

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

**Seventy-Sixth Session
April 11, 2011**

The Committee on Education was called to order by Chair David P. Bobzien at 4:20 p.m. on Monday, April 11, 2011, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/76th2011/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Punam Mathur, Member, Education Reform Blue Ribbon Task Force
Heath Morrison, Ph.D., Superintendent, Washoe County School District
Jill Derby, Educational and Governance Consultant, Association of
Governing Boards of Colleges and Universities
Joyce Haldeman, Associate Superintendent, Community and
Government Relations, Clark County School District
Ray Bacon, Executive Director, Nevada Manufacturers Association
Daryl Drake, Private Citizen, Washoe County, Nevada
Tray Abney, representing Reno Sparks Chamber of Commerce
Chris Cross, Ph.D., Partner, Cross & Joftus, LLC
Dale A.R. Erquiaga, Senior Advisor, Office of the Governor
Gail Krolick, Private Citizen, Incline Village, Nevada
Zhan Okuda-Lim, Outgoing Student Representative, State Board of
Education and State Board for Career and Technical
Education
Hugh Anderson, Chairman, Government Affairs Committee, Las
Vegas Chamber of Commerce
Keith Rheault, Ph.D., Superintendent of Public Instruction,
Department of Education
Dave Cook, Clerk, State Board of Education and State Board for
Career and Technical Education
Craig Stevens, Director, Education Policy and Research, Nevada State
Education Association
Mark Coleman, Deputy Director, Clark County Association of School
Administrators and Professional-Technical Employees
Lynn Chapman, State Vice President, Nevada Eagle Forum
Alison Turner, President, Nevada Parent Teacher Association
Stavan Corbett, District No. 5 Representative, State Board of Education
and State Board for Career and Technical Education
Annie Yvette Wilson, District No. 2 Representative, State Board of
Education and State Board for Career and Technical Education
Janine Hansen, State President, Nevada Eagle Forum
Dotty Merrill, Executive Director, Nevada Association of School Boards

Matthew Ladner, Ph.D., Director of Policy and Research, Foundation for Excellence in Education
Andrea Woods, Vice-Chair, Education Committee, Las Vegas Branch, National Association for the Advancement of Colored People
Ken Turner, Special Assistant to the Superintendent, Clark County School District
Craig Hulse, Director, Department of Government Affairs, Washoe County School District
Erin Cranor, Member, Board of Trustees, Clark County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Peggy Lear Bowen, Private Citizen, Carson City, Nevada
Sam McMullen, representing the Las Vegas Chamber of Commerce

Chair Bobzien:

[Protocol explained. Roll called.] Please mark members present as they arrive. We will have a work session today and hear four bills. We will hear Assembly Bill 548 first. I will turn the meeting over to Assemblywoman Dondero Loop.

Vice Chair Dondero Loop:

We will open the hearing on Assembly Bill 548.

Assembly Bill 548: Revises provisions governing the system of governance of K-12 public education. (BDR 34-741)

Assemblyman David P. Bobzien, Washoe County Assembly District No. 24:

I would like to give a brief summary of the bill. This measure revises our K-12 education governance structure to align with recommendations of *Nevada's Promise*. This measure places the Governor as the ultimate authority over education in Nevada; replaces our ten-member elected State Board of Education/State Board for Career and Technical Education with a nine-member appointed board; provides that our State Superintendent of Public Instruction shall be appointed by the Governor and act as the chief operating officer of Nevada's K-12 education system; and realigns key standing commissions and councils to be placed under the purview of the State Superintendent.

We have documents online. The first is *Nevada's Promise* ([Exhibit C](#)); you have seen that before, and it comes into play again as this is another bill that is a recommendation from that effort. The recommendation of the task force begins on page 29, and the section pertaining to Nevada's K-12 governance structure begins on page 27.

The second is from the Education Commission of the States' report of governance structures in other states ([Exhibit D](#)). This document was recently revised by the Education Commission in January 2011. This document provides the different models of governance structures utilized by the 50 states and the District of Columbia. If you will look at page 2 of the document, you will see that currently, the State of Nevada follows the Model Two governance structure, where the State Board of Education is elected and the State Board appoints the state Superintendent. This measure will move Nevada to operate under Model Four, where the Governor appoints the State Board of Education and the state Superintendent.

The third document is a history of Nevada's K-12 governance structure ([Exhibit E](#)).

Finally, for those of you who are interested in the history of Nevada's public education governance structure, an issue paper ([Exhibit F](#)) created by the Research Division staff is online for your review as well. The document is entitled *History of Selected Components of Nevada's Public Elementary-Secondary Education Governance Structure*.

At this point I would like to turn the discussion over to a member of the Education Reform Blue Ribbon Task Force who will provide you with a summary of the review and analysis of the Task Force that led to the recommendations contained in the measure. We can walk through the provisions of the bill at her conclusion.

Punman Mathur, Member, Education Reform Blue Ribbon Task Force:

I was a member of the Governor's Education Reform Blue Ribbon Task Force. Mrs. Wynn and Dan Klaich let me know that I would serve as the Chair of the working group that was going to take on the challenge of trying to present to you a recommendation for governance structure.

On November 11, 2010, our working group made our recommendations to the larger Blue Ribbon Task Force. We presented everything and at the end we presented the "ta-da." Assemblyman Bobzien just presented the ta-da, so we will work backwards to provide some backdrop in trying to explain very clearly the process of the logic we would offer as the basis for the recommendation which we still feel is the right one today.

The members who comprised the working group are listed in *Nevada's Promise* on page 26. We had Joyce Haldeman, Dr. Jill Derby, Dr. Heath Morrison, Ray Bacon, Gina Polovina from Boyd Gaming—who was unable to be here today, but has submitted a letter ([Exhibit G](#))—Gintas Vildzius, John Soderman,

and Chris Cross who we have on the phone. Not coincidentally, that totals nine of us. What was clear to me was the scientific factoid that my late father used to share, that only 9 percent of our brain is accessible or available to us. The good news is that I am proud to report that we had almost a whole brain working on an answer to the question of governance.

The group met a half dozen times last fall. Meetings ranged anywhere from two hours to our record of five hours. We spent over 20 hours fully engaged in rich discussion. The diversity of the perspective was important. The values and the way in which we had the discussion were important. We tried to address the challenge rather than allow ourselves to be distracted by the myriad of distractions and political realities. There were times during the process that we felt like a circus family, meandering aimlessly. In retrospect, all of that was part of what allowed us to get to a place today we are proud of.

We had a guiding star—we believe in *Nevada's Promise* and its commitment to excellence, rigor, and equity. The goal, as we understood it, and then internalized it, was simply to create an optimal governance framework that would increase our chances for success in our declaration around excellence, rigor, and equity. That was our goal.

There are two ways to approach the optimal structure. Looking at the pictograph of the current K-12 Educational Governance Structure in Nevada 2009 on page 28, it would have been easy to take this structure and find a way to modify or tweak it and to make it workable. After a lot of discussion, we decided that was not the best way because it would be too daunting and difficult. Instead, we chose not to make a recommendation to repeat what we are currently doing, because it is not working. We opted to approach it differently and begin with a clean slate. If it were a *tabula rasa*, what would we design? If we had no structure in place, what would the right and best structure be? That was the overarching question.

We first looked at the diversity of perspectives and the expertise around the table. We asked what characterizes success. Drawing to the business setting, what is it about organizations that allow them to be successful? What are the governance pieces that support that success? What does it look like in a nonprofit environment? What are the experiences we have had on different boards of directors or in different committees, or even Girl Scout chapters? We looked at what is common about the structure of governance within those successful enterprises or organizations. Let us begin there. The largest portion of our time spent was spent answering "What is it that sets up institutions for success?" We came up with four that we have dubbed design principles. I want to amplify these because they became the four anchor tenets.

They became the parameters within which all discussion occurred and all recommendations are fostered:

- Single point of responsibility: What does that mean? For us that means there is a place where the buck stops. When it comes to public education, arguably there is no more important topic. There should be a place where the buck stops; for those that are professional participants in education, for stakeholders that care about education, for parents, kids, and seniors, there needs to be a place where the buck stops. All great institutions and great successful efforts have a clear place where the buck stops. In business, it is clear the buck stops with the CEO; there is delegation of that authority down through the organization. Ultimately all roads lead to a single point of responsibility and accountability. We would observe that on any successful sports team, the same is true. There is someone clearly in charge. They have the accountability and the responsibility for that leadership for nonprofit, it is the same thing: boards. That is a design principle that became, for us, an unwavering guide.
- Functional alignment: Any structure must be linear, must be modular, must have a logical path of oversight and responsibility, up and down. If it is not navigable, if it takes an advanced degree to figure it out, then we contradict what, for us, is our second design principle.
- Simple, clear, and transparent: All great efforts and organizations have those three principles.
- Use of academic standards and data as a guide for decision making: Rhetoric has its place. The passion we all bring to it is important, but if it is not grounded in substance of facts, it is difficult to use as a basis for decision making.

The buck has to stop somewhere; successful organizations have functional and logical alignment between all pieces and parts, no matter how complex an organization is, tied together into a single pole. Like the maypole, you can have as many ribbons on it as you wish, but it is all tethered to one pole. That it be simple, clear, and transparent, for all users, stakeholders, and constituent groups, becomes really important. And, that we drive our decision making with data. For us, those became the four guiding principles—the design principles.

As a very diverse, differently motivated group of people, we make the commitment to say this is going to guide all of our discussions. If we come up with ideas, we will bounce them against those four principles. If the idea

passes all four measures, then it is a good idea. If it does not pass muster, then we will reject it as not being included in our recommendation.

We had our guiding star which was *Nevada's Promise*: excellence, rigor, and equity. We adhered unwaveringly to our design principles. We felt very proud of that because there were some contentious discussions around some of the same points we will hear about later in this conversation. We came up with the conceptual framework for the governance structure, we then compared it to the experience of other states using data wherever we could, and at the end of all of that, what we realized is that we had an even greater commitment. We felt even more strongly about the recommendation we put forth achieving the goal that we had given ourselves and that is setting up the optimal governance structure for some measure of success.

With the ta-da you heard, the recommendations are bold; we acknowledge that. They are not intended to be bold; they are intended to be simple. If in the course of offering you simple recommendations, they become bold, then so be it. It was not our intention to create controversy; it was to lessen controversy.

We would like to have Heath Morrison talk you through a little more of what we learned from other states. Then Jill Derby will talk you through more detail of the optimal structure we are recommending. Then, finally, Joyce Haldeman will walk you through the specific recommendations with regard to the standing committees and the councils.

Vice Chair Dondero Loop:

I am awed at the four, well-versed people committed to education that are in front of me because I admire and respect all of you.

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

I am here today as a very proud member of the Education Reform Blue Ribbon Task Force to speak to the *Nevada's Promise* section on governance.

I want to start off by referring to page 28 ([Exhibit C](#)), figure 1, which is our current structure of governance. I can tell you having been in Nevada for almost two years, giving many public presentations all over the state, sharing things about our public education system that I hope will elicit gasps, where people say, "That cannot be," or "How did that happen?" I am usually showing graduation or student achievement data. I can promise you that there has been nothing that I have presented that has elicited more gasps, or more head scratching, than what is on page 28, figure 1. The reason is because people understand if you know you are not happy where you are, you have to figure

out where you are going. If you are going to figure out where you are going, you have to chart a course, lay out a plan, and ultimately there has to be accountability to that plan. I believe that it takes a village to educate a child, but there has to be a chief of that village that ultimately takes the responsibility for the endeavor—in this case it is public education.

The problem is, when you look at this organizational chart, who in the world do you say is accountable for public education in the State of Nevada? Instead of having someone stand up and say it is me, and let us talk about it, everybody does a lot of finger pointing. When the arrows are all going in different directions, then the pathway is not leading in the correct course. We, very quickly, realized we needed not to try to take a bad system and make it a little bit better; we needed to fundamentally look at a different system.

Remember that our work began with trying to, very quickly, create a worthy application for Race to the Top. We were very focused on the states that had applied and had some promising success in terms of feedback from their initial application; we had the ability to look at what other states were doing as well as look at multiple measures of student achievement. Our grounding focus, with the four parameters spoken about earlier, was creating something with accountability and looking at it as the ultimate measure which, in public education, should always be student achievement.

We looked at how other states approached their governance structure and tried to say what can we learn from other states. If you refer to figure 2 ([Exhibit C](#)), on page 31, you will see we have outlined how other states do their governance structure. It is very interesting in terms of the role that the governor plays in other states. Out of the 50 states and the District of Columbia, 40 states have some kind of structure that looks like the four models that you see on page 31.

Under Model I, the governor appoints the state board of education that then selects the state superintendent.

Model II has the state board of education being chosen through the electoral process, and then it chooses the state superintendent.

In Model III, the governor appoints a state board and the state superintendent is chosen by the electorate.

Model IV has the most involvement of the governor. The governor not only selects the state board but also selects the state superintendent.

Nevada currently falls under Model II, which is where the electorate votes for the State Board and then the State Board selects the state Superintendent.

What we felt, in terms of our conversations on the task force, was that our governance model has the least involvement by the Governor; therefore, any reforms that the Governor may want to champion do not necessarily funnel through the state superintendent. Any reform the state superintendent wishes to start does not necessarily funnel through with the partnership and collaboration of the Governor. There is a disconnect between the chief executive office of the state and the chief executive officer for education. As we began to grapple with accountability, we started to say, in terms of our test, does it look like you can point to a single point of accountability? We started gravitating toward Model IV.

However, remember the second filter for us was increased student achievement. If you look at figures 3 through 7, on pages 33 through 37, we looked at a number of different measures. Measures that we had put in our Race to the Top application were also important in a particular survey that many of you have seen called "Quality Counts 2011." Many different measures were used to gauge the success of the 50 states and the District of Columbia, and we felt they were very worthy measures to take a look at.

If you turn to page 36 ([Exhibit C](#)), figure 6, you see Model IV, which is where the governor selects the state board of education and the state superintendent of schools. On all of the important measures for student achievement, all of the states that are part of Model IV outperform the other states.

In terms of what we were ultimately going to put forth, it would best reside in some kind of model that encapsulated Model IV, where the governor would select the state superintendent and the governor would have some say in the state board of education. That will take us to our actual proposal which you will find on page 39, figure 8. Dr. Derby will tell you more about that.

