

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
May 11, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 3:49 p.m. on Wednesday, May 11, 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
Senator Greg Brower

GUEST LEGISLATORS PRESENT:

Assemblyman David Bobzien, Assembly District No. 24
Assemblywoman Marilyn Dondero Loop, Assembly District No. 5
Assemblywoman April Mastroluca, Assembly District No. 29
Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Billie McMenemy, Committee Secretary

OTHERS PRESENT:

Rosemary West, Nevada KIDS COUNT
Stephen P.A. Brown, Ph.D., Director, Center for Business & Economic Research,
University of Nevada, Las Vegas; Executive Director, KIDS COUNT

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Rennae Daneshvary Ph.D., Associate Director of Research and Administration,
Center for Business & Economic Research, University of Nevada,
Las Vegas; Director, Nevada KIDS COUNT

Ron Dreher, Washoe School Principals Association; Nevada Association of
School Administrators

Dotty Merrill, Ed.D., Nevada Association of School Boards

Craig Stevens, Nevada State Education Association

James Penrose, Nevada State Education Association

George Ross, Las Vegas Chamber of Commerce

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

Nicole Rourke, Clark County School District

Mary Pierczynski, Nevada Association of School Superintendents

Craig Hulse, Washoe County School District

Gregory D. Ivie, Esq., Children's Attorneys Project, Legal Aid Center of Southern
Nevada

Jan Crandy, Commissioner, Nevada Commission on Autism Spectrum Disorders

Brian Patchett, CEO, Easter Seals Southern Nevada

Marcia O'Malley

Robin Kincaid, Director, Nevada PEP

Jana Spoor

David E. Goldwater, Former Assemblyman

Sharla Hales, Past President, Nevada Association of School Boards

Christopher B. Reich, Esq., Washoe County School District

Lynn Chapman, Nevada Eagle Forum

John Sasser, Washoe Legal Services

Julie Butler, Records Bureau Manager, Records and Technology Division,
Department of Public Safety

Lonnie Shields, Nevada Association of School Administrators

Brianne Thoreson, Commission on Professional Standards in Education

Joyce L. Woodhouse, Ex-Senator

Joyce Haldeman, Clark County School District

CHAIR DENIS:

We are privileged to have our friends from Nevada Kids Count (NKC) with us to roll out the new NKC report for 2010. As many of you know, the Annie E. Casey Foundation provides funding and technical assistance for a nationwide network of kids count grantee projects. They collect data on, and advocate for the well-being of, children at the State and local levels. The NKC

report uses information from the National database. States are ranked on key measures to create a profile of child's well-being, including data on education, health and economic conditions for each state.

ROSEMARY WEST (Nevada KIDS COUNT):

The NKC book is a ready resource for data which can provide you valuable information regarding the status of children Statewide. There are county by county data as well as year to year data which can provide a basis for the decisions you are now making and will make in the coming weeks.

STEPHEN P. A. BROWN, PH.D. (Director, Center for Business & Economic Research
University of Nevada, Las Vegas; Executive Director, Nevada KIDS
COUNT):

We collect data and disseminate information about children with the hope that high quality information will lead to better public decision making. This is a project of the Annie E. Casey Foundation. Printing and distribution of the data book ([Exhibit C](#)) is provided by the Lincy Institute which is affiliated with the University of Nevada, Las Vegas.

SENATOR WIENER:

In some places in the data gathering and reporting, I see the measurement is per 1,000 and other places it is per 100,000. Is there a distinction between the measurements?

RENNAE DANESHVARY, PH.D. (Associate Director of Research and Administration,
Center for Business & Economic Research, University of Nevada,
Las Vegas; Director, Nevada KIDS COUNT):

We use the same measurement system as the Annie E. Casey Foundation.

SENATOR LESLIE:

On page 12, [Exhibit C](#), you reference child death rates in Elko, Nevada. Their rate seems to be out of proportion; can you explain why?

