

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session
May 18, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 3:55 p.m. on Wednesday, May 18, 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:

Assemblywoman Marilyn Dondero Loop, Assembly District No. 5
Assemblywoman Debbie Smith, Assembly District No. 30

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Matthew Walker, Legislative Analyst, Assembly Leadership Office
Sandra Small, Committee Secretary

OTHERS PRESENT:

Joyce Haldeman, Clark County School District
Craig Stevens, Nevada State Education Association
Craig Hulse, Washoe County School District
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Mary Pierczynski, Nevada Association of School Superintendents

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Lonnie Shields, Nevada Association of School Administrators
Phillip Kaiser, Washoe Education Association
April Medlin
Ray Bacon, Nevada Manufacturers Association
George Ross, Las Vegas Chamber of Commerce
Natha Anderson, Washoe Education Association
Nicole Rourke, Clark County School District
Dale Erquiaga, Senior Advisor, Office of the Governor

CHAIR DENIS:

The Committee will hear Assembly Bill (A.B.) 225 and A.B. 229 together. Several amendments have been suggested.

[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)

ASSEMBLYWOMAN DEBBIE SMITH (Assembly District No. 30):

Assembly Bill 225 requires an educator with two consecutive years of unsatisfactory evaluations to be placed back on probation. The Committee has received a copy of my "Conceptual Amendment to AB 225" ([Exhibit C](#)). The conceptual amendment contains two recommendations: replacing "year" with "contract year" and adding "minimally effective or ineffective" in every instance the word "unsatisfactory" is used. When the four-tiered evaluation system is implemented, the binary system, satisfactory and unsatisfactory, will no longer exist. The two bottom evaluation tiers, minimally effective and ineffective, would trigger a return to probationary status.

CHAIR DENIS:

What are the two top tiers?

ASSEMBLYWOMAN SMITH:

The top two tiers are highly effective and effective.

Assembly Bill 229 deals with all of the probationary and post-probationary issues. The Committee has received a copy of the "Proposed Amendment 6817

to Assembly Bill No. 229" ([Exhibit D](#)). An educator who is in post-probationary status and has received the first unsatisfactory evaluation would receive three evaluations the following year. Some meaningful intervention and assistance would be provided to avoid going back on probation. If teaching or supervisory skills are improved, the employee continues in the status previously attained.

CHAIR DENIS:

During the first year, there is one evaluation. Is the four-tier system applied in the first year?

ASSEMBLYWOMAN SMITH:

No, the four-tiered system applies only during the post-probationary status. An unsatisfactory evaluation in the first year could trigger the three evaluations during the second year. We are trying to keep the trained person who wants to stay in the profession and be successful.

The Committee has received a copy of "Conceptual Amendment to AB 229," ([Exhibit E](#)). Several of the items proposed in the conceptual amendment clarify the terms of A.B. 229, including definitions and reporting.

VICE CHAIR KIHUEN:

If there is a personnel conflict resulting in negative evaluations for two consecutive years, what is the appeal process?

ASSEMBLYWOMAN SMITH:

This legislation provides an opportunity for the teacher or administrator to request a third-party evaluator.

VICE CHAIR KIHUEN:

Would the employee be able to request an independent evaluation after the first and second evaluations or only after the third evaluation?

ASSEMBLYWOMAN SMITH:

An employee can request an independent evaluation after it has been demonstrated there is a conflict. After the first evaluation, the employee would not have a reason to believe there is an issue.

VICE CHAIR KIHUEN:

What guarantee is there that the third-party evaluator would be impartial and not a friend of the administrator?

ASSEMBLYWOMAN SMITH:

The intent of A.B. 229 is clear. The employee may request the impartial evaluator. By developing this new evaluation system for both administrators and teachers, we will see fewer problems because the administrators will be more cognizant of the issues.

VICE CHAIR KIHUEN:

Who evaluates the administrators? Would it be the area superintendent? I am concerned about the personality differences.

ASSEMBLYWOMAN SMITH:

The administrators' supervisors will be responsible for the evaluations. There is nothing to prevent personality differences.

SENATOR CEGAVSKE:

We have heard of five other amendments. Are any other amendments recommended?