Jill Derby, Educational and Governance Consultant, Association of Governing Boards of Colleges and Universities:

When we were going through our process in November, the election was going on and the candidates for Governor were talking so much about education, advancing education, and education reform. We looked at the chart and knew that the Governor's role in education was not really the single point of accountability. Of all of those design principles that we found, the most compelling was the idea that there needs to be a single point of accountability in the system. The research we did, looking across the country at the different models, confirmed that. As a result, we said the Governor should be that single

point of accountability. As a result of that, the Governor should appoint the state Superintendent. Not only should the Governor appoint the state Superintendent but that Superintendent should serve on the Governor's cabinet so there would be a very close partnership there.

The appointive process would take place by the Board of Education forwarding three nominees to the Governor from which the Governor would make a selection.

As Chair Bobzien pointed out earlier, we are recommending a nine-person task force; we are recommending that there be three-year terms, so there would be a turnover process every three years.

On page 40 ([Exhibit C](#)), the process by which those board members would be appointed and selected would be as follows:

- The Majority Leader of the Senate would forward three names from which the Governor would select one.
- The Speaker of the Assembly would forward three names from which the Governor would select one.
- The Governor would appoint one from his own list of nominees that he would choose.

This would happen every year, so turnover would happen.

In terms of how we transition from where we are, it is very important that the ten members that are currently elected would serve out their terms and there would be a transition to this process. Ultimately, the point is that the Governor would be the final point of authority. The state Superintendent, who would be appointed by the Governor, would report to the Governor and serve on the Governor's cabinet. The State Board of Education would be appointed by both the Legislature and the Governor. That follows our principles of the clear line of authority and the single point of authority that we think is critical. In fact, our data supports it in terms of looking across the country to see what model correlates most powerfully with student achievement.

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

Often I am here representing the Clark County School District, but today I am here as a member of the Education Reform Blue Ribbon Task Force.

Dr. Derby did a great job of outlining the structure that we represent, but she failed to mention the chart on page 28 ([Exhibit C](#)) that the rest of us have

mentioned. I call it the messy chart. The next question you have to ask is with this new structure that Dr. Derby has described—the State Board and the Superintendent would work closely with the Governor—what does that do with all of these bodies? That is what I am going to discuss with you today, what our recommendation would be.

I want you to know that every single box on this chart was created for a reason. There was a function and something important that was given to each group for it to do. Many times, they were created as different commissions or groups or committees because someone lacked faith in another person who might have been tasked. The alignment takes place in that you have a Governor who is recognized as the educational leader, and through the process that Dr. Derby has described, you have a Board and a Superintendent who all share the same vision and work together to improve student achievement. Perhaps all these boxes where you had other people fill in the blanks were due to a lack of unity, or an unnecessary vision. It is not to say that any of the functions are not important—because we truly believe all of them had important functions and responsibilities—but the alignment should be that they all work together with the same group.

The recommendation is made that the Advisory Council on Parental Involvement, the Commission on Educational Excellence, the Commission on Education Technology, the Commission on Professional Standards in Education, the Council to Establish Academic Standards for Public Schools, and the Regional Professional Development Programs all fall under the purview of the State Board of Education. That would streamline this very messy box considerably.

There were two exceptions from that recommendation and one is the P-16 Advisory Council. It could become a P-20 or something else, but it was felt that the P-16 Advisory Council needed to remain independent and report directly to the Governor and the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape). We feel LeBeape needs to remain separate also. A corollary recommendation would be that we would eventually examine LeBeape and its function to determine whether or not it needed to remain in place.

Those are the recommendations that we would make regarding all of those organizations.

Punman Mathur:

Hopefully, we have expressed to you how we came to where we are, the basis and the logic of our thinking. Page 39 ([Exhibit C](#)) is the pictorial representation

of what we suggest to you. There was a lot of discussion about how the appointment process should work; if you let the Governor be the CEO, could that person make all of the appointments? We thought that ran counter to simple, clear, and transparent. Also, it may not functionally align because it could get too heavy in one direction.

We think what we are presenting to you has double-checks and natural balances in it, so we can keep all of the key leadership bodies fully engaged, and yet, still stay true to having someplace in Nevada where the buck stops.

Vice Chair Dondero Loop:

Are there any questions from the Committee?

Assemblywoman Neal:

You said the Governor will be the final authority in situations, so how will you deal with disputes when ideology does not fit what is best for education? For instance, a particular political ideology may be governing, so what then do you do to dispute the process?

Jill Derby:

What is particularly compelling and strong about this is the fact that a Governor running for office, who champions education, education reform, and advancement, can be held accountable for that in a way that is not the case now because the accountability is spread over different offices. That is part of what makes this system work powerfully.

Punman Mathur:

The Governor is one of the few offices for which every Nevadan can vote. If there are disputes, if there is disagreement with philosophy, or differences in ideology, then every citizen has an ultimate ability not to reelect that person.

Heath Morrison:

This was a topic we talked about a lot and we all believe that trying to improve education is not about an ideology or political party; it is about doing what is right for children. More important than ideology, it should be about results. It is incredibly important to put forward a structure where there is accountability. Because the people of Nevada get to choose their Governor, if they believe the Governor puts forth a strong plan, selects a strong person to lead education endeavors, and it results in success for all children, then it is going to be recognized and celebrated on many different levels. If the Governor fails to deliver that or to select a person who moves education forward substantively for all children, then again, ultimately, the voters of Nevada will have the say

about the ideology, the political ramifications, but most importantly, the results for all children.

Joyce Haldeman:

As we struggled with that very question—how do you make sure that everything does not go in a particular direction, that there is some balance to it—that was the reason we recommended that the Speaker of the Assembly and the Senate Majority Leader compile a list of nominees. If this structure were in place right now, with the nine-body board, every year with three of the people transitioning out and three transitioning in, one-third would have been appointed by the Governor, one-third from recommendations made by the Speaker of the Assembly, and one-third from recommendations made by the Senate Majority Leader. You look at the people who are currently in those offices in those positions and you can see that they would have presented a diverse background of people who would be considered. We felt that would add that balance.

Jill Derby:

Part of recommendation is the composition of the board be five/four in terms of political parties. That is in order to bring that balance. You will see that in the recommendations.

Assemblyman Hansen:

In section 4, subsection 4, paragraph (a), when you are talking about the members appointed to represent the diversity, it says, "and persons who are actively involved in their communities and who have children or grandchildren enrolled in public schools . . ."Did we intentionally exclude anybody who might have children in parochial schools or private schools?

Punam Mathur:

The answer is yes.

Assemblyman Hansen:

Why?

Punam Mathur:

We had a lot of discussion regarding that, but we included charter schools, right?

Assemblyman Hansen:

Charter schools are public already. I am wondering why someone like me, who has children in parochial schools, would not be considered as a candidate to serve on a board that deals with the educational curriculum for the students in Nevada?

Punam Mathur:

That was one of the strong positions or observations made by members of the committee. At the end of the day, the consensus was to involve people and if you were going to involve people, then who would be the first on the list to involve? Those that have children in school.

Assemblyman Hansen:

I agree with children in school, but what I am asking is: are all the parents who have children in parochial or private schools going to be excluded from a board that deals with school curriculum for everybody in the state? Am I incorrect in that?

Punman Mathur:

We did not mean to exclude everybody, but you are reading it accurately.

Assemblyman Hansen:

We are talking about the need to represent the diversity of the state, so obviously some level of diversity is being left out.

Punman Mathur:

Again, as I recall that exact conversation, there was a very strong belief that we should make sure that every kind of school setting was represented. In the final analysis, the recommendation is to have just one person. It is important that that one person represent public schools.

Vice Chair Dondero Loop:

Are there additional questions from the committee? [There were none.] We will go to Mr. Cross on the phone. [He had lost connection due to technical difficulties.]

Heath Morrison:

I believe that the wording would be considered, but not excluded. There would be an opportunity to have individuals you were asking about be considered. It does not say excluded, but would be strongly considered.

Vice Chair Dondero Loop:

We will wait for Mr. Cross to be reconnected. We have some people in support of A.B. 548 that would like to speak.

Ray Bacon, Executive Director, Nevada Manufacturers Association:

I was on the subcommittee that worked on this, and one of the critical things from our standpoint was to make sure we did not infringe on any elected official. That is the reason we put the transition in this, so people would phase

out as their term ended. That would mean the first time this is fully in place would be right after the new Governor takes office on January 1, 2015. It would be a little messy going through the first transition phase, but it makes sense that no elected official is infringed upon.

Hawaii has just gone through this transition; the state of Washington went through this transition a week ago where it decided to name the governor the CEO of its school district because it is trying to get to that single point of focus.

What we are doing is keeping with the trends around the country—to focus—and clearly we need some help. That summarizes my only comments other than what my colleagues have already added.

Vice Chair Dondero Loop:

Are there questions for Mr. Bacon?

Daryl Drake, Private Citizen, Washoe County, Nevada:

I am speaking on behalf of myself, although I am affiliated with a group of businessmen and women in Reno, called the Council for Excellence in Education. We have been watching the work of the Education Reform Blue Ribbon Task Force, and I think our whole Council is astounded by the diversity of capabilities and experience and skills that this group has brought together. What is gratifying to me is their commission ended at the end of this last year, and yet many of the members are passionate enough and committed enough to appear before this Legislature to make sure that the provisions were included in this final report, *Nevada's Promise* ([Exhibit C](#)), are included.

The impression I would like to leave with your Committee today, is that I honestly believe that with all of the reforms, we are witnessing the positive transformation of education in the State of Nevada. The reforms have been coming at you quickly and furiously; there is a lot of contentiousness in many of these provisions, and it takes a lot of thought, and it would be easy to say that each one of these reforms is a small step and ultimately they will make a big difference. Believe me, that is not the case here. Each one of these reforms, whether it is this governance bill or some of the other bills before you today, are large steps. Collectively they are going to make a huge difference to the State of Nevada.

Although I am speaking for myself, I do know that the Council for Excellence in Education in Washoe County is very supportive of this bill and the many other reforms that are included in *Nevada's Promise*.

Tray Abney, representing Reno Sparks Chamber of Commerce:

I would like to thank the Chair of this Committee for bringing forth and introducing this bill, and I would like to thank the previous speaker, Mr. Drake, who is a former board member of the Reno Sparks Chamber of Commerce and, as he mentioned, is really one of the guiding leaders in the Council for Excellence in Education in Washoe County. The Chamber is very involved in that organization. Most of my meetings prior to the session, during the interim, had to do with education. The Chamber is very interested, engaged, and involved with our school district and we appreciate Superintendent Morrison as well.

The accountability piece is key. It is a huge step and some of the other reforms that we have been talking about here will be easier to do once you take care of the governance piece. The governance piece helps the rest of the reforms and bills we have been talking about. I support this and the Chamber supports the other bills we will hear today.

Vice Chair Dondero Loop:

Are there any questions for Mr. Abney? Is there anyone else in Carson City in support?

Chris Cross, Ph.D., Partner, Cross & Joftus, LLC:

I heard Ray Bacon mention that it was actually Oregon that voted the other day to have the governor as the chief state school officer in the state Senate. The State of Washington is trying to create a board through the governor's advocacy that would cover both higher education and K-12. We, in the Task Force, approached that because the higher education board in Nevada is in the *Nevada Constitution*. That seems to be a hurdle that cannot be overcome at this point.

I also wanted to point out that there are states that have no boards at all: Minnesota and Wisconsin. New Mexico and the District of Columbia have advisory boards only. We are seeing a definite trend towards having a governor have much more accountability. In fact, governors currently appoint state boards in 33 states. They are only elected in eight states because Hawaii moved from elected to appointed. Then you have various other, one-off models.

Making this change, as the previous speaker said, is an incredibly important point in terms of holding whoever is in the Governor's chair accountable and responsible for improving the conditions for children in the State of Nevada. One cannot say enough about how important that is, and how much authority it gives the voters to hold that person accountable.

Vice Chair Dondero Loop:

Are there any questions for Mr. Cross? Mr. Cross, could you tell us, when they have an advisory board, is that still with terms? Like the Blue Ribbon Panel, does it come up with and put forth ideas? How does that work?

Chris Cross:

I am not familiar with the details in each case. I think it is something which is at the behest of whoever the chief executive is in that particular jurisdiction. As I said, there are only two states that have that model. I could certainly find that out, but I am not sure of the exact detail.

Dale A.R. Erquiaga, Senior Advisor, Office of the Governor:

The Governor supports this bill. He discussed this governing strategy in his State of the State address, and we are happy to have this measure brought forward, and we appreciate the Chair and the Education Reform Blue Ribbon Task Force work.

Vice Chair Dondero Loop:

Are there any questions? [There were none.] Are there additional people here in Carson City in support?

Gail Krolick, Private Citizen, Incline Village, Nevada:

I am here wearing two hats today. The first is I represent Catamount Fund, which is based in Reno.

One of our areas of focus is education reform. We are in full support of A.B. 548 as we believe this bill brings a proposal to simplify our state education's system, and most importantly, there is accountability to someone.

As a parent of two school-aged children, ages 10 and 8, both who attend a public school in Incline Village, just as I expect accountability from my two children, I expect accountability from our state's education system. I expect my children to be respectful, to bring accountability with their schoolwork, with grades of A and B—a C is unacceptable in our household—and they are to do their best each and every day.

I speak on my behalf as a parent as well as on the behalf of many other parents; they are also in full support of this bill. Again, it is accountability. We need to have accountability in our state.

Vice Chair Dondero Loop:

We will go to Las Vegas at this time.

Zhan Okuda-Lim, Outgoing Student Representative, State Board of Education and State Board for Career and Technical Education:

I serve as a State Officer for the Nevada Association of Student Councils, (NASC), and it is my honor to appear before the Committee this afternoon on behalf of NASC regarding Assembly Bill 548 and the proposed statutes concerning having a nonvoting student member on the Nevada State Board of Education. I served as the student member on the Education Reform Blue Ribbon Task Force. [Spoke from prepared text ([Exhibit H](#)).]

Vice Chair Dondero Loop:

Thank you, Zhan. I am almost sad to know that June is coming and you will graduate. I do not know what we will do without you.

Would you be interested in submitting an amendment toward that?

Zhan Okuda-Lim:

I would be happy to do that as long as I have the information on the proper process by which to submit an amendment.

Hugh Anderson, Chairman, Government Affairs Committee, Las Vegas Chamber of Commerce:

I am here today to express the Chamber's support for A.B. 548. Our members believe that improving education is fundamental to the future success of our state in terms of job creation and economic development. Currently, Nevada's education governance structure is a myriad of boards and committees which is bureaucratic, cumbersome, and hinders our ability to improve the quality of education. If we are serious about improving education, we need to establish a system of accountability with ultimately one person who is accountable. We believe this bill will achieve this goal. This legislation is a positive step forward for improving the quality of education and increasing accountability.

