things that were complained about, but we think they are positive, that in fact, you can reduce the obstacles of getting rid of nonperforming teachers. As much as we support performance pay, performance evaluation, and its utilization, if we do not have a system that can adjust the employment of people based on that, then it is difficult to get rid of people who are, in fact, unsatisfactory or ineffective. That is a key and critical element and we think it that it needs to be addressed as this bill does. Although we have some minor concerns, we support this bill. It is an excellent step forward and we encourage your support and passage.

Richard Perkins representing Wynn Las Vegas:

Wynn Las Vegas would like to thank you for this opportunity to testify in and express its support of A.B. 222.

The policy reforms proposed by A.B. 222 were critical components of *Nevada's Promise*. Wynn Las Vegas wholeheartedly endorses the recommendations put forth by the Education Reform Blue Ribbon Task Force and contained in *Nevada's Promise*.

[Read from prepared statement suggesting four adjustments to bill language ([Exhibit J](#))].

Like you, we have been quickly reading the other bills for their content. We have identified elements of A.B. 225 and A.B. 229 that are reflective of the recommendations found in *Nevada's Promise*.

We look forward to further discussions with the Committee and a more in-depth examination of those bills as well. We are encouraged to see the legislation moving in the direction of real education reform in Nevada.

Finally, as the Assemblywoman said earlier, this is a big deal. Every legislature has the opportunity to be historic, and every legislature in some ways creates its own history. But these reforms are game changers and Nevada's children deserve it.

Chair Bobzien:

You will be writing up those suggestions and submitting them to the Committee as well as the bill's sponsor?

Richard Perkins:

Yes, Mr. Chair. We will do that and be happy to work with the sponsors in that regard.

John W. Griffin, representing Boyd Gaming Corporation:

I am here on behalf of Gina Polovina and Boyd Gaming who are proud and honored to have worked with such a committed and caring group of Nevadans on this huge reform package before you in the form of these three bills. The bills before you are the product of a lot of hard work, collaboration, and compromise, and Boyd Gaming thanks all of those involved, most especially, Assemblywoman Smith and the Speaker for bringing this package forward. It is with great pride that Boyd Gaming offers its support of these significant reform bills.

Chair Bobzien:

Do we have any questions from the Committee? [There were none.] Mr. McMullen will come up for a rebuttal.

Samuel McMullen:

I wanted to clarify that my testimony was also in support of A.B. 222 and A.B. 225. Previously I was talking primarily about A.B. 229 but I apologize for not adding that as well.

Chair Bobzien:

Thank you for clarifying the record.

Samuel McMullen:

Tray Abney had to leave and I included his comment in mine.

Chair Bobzien:

Are you then registering support from the Reno Sparks Chamber of Commerce as well?

Samuel McMullen:

I indicated that they had a concern regarding eliminating the tenure.

Jennifer J. DiMarzio, representing Nevada Connections Academy:

Nevada Connection Academy is a statewide virtual charter school that provides highly individualized instruction to hundreds of students across our state. These comments will apply to all three of these bills. We are in support of these bills but have some recommendations for consideration of charter and virtual schools in the implementation of the evaluation programs that are created in these bills. We think these are good bills with worthwhile goals, but we would like to ensure that there is some flexibility built into the evaluation systems to ensure we can address the nuances of charter schools generally, and virtual schools, in particular. Specifically, we do support the development of guidelines and best practices, but we do want to express a concern that a mandate to use specific forms and evaluation systems may not be the best way to measure the effectiveness of unique institutions such as charter and virtual schools.

With that comment made, again, in general, we very much support these bills.

Chair Bobzien:

So, you are committed to work with the bill's sponsor to address that. I understand Ms. Conaboy may have similar comments so maybe just give additional comments.

Kathleen Conaboy, representing K12 Inc.:

K12 Inc. is an Education Management Organization (EMO) for the Nevada Virtual Academy. Nevada Virtual Academy is a statewide distance education charter school, chartered by the State Board of Education and State Board for Career and Technical Education.

We, too, are very supportive of the package of reforms that were presented today. I was delighted to be included in Ms. Smith's roundtable meetings before the session started, so I was privy to some of the discussion that was antecedent to these bills.

On A.B. 222, I wanted to point out exactly what the previous speaker pointed out, which is that this bill removes the flexibility of charter schools to develop their own evaluation processes by making it mandatory that we comply with the statewide performance evaluation system. Again, to reinforce, we have an evaluation rubric that is approved by our board of directors, well known to our teachers before they join our faculty. It is reflective of our educational environment which, as you heard from the previous speaker, may be very different from a bricks-and-mortar district school. We already include important

elements that are outlined in this bill such as student performance and retention, and parent engagement. But, our model of evaluation provides some flexibility in reflecting our model. For instance, we have variable hours. Some of our teachers work from 7 a.m. to 3 p.m., some work over the dinner hour, and into the evening to accommodate the families of the students who are attending our school.

Also, our teachers are not subject to collective bargaining. That is an important element here. They know that when they come to work for us, collective bargaining does not apply to their employment. They are "at will" employees with the charter school.

Again, I am just making an appeal for some flexibility. We would like to participate in how these standards are set going forward.

William E. Roberts, Ed.D., Superintendent, Nye County School District:

I, too, have the honor of being a member of the Governor's Race to the Top, the Blue Ribbon Task Force, and Assemblywoman Smith's roundtable discussions with many of you. I am representing the Nye County School District and the Nevada Association of School Superintendents and I would like to say that we are in support of A.B. 229, A.B. 220, A.B. 222, and A.B. 225.

Chair Bobzien:

Are there any questions from the Committee for the panelists? Do we have anyone else here in Carson City signed in to speak in favor, in opposition, or neutral for any of these bills? [There were none.]

We will take testimony from Las Vegas.

Robin Vircsik, Private Citizen, Las Vegas:

I teach kindergarten at Tom Williams Elementary School, and I am here today to testify as a taxpayer. I would like to address A.B. 222. I understand the need for a statewide teacher evaluation system. My concerns regarding A.B. 222 are on page 8, lines 28 to 33. This section states that Council members will be entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. This method of having members physically traveling to meetings to produce a document is not the most frugal method of collaboration available. A webinar would be less expensive and, at the same time, allow members to verbally collaborate and visually share ideas. The average cost for a one-day unlimited webinar is \$10; for a month, \$50; and for a year, \$500.

Please consider amending lines 28 to 33 on page 8 to read "Members of the Council serve without compensation. Members will research the most frugal

means of collaborating and utilize the venue that will save the taxpayers' the most money. Low-cost means of collaboration such as webinars, conference calls and/or Skype will be considered. The total amount of expense to the taxpayer for this bill will not exceed \$250 per year for a period of not longer than two years."

Chair Bobzien:

If you could keep track of this when we get to the Committee on Ways and Means, I think some of those fiscal issues will be taken care of there. That is a very good perspective. As a member of the Council to Establish Academic Standards for Public Schools that has had a severely constrained budget of late, we have tried to do more of our work using those sorts of methods. Those are very important perspectives.

Robin Vircsik:

As a kindergarten teacher, the more that we take money out of the classroom and away from the children, the more the children suffer. That is why I am addressing this.

I do have two comments regarding the other bills. On A.B. 229, the people before me mentioned that it was an achievement model versus a growth model. My comment to you, as a teacher in an at-risk neighborhood, is that the bulk of my kids come in reading at a first-grade level; at the end of the year, I have pulled them up to a beginning third-grade level. They are still not where they need to be which would be beginning fourth-grade level, but they have grown by two years. Whereas a teacher in a more middle- or upper-class neighborhood starts with the bulk of her children at grade level and then she brings them up one year's growth. If it is an achievement model, she has actually accomplished less growth per child than I have in an at-risk neighborhood, but she is more likely to receive that merit pay.

I am in favor of merit pay, but I am concerned that if you go with an achievement model instead of a growth model, you will create a brain drain of good teachers in the inner city. The first thing I am going to do is go work in my neighborhood school if this passes. I can tell you that at the school where I work most children come to kindergarten at the developmental level of a two-year-old. Every standard at the school where I teach is written on a two-year growth model. We do not always hit it, and it is very hard, but I will tell you we are working twice as hard as teachers in middle-income and upper-class neighborhoods. Please keep that in mind and be fair to your teachers that are dedicated to at-risk neighborhoods.

My other comment on A.B. 229, is the accurate reporting of class size. I have some concerns that during my time in Clark County, it has never been done correctly. The example I will give you is that I teach in a school where there are five full-time kindergarten classroom teachers and we have one kindergarten literacy specialist. When they average out the number of pupils per class, they count her. It brings the number down. She is also the person who is called if we are short a substitute, if someone needs to bake potatoes, if someone needs to work in the office. If the nurse is out, they pull her. She, by no means, is a classroom teacher and she should not count when reporting class size.

The other group of people that are counted with kindergarten children that should not be counted are special education teachers. We have several classes of kindergarten special education in autism. These classes range from six to eleven students. If you calculate an average with me at 32 children and one special education teacher with just six children, it throws the whole number off. It is not accurate.

I am a firm believer that no one should be hired to work for a school district until all classes in the school district have 24 or fewer students. If you do not know brain-based research, I will be glad to email you, but smaller class size is supported and it is done in countries that have a lot greater levels of achievement than we do in the United States. I did have an opportunity to study early childhood education in both Sweden and New Zealand. Please take that comment seriously.

I agree with the gentleman earlier that had a concern on page 7, line 26 of A.B. 222, that nonunion teachers would be excluded from the Council. I am not in the union, and have not been for years, and the reason I am not is that I do an excellent job. If you do not let your nonunion teachers participate you are missing out on a lot of good ideas.

I also support the gentleman that said he felt teachers should be involved in the evaluations of their administrators.

Chair Bobzien:

If you would submit your amendment that you began your presentation with, dealing with the travel issues, that would be helpful for us to have for future consideration.

Mary Beth Heavrin, Private Citizen, Las Vegas:

I will talk briefly on four basic issues. The first issue has to do with the three-year tenure and A.B. 225; the second issue is the evaluation tied to

student performance; the third issue is A.B. 222 and balance of power between teachers and leaders; and number four would be the membership of the Council.

Regarding the three-year tenure change, I have taught previously in two different districts that had three-year tenure. I did not have a problem with it, nor did teachers that taught with me at that time. I would certainly support that.

My concern, however, is with your bounce-back program—teachers that are nonprobationary bouncing back to probationary status. I think that could have a strong unintended consequence. Experienced teachers from other states seeing that bounce-back provision would not even entertain the idea of coming to teach in Nevada schools.

The second point has to do with the 50 percent evaluation tied to student performance. I currently teach earth science. Previous to that, I taught five years of math. I would prefer to teach history, and I am licensed in all. If this passes and you tie performance to your evaluations for experienced teachers, I have a concern that I would go to a different area which would be K-12 computers since I have one of my master degrees in that. I would avoid math and science. Why? Because I think it would be much easier to meet the performance in computers than in the other subjects, thereby, causing the need for more math and science teachers.

The third concern has to do with the balance of power on committees. Many years ago I was on a grant-funded project with the State of New Hampshire, developing a module for facilitated special education Individualized Education Program (IEP) conferences. What we found was that when you have a committee where there are people in a much greater number, you have a power-balance problem, or a perceived power-balance problem. When you look at the number of teachers that are on this committee of 16, they number 4. With a power situation, without any kind of facilitation involved, there may be a balance of power tilted one way versus the other.

The last issue has to do with the teachers in the membership. Four out of sixteen is 25 percent. You *title* the council the Teachers and Leaders Council? I might change that to the Leaders and Teachers Council. It is the perception that it is quite a few teachers and that is a misnomer.

Chair Bobzien:

If you do have anything that you would like to submit as an amendment, please get that to the staff in Las Vegas. We will not be moving this bill for a while, but we will be happy to take the suggestions into consideration.

Before we go to our final testimony this evening, we are going to be introducing a Committee bill draft. I need the Committee to stay, so we can introduce that bill on the floor tomorrow.

Mark Coleman, Clark County Association of School Administrators:

I would like to begin by thanking Assemblywoman Smith for her comments regarding tenure. In our Association we have spoken to that issue for a while, especially when dealing with people in the business community. Tenure is not something we believe exists in K-12. She did a great job of explaining that. We appreciate it.

As for A.B. 222, A.B. 229, and, A.B. 225, overall, we do support all three bills. We would like to express a couple of thoughts and they are consistent with the concerns expressed by the Nevada State Education Association.

In A.B. 229, we have a concern in regard to losing a little more language that has to do with some due process rights. We understand that the employees we are talking about are probationary, but I really want to be clear that having been in the system as a principal in the Clark County School District—at a time when I had 4,000 students on two campuses—I understand how challenging supervising and evaluating teachers and other administrators can be. Our Association clearly recognizes the need not to stand in the way of helping the district move people out who do not belong in education. It is certainly not our intent to get in the way of doing that. By the same token, it is important not to go too far and just make the process easier.

I represent the administrators in the Clark County School District. Unfortunately, just as there are some teachers that are not as good as others, we have some administrators who are not as effective in evaluating and supervising as others. The last thing we want to do is make it easier for someone who is already not doing their job.

We understand the concerns. We would like to work with the Committee and with those responsible for putting the bills together to change some of that language. Overall, we do support the three bills.

Chair Bobzien:

Again, if you could provide any suggestions to our staff for improvements or changes, that would be very helpful.

Do we have any questions from members of the Committee for the panel?

Alison Turner, President, Nevada Parent Teacher Association:

Nevada Parent Teacher Association is in support of A.B. 222, A.B. 225, and A.B. 229. We do have some concerns about them. The only note that I will belabor at all is that I would like to respectfully qualify Dr. Morrison's comment regarding the greatest predictor of successful student outcomes.

In the classroom, undoubtedly, the effectiveness of the instructor is paramount. However, over all, the greatest correlation is with effective family engagement, most of which takes place at home. In fact, that is our only concern in A.B. 222, page 11, section 8, subsection 6, paragraph (e). We will submit language that modifies that statement slightly.

I will conclude by saying that we, overall, support the growth versus the achievement model. As earlier speakers have indicated there are several things that can affect that. Almost any principal or teacher you speak with as well as parents, if they are actively involved, know that occasionally a cohort that goes through a school blows it all out of the water. We need to make sure we do not penalize the teachers of subsequent classes.

Also, we very strongly support the change from a binary to a multilevel assessment model.

Chair Bobzien:

Based on those comments, we will have a bill for you on Friday. We will be meeting upon the adjournment of the Committee on Health and Human Services which will be meeting upon the adjournment of the floor session. We will be hearing a parental involvement bill.

Alison Turner:

Unfortunately, I will be unable to attend. Mrs. Tami Berg of the Nevada Parent Teacher Association will be representing us at that time.

Chair Bobzien:

Wonderful. Do we have any questions from the Committee? I am going to close the hearing on these three bills.

Our last order of business you have before you is Committee BDR 34-738.

BDR 34-738—Authorizes an alternative route to licensure for teachers and administrators. (Later introduced as [Assembly Bill 230](#).)

Again, you should be noticing a theme at this point. Last week's presentation from Mrs. Wynn and Chancellor Klaich on the Blue Ribbon Task Force and *Nevada's Promise*, this is yet another piece from that package. I would entertain a motion.

ASSEMBLYWOMAN MASTROLUCA MOVED FOR COMMITTEE
INTRODUCTION OF BDR 34-738.

ASSEMBLYWOMAN DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN AIZLEY AND DIAZ WERE
ABSENT FOR THE VOTE.)

Meeting adjourned [at 5:58 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 2, 2011

Time of Meeting: 3:21 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 220	C	Assemblyman John Ocegüera	Handout <u>A.B. 220</u>
A.B. 220	D	Assemblyman John Ocegüera	Proposed Amendment to <u>A.B. 220</u>
A.B. 220	E	Crystal Abba	The State & the System
A.B. 220	F	Carol Lucey	PowerPoint Presentation
A.B. 229	G	Assemblyman John Ocegüera	Handout <u>A.B. 229</u>
A.B. 222	H	Assemblywoman Debbie Smith	Handout <u>A.B. 222</u>
A.B. 229	I	James Penrose	Memorandum
A.B. 222	J	Richard Perkins	Prepared Statement