CHAIR DENIS:

Other proposed amendments will be discussed after we have heard the discussion on Assemblywoman Smith's proposals.

JOYCE HALDEMAN (Clark County School District):

The Clark County School District (CCSD) supports Assemblywoman Smith's conceptual amendment, [Exhibit C](#), and proposed amendment 6817, [Exhibit D](#).

CRAIG STEVENS (Nevada State Education Association):

The Nevada State Education Association (NSEA) supports both of Assemblywoman Smith's amendments. We do have some concern with the addition of minimally effective because it starts the process for a demotion. If minimally effective, the employee is still somewhat effective and salvageable. We understand the ineffective to be equivalent to unsatisfactory. We should determine what is considered unsatisfactory. The Teachers and Leaders Council of Nevada has not met yet, so we do not know what the standards look like or what minimally effective means.

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CHAIR DENIS:

If someone is minimally effective, should we offer assistance then or wait for an evaluation of that employee being ineffective?

MR. STEVENS:

Yes, help should be offered to the minimally effective employee.

SENATOR WIENER:

Would you change the four tiers to three tiers: highly effective, effective, and ineffective?

MR. STEVENS:

The NSEA believes the four tiers are good. We want to know what is unsatisfactory and to provide assistance for improvement. If we know the definition of ineffective is unsatisfactory, we can work with that, but right now there is no definition.

SENATOR CEGAVSKE:

Why would an outside evaluator be recommended in the conceptual amendment to A.B. 229, [Exhibit E](#)?

MR. STEVENS:

The amendment says "may" request, not "must" request, a third-party evaluator. Persons who believe they are being treated unfairly or that there is a personality conflict have the option of requesting a third-party evaluator.

SENATOR CEGAVSKE:

Who would be the outside evaluator? Who would know how the teacher performs?

MR. STEVENS:

The decision would be up to the school district. The evaluator would need to observe in the classroom and perform all things required by an evaluation.

SENATOR CEGAVSKE:

Is there an annual evaluation of every teacher?

MR. STEVENS:

Yes, probationary educators are evaluated three times a year; post-probationary educators are evaluated at least once a year. This bill would change the evaluation schedule to require three evaluations in a year if an unsatisfactory evaluation is received.

SENATOR CEGAVSKE:

Are all teachers evaluated every year, no matter how long he or she has been in the classroom?

MR. STEVENS:

Yes, but probationary educators are evaluated three times a year.

SENATOR CEGAVSKE:

Principals have indicated a desire to remove ineffective teachers during a workforce reduction. I would rather see a good teacher with a larger class than a bad teacher with a smaller class size. Can we place an ineffective teacher in a classroom with an effective teacher? The ineffective teacher would not have a classroom until improvement is shown.

MR. STEVENS:

The NSEA has always believed mentoring is a strong part of the occupation regardless of the evaluation results. The question is where the deficiency lies; is it classroom management or tardiness? There should be targeted assistance related to the reason for a deficiency.

SENATOR CEGAVSKE:

Is three years appropriate for a deficient teacher?

MR. STEVENS:

In accordance with *Nevada Revised Statute* (NRS) 391, a poor educator can be dismissed as long as the action is documented and procedure is followed. The process could take three to four months. The first year the educator is evaluated, the second year we address improvements and the third year may result in probation or dismissal.

SENATOR GUSTAVSON:

How many educators go through this process and are fired?

MR. STEVENS:

I will get those numbers for you. The educators we are discussing made it through the probationary process. They had three years as satisfactory educators. A teacher can be satisfactory for ten years and then receive an unsatisfactory evaluation. That teacher should have the right to receive assistance to become a better educator or be moved back to probation. Due process should also be available.

MATTHEW WALKER (Legislative Analyst, Assembly Leadership Office):

The process of requesting a third-party evaluator is outlined in section 9, subsection 2 of A.B. 229. There was discussion regarding mentoring, but we wanted the Teachers and Leaders Council to determine ways to provide assistance. The three-year model is a best-practices model.

CRAIG HULSE (Washoe County School District):

The Washoe County School District (WCSD) supports these amendments and appreciates the clarification of the evaluation system.

