

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-sixth Session  
May 30, 2011**

The Senate Committee on Education was called to order by Chair Mo Denis at 10:01 p.m. on Monday, May 30, 2011, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 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

**STAFF MEMBERS PRESENT:**

Brenda J. Erdoes, Legislative Counsel  
Pepper Sturm, Policy Analyst  
Kristin Roberts, Counsel  
Matthew Walker, Legislative Analyst, Assembly Leadership Office  
Billie McMenamy, Committee Secretary

CHAIR DENIS:

The Committee has amendments for both 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)

SENATOR LESLIE MOVED TO CLARIFY THE AMENDMENT TO A.B. 225.

SENATOR WIENER SECONDED THE MOTION.

CHAIR DENIS:

This motion allows the Committee to discuss bills previously voted on.

THE MOTION CARRIED UNANIMOUSLY.

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BRENDA J. ERDOES (Legislative Counsel):

The Committee has received a copy of Proposed Amendment 7330 to A.B. 225 ([Exhibit C](#)). The proposed language in section 1, page 1, [Exhibit C](#), provides clarification regarding a person receiving an unsatisfactory evaluation pursuant to *Nevada Revised Statutes* (NRS) 391.3125 and 391.3127. Section 1 also clarifies that "year" refers to "school year."

The change in section 4, page 3, line 7, [Exhibit C](#), makes this section not apply to section 1 of A.B. 225.

Section 1 of A.B. 225 states that a postprobationary employee who gets unsatisfactory evaluations [for two consecutive years] becomes a probationary employee. This section where it said "and section 1 of this act" in lines 8 and 9, currently includes section 1 as part of this subhead and also, more importantly for this section, included it to say that if the teacher, administrator or other licensed employee had a contract that was negotiated pursuant to chapter 288 of NRS that also had provisions in it that related to the board's right to dismiss or refuse to reemploy, then this provision would not apply.

The change to section 4, line 7, [Exhibit C](#), would mean:

that even though the provisions in section 1 are going to be placed within that subhead on disciplinary actions, it will be excluded from the action of this provision. Therefore, even if a teacher has a contract that was negotiated pursuant to chapter 288 of NRS that includes the board's right to dismiss or refuse to reemploy, the provisