

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON WAYS AND MEANS**

**Seventy-Sixth Session  
April 16, 2011**

The Committee on Ways and Means was called to order by Chairwoman Debbie Smith at 9:05 a.m. on Saturday, April 16, 2011, in Room 3137 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/76th2011/committees/](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Debbie Smith, Chairwoman  
Assemblyman Marcus Conklin, Vice Chair  
Assemblyman Kelvin Atkinson  
Assemblyman David P. Bobzien  
Assemblywoman Maggie Carlton  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman John Hambrick  
Assemblyman Crescent Hardy  
Assemblyman Pat Hickey  
Assemblyman Joseph M. Hogan  
Assemblyman Randy Kirner  
Assemblywoman April Mastroluca  
Assemblyman John Ocegüera

**COMMITTEE MEMBERS PRESENT IN LAS VEGAS:**

Assemblyman Paul Aizley

**STAFF MEMBERS PRESENT:**

Rick Combs, Assembly Fiscal Analyst  
Mike Chapman, Principal Deputy Fiscal Analyst  
Carol Thomsen, Committee Secretary  
Connie Davis, Committee Secretary

Chairwoman Smith welcomed persons to the hearing and advised that the bills and any exhibits available to the Committee were also available to the public on the Nevada Electronic Legislative Information System (NELIS). The Chairwoman opened the hearing on Assembly Bill 555 and explained that the Committee would hear as much testimony as possible; it was a sizeable bill and the Committee wanted to devote sufficient time to review of the bill.

**Assembly Bill 555:** Revises provisions governing educational personnel.  
(BDR 34-954)

Dale Erquiaga, Senior Advisor, Office of the Governor, stated it was his pleasure to be at the hearing on behalf of the Governor, who had previously planned a trip to Elko today to discuss budget issues.

Mr. Erquiaga stated that the Assembly had already processed three bills that dealt with many of the same substantive issues as those contained in Assembly Bill 555. He would not belabor those points, as the Assembly had already addressed those issues, but would present the issues included in the bill from the Governor's point of view.

Mr. Erquiaga referred to the written testimony of Michelle Rhee, founder and Chief Executive Officer (CEO) of studentsfirst.org that had been provided to the Committee and was available on NELIS; he asked that Ms. Rhee's testimony be made a part of the record ([Exhibit C](#)).

Mr. Erquiaga stated that A.B. 555 was basically about rewarding those educators who were succeeding. The proposals within the bill were linked to a performance evaluation tool, and none of the proposals could be considered separate from that tool. Mr. Erquiaga said the Legislature had processed similar legislation regarding the performance evaluation metric. However, separate pieces of A.B. 555 could not be considered apart from the performance evaluation tool. The bill concerned monitoring and rewarding educator performance.

Mr. Erquiaga said many questions had arisen concerning the bill, and unfortunately he would not be able to answer all of those questions today. The bill followed the Governor's philosophy that decisions regarding initiation of a performance evaluation policy, along with other policies, should be under the purview of the State Board of Education, and would not be codified in *Nevada Revised Statutes* (NRS); therefore, the statutes would not be as detailed as some would prefer.

Mr. Erquiaga stated that the Governor had recently met with a delegation of principals in Las Vegas, and many questions had arisen about the proposed performance evaluation tool. Those policies had yet to be determined, and Mr. Erquiaga apologized that he could not present the details to the Committee today. The evaluation tool would be designed in consultation with education employee associations at the local level, rather than through NRS.

According to Mr. Erquiaga, the bill originated because of the desire on the part of the Governor to change the current educational system. The Governor had heard from parents and educators alike, and also from several school district boards of trustees and superintendents, that new rules had to be put into place to reward effective teachers and remove ineffective teachers, thus removing barriers to student achievement.

Mr. Erquiaga said, unfortunately, the current economic and financial situation had brought into stark relief the necessity for the reforms contained in A.B. 555. It was believed that rearranging limited resources to protect effective teachers and principals was being hampered by the current system. Mr. Erquiaga pointed out that the bill would not cure budget cuts, would not "fix" education, and was part of a much larger discussion that was ongoing between the Governor, the Legislature, and the people of Nevada. Mr. Erquiaga emphasized that the Governor recognized that A.B. 555 was not the "end all, be all" solution, but rather was one piece of a very large and complex puzzle.

Mr. Erquiaga stated that his presentation would follow the PowerPoint presentation entitled, "Assembly Bill 555," ([Exhibit D](#)), which outlined the sections of the bill. According to Mr. Erquiaga, A.B. 555 would: (1) establish a statewide evaluation system; (2) eliminate postprobationary employment status; (3) require layoff decisions to be based on effectiveness and evaluations rather than seniority; and (4) eliminate compensation based on longevity or the receipt of advanced degrees.

Mr. Erquiaga said there was a proposed amendment to section 16 of A.B. 555, as depicted in the Memorandum ([Exhibit E](#)) dated April 15, 2011, to Chairwoman Smith. The amendment proposed a complete replacement of section 16, but Mr. Erquiaga believed that the language of that section might require further review. He stated that he would work with the Committee to make sure the language contained in section 16 was correct.

Mr. Erquiaga reiterated that the Assembly had already adopted a similar statewide evaluation metric. Under the mandates of A.B. 555, the State Board of Education would adopt the performance evaluation regulation and/or system based on four levels of effectiveness: (1) highly effective; (2) effective; (3) minimally effective; and (4) ineffective. The system would rely on multiple measures of employee performance that included student achievement.

Mr. Erquiaga said A.B. 555 differed from the legislation that had already been adopted by the Assembly because it assigned the first drafting responsibility of the evaluation tool to the Commission on Professional Standards in Education. The Commission had been chosen because it was an existing body, and the Governor was loath to add a new body within the Department of Education. However, said Mr. Erquiaga, the Governor would support the bill adopted by the Assembly that created a Teachers and Leaders Council [A.B. 222]. Mr. Erquiaga believed the Council might be a more appropriate body than the Commission on Professional Standards in Education to design the performance evaluation system.

Mr. Erquiaga stated that under existing law, once a performance evaluation system had been adopted by the State Board of Education, the board of trustees of each school district would develop policies to conduct objective evaluations. The policies would be developed with employee involvement and involvement of teacher representative organizations. Under A.B. 555 the State Board of Education and the board of trustees of the school districts would have a period of one year to design the evaluation metric. Mr. Erquiaga said the Governor felt the performance evaluation tool was so critical to the success of the bill that the mandates could not take effect immediately. Therefore, the one-year time frame had been included for the development of a new performance evaluation tool.

Mr. Erquiaga said the creation of a new performance evaluation system had been proposed by the Education Reform Blue Ribbon Task Force, which had thoroughly evaluated the current binary system used in Nevada. Also, said Mr. Erquiaga, the federal Race to the Top grant application process had indicated there was need for improvement in Nevada in the area of performance evaluations.

Mr. Erquiaga stated that A.B. 555 would eliminate tenure for teachers, principals, and all licensed school district employees effective one year after passage, but only after the performance evaluation tool was in place. Employment under the bill would be based on a one-year contract, and the bill would eliminate the current statutory differences between postprobationary status and probationary status. The bill would also provide no reemployment rights.

For example, said Mr. Erquiaga, a licensed employee in a Nevada school district would negotiate a one-year contract with the school district, and at the end of that year, the employee would negotiate a new contract that was based on evaluation and performance during the previous year. None of the due process provisions included in statute would be deleted, said Mr. Erquiaga, and an employee who was not performing would receive notice and be entitled to a hearing. That would eliminate teachers believing that once they had tenure they would remain in the system, which was the "culture" of the current system as much as it was an operation of statute. Mr. Erquiaga said Nevada terminated very few educators for poor performance. The national average for termination for poor performance was 1.3 percent and Nevada's average was 0.3 percent.

During the drafting of A.B. 555, said Mr. Erquiaga, the Governor's Office had been informed by superintendents and boards of trustees that tenure was as much an operation of "culture" as it was the law. It was a self-fulfilling, self-defeating status that had built up within education making it very difficult to conduct current evaluations. Comments had also been made that too many hearings were held and too much due process was afforded; therefore, school districts simply did not attempt to terminate teachers who had tenure. The Governor believed that ending tenure and initiating one-year contracts that could be reevaluated depending on performance would change the "culture" and make the evaluations more meaningful and more performance-based rather than personality-based. Mr. Erquiaga said that would require every person in the system, including the evaluators and the persons being evaluated, to pay attention to the one-year deadline.

Most research today, said Mr. Erquiaga, indicated that tenure added no value to the learning environment and was more about the adult in the system rather than the student. There was no correlation between tenure and student achievement. Mr. Erquiaga stated that students who were taught by an ineffective teacher for even one year experienced long-term negative effects. Tenure did not enable dismissal of chronically ineffective teachers because of the difficulty of the process. Statistics indicated that the number of chronically ineffective teachers was between 5 percent and 10 percent. There were

27,000 licensed school employees within Nevada for school year 2010, and like all large groups, there was a bell curve from ineffective to highly effective. Mr. Erquiaga indicated that students and adults followed a bell curve and today's system did not address termination of ineffective employees within that bell curve, nor did the system reward effective employees.

Mr. Erquiaga explained that the current system paid ineffective and effective employees according to the same pay scale. The Governor believed that a performance evaluation tool as mandated in A.B. 555, along with a change in tenure status, would allow the school districts to put the pay-for-performance system that the Legislature had already adopted into effect over the next biennium.

Mr. Erquiaga said educators would best be protected by the quality of their work, similar to private sector and state employees. The system would protect the persons who were doing the work and showing results and would hold others accountable.

Mr. Erquiaga stated that A.B. 555 would eliminate seniority-based layoff decisions. Unfortunately, because of budget reductions, the school districts were facing layoffs, and under the current system those decisions would be made based on seniority. That meant teachers with the least number of years would be the first laid off under a practice known as "LIFO"—last in, first out. Mr. Erquiaga said the measures in section 3 of the bill would become effective July 1, 2011, and it would require that layoff decisions considered educator effectiveness and evaluations. As the bill was drafted effective July 1, 2011, it would not cover the current reductions that were occurring in the school districts. If the budget continued in its current state, and the districts deployed that budget as previously stated, layoffs would occur in 2011.

Mr. Erquiaga emphasized that A.B. 555 would not address budget cuts or layoffs because the reductions would take place under existing contract law; he noted it was usually impossible to change existing contract law. However, should Nevada find itself in the same situation again, the Governor believed it would be imperative to end the seniority-based "LIFO" system. He explained that seniority-based layoffs removed some of the state's best teachers. Two recent studies showed that more than 80 percent of seniority-based layoffs actually resulted in better teachers leaving the classroom. Simply because a teacher began teaching 10 or 20 years ago did not mean that teacher was automatically a better teacher than someone in the second or third year of teaching.

Mr. Erquiaga explained that to hit a dollar target, school districts had to lay off at least two new teachers as opposed to one long-term teacher who received higher pay, regardless of the performance or effectiveness of those teachers. Unfortunately, the current system pushed more education employees “out the door.” Also, said Mr. Erquiaga, seniority-based layoffs harmed more schools serving at-risk students because studies showed that the poorest schools absorbed 25 percent more layoffs because teachers at those schools were more likely to have less seniority.

Mr. Erquiaga said the national trend was to move away from seniority-based layoffs. He indicated there were 14 states that required seniority-based layoffs by statute, and there were other states like Nevada where the law was silent and the issue was left to bargaining. Many states, such as Arizona, had recently ended “LIFO” provisions, and five other states—Florida, Colorado, Utah, Idaho, and Oklahoma—as well as the District of Columbia, required teacher performance to be a major factor in layoffs.

According to Mr. Erquiaga, A.B. 555 simply stated that seniority could not be the only basis for layoffs, and NRS would require a multipart reduction-in-force formula. Mr. Erquiaga explained that a recent poll conducted by studentsfirst.org that included Nevada indicated that 74 percent of voters and 43 percent of teachers supported the elimination of “LIFO.”

Mr. Erquiaga stated that section 16 of A.B. 555 would eliminate compensation based on longevity. He called the Committee’s attention to [Exhibit E](#), the Memorandum of April 15, 2011, to Chairwoman Smith, which proposed an amendment that would replace the language of section 16 of the bill.

Mr. Erquiaga explained that section 16 was designed to ensure that salary increases were not based on years of service and were not based on receipt of a master’s or doctorate degree; however, A.B. 555 did not exclude National Board Certification. There was statistical evidence that National Board Certification was tied to student achievement, but there was no statistical data that indicated a master’s degree or doctorate degree related to student achievement. Mr. Erquiaga said there were some limited exceptions in certain degrees, but in general the correlation simply was not there.

The proposed amendment ([Exhibit E](#)) made clear the Governor’s intent that the salary reduction would not affect current employees, said Mr. Erquiaga. The additional compensation currently paid to a licensed educator within the system for a master’s degree or doctorate degree would not be removed and/or reduced. However, said Mr. Erquiaga, for new hires or those who had not yet completed their master’s degree, the system would be changed and those

dollars would be shifted into performance pay, which had been already adopted by the Legislature.