PEPPER STURM (Policy Analyst):

The Committee has received a copy of my A.B. 225 report ([Exhibit F](#)). In the amendment proposed by the CCSD, WCSD, the National Association of School Boards (NASB) and the Nevada Association of School Superintendents (NASS), page 1 of the report, [Exhibit F](#), refers to deleting section 4 of A.B. 225 and page 3 proposes to amend section 4 of A.B. 225.

The NSEA proposed four changes to A.B. 225, pages 1 and 4, [Exhibit F](#).

The amendments to A.B. 225 proposed by Scott Austin, pages 2 and 5 of the report, [Exhibit F](#), and Ray Bacon, pages 2, 6 and 7, [Exhibit F](#), are included in Assemblywoman Smith's proposed amendments.

CHAIR DENIS:

Are there any comments on the amendment to A.B. 225 proposed by CCSD, WCSD, NASB and NASS, page 3, [Exhibit F](#)?

MR. HULSE:

The WCSD supports this amendment to A.B. 225.

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MS. HALDEMAN:

The CCSD believes the removal of the six words proposed in this amendment is essential to the effectiveness of A.B. 225.

SENATOR CEGAVSKE:

Page 1 of Mr. Sturm's document, [Exhibit F](#), deletes section 4. Is that the intent of the CCSD, WCSD, NASB and NASS proposed amendment, page 3, [Exhibit F](#)?

MS. HALDEMAN:

The proposed amendment, page 3, [Exhibit F](#), deletes six words from section 4.

MR. STURM:

"Those six words were the only change made in NRS 391.3116. In effect, section 4 would no longer apply in the bill if they are eliminating the only change made to it. Essentially, it repeals section 4."

MR. STEVENS:

The NSEA opposes the proposed amendment, page 3 of Mr. Sturm's report, [Exhibit F](#). Collective bargaining works. Each local has a precise way of getting rid of poor educators. The process is agreed to by management and those elected to represent the people. Nevada specifically directs these decisions be made at a local level, which is the reason this section is in the NRS. Local-level decision making removes the cookie-cutter approach to a one-size-fits-all education. Many contracts do follow the provisions of NRS 391.

SENATOR CEGAVSKE:

Do you know when section 4 was added to NRS 391?

MR. STURM:

Assembly Bill 225 changes NRS 391.3116. They are not repealing NRS 391.3116. For the purposes of A.B. 225, the new language was "and section 1 of this act." Whenever A.B. 225 was drafted, those six words were added. Those six words do not exist in law.

SENATOR BROWER:

Nevada Revised Statute 391.3116 dates back to 1973, but has been amended several times.

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

The NASB supports the removal of the six words as shown in the amendment to A.B. 225 proposed by the CCSD, WCSD, NASB and NASS, page 3, [Exhibit F](#).

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

The NASS continues to support this proposed amendment to A.B. 225 and the removal of the six words, page 3, [Exhibit F](#).

CHAIR DENIS:

Are there any questions regarding the amendment to A.B. 225 proposed by the NSEA, page 4 of the report, [Exhibit F](#)?

MR. STEVENS:

The NSEA believes educators deserve due process at the time of a demotion and when they are moved to probation. An administrator who gives an educator an unsatisfactory evaluation has an obligation to provide intensive assistance to that educator. The educator is an investment by the taxpayer and has a career's worth of credentials. If the assistance is not provided, or if the administrator does not go through the process properly, educators should have the right to defend themselves. The NSEA also defines moving to probation as a demotion. Taking away post-probationary status and putting a person on probation violates a property right.

SENATOR CEGAVSKE:

I hope there is something here providing due process for students.

MR. HULSE:

The WCSD opposes the NSEA suggested amendment to A.B. 225, page 4, [Exhibit F](#). The availability of a third-party evaluation, provided in the proposed amendment to A.B. 229, [Exhibit D](#), does meet the concerns of an unfair evaluation.

MS. HALDEMAN:

The CCSD opposes the NSEA's proposed amendment to A.B. 225. The combination of A.B. 225 and A.B. 229 provides a clear way to identify ineffective educators, to furnish assistance to them, and, if that does not work, to dismiss them. The NSEA proposed amendments, page 4, [Exhibit F](#), add many

layers and qualification requirements. There is not a clear and definite path to follow.

