

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
May 6, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 4:17 p.m. on Friday, May 6, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises (Mo) Denis, Chair
Senator Ruben J. Kihuen, Vice Chair
Senator Valerie Wiener
Senator Sheila Leslie
Senator Barbara K. Cegavske
Senator Don Gustavson

COMMITTEE MEMBERS ABSENT:

Senator Greg Brower (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman David Bobzien, Assembly District No. 24
Assemblywoman April Mastroluca, Assembly District No. 29

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Billie McMenamy, Committee Secretary

OTHERS PRESENT:

Keith Rheault, Ph.D., Superintendent of Public Instruction, Department of
Education
Bart Mangino, Clark County School District

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Craig Hulse, Washoe County School District
Craig Stevens, Nevada State Education Association
Dotty Merrill, Ed.D., Nevada Association of School Boards
Nicole Rourke, Clark County School District
Jan Gilbert, Progressive Leadership Alliance of Nevada
Eric Feeney, Vice Principal, Washoe County School District
Lonnie Shields, Nevada Association of School Administrators
Mary Pierczynski, Nevada Association of School Superintendents
Carol Crothers, Assistant Deputy, Assessment, Program Accountability and Curriculum, Department of Education

CHAIR DENIS:

We will open the hearing on Assembly Bill (A.B.) 39.

[ASSEMBLY BILL 39 \(1st Reprint\)](#): Revises provisions governing educational personnel. (BDR 34-439)

KEITH RHEAULT, PH.D. (Superintendent of Public Instruction, Department of Education):

Assembly Bill 39 required the Department of Education (DOE) to provide written notice, by first class mail, to the last known address of all licensees, advising them of their license expiration date. More than 30 percent of the first class mail was returned as undeliverable. The first reprint of A.B. 39 requires the DOE to provide each school district, on a monthly basis and in an electronic format, a list of all licensed employees whose license will expire within the nine months immediately following that calendar month. Our DOE website has a licensure tab that when clicked on "find a teacher" category provides exact license information, including the expiration date. The genesis of the bill is to save money and provide license renewal notice.

SENATOR CEGAVSKE:

Why would teachers not know the expiration date of their licenses, and why is the school district or the DOE responsible to provide written notification? The school districts have the "find a teacher" available through your website. I do not know the genesis of this bill completely. My concern is that this is another unfunded mandate.

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SENATOR WIENER:

Is the DOE currently mandated to provide written notice by first class mail? It looks like that requirement has been stricken from the bill.

DR. RHEAULT:

If A.B. 39 does not pass, we will continue to mail, first class, license renewal notices.

SENATOR WIENER:

What is the cost of the undeliverable first class mail?

DR. RHEAULT:

We have 40,000 licensed staff. The cost estimate was between \$4,000 and \$5,000 for this mailing each year.

SENATOR CEGAVSKE:

The proposed amendment to the bill will be cost-and-time saving to the DOE but puts the onus on the school district for notification. I would like to take out the language requiring the DOE to mail notices first class, but leave the requirement of notification with the school districts.

CHAIR DENIS:

Section 1, subsection 1 requires that the Department "shall" notify.

BART MANGINO (Clark County School District):

Clark County School District (CCSD) is in support of A.B. 39. We use this system to track the continuing education requirements necessary for license renewal.

SENATOR CEGAVSKE:

Why do we need to mandate or require this by law?

MR. MANGINO:

My understanding is that the bill will help alleviate some of the expense incurred by the DOE.

SENATOR CEGAVSKE:

If this is a current practice of CCSD, why support passing this into law?

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MR. MANGINO:

This bill will help with stability of our personnel.

CHAIR DENIS:

The solution is easy. If we do not want a mandate, take out subsection 2 in section 1.

CRAIG HULSE (Washoe County School District):

Washoe County School District (WCSD) notifies each licensed employee. The service is a courtesy to our teachers. We support the bill in the proposed amended version.

CRAIG STEVENS (Nevada State Education Association):

This notification service is paid through the licensure fee. Educators are paying for their own reminders.

CHAIR DENIS:

We will close the hearing on A.B. 39 and will open the hearing on A.B. 113.

ASSEMBLY BILL 113: Revises provisions governing the statewide system of accountability for public schools. (BDR 34-87)

SENATOR VALERIE WIENER (Clark County Senatorial District No. 3):

I am here to read into the record remarks by ex-Senator Joyce Woodhouse ([Exhibit C](#)).