Mr. Erquiaga explained that the current salary schedule awarded pay based on years of service, but an educator could receive additional compensation for completion of a master's degree or doctorate degree. A.B. 555 would not grant additional compensation for attaining an additional degree, and that funding would become part of the performance-pay system.

Continuing his presentation, Mr. Erquiaga stated that the bill was not designed to remove annual merit step increases. However, it would remove additional compensation that was sometimes built into contracts because of years of service. Longevity bonuses had no correlation to student achievement or performance, said Mr. Erquiaga, and those dollars would be included in future budgets to reward performance rather than years of service.

Mr. Erquiaga said he would leave the Committee with two quotes, one by Microsoft founder Bill Gates, who had done considerable work in the area of education performance, and who had conducted analyses that indicated pay based on degree attainment was unrelated to student achievement. Mr. Gates' statement was, "It is reasonable to suppose that teachers who have served longer are more effective, but the evidence says that is not true." Mr. Erquiaga said the Governor believed that Nevada needed to shift the culture and system away from simple compensation based on degree attainment. The second quote was included in the testimony from Michelle Rhee ([Exhibit C](#)) who stated, "By prohibiting pay increases based only on degrees and enabling schools to base pay on performance, the performance pay measure in this bill would bring teaching into alignment with professions in the private sphere."

Mr. Erquiaga stated the performance evaluation tool was the key part of A.B. 555, and the legislation that had already been adopted, and new performance measures could not be introduced without that tool. The bill and its provisions were about rewarding performance among educators and changing the culture to a more private-sector culture so that school districts would have the tools necessary to address ineffective educators, while continuing to maintain due process.

Chairwoman Smith stated that she would like to organize questions by topic as the Committee reviewed the sections of the bill. She stated the discussion would begin with questions about the performance evaluation system. She noted that Mr. Erquiaga had stated that the Governor was comfortable with the mandates of A.B. 222, which had been passed by the Assembly and created the Teachers and Leaders Council. It appeared that A.B. 555 dealt with



the same concept that had been developed in a different format. Chairwoman Smith noted that there appeared to be no questions from the Committee regarding the performance evaluation system.

The next issue, said Chairwoman Smith, was the elimination of probationary and postprobationary status, and it appeared that there were no questions from the Committee regarding that issue.

Chairwoman Smith said the next major issue was section 15 regarding seniority. She indicated the language stated that a reduction in force would be accomplished based upon the evaluations as described in *Nevada Revised Statutes* (NRS) Chapter 391, rather than the seniority of the teacher. Chairwoman Smith noted that approximately 90 percent of teachers received satisfactory evaluations in the current binary system, and she asked how layoffs would be accomplished when the majority of teachers received a satisfactory evaluation.

Mr. Erquiaga stated it was the Governor's belief that with a four-part system that better delineated the information, there would be more useable data regarding teacher evaluation, and the school districts would have more information on which to rely. It was also believed that if the cultural shift was made that performance evaluations mattered and were, in fact, used in decisions about such issues as layoffs, the evaluations would contain more viable information and would be more true to the circumstances.

Chairwoman Smith noted that the new performance evaluation tool could not become effective until the system had been developed and put into place. She wondered about the time frame for that process. Mr. Erquiaga indicated that as written, section 15 of the bill would go into effect on July 1, 2011, and perhaps that effective date should be extended to determine whether the law had to be in place when contract negotiations were underway.

Chairwoman Smith referenced the language in section 15 that indicated the decision to lay off a teacher, ". . . must not be based upon the seniority of the teacher," and she asked whether the Governor believed that seniority should play any role in the reduction of the teacher workforce. Chairwoman Smith opined that seniority had to play into the discussion.

Mr. Erquiaga said there had been studies that considered both sides of the issue of seniority, and the Committee might want to consider multiple factors in teacher layoffs. Other issues such as performance evaluations and attendance were factors that could be considered, but Mr. Erquiaga said the Governor believed that seniority simply could not be the only factor in teacher layoffs.

Chairwoman Smith said the language in A.B. 555 indicated that teacher layoffs “must not” be based on seniority. Mr. Erquiaga suggested that perhaps the language should be amended to “must not be based *solely* on seniority.” The language could also enumerate three or four characteristics, one of which would be seniority. Mr. Erquiaga believed that would be an acceptable compromise discussion.

Assemblyman Kirner said he came from the private sector arena where seniority was not a factor in layoffs. One reason it was not a factor was that most private-sector employers did not offer pension plans. Assemblyman Kirner thought it would be necessary to include some element of seniority in the education system to avoid layoffs because of higher salaries or possible pension benefits. By the same token, Assemblyman Kirner agreed with Mr. Erquiaga’s comment about seniority being the sole reason for layoffs. He believed that performance should also be factored into layoffs. Assemblyman Kirner said he was concerned that rather than a binary system, there could be system that was heavily slanted toward the “effective” and “very effective” categories with underutilization of the remaining two categories in the performance evaluation tool. Assemblyman Kirner opined that it would be critical in the development of the performance evaluation tool to use criterial methodology that assisted with the rubrics for performance appraisal.

Mr. Erquiaga agreed, and stated that in the Governor’s view, the performance evaluation metric must include student achievement data. The Legislature had already changed that law, and A.B. 555 would clarify that the metric had to include 50 percent based on student performance. Because of the skew in human nature to push performance evaluations toward the top, the bill included the mandate to include at least 50 percent data-driven information regarding student achievement to balance the equation.

Chairwoman Smith referred to section 16 of the bill, the language of which would be replaced by the proposed amendment ([Exhibit E](#)). It appeared that additional clarification was needed pertaining to the longevity issue. Chairwoman Smith noted that The Executive Budget eliminated funding for both longevity and educational attainment, and she asked for clarification regarding the longevity pay.

Mr. Erquiaga said it was his understanding that The Executive Budget for the 2011-2013 biennium would freeze in place merit step and longevity pay and would eliminate the degree attainment pay increase for those who had not yet completed their degree and were not currently receiving the additional pay.

Chairwoman Smith said it appeared that an educator who had attained a master's degree and was currently receiving additional salary based on that degree would continue to receive that pay, but educators who had not yet completed their master's degree or doctorate degree would not be given additional pay based on educational attainment. She asked Mr. Clinger to address that issue for the Committee.

Andrew Clinger, Director, Department of Administration and Budget Division, stated that Chairwoman Smith was correct. The Executive Budget was written to eliminate future pay increases for educational attainment and for merit or step increases.

Chairwoman Smith said it appeared an educator currently employed by a school district would be frozen in place regarding pay increases. Mr. Clinger stated that was correct; a teacher would remain at the same salary currently being received based on The Executive Budget for the 2011-2013 biennium.

Chairwoman Smith asked Mr. Erquiaga to clarify the salary schedule pertaining to longevity and length-of-service pay. Mr. Erquiaga said he would defer to school district representatives, but it was his understanding that some administrator contracts included an additional bonus for certain job classifications, and that was the piece that would be eliminated through A.B. 555. That would include additional longevity compensation for educators who had reached the top of the pay scale. Mr. Erquiaga emphasized that educator salary would be frozen only for the 2011-2013 biennium because of the budget situation. The Governor believed that adjustments could be made over one biennium, with the intent to create a policy regarding educational attainment and longevity pay going forward.

Chairwoman Smith recapped the issue by stating that A.B. 555 would eliminate educational attainment compensation permanently going forward and would freeze the longevity pay for the 2011-2013 biennium only.

Assemblyman Bobzien stated that the decision to eliminate educational attainment compensation from this point forward appeared to be best from a budgetary standpoint, but he did not believe it was the best from an equity standpoint. He spoke specifically of those educators who had worked for five years of their seven year plan to attain a master's or doctorate degree and had been motivated both by professional growth and pay compensation for their diligence. Assemblyman Bobzien understood it would be difficult to craft an equitable method to move forward with elimination of that pay, but he asked for details of the discussions with school districts and teacher's associations about that policy.

Mr. Erquiaga said there had been some limited discussion, but a more equitable method had not been discovered. Perhaps the school districts had since been able to determine a better solution; he noted that the Governor's Office was open to discussion in that regard. The problem appeared to be at what point to draw the line—at two years, four years, or more. Some people took several years to complete their degree because of work schedules. Mr. Erquiaga said at some point there had to be policy recognition that those degrees were not, in fact, a means to improve student achievement, but rather were a means to add money to the salary scale. The Governor believed that money should be added to the salary scale based on performance.

Assemblyman Hickey asked how the bill would affect educators with advanced degrees hired over the 2011-2013 biennium. Mr. Erquiaga explained that those educators would be hired according to the current salary scale, but would not receive additional compensation for advanced degrees.

Assemblyman Conklin said analysis of an issue required good theory from which to build a model and sufficient data regarding the issue to achieve a significant outcome. The theory of A.B. 555 was that a teacher's educational level made no difference to student achievement. Assemblyman Conklin found that hard to believe and felt there were persons with significant educational achievement who lacked the ability to teach. He also found it difficult to believe that a teacher with limited knowledge of a subject could produce a good outcome regarding student achievement. Assemblyman Conklin said the state wanted teachers who had both education and skills, and he found it problematic that the bill would dismiss the level of education, along with the understanding and knowledge required by a teacher to use those teaching skills to improve student achievement.

Mr. Erquiaga understood Assemblyman Conklin's concerns. He agreed with the premise to the extent that the Governor believed the system should reward the teacher who was performing, rather than rewarding teachers simply because they had attained a master's degree. Mr. Erquiaga reiterated that there were 27,000 licensed educators in Nevada, and over 15,000 of those educators had attained an advanced degree and were being monetarily rewarded for that degree. The Governor believed that the remaining teachers should be rewarded based on performance. There was some correlation between a teacher's degree of education and student achievement, but the data indicated that the degree of teacher education was not as significant as previously believed.

Assemblyman Conklin said the data could be viewed from many different perspectives. It appeared the Governor believed that added compensation for advanced degrees was a "reward" for teachers, but perhaps it should be

considered an incentive. People's behavior was often based on incentives, and Assemblyman Conklin suggested that the incentive for additional pay should be that the teacher was extremely knowledgeable about the subject he or she would teach; however, he pointed out that A.B. 555 would remove that incentive. Assemblyman Conklin asked what that conveyed to educators about the value of continuing their education and what it said to the students who would learn from those teachers.

Mr. Erquiaga said the challenge under the current system was that there was no stipulation that the advanced degree had to be linked with the subject that would be taught by an educator. If that link was created and the advanced degree was for the subject being taught, there was some correlation between the degree and student performance. Mr. Erquiaga emphasized that current policy dictated that an advanced degree could be in any subject and could be unrelated to the subject that was being taught. If the Legislature wanted to change the system to address that issue, the Governor's Office would assist in that endeavor.

The current policy provided a blanket pay incentive for advanced degrees, and Mr. Erquiaga stated that the Governor believed that incentives should reward good teachers for student performance. The Executive Budget would make several unfortunate cuts to educator salaries because of the current financial situation, and the Governor wanted educators to be compensated justly and fairly for work performed and student achievement.

Chairwoman Smith said The Executive Budget removed all funding for degree attainment and offered no other incentives to replace that funding. The budget reduced funding for degree attainment by approximately \$141 million and replaced it with \$20 million in pay-for-performance. That created a \$120 million gap in the amount typically allocated for teacher pay, and Chairwoman Smith said she struggled with eliminating the current system while not offering a replacement.

Mr. Erquiaga said The Executive Budget reflected the current financial condition of the state, and A.B. 555 was about the policy for the future of the state. When money became available, it was hoped in fiscal year (FY) 2013, the system would not be the same as it was today. Mr. Erquiaga pointed out that the Governor had repeatedly stated that The Executive Budget was painful and hard decisions would have to be made. He asked that the Committee uncouple that discussion from the discussion about the policy for the future of the state. Mr. Erquiaga realized that would be difficult because the Committee had to consider the bill along with the budget. The Governor viewed A.B. 555 as a policy bill over the long term, separate from the very difficult budget choices.

Chairwoman Smith appreciated that, and did not want to be argumentative, but discussions about major policy changes should include possible viable alternatives when funding became available. She found it difficult to comprehend the discussion about eliminating the funding for degree attainment, when there apparently was no funding available to offer other viable incentives.

Chairwoman Smith asked whether there were further questions from the Committee concerning section 16 of the bill.

Assemblyman Aizley said he was having difficulty evaluating the payment overview because additional incentive pay would be linked to the way teacher performance was evaluated, and the bill did not specify how that would be accomplished. Assemblyman Aizley opined that until the Legislature could review the evaluation tool that would be used to evaluate teacher performance, the Committee could not make a decision. Currently, it appeared that on July 1, 2011, the current system would end and the bill did not explain the policy that would commence at that time. Assemblyman Aizley said he would not be willing to concur with a new policy for teacher layoffs when he was not aware of how that would be accomplished. Assemblyman Aizley recommended that the new policy be delayed for one to two years to further review those evaluation processes.

Chairwoman Smith referred to the proposed amendment to section 16 of the bill ([Exhibit E](#)), which indicated that the section did not prohibit the board of trustees of a school district from increasing the salary or wage rate or other compensation on the basis of merit. She pointed out that there was other pay-for-performance legislation, and she did not see how the other bills would connect to the language included in A.B. 555. Chairwoman Smith asked about the intention of the language in section 16 of the bill, which appeared completely wide open to her.

Mr. Erquiaga believed that question could best be answered by the Legal Division of the Legislative Counsel Bureau. When the bill was being drafted, the Governor's Office conveyed to the Legal Division that the intention was not to remove step increases, only longevity bonuses. The Legal Division interpreted that as not removing "merit" increases rather than "step" increases or pay-for-performance increases. Mr. Erquiaga believed that it would be a legal issue.

Chairwoman Smith asked that the language of the bill be clarified to indicate pay increases based on the amount of time served in section 16, subsection 2. She stated that she would discuss that issue with the Legal Division.

Chairwoman Smith asked whether there were further questions regarding section 16 of A.B. 555 or further questions for Mr. Erquiaga.

Assemblyman Kirner asked how the collective bargaining process would fit into step increases. Mr. Erquiaga said he would defer that question to a representative from the school districts. Chairwoman Smith agreed, and asked Assemblyman Kirner to hold that question until the Committee was hearing testimony from representatives of the school districts.

Chairwoman Smith asked whether there were any other questions, and there being none, the Chairwoman opened public comment regarding A.B. 555. She explained that there was an enormous list of persons who wished to testify regarding the bill in both Carson City and Las Vegas. Chairwoman Smith said the Committee would first hear testimony from those in support of A.B. 555, secondly from those in opposition to the bill, and lastly from those who were neutral regarding the bill.

Chairwoman Smith said she would commence with public testimony from persons who were in support of the bill.

Tray Abney, Director of Government Relations, Reno Sparks Chamber of Commerce, commended Governor Sandoval and his staff for bringing forward A.B. 555 and also commended the Legislature for bringing forward A.B. 225 and A.B. 229, along with other efforts regarding educational personnel. Mr. Abney said the Chamber believed that education and economic development were intrinsically linked.

Mr. Abney referred to the "Yes-Yes for Kids" campaign in 1998 and stated the Chamber had been heavily engaged in that campaign. Mr. Abney said he spent a great deal of time on education issues, and the Chamber was also involved in the Council for Excellence in Education and the Say Yes for Kids Committee, which was working on the upcoming bond issue in Washoe County. He reiterated that the Chamber was very engaged in educational issues.

Regarding economic development, Mr. Abney stated that A.B. 449 proposed a huge undertaking in revising the provisions relating to economic development. The Chamber believed that for A.B. 449 to realize its full potential, there had to be accompanying bills such as A.B. 555 to ensure that Nevada had an educated workforce to entice and attract companies to locate in Nevada and hire Nevada workers.

Obviously, said Mr. Abney, the Chamber was concerned about economic development because of the effect on the future workforce. The members of the Chamber relied upon an educated workforce for their businesses. Mr. Abney said policy issues contained in the bill were more important than the funding issue; in fact, he believed education was the most important issue that was reviewed by the Legislature.

Mr. Abney said the Chamber supported the concepts of A.B. 555. The bill was not about adults, but rather it was about educating children, and everyone agreed that the status quo was no longer acceptable. In the long term, the bill would help create jobs, would help create future tax revenue, and would help diversify Nevada's economy. Mr. Abney emphasized that the Reno Sparks Chamber of Commerce urged the Committee to support A.B. 555 and thanked the Legislature for those bills that had already been processed.

Testifying next before the Committee was Daryl Drake, who introduced himself to the Committee as a life-long resident of Washoe County and a product of the Washoe County School District and the University of Nevada, Reno. Mr. Drake said he was affiliated with an organization that had been created approximately two years ago in Washoe County with the sole purpose of improving education in Washoe County. The group was the Council for Excellence in Education; however, Mr. Drake said he was not speaking for the Council today. He noted that the Council had sent a letter to all legislators that depicted nine reform issues in education, and all nine of those reform issues were addressed in A.B. 555.

Mr. Drake commended the Assembly for the introduction of legislation to reform education. He believed that the current legislation was history in the making in Nevada regarding education, both K-12 and higher education. It would be easy to say that each reform bill was just a small step in a long-term journey to transform education in Nevada, but every one of the education reform bills had tremendous effect on those involved in education and in general to student achievement.

Mr. Drake agreed with Mr. Erquiaga that each of the four points included in A.B. 555 were important and had to be taken as a package. The issues could not be taken separately; the reforms contained in the bill were extremely important for teacher evaluations and how teachers were incentivized and rewarded. He said he was very supportive of A.B. 555.

Testifying next was Christine Simo, who introduced herself to the Committee as a member of studentsfirst.org, a new national movement to transform public education, and she urged the Committee to support A.B. 555.



Ms. Simo stated that teaching was her passion and one of her purposes in life. She became a teacher 12 years ago after substituting in her son's math classes in eighth grade. She realized that her son could not add fractions, and she pulled him out of school and home schooled him for the remaining school year to help him catch up on math skills. Ms. Simo said she realized that she had to go into education. When she became a teacher she wanted to communicate with parents and work diligently to ensure that every student in her class was given the best opportunity to learn.

After graduating from college in Florida, Ms. Simo stated she had the opportunity to help develop the first charter school in Dade County, Florida called Bay Haven Charter Academy, Inc., which consisted of portable classrooms in an old bank building. The charter school's state scores were soaring and continued to improve each year. She explained that there was no tenure for teachers, no state retirement, horrible physical working conditions, but the school was succeeding and was the highest performing school in the county.

Ms. Simo stressed that those teachers worked very hard to ensure that every student had the best education. Teachers signed yearly contracts, and if a teacher did a good job, that teacher was again offered employment for the next year. She commented, "Was that not the way it was supposed to work." Ms. Simo stated that she worked at Bay Haven Charter Academy, Inc. for eight years. During those years she was able to start work on her graduate degree, work on certification, supervise student teachers, and represent teachers at the charter school board meetings.

Ms. Simo said that she worked on her National Board Certification in the area of literacy. She indicated that it was a significant goal for her to become nationally certified, and at the same time, it gave her the opportunity to challenge herself as an educator and fine-tune her skills. In August of 2010, Ms. Simo said her husband retired from the U.S. Air Force and the family relocated from Florida to Nevada because of a job offer for her husband. Ms. Simo said she was worried about leaving the charter school that she had helped start, but she found a job at a very good school in Nevada where she taught first grade.

Ms. Simo said she had learned a great deal in working with the administration in Nevada. She stated she had learned to love her students and wanted the best for each one of them and had big plans for the next school year. She explained some of her objectives for the next school year, but she and four other teachers were recently informed that they were being laid off because of budget cuts. Ms. Simo said her principal had supported her and other teachers throughout

the year and had found it very difficult to deliver the news about the layoffs. One of the other new teachers was an "amazing" teacher, and Ms. Simo wondered whether the last in, first out or "LIFO" system was the best way to determine layoffs. The question was who was the most important in the big picture of education, was it the teachers or the students. She wondered why students were not being served by the best of the best teachers, even if those teachers did not have tenure.

Ms. Simo commented that administrators should have the freedom to build their team with the best-performing teachers. Evaluations were totally meaningless if administration had no power to retain those teachers who performed well, regardless of the amount of time the teacher had been teaching. Ms. Simo said legislators should make sure that all Nevada's students had quality teachers in the classrooms. By requiring districts to use evaluation tools to assess teachers and principals based on multiple measures, including student growth, the districts would recognize and reward great teachers. Ms. Simo indicated that all teachers and principals were not the same, and some were far better than others, and great educators should not be treated as "interchangeable pieces." Those who strived for and achieved excellence with their students should be recognized and rewarded accordingly.

The current system, said Ms. Simo, failed to consider performance in school layoff policies, but rather seniority was the major consideration. She commented that the Legislature should not let the outdated "LIFO" policy dictate the administration of school districts. Layoff practices under the "LIFO" system would cause children to lose some of the best teachers.

Ms. Simo said she would be fine, even if she had to wait in line to teach, but she would not be fine waiting in line behind those who were not teaching, those who were tired of teaching, and those who were bitter about teaching. She asked that administrators be given the ability to hire from year-to-year and to build a team of teachers who put their students first.

Ms. Simo understood that A.B. 555 would be difficult to "push through," but she believed it was the right thing to do. Everyone had to make the difficult choices that forced school districts to put students first at the forefront of every conversation and every policy decision. Ms. Simo believed that the bill was a step in that direction.

Chairwoman Smith said she wished to focus on the value of educators furthering their education and education attainment, and Ms. Simo had mentioned working toward a higher degree; she asked Ms. Simo to share her

feelings about the relationship between education attainment and student performance.

Ms. Simo said she began working on her master's degree in reading and language arts in Florida. While working on her degree, Florida offered to pay the fees for teachers to become nationally board certified. After determining that there was a correlation between student achievement in the classroom and a teachers National Board Certification, she put her master's degree on hold to work on the certification process, which she had completed. She had plans to continue working on her master's degree because she wanted to educate herself, but she wanted to receive monetary rewards according to student achievement in her classroom. Ms. Simo said that should include the growth of the student over the school year. She commented that she was a first grade teacher who loved her job, but now she would not be able to teach.

Assemblyman Aizley said he would be very interested in knowing about the teacher evaluation process used by the state of Florida. He asked Ms. Simo whether she would forward the information to him, and Ms. Simo stated that she would provide that information.

Assemblyman Ocegüera referred to incentives for advanced degrees, and he wondered whether tuition pay was provided for those classes. He stated that question could be addressed by representatives from the school districts.

Testifying next was Dianna Fyke, Director of Government Affairs, Henderson Chamber of Commerce, which she stated represented over 1,000 businesses and 30,000 employees. The Chamber supported A.B. 555 and urged the Committee to approve the bill as quickly as possible. Ms. Fyke said the bill contained education policy reforms that the Chamber believed were critical to Nevada's future. Ensuring that every child was taught by an effective teacher was critical to raising student achievement and the quality of Nevada's educational system. Identifying, rewarding, and protecting Nevada's best teachers was at the heart of each component of the bill. Ms. Fyke stated that the bill was needed for an improved economy and a better workforce for businesses. Ms. Fyke indicated that she would submit a letter to the Committee to be made a part of the record ([Exhibit F](#)).

Testifying next was Justin Brecht, who stated that he had come to Las Vegas in 2004 with the first group of Teach For America teachers in the Las Vegas Valley. He worked for two years and was awarded Teacher of the Year at his school. Mr. Brecht said he decided to take what he thought would be the next step in his professional career by teaching at a charter school. He began working for the Andre Agassi Academy in Las Vegas and remained there for

two years. He wanted to provide the same opportunities to students within the Clark County School District (CCSD) that were enjoyed by students at the charter school, so he returned to work with the CCSD.

Mr. Brecht said he returned to teaching with the CCSD in 2010 and had recently received another Teacher of the Year Award at his school. The following week, Mr. Brecht said he was told he was being surplussed, and that bothered him for many reasons. One was that he believed his students were being cheated out of a great teacher, because when he looked at other teachers within his grade level, he had outperformed each and every other teacher at his school consistently for two years on every state, local, and school test. Mr. Brecht pointed out that those other teachers had retained their positions and actually received higher pay.

Testifying next was Jim Wheeler, who said he was present at the hearing today to testify as a father and grandfather with children currently involved in the Nevada System of Higher Education (NSHE) and in the K-12 system. Mr. Wheeler read from written testimony, [Exhibit G](#). He explained why he was in favor of the [A.B. 555](#) and urged the Committee to pass the bill.

Testifying next was Warren Wish, who stated he was a 36-year veteran educator in public schools of the State of Nevada. He said he was present to tell the Committee that he was personally responsible for many of the ills that [A.B. 555](#) was seeking to address.

Mr. Wish stated that he had enjoyed a 36-year career, and [A.B. 555](#) was proposing a silent term limit for educators, similar to that imposed on legislators. Mr. Wish said he was "greedy" enough in his career to attain a master's degree plus 32 additional credits because he had decided he wanted to become a school counselor, and state law required a person to have a master's degree for that position. Mr. Wish believed that with the changes that were being made to the Nevada System of Higher Education (NSHE), the graduate program within the Department of Education would not exist.

Mr. Wish informed the Committee that he had been involved in collective bargaining for the Ormsby County Education Association, having served as past president. He had also served on the negotiation team for over 12 years, and had been in charge of teacher rights and grievances for the teacher's association. Mr. Wish said he had held administrators accountable to school district policy, state laws and contracts, and had taken the school district to mediation and arbitration at times. Additionally, said Mr. Wish, he was a former trustee of the Public Employees' Retirement System (PERS).

Mr. Wish said if A.B. 555 had been in effect when he completed his education at the University of Nevada, he would not have looked to public schools as a career.

Chairwoman Smith said she was somewhat confused because Mr. Wish signed the Attendance Roster ([Exhibit B](#)) as being in favor of the bill.

Mr. Wish said his remarks would stand. Mr. Wish asked the Committee to judge whether or not A.B. 555 would improve the schools in Nevada.

Testifying next was Patrick Gibbons, independent researcher and consultant with a focus on education. Mr. Gibbons stated that he was present in support of A.B. 555 and he read from written testimony ([Exhibit H](#)). He discussed the differences between good and bad teachers and the learning advantages for students of good teachers. Mr. Gibbons discussed the current system of teacher evaluation, seniority, and tenure that protected poor teachers. He also noted that the last in, first out "LIFO" philosophy resulted in large shocks to low-income schools during times of financial stress. Mr. Gibbons opined that to give flexibility to administrators, the state should eliminate tenure and seniority, grade teachers fairly, and dismiss the worst teachers while rewarding the best.