We need to support the proposed revisions which will allow for the appointment of the Superintendent of Public Instruction by the Governor from a list of candidates submitted by the State Board and revise the structure of the State Board of Education as one in a series of steps that need to occur in order to streamline educational governments and to ensure greater accountability. Regarding accountability, the Chamber supports the revision that the Superintendent should be responsible for ensuring the duties and responsibilities of these commissions, councils, and programs.

I urge this Committee to support this bill by voting in the affirmative, and I appreciate your time this afternoon.

Vice Chair Dondero Loop:

Are there questions from the Committee? [There were none.] Is there anyone opposing A.B. 548 here in Carson City?

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

I do believe the governance structure of the State of Nevada needs to change. The councils, commissions, and boards that have been added over the last 15 years have become a nightmare to administer, but I did sign up in opposition, specifically to section 4—the changeover from the State Board of Education to an appointed board—and section 7, the appointment of the superintendent.

It may seem that I am here for personal reasons, because I could lose a position. That is not the case. The bill was kind enough in section 26 to extend the currently employed superintendent through his term, so I am speaking here on behalf of personal experience and what I truly believe is the best system, and that is the current system: a nonpartisan, elected board appointing the state superintendent.

K-12 education is always going to be political. There are legislators that want certain things, the governor wants certain things, everybody from the public to parents have their own idea of how to improve education, so by its very nature, it is political. I believe the current system provides good checks and balances between what the Governor wants in education as well as the legislators and what the public wants through the school districts and the elected State Board of Education.

I point out that if it is not going to be political, why do they need to add in section 4, subsection 4, paragraph (b) where it specifically identifies the maximum of five people from one political party? By that, anytime you make it more political, it sometimes loses the focus on the achievement which is what I thought I heard was the reason for all of this governance change: to increase student achievement.

For that reason, I can tell you I am the third-longest serving Superintendent in the country. The average length of a state superintendent of the 50 who I meet with regularly is 2.3 years. They tend to turn over quickly. If you have a new superintendent, then a new governor with a new appointment process, he usually gets replaced and there is no continuity. I do speak with all of them, and you could make a good argument for any one of the four models that were described.

I have testified the last seven sessions on at least one or more bills regarding whether the governance should be changed and how the appointment process should be conducted. I did support the legislature's actions this summer. Assembly Concurrent Resolution No. 2 of the 75th Session directed the Legislative Committee to conduct an interim study on K-12 governance. The Committee to Study the Governance and Oversight of the System of K-12 Public Education spent four or five meetings going over the governance structure and had a recommendation of an elected/appointed board combination that would still be in charge of appointing the Superintendent. We did support that bill, but it has not come forward yet.

Assemblyman Stewart:

How long have you been in office?

Keith Rheault:

I am going on my eighth year.

Assemblyman Stewart:

And your term ends when?

Keith Rheault:

My official term, even though it is in the bill as December 2013, actually expires in March of 2013.

Assemblyman Stewart:

I think you are doing a good job.

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

I am currently a tenured economics professor at Western Nevada College. I am also a licensed math teacher in the State of Nevada, and I teach part-time at an at-risk online school. I am not just a politician looking out for my office. I am really on the front line. For the highly at-risk students to whom I teach online math, I am in many ways their last chance. I am salvaging and saving as many of those students as I can. I am pretty proud of the record I have.

With great conviction, I am speaking about what I think educational reform means. I believe in elected Board members. Nevada has a history of believing in elected officials. Attempts to change constitutional requirements for the state Supreme Court officials and the Board of Regents have repeatedly failed. Nevada likes elected officials.

The people supporting change of the governance structure of the State Board of Education have noted that there are a number of appointed boards across the nation. There are more boards that are fully elected or partially elected by far. That is still the favorite mode. It creates a balance and we think it is still the best formula for successfully implementing reform where everybody believes they have buy in. That is important. Does the reform really have buy in?

The State Board of Education takes your laws and creates the *Nevada Administrative Code* (NAC). We are policymakers, but what we have not been given—and with whatever group is created, this is a problem you will have to deal with—we do not have the authority to enforce the NAC in many to most cases. That is given to the local school districts. That is the ultimate irony; people hold us responsible, and yet have not given us the authority to centrally organize attempts at reform.

You have all seen the notorious organizational chart, which actually, our Superintendent created. That was a chore on his part. It is a monster that has been created over a period of 20 years, and none of it ties back to the state central educational committee or whatever you chose to call it in the future.

The Board's recommendation is simple. We support the A.C.R. No. 2 of the 75th Session recommendations. Tie those committees back up and let us reevaluate which ones work and which ones do not. Currently, the P-16 Council, which for the past four years has been under the governance of the Office of the Governor, has frankly been a "nonstarter." Interestingly enough, under the Governor's Office, nothing has ever happened with that particular Council.

Many committees, like the standards committee, have been very successful. But the point is, tie them all back to the state board or public education commission—whatever you want to call it—and then let the new state board decide which committees are working and which ones really are not. Let it be responsible. Make that state board or central education committee at least a partially elected board, not totally appointed: one or two members from each congressional district, one from the Assembly, one from the Senate, and one member from the Governor.

Finally, we also support greater accountability for the Superintendent, although personally, we love Keith. He has been great. We would rather turn the model in reverse. We would rather see three names, people vetted from the Governor's Office and given to the state board for final selection, instead of the Governor choosing from a few names the board might give him. That actually gives the Governor a greater say in what happens, and then the board is

responsible for making the final decision on the three people the Governor likes. We would favor that as a model.

We believe in reform as much as anybody does. We think a mixture of appointments and elected officials serves the state and brings reform about in a better manner.

Vice Chair Dondero Loop:

Actually there are 33 states, as a point of clarification, that have an appointed state superintendent by the governor, and 8 have elected superintendents. Are there any questions for Mr. Cook? [There were none.]

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

The Nevada State Education Association (NSEA), specifically Lynn Warne, our president, was an active part of the *Nevada's Promise* task force. Everything you see in this book except the governance structure, we completely agree with. When we talk about reform, we talk about *Nevada's Promise* and we believe that what is in this book is good. However, unfortunately the only thing we do disagree with in *Nevada's Promise* is how the governance structure works. The NSEA did write an opposition letter. It was not included in the report; however, many months ago, we did put on paper what our stances were on this process. I would like the opportunity to read the letter for the record. [Read from [Exhibit I](#).]

On a final note, I would like to point out that the Commission on Professional Standards basically puts forward the license structure and what it takes to be an educator in this state. Moving that back under the State Board would be a huge disservice to the educators and to the students of our state. The licensure, specifically, has to be brought forward by practitioners—people who understand what the Common Core State Standards are, and everything that goes into what it takes to be licensed in the state. Instead of moving that underneath the state board—rather than how it is now, under a commission with practitioners, educators, people who know the business of what it takes to license an educator—we feel the Professional Standards Commission should be kept as it is.

Vice Chair Dondero Loop:

Are there questions for Mr. Stevens?

**Mark Coleman, Deputy Director, Clark County Association of School
Administrators and Professional-Technical Employees:**

Our association opposes this bill. It is hard to argue, on one hand, when you are trying to create accountability, the logic and commonsense that has been used to come up with the bill that puts one person in charge. It makes some sense to make it the Governor. But, when you have one entity making all the decisions and picking all the people, our concern is that is too much power in one person's hands.

We actually feel, with some tweaking, the current system could work quite effectively. If you are going to get away from that and go to an appointed Board, our suggestion would be to move in a direction where the Senate assigns three people—not a list—the Assembly picks three people, and the Governor picks three people, and let that nine-member Board identify the individual who will be the Superintendent. That is more for the sake of consistency.

Anyone in this room who is a parent with a child in school or is a teacher and has had a rotation of principals in their school knows one of the problems with consistent turnover is that it brings a new philosophy and new approach; previous initiatives are cut short, and things do not get done. While there is a desire to have one person be accountable, and it sounds good, picture the governor who comes into a state where things have not been going well and education is not what you want. The governor is two years into his term and begins running for his second term in office. How are you really going to hold someone accountable for what has occurred who has only been in office two years? When you vote him in for the second session, by the time you figure out that he did not get it right, you have eight years committed.

The bottom line is that you are not going to be able to hold somebody accountable in two years. If you want consistency, your best bet is to allow someone to be in that position over a period of time, and by a nine-member Board that is not selected by one person.

Assemblyman Stewart:

Mr. Coleman, would you be adverse to the three members selected by the Assembly and three by the Senate having the minority party involved in those selections?

Mark Coleman:

We have not gone far enough to look in that direction. Whether it is the minority or the majority or just the Senate itself, three from the Senate, three from the Assembly, and three from the Governor creates a balance. We have enough politics in education, as it is, that helps create some of the problems

today. If you really want to get to the core of solving the problem, if there is more of a balance and no one entity is in charge, there is a better chance you will be able to work through those problems.

Assemblyman Stewart:

That is what I am trying to create, a better balance, so do not forget the minority folks.

Vice Chair Dondero Loop:

At this point, it is unconstitutional for a speaker or a majority leader to make those appointments. The constitution would need to be changed.

Assemblyman Munford:

Where do you stand on elected state board members? Are you opposed to that? Do you think they should not be elected, that it would take away the opportunity for the people to have some input or voice?

Mark Coleman:

We understand why the bill exists. It is easy to look at it and say the reason the current system is not working is because we have elected officials. We are not convinced that the current system does not just need tweaking. Keith Rheault did a great job of identifying, as did three of the previous speakers, that with all of the commissions, programs, and organizations that have been assigned to work alongside Dr. Rheault, it is really making it very difficult for him to do his job. Some of these peripherals need to be eliminated to allow the Superintendent to be held responsible for what decisions he is making. Let him be responsible, which is what you want to make the Governor, and then eliminate some of the things that are brought in by the legislative body.

Assemblywoman Neal:

What I think is good about an elected official on the State Board is that he has the capacity to come to the community and actually have a discussion and a conversation with the constituents who voted him in. You can call him; you can ask his opinion on what the Board has been doing. That is a process that needs to stay.

What do you mean when you talk about tweaking? The thing I have always thought missing was the power and authority which another speaker brought up. That was not available to the Board in order to make decisions. It seemed like the Board members' hands were tied on many levels.

Mark Coleman:

The person you need to ask is the person in that position, Dr. Rheault. You need to ask him specifically where he is being hampered.

As far as the elected officials, there is certainly something to be said for maintaining a balance, more importantly, to us, that there would be a balance. The balance could come from elected officials who are not as impacted by the legislative body and the politics that go along with that body, or from a balance of three people from each of the three entities—Senate, Assembly, or Governor's Office—but the key would be balance. Our biggest concern in this matter is that all nine people would be appointed by the Governor as well as the state Superintendent.

Now picture that you have three consecutive one-term Governors or even two one-term Governors; that is always a possibility. You lack the consistency and leadership that you need and the accountability you are looking for. If you want accountability, you have each of those three entities, however it is determined, and that Board, like the local school board, would pick the Superintendent. If the Board is not happy with the Superintendent, the Superintendent is out. Then make sure the Superintendent has the power and the authority to be held responsible so he can then take whatever action he feels necessary to maintain or lose his job. He is then in control of his own destiny.

Vice Chair Dondero Loop:

Are there additional questions? [There were none.] I am going to have Ms. Martini clarify that piece of the *Constitution*. I believe that there is nothing in the *Constitution* that clearly designates the selection, which means it would have to be changed or added.

Mindy Martini, Committee Policy Analyst:

I have asked for clarification from the Legal Division. Staff will get back to members.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I am an elected official. My boss is the people of this state. We the people are not the boss if we have an appointed State Board. The State Board should be a diverse group of people that will come together and make decisions on education in the state. There has to be some accountability. I keep hearing the accountability—it should be the Governor. If that is true, then I, as a regular citizen, do not have accessibility to the Governor. Thanks to Dr. Rheault, however, I have had accessibility to him and to the State Board for various issues over the years. They have been accessible, and there to help. Am I supposed to run to the Governor every time I have an issue and I want to

discuss it? Having a State Board that is elected is a much better idea. I am not in favor of appointment because who are they accountable to? Not me, certainly.

Some of the power of the people is being taken away if we are not able to vote for the people who are doing all the work for schools in our state. Our power is being taken away, and the way the people are starting to feel is we are being told to "Sit down, shut up, and give me your money." We are getting tired of that.

Vice Chair Dondero Loop:

Are there questions from the Committee? [There were none.] Is there anyone in opposition from Las Vegas?

Alison Turner, President, Nevada Parent Teacher Association:

Nevada Parent Teacher Association (PTA) strongly supports reforms to improve the quality of educational outcomes for students; accountability for those outcomes; and streamlining the duties and reporting relationships of various boards, commissions, and committees.

However, we cannot support A.B. 548. We have particular concerns over section 4 of this bill. Nevada PTA delegates to support an elected State Board of Education specifically grounded in the understanding that education is fundamental to our society and should remain outside partisan influences.

Reform of the Board of Education's role, responsibility, and authority could also provide a path to substantial reforms leading to the same outcomes. A single point of accountability clearly makes sense. Reform of the state Superintendent's role, responsibility, and authority could address this need. Streamlining the duties and reporting relationships of the many boards, committees, and commissions makes good sense as well.

I will note for background, that I also served as a member of the Education Reform Blue Ribbon Task Force. We had an opportunity to discuss some of these issues, but not at any great length. I will also note that I am one of those who serves on some of these boards, committees, and commissions and I am very much in support of streamlining both the responsibilities, and especially their reporting relationships.

Finally, Nevada PTA urges the Committee to consider reform without politicization.

Stavan Corbett, District No. 5 Representative, State Board of Education and State Board for Career and Technical Education:

I want to reiterate what my peers, as well as other community members, have shared this evening on this great bill. I definitely want to give acknowledgement to the hard work and the 20 hours these professionals, who have passion and care about the community, came together to talk about what they believe would be best for our community. I can say this as a person who was engaged in the electorate process, went to hundreds of doors, ran for election and have had the opportunity to have hundreds of conversations with individuals—not only while canvassing—but also now as I continue to have meetings with the community in recreation centers, schools, and even homes. In representing those individuals who had the opportunity to vote, I share their concerns based on this bill that their voice would be taken away and they would no longer have the opportunity to vote for individuals who would be able to represent them and to be able to have access to those representatives. They would not be able to engage individuals to talk about what is most important to them. Individuals in the community are just as concerned about student achievement.

As a former educator myself, I recognize that a lot of that achievement was accomplished because of being in the classroom and having the support of the leadership throughout the schools.

Vice Chair Dondero Loop:

Are there any questions from the Committee? [There were none.]