DR. RHEALT:

The DOE is here in full support of A.B. 113. The key to the bill is section 18. This section requires the DOE to move the criterion-referenced testing dates 30 days later in the spring semester. Our current testing calendar is based on administering the test at the 120-day point. Students will perform better by moving the test date by 30 days. The results of the criterion-referenced examinations in Grades 3 through 8 are used to determine adequate yearly progress (AYP).

MR. MANGINO:

The CCSD is in support of A.B. 113.

DOTTY MERRILL, Ed.D. (Nevada Association of School Boards):

We are here in strong support of sections 12, 14 and 18. School board members are concerned about school and district designations based on criterion-referenced tests that are administered well before the end of the school year. Administering these tests for AYP designations later in the school year will extend the time for children across the State to learn the content of the standards and to demonstrate their mastery in achievement of that content.

MR. HULSE:

The WCSD supports A.B. 113. Additional time in the classroom is welcomed to assess student achievements and designations better.

CHAIR DENIS:

We will close the hearing on A.B. 113 and open the hearing on A.B. 138.

[ASSEMBLY BILL 138 \(1st Reprint\)](#): Revises provisions governing pupils.
(BDR 34-113)

ASSEMBLYWOMAN APRIL MASTROLUCA (Assembly District No. 29):

The language in A.B. 138 is permissive. Section 1 of the bill addresses college and workforce readiness indicators. The DOE, working with the Nevada System of Higher Education (NSHE), will establish a plan to set forth clearly defined goals and benchmarks for pupils enrolled in public high schools to ensure they are adequately prepared for the requirements of postsecondary education. Throughout the bill is information regarding graduation. We added adult diploma language where the references to high school diploma and adjusted diploma appear. An adult diploma is important to students who may have dropped out of high school, may be within the prison system or may be using individualized education programs.

Section 5 of this bill is the ninth grade academic plan. This is a footprint for incoming ninth grade students to put together an academic plan to understand better what is needed to graduate, where they are headed, what diploma they want, what is available if they want to take a skills or technical education class and what is needed to pass the High School Proficiency Exam (HSPE).

Section 8 of A.B. 138 allows the board of trustees of each school district to adopt a policy that allows a pupil to report anonymously conduct such as bullying.

Section 9.5 has a proposed amendment to change the attendance requirement that any student between the ages of 15 and 18 years, who has completed the work of the first eight grades, may be excused from full-time school attendance and be permitted to enter employment. The amendment does not mean that children can drop out of school; it allows them to take a reduced schedule.

SENATOR CEGAVSKE:

I received a letter from Frank Schnorbus, Chair for the Nevada Homeschool Network (NHN) ([Exhibit D](#)). The NHN requests our consideration to amend A.B. 138 by deleting section 13 until more study can be done on the merits of current law, [Exhibit D](#). The question before us today is whether academic education should be the only option for children between the ages of 14 and 18 years.

ASSEMBLYWOMAN MASTROLUCA:

Section 9.5 amends the age from 14 to 15 years.

ASSEMBLYMAN DAVID BOBZIEN (Assembly District No. 24):

We need to keep in place the existing mechanism that provides for homeschool options. The message we want to send, in statute, is that we have an expectation that our children will go to school. This proposed amendment clarifies that the appropriate minimum age is 15 years.

SENATOR CEGAVSKE:

I would like to read into record a paragraph from the NHN letter, [Exhibit D](#):

In addition, it appears that the main focus of A.B. 138 is to improve college readiness of our public high school students. However, we must acknowledge that not all students are college bound; some families may need to investigate options available to their high school age children. These may not include an academic career, but rather seek to utilize paid apprenticeships or other forms of work to secure a future for the child and the family. The question before us today is whether academic education should be the only option for children between the ages of 14 and 18 or whether other choices should remain available to this age group to secure their futures.

NICOLE ROURKE (Clark County School District):

We support the amended bill with the provisions set forth. The CCSD provides much of what is required in the ninth grade reporting plan. We have a secret witness program whereby students can report an incident either at school or outside of school to their school administrator. We have 30 secondary schools and some elementary schools that provide a category on their Website that leads them to an e-mail function so they can report an incident specific to bullying. There is a call number, and they can talk to a counselor or administrator during, before or after school.

SENATOR LESLIE:

I am interested in the school district reporting to the DOE.

Ms. ROURKE:

This is a permissive policy for anonymous pupil reporting. Senate Bill 276 proposes to require the school district reporting to the DOE the number and types of incidents investigated.

SENATE BILL 276: Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-643)

SENATOR LESLIE:

We should include that provision in A.B. 138.

MR. HULSE:

The WCSD is supportive of this bill.

SENATOR WIENER:

Last Session, we defined cyber-bullying. Will this provision incorporate cyber-bullying? We need to get a sense of the source of bullying.

MR. HULSE:

I will need to get back to you on that issue.

DR. MERRILL:

We are in strong support of the measures proposed in A.B. 138. School board members have worked with Dr. Rheault and NSHE in the past to develop college readiness skill rubrics.

On page 18, in section 5, is one of the new pieces of information about courses of study which the DOE recommends pupils take to prepare for successfully meeting the academic challenges of the HSPE and to pass that examination.

JAN GILBERT (Progressive Leadership Alliance of Nevada):

My organization will be conducting a racial equity report card this Session. The three remaining bills qualify in trying to raise graduation rates. Our statistics indicate graduation rates in communities of color are very low. Our last report results found 54 percent of white students graduate from high school, 37 percent of Native-American students and 34 percent of black students graduate. To that concern, I would like to add our support for bills A.B. 138, A.B. 233 and A.B. 456.

ASSEMBLY BILL 233 (1st Reprint): Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course. (BDR 34-144)

ASSEMBLY BILL 456: Revises provisions governing the attendance of pupils and graduation from high school. (BDR 34-1140)

DR. RHEAULT:

We are here to support A.B. 138. In response to Mr. Schnorbus's e-mail, Exhibit D, in the original bill we had repealed all three sections including section 9.5 as part of the proposed amendment. That section was put back into the bill and provides flexibility. It allows the child to work part-time. We have distance education, night schools ... there is no reason the pupil cannot work part-time and finish the diploma requirements.

CHAIR DENIS:

I have received written testimony from Daniel Klaich, Chancellor, NSHE (Exhibit E), who was unable to attend the hearing today.

We will close the hearing on A.B. 138 and will open the hearing on A.B. 233.

ASSEMBLYMAN BOBZIEN:

Assembly Bill 233 defines a competency-based credit system. I will use an analogy. When one goes to take his driver's license test, goes through the entire test and passes everything except parallel parking, is it necessary to retake the entire test having demonstrated mastery of the other standards? What is

important to each of those standards is to demonstrate mastery, track the progress of the student's ability to assimilate those standards, and understand and build upon them. If students have deficiencies, do they have to go all the way back? It would be better to have a flexible system to determine if students are proficient in all the standards and then move them along in their careers. This bill is about flexibility and how we perform assessments to make certain our students master the standards.

ERIC FEENEY (Vice Principal, Washoe County School District):

The focus here is added flexibility as we work with students over the course of their time in high school with the ultimate goal of graduation. Students make poor choices early in high school by not performing at their maximum levels and failing their freshman English classes. The students move on, passing their sophomore and junior English courses. In some cases, they even pass the HSPE in writing, but they will still need to make up that failed freshman English credit. The way they achieve that is to retake the entire class. It holds students back from an opportunity to demonstrate proficiency in a specific area.

SENATOR LESLIE:

If this bill were to pass, would those students be given an English test based on the standards for freshman year and then be given credit?

MR. FEENEY:

Yes. The bill allows flexibility to be given to the principal as the instructional leader, working with the curriculum expert, the teacher, to be able to assess where the student is deficient. Students pass a more rigorous test, like an advance placement exam their junior and senior year, but failed a basic course their freshman year. The student does not benefit from going back to repeat that freshman course.

SENATOR LESLIE:

Is there any limit to the number of courses in which a student can test out?

MR. FEENEY:

The intention of this bill is not to speed through high school in one year. The focus is on proficiency and is in no way intended to lessen graduation requirements.

CHAIR DENIS:

Would the student have had to fail a class? The student might have an expertise in another subject and wish to test out of the course.

MR. FEENEY:

We do have credit by exam for students who demonstrate proficiency prior to attending a class. There is a credit by exam for Spanish, computer technology and algebra. If students can perform without attending a class, they can earn the credit.