LONNIE SHIELDS (Nevada Association of School Administrators):

The Nevada Association of School Administrators (NASA) opposes the February 1 date in the NSEA's proposed amendment to A.B. 225, number 2, page 4, [Exhibit F](#). The evaluation should follow the regular school year to give the administrator and educator an opportunity to improve before the unsatisfactory evaluation is given.

PHILLIP KAISER (Washoe Education Association):

The Washoe Education Association supports the NSEA amendments to A.B. 225. Intensive assistance, as well as a fair hearing, should be provided to an educator. There should not be an undue burden on the administrator to do his or her job correctly.

CHAIR DENIS:

Assembly Bill 229 provides for intensive assistance to be available.

DR. MERRILL:

The NASB opposes the NSEA proposed amendments to A.B. 225, page 4, [Exhibit F](#), which makes the process complex and convoluted. The NASB agrees with Mr. Shields that the completion of an evaluation should not be tied to a February 1 date, but should be completed by April 1.

MS. PIERCZYNSKI:

The NASS opposes the NSEA proposed amendments to A.B. 225.

APRIL MEDLIN:

I oppose A.B. 225 and its amendments. I am against this bill because there are many issues upon which we could be focused. Instead, we have allowed multinational corporations that profit from for-profit schools and universities to dictate our agenda. There has been no wave of ineffective teachers in Nevada. According to the winter 2011 edition of the CCSD "Insider" and Norberta Anderson, the director of the English Language Learner (ELL) Program for the CCSD, the CCSD is the only large urban district in the United States meeting the annual measurable achievement objectives, a requirement of the No Child Left Behind Act. This is highly rewarding given the growth of the ELL population. Fourteen magnet schools have received awards for posting some of

the nation's highest scores in academic achievement. Assembly Bill 225 deconstructs our public school system to the benefit of the for-profit multinational corporations. Nevada has a lot to be proud of regarding our schools and teachers. I have lived in Nevada for more than 30 years. I was educated in Nevada. Two of my daughters attend magnet schools. Neither school has any form of violence, weapons or drugs. No harm to students or teachers has occurred. My daughter's high school has no school police. Our teachers need positive reinforcement. With everything that is going on, our teachers are depressed.

CHAIR DENIS:

Is there any discussion on the amendments proposed by Mr. Austin or Mr. Bacon, pages 5 and 6 of Mr. Sturm's report, [Exhibit F](#)?

RAY BACON (Nevada Manufacturers Association):

The amendment proposed by the Nevada Manufacturers Association, page 6, [Exhibit F](#), is included in Assemblywoman Smith's amendment.

CHAIR DENIS:

The Committee will hear the amendments to A.B. 229.

MR. STURM:

The Committee has received my summary of A.B. 229 ([Exhibit G](#)). Several amendments have been proposed. The Committee has already discussed Assemblywoman Smith's proposed amendment 6817, page 1 and pages 4 through 7, [Exhibit G](#). The CCSD's proposed amendment relates to reporting, definitions and layoffs, pages 2, 8 and 9, [Exhibit G](#). I have provided a summary of the proposed amendments by the CCSD, NASB and NSEA related to a reduction in workforce, pages 2 and 13, [Exhibit G](#). The NSEA also proposed amendments related to probationary employees, pages 3, 11 and 12, [Exhibit G](#).

MS. HALDEMAN:

The CCSD would like to propose a hybrid amendment related to reduction in force by combining elements of the CCSD, NASB and NSEA proposed amendments.

If the board of trustees of a school district determines that a reduction in the existing workforce of licensed education personnel in the school district is necessary, the decision to lay off a teacher

or administrator must not be based solely on seniority and may include, but is not limited to, the consideration of these factors. The factors are: the educator's placement in a hard-to-fill position; the educator's attainment of national board certification; evaluations of the teacher conducted pursuant to NRS 391.3125 and 391.3127; the disciplinary record within the school district; criminal record; licensure; and degree attainment in subjects germane to position.

This combination will provide the tools necessary to determine who should be affected during a reduction in workforce. These elements would require negotiations during collective bargaining.

DR. MERRILL:

The NASB supports the CCSD's hybrid amendment to A.B. 229 just proposed verbally by Ms. Haldeman. This proposed amendment allows school boards to make decisions considering a variety of factors. The definitions would be bargained, but the proposal expands the criteria used to make decisions.