Annie Yvette Wilson, District No. 2 Representative, State Board of Education and State Board for Career and Technical Education:

I listened to testimony today from the Education Reform Blue Ribbon Task Force and others, but what was left out today was the people. What about the people?

I talked to the people in my community, my constituents, and they like the way the system is currently. They want to be able to vote to put those they want in office.

As a former substitute teacher, I also talked to different teachers. They also like to vote for who they want in office. This makes me accountable to my district. They know they can come to me anytime. That is important. We are not going to be able to go to the Governor anytime. Here in Las Vegas, the people can come to me anytime and they know that. That is important to them. They want to be able to hold someone accountable. Representing my district, I am accountable to my constituents and they know that. They come to talk to

me all the time, email me, or call me on the phone. I have even given them my personal cell number.

I am here to help all children. The parents were left out. I am one of the parents. I help children in the Clark County School District. I was born and raised in Las Vegas, Nevada and went to school here, then went on to the University of Nevada, Las Vegas. I have seen the changes in our school system, but again, I am accountable to the people in my district. We should keep the system the way it is. It is important to put into office who we want. Once you begin eliminating one position, you start eliminating other political positions.

Vice Chair Dondero Loop:

Are there any questions from the Committee? [There were none.]

Assemblyman Anderson:

Why have our Board members not contacted us about this vote? We are all someone's constituent, and we have not been individually contacted by the Board members since we have been talking about this.

We certainly all understand about getting elected and we have all knocked on doors too, but yet we have not had anyone contact us from our own districts.

Annie Wilson:

I did email my representative, which is Vice Chair Dondero Loop, about two weeks ago to discuss this.

Vice Chair Dondero Loop:

Could you please resend that email? I do not believe I received it, and I would really appreciate it.

Annie Wilson:

I will. I get emails from you all of the time.

Vice Chair Dondero Loop:

Back up to Carson City, is there any opposition?

Janine Hansen, State President, Nevada Eagle Forum:

We do support educational reform. We are very concerned because we have children and grandchildren in the schools so that is an ongoing concern for us. I might mention that some years ago, my brother, David, was on the State Board of Education for about eight years. He also served as the president of the State Board. I spoke to him this weekend about this issue and asked what he

could tell me and how he felt. He felt, when he was on the State Board of Education, that there was a broad range of experience and diversity of people that brought a very personal view to the State Board and he supported it being elected.

Certainly, Nevada Eagle Forum has consistently supported the right of the people to vote and has participated in many of the proposals to change that opportunity recently, with regard to the judges and Board of Regents. Every year, since 1988, we have put out a Nevada Voter Guide in which one of the races we cover is the state and county school boards. We try to educate people as to what the individual candidates' positions might be.

I think there are many things that need to be done to reform education. There are probably a lot of divergent ideas about how to do that, but I do not think it is always a good idea to take people out of the equation. It then becomes one of patronage, and who will be in charge. It is better to take your chances with the people just like we do when we elect you.

We oppose this bill.

Vice Chair Dondero Loop:

Are there questions from the Committee? [There were none.] If no one else is in opposition, we will go to neutral.

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

We are neutral on the bill as a whole; however, school board members have adopted a position in opposition to the Superintendent of Public Instruction being appointed by the Governor. School boards believe that this would politicize the position and would lead to a lack of continuity. We believe that Dr. Rheault has demonstrated, in many ways, a broad understanding of education in the state, around the state, and has the historical perspective that has benefited each of our school districts in numerous ways.

Our board members have voiced their views that Dr. Rheault as a superintendent who is appointed by the State Board of Education, regardless of how the State Board happens to be configured, is an individual who has accountability to that specific group in a nonpoliticized way. That person is then able to see many pieces of public education in our state without viewing those pieces through a prism, if appointed by the Governor.

Vice Chair Dondero Loop:

Are there questions from the Committee? [There were none.] Is there anyone in Las Vegas that is neutral?

Stavan Corbett:

I would like to go back to Assemblyman Anderson's question. I want to share that I was at the Legislature a couple of weeks ago and I attempted to meet with several individuals, as well as having left information on the Board's position on this issue. This exact bill came up quickly, so I can share with you that there are multiple testimonies and/or letters and emails from constituents within my district specifically on this issue.

Vice Chair Dondero Loop:

As there are no additional comments or questions from either location, I will close the hearing on A.B. 548.

[Assemblyman Bobzien reassumed the Chair.]

Chair Bobzien:

We will open the hearing on Assembly Bill 554.

Assembly Bill 554: Revises provisions governing education. (BDR 34-953)

I want to express my gratitude for the patience on the part of the Office of the Governor today. I do recognize that the Governor had hoped to speak here this afternoon, so we hope to have him here another time. Thank you for the flexibility.

[Chair Bobzien left the room. Assemblywoman Dondero Loop assumed the Chair.]

Dale A.R. Erquiaga, Senior Advisor, Office of the Governor:

Thank you for those comments, Mr. Chairman. The Governor had intended to join us today, but certainly we understand the difficult time schedule the Legislature faces this week as in most weeks.

You have in front of you A.B. 554 which is presented by the Governor's Office. I will present a PowerPoint presentation as I speak ([Exhibit J](#)). I will give you an overview of the contents, as well as the genesis of the bill. The bill proposes three changes to Nevada law:

- To create a letter-grading system for public schools, including charter schools, as well as school districts to create a report card for parent information.
- To provide a requirement that school districts adopt a policy related to open enrollment within their districts.

- To end social promotion and to require that a third grader who is not proficient in reading not be advanced to the fourth grade. It is not a ban on all promotion at all grade levels; it focuses solely on third grade and proficiency in reading.

First, I will address the first category of letter-grading accountability. This system was first piloted in the State of Florida by former Governor Jeb Bush. You have a letter from former Governor Bush ([Exhibit K](#)) strongly advocating the letter-grading system. He has been very helpful to Governor Sandoval during the campaign, during the transition into office, and during the 100 days he has been here. Former Governor Bush has a foundation called the Foundation for Excellence in Education, and it has provided a good deal of information to us on the draft language for this bill.

Here is how the letter accountability provisions of this measure work. Sections 1 through 5 of this measure establish the letter grades. It is just like the grades students get—A through F. It requires the state Department of Education to, essentially, establish an index that provides for how that grade is derived. The index point system works in two ways. For elementary and middle schools, the point system takes into account student proficiency for 50 percent of the grade and student growth.

Most of you have heard the great debate that has gone on in recent years about the inefficiencies and inaccuracies of the No Child Left Behind (NCLB) Act of 2001 system relying solely on proficiency—a snapshot in time. This system relies on growth data as well. In elementary and middle schools, the point system will take into account both of those factors.

In a high school, the board would adopt regulations to provide a point system that takes into account student proficiency, student growth, high school graduation, and other factors as enumerated in the bill.

When Florida adopted its letter-grading system in the beginning, they did not provide those additional measures in high school. They have found, over time, that those are important factors and factors that parents follow very closely. They have changed their formula, so we have used their more current language in preparing for this bill.

The question now is, what do you do with this information? The bill provides that a report card for each school and, as a whole, an aggregate for the district be provided. It is provided for a couple of reasons. First and foremost, in the way this bill is presented, it is provided as information for parents. Parents need information about schools. Most of us understand that the NCLB system is

complicated—the scoring and the labels that are derived from that system do not always deliver a lot of information to parents. This system is designed to be simpler and easier to understand. What the bill also allows is for the state board to provide a system for recognizing schools that are achieving and getting good grades, and it will make the allowance to statute for the provision for incentives for remediation dollars. The Governor recognizes that in this time, you are faced with very difficult budget decisions and so this bill does not contain triggers or incentives or remediation dollars. It is our hope that if we begin using a tool like this, parents begin to understand the new letter-grading system and that in future sessions of the Legislature you would have the authority then to provide additional dollars to help schools that are clearly failing, or to reward schools that, for example, get an A grade for a couple of years in a row. That is the way other states do it.

Benefits of a system like this are transparent and easily understood. Grades are based on both proficiency and growth which seems to be where the literature is headed, and there is evidence in the literature that stronger accountability accelerates student progress. Teachers, principals, parents, and educators of all levels outside the school pay more attention if they are being held accountable in a very clear way. Students know; parents know. If a parent is not happy with the school, he has this data and he can, as they say in some businesses, vote with his feet, which is why the second provision in this bill is about open enrollment.

Where is letter grading currently being used? Florida started this. Arizona has adopted the model, as has Indiana and Louisiana, the New York City School District, Utah, and New Mexico. All have been assisted by the Foundation for Excellence in Education. Most use the same model language that we have presented to you today. So we begin to see that this is an increasing movement around the country. Former Governor Bush spends a great deal of time traveling around the country helping people like us present this information.

The next component of this bill is fairly simple. It is found in section 9. It is really a requirement that the school districts adopt a policy of open enrollment rather than lock you into hard zones. I believe the Clark County School District is moving in this direction if it has not adopted the policy already. I know they have discussed it. Most of our districts are so geographically large that open enrollment does not mean the same as it does in other areas. In our more urban districts it is certainly important. Also, it allows families to understand the intention. It is not that we expect thousands of families to be moving around from school to school, but it signals to families that they are in charge of their child's education and not the school district which tells them where to go and what time to show up.

The last portion of this bill deals with social promotion. It is a buzzword in the industry. Today, you hear a lot of candidates for office, including my boss the Governor, talk about it. You hear a lot of parents talk about it. There is usually frustration associated with somebody who is discussing social promotion. It is a general label meaning a child is going to be passed to the next grade because it is easier for the child not to bear the social stigma, or there will be less resistance if the child is promoted. Unfortunately, at the third-grade level, which is the area on which we have chosen to focus this legislation, social promotion causes critical failure later in the system. If a child has not learned to read by third grade, studies show he is going to fail, he is going to drop out, and he will not graduate later in life.

Nevada has increased its National Assessment of Educational Proficiency (NAEP) reading scores, but our reading scores are still not where they should be. Less than half of our students in the fourth grade are proficient at reading. The theory behind this bill is that we should cut that off at third grade, keep them there and provide them with additional interventions and also provide additional information to their parents.

The folks who have worked with this legislation, which is also used in other states and piloted in Florida, understand that it does not just begin in the third grade. You have to, again, begin to signal to families in kindergarten, first, and second grade that a child is in trouble.

What this bill provides is an effective date of July 1, 2012, a year before ending social promotion in third-grade classrooms in our schools. There are "good cause" exemptions. What you do not want, the educators tell me—in full disclosure Madam Vice Chair and Committee, I am not an educator—is you do not want a proliferation of multigrade classrooms where you have children that are simply too old to still be in the third grade. The bill provides a means as a stopgap for those children to not be held back. The bill also allows certain allowances for "good cause" demonstrated for English language learners. If they are not proficient in English, they cannot be expected to be proficient in reading. Of course for students on an Individual Education Plan (IEP) or a special education student, they would not be held back if they are not able to take the proficiency test, or have other demonstrated needs.

The bill does make allowances for "good cause," and I would also like to point out that the bill is applicable in social promotion in charter schools. There is a belief in our Office that charter schools are a good thing. The Governor is a strong supporter, but he also thinks they should be held accountable in this same area. Reading is that critical, and we want to make sure that all our children are able to read by the time they leave the third grade.

I will not take up your time with the statistics about why we would propose to end social promotion. I have already indicated that the period between third and fourth grade is critical for learning later in a child's educational career, and I have indicated that our NAEP reading scores are not what they should be. While this bill is in no way a cure for all of those ills, we believe it does some very significant things by signaling that reading is important to the people in Nevada, and that we will design policies to ensure that children do not advance if they cannot read. We think that gives a good strong message to parents that they have a role to play here. You will see that this bill requires districts to provide additional information to parents knowing that the interventions cannot take place only in school.

Again, we think the signal behind an open enrollment policy goes along with this. If you are not satisfied with your school's grade or your child's performance in reading, the open enrollment policies are there.

Last, five states have also adopted to end social promotion in third grade. Other states have carried it to other levels, but the Foundation for Excellence in Education has been very helpful in working with us on the third grade specifically.

That is an overview of A.B. 554. If technology is with us, Dr. Matthew Ladner from the Foundation for Excellence in Education may be on the telephone, and he understands the systems and the data behind Florida's success.

Vice Chair Dondero Loop:

We are going to hold our questions for now.

Matthew Ladner, Ph.D., Director of Policy and Research, Foundation for Excellence in Education:

This is my first time testifying over the phone, and I hope you will be able to assist with my PowerPoint presentation ([Exhibit L](#)). Let us go to slide number 2 in the presentation which I think is very interesting and sums up our problems in K-12 education in this country in a nutshell.

This is data presented from an analysis of international testing data of the Program for International Student Assessment (PISA) which is conducted by the Organization for Economic Cooperation and Development (OECD). The United States Department of Education took the American data and actually did an analysis of subgroups, by income, race, and ethnicity. If you look at slide number 2 ([Exhibit L](#)), what you see are the reading scores for tenth graders in America compared to the international results. When this study came out a couple of months ago, a lot of the commentary you heard was about the

average scores for schools where less than 10 percent of the students are eligible for a free or reduced lunch. Basically these are the very wealthy schools, and those American students actually outscore the top countries involved in this study, South Korea and Finland. There were some headlines around the country that said not to worry; our rich kids are doing pretty well. That may be true and it would really be disturbing if it were not true, but we should not take too much comfort in that because we have not done the same analysis on foreign countries and we do not know how our wealthier students compare to the wealthier students in South Korea or Finland. In addition to that, the far more disturbing data to look at is down the scale in terms of income, how our lower-income children do, and also our average scores for both Hispanic and African Americans.

The lowest performing country in the study was Mexico. Mexico is a member of the OECD and its score was 425. The very disturbing thing we are seeing, once again, is evidence of the racial achievement gap as U.S. Hispanic and African American tenth graders—15 year olds—are both scoring closer to the average in the lowest performing OECD country, Mexico, than to being truly globally competitive with the South Koreans or the Finns. This is quite disturbing especially when you take into account the fact that Mexico spends about one quarter of what we do on our public school system.

That was the bad news. The good news, if you go forward to slide number 3 ([Exhibit L](#)), is there has been some remarkable progress in a state that has a very challenging demographic profile to its public schools, and that is the State of Florida. If you look at slide 3, this is going to show you data from the nation's NAEP report card from the year before the reforms were enacted, 1998, and the most recent NAEP scores from 2009. This is data from the fourth-grade reading test. Fourth-grade reading is extremely important because the neurological evidence on reading acquisition basically shows us that you have to learn how to read in the early grades or else it becomes increasingly difficult to ever pick it up. It is very similar to the neurological problem with me trying to learn Swedish or Danish at this point in my life. I might be able to do it, but I would always have a heavy accent.