DR. DANESHVARY:

We will need to look at past years' data to determine why there is a difference. There were four child deaths in 2008 in Elko. The child death rate is the number of deaths of children between the ages of 1 and 14 per 100,000 children.

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SENATOR LESLIE:

The more analysis you can provide to policy makers, the more valuable the data can become. How is NKC funded?

DR. BROWN:

The funds for NKC are private funds. The funds for the work are provided by the Annie E. Casey Foundation. The funds for publishing and distributing the book are provided by the Lincy Institute, which is affiliated with the University of Nevada, Las Vegas. We are not here today to ask for money or to advocate for any policies.

SENATOR LESLIE:

More analysis and data would be even more useful. I wish we could fund it.

CHAIR DENIS:

We will open the hearing on Assembly Bill (A.B.) 225 and A.B. 229.

[ASSEMBLY BILL 225 \(1st Reprint\)](#): Requires an additional probationary period for certain teachers and administrators. (BDR 34-876)

[ASSEMBLY BILL 229 \(1st Reprint\)](#): Revises provisions governing the accountability and performance of public schools and educational personnel. (BDR 34-515)

RON DREHER (Washoe School Principals Association; Nevada Association of School Administrators)

We support the first reprints of both A.B. 225 and A.B. 229.

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

In front of you is a proposed friendly amendment ([Exhibit D](#)) to A.B. 229. Over the course of the last six weeks, each elected school board in the State has been conducting public and town hall meetings, gathering data electronically and working to provide budgets that are in line with the information available.

CRAIG STEVENS (Nevada State Education Association):

Assembly Bill 229 has turned into a seniority bill. Seniority should be an aspect, not the aspect. Our proposed amendment ([Exhibit E](#)) allows the factors to be included in the procedures for reduction in force that may include but not be

limited to: qualifications, annual performance evaluations and seniority. These decisions should be made at the local level.

CHAIR DENIS:

Mr. Stevens, have you reviewed the proposed amendment, [Exhibit D](#)?

MR. STEVENS:

We have reviewed the proposed amendment and recommend the removal of the word "must." We would like the language to be permissive. We need the flexibility to work within the parameters of the law. Those decisions should be made at the local level.

SENATOR CEGAVSKE:

Section 1 on page 2 of [A.B. 225](#) reads, "A postprobationary employee who receives an unsatisfactory evaluation for 2 consecutive years shall be deemed to be a probationary employee" Why do we have two consecutive years instead of one?

MR. STEVENS:

Relating to educational personnel in [A.B. 225](#), we are seeing 10, 15 or 20 years of tenure. There is a year where an educator is identified and a year of improvement. An educator who still has an unsatisfactory evaluation is moved back to probation. Our amendment will give educators another year to improve.

SENATOR CEGAVSKE:

Is the American Arbitration Association qualified to determine if a teacher should be in a classroom? Can they determine if a teacher's rights have been upheld?

MR. STEVENS:

The arbitrator does not discuss whether the teacher has a satisfactory or unsatisfactory evaluation. Discussions by the administration and the American Arbitration Association are to make certain the process is fair and the guidelines of the law are followed.

JAMES PENROSE (Nevada State Education Association):

An arbitrator would be looking at the question of whether or not the teacher's rights been respected and would be making the ultimate decision as to whether

the employee would be retained or dismissed. That is customary in cases involving arbitrations of employee terminations.

SENATOR CEGAVSKE:

I have two questions regarding section 8 of A.B. 229 on page 26. Will the educational personnel have negotiating rights if they are in a probationary period? Why would we wait until the 2014-2015 school year for this to become effective?

MR. STEVENS:

The pay for performance begins 2014-2015.

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

We are waiting for the new evaluation process and the data to come online so we have all the pieces in place.

SENATOR CEGAVSKE:

Why would we include the pay for performance in the negotiations?

ASSEMBLYWOMAN SMITH:

It is universally accepted that we negotiate and make recommendations at the local level. The advisory group is made up of parents, teachers and businesspeople.