GEORGE ROSS (Las Vegas Chamber of Commerce):

The Las Vegas Chamber of Commerce supports the proposed amendment just submitted by the CCSD. It is imperative the best teachers be saved regardless of how long they have been teaching. We must remember we are trying to be fair to the students by providing them with the best teachers possible.

MR. STEVENS:

The NSEA agrees Nevada needs the best teachers possible. The NSEA is unsure that the other amendments are needed. Anything can be bargained during collective bargaining. If a school district feels seniority is not the way to address reductions in force (RIF) processes, they can bring it to the bargaining table. There is nothing in law limiting RIF procedures. Most collective bargaining agreements have seniority as a sole way to apply a RIF, except WCSD and Lyon County School District because they brought it to the bargaining table. I urge this Committee to reject the word "must" to allow bargaining at the local level.

MR. HULSE:

The WCSD supports the amendment to A.B. 229 just proposed by Ms. Haldeman and the CCSD. The language is permissive while outlining

common-sense criteria as to how reductions in force should take place. Reductions in force relate to less funding for education. We have outstanding teachers. We hope a reduction in force never happens. During the last 20 years, a RIF has occurred once. We want the common-sense solutions in State law.

MS. PIERCZYNSKI:

The NASS supports the CCSD's proposed hybrid amendment to A.B. 229.

MR. BACON:

The Nevada Manufacturers Association supports the comments of Mr. Ross and Dr. Merrill in accepting the proposed hybrid amendment to A.B. 229, except we believe it should read "must include" rather than "may include."

CHAIR DENIS:

Are the definitions of administrator and support staff included in Assemblywoman Smith's proposed amendment?

MS. HALDEMAN:

The definitions included in Assemblywoman Smith's amendment are better than the definitions provided in the CCSD proposed amendment to A.B. 229, pages 8 and 9, [Exhibit F](#).

CHAIR DENIS:

The Committee will hear testimony on the amendments proposed by the NSEA.

MR. STEVENS:

Assembly Bill 229 removes all due process for probationary employees. Probationary employees have midyear dismissal due process. An educator who has a bad Wednesday cannot be fired on Thursday. This due process prevents personnel actions caused by discrimination and personality conflicts. No educator should be employed at will, which is what A.B. 229 does. Educators deserve to face their accusers and go through an expedited, impartial process. The NSEA cannot support A.B. 229 if it does not afford the right to due process.

VICE CHAIR KIHUEN:

If someone is falsely accused and is fired, what is the process to restore those rights?

MR. STEVENS:

They would have to get recertified and reapply for their job, if the job still exists. They would have to request their record be expunged. A due process hearing would alleviate that and make sure we have a solid educator in the classroom. More than likely, a teacher who is accused will be removed from the classroom without pay until the due process hearing occurs.

VICE CHAIR KIHUEN:

There is no due process for a falsely accused employee in A.B. 229.

MR. STEVENS:

That is correct.

MS. HALDEMAN:

On its face, this may appear to be an arbitrary decision, and the employees would have no benefits or ability to defend themselves. During negotiations, the CCSD offered the "due process light" process whereby a third party is used as a mediator to hear the facts. We are talking about probationary teachers. The offer to have this "due process light" has been rebutted every time. The NSEA wants to have arbitration. If we add the arbitration process for probationary employees, we have not changed the system and have made no reform. It is essential that when we hire people to work with children, we have the best people we can. In the beginning days, it is sometimes obvious whether or not a teacher is going to make it. We anticipate A.B. 229 will mean a contract with an ineffective teacher will not be renewed at the end of the year. The CCSD would be willing to go back to the language we originally proposed called "due process light" with a third party to mitigate.

MR. HULSE:

The purpose of A.B. 225 and A.B. 229 is to make serious changes and move forward. A third party, a superintendent or designee within the school district, could hear a case when someone feels targeted or dismissed unreasonably. Arbitration is exactly what we have today.