What slide 3 shows is that back in 1998, only 53 percent of Florida's fourth graders were scoring at basic or better on fourth-grade reading. That is an extremely disturbing statistic, but you will notice that it has improved from 53 to 73 percent in 2009. It is also worth noting that this achievement at the lower end of the scale—kids going from below basic to basic—did not come at the expense of the kids at the higher end of the scale. There was also a very large improvement in the percentage of kids scoring proficient or better and a doubling of the percentage of kids scoring at the advanced level.

On slide 4 ([Exhibit L](#)), you can see a rather startling indication of what that level of progress will do for you. This is the same fourth-grade NAEP data from 2009 and rather than looking at achievement levels, this chart presents scale scores, basically the raw scores for only Hispanic students in Florida, and that score is 223; it is being compared to the statewide average for all students in these other 31 states. This is a fourth-grade reading test which is only given in English, and in 2009 you see that Florida's Hispanic students tied or outscored the statewide average for all students in fourth-grade reading in 31 different states.

The Committee may remember the late Senator Daniel Patrick Moynihan who used to have a little quip regarding the nation's report card data where he said, "Performance on the nation's report card was perfectly correlated with proximity to the Canadian border, and that if a state wished to improve their scores, they should simply move closer to Canada." I think that Mr. Moynihan would be quite pleased to see Hispanic students in 2009 tying the statewide average for all students in Minnesota, beating it in South Dakota, Wyoming, and Idaho; you can go down the list. I live in Arizona and I compared the results of Florida's Hispanics to our statewide average for all students in Arizona. It is a 13-point difference. Generally speaking, on this test, ten points is about the average amount of progress that a child makes in a year. If I gave the fourth-grade NAEP reading test to a group of fifth graders, I would expect them to score about ten points higher than a group of fourth graders. It is startling to see Florida's Hispanics outscoring the Arizona's statewide average by more than a grade level. The same is approximately true in Nevada.

Slide 6 ([Exhibit L](#)) shows two of the foundational reforms that Florida did to achieve these results and are the things we should focus on today. First, I will show you exactly how the assignment of school grades—A, B, C, D, or F—was done and why it got the results that it did; second, the curbing of social promotion is also very important.

Slide 8 ([Exhibit L](#)) talks about the history of school grading in Florida. In 1995, Florida began grading schools and they used the different labels to describe school performance. In 1998, the State of Florida switched to numbers. They graded schools 1, 2, 3, 4, or 5. The problem with that was that no one really knew whether a 1 was better than a 5. In 1999 they adopted the scale of A, B, C, D, E, or F. The reason this is important is because people intuitively grasp the scale from A to F. People know that an F is not good and an A is very good, and where a C lies. Most states, including my state of Arizona, are currently switching, but we are using these labels like Florida was using in 1998. Our labels include "performing," "highly performing," "excelling," and people do not understand the scale. In fact, you will see schools with banners

in front saying that a performing school, in Florida, would be described as a D. There is much conceptual clarity in Florida.

Slide 9 ([Exhibit L](#)) is the real genius of this system. This system of assigning grades based on the state standardized test, is called the Florida Comprehensive Assessment Test (FCAT) ([Exhibit M](#)). It is very finely balanced between overall proficiency, meaning percentage of children who pass the test, and student gain.

If you look across the top of slide 9, you will see the student proficiency part. What percentage of students is passing the test? The slide is student learning gain. Student learning gains are divided into two halves. Basically, half of your grade is going to come from proficiency, the next 25 percent of your grade as a school is going to come from the progress of all students. The clever part is the last part, which measures the student learning gains of those students who scored in the bottom 25 percent of the test last year.

If you are the school administrator in Florida, what you have figured out is that there is one group of students that count against all three categories. They count against overall proficiency, against overall progress, and then they have their own category for progress. These students do not have to pass the test, but they must make learning gains. The way the system works is if you do not get that bottom 25 percent, to progress, then your school is likely going to receive a C or even lower, depending on how the rest of the students do. This grading system really makes the bottom 25 percent the most important kids in the building. It is also the case that this is a very simple, elegant system when you compare it to NCLB which divides school students into many different subgroups. Some schools may have them count and some may not, depending on how many of those students are there. No matter what, every school has a bottom 25 percent of students and those are the ones that have to make progress.

Slide 10 shows what happened when they put the system in place. This was passed in 1999; it was initially extremely controversial. There was a large school of thought that said that it would be debilitating and stigmatizing to give schools Ds and Fs. They were already having trouble and a D or an F would serve as a scarlet letter, and these schools would not be able to recover from that experience. This chart shows that in the initial year, 1999, there are actually more D and F schools than there were A and B schools. As you see, those trends quickly reversed. The number of A and B schools went up very quickly, whereas the number of D and F schools went down precipitously. In fact, as you see in the most recent data from 2010, there are more than ten times the number of A and B schools as there are D and F schools.

The four arrows you see are the four different instances in which the State of Florida raised the standard in order to become an A or B school. It did not become easier; actually, it became more difficult over time. In addition to that, one thing you would obviously have to be concerned about is did they make the FCAT test easier? Is that how these results were achieved? Fortunately, the NAEP serves as a completely external audit on this system of data. We can see, over time, that the FCAT has maintained a consistent level of difficulty vis-à-vis the nation's report cards. The answer is no. These are actual real gains, and we see exactly the same trend in the state FCAT data that we see in the nation's report card; they are both going up.

Florida also put in rewards for success, financial rewards for success. Schools that either get an A or move up a letter grade receive an extra \$100 per pupil through the funding formula that went directly to the schools rather than to the districts and for which the school staff get to decide how it is spent. Sometimes the extra money is spent on things they would like to have for the school, sometimes a celebration, sometimes staff bonuses, but the point is, the schools earned the grade and the schools get to decide what to do with the money.

The next big reform I would like to discuss with you is the social promotion of students. As the speaker before me mentioned, and if you go to slide 13 ([Exhibit L](#)), there is a very critical period for literacy acquisition and that is the K-3 period. Your brain is basically wired to learn how to read in Grades K-3. We know what happens to students who do not learn how to read by the end of the third grade. Just today, I saw a new study by the Pew Charitable Trust which tracked, in crushing detail, the fact that students who do not learn to read by third grade are basically put into a pipeline which vastly increases the chances that they are not going to graduate from school. What typically happens is that a third grader who has not acquired basic literacy skills is promoted on. They become a third grader who is functionally illiterate, they become a fourth grader who is functionally illiterate, et cetera. If you could mentally put this child now in the eighth grade, he is still lacking basic literacy skills, he is now sitting with a science book in front of him, and he cannot read. These students may not be able to read, but they are not dumb. They know that they have been passed through the system. They are often described as bored, they often become disruptive, they do not envision themselves going to college, and they start to wonder what they are doing there. They begin to drop out of school in great numbers in the eighth grade.

Our high school dropout problem is not something that happens in high school; it starts at the very beginning. If you look at slide 13 ([Exhibit L](#)), there is an expression that educators use and it is absolutely true—in Grades K-3, kids are

learning how to read; after Grade three, kids are reading to learn. If you cannot read, you cannot learn.

The State of Florida decided to take drastic action to turn this around. What they did was use the reading portion of their state FCAT data, which has five different achievement levels. A low grade level is FCAT 1 or 2, grade-level achievement is FCAT 3, and above grade level—the highest level—is FCAT 5. What the social promotion law in Florida does is give students multiple opportunities and it is not one day, one test; it is multiple opportunities and multiple different tests. The bottom line is that Florida created a law that says by the end of third grade, you need to show us at least an FCAT 2 in reading. If you do not achieve that, the default will be that you will be held back in the third grade.

Slide 14 ([Exhibit L](#)) details "good cause" exemptions of this policy. The policy is not a one-size-fits-all; there are certain circumstances which allow students to be exempt. For instance, a student with a disability which is profound enough not to take the state test will not be held to this. No student can be held back more than twice. We cannot have students sitting in third grade shaving.

Slide 15 ([Exhibit L](#)) summarizes a complex statistical evaluation of the policy that was conducted by the Manhattan Institute. The Manhattan Institute did what was known as a regression discontinuity analysis of this data. The Manhattan Institute researchers examined student learning gains for three groups of students: first, the students who were retained under the policy; second, students who barely scored high enough not to be retained, literally a few points into FCAT 2; and third, students who scored low enough to be retained, but received one of the six exemptions. This is a research design that creates control groups that are very similar to each other across two different analyses of the state.

The Manhattan Institute found that retained students, after one year, made larger student reading learning gains than the other two groups of students. After two years, that gap was even larger. The retained students had made still greater gains, where the other two groups of students were actually declining against grade-level achievement. The statistical research shows that the retained students—these students were not put back into the same classroom where they did not learn to read in the first place, and to when additional efforts were brought to bear—actually gained literacy skills, they got to FCAT 2, and they had a fighting chance to move forward. That is a very important finding because, again, you can imagine there was a lot of resistance to this policy at first and a lot of people who described the policy as being cruel. What the

statistical research says is that if policy is cruel to anyone, it is actually cruel to students it is exempting, not the ones it is holding back.

Slide 16 ([Exhibit L](#)), however, is even more important than the question of progress of retained students. What is being shown is the progress of all students in third-grade reading. Third-grade reading is the point at which children either qualify or do not qualify for retention. What this chart shows is that the year before the policy began in 2001-2002, and you look at African American students in Florida, 41 percent of African American students scored at the retention level, the FCAT 1 reading level. That is catastrophic. But look at how much it improves over time. The most recent data, 41 percent of third graders scoring at FCAT 1, is all the way down to 26 percent. The next line down is the same trend for Hispanic students. Before the policy, 35 percent of Hispanic students were scoring at FCAT 1 for reading. The most recent data available gets down to 19 percent.

Finally, the bottom line shows for all students, before the policy, 27 percent of students in Florida were scoring FCAT 1 in reading. That is now down to 16 percent. On a percentage basis for all students, that is a 40.7 percent decline in the percentage scoring FCAT 1. For Hispanic students, it is a 45.7 percent decline, and for African American students it is a 36.6 percent decline in FCAT 1 in reading. This is remarkable progress and as the percentage of kids scoring at FCAT 1 has gone down, so too has the percentage of students actually being retained.

Something we commonly get asked about is how much did this cost? Where did they find the money to do this? Important to note is that this law was just adopted last year in Arizona; therefore in its implementation phase, there is a misconception that people have that this law must cost a lot of money and must be very burdensome to schools and require additional classroom space. If you think about it carefully, if you have 100 third graders and 25 of them were to be retained, what happens is that you have more third graders than you otherwise would have, but you have fewer fourth graders. The most common way for schools to adapt to this situation is to change the assignment of one or more fourth-grade teachers to a third-grade assignment. The reason you see those big declines is because there are earlier interventions and earlier testing going on. That takes money, but the most important point here is that Florida primarily made use of federal dollars that are available to all states. It was called the Reading First program at the time, and the interesting thing about that program was it was a federal program that started out with \$16 billion. We went out to the states to fund literacy improvement.

Two years ago, a research report from the Rand Corporation came out with a formal evaluation of the nationwide effectiveness of the Reading First program, and the conclusion of that overall national study was that it had not had an impact on student learning. The students were not learning to read better in the aggregate because of the program. That finding was there despite the very large progress made in Florida. Florida is the third largest state in the country and it made a very large amount of reading progress, but the national figures did not. Funding streams do exist. Florida not only made good use of the federal dollars, they also repurposed existing streams of funding, but they chose not to be effective at moving student achievement.

One of the big differences between Florida and the nation is the retention policy. This is a policy that really puts teeth into accountability; it also backstops educators who want to do the right thing. There are a lot of educators who know that retention would be the right thing to do for students, but they are often left in a position of trying to talk parents into it. The good thing about this policy is that it has the force of law backing those decisions by educators. It creates accountability, not just for schools, but also for parents and families.

It is important to note that there is a world of schooling that occurs outside the schools and society has a big impact; we also need more parental involvement. This policy could be seen as a parental involvement generator. Parents are told that they need to read to their child for 30 minutes a day. Now there is a strong nudge, at least in the State of Florida, for them to do that. If the student gets to the end of the third grade and has repeatedly been unable to demonstrate very basic reading skills, FCAT 2, they will be retained.

As schools have adopted earlier testing and earlier notification, parents are not taken by surprise by this policy. Schools will draw up family reading plans where the families can help with the literacy problems in the earlier grades. This is a policy that encourages and promotes parental involvement and focuses on those critical K-3 years. It has made a profound difference in the State of Florida and it is a policy that is done with existing resources.

Vice Chair Dondero Loop:

We are a policy and procedure Committee, so I will not ask about the fiscal note. Are there any questions from the Committee?

Assemblywoman Neal:

Regarding the FCAT graph, it appears that in 2005-2006 there was a dip. You had fewer students retained, and then it rose in 2006-2007. More

specifically Hispanic and African American students seem to be climbing back up. Can you address that?

Matthew Ladner:

In 2006-2007 there was a bump that I cannot explain. I do not know why that happened. I would note that after that bump, the trend for all three groups continued to climb which is the important thing.

Assemblyman Kirner:

I am looking at your presentation on slide 10 ([Exhibit L](#)), and it appears to me that the number of schools has jumped dramatically. Can you tell us why?

Matthew Ladner:

I think it is as simple as Florida having experienced a huge population growth in recent years. They have been building schools like mad, not unlike Nevada and Arizona.

Assemblywoman Flores:

With regard to page 4, subsection 7, line 26, earlier in the testimony you said that these funds were not intended to address any kind of remediation. Could you clarify how you anticipate this section of the bill working? It does say that the Legislature may consider the letter grade assigned to each school district pursuant to subsection 1. How do you see that consideration being made if not for the purpose of funding?

Dale Erquiaga:

The way this section would operate in future years, it would allow the Legislature to provide additional money. Except for the money appropriated for basic support, the Legislature may, in future years, consider the letter grade for additional funding. That is how we intend this section to operate, so we would not want you to say you have to use those finite resources that we have, unless, as they have done in Florida, the dollars were repurposed or became available. That is how this section is designed to operate so we are not taking away in future years.

Assemblywoman Mastroluca:

I have a question on open enrollment. Is there a point where a school is no longer required to take additional students?

Dale Erquiaga:

That would be up to the local districts. Our goal was to require the districts to adopt a policy and not to dictate the confines of that policy. So if a district

chose to say they cannot do that because of school size, it would have that latitude.

Assemblywoman Mastroluca:

On social promotion, can you anticipate the number of students who would not be qualified to move on to fourth grade?