SENATOR CEGAVSKE:

In regard to section 9 of the bill on page 27, a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory." I envision all evaluations of teachers be conducted and approved by their supervisor. There is concern that a principal who does not like a teacher will give an unsatisfactory evaluation.

ASSEMBLYWOMAN SMITH:

We do need clarification in section 9, subsection 1, because that deals with the current evaluation process where we have the binary system of satisfactory and unsatisfactory. I will work on an amendment so the new evaluation process will include the lower two levels of an evaluation; minimally effective and ineffective. Assembly Bill 222, which you have not seen yet, will create the new evaluation process. Your concerns should be addressed in this new bill. If

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there is an unsatisfactory evaluation, the teacher or administrator can request a third-party evaluation.

ASSEMBLY BILL 222 (1st Reprint): Creates the Teachers and Leaders Council of Nevada. (BDR 34-873)

SENATOR CEGAVSKE:

Do we need subsections 2, 3 and 4 in section 11 of A.B. 229?

ASSEMBLYWOMAN SMITH:

This bill does not allow for due process or hearing if you are in your first round of probation in your first three years and receive an admonition and dismissal in the middle of the year. If a teacher who is probationary is put back on probation and receives a dismissal in the middle of the school year, this bill provides expedited due process.

GEORGE ROSS (Las Vegas Chamber of Commerce):

I want to take this opportunity to put the Las Vegas Chamber of Commerce on record as supporting the Nevada State Education Association (NSEA) amendment to end the last in, first out dismissal of teachers.

CHAIR DENIS:

We will now close the hearing on A.B. 225 and A.B. 229 and open the hearing on A.B. 395.

ASSEMBLY BILL 395 (1st Reprint): Creates a separate category of licensure to teach special education. (BDR 34-808)

ASSEMBLYWOMAN MARILYN DONDERO LOOP (Assembly District No. 5):

I am here to present A.B. 395. The purpose of this measure is to create a separate category of licensure to teach special education and to provide for reciprocal licensure with other states for the newly created license. I would like to open my testimony by providing members of the Committee with background information explaining how A.B. 395 began. The Legislature passed A.B. No. 425 of the 75th Session which required the Commission on Professional Standards in Education (CPSE) to conduct a review of the regulations governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure of special education teachers from other states. Currently, a special education teacher with a license

from another state does not automatically qualify for a license here in Nevada. This is because most states already have a separate category for special education teacher licensure. Nevada does not. Instead, in Nevada a special qualifications license with endorsements for special education is issued. Because the endorsement areas from other states usually do not match the endorsement areas for Nevada, the Teacher Licensing Office at the Department of Education (DOE) must conduct an evaluation of course work to determine if a license may be issued to the person. This process often generates unnecessary confusion on the part of the applicant who holds such a license from another state, as well as requiring unnecessary work for the DOE. Bringing Nevada teacher licensure for special education in line with neighboring states will help clarify Nevada's reciprocity agreements with those states and streamline the application process. In turn, this will aid in the recruitment of special education teachers from out of state.

Section 1 of A.B. 395 creates a distinct category for licensure to teach special education in Nevada. Although the work of the CPSE in identifying best practices in other states is ongoing, it is clear this is a necessary and useful step in the licensure reform process.

Section 2 of the bill requires the regulations adopted by the CPSE concerning reciprocal licensure from other states to include the newly created license to teach special education.

The effective date for this measure is July 1, 2011.

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

I am here to support A.B. 395. Nevada has 12 specialized endorsements for special education teachers. In the past, Nevada's practice was to issue a special license and add special education endorsements. We have had trouble matching those licenses.

CHAIR DENIS:

If a teacher holds a special education license and decides to teach in a regular classroom, is another license required?

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DR. RHEAULT:

Yes, they would need to receive an elementary or secondary license. The teacher would hold a dual license.

NICOLE ROURKE (Clark County School District):

We would like to add our support to A.B. 395, as we think improved reciprocity will assist in our recruitment efforts.