NATHA ANDERSON (Washoe Education Association):

This is my 13th year of teaching. I support the NSEA proposed amendment to delete section 19, subsection 8 of A.B. 229, page 3, [Exhibit G](#). I remember my first year as a probationary teacher. In January, when a senior had failed a final, a father called me to tell me I would not have a job on Monday. I appreciate the

need to get rid of brand new teachers who do not work out. The reality is that, due to something as small as a student acting out, a teacher may be threatened with job loss. That is why we need due process rights.

CHAIR DENIS:

We will continue the discussion on A.B. 225 and A.B. 229 when the representative from the Office of the Governor arrives. The Committee will hear A.B. 393.

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

MR. STURM:

The Committee has received my summary of A.B. 393 ([Exhibit H](#)) and a copy of the proposed amendment 6975 to A.B. 393 ([Exhibit I](#)). The proposed amendment requires self-reporting by a person arrested for a felony or gross misdemeanor.

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

I have just received proposed amendment 6975. I would like to go forward without any amendments to A.B. 393. The CCSD plans to add self-reporting to its policies and regulations.

CHAIR DENIS:

I had recommended authorizing the school districts pay all or a portion of the costs of fingerprinting for the background check.

ASSEMBLYWOMAN DONDERO LOOP:

I have not discussed your recommendation with the school districts. We must remember to consider all the school districts in the State who have different fiscal and educator needs. This bill is fair to school districts and educators because everyone is treated the same. These are standard costs; the least amount of time required to relicense would be five years resulting in an average cost to the educator of \$10 per year.

NICOLE ROURKE (Clark County School District):

Allowing the payment of fees by school districts sets an expectation the school district will pay the fees. Payment of the fees would result in a large fiscal note to pay for the background checks of all educators.

MR. STEVENS:

The NSEA believes the burden of this cost is placed on the educator. Perhaps a middle ground could be reached at the bargaining table. We have questions about your recommendation.

DR. MERRILL:

The Chair's recommendation that the school districts may pay fees creates an expectation. It is the responsibility, upon relicensure, of the educator to pay the cost. The NASB supports A.B. 393.

MS. PIERCZYNSKI:

The NASS supports A.B. 393 as it is. Maintaining a license is the professional responsibility of the educator.

CHAIR DENIS:

My amendment would not mandate school districts pay the fee.

MS. PIERCZYNSKI:

The permissiveness could create an expectation and is a problem for the NASS.

VICE CHAIR KIHUEN:

How much are the fees and how often are they paid?

ASSEMBLYWOMAN DONDERO LOOP:

The renewal fee for a license is \$80. The renewal schedule depends upon the certification and education. A bachelor's degree requires renewal every five years; a master's degree every six years; a special certification is every eight years; a national board certification or a doctorate degree is renewed every ten years. In addition, there is a standard fee of \$51.25 for fingerprints which includes a background check through the Department of Public Safety. Most teachers have a master's degree.

VICE CHAIR KIHUEN:

Teachers are not paid what they deserve to be paid. Over five years, \$130 is feasible.

ASSEMBLYWOMAN DONDERO LOOP:

I still have my teaching license and can empathize with teachers.

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VICE CHAIR KIHUEN:

Accepting Chair Denis' amendment would give the school districts the option to pay the fees.

CHAIR DENIS:

The Committee will hear testimony on proposed amendment 6975 to A.B. 393, [Exhibit I](#).

SENATOR CEGAVSKE:

Would all school districts or just the CCSD add a requirement to report arrests?

ASSEMBLYWOMAN DONDERO LOOP:

I spoke with the CCSD.

SENATOR CEGAVSKE:

It is important to have an educator notify the supervisor upon arrest. The supervisor would report the activity to the Department of Education.

SENATOR BROWER:

It is common throughout the country for states, counties and other political subdivisions to have a provision concerning this issue of self-reporting arrests. For instance, the University of Georgia has a policy requiring employees to report any arrest within 72 hours and any conviction within 24 hours. The Connecticut Department of Children and Families requires an employee arrested or convicted shall notify a supervisor within 48 hours. New York City has a similar law as does the Maryland Judiciary. In Utah, education employees must report arrests for certain crimes including sex offenses, drug offenses, alcohol offenses and others. Education employees in Colorado must report arrests. I am surprised Nevada does not require this reporting. There was an effort in Colorado to change the law to require the school districts to inform parents when employees report an arrest. That is controversial, though some parents may agree with that type of reporting. Nevada should have a minimum requirement for an employee to report an arrest.