Dale Erquiaga:

I cannot. As I was listening to the testimony, I thought that someone would ask me how many kids this would be in Nevada. I will be happy to work with the Department of Education to find that information referencing the earlier bill.

Assemblywoman Mastroluca:

I have concerns that we might be creating a bigger beast than we can feed.

Dale Erquiaga:

As Dr. Ladner indicated, in the first year in Florida, the numbers were staggering, and there were a lot of angry parents. The Governor has indicated that he has had that conversation with former Governor Bush. It is a surprise in its first year and that is why we think you need to push this out a ways. One year may be insufficient; you may choose to push this out further upon hearing from the districts. We do not want parents surprised. That early notification in K-1 and K-2 is critical.

Assemblywoman Mastroluca:

I see the pattern of the enabling legislation and not the requirements, but I also know that high schools in Clark County are getting away from offering remedial education within the school itself. They are trying to find other avenues for that due to budget, time, et cetera.

I have concerns about elementary schools that are an even tighter fit. Their classrooms are very well designed for a certain number of students and we are already at the point of pushing that. Now we are looking at adding a large number of children that are going to need remedial help and where are they going to go? On the high school level, many times that means a student going to summer school which is \$100 out of the pocket of a parent. I can see parents being very upset if we put them into a position where we are forcing them to pay for additional education for their child.

Dale Erquiaga:

We certainly would not want to have these programs be something parents had to pay for. That option might be provided, and I think the language is permissive. Certainly, the Governor and his Office share your concerns.

The short answer is where we do not want them to go, is on to fourth, fifth, and sixth grade. We want them to be helped and we want them to read. If we have to rethink the way the schools operate, then we think that ought to happen.

Assemblywoman Neal:

In section 10, you want to give strategies to the parent, but in the presentation Dr. Ladner discussed English language deficiencies which could be within the household. What is the plan since the focus is only on reading—which I find interesting—and not math? Also, what is the plan in order to help parents learn the strategies if they are not English proficient?

Dale Erquiaga:

The information here is broad enough that the districts would put in place those appropriate procedures, whether it is an English language learning family or an English speaking family. Some of the model language for this bill went into a much more detailed prescription of what the interventions are. We made a conscious decision not to prescribe that and to leave more of this decision making to the local districts. You are correct; this bill does not address this in great detail, but we believe the school districts and the school boards should adopt those policies. It is a philosophical position for us; there is a line, in our view, of how far this body should go into a detailed description of what the districts need to do. Wherever possible, we would like to set the standards and then allow the districts to adopt the policies and regulations. I apologize that this language is vague, but it is intentionally so to allow the districts to address the needs of their students.

Assemblywoman Neal:

I hear what you are saying, give the flexibility, but also with the growth model language that you have here, maybe you can clarify this. I thought the No. 1 reason it was not mandated is there is not enough money to do it. So although the data is being collected, it is not necessarily being shared to the full extent. With these new policies and the district being asked to do several things, where is this magic school bus full of money?

Dale Erquiaga:

Part of the delay in the implementation for this bill is as you have said—the growth model is not yet up and running. You will hear from the districts that some of our largest districts are already moving to growth models to create report cards different from this letter grading report card. One of the policy decisions that the state will need to make is how many report cards do we want and how do we want that data to be used? We are getting there in terms of

growth data; we are not there yet. It is, again, a reason for this body to make a policy consideration about the implementation timeline.

Next week there will be a serious conversation regarding data before this Committee as well as a whole-day workshop sponsored by the Governor's Office and other stakeholders. The short answer to your question is we are not there yet, but you are going to hear from the districts about other ways to use this data and they are further along than we thought they were. They have made great strides.

Vice Chair Dondero Loop:

We will go to those who support A.B. 554 in the south.

Andrea Woods, Vice-Chair, Education Committee, Las Vegas Branch, National Association for the Advancement of Colored People:

I want to go on record that we are for A.B. 554 [Submitted [Exhibit N.](#)]
Thank you.

Vice Chair Dondero Loop:

We are back in Carson City.

Janine Hansen, State President, Nevada Eagle Forum:

Eagle Forum has long been interested in educational reform; it has been an issue of national focus for us, particularly the issue of reading. Eagle Forum, in fact, has its own program where parents or grandparents or someone in a particularly at-risk neighborhood can go and teach people how to read. We believe that it is critical for the success of children to learn how to read. There is no more important skill for their educational success and we support this bill. If a child cannot read by the end of third grade, he is going to have a very difficult time ever succeeding in school.

I noticed in section 12 of the bill it talks about intensive instructional services for a child who cannot or has not learned to read. Eagle Forum has promoted systematic intensive phonics for many years with great success in teaching children to read. I have had special programs go into the inner city and teach mothers how to teach their own children how to read through simple methods so children can be successful. We feel that all children deserve to have the opportunity to learn how to read, and in many cases, our schools have failed them. It is our responsibility to help these children because what we are doing right now, in many cases, has not been successful.

It does not help children to have social promotion; it simply puts them in a situation where they continue to be promoted. They cannot compete, they

cannot read, they cannot succeed, and, therefore, their self esteem suffers. They are branded and they cannot overcome those negative labels which move forward with them.

We would like to encourage you to support this bill because our children deserve better than what they have right now. Concentrating on reading is important right now. Math is important as well, but when you learn how to read, math is easier to learn because math is not just learning numbers; they are learning word problems and how to apply those principles of math to the real world. Unless you can learn how to read, you really cannot learn to do math. It is a fundamental skill we deserve to give to our children.

Gail Krolick, Private Citizen, Incline Village, Nevada:

I am here today as a parent of a child who was socially promoted. As a parent, I took active involvement and stopped that social promotion at the end of the first grade. It simply took 100 hours of additional tutoring with a program that was already in place within our Washoe County School District in Incline Village. I am proud to say that after 100 hours of intensive, hard work on behalf of my child who is now in the second grade, she is now reading above the third-grade level. The schools especially in Incline Village already have the tools to end the social promotion with programs they already have. I urge you, as a parent, to stop social promotion. Thank you.

Vice Chair Dondero Loop:

We will go to opposition in Carson City.

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

I have with me Dr. Ken Turner who is a special assistant to Superintendent Dwight Jones. We also have Erin Cranor in Las Vegas.

We have some qualified opposition to this bill; however, there is one section that we can wholeheartedly support and that is section 9 regarding open enrollment. Although we do not have a policy in place, we actually have a practice in place. Last year, once the growth abated in Clark County and we did not have to worry about stuffing extra people into existing classrooms, we were able to offer open enrollment. Last year we had 1,200 students pretty evenly divided between K-12 who applied for open seats. We posted the names of the schools on the web and the number of seats they had open and out of 1,200, we were able to accommodate 1,182 of them, and 98 percent of them got their first choice. We know it can work. Because we do not provide transportation, there is no fiscal note for us, so we do not have a problem with section 9.

I would like to turn the time over to Dr. Ken Turner and let him talk to you about some of our concerns throughout the rest of the bill.

Ken Turner, Special Assistant to the Superintendent, Clark County School District:

I am here on behalf of the Superintendent of the Clark County School District, Dwight Jones, to convey our qualified opposition to A.B. 554. These comments are chiefly directed toward letter grades for schools.

[Continued to read from prepared text ([Exhibit O](#)).]

We have refrained from offering an amendment because this is more than just swapping out letter grades. It envisions a whole system. At this point, we look forward to working with the Legislature, the Governor, the Department of Education, and our colleagues in schools on the development of such a system.

Vice Chair Dondero Loop:

Thank you. You had some really valuable information. Are there any questions for Mr. Turner? [There were none.]

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

Our main opposition to this bill is the cost. We commonly bring back mandates on certain things that we cannot do because of resources. Primarily, sections 10 through 13, while serving students in great ways, without resources, this bill is a difficult task for the schools districts. The fiscal note attached for the Washoe County School District is about \$6 million a year.

I definitely want to thank Mr. Erquiaga for being here and the Governor for bringing this conversation to this Committee. In Nevada, over the short time I have been here, the chief executive has not made education a priority when we are talking about major reforms that will make such a big difference in kids' lives.

In sections 1 through 5, regarding the grading of schools, when this was initially brought up to our Superintendent, and superintendents statewide, there was a concern that we would have federal requirements, that we would have the grading school requirements at the state, and the districts would have their own system in what they ask from their schools.

As Mr. Erquiaga stated, with the NCLB reauthorization coming and if something like this were to come into place, there is a possibility for alignment; we would not have to duplicate efforts and everyone having a different report going to

someone else. There would be a single point of accountability where we could actually send the same data to both the state and the federal government.

We have had brief conversations with the federal delegation and our Superintendent will play a major role in the reauthorization of NCLB.

In section 9—the open enrollment—we are currently working hard on a variance system and we are revising that policy in our district to provide choice for our students. An application goes to a parent's school of choice and that principal does his best analysis based on the needs and size of the school and how many students it can hold. That is something we would be comfortable with as written.

Assemblyman Hansen:

You are saying that if we came up with \$6 million, the Washoe County School District would approve this?

Craig Hulse:

The provisions in sections 10 through 13 are something that with \$6 million a year, we could do. If you are referring to the social promotion part of the bill, I think the successes in Florida came about from the universal Pre-K and full-day kindergarten that we do not fund in Nevada. To meet the provisions in sections 10 to 13, as far as support for the children who are not socially promoted, we could do that with \$6 million per year.

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

I would like to point out again, that our concerns are very similar to Mr. Hulse's. Florida funds education with \$1,600 more per pupil, and they have a robust early education program. These certainly contribute to the success that they are having. As someone who spent 21 years being educated in the State of Florida, I can testify that they spend a lot more money and resources.

Erin Cranor, Member, Board of Trustees, Clark County School District:

As of January 3, 2011, I am a newly elected member of the Board of Trustees of the Clark County School District and a parent of four Clark County School District students. [Read from following prepared text that was not submitted.]

In 2002 I began doing demographics analysis in grant writing for the Boys and Girls Clubs Organization in Jacksonville, Florida. Over the years since, through work with nine different organizations and six Florida counties, I have found myself inside Florida schools and have become familiar with Florida's education

successes. I have celebrated with clients as the students they were serving achieved. It has been exciting and it has helped me love my job.

As a Nevada parent and taxpayer and as a new trustee, I have listened and read about the possibility that Nevada may engage in Florida-like reform. My response to this news is "Yes, let's be Florida."

Today, you are hearing bills that though they lack the point on reforms of benefit to Florida, do have a general Florida feel to them. This is a good sign that Nevada is on the right track. Most likely to derail us is any continued contrivance that education reform and education funding are unrelated. The bottom line is that Florida knows it is people who teach children. Florida pays people to teach young students to read. As detailed in the reference materials, the investment is paying for itself many times over according to indicators they are seeing now in saved incarceration and other social costs.

In 2002, Florida's Governor was making one of several major financial investments in education. That year it was in the amount of an additional billion dollars. In addition to regular K-12 funding, Florida also began allocating state funds each year for mentoring and student assistance initiative grants through the Florida Department of Education (DOE). These grants pay people to provide out-of-classroom academic support to students who are at risk of academic failure.

A primary focus, as we prepared application materials for these grants, was how to make sure children would read at grade level, especially, that all Florida's students would be at grade level by third grade. I have watched these DOE grants and other local funding literally change the youth development landscape.

Years ago, I heard phrases such as, "Isn't that the school's job?" Then I began to watch clients strategize and plan ways to help the schools in their neighborhoods improve their state letter grades because that was a sure way to win future years' DOE grants. Now a little over eight years later, youth development agencies all over Florida celebrate and publicize their successes in helping Florida young people succeed in school and graduate ready for the world. My clients, board members, and their businesses launch education initiatives and see them through to success.

The entire state, in fact, seems to have become education minded perhaps even to an extreme as evidenced in a recent phone conversation I had with a charter school principal. Her wry comment was, "Yes, we lead the nation in reforms."

I have one more set of details that are telling of what it will mean for us to follow Florida: strictly enforced class sizes of 18 students in Grades K to 3, 22 students in Grades 4 to 8, and 25 students in Grades 9 to 12. A proposal would allow these class sizes to be school-wide averages. In other words, as long as 18, 22, and 25 are the average class sizes in every single school, an individual class could be as high as 21 in Grades K to 3, 25 in Grades 4 to 8, and 28 in Grades 9 to 12.

Nevada is on the right track as we consider following Florida. Of course it is not realistic in Nevada's situation for Nevada to invest an additional billion dollars in education this session, so Florida-like results will be an unlikely victory. Let us win it with fiscal reform and elimination of old ways, like we are undertaking in Clark County, and with a solid investment in education.

As Nevada watches these bills break the horizon of Sunshine State-like reforms, today is a great day to begin speaking about education funding and education reform in the same sentence, to make a commitment that Nevada, like Florida, will pay enough people to teach our children to read at grade level, to achieve all along the way, and to graduate ready for a bright Nevada future.

Vice Chair Dondero Loop:

Is there staff available that you could possibly give your remarks to, so we can get them on the record?

Erin Cranor:

I would be very happy to.

Vice Chair Dondero Loop:

Are there any questions for Mrs. Cranor?

Joyce Haldeman:

I just wanted to make one other comment on the record. When we submitted our fiscal note, there was a misunderstanding about it. We submitted a note that said \$1 million. This is just an estimate, but we think it would be at least \$16 million and probably more. We just wanted to make sure you knew that fiscal note was in need of repair.

Assemblyman Hansen:

I have the Legislative Counsel Bureau draft of per-pupil expenditures for Clark and Washoe County School Districts. Adjusted for inflation, and the amount we spent in 2000-2001 in Clark County, the lower-end figure was \$5,668. Today it is \$8,581—a jump of about \$1,500 per student—yet we have seen a substantial decline. The argument is that if you spend another

\$1,600 per student, like they are doing in Florida, we would see this dramatic increase. Yet, we have seen those numbers substantially rise and we are still 50th in most of the categories. Is money really the problem?

Vice Chair Dondero Loop:

Ms. Haldeman, do you want to answer that or would you like Mrs. Cranor to?

Joyce Haldeman:

I know that money does not always correlate to student achievement. However, I will tell you that in our very successful empowerment schools, we have found that the additional funds that they have always correlates to two things: more time on task and more people who are there to help the students. Those things cost money.

I have been meaning to get back to your chart because I was talking about it with our fiscal people and it is done with a software program called Insight and they have some contention with how the money is allocated as you go through that program, and I would like you to have that conversation with our fiscal people. We do not think those numbers are very accurate or reflect exactly how the funding works.

Assemblyman Hansen:

We should reflect that this was done by the Legislature.

Vice Chair Dondero Loop:

Follow up, Mr. Hansen.