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We are here in full support of A.B. 395. You fully understand our problems with recruiting special education teachers throughout the State.

MR. STEVENS:

We appreciate this bill and the sponsor for bringing it forward. Any way we can put more special education teachers into our classrooms is good.

CRAIG HULSE (Washoe County School District):

We are in support of A.B. 395.

CHAIR DENIS:

We will close the hearing on A.B. 395.

SENATOR CEGAVSKE MOVED TO DO PASS A.B. 395.

SENATOR BROWER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR DENIS:

We will open the hearing on A.B. 318.

ASSEMBLY BILL 318: Places the burden of proof and the burden of production on a school district in a due process hearing held pursuant to the Individuals with Disabilities Education Act. (BDR 34-1025)

ASSEMBLYWOMAN APRIL MASTROLUCA (Assembly District No. 29):

Assembly Bill 318 does one thing, in one sentence, in one part of the *Nevada Revised Statutes* (NRS). When there is a dispute between a parent of a student with a disability and the school district, there is an administrative hearing process provided for by the Individuals with Disabilities Education Act (IDEA). This bill would allow for the burden of proof to be placed upon the school district instead of upon the parent. The burden of proof was switched to the parent about eight years ago. It has had a profound impact on the ability of parents to fight for the rights for their children. We have an opportunity to change the burden of proof back to where it belongs—the school district. The school district has the ability and the resources.

SENATOR BROWER:

Do you know why the law changed eight years ago to put the burden of proof on the parent?

GREGORY D. IVIE, ESQ. (Children's Attorneys Project, Legal Aid Center of Southern Nevada):

Assembly Bill 318 is important for parents of children with disabilities. It goes without saying it is extremely difficult and emotionally draining to be parents of a child with disabilities, and a big challenge these parents face is trying to determine and obtain an appropriate education for their disabled child. The IDEA, the main federal statute which governs the education of students with disabilities, has a dispute resolution process that can culminate in an administrative hearing. Prior to that point, and throughout the process of developing specially designed instruction to meet the student's unique needs, the school district gets the final word. This bill would restore the burden of proof in these hearings to the school district, not the parents. For 17 years, the burden of proof in the due process hearings was on the school district. Six states have statutes which place the burden of proof on the school districts in hearings. Without this legislation, a disabled child may be denied a free, appropriate public education because of obstacles that could be removed with your support of this bill.

CHAIR DENIS:

Mr. Ivie, can you answer Senator Brower's question?

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MR. IVIE:

The U.S. Supreme Court case was in 2005, *Schaffer v. Weast*. The IDEA is a very structured statute, but it is silent on the issue of burden of proof. "Assembly Bill 318 Fact Sheet and Rebuttal" ([Exhibit F](#)) has been provided for your review.

SENATOR BROWER:

In order for the burden of proof to be on the district, we need a statute. That is the point of the bill.

SENATOR GUSTAVSON:

Six other states have similar laws. How many other states are silent on the issue or have statutes, where the burden of proof is on the parent?

MR. IVIE:

Most states are silent. Since New Jersey and New York enacted the statute, the amount of hearings has decreased.

ASSEMBLYWOMAN MASTROLUCA:

As stated, [Exhibit F](#), two of the largest states that enacted burden-shifting statutes, New Jersey and New York, have seen a marked decrease in due process hearings.

SENATOR CEGAVSKE:

The issue is that each case with special needs children is individual. The cost can be from zero to millions. How can we quantify the cost?

MR. IVIE:

The vast majority are settled and resolved in the resolution process that is afforded in the IDEA. There are few cases that actually go to the hearing process.

JAN CRANDY (Commissioner, Nevada Commission on Autism Spectrum Disorders):

I am here today as a parent and an advocate. I will read from my written testimony ([Exhibit G](#)) in support of A.B. 318.

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BRIAN PATCHETT (CEO, Easter Seals Southern Nevada):

Easter Seals has a long history of serving children with disabilities, beginning in 1919. When it comes to helping children receive a Free and Appropriate Public Education (FAPE), Easter Seals will always be on the side of the child and family. We are in support of A.B. 318.