Assemblywoman Mastroluca said she was curious and noted that Mr. Gibbons' testimony indicated how to eliminate bad teachers, but did not expand on how the state should encourage good teachers to teach in Nevada. If A.B. 555 were to pass in its entirety, Assemblywoman Mastroluca did not think persons would rush to sign up to teach in Nevada based on the merits of the bill. She asked Mr. Gibbons to explain why he thought the bill would encourage recruitment of good teachers to Nevada.

Mr. Gibbons said the existing system was not geared toward recruiting good teachers. Assemblywoman Mastroluca said she took offense to that statement. Mr. Gibbons explained that the current system focused on hiring teachers with certifications, but certification did not correlate with the effect that teacher would have on student achievement. The current system actually discouraged people who would otherwise come into the system because they had to start at the bottom and work their way up through step increases that were not reflective of the teacher's actual performance in the classroom.

Mr. Gibbons noted that teacher certification was simply a piece of paper that indicated that certain objectives had been attained by a teacher. But current data indicated that there was no difference between teachers with National Board Certification and teachers with alternative certification. He stated that he

could provide the Committee with papers from several university professors on that subject.

Chairwoman Smith thanked Mr. Gibbons for his testimony and advised that he could provide information to the Committee. Her question was at what point should the line be drawn regarding educational attainment, and why would someone need an education degree at all to be a teacher if educational attainment did not matter. If a degree was important to become a teacher, the question remained about where the line should be drawn regarding further educational pursuits if the additional education did not matter in the classroom.

Mr. Gibbons said the current system actually cut out a large swath of potential teachers because those teachers did not have certification. Chairwoman Smith said the Committee was not discussing alternative paths to licensure, but rather was attempting to discover whether educational attainment mattered in student achievement.

Testifying next was Hugh Anderson, who stated that he was the Chairman of the Government Affairs Committee for the Las Vegas Chamber of Commerce. Mr. Anderson said that on behalf of the more than 6,000 members of the Chamber, who employed over 250,000 individuals, many of whom were parents in the public school system, he wanted to express the Chamber's support of A.B. 555.

Mr. Anderson stated that quality K-12 education was crucial to the economic development and long-term prosperity of Nevada, and quality education could only be attained by taking the steps necessary to achieve that objective. From employers who depended upon qualified employees to students receiving the education they deserved, the quality of education mattered.

Mr. Anderson said the reality was that education in Nevada needed profound improvement, and the process would begin by addressing today's challenges. Nevada had the lowest number of high school graduates in the nation plus fewer students who attended college. Nevada's children deserved better opportunities than the status quo. Mr. Anderson indicated that it was incumbent upon everyone to stop the slide and embrace the changes necessary in education to head in the right direction. He believed that A.B. 555 was both pro-student and pro-teacher and would allow the state to recognize teachers who were currently outstanding. Those teachers should be awarded and compensated for their classroom performance and achievements. The bill would reward the state's most successful teachers who, in turn, educated and empowered the state's children.

Mr. Anderson said that adopting the proposals in A.B. 555 would enable the state to recognize the outstanding teachers as well as identify underachieving teachers and bring those teachers up to par by helping them access additional resources to succeed in the classroom. In every profession, including education, there would be a few who were not well-suited for those jobs, and the state should not continue to maintain a system that did not address the reality that not everyone was a good fit in the classroom.

Mr. Anderson believed that the bill would help ensure that the children in the state had high quality teachers by requiring that student improvement be a significant portion of teacher evaluations. Whenever underperforming teachers were identified, they would be given access to the best practices teacher training resources available. Only after adequate efforts to help those teachers improve their performance had failed, should substandard teachers be removed from the classroom. Mr. Anderson said it would be necessary to accept the fact that some teachers were not best suited as career teachers, or that teaching might not be the right profession for them.

Additionally, said Mr. Anderson, the Las Vegas Chamber of Commerce supported the bill because if a school district had to reduce its workforce, it would have to reduce the existing number of teachers based on the effectiveness of the teacher rather than the seniority of the teacher. The provision in A.B. 555 that prohibited the board of trustees of a school district from increasing compensation for teachers based on years of service, as well as educational attainment, was appropriate and sensible.

Mr. Anderson said a recent education report commissioned by the Chamber found no significant correlation between a higher student achievement level and whether a teacher had a master's or doctorate degree. Having a graduate degree in and of itself did not produce a higher achievement record for students. Mr. Anderson said it was vital to pass the important piece of reform legislation. As a community, everyone needed to ensure that the success of the children was the primary basis for the decisions. Mr. Anderson thanked the Committee for allowing him to present testimony and again voiced the Chamber's support of A.B. 555.

Assemblyman Aizley wondered when the Chamber commissioned the report regarding the correlation between a higher degree and success in the classroom, whether the Chamber had specified higher degrees by subject matter.

Mr. Anderson said that the report included that data; he noted that subject matter degrees in secondary education had some importance, but the report indicated that an advanced degree in a nonsubject area had no correlation with performance.

Assemblyman Aizley thanked him and said he wanted to clarify the issue that a degree in subject matter was relevant to performance.

Testifying next was Joyce Haldeman, representing the Clark County School District (CCSD), who read from printed testimony ([Exhibit I](#)). Ms. Haldeman introduced Craig Hulse from Washoe County School District and indicated the superintendents of Clark and Washoe Counties had coordinated the comments that would be presented today to the Committee. Together, Clark and Washoe Counties represented 90 percent of the students in Nevada.

Ms. Haldeman pointed out that the Board of Trustees in Clark County hired Superintendent Dwight D. Jones to be a change agent, and he had been pleased to observe the number of times his personal reform agenda was aligned with the measures under consideration by the Legislature, including several elements of [A.B. 555](#).

Ms. Haldeman indicated that she would address the key portions of the bill and advise the Committee about the issues in which CCSD was in complete agreement with the bill, where CCSD might suggest a tweak, and the parts of the bill that CCSD could not support.

Ms. Haldeman commenced review of the sections of the bill:

- [Section 2](#): The language was amended to include administrators and not just teachers in the evaluation system being proposed; CCSD agreed that was an essential change.
- [Section 3](#): Included language that required that information related to student achievement be taken into account for at least 50 percent of the evaluation; CCSD supported that language.
- [Section 4](#): Included the four-tiered evaluation system; CCSD was supportive of that language.
- [Section 6](#): The CCSD was supportive of the changes outlined in section 6 related to the frequency and timing of evaluations for licensed employees.
- [Section 12](#): Would eliminate existing statutes related to probationary and postprobationary employees, and require that all teachers and administrators be employed on a one-year contract basis with no right to reemployment. The CCSD recognized the goal of the language, but the



District was concerned with what could be serious unintended consequences related to that approach. The CCSD would support the plan that would return a teacher or administrator to probationary status after receiving two unsatisfactory evaluations.

As an aside, Ms. Haldeman explained that Superintendent Jones believed that the vast majority of Nevada's teachers and administrators were performing well. Principals and teachers were the backbone of the education system and most worked long, hard hours. There had to be a fair and effective mechanism to identify the few teachers that would find more satisfaction in a different profession; however, that process had to be carefully designed to ensure that students were taught by effective educators and would not discourage the best educators from coming to and remaining in Nevada.

Ms. Haldeman continued her review of the sections of the bill.

- Section 15: Dictated how trustees should handle a reduction in force. Budget cuts forced CCSD to anticipate a reduction in force for the next school year. The section would require the board to make decisions about a reduction in force based on teacher effectiveness rather than seniority. The CCSD wanted to ensure that the best possible teachers remained in the classrooms. The CCSD believed that section 15 warranted further review, and that factors other than seniority should come into play regarding decisions about layoffs. Over the long term, CCSD would review more meaningful ways to determine how it could ensure that highly effective teachers remained in the classrooms.
- Section 16: Would eliminate the current pay scale that compensated teachers at a higher level for advanced degrees, as well as increments toward those degrees. While CCSD was not opposed to reviewing other ways to compensate the most effective teachers, it had to be thoughtful about how it went about doing that. If that provision went forth, CCSD believed there should be a grace period for teachers who were already in the process of earning their degrees. They should have a defined period of time to complete their course work and should be allowed to advance on the pay scale.

Chairwoman Smith asked whether teachers received any type of longevity bonus in addition to the merit step increases. Ms. Haldeman replied that there was a longevity bonus for both teachers and administrators. Persons hired by the school district received an annual increase through approximately 14 years of service. There was an additional longevity bonus given in increments after personnel had reached the limit of annual increases. Ms. Haldeman believed it

would be simple to link that bonus not only to longevity, but also to the growth model that would delineate teachers who had demonstrated effective teaching.

Chairwoman Smith pointed out that longevity bonuses would be negotiated district by district and were not included in the budget. Ms. Haldeman agreed and stated that each district had its own version of bonuses and longevity pay.

Assemblyman Bobzien said testimony from Mr. Erquiaga indicated that the stipulation in the bill regarding education attainment would not affect those who had already attained degrees. He stated he also had some concerns about persons who were in the midst of their education attainment effort. Assemblyman Bobzien asked whether Ms. Haldeman had been approached by the bill's proponents to hold harmless those persons who were in the midst of their education attainment effort. He asked about the district's position regarding the fairness of the bill for teachers who were making an educational investment in their careers.

Ms. Haldeman said she had held a brief text message conversation with Mr. Erquiaga about the ability of the Clark County School District (CCSD) to offer some type of extended period for persons who were in the middle of their education attainment schedule. She was personally aware of several persons who would receive their degree in August 2011 and how unfair would it be to change the policy on July 1, 2011, thereby eliminating those persons from additional pay based on educational attainment. Ms. Haldeman disputed the notion that advanced degrees made no difference in student achievement, and if the Legislature determined that those degrees had to be attained for the same subject being taught, CCSD would not object to that stipulation.

Assemblyman Bobzien asked Ms. Haldeman to discuss the issue in A.B. 555 regarding underperforming teachers being on one-year contracts, versus other reform measures that had moved forward to shift poor performing teachers back onto probationary status. He noted that school districts made an investment in teachers through professional development. Ms. Haldeman agreed, and stated that from her experience, the first year of teaching was a very different experience than the following years when teachers had more experience. Teachers gained experience the longer they taught and also learned from other teachers. Ms. Haldeman stated that school districts also offered professional development that helped teachers understand how to manage classroom resources.

The CCSD believed in professional development on an ongoing basis, said Ms. Haldeman, and it was difficult for the district when those teachers left within five years of employment. The CCSD believed in investing in its teachers

because once a teacher was up to speed and understood how to be effective in the classroom, they were a valuable part of the school district family. Ms. Haldeman discussed the issue of addressing those teachers who should move on. It was the performance of the group of teachers who were not as effective that CCSD would like to review to determine whether those teachers could be brought up to par or should move on.

Ms. Haldeman stated that one-year contracts appeared harsh to CCSD because it did not give the school district the ability to nurture and develop teachers into their potential. The CCSD favored the stipulations of A.B. 225 that indicated after two unsatisfactory evaluations the teacher would become a probationary teacher and would start on the exit path. The superintendent believed that CCSD should work with those teachers and provide needed help, but after the second year with no improvement, those teachers should be on the exit path.

Chairwoman Smith thanked Ms. Haldeman, and she noted that CCSD hired over 25,000 teachers over the past ten years, and it appeared that the district had some difficulty in recruiting and hiring the highest quality teachers and dealing with the evaluation and postprobationary process.

Assemblyman Hickey said the Committee dealt with the effect of the elements of budgets, and A.B. 555 was about a significant policy reform issue. The state confronted its lack of reform in education when it applied for American Recovery and Reinvestment Act of 2009, Race to the Top grant. At that time, Nevada was not eligible because it failed to allow student achievement data to be used in teacher performance. Assemblyman Hickey appreciated the CCSD superintendent's support of educational reforms, and he asked Ms. Haldeman to comment on the significant reform aspects of the bill.

Ms. Haldeman explained that the new superintendent in CCSD had initiated a growth model when he was employed by the state of Colorado. It had taken several years to establish the growth model after much discussion and buy-in from all the bargaining groups within education. Ms. Haldeman explained that the reason the model in Colorado was successful was that it looked at students at the beginning of the school year and reviewed the student performance at the end of the year to determine the growth that had taken place under one particular teacher. The model also determined whether the student had made sufficient progress. Ms. Haldeman said that process was beneficial for students and teachers in low-income schools where student achievement was lower and there were many challenges. The process was also beneficial for bright students who were at the top of the scale. Ms. Haldeman stated that the evaluation tool was the key to fairness for teachers.

Assemblyman Ocegüera asked Ms. Haldeman to characterize the steps and ladders pay scale for teachers regarding advanced degrees. He also wondered whether school districts paid tuition costs up front to attain degrees or were teachers required to pay those costs.