ASSEMBLYWOMAN DONDERO LOOP:

Are these self-reporting requirements to which Senator Brower refers in the states' laws?

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SENATOR BROWER:

It appears that some states have a state law; some have regulations; some districts have regulations which may not have been mandated by state law.

ASSEMBLYWOMAN DONDERO LOOP:
The CCSD has a regulation.

SENATOR BROWER:

Has the CCSD agreed to add the self-reporting of arrests, or is it doing that now?

Ms. ROURKE:

Pursuant to the discussion Monday, May 16, 2011, regarding A.B. 393 and its expansion, we had a discussion with the Clark County Board of School Trustees president, Carolyn Edwards, about pursuing a policy within the CCSD. Ms. Edwards agreed to explore the options after the end of the Session as to what would be put into the policy. We have a recommendation from legal counsel that we look at reporting sexual offenses, crimes of violence, crimes against children, all felonies and drug offenses. We would also look at policies around the country.

CHAIR DENIS:

The districts can now require self-reporting. Can we make A.B. 393 permissive?

ASSEMBLYWOMAN DONDERO LOOP:

I would agree to see if we can have school districts develop regulations for self-reporting.

CHAIR DENIS:

Mr. Sturm has suggested these words: "The districts shall adopt a self-reporting policy pursuant to this act."

SENATOR BROWER:

At a minimum, we have to tell the districts that they "shall" implement a policy. It is a mandate. There are certain things school districts must do. There is no fiscal implication. There is no reporting requirement. If the author of the amendment and the sponsor of the bill are agreeable, it makes sense to say "shall" implement a policy concerning the self-reporting of arrests by employees.

SENATOR LESLIE:

None of the districts have this policy. I am uncomfortable with reporting arrests. Too many people are arrested and never convicted. The districts should at least discuss having a policy.

MS. HALDEMAN:

As the result of the discussion in this Committee and some of Senator Brower's questions, I asked our legal department if there is anything stopping the CCSD from doing this. There is no reason for not implementing a policy. The CCSD would like to implement its own policy. When a person applies for a job with the school district, the applicant is required to indicate any arrests, charges or convictions. I do not know what the Clark County Board of School Trustees would like to do.

SENATOR BROWER:

I encourage the districts to require reporting arrests. It is not necessarily true that everyone will know if a teacher is arrested. All parents want to know if a teacher at their child's school was arrested for a felony while on vacation. People are innocent until convicted, but teachers have a special relationship and special obligations. I am not saying they should lose their jobs because they are arrested. The school district should know whether or not the teacher should be in the classroom. A teacher could continue in the classroom while awaiting trial and then be convicted of something like child pornography. Parents would then ask why the school district allowed the teacher to remain in the classroom

SENATOR LESLIE:

No one is suggesting that someone such as a child pornographer should be allowed to continue teaching. I am comfortable with the school districts making the determination. More discussion is needed and should occur at the local level.

SENATOR GUSTAVSON:

If the question is asked on a job application, whether or not there has been an arrest, why not require notification at the time of arrest? It would be up to the school district to determine what to do when the notification of arrest is made by the employee.

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CHAIR DENIS:

How does this proposed language sound to the Committee: "The school districts shall adopt a self-reporting policy that specifies type of arrests and convictions?" This would allow the school districts to adopt their own policies.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS A.B. 393 AS AMENDED BY ADDING THE SELF-REPORTING REQUIREMENT.

SENATOR WIENER SECONDED THE MOTION.

ASSEMBLYWOMAN DONDERO LOOP:

"We are talking about the bill as it stands with the amendment Mr. Sturm has in front of him."

CHAIR DENIS:

That is correct.

THE MOTION CARRIED UNANIMOUSLY.

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DALE ERQUIAGA (Senior Advisor, Office of the Governor):

I met with Chair Denis and Assemblywoman Smith to discuss amendments to A.B. 225 and A.B. 229.