Assemblyman Hansen:

The numbers were done by the Legislative Counsel Bureau, not by an outside group.

Joyce Haldeman:

Using the Insight program.

Vice Chair Dondero Loop:

Are there additional questions from the Committee?

Erin Cranor:

I do happen to have a little of our data on growth from "Quality Counts 2011," if you are interested and if there is time. In math, our recent gains in the fourth-grade NAEP were 7.6 points compared to Florida's 8.2. In eighth grade, we were 6.1 points compared to Florida's 8.0. In NAEP fourth- and eighth-grade reading, our gains are similar to other states except for Florida, which far

outpaced all the states with similar demographics with their 7 point gain. We have been making gains, but have not been making them as rapidly as Florida.

Vice Chair Dondero Loop:

Is there anyone else in opposition?

Mark Coleman, Deputy Director, Clark County Association of School Administrators and Professional-Technical Employees:

To the words that have been said, "Ditto, Ditto, We too, We too." But we oppose the bill.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We also oppose the bill. We are all for kids learning to read and for reforms. We appreciate the fact that the Governor has made education a forefront of his administration and we hope that the money will follow as well.

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

Regarding sections 2 and 3, school boards believe that the current accountability system provides ample data and statistics for parents and others to receive broad information regarding schools and districts. A letter grade, by contrast, narrows the complexity of these multiple factors that are currently included in accountability reports. Moreover, the use of an index or multiple indices to determine a letter grade may be more confusing than enlightening.

Secondly, regarding section 9, as a matter of public policy, school boards currently have enacted various measures to accommodate parent choice for student attendance, and school choice in contiguous districts is also currently available.

Thirdly, regarding sections 6, 10, and 11, Mrs. Cranor has provided information to you and other information that she has gathered. I will share several quick statistics. Seventy-eight percent of third and fourth graders attend preschool in Florida. Twenty-six percent more Florida students have a parent with a postsecondary degree. Other comparative information like that can be provided, and I will ask if we can provide that in written form to the Committee.

Our boards agree that there are many factors involved in having all students reading by the time they end third grade and others have mentioned the financial resources that would be required to make this work, not just to provide remediation, but to ensure that students along the way, before they even enter kindergarten, are prepared to succeed.

Assemblywoman Mastroluca:

Do you happen to know if Florida has class-size reduction?

Erin Cranor:

The current class-size reduction has actually happened because of a constitutional amendment that was voted on by voters in 2002. It kicks fully into gear this school year and it is 18 students in Grades Pre-K to 3, 22 students in Grades 4 to 8, and 25 students in Grades 9 to 12. Currently, that is strictly enforced class by class. There is a proposal to allow each school to have that be simply a school-wide average. As long as no individual class within that school that maintains those averages goes higher than 21 students in Grades Pre-K to 3 . . .

Assemblywoman Mastroluca:

Mrs. Cranor, could you just send that to us?

Erin Cranor:

Sure, it is a memo from the House Majority Office in Florida that I am reading from ([Exhibit P](#)).

Vice Chair Dondero Loop:

Thank you. That is very valuable information. Are there any additional questions from the Committee?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I am a former member of the State Board of Education/State Board for Career and Technical, speaking as an individual.

Nevada, for a long time, to quote a friend of mine, "Stacked 'em deep, and taught 'em cheap." When you hear Florida and its record, we tried back in the early 1990s to establish a mandated kindergarten. For the lack of a bus ride and not wanting mandated kindergarten—kindergarten at that time was not mandated—parents either brought the students to the school, or they took them home, but the districts did not have the funding to pay for a noon bus ride for kindergartners. If the Legislature mandated kindergarten, they too would have a mandated class size. Those two elements have kept Nevada from building its foundation on which to build its educational house.

If you do not enter the fray with the youngest children, you will be spending your money on continuing remediation. We were told back then that if a student came from a household where the adults were able to read to them during the early years, statistically he would have been read to at least 4,000 hours before he stepped over the first school threshold. We were told

the students who were born into families may not be so fortunate—where the reading did not take place or where the language was not there to do the reading in the language of this country—were really lucky if they got 400 hours of being read to. That is not fair. If Nevada wants to make the state as great as I know it is, and we really want to have that foundation, we need to listen to Florida. If you want to do Florida's plan, then do *all* of Florida's plan. Do not just pick parts and pieces. Go back to what gives those schools those grades, what gives the schools the ability to work and go forward and teach well. About 20 years ago, there was a plan known as "2+2". What it basically did is take the skills classes out of our public schools, and I want to make sure I say "public" here. It removed expensive classes, like a lot of labs and shops especially in the middle schools. You could have 100 kids in physical education or 19 kids in an automotive shop class.

We have people elected to this office that have never experienced a lot of these settings in our public schools because everything changed to theory until about junior or senior year in high school. That is where you got a little bit of application and if you were real lucky and had the money, you could get the rest of it at a community college. There was a real push to join public schools and community colleges at that time. We used to graduate kids that had skills. They could get entry-level jobs and work. Those that wanted to go onto college could make money to do that. We are graduating the skill less to feel valueless in our society.

I do not know if you are aware of it, but in some middle schools, computer classes have been reduced to credit recovery and the only letters they need to know on that keyboard are A, B, C, and D to fill in the multiple guess test. I am serious. When you have an educated worker, he is not going to settle for the part-time jobs with no benefits and work two or three jobs a day to make ends meet. The computer leveled the field in this state. It taught kids not only keyboarding, but programming and how to use the tool of the century to do the research, ask the questions, get the answers to the questions, and then check the people who are giving the answers to the questions. It made a dissatisfied, cheap workforce. We need to go back and make sure the Nevada state standards regarding the computer are being met at all levels, Pre-K through high school. You need to make sure that you actually have computer teachers teaching the classes and how to use the tool.

It is so important that you put back in the intent and the goal of previous legislators regarding the tool of the computer in education in this state. Start at the beginning; get the foundation right; make sure that the kids are being taught how to be ready, comprehend, and apply and be the best they can be so they

can come back and give back to the State of Nevada because we gave them what they needed to go forward to meet their dreams.

I forgot to say that I taught for 35 years, proudly, and I loved every teaching experience I had. I taught from the boys' school in Elko, to McDermitt, and 28 years in Washoe County. I could not have more pride in that we taught the kids to do the right thing because it was the right thing to do. That is what we expect of every graduate and then to come back and give back. All of you are living proof of coming back and giving back, and I thank you for that.

Assemblywoman Mastroluca:

Thank you for your service. I have heard stories about your passion for teaching and I am glad that I actually got to hear it in person.

Vice Chair Dondero Loop:

Is there anyone neutral here or in Las Vegas? [There was no one.] We will close the hearing on A.B. 554.

[Assemblyman Bobzien reassumed the Chair.]

Chair Bobzien:

I will open the hearing on Assembly Bill 557.

Assembly Bill 557: Makes an appropriation for pilot programs of performance pay for teachers. (BDR S-1160)

Dale A.R. Erquiaga, Senior Advisor, Office of the Governor:

Assembly Bill 557 is another bill brought by the Office of the Governor. This one deals with money. This bill before you is a pilot program to create a pay-for-performance plan in our school districts. The Governor's recommended budget contains \$20 million. You do not have to find that money; it has already been allocated. This bill has been modeled on Assembly Bill No. 3 of the 23rd Special Session. You may recall that the Legislature enacted a pay-for-performance plan and the monies were ultimately swept when the fiscal crisis began and, therefore, was not implemented. We began with that bill as a basis. We updated some of the language to speak more closely to student achievement, but the premise of the bill is the same.

The bill requires the board of trustees of each school district to prepare a plan. Again, this is a bill that directs the boards to prepare these plans. The plan for pay for performance is not spelled out in this measure. The pilot program developed in each district must have as its primary focus, the improvement of the academic achievement of pupils and must give appropriate consideration to

implementation in at-risk schools. The plan has an evaluation and reporting requirement upon filing with the Department of Education and like the previous version of this bill, the plan is to be developed in consultation with other stakeholder groups.

When we met with the Nevada Association of School Superintendents earlier this year, we heard a little about the Clark County School District's pay-for-performance model that is used in its empowerment schools, and how this kind of committee works well in the development of that sort of program.

This bill provides \$5,000 per teacher with a limit that each district can have no less than one of those. Some of the smaller districts said it would be too hard for them to set up a plan like this. We still think this is an important piece of the incentive program and an important piece of rewarding our teachers. Simply put, research shows that incentives work. I know there is agreement that we could use additional monies. This is an area where we think we can put that money to work wisely as well.

We have set aside, in the second year of this biennium, funds to pay for this program. We would like to have a program that rewards teachers who go above and beyond and who help their students do the same. The current teacher salary structure provides no such incentive unless the teacher happens to work in an empowerment school or one of the other special schools in this state. We think the districts should have the opportunity to divide these funds and make this kind of program available to their teachers.

Assemblyman Stewart:

A few years ago I was involved in a task force with the Clark County School District which developed a merit-pay plan. I am sure that Joyce Haldeman has a copy of that and I suggest that you check to see what that plan did. It was done with input from a wide range of stakeholders.

Assemblyman Aizley:

Is that a \$5,000 one-shot bonus, or does it go into the base pay and continue on?

Dale Erquiaga:

I believe it is characterized here as a one shot. It would be \$5,000 for that year, based upon how the plan was structured.

Assemblyman Anderson:

How would this work with the at-risk schools? Even inside schools you have big issues where parents teach their children differently at home and have

different levels of involvement, not to mention, socioeconomic differences between different high schools and areas of Las Vegas as well as Washoe. You may have some kids that are super engaged and you may have some in the more poor areas of town that are not engaged. My biggest concern would be that you are going to have those differences within schools, let alone among schools. How would you deal with that?

Dale Erquiaga:

As I stated, this bill would require the two largest districts to prepare a plan to address your scenario. We would not try to address that at the state level. We do not think you should either. The districts have the ability to say a particular school requires this sort of pay-for-performance plan, distinct from a school in a different neighborhood. We may reward here based on these factors and we may reward in another school based on different factors. The plans would likely be different in each of the large districts; the smaller districts may or may not have plans. They would tailor their pay-for-performance plan to their own student population and their own faculty population.

Assemblywoman Mastroluca:

In looking at page 2, section 1, subsection 3, paragraph (c) of the bill, where it talks about, "The motivation of teachers to achieve specified goals by providing additional compensation for achievement of specified goals, including without limitation, the following goals" I am not quite sure what that means.

Dale Erquiaga:

Can you help me with the line you are on?

Assemblywoman Mastroluca:

I am reading lines 15 through 17 on page 2. I am sure it is just lawyer speak, but I am thinking that someone took the concept of SMART (specific, measurable, attainable, relevant, time-bound) goals to the nth degree, and I would like some clarification on that section.

Dale Erquiaga:

I would agree with you that this is an expression of plans that would reward and motivate teachers to set goals for kids in their classroom and to enhance the performance of all kids—all pupils are treated the same, all kids can learn. This is not just a plan for the gifted and talented kids in class and you are going to move them forward.

The last item for us is the important "gap" between the ways in which children grow, as academic growth models show. Like Assemblyman Anderson said, we get a bunch of kids in a school that started behind, and we get kids in another

school that started well ahead. The plan would encourage teachers to address all of those issues, to address the diversity of their student population. As you know, in Clark County, that is a critical factor. I think this is lawyer-speak language trying to address the diversity of the student population.

Assemblywoman Mastroluca:

Looking at page 2, subsection 4, line 22, where it talks about the advisory board, again, going with the theme that we are allowing the districts flexibility; what was envisioned here as far as the types of representatives from the business community? I assume that the district could make that group the size that it wanted, but would you offer guidance?

Dale Erquiaga:

We would offer no other guidance than is here. I would point to what Assemblyman Stewart has indicated; this has worked in Clark County. They used a committee very much like this. We would hope they would use that as a best practice if Washoe County does not have a model like that. There is no set number. We do not think we should dictate that, but we do think this committee should be as representative as possible. It should not just be educators. It should have these other groups represented, certainly parents, but also, as the Assemblyman has said, business.

Assemblywoman Dondero Loop:

In reference to page 2, line 18 or 19, I would like to know how are you going to measure "Establishing"? How are you going to measure "Enhancing"? How are you going to measure "Closing"? Those are such interesting words to me. I do not know how you measure those words. If you could give me some feedback on that, I would appreciate it.

Dale Erquiaga:

Certainly. I will start with the bottom one. Closing the gap between lower performing and higher performing students—if 10 percent of my students are higher performing today and 20 percent are low performing today and I close the gap tomorrow, 30 percent of my students are higher performing. I have closed the gap. You could establish it in simple percentages like that.

You could also, in some of these other measures, establish high standards, which may speak to lesson planning. The districts may include that language. Again, our goal is to provide this guidance to the districts. The districts will write the detailed plans and those plans will be filed with the Department of Education.

Assemblywoman Dondero Loop:

While I appreciate your answer, establishing high standards could be a pretty subjective piece. I always thought I was a good teacher and I thought I established pretty high standards, but somebody who is ineffective, his establishing of high standards may be something completely different. If we are going to have that happen, it needs to be pretty specific, not just establishing, which would be pretty subjective.

Dale Erquiaga:

I would agree with you.

Assemblyman Munford:

Are you requiring all teachers to participate—even the nonacademic classes such as the music and physical education teachers and the band director? How would you set up some type of criteria to determine achievement taking place in those classes?

Dale Erquiaga:

That would be up to the district. If the district chose to use this program to reward only academic teachers or to award only math and science teachers or only special education teachers, it could do so. There is nothing prohibitive or prescriptive in this bill.

Assemblyman Munford:

So you could distinguish between which teachers would be in this program?

Dale Erquiaga:

The school board of trustees could, yes.

Assemblyman Munford:

Sometimes that creates envy and jealousy and morale problems; all of those things could take place if certain teachers are getting this privilege and other teachers are not. I can recall even teachers who were given the more advanced classes—where the students appeared to be more self motivated—were valued in education more than the teacher who had some of the more marginal students. There again, internally, is a lot of competitiveness among teachers. It is difficult to get something that firm in place. You are dealing with so many variables. I know what you are aiming for and I commend you for trying, but it is not that easy. It will take a lot of work.

Dale Erquiaga:

I do not disagree.

Assemblywoman Dondero Loop:

A lot of time, energy, and thought have been put forth in our interim with *Nevada's Promise* and the Education Reform Blue Ribbon Task Force and Assemblywoman Smith's roundtables and I am just wondering what, in this bill, is making sure that this aligns with the *Nevada's Promise* recommendations? How does that fit together?