We are also in support of A.B. 393 and A.B. 395.

[ASSEMBLY BILL 393 \(1st Reprint\)](#): Requires criminal background investigations of educational personnel upon renewal of a license. (BDR 34-8)

MARCIA O'MALLEY:

I am a parent and a former executive director of Family TIES of Nevada, a statewide organization that supports people with disabilities. I am here in total support of A.B. 318. Shannon Springer was unable to be here today and has asked me to share her written testimony ([Exhibit H](#)) with the Committee.

SENATOR LESLIE:

Can you clarify why parents have to pay, and does that change if we change the burden of proof?

MS. O'MALLEY:

It is my understanding that parents who invoke due process incur all the cost for the school district and their personal legal fees. If A.B. 318 passes, the legal cost reverts to the school district.

ROBIN KINCAID (Director, Nevada PEP):

I am a parent of a student who receives special education services. Parents must prove in an actual due process hearing that the school is not providing FAPE. Prior to the actual hearing, there is a resolution session where parents and the school district staff discuss the issues and attempt to arrive at an agreement. Due process is stressful for families, both financially and emotionally. All parents want their children to make progress and do well in school.

JANA SPOOR:

Please accept my family's written testimony in support of A.B. 318 ([Exhibit I](#)). Our family has had the personal experience of going through due process without representation by an attorney and without the testimony of experts

who could support our challenge to the adequacy of a school district's individualized education program. Please consider what families must endure when they have the burden of proof in a due process hearing and pass A.B. 318.

DAVID GOLDWATER (Former Assemblyman):

I am a court appointed advocate for special needs children in the foster system. Burden of proof on the school district is a good policy. The district should not incur any additional cost in preparing for a hearing regardless of where is the burden of proof.

SENATOR LESLIE:

The real fiscal impact is on the parents.

MR. GOLDWATER:

You are 100 percent correct.

SHARLA HALES (Past President, Nevada Association of School Boards):

I have written testimony to read ([Exhibit J](#)). School boards in Nevada oppose A.B. 318 because it would create an inefficient system for resolving disagreements between parents and school districts.

MS. ROURKE:

We are here in opposition to A.B. 318. The Clark County School District (CCSD) makes every effort to ensure that children with special needs receive a FAPE as defined by the IDEA. It is in the best interest of the child and the district to resolve differences before they get to a legal proceeding.

Placing the burden of proof on the district does not absolve parents from having to prove their own case, hiring an attorney or providing expert witnesses to support their claim. It just requires the district to defend the claim before the complaint is presented.

Due process hearings typically take several days, and staff must be available for the entire hearing. It requires them to be out of their schools and classrooms for an average of three to five days. This is time they should be teaching and providing educational services to the child involved as well as to all their other students.

CHRISTOPHER B. REICH, Esq. (Washoe County School District):

I am here today to voice the district's concerns about A.B. 318. Washoe County School District (WCSD) concurs with the CCSD and the Nevada Association of School Boards (NASB). In passing A.B. 318, the WCSD believes that shifting the burden of proof would mean an increased number of challenges to Individualized Education Plans (IEP), as well as increased cost to school districts in litigation of these disputes. Placing the burden on the school district will foster the rule that IEPs are presumptively invalid, which could lead to increased litigation because parents would have an easier time bringing about these disputes. Costs would include: increased financial cost of litigation, the value of special education, teacher's time when testifying at these trials and social cost of increased litigation against schools. It would ultimately result in an increased strain on educational resources which would trickle down to taxpayers and affect funding for other educational needs in the district. The WCSD believes the Committee should vote against A.B. 318.

MS. PIERCZYNSKI:

School districts throughout our State recognize their moral and legal obligation to help our special needs students. We oppose this bill for the reasons that have already been stated by CCSD, NASB and WCSD.

LYNN CHAPMAN (Nevada Eagle Forum):

We oppose A.B. 318.