The Committee has received a proposed amendment to A.B. 225 ([Exhibit J](#)). Section 4 of A.B. 225, asking that the controversial six words, be repealed by amendment. That does not mean to repeal the statute at the root of that section. Confusion exists in section 5 of A.B. 225 regarding the expedited labor arbitration procedures. The amendment is not meant to eliminate or change the arbitration process. The language suggested would clarify that the hearing is available only to the employee receiving a notice of dismissal. The expedited process does not apply in all other instances. The amendment narrowly construes A.B. 225 to post-probationary employees sent back to probationary status and then given a midyear notice of dismissal. The proposed amendment, [Exhibit J](#), clarifies A.B. 225 which must comport with the four-tiered scheme for evaluations as discussed in A.B. 229 and A.B. 222. Without parallel construction, this bill will operate on the binary evaluation system, satisfactory and unsatisfactory.

[ASSEMBLY BILL 222](#): Creates the Teachers and Leaders Council of Nevada.
(BDR 34-873)

The Committee has received a proposed amendment to A.B. 229 ([Exhibit K](#)). In two instances, the proposed amendments are clerical. In sections 14 and 16 of A.B. 229, the policy statement needs to be made that at least 50 percent of an evaluation be based on information maintained pursuant to the State system of maintaining student data. That language which appears in A.B. 222 was drawn from the Nevada Education Reform Blue Ribbon Task Force. That language is critical to the new evaluation system. The policy statement should be placed in A.B. 229 in case A.B. 222 is not processed. The proposed amendment to section 19 of A.B. 229 is substantive. Under the proposed operating scheme of A.B. 229, we move to a three-year probationary period. We believe, as the bill is written, an educator could receive unsatisfactory or, under the new system minimally effective, for those three years and still become post-probationary. The proposed language, from Colorado, the state from which Assemblywoman Smith derived her bill, should be included so if in two consecutive years of the three-year probationary period, an educator receives good evaluations, that educator would progress to post-probationary status only if having demonstrated effective status. That is a different policy than is currently expressed in A.B. 229. It is critical not to advance minimally effective employees from a three-year probationary status. There should be a proactive step of having good consecutive evaluations before being advanced. The proposed amendment, [Exhibit K](#), recommends two consecutive years of satisfactory performance in a separate section of A.B. 229.

VICE CHAIR KIHUEN:

Are there any comments on the amendments proposed by Mr. Erquiaga, [Exhibit K](#)?

MS. HALDEMAN:

The CCSD has just received a copy of Mr. Erquiaga's proposed amendments and would like to have time to review them.

MR. HULSE:

The WCSD has just received a copy of these amendments. A quick review does not raise concerns; however, I would appreciate having time for further review.

MR. STEVENS:

The NSEA has just received a copy of the amendments. The NSEA is against repealing NRS 391.3116, [Exhibit J](#), which allows local decision making and collective bargaining. Dismissal procedures are already in State law. We would like more time to review these amendments. The section 19 addition to A.B. 229, [Exhibit K](#), is problematic because we do not know what "highly effective," "effective," "minimally effective" or "ineffective" mean. The NSEA would reject this amendment because we do not have definitions for these words.

VICE CHAIR KIHUEN:

We will close the hearing on A.B. 225 and A.B. 229. We will take public comment at this time.

MS. MEDLIN:

I have provided the Committee with a copy of my testimony regarding the responsibilities of the central repository for Nevada criminal records ([Exhibit L](#)). Teachers are being charged to pay for public access to their personal information and criminal history. I am against A.B. 225.

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VICE CHAIR KIHUEN:

There being no further business to come before this Committee, the meeting is adjourned at 6:08 p.m.

RESPECTFULLY SUBMITTED:

Sandra Small,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 225	C	Assemblywoman Debbie Smith	Conceptual Amendment
A.B. 229	D	Assemblywoman Debbie Smith	Proposed Amendment 6817
A.B. 229	E	Assemblywoman Debbie Smith	Conceptual Amendment
A.B. 225	F	Pepper Sturm	Written Testimony and proposed amendments
A.B. 229	G	Pepper Sturm	Written Testimony and proposed amendments
A.B. 393	H	Pepper Sturm	Written Testimony and proposed amendments
A.B. 393	I	Pepper Sturm	Proposed Amendment 6975
A.B. 225	J	Dale Erquiaga	Proposed Amendment
A.B. 229	K	Dale Erquiaga	Proposed Amendment
A.B. 225	L	April Medlin	Written Testimony