ASSEMBLYMAN BOBZIEN:

The challenge has been the expense of those exams. The student can take the exam and earn credit for the course. This flexibility mechanism is not based on students who want to opt out of a class but to address specific circumstances in their schooling in the past. This is all based on the clear ladder structure that we have in the State standards. What I envision in the passage of this bill is that the principal and the teacher will determine in which standards a student is deficient and perform the proper assessment.

SENATOR CEGAVSKE:

Why did you replace the word competency with proficiency?

ASSEMBLYMAN BOBZIEN:

Proficiency is a stronger articulation of the expectations for a given standard.

LONNIE SHIELDS (Nevada Association of School Administrators):

We are in full support of this bill. One of the reasons we support this bill is that it brings out the principal as a curriculum leader in working with the teacher and helping students.

MR. MANGINO:

We support A.B. 233 for the reasons that have been stated. The intent of this bill is that it is tied directly to the standards. If students are proficient in the standards, there is a reasonable assumption the student is ready for exit. The use of the word proficiency is tied to the HSPE.

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MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We are in support of this common sense approach to helping students. As a former high school counselor and principal, I have many students who would have been helped by this piece of legislation.

CHAIR DENIS:

We will close the hearing on A.B. 233 and open the hearing on A.B. 456.

ASSEMBLYMAN BOBZIEN:

I am here to present to the Senate Committee on Education A.B. 456, by proposing revisions related to truancy and graduation. This measure takes a holistic approach to determining eligibility for receipt of a standard high school diploma. It not only considers a student's performance on the HSPE, but also takes into account the student's performance in class and attendance, and disciplinary actions. In addition, this measure offers alternatives to students with attendance problems, helping them avoid unnecessary dropouts while maintaining accountability. It also creates a system that supports communication between parents and teachers at the first sign of attendance problems rather than when truancy becomes chronic. The measure provides for the limitation of certain working hours for children.

MS. ROURKE:

The CCSD looked into the reasons we were losing students to dropout and why our rate was so high. We asked counselors to contact students who had dropped out of high school in order to determine the reasons they dropped out. We learned they were credit deficient, needed to work, did not like school and had family reasons. We reviewed the reasons to try to mitigate some of those factors and came up with A.B. 456. The remaining elements will help us in our efforts to increase the graduation rate.

In section 5, subsection 4 of A.B. 456, we introduced the concept of the cumulative score for the HSPE, as seen in my presentation ([Exhibit F](#)). A student must pass all four exams—reading, writing, mathematics and science—to pass the HSPE. I will address our proposed amendment to A.B. 456 as it applies to this section of the bill ([Exhibit G](#)). The purpose of our amendment to A.B. 456 is to replace the alternative assessments for the HSPE with the new cumulative score.

Section 6, subsection 6, provides students who have missed ten days or more the opportunity to gain credit through different avenues as determined by the district and each school. The language is permissive for each school district but does delineate what options are available.

In section 7, subsection 5, the bill provides courts the option to require parents to attend school conferences when a child is adjudicated and in need of supervision.

MR. HULSE:

The WCSD is in full support of A.B. 456.

DR. MERRILL:

Section 5, subsection 4, on page 23 of the bill, is an important section for school boards around the State. We appreciate CCSD coming up with specific pieces that enable a student who had difficulties passing one section of the HSPE to meet alternative requirements to move them forward with graduation.

CAROL CROTHERS (Assistant Deputy, Assessment, Program Accountability and Curriculum, Department of Education):

We are in support of the proposed amendment to A.B. 456. We prefer to call this a compensatory model rather than a cumulative score because the writing test is set to a completely different scale.

MS. PIERCZYNSKI:

We support this bill for all the reasons that have already been stated.

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CHAIR DENIS:

We will close the hearing on A.B. 456. Is there any further business to come before the Committee? Hearing none, I will adjourn the meeting at 5:53 p.m.

RESPECTFULLY SUBMITTED:

Billie McMenamy,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

| <u>EXHIBITS</u> | | | |
|-----------------|---------|------------------------------|--|
| Bill | Exhibit | Witness / Agency | Description |
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 113 | C | Senator Valerie Wiener | State Testing Schedule and Accountability Reports. Remarks by ex-Senator Joyce Woodhouse |
| A.B. 138 | D | Frank Schnorbus | Letter |
| A.B. 138 | E | Daniel Klaich | Letter in Support of Assembly Bill 138 |
| A.B. 456 | F | Nicole Rourke | Clark County School District presentation |
| A.B. 456 | G | Clark County School District | Proposed Amendment |