JOHN SASSER (Washoe Legal Services):

We support A.B. 318.

CHAIR DENIS:

We will close the hearing on A.B. 318 and open the hearing on A.B. 393.

ASSEMBLYWOMAN DONDERO LOOP:

The purpose of this measure is to require criminal background investigations of educational personnel upon renewal of a license. I would like to open my testimony by providing members of the Committee with some information about existing statutes and codes concerning criminal background investigations of educational personnel. State law requires only one criminal background check for educational personnel at the time the individual applies for his or her initial licensure. No further inquiring is conducted subsequent to the initial check which takes place at the beginning of the individual's career. Ideally, educational

personnel make their life's work serving for multiple decades in our schools. It is important for the State to remain vigilant in protecting students. Assembly Bill 393 is simple in design. In addition to the background check at the time of initial licensure, it requires further background checks at each subsequent renewal of a teaching license.

Section 1 of A.B. 393 holds that on each occasion an individual submits an application for the issuance or reissuance of a teaching license he or she will also submit a complete set of fingerprints along with a signed document authorizing the DOE to conduct a background check.

Section 2 of the bill allows the CPSE to set the fees for submitting both the initial application and the renewal.

Section 4 of the bill provides an effective date of July 1, 2011, for the purposes of adopting any necessary regulations and performing any other preparatory administrative tasks necessary to carry out the provisions of the measure. The effective date for all other purposes would be January 1, 2012.

Assembly Bill 393 proposes to close an existing gap in the law that governs the issuance of licenses to educational personnel. This measure will contribute significantly to the safety of children in Nevada who attend our public schools.

JULIE BUTLER (Records Bureau Manager, Records and Technology Division, Department of Public Safety):

My office houses the Nevada Criminal History Repository and conducts the preemployment criminal history background checks for teachers. I am here today to testify in support of A.B. 393. We recommend to all our civil applicant account holders a periodic background check of employees at regular intervals. Although we do have a limited service where we let the school districts know if teachers have been arrested for various offenses after the initial background investigation, it only captures Nevada arrests. If an offense were committed out of state, there is no way to know about it unless another Federal Bureau of Investigation background check is conducted. Assembly Bill 393 provides such a means.

SENATOR GUSTAVSON:

I support the efforts of this bill. The first background investigation requires fingerprints. Why is it necessary, if you have a photo identification, to have

another fingerprint card submitted? Can they not conduct the background check by social security number?

MS. BUTLER:

We are strong proponents of fingerprint-based background checks because the fingerprints are a positive identification, unlike names or social security numbers which are not unique identifiers.

SENATOR GUSTAVSON:

I understand it can be done, but you prefer fingerprint-based background checks. This is another tax on teachers.

CHAIR DENIS:

My wife had to have the fingerprint background check when she became a student teacher, and in less than six months she had to have another fingerprint check. In all, she had three checks during the process. In such a short period of time, why did she need to go through so many fingerprint checks?

MS. BUTLER:

That is the federal regulation. You can only use the fingerprints for the purposes for which they were provided.

ASSEMBLYWOMAN DONDERO LOOP:

While I am sensitive to the fact teachers will incur an additional cost, that cost is \$20 per year.

SENATOR LESLIE:

I remember a high-profile case in Las Vegas, which alone is a reason to bring this bill forward.

DR. RHEAULT:

We are here to support the bill on behalf of the DOE. As mentioned, this is to fill a void. After the initial license background check, 25 years could elapse without further background investigation.

MS. ROURKE:

We support A.B. 393. The time of renewal of teachers' licenses is a natural time to update their records with a background check. An ongoing check of an employee could help districts provide a safe learning environment for students,

protect staff and the public with whom we interact, protect district resources and property and also protect the district from liability.

MR. HULSE:

We are in support of this bill for the same reasons mentioned by the CCSD. This is a common-sense bill that closes a loophole.

LONNIE SHIELDS (Nevada Association of School Administrators):
We support the bill.