Dale Erquiaga:

I would say that this bill aligns very closely with the goals in *Nevada's Promise* and the Education Reform Blue Ribbon Task Force and that it is about rewarding faculty members and teachers. *Nevada's Promise* spends a great deal of time talking about a new evaluation system and the Teachers and Leaders Council of Nevada that would help design that. This bill is in that same vein. In terms of aligning with Mrs. Smith's roundtable, this is Mrs. Smith's own language from 2003, with maybe some small changes in one or two sections. I would defer to her on how closely it aligns with her intent.

I think it does align with the intent of constantly improving our teaching force, and we are finding ways to reward them even when resources are as finite as they are today.

Assemblyman Stewart:

When I began this panel three or four years ago, I had some of the same concerns that Mr. Munford had, and they were not entirely removed, but we came up with a model and we did include music and the arts as well. We included such things as awards, achievements that the band or choir had received, we surveyed parents, and we did test scores of students. Test scores were about half, but there were other incentives and ways of measuring. I was quite satisfied with what we came up with. It was a wide range of interests.

Chair Bobzien:

Do we have any additional questions for Mr. Erquiaga? [There were none.]

Sam McMullen, representing the Las Vegas Chamber of Commerce:

This is actually one of the hearings that I have appreciated the last few sessions because we have been a very fundamental advocate for performance pay and/or its various iterations. I believe it has great promise and great substance for the education system, and so does the Las Vegas Chamber of Commerce. We wholeheartedly support this as we have done every other session. Hopefully, we have helped this measure in many ways and we appreciate the legislators who have processed this in past years and tried.

You have already heard and Assemblyman Stewart has helped you understand it, but this has been, in a lot of ways, beyond a work in progress. It has had the work of dozens of hours and many meetings of people who served basically in an advisory committee capacity, similar to what would be in this bill, developing and answering some of these questions. We are fundamental believers that this bill will do something good; and to put on the record, simplistically it is one of the benefits that is sometimes not talked about.

If you look at performance in education or kids learning the best and the most that they can, part of that is some sort of cultural change. We have a culture of education in this country that is wonderful, but what this would point to is that what we are trying to do is incentivize the current system and make it better. If, in fact, we can create an increment that is based individually and also on group performance, it could actually put individual teachers in the position of being incented to make the good students better, or possibly great. For those who are not so good, teachers would be incented to make them at least good or better. I have always believed you create a culture inside a school with this type of proposal because it is everybody in that school; if it is done right, they develop their own standards and they decide how they are going to live up to them. Then they will all succeed or fail, not only individually and on an individual student basis, but on a group basis. In so many ways we see performance pay as having a great cultural benefit in terms of the cultural change that we think is part and parcel of what we talk about when we talk about education reform.

The development of the pilot program is farther along because we have had these prior opportunities. The answer to the question of what exactly these words mean is probably accommodated by the addition as a key part that the Committee did—is making sure that you know how to measure this and put meaning into these terms and something that you can objectively monitor and quantify. That is extremely important when you think about line 41 on page 2, which really puts an obligation on the board of trustees of the school district to measure its effectiveness. It is inherent. You cannot do that well without objective standards or the ability to at least measure.

Hopefully those lessons are out there and people will understand them and can benefit from them.

We know that \$20 million will not go a long way, but it is really a fundamental step. It reminds us of the time when we would get \$5 million or \$10 million and then had it go away because the budget got tight. This is really an important luxury to us that will do a lot for the school system and we support it 100 percent.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I have teachers in my family. I had a grandmother who was a teacher as well as two nephews and I did home school my daughter and I know how hard it is. When you have a classroom full of students, it has to be really difficult.

Most professions do offer bonuses for their exemplary employees and I want to ask what motivation do teachers currently have to go above and beyond the basic requirements? What would help to recruit and retain some of the best teachers? Teachers should be rewarded for their skill, for their effort, and for their dedication. Pay increases have usually been keyed to years of service, and it rewards the good with the bad. Merit pay works in the private sector and it will work in the public schools. We should be encouraging our teachers and rewarding our good teachers for a job well done. They can make a huge difference in the life of our students.

Janine Hansen, State President, Nevada Eagle Forum:

We support this bill. America's greatness is built on the idea of incentives. The free enterprise system is built on incentives. Incentives work. We need to reward success with merit pay and other recognition.

I have taught children my entire life on a volunteer basis, many classes including music. One of the things I have learned is that when you demand the most, you get the best results. One of the things I found in going through school was always that the best teachers expected the most, they had the highest expectations.

We remember the stories of Jaime Escalante in California who took at-risk students and was able to teach them calculus and the wonderful teacher in Chicago that took African American children who were at risk and by the fourth grade, they were learning Shakespeare. There are teachers with extraordinary talents. There are those that would push harder for success and achievement from their students if they had additional incentives and motivations.

We support this innovative and successful idea.

Assemblyman Munford:

Why do you feel that a teacher has to be motivated? When I taught, there were no incentives or motivation. There has to be a passion for teaching, whether they give you extra money or anything. It takes someone that has that special feeling inside that wants to work with youth—that person with a special heart. You do not worry about incentives; you do it because you love doing what you are doing. The biggest thing for me as a teacher was my morale. When I got up in the morning was I enthusiastic about going to school and to teach that

day? What was I going to do that was going to really make me get excited? Money does not make me excited. I always wanted to work with youth. That was my desire: to be a teacher.

I can see what you are trying to do with this program, but I do not think that should be the only motivating factor for a teacher. A quality teacher cannot be judged on how much money he makes.

Janine Hansen:

Mr. Munford, I completely agree with you. I have a great motivation for teaching young people and for teaching music and I think without that doing so would not have been possible. I think most teachers have that motivation or it would be difficult to stay in the classroom. However, people are motivated by different things. This is an opportunity to give recognition, which is oftentimes more important than money. We want to give recognition and to set a standard and to raise the standard among teachers just as we want to raise the standard among our students. Although I completely agree with you, you have to have a heart for teaching. You have to have a heart for that kind of service in our communities. I think this will raise the bar and perhaps have an opportunity for those who are motivated by money to do better. We all want to do better.

Assemblyman Munford:

Teaching is like a calling, like a minister or a priest.

Janine Hansen:

It is, I agree.

Chair Bobzien:

Do we have questions? [There were none.] Do we have anyone else in Las Vegas who wants to speak? [There was no one.] Is there anyone else in support of A.B. 557? [There was no one.] We will now move to opposition.

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

Assembly Bill No. 3 of the 23rd Special Session is a pay-for-performance bill that the Nevada State Education Association (NSEA) helped write. We certainly support pay for performance and we certainly support making sure that educators receive different types of incentives in order for them to feel appreciated. We believe the morale issue is something to certainly be concerned about. However, in September 2010, a study by Vanderbilt University said, "Rewarding teachers with bonus pay in the absence of other support programs does not raise student test scores." In The Executive Budget as presented earlier this session, this program replaces

the educational attainment and longevity pay; basically replacing \$110 million with a \$20 million pay-for-performance system

The pay-for-performance program, as we said, may not incentivize everyone; it should not replace what is currently in the salary schedule and how we, as Nevada, pay our educators. This program should enhance and encourage educators to stay in the classroom. Due to The Executive Budget and how they use this program, and due to the large cuts—we are talking again about 5 percent salary cut due to the Public Employees' Retirement System of Nevada—NSEA has to oppose A.B. 557.

Chair Bobzien:

To clarify, you are not necessarily opposing the policy, but the overall context.

Craig Stevens:

You are exactly correct.

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

On the policy issue, we are 100 percent in full support of the pay-for-performance bill. We love all the language that describes pay for performance. As Assemblyman Stewart indicated, we have had some very successful experiences in Clark County with it. I will tell you, based on some comments, our pay-for-performance model has been tweaked over the years as we have been using it. It is not quite the same model that was developed when Mr. Stewart was on the committee because as we go along we find what works and what does not. That analysis needs to be done on an ongoing basis.

The reason I am in opposition to this bill is only because of the cost and because of where the money is coming from. The up to \$5,000 per teacher would allow basically 2,000 teachers to get a \$5,000 bonus. We have 38,000 teachers in the Clark County School District. That is what we have presently, but we will probably have fewer by the end of the session because of the budget cuts we are facing. This is money that would come from the fund with which we currently fund full-day kindergarten and class-size reductions. The only way this money could be made available for pay for performance is if we reduced some of those teachers that are currently receiving their pay salary through class-size reduction because they are teaching full-day kindergarten. To us, that is not a good trade. If we were going to do pay for performance, we think it needs to be funded by an independent fund so we do not have to trade teachers' salaries and further reduce staff in order to give \$5,000 bonuses to existing teachers.

I suppose it could be easy to make a change in this. In section 1, it says "There is hereby appropriated from the State General Fund" I would not know how to quite word it, but if you wanted to change it and say that it is appropriated from the proceeds of Initiative Petition No. 1 of the 75th Session, the money that was voted specifically for the recognition and improvement of teacher salaries. Then we would be 100 percent supportive of the bill, not only just in policy, but also the way that it is funded. But currently, seriously, to take money away from the fund that we use primarily for class-size reduction and full-day kindergarten so we can offer a few people a \$5,000 bonus, is not the right thing for us to do right now.

Chair Bobzien:

I came very close to cutting you off, knowing that this is going to go to the Assembly Committee on Ways and Means and those very same money issues are going to be discussed there. We do want to stick to policy. I appreciate the context; it is important to understand.

Do we have any questions for Ms. Haldeman? I do. Recognizing that we have seen versions of this before, could you briefly talk about the committee, how you would do the appointments, and what you envision that looking like in implementation in Clark County.

Joyce Haldeman:

I do not have the makeup of the committee in front of me, but I can pretty well remember what it was. We had people from the Chamber of Commerce, members from the teachers' union, parents, and educators—it was a full house. I will tell you that the first time we all got together, I thought it would never work, especially because some of the concerns expressed by Committee members were concerns that people had. We did come together fairly easily. It was interesting that when there was a pot of money available, and we said let us work it out, we really did.

The way we overcame the issue of measuring different teachers and the morale issue is that our pay-for-performance measures are done on a school-wide basis. It is not individual pay for performance. There are targets set for the school and if the targets are met, then everybody in the school receives some kind of bonus. That includes support staff and the principal, not just the teachers. That has removed that issue.

There are other ways you can measure pay for performance and some of them have been considered and they have to do with using the growth models that recognize student growth and achievement. The problem with that is, if you are

the librarian, how do you measure that student achievement? That is why the school-wide model has been very popular.

Assemblyman Munford:

This may not be relevant to what we are talking about, but what does a head coach get for a major sport like football or basketball? What is he paid? We are talking about money, and sometimes people become coaches for the pay they receive. That is incentive.

Joyce Haldeman:

I would have to get that number for you because I do not know. Bart did not know either.

Chair Bobzien:

Are there additional questions?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I can tell you that when you are talking about individual merit pay, and pay for increasing what the school is doing as a whole, one side is completely supportive of increasing the school as a whole. When you start doing merit pay for individuals, you take away the community of the school. Suppose Mr. Kirner and I were teaching social studies together. I happened to have a document, vetted as being signed by John Hancock, elevating George Washington to the rank of Captain in the United Colonies in April of 1776—which I happen to have. We are sharing that during the Constitution and Revolutionary War curriculum in our classrooms. If we are doing merit pay by individual, he will not have much of a chance of using my document. However, in school performance, if you do go in that direction, that document is available so that all of our seventh and eighth graders can use that document. But it is important that you know that individual teachers grow with one another or not in their schools. They literally work with one another.

I have a comment that I forgot about when I spoke earlier about letting the school use an average class size. I need to let you know that when you have classes that have a very limited number of students because of special needs or something else, if you do allow an average class size, then you can build your classroom size way up over the 18 to 24 students. You have to watch that because, otherwise, you get false class-size reduction, just like we did when we had team teaching. We grouped the scores together and said we could not tell the difference. The capabilities are there to separate out true class-size reduction from the appearance of class-size reduction to know that, in fact, you probably did very well with the class-size reduction programs and they were

very beneficial financially because we all know it is cheaper to educate than incarcerate.

Chair Bobzien:

Do we have questions for Ms. Bowen? [There were none.] Do we have additional testimony on the measure? We are now taking neutral testimony.

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

I appreciate the Governor bringing this bill forward. The superintendents were approached as to how they would like the Governor's pay for performance to look. Their intent was not to backtrack or make us go against any progress that we have made in our pay for performance in Washoe County. We received the Teacher Incentive Fund, a \$9.8 million grant from the federal government to develop something like this. We are working with our association and our business community to come up with something similar and this bill does not disable that at all. We are in full support of the policy in this bill. I will not touch on the financial side, but it is tough not to look at that and notice the cuts. That is why we are neutral on this bill today.

We apologize for the first bill we opposed, Assembly Bill 554, because it was not funded, and now we are not supporting A.B. 557 because it is. That is because of the \$20 million in the cuts that are proposed in the Governor's budget.

Chair Bobzien:

Are there questions? [There were none.] Is there anyone else neutral? [There was no one.]

Do we have any matters to come before the Committee from the Committee members? Do we have any additional public comment? [There was no response.]

Well Committee, I am sure you have gathered by now the fact that we had to roll a bill and our work session. We will be back here on Friday.

Assembly Bill 551: Requires school districts to assess the feasibility of consolidation of services, functions and personnel. (BDR 34-877)

The meeting is adjourned [at 8:20 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman David P. Bobzien, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 11, 2011

Time of Meeting: 4:20 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 548	C	Assemblyman Bobzien	<i>Nevada's Promise</i>
A.B. 548	D	Assemblyman Bobzien	Report of Governance Structures in Other States
A.B. 548	E	Assemblyman Bobzien	A History of Nevada's K-12 Governance Structure
A.B. 548	F	Assemblyman Bobzien	Nevada's Public Education Governance Structure, An Issue Paper
A.B. 548	G	Assemblyman Bobzien	Letter from Gina Polovina
A.B. 548	H	Zhan Okuda-Lim	Prepared Testimony
A.B. 548	I	Craig Stevens	NSEA's Response to the Blue Ribbon Task Force
A.B. 554	J	Dale Erquiaga	PowerPoint Presentation
A.B. 554	K	Dale Erquiaga	Letter from Former Florida Governor Jeb Bush
A.B. 554	L	Matthew Ladner	PowerPoint Presentation
A.B. 554	M	Matthew Ladner	FCAT in Florida
A.B. 554	N	Andrea Woods	Letter from National Association for the Advancement of Colored People
A.B. 554	O	Ken Turner	Prepared Text
A.B. 554	P	Erin Cranor	Memo from House Majority Office