Ms. Haldeman indicated that there was a significant increase in pay for educational attainment. She stated that she would send the CCSD teacher salary schedule to Assemblyman Ocegüera. It was worthwhile for a teacher to attain an advanced degree in CCSD. The District offered incremental pay increases for a bachelor's degree plus 16 credits, for a master's degree, for a master's degree plus 16 credits, and finally for a doctorate degree. Ms. Haldeman said there was a significant pay differential between a teacher with a bachelor's degree and a teacher who had worked through educational attainment to a doctorate degree.

Ms. Haldeman stated that not many teachers had attained a doctorate degree, but there were a large percentage of teachers in CCSD with master's degrees. Educational attainment was something teachers worked toward because of the additional compensation.

The CCSD did not pay teachers for educational attainment pursuits, said Ms. Haldeman, and the only recognition for degrees was the increased salary after the degree had been attained.

Assemblyman Kirner said he was supportive of those who sought advanced degrees and then applied those degrees to their employment. Private industry tended not to reward educational attainment with increased salaries, but rather often provided robust tuition assistance programs. Assemblyman Kirner realized that was a completely different paradigm than what was offered in the education field, but he wondered whether the bill could be used to switch the paradigm and provide tuition assistance to teachers rather than adding salary for educational attainment.

Ms. Haldeman said that was a very interesting idea. She understood the concept because her children worked in private industry and their employers had recently paid the tuition for advanced degrees, but her children had also received an increase in pay. Ms. Haldeman supposed the school districts could select certain employees and offer to pay the tuition for higher degrees in certain areas, such as special education teachers. However, that model was not currently in place within the CCSD and initiating a new model would require further discussions.

Assemblyman Kirner asked how A.B. 555 and other educational reform bills would merge with collective bargaining agreements. Ms. Haldeman said she also wondered about collective bargaining agreements, which were negotiated on a local basis after the Legislature determined the amount of money allotted to the school districts. In years past, the Legislature had also determined the amount of the salary increase for teachers. Ms. Haldeman explained that the school districts negotiated teacher salaries, and many times the associations held out for a higher increase than what had been approved by the Legislature.

Assemblyman Hardy informed the Committee that he would like to read a portion of the letter he had received from the faculty at Virgin Valley High School, dated April 11, 2011, into the record ([Exhibit J](#)).

Our mission at VVHS is to graduate responsible and successful citizens. As was pointed out in a recent article, VVHS has the highest graduation rate of any comprehensive high school in the Clark County School District at 90 percent. We also have the lowest dropout rate at 1.3 percent of any high school in CCSD. VVHS is also one of only four comprehensive CCSD high schools that is rated as 'high-achieving' under the No Child Left Behind mandates. We have a pass rate of more than 90 percent on every one of the Nevada high school proficiency tests. And, we do this with more than half of the student body officially categorized as 'minority,' with more than 70 percent of our students qualifying for free or reduced lunch, a measure of family income, and 30 percent of our students speaking English as their second language. No other school in the CCSD with those demographics is rated as 'high-achieving.'

For the past three years our school has been blessed with Principal David Wilson. His philosophy has always been 'for kids' and graduating kids, and we, along with him, were able to see for the year that he was here, that students who were already involved in or became involved in extracurricular activities, from something as small as attending a school activity to being in the band, were higher achieving in proficiencies and graduated.

Assemblyman Hardy said that for 16 years Virgin Valley High School (VVHS) had ranked quite low in achievement rate until Principal Wilson was hired. His question was about section 4 of A.B. 555. He pointed out that student achievement at VVHS had improved with the same teachers in the classrooms after a new principal had been hired. Those teachers had taken their students from the lowest achieving students to some of the highest achieving students,

simply because of the level of support offered by the principal. Assemblyman Hardy asked how administrators would be evaluated, which he perceived as one of the major issues in the Clark County School District.

Ms. Haldeman agreed that Mr. Wilson was an exceptionally talented principal, and VVHS had benefitted significantly from his leadership. She pointed out that the language had been changed in section 2 of the bill, and the evaluation system would pertain to administrators as well as teachers. Ms. Haldeman said she agreed with Assemblyman Hardy that the real difference in education was often realized because of leadership. During the past rapid growth period in Clark County, principals were also promoted very rapidly, and their performance had to be taken into consideration as effective evaluations were discussed.

Assemblyman Hardy opined that the evaluation of administrators was very important because it appeared that many people had been promoted beyond their abilities during the rapid growth of teachers in Clark County.

Ms. Haldeman stated that many teachers selected their school solely based on the leadership style of the principal. Teachers would follow a good principal to the most difficult and challenging schools in the district because of that principal's leadership skills.

Assemblywoman Carlton noted that the negotiation process was quite expensive, and if collective bargaining was renegotiated every year, she believed the costs would be exorbitant for the school districts. Assemblywoman Carlton viewed that as a significant expense each year.

Ms. Haldeman said when she realized that every teacher would be required to reapply for their job each year, she wondered how the Clark County School District would manage the expenses and the magnitude of that endeavor.

Assemblyman Bobzien said he appreciated the remarks made by Assemblyman Kirner regarding the common practice in corporate America of providing incentives such as tuition grants to employees to better their careers, thereby allowing employees to seek additional education. He suspected that the practice of providing salary increases for educational attainment was a public administration necessity. Assemblyman Bobzien commented that school districts were rarely flush with funding, and because public entities had to deal with that long-term scarcity, the choice had been made to find another avenue for incentivizing education attainment. School districts chose not to provide the up-front money to teachers to attain a degree, which could be quite costly, but rather chose to reward teachers on the back end through increased salary.

Ms. Haldeman agreed, but stated it was also important for the Clark County School District (CCSD) to retain its teachers. Almost every teacher could make a higher salary in a different profession using that same degree. One reason CCSD had a difficult time in hiring mathematics and science teachers was because a person with a degree in mathematics and science could make a great deal more in the private sector than they could as a teacher. Ms. Haldeman said part of the reward system was to ensure that teachers who completed education attainment would actually remain within the system.

Testifying next was Craig Hulse, Director of Government Affairs, Washoe County School District, who said he would echo the comments made by Ms. Haldeman regarding A.B. 555. Mr. Hulse thanked the Governor for bringing the bill forward and the Legislature for hearing the bill. The struggle in Nevada was with the culture about the value of education in the state, and simply allowing public input and public conversations that brought matters to the attention of the Legislature helped elevate the culture of education in Nevada that was currently so lacking.

Testifying next before the Committee was Dr. Dotty Merrill, Executive Director, Nevada Association of School Boards (NASB), who said she would echo the comments previously made by her colleagues. She voiced appreciation for the policy reform discussions that had been generated by legislative leadership and the Governor's Office on behalf of Nevada's 17 school boards.

Dr. Merrill referred to section 3 and section 4 of the bill and explained that NASB had gone on record in support of using student performance and an improvement in classroom instruction for at least 50 percent of the evaluation tool. The NASB also supported A.B. 222, which would create a Teacher's and Leader's Council that would make the determination about the evaluation tool rather than the Commission on Professional Standards in Education. Dr. Merrill indicated that NASB had also gone on record in support of the four measures of an employee's performance; the NASB also supported the language in section 6, subsection 3.

Dr. Merrill indicated that NASB supported much of the language included in A.B. 555, and she would concur with the comments made by Ms. Haldeman regarding the one-year contract in section 12. That mandate would be difficult for many of the rural school districts to manage, and a one-year contract would not provide the flexibility for rural counties to recruit and retain highly effective teachers. The NASB would also certainly agree with Ms. Haldeman's comments regarding section 15.

Dr. Merrill stated that section 16 was the crux of the concern for NASB. The questions posed by Assemblyman Conklin captured the concerns of school board members. There was a body of empirical data related to the National Writing Project and the northern and southern Nevada Writing Projects, which had been in existence in Nevada for over 30 years. Dr. Merrill said teachers who had participated in that training and had attained degrees had increased their effectiveness tenfold. School board members could support the discussion about creating a link between advanced education and the content area. Dr. Merrill indicated that rural school boards believed they definitely had to provide incentives based on educational attainment and years of service to attract, recruit, and retain highly effective teachers. The NASB supported public policy that recognized that graduate work could contribute to increased effectiveness in the classroom.

Duncan Lee, trustee and advisor to the Las Vegas Asian Chamber of Commerce, said he also served on the Executive Committee for the Council for a Better Nevada and as Chairman of the Education Committee. Working with the Clark County School District (CCSD) and the Clark County Education Association, the Council launched the Empowerment School Program five years ago. The Council had raised over \$16 million within the past five years from the business community and private foundations and currently supported 30 empowerment schools in Clark County. Mr. Lee was proud that he and his wife were sponsors of the C. T. Sewell Elementary School, which was an empowerment school. They had learned much about the onsite empowerment team and about accountability from that model.

Mr. Lee said the Council for a Better Nevada believed that only through education did one have a chance to climb the socioeconomic ladder, and because of that belief, the Council provided financial support to CCSD, literacy programs, and charter and private schools.

Mr. Lee emphasized that he was not an educator, and the Council looked to teachers and administrators for answers, but he had seen many sides of education in Clark County from a business community point of view. The Council felt that the keys were onsite-based autonomy, accountability, and most importantly, putting students first. The Council believed that A.B. 555 would accomplish those goals. The state needed to establish a statewide evaluation tool for teachers and principals based on the growth model. Mr. Lee stated the bill offered a fair performance measurement system that was based on academic achievement and student outcomes. Also, said Mr. Lee, Nevada had to retain the best teachers in the classrooms by offering merit pay. The state needed to reward effective teachers based on performance, similar to the way the business community valued its most effective employees.



Mr. Lee stated there was a need to reform the tenure process to ensure that only effective teachers were retained in the classrooms, rather than teacher layoffs based on seniority. Mr. Lee said he served on the board of a private school where there was no tenure for faculty or administrators. If teachers had to be reduced because of budget cuts, it should be based on a fair assessment model that valued student achievement. Mr. Lee thanked the Committee for allowing him to testify and express his views on education from a business perspective.

Testifying next was John Bailey who stated he was also a member of the Executive Committee for the Council for a Better Nevada and would echo Mr. Lee's comments. Mr. Bailey said he was an attorney who had practiced in Nevada for over 25 years and was the managing partner of a law firm that employed many Nevada citizens who were the parents of students in Clark County. He was a lifelong Nevadan and was a product of the Clark County School District, and his family took education seriously.

Mr. Bailey was hopeful that the Legislature had the courage to embrace education reform. He stated he was very supportive of A.B. 555 and commended the Governor and his staff for pushing education reform forward. The state had an obligation to ensure that Nevada had the best educated students, and legislators had a special responsibility to make sure that was accomplished because Nevada's students deserved nothing less.

Testifying next was Bev Patton, Executive Director, Las Vegas Youth Orchestras, who read from written testimony ([Exhibit K](#)). To summarize, Ms. Patton stated she was a parent who was active in the Clark County School District (CCSD) Parent Advisory Committee and served as a parent on the CCSD Curriculum Commission and School Name Committee. She also participated in the deputy superintendent's monthly parent forum.

Ms. Patton described her visit to Senator Harry Reid's southern Nevada round table discussion regarding the Elementary and Secondary Education Act. She was an advocate of a well-rounded education for Nevada's youth. Ms. Patton noted that the educational system had been slowly dissolving through the years of increased budget cutbacks. The end result was a diminished ability to serve every child equally with quality education.

Ms. Patton explained her view of CCSD's evolution over the past two decades, which included inequities among students receiving quality education because of limited school choices and ineffective teachers. Other issues that affected school performance were principals with different capabilities in schools that succeeded or struggled; a barrier of bureaucracy and a system that was crippled

by cuts in the budget, infrastructure, and programs; inconsistencies in student growth levels in the same grades and subjects; and layoffs of newly hired teachers through the last in, first out "LIFO" system.

Ms. Patton was present at the hearing because she believed in education reform, and she asserted that now was the time for that reform. She urged the Committee to support passage of A.B. 555. She also supported A.B. 222, A.B. 225, and A.B. 229.

Ms. Patton said the pivotal points of education reform were a system of evaluation, assessment, and compensation for good teachers, and she discussed those points, along with the results from education reform.

Chairwoman Smith ended testimony from persons in support of A.B. 555, and she advised that persons in favor of the bill could provide written testimony to the Committee, which would be made a part of the record. The Chairwoman opened testimony from persons who were in opposition to the bill.

The first to testify in opposition was Bert Young, special education teacher at Virginia City High School. Mr. Young prefaced his remarks by stating he was 61 years old and had been teaching for 13 years, and that, apparently, made him a bad teacher. With 13 years invested in teaching, Mr. Young said he had a certain amount of seniority, so if layoffs were to occur, he would not be first in line. He said it appeared he was one of the teachers that had to be laid off so the better, new young teachers could be hired to turn Nevada's schools around. Mr. Young discussed his enthusiasm as a young teacher who thought he could turn education around. He pointed out that his enthusiasm was as great at the age of 61 as it had been at 19 and believed that his experience had been vital and made him a better teacher now than when he first started his teaching career.

Mr. Young said it appeared he was a particularly poor investment because he made an additional \$500 a year after attaining his master's degree. He asked when experience had become a negative factor, and when had going to graduate school and advancing professionally become something irrelevant and of no worth. Mr. Young was constantly reviewing courses that would aid him in his teaching career. He discussed his experience with "whole language" classes, which had proven to be unsuccessful. He believed that going back to school and adding to the background of knowledge was an excellent idea for teachers.