MS. PIERCZYNSKI:

This is an important piece of legislation, and we are in full support of this bill.

MR. STEVENS:

We oppose A.B. 393. We agree with the background investigations, but it is simply another cost placed on the educator.

CHAIR DENIS:

We will close the hearing on A.B. 393 and open the hearing on A.B. 230.

[ASSEMBLY BILL 230](#): Authorizes an alternative route to licensure for teachers and administrators. (BDR 34-738)

ASSEMBLYMAN DAVID BOBZIEN (Assembly District No. 24):

This measure revises provisions relating to Nevada's Alternative Route to Licensure (ARL) program. This is part of the overall reform package suggested by the Education Reform Blue Ribbon Task Force and Nevada's Promise. As part of "Nevada's Race to the Top Application," we were asked to provide information concerning the pathways to licensure available for teachers and administrators.

The Federal Register cites ARLs as pathways that allow the establishment and operation of teacher and administrator preparation programs. The programs have the following characteristics: (1) can be provided by various types of qualified providers, including both institutions of both higher education and other providers operating independently from institutions of higher education; (2) are selective in accepting candidates; (3) provide supervised school-based experiences and ongoing support such as effective mentoring and coaching; (4) significantly limit the amount of course work required or have options to test

out of courses and (5) upon completion, award the same level of certification that traditional preparation programs award upon completion. Based upon these guidelines, the Education Reform Blue Ribbon Task Force made a recommendation in Nevada's Promise to revise the NRS to develop an accelerated ARL for teachers and administrators. You will see in the bill that the provisions outlined in the Federal Register are contained in section 1. The CPSE would be required to adopt the regulations to support the revisions by December 31, 2011.

MR. HULSE:

We are here in support of A.B. 230. This was a priority of the Education Reform Blue Ribbon Task Force. The WCSD has submitted an amendment ([Exhibit K](#)). We are also in support of the friendly amendment as presented by the NSEA.

MR. STEVENS:

Our amendment to A.B. 230 ([Exhibit L](#)) is friendly and adds a dimension of public accountability to the ARLs. Assembly Bill 230 is important to ensure we place as many qualified teachers with varied backgrounds into the classrooms as possible. We are also in support of the amendment presented by the WCSD.

BRIANNE THORESON (Commission on Professional Standards in Education):

I am here today to express our opposition to A.B. 230. I would like to reference a letter ([Exhibit M](#)), dated March 1, 2011. This is a position paper detailing the CPSE position on A.B. 230 and the reasons we are opposed. Recent activity of the CPSE on ARL, throughout the last three years and at the direction of the Legislature, has created several task forces to review and revise regulations regarding the ARL. The regulations contain provisions for a nontraditional route to licensure. Existing requirements and standards ensure that teachers are prepared and ready to meet the demands of today's classrooms. It seems appropriate at a time when the focus is on student achievement, high standards and high standards for teachers that we not weaken the current regulations to ARL.

MS. PIERCZYNSKI:

We are in support of this bill. This is another opportunity to bring talented educators into our classrooms.

MS. ROURKE:

We support A.B. 230. The bill supports national trends on teacher preparation. On November 16, 2010, Dr. Dwight Jones, the Superintendent of the CCSD, led the Blue Ribbon Panel on Clinical Preparation and Partnerships for Improved Student Learning, convened by the National Council for Accreditation of Teacher Education to improve learning. He stated, "For this transformation to take place, school districts and teacher education programs will need to work together and take joint responsibility for teacher preparation, and states must develop new policy frameworks and incentives for clinically based programs to flourish."

CHAIR DENIS:

I have received written testimony in support of A.B. 230 from Wynn Las Vegas ([Exhibit N](#)) who were unable to attend the hearing today.

We will close the hearing on A.B. 230 and open the hearing on A.B. 117.

[ASSEMBLY BILL 117 \(1st Reprint\)](#): Revises provisions governing the required minimum number of school days in public schools. (BDR 34-91)

JOYCE L. WOODHOUSE (Ex-Senator):

I served as chair of the Legislative Committee on Education during the interim. I am here today to introduce A.B. 117 for your consideration.

The purpose of this measure is to provide the board of trustees of a school district and the governing body of a charter school a process to request a waiver of not more than ten school days from the required minimum number of school days for a school year during an economic hardship. The purpose of the waiver must be to avoid layoffs of teachers and other educational personnel employed by the school district.

The request for a waiver of school days must be submitted by the school district or charter school to the Superintendent of Public Instruction (SPI), Department of Education, for review. If the SPI determines that an economic hardship exists and that a waiver of school days is necessary to avoid layoffs, the request must be transmitted to the Interim Finance Committee, which will make the final determination of whether to grant a waiver.

Background and key provisions of A.B. 117 are included in my written testimony ([Exhibit O](#)).

JOYCE HALDEMAN (Clark County School District):

As we negotiate salaries, having the ability to offer a furlough day as a partial compensation for reduction in pay will help us avoid layoffs. We have 162 vacant licensed positions in the CCSD and have identified 1,133 surplus employees. The safeguards in the bill are significant. The CCSD is in support of A.B. 117.

MR. STEVENS:

The NSEA supports this bill.

MR. HULSE:

The WCSD supports A.B. 117. This bill will provide more flexibility and an opportunity to save jobs when we go to the negotiating table.

MS. PIERCZYNSKI:

The safeguards in this bill have been outlined well. We support A.B. 117.

CHAIR DENIS:

We will close the hearing on A.B. 117. The Committee will now hear A.B. 498.

ASSEMBLY BILL 498: Eliminates the requirement for the administration of norm-referenced examinations in public schools. (BDR 34-1174)

DR. RHEAULT:

The bill would eliminate the requirement for the administration of norm-referenced tests (NRT) within the State. The NRT compares the results of pupils to a national reference group of pupils. The 2009 Session suspended temporarily the administration of the NRT program for the 2009-2011 biennium. If the Senate Committee on Education does not pass A.B. 498, the NRT suspension should be extended for another two years.

SENATOR CEGAVSKE:

Ex-Senator William Raggio liked the NRT tool. If we eliminate the NRT completely and we have the criterion-referenced test, I have real concerns because the State Board of Education controls that. The State Board of Education has watered down the requirements, and a student only has to pass

by 53 percent. When we give out diplomas, if we do not have something meaningful to measure, how do we measure and say you only have to pass by 53 percent? In section 4, can we add history, geography, government, language, spelling, grammar and reading comprehension? Put that in there. These are the appropriate bases of knowledge you should have to earn a high school diploma. The NRT had a better measurement.

DR. RHEULT:

Statutes require the DOE to compare National Assessment of Educational Progress scores to our State-required proficiencies.

CHAIR DENIS:

We will close the hearing on A.B. 498. With no further business coming before the Committee, this meeting is adjourned at 7 p.m.

RESPECTFULLY SUBMITTED:

Billie McMenemy,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
	C	Stephen P.A. Brown	Nevada Kids Count Data Book 2010
A.B. 229	D	Dotty Merrill	Proposed Friendly Amendment
A.B. 229	E	Nevada State Education Association	Proposed Amendment: Assembly Bill 229
A.B. 318	F	George Ivie	Assembly Bill 318 Fact Sheet and Rebuttal
A.B. 318	G	Jan Crandy	Written Testimony
A.B. 318	H	Marcia O'Malley	Written Testimony of Shannon Springer
A.B. 318	I	Jana Spoor	Written Testimony
A.B. 318	J	Sharla Hales	Written Testimony
A.B. 230	K	Washoe County School District	Proposed Amendment
A.B. 230	L	Nevada State Education Association	Proposed Amendment
A.B. 230	M	Commission on Professional Standards in Education	Position Statement
A.B. 230	N	Wynn Las Vegas	Written Testimony
A.B. 117	O	Ex-Senator Joyce Woodhouse	Written Testimony