Mr. Young pointed out that hardworking professionals would have no job security if A.B. 555 were to pass, but rather would attempt to navigate a career from which they could be discharged for any reason, or no reason whatsoever, at the end of each academic year. In the 12 years that Mr. Young had taught at Virginia City High School, there had been 5 different principals. Those principals had varied in their approach from one who recommended him for teacher of the year to another who wanted to terminate his employment. Principals varied enormously and to make evaluations rated on how the principal viewed a teacher for that given year would provide no protection for a teacher.

Mr. Young believed the mandates of A.B. 555 would be completely counterproductive, and by dismissing the value of education for educators, the Legislature would be sending the message that professionalism was not encouraged. By stripping educators of any vestige of job security, the state would lose existing teachers, but even more importantly, the state would turn away qualified, motivated young teachers who would correctly see education not as a career, but rather as a dead-end job. He urged the Committee to vote no on the bill.

Sherrie Jackson testified next and stated she was a 20-year veteran teacher, who had been teacher of the year twice and nominated almost yearly. She had been very instrumental in training new teachers and was loved by her students, but she was very high up on the salary scale. Ms. Jackson noted that if the new teachers who had testified earlier were pitted against her, the very small school district in Douglas County would have to make a decision whether to retain her at a higher salary or lay her off and retain two newer teachers. That was a worry that Ms. Jackson said she did not deserve, and it was unfair in the current climate of wage and benefit reductions.

Ms. Jackson opined that teachers had taken on more than their fair share of budget-balancing burdens. Teachers were losing wages, benefits, classroom funds, cost of living increases, and teachers in Nevada already made less than many of their peers in other states. Ms. Jackson stated that she knew that was true because she had come to Nevada from California and had taken a significant pay cut ten years ago. Teachers were using their own money and holding fundraisers to purchase the basic supplies for their classrooms, and the premise that bad teachers were so prevalent in Nevada that something as drastic as A.B. 555 was needed was ridiculous.

Ms. Jackson agreed that there were bad teachers and the state needed to determine an easy way for administrators to eliminate those bad teachers; however, there were also bad administrators who made teaching very difficult, and that issue should also be dealt with. Ms. Jackson opined that A.B. 555 left

too much “wobble room” for districts to balance their budgets on the backs of veteran teachers, and it would eliminate tenure, which provided some security for teachers.

Ms. Jackson said the most important thing a teacher could give a child was the motivation to remain in school, and A.B. 555 would take away the security for veteran teachers. She stated that after 20 years she was by no means on “easy street” in her teaching abilities and was observed constantly. Taking away the security for teachers would not make them better teachers, only more stressed-out teachers.

Assemblyman Hickey asked how Ms. Jackson felt about merit pay to reward teachers, and whether that would be an incentive to her and her colleagues. Ms. Jackson said to be honest, no one would turn down additional compensation; however, she had not become a teacher for the money. Ms. Jackson said as a veteran teacher she had seen many wonderful plans that made sense to everyone, but by the time the plan was interpreted by the various superintendents and principals, it ultimately was not initiated in the spirit of the plan design. Ms. Jackson said she had more fear than hope for benefits from A.B. 555.

Denise McMasters testified next before the Committee. She stated she had been a teacher for 20 years and had five children who had gone through the Carson City School District and successfully moved into different realms of life.

Ms. McMasters said she would focus on issues previously discussed by Mr. Erquiaga, and the first issue was tenure. She stated that she was a highly qualified teacher with a master’s degree in education with a focus on teaching and learning and an emphasis in reading. Ms. McMasters said teachers were constantly requested to take classes, and she had no problems with those requests; however, she had a problem with legislation that would not reward a teacher for continuing education, which was required by the state.

In the state of Arizona, said Ms. McMasters, all teachers were required to have master’s degrees and were allowed five years to attain that degree. She wondered whether Nevada planned to go backward or forward in the education of children. Ms. McMasters said she was on the high end of the pay scale, and if A.B. 555 passed, the school district would look at finances and determine it could get rid of the higher paid teachers and hire two newer teachers. She guaranteed that would be what would occur, and that would be the “trickle-down” effect of the law.

Ms. McMasters said there was research to support any issue, and she had never heard the expression "LIFO" before. She stated that she was exhausted and looking forward to Easter break, and she banked on her experience and expertise to refine her skills. She described the incentive pay for education attainment and stated that there were many teachers who did not have a master's degree who were on same the pay scale as Ms. McMasters.

Ms. McMasters stated that the Carson City School District had a three-step disciplinary process. If a teacher was not doing her job, there was a disciplinary process already in place. She wondered why everyone thought it was so difficult to get rid of incompetent teachers. The current disciplinary process would begin by assisting the teacher through a mentor and focusing on the areas of concern. After six months the teacher's performance would be reevaluated. The only way a teacher could fail that process was if she refused to do her job. Ms. McMasters said the third and last level of the disciplinary process was when the teacher had made no attempt to improve and would then enter the final stage of termination.

Ms. McMasters said it was not fair to put teachers on the merit pay system rather than tenure, which had proven not to be successful. Teachers worked diligently in their classrooms for their students because they wanted those children to be successful in life.

Ms. McMasters said there were differences in students. She currently taught a special education cluster, and in the past had taught the English as a Second Language cluster, and she believed there would be "war" if merit pay was initiated in place of tenure. She pointed out that no students were the same, and their improvement levels also differed. Teachers loved the children they taught and wanted them to grow up to be prosperous, productive adults.

Jennifer Davis testified next before the Committee. She stated she was a teacher with the Clark County School District. Ms. Davis indicated that she had an advanced master's degree, master's degree plus 32 credits, had a teacher's endorsement, and was currently working on her doctorate degree. Her concern about A.B. 555 was how it would save money for the State of Nevada and for the citizens. The bill targeted what the news media and some political representatives called "bad teachers." Ms. Davis asked how many bad teachers the Legislature believed there were in Nevada, and if they were so bad, why had they remained in the classrooms.

As Ms. Davis looked around at her peers and colleagues, she did not see "bad teachers," but rather hard-working, committed people who had a goal to teach others. She wondered why teachers had been brought to the forefront

now and why they were being blamed for all of society's problems. There was currently a system in place that reviewed all teachers through evaluations by their supervisors and principals.

Ms. Davis said as a postprobationary teacher, she was required to have a minimum of three evaluations a year with a numeric system of four being excellent and one unacceptable. The system also reflected many different aspects of teaching. If there were "bad teachers" still teaching, the question was where had the system failed, was it the teacher or the supervision provided to that teacher.

Ms. Davis said she had been involved in education since 1986 and since that time she had seen many changes in classrooms and in the dynamics of the educational institution. The educational institution had become more and more like a family because schools fed and clothed many students, teachers nurtured and counseled students, met the special needs of students, and praised them or consoled them. The role of a teacher had greatly expanded from simply educating children.

Ms. Davis stated that students had also changed, and she had been disrespected, cursed at, threatened with bodily harm, threatened with sexual harm, and assaulted. Ms. Davis said she had students who refused to complete assignments and constantly disturbed and distracted the classroom. She had contacted parents who had no authority over their children and asked her to help with a problem. She was required to teach grade-level curriculum to students who were three to four years below grade-level in reading, and she struggled daily to help those students keep up with the class, but yet through all of those situations, she had remained a teacher.

Ms. Davis asked the Committee to understand that those examples were not isolated incidents, but were the norm for daily situations and problems at most schools. Ms. Davis said as a teacher she provided a public service and that was to educate the future citizens of the state and country.

According to Ms. Davis, in comparing education to the running of a company it should be understood that teachers received all types of raw materials, from the minimally functioning to the premium, yet teachers were responsible to encourage, enlighten, motivate, communicate, educate, and create a product that, according to A.B. 555, could pass a one-shot test, which would be the basis for 50 percent of the teacher's evaluation.

Ms. Davis stated that continuing education was very important, and she had taken many classes for which she had been reimbursed through salary

increases. She stated she had learned much and was not the same teacher as she had been in the beginning of her career.

The issues in A.B. 555 were already in place within the education system, and Ms. Davis believed it would be redundant to pass the bill. Teachers and associations were not the problem. Problems were deeply rooted in society because parents were not raising their children to be respectful, responsible citizens who valued education as a means to improve themselves. Ms. Davis opined that parents, administrators, teachers, and students needed to work together to make education a priority in Nevada.

Testifying next was Brian Booth, who stated he was a social studies teacher at Ralph Cadwallader Middle School in Las Vegas. He stated that educational reform seemed to be a great idea on the surface, but it appeared that the proposed policies in A.B. 555 were a way to circumvent collective bargaining.

During the hearing today, Mr. Booth said he kept hearing that educational degrees had no effect on student learning. He indicated that correlation did not mean causation. Mr. Booth stated that he had a master's degree in learning and technology and taught social studies. He used technology in his classroom every day and his students succeeded and were able to use technology. Mr. Booth said he had used his degree to help his students to participate in National History Day, and over the last three years, 1,000 students had participated at the school level, 200 students had participated at the state level, and 24 students had won and gone to nationals to compete in categories of building websites and making documentary films.

Mr. Booth said there was no test that applied to a social studies teacher, and he wondered how his performance would be evaluated. He believed his students would be more successful in the future because of the skills he had attained from his degree. He asked that the ridiculous idea that teacher education had no bearing on student achievement be dropped.

On the surface, said Mr. Booth, the ideas sounded great to him as a young, energetic teacher who sat on the Commission on Professional Standards, and if the Commission was going to assist in development of the evaluation tool he would be involved in that process. He discussed the various differences between the current system and the proposals included in A.B. 555.

Mr. Booth stated that on the surface, he was a great teacher, was a department chair, had taught over eight subjects in his six years of teaching, coached sports, and was the yearbook advisor. Everyone was forgetting that education was a team game similar to baseball, in that there were team players with

individual results, and elimination of utility players would not help the team win. Mr. Booth believed that Nevada has to recruit the best teachers, and A.B. 555 would not bring the best teachers to the state.

Chet Miller testified next before the Committee. He stated he was a teacher, a husband, the father of two children in public school, and a proud union member. Mr. Miller said his father taught school in New York City, where he and other teachers began an endeavor that would challenge the system and bring collective bargaining to a profession that had never been given a voice before. Mr. Miller said that prior to the efforts of his father, teachers were voiceless and made to endure the whims of their employers, whose action at times could be viewed as tyrannical.

Mr. Miller said that at one time teaching was considered a second-class profession for women, and because of his father and other brave men and women, teachers were now actually being treated as professionals who were able to sit across the table from employers and collectively bargain for better working conditions. Because of the efforts of his father and many other teachers that followed, Mr. Miller said his family lived a decent life.

The Legislature was now considering A.B. 555 that would return the teaching profession back to the draconian days. Mr. Miller said the current language in statute regarding seniority was in place to protect teachers from cronyism and unfair termination because of arbitrary and capricious reasons that had existed prior to collective bargaining. Mr. Miller commented that the pay scale existed to protect teachers from rampant cronyism. If education attainment had no basis in readiness or preparation leading to performance, then why were businesses paying more for master's degrees in business administration, and why did the state require teachers to obtain six credits every six years to maintain their license.

Mr. Miller pointed out that studies indicated most teachers who entered the system did not last beyond five years. He explained that some teachers left the profession on their own, and some were counseled out by the organization because of the difficulties they experienced.

Mr. Miller pointed out that Nevada had not qualified in the Race to the Top federal grant program because of certain aspects of employment tied to that legislation. The reality was that Nevada had not qualified because the state had never invested in education and could not meet the requirements.



According to Mr. Miller, the last in, first out "LIFO" procedure caused new teachers to be laid off rather than senior teachers, which could be eliminated if the funding mechanism for education was in line with what the state should do for its children. New teachers could be employed if there was funding to maintain the level of necessary staff.

Mr. Miller said A.B. 555 would not attract the best minds in the profession and would not attract the best teachers to Nevada, and it would not make teaching and learning better. He said the decision made by the Committee today could have an effect and consequence that was not intended.

Ron Dreher testified next before the Committee and stated he represented the Washoe School Principals' Association. Mr. Dreher said there were some issues that had to be addressed in A.B. 555.

He pointed out that 99 percent of teachers and administrators in Nevada were excellent teachers. The bill would have the Legislature believe that there were 99 percent bad teachers and 1 percent effective teachers. Mr. Dreher said the analogy was that there was a need to improve all teachers, which was not the case. A comment had been made earlier by Tray Abney, Reno Sparks Chamber of Commerce, regarding A.B. 449, which addressed redevelopment issues and the need for an educated workforce. Another proponent of the bill stated that history was in the making with A.B. 555, and Mr. Dreher opined that history was in the making because the bill would destroy the state's educational system.

Mr. Dreher said another comment had been made about a necessary reduction in education spending, and he pointed out that Nevada was already last in the nation regarding spending for education. Mr. Dreher noted that the representative from the Governor's Office had indicated that nothing in the bill addressed or changed due process; however, some persons were fired because they failed to please the administration or because their salary was too high, and there had been no due process. It would create an at-will status because each and every proposal in A.B. 555 indicated that if a teacher failed to perform within the one-year contract, they could be terminated.

According to Mr. Dreher, section 17 of the bill dealt with seniority, reduction in force, and collective bargaining. If the Legislature enacted section 17 as written, it would harm veteran teachers. Mr. Dreher said there was a system in place for discipline or discharge of teachers, which he opined was also needed for administrators.

Mr. Dreher discussed the advancement of his wife's career over the years to ultimately become a teacher and later a school principal, and it was important to note that she had been monetarily rewarded for that advancement, which he believed was appropriate. Mr. Dreher opined that the status quo was working, and there already was reform in education. The sections of A.B. 555 that addressed teacher performance were acceptable, but the rest of the bill was unnecessary, said Mr. Dreher.

Mr. Dreher said there was now a National Board Certification for principals, similar to National Board Certification for teachers, and persons would spend several years going through the certification process. After completing the certification program, principals would be offered incentive pay; however, the way A.B. 555 was written would restrict those monies.

Assemblyman Grady said he had two daughters and one daughter-in-law who were approaching 20 years in teaching, and Mr. Dreher had stated that school districts would use length of teaching and higher salaries to terminate teachers. He asked Mr. Dreher to provide information to the Committee about that practice.

Mr. Dreher said the information came from the bill itself, because the language of the bill would allow those persons conducting the evaluations on a yearly basis to terminate teachers without just cause. It had been his experience over the course of his career that money was a factor when layoffs were considered to accommodate a reduction-in-force.

Assemblyman Grady said his question was about Mr. Dreher's statement that teachers were currently being laid off at 20 years of service to save money, and Assemblyman Grady wanted to see the backup material for that statement, which pertained only to teachers.

Mr. Dreher said that was not currently happening, but it could happen if the bill was enacted. Assemblyman Grady noted that was not what Mr. Dreher had stated in his presentation. Mr. Dreher clarified that his statement was that teachers could suffer layoffs because of higher salaries if the bill was enacted.

Cathy Dreher testified next before the Committee and stated she was speaking about the bill solely as a concerned private citizen. Ms. Dreher said she was a former teacher and principal for the Washoe County School District. Prior to that she had been an accountant involved in human resources within private industry.

Ms. Dreher said she held a bachelor's degree, a master's degree in school administration, and a master's degree in business administration, and she was very interested in the business/money side of A.B. 555. Ms. Dreher said she took a class in statistics in college and the textbook was entitled "Lying With Statistics," and when statistics were used to make vital decisions about education, she hoped that legislators reviewed the background of the information.

Ms. Dreher said her first concern was that the general provisions of the bill seemed to be an attack on collective bargaining. Her second thought was that the proponents of the bill were largely from the business community, which always wanted the public sector to operate on a business model.

The two sections of concern to Ms. Dreher were section 12 and section 16. Section 12 would employ teachers on a one-year contract, and her concern was that the state would be creating a temporary workforce. Ms. Dreher stated that the teachers, who performed the most important business for the state, should not have to feel that they were being employed on a temporary basis.

Ms. Dreher said that she was afraid that using such a model would encourage school districts to make decisions regarding staffing based solely on the salary of the teacher or administrator. She stated it was currently a practice of school districts to offer retirement incentives to employees with the highest number of years of service.

Section 16 of the bill, said Ms. Dreher, was very controversial, and was also where the business model fell apart. In a profession there had to be a career path and educational incentives with an opportunity to receive increased pay, and that was the path currently offered to teaching professionals.

Assemblyman Goicoechea said with her background in the private sector, Ms. Dreher should be aware that most private sector employment required employee evaluations, usually on an annual basis. Ms. Dreher agreed and pointed out that teachers were also evaluated under the current system.

Testifying next was Andrea Hughs-Baird, who informed the Committee that she was a member of Parent Leaders for Education, was the mother of three elementary school children, and volunteered six hours per week in her children's classrooms. Ms. Hughs-Baird explained the number of persons who visited websites and events offered by Parent Leaders for Education, and the interaction of the organization with the Legislature.

The concern and awareness in the Washoe County community continued to grow, said Ms. Hughs-Baird, and education reform and funding appeared to be on everyone's mind. Parent Leaders for Education received calls daily about educational issues, and through its events, the organization had watched the audience response change from one of "wait and see" prior to the presentation of The Executive Budget to one of "shock" at the effect of the proposed cuts. The expectation was that the Legislature and Administration would take whatever action necessary to make compromises and would make difficult decisions to prevent budget cuts from affecting the children and the state. Most persons were not looking for short-term patches that would allow education to scrape by until the next economic upswing, but wanted real solutions now that would lead Nevada to a prosperous future.

Ms. Hughs-Baird said Parent Leaders for Education was in favor of major reforms to education in Nevada. The Education Alliance of Washoe County, another community organization, had produced a white paper entitled "Nevada Economic and Education Analysis," which clearly demonstrated that Nevada needed reforms, and also demonstrated that to reach the significantly above-average student achievement level, Nevada also had to increase educational funding.

Ms. Hughs-Baird said the reforms addressed in A.B. 555 were also included in several bills currently before the Legislature in varying degrees. Research conducted by Parent Leaders for Education found the same reforms being considered in numerous other states. Most states had acknowledged the fact that the proposed or enacted reforms needed significant funding and needed to be respectful of quality teachers. Ms. Hughs-Baird said the most important factor was student achievement.

According to Ms. Hughs-Baird, Parent Leaders for Education believed that the final reforms that were approved during the 2011 Legislative Session should be significant, should be well thought out, and should be nonpartisan, and the reforms should be accompanied by adequate funding.

Ms. Hughs-Baird stated that Washoe County had developed a new strategic plan through a very transparent, highly participatory process involving district employees and community members. That strategic plan was showing signs of being a model for a statewide quality education system. In 2010, the high school graduation rate had increased 7 percent after 4 years of being stagnant, and that improvement was realized at every high school in the district. Test scores had also improved, said Ms. Hughs-Baird, and while the strategic plan was still in its infancy, it was showing positive results.

Ms. Hughs-Baird asked the Committee to support Washoe County's strategic plan, which had been nationally recognized as one of the most reform-minded in the nation, and use it as a model to develop Nevada's educational reform plan.

Testifying next was Amy Stover, who stated she was a single parent living in Las Vegas. Ms. Stover said she had a bachelor's degree in business administration and had been employed in the private sector for 15 years as a paralegal and legal administrator. After September 11, 2001, she made the decision to give back to the community and decided to become a teacher.

At her own expense, Ms. Stover went back to school to get her master's degree in elementary education and was now working for the Clark County School District. She had also been required to pay for professional examinations, background checks and licensing fees, had taken a cut in pay, and had to pay for some of the initial supplies in her classroom. Most recently, said Ms. Stover, she had spent over \$3,000 to earn her Teacher's Endorsement for teaching English as a Second Language.

Ms. Stover said becoming a teacher had been financially stressful for her and her family, and because the undertaking had been at her own expense, she would not have completed her degree had she known she would only be guaranteed employment for one year.

Under A.B. 555, said Ms. Stover, an educator's ability to obtain a mortgage, a credit card, a car loan, or a student loan could be limited, because it would be a bad decision for a bank or mortgage company to loan extended credit to an individual who only had guaranteed employment for one year. Ms. Stover opined that would make recruitment of quality teachers in Nevada difficult, if not impossible. Under the mandates of the bill, teachers would have no incentive to continue their education, nor would they be recognized for years of experience. The bill did not provide the ability for teachers to better themselves financially within their profession except through student test scores.

Ms. Stover said she currently worked at an at-risk, needs improvement, year four school. She stated her students were wonderful and deserved the best education; she pointed out that most of her students spoke Spanish in their homes and English at school. It was difficult for some of her students to pass English reading, writing, and mathematics tests when they were still learning English.

According to Ms. Stover, under the mandates the bill she would not qualify for bonuses because she chose to teach low economic, Spanish-speaking students, even though she believed her students were making significant improvements.

While she had made the choice to teach those students, others might not follow in her footsteps because of the mandates of the bill. If she had to make the decision again to become a teacher, she said she did not think she would answer the call. Ms. Stover said if A.B. 555 passed, she would not advise anyone to change professions and sacrifice personal financial security and the ability to improve their quality of life. Passage of A.B. 555 would send a message that Nevada did not care about those individuals who had made sacrifices to serve Nevada's children.

Testifying next before the Committee was Brad Truax, who stated throughout his 24-year career as a teacher, he had always stressed the importance of education as a means of ensuring job security and increased income for his students. He said it struck him as the ultimate irony that the Governor and at least some members of the Legislature were promoting passage of a law that intended to send an entirely different message regarding teacher salaries.

Mr. Truax stated that section 16 of A.B. 555 sought to eliminate a salary schedule that honored credit for years of service to Nevada's school children and would end the incentive for teachers to continue their education. It appeared the Governor and some lawmakers had decided that the talent developed through years of experience in a teacher's personal and professional development would be of little or no value. Should the bill pass, said Mr. Truax, the Governor and state legislators would have decreed that experience and the pursuit of education was not necessary above and beyond that which was minimally required for a entry-level teaching position.

Mr. Truax opined that the state should look at school reform to better serve the state's students, and A.B. 555 was not the solution, because the bill focused too narrowly and very unfairly on what was needed to improve student achievement. The bill falsely assumed that altering the manner in which teachers were compensated and making teachers at-will employees would provide the "magic bullet" that would improve student achievement; however, said Mr. Truax, that was not true.

Mr. Truax said the bill ignored the challenges facing teachers in some schools such as his school, where 21 percent of the students qualified for English Language Learner (ELL) services, and yet because of cuts by the 2009 Legislative Session and the additional current budget cuts, nine teachers would be laid off including the three ELL teachers.

Mr. Truax discussed statistics for his school, and noted that for a student population of approximately 800 students, the school had recorded 311 excused absences and 460 unexcused absences in the third quarter of the

current school year. The number of students who came to school tardy each day ranged from 25 to 35. Detentions and parent conferences had failed to change those numbers, and Mr. Truax stated that school police had issued 31 truancy citations to 23 students, yet the most severe consequence issued by the court had been a fine of \$100, which was suspended.

According to Mr. Truax, the bill ignored the challenges imposed by the nearly overwhelming demographics and societal changes that had made improving student achievement so challenging. The bill ignored the fact that action taken by the 2009 Legislative Session caused the loss of four teachers at Mr. Truax's school, which made it necessary to increase the number of students in each classroom. The bill also ignored additional cuts that would result in the loss of an additional five teachers. Mr. Truax said there were the same number of students, yet nine teachers had been laid off.

Mr. Truax said if the Legislature wanted school improvement, it should make sure that schools had the staff and resources necessary to educate children and make sure schools were led by administrators who provided real leadership and were willing to take the steps needed to dismiss ineffective teachers rather than pass those teachers off to another school. Eliminating job security and the salary schedule that encouraged teachers to remain in the classroom and removing the economic incentives for teachers to improve skills by furthering their education was not the solution.

Mr. Truax urged the Legislature to look closely at the lives that would be affected as the Committee considered A.B. 555. He asked that the Committee consider the very negative message the bill sent to teachers and, more importantly, to students.

Testifying next was Jim Blockey, who stated he was an extremely conservative teacher and was not affiliated with any organization. Mr. Blockey said he had been a teacher for 23 years, and if A.B. 555 had been passed prior to the start of his career, he would have been fired early in his career.

Mr. Blockey pointed out that teachers already dealt with a personality contest in the educational system, depending upon the administrator, and passage of A.B. 555 would create an even greater personality contest. Mr. Blockey said if he was going to be evaluated based on student achievement, he would definitely teach at a high-end school, and passage of the bill would encourage other teachers to do the same.

Mr. Blockey said teacher performance was very subjective, and it would be difficult to be objective about performance evaluations. The current system was not perfect but appeared to work. There had been previous comments that the bill was only about collective bargaining, and it was supposed to be about helping children.

There was a problem with education, said Mr. Blockey, but A.B. 555 would not fix that problem because the bill simply blamed teachers for the problems. He discussed how to define a bad teacher and opined that student achievement could only be determined by student desire, and teachers could not force students to learn. Mr. Blockey shared a scenario with the Committee about the type of students that teachers dealt with.

Testifying next was J-Petrina McCarty-Puhl, M.Ed., who stated she was a 24-year teacher in Washoe County, and was the 2006 Nevada State Teacher of the Year, was a certified crime scene investigator, and taught forensic science at Robert McQueen High School.

Ms. McCarty-Puhl said she was present today as a member of the Teacher Leaders Network, which was part of the National Center for Teacher Quality. She indicated that education and experience made a difference and made teachers more effective. Ms. McCarthy-Puhl said she had worked with four principals over the course of her career, and every one of them would agree that she had improved over time. She had not been the best teacher in her first year of teaching and was not as effective then as she was now.

Ms. McCarty-Puhl said she had a master's degree that was not in her field, but rather was in curriculum and instruction. She stated that the year she received her degree, she was teaching "fresh-mores" or students who had failed science class during the previous school year. Ms. McCarty-Puhl said the students improved to the point where she had an 8 percent failure rate, which was because of the methods she had learned in her master's degree program that was not in her field. The only reason 8 percent of her class failed was because those students had not come to school.

Ms. McCarty-Puhl said after her first ten years of teaching, she had received her National Board Certification, had become an education astronaut with NASA, which meant she went to NASA for training several times a year and brought that experience back to her classroom, and had received a Presidential Awards for Excellence in Mathematics and Science Teaching. Ms. McCarty-Puhl said she was a PBS innovative educator and had received the AOL Technology Leadership Award through work she had done in her classes for which she received no credit because they were not graduate level.



Ms. McCarty-Puhl emphasized that she was not “burning-out,” but rather was “burning brighter,” and she was not alone. She said she had grown in effectiveness and skills, and her passion for teaching had not been diminished.

Ms. McCarty-Puhl believed that the number of bad teachers was microscopic, and A.B. 555 was like a “surface-to-air missile” to eliminate bad teachers. If the bill was passed, only those teachers who could not qualify for a regular contract would apply in Nevada, and the state had a solemn duty to provide quality education for children.

Ms. McCarty-Puhl said she was also a higher paid teacher and might face layoffs because teachers would be placed in at-will positions. Everyone wanted a better education for the children of Nevada, and Ms. McCarty-Puhl hoped everyone could work together to improve education in ways that mattered, such as encouragement of professional growth and professional development for teachers and administrators.

Testifying next was Linda Hunt, who read from written testimony ([Exhibit L](#)). Ms. Hunt stated she was a teacher at E. Otis Vaughn Middle School in Reno and also sat on the board of directors for the Washoe Education Association and the Nevada Education Association. Ms. Hunt said if A.B. 555 became law, teachers would become disillusioned and disenfranchised, and Nevada would remain at the bottom of the “heap” in per-pupil funding. The problems would not go away and the issues would not change. Ms. Hunt stated that the core of hardworking teachers in Nevada were sad, angry, and probably attempting to determine how to change their career paths because of the bill.

Ms. Hunt said that with all due respect to the supporters of the bill, it was reactionary and punitive. She found two particular sections of the bill appalling. The first was section 12, which indicated that each licensed employee would be employed on a contract basis for a one-year period. That would squelch the collegiality and collaboration that had been at the forefront of instructions for the past several years. Ms. Hunt said teachers had been encouraged to develop professional learning communities, and time had been provided during contract hours to refine and grow those communities. She said one recurring quality found in successful schools was strong staff collaboration about curriculum assessment and students. One-year contracts would discourage those efforts and would create a sense of itinerancy, which was not conducive to long-term growth and success in any profession.

Ms. Hunt said another drawback to section 12 was that if teachers felt insecure about their positions, they would be less proactive with questions about policies and less likely to try innovative strategies. There were systems already in place

for dealing with ineffective teachers, and perhaps districts and administrators needed to be more proactive in using the current system.

Ms. Hunt stated she also found section 16 problematic, and there had been much discussion about the mandates of that section.

Testifying next was Laurel Dority, who stated she taught sixth grade special education at Carson Middle School. Ms. Dority said she had been chosen in February 2011 to represent the United States through the Fulbright Teacher Exchange Program with Japan. Ms. Dority explained the honors received by her school because of the school's plan to create a wetlands from a drainage pond. She also discovered that her colleagues at Carson City Middle School had chosen her for the Light of Education Award for the school.

Ms. Dority said she recently found a letter in her school mailbox from a student she had mentored since the fourth grade. The student struggled every day, and today he was poised to graduate from eighth grade and take his place in society. Ms. Dority stated that the letter thanked her for her help over the past years, and she believed that was the greatest honor a teacher could receive and was the reason she had become a teacher.

Ms. Dority said teachers provided children with a quality education, but also listened to their problems, offered them a shoulder to cry on, attended their soccer games, and used their own money to buy students backpacks and other supplies, and there was no data that could measure those acts.

Ms. Dority said many teachers arrived at school long before school started, worked through lunch, and remained after hours to help students and complete paperwork. Ms. Dority commented that it was human nature to find someone to blame when things went wrong, and the Governor had pointed his finger at Nevada's public schools and proclaimed that the problems were the fault of the teachers.

Ms. Dority asked who would be there for students if A.B. 555 passed and a career in teaching was deemed no longer worthy of respect. Young and bright college students would choose a career other than teaching when the last of teacher supports were removed. Eviscerating Nevada's public school system was not the answer, said Ms. Dority, and the mandates of A.B. 555 were a quick fix and a lose-lose proposition. Changes might be needed, but the bill would hobble those teachers who offered more than could be measured and evaluated through data.

Testifying next was Phillip Kaiser, who stated he was a teacher with the Washoe County School District. He stated that A.B. 555 directed the State Board of Education to maintain an automated system of accountability to establish a performance evaluation system for teachers and administrators. Mr. Kaiser stated that the performance evaluation system must account for at least 50 percent of the evaluation of a teacher, including data about the results of individual student assessments.

Mr. Kaiser believed one key problem was that not all subjects were tested on standardized tests such as high school proficiency tests. He noted the areas at the secondary level that were not subject to the standardized test, but many were required for graduation or for admission into college. The evaluation would be more complex than the model depicted in the bill, and Mr. Kaiser stated that student success was measured by much more than a test score. He pointed out that the key ingredients necessary to become successful in a variety of careers, such as attorneys and doctors, were impossible to measure.

Mr. Kaiser commented about the teacher evaluation proposed in A.B. 555 and noted that it was focused on assessment and achievement of students, but there were many variables that a teacher had no control over. Obstacles to student achievement included limited English proficiency, transiency rates, class sizes, difficulty of providing appropriate interventions for special needs students, a lack of student motivation, truancy, behavioral issues, and even a lack of parental support in many cases. Mr. Kaiser explained the various reasons why student evaluations might be skewed, which would affect the evaluation of the teacher.

Mr. Kaiser stated that A.B. 555 would prohibit local school districts from increasing the salaries of teachers based on advanced education or experience. The bill did not state that a school board "may" use those factors, but rather prohibited the use of those factors. Mr. Kaiser stated that stipulation might affect the recruitment and retention of highly qualified teachers. He opined that teaching was as much an art as a science, and not everything was quantifiable by data; children were more than a test score. Mr. Kaiser said to help students the state should make education a priority by providing resources. He emphasized that legislators should not fool themselves into thinking that getting rid of "bad" teachers would solve the key problems in education.

Chairwoman Smith clarified that the 50 percent issue in the evaluation of teachers was not based on student testing, but rather was identified in A.B. 555 as student achievement. As the evaluation tool was developed,

it would be student achievement that was used as the criteria, rather than student testing.

Chairwoman Smith announced that she would close public testimony regarding A.B. 555 in Carson City; however, she encouraged persons to submit written testimony that would be included in the record of the hearing. The Chairwoman stated that she would allow testimony from three additional persons in Las Vegas prior to closing public testimony regarding A.B. 555 at that location.

Testifying next was Sebring Frehner, who stated he would speak on behalf of the Nevada Student Coalition. Mr. Frehner indicated that he was opposed to A.B. 555 in its current format, but if the bill was amended to reflect the modifications recommended by Superintendent Dwight Jones, Clark County School District, Mr. Frehner said he would support the bill.

Testifying next was James Peal, who stated he was a teacher in the Clark County School District (CCSD). Mr. Peal stated that his mother was a single parent and had raised him and his sister on a teacher's salary. He indicated that finances had been "tight," and he had watched her struggle, so he had decided against a career in education. However, when considering a career change Mr. Peal said he talked to a number of people in education who assured him that teaching was now different and had improved because of action taken by the Legislature over the years. Through collective bargaining, teachers had been able to improve their standard of living.

Mr. Peal said his concern with A.B. 555 was that it would undo decades of dedicated work on the part of legislators and Nevada citizens who had worked to create the current vibrant professional education workforce.

Mr. Peal opined that the bill appeared to be an attack on collective bargaining. He pointed out that his mother was currently living on her teacher's retirement and had the same concerns as most senior citizens who lived on fixed incomes. Mr. Peal said his mother enjoyed the pension she had today because of the teacher's union; she had been the beneficiary of collective bargaining.

Mr. Peal said he was a proud teacher, a proud member of CCSD, and a proud member of his union, which had been there for him for a number of years. He stated that he and his wife, who was also employed by CCSD, were depending on the pension they would receive when they retired. Mr. Peal stated that teachers were not the "bad guys" in education, and he believed everyone had to work together to change education.

Testifying next was Peg Bean, who stated she was a 46-year resident of Las Vegas and a teacher in CCSD. Ms. Bean said she was present to speak in opposition of A.B. 555 because she felt it was bad for students and teachers and bad for Nevada. Ms. Bean believed in reform, which was critical to the success of public education; she opined that the world was changing and education had to change with it. However, said Ms. Bean, the bill was not good reform and, in fact, was not reform at all. The current salary schedule for teachers, which was based on furthering education and teaching experience, encouraged teachers to become life-long learners.

Over the past 17 years, said Ms. Bean, she had taken numerous courses to improve her professional skills and would take additional classes in the future. Ms. Bean believed she was a better teacher because of those classes and her years of experience. She pointed out that A.B. 555 would eliminate that salary structure. Ms. Bean stated that the status as postprobationary employees did not mean teachers were lazy, and the right to due process did not mean teachers were ineffective or incompetent, but they allowed teachers to speak up when they knew something was wrong without costing them their jobs.

Ms. Bean indicated that the bill would eliminate the postprobationary status and the stability of employment that meant teachers could purchase homes and vehicles, thereby making various contributions to the economic success of their communities. The State of Nevada should be a leader in protecting worker's rights, rather than eliminating those rights. Ms. Bean urged the Committee not to pass A.B. 555.

Chairwoman Smith thanked persons for attending the hearing and presenting testimony regarding A.B. 555 and declared the hearing closed. The Chairwoman opened general public testimony.

Christine Cooley stated she was a teacher with the Douglas County School District. Ms. Cooley said clarification was needed regarding measuring student achievement. Achievement was currently measured by test scores, and she hoped the Committee understood that and was not deceived into thinking that achievement could be measured in any other way.

Kathleen Menken stated she was a teacher in Carson City. Ms. Menken wondered whether teachers would be eligible for unemployment if terminated at the end of a one-year contract. Chairwoman Smith thanked Ms. Menken for her question and indicated that staff would research the answer.

Bonnie Preston indicated that she was a teacher in Carson City. Ms. Preston asked why the evaluation process had to be "all or nothing." There had been much testimony in opposition to specific sections, and she wondered why those sections could not be rewritten.

Chairwoman Smith explained that the Committee had the power to amend and/or modify the language of bills, and that was the reason A.B. 555 had been discussed section by section at today's hearing. Chairwoman Smith explained the procedure to modify or amend legislation.

Chairwoman Smith asked whether there was further public testimony to come before the Committee, and there being none, the Chairwoman adjourned the hearing at 1:16 p.m.

[[Exhibit M](#), [Exhibit N](#), [Exhibit O](#), [Exhibit P](#), [Exhibit Q](#), [Exhibit R](#), [Exhibit S](#), [Exhibit T](#), [Exhibit U](#), [Exhibit V](#), [Exhibit W](#), [Exhibit X](#), [Exhibit Y](#), [Exhibit Z](#), [Exhibit AA](#), and [Exhibit BB](#) were presented to the Committee to be made a part of the record of the hearing.]

RESPECTFULLY SUBMITTED:

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Carol Thomsen  
Committee Secretary

APPROVED BY:



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Assemblywoman Debbie Smith, Chair

DATE: \_\_\_\_\_

## EXHIBITS

**Committee Name:** Committee on Ways and Means

**Date:** April 16, 2011

**Time of Meeting:** 9:05 a.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
AB 555	C	Dale Erquiaga, Governor's Office	Testimony from Michelle Rhee
AB 555	D	Dale Erquiaga, Governor's Office	PowerPoint presentation
AB 555	E	Dale Erquiaga, Governor's Office	Amendment to AB 555, section 16
AB 555	F	Diana Fyke, Henderson Chamber of Commerce	Letter dated April 15, 2011.
AB 555	G	Jim Wheeler	Testimony
AB 555	H	Patrick Gibbons	Testimony
AB 555	I	Joyce Haldeman, CCSD	Testimony
AB 555	J	Assemblyman Hardy	Letter from Virgin Valley High School
AB 555	K	Bev Patton	Testimony
AB 555	L	Linda Hunt	Testimony
AB 555	M	Ray Bacon, NMA	Letter of April 16, 2011
AB 555	N	Dee Ann Bauman	Testimony
AB 555	O	Frank Brittain	Testimony
AB 555	P	Gary Doyle	Testimony
AB 555	Q	Steve Fargan	Testimony
AB 555	R	Susan Furman	Testimony
AB 555	S	Dawn Guerin	Testimony
AB 555	T	Anna Hobbs	Testimony
AB 555	U	Amy Kim	Testimony
AB 555	V	John McLavy	Testimony
AB 555	W	Kathryn Murders	Testimony
AB 555	X	Mary Robinson	Testimony
AB 555	Y	Benjamin Salkowe	Testimony
AB 555	Z	Robin Schumacher	Testimony
AB 555	AA	Rachel Warbelow	Testimony
AB 555	BB	Dana Su Lee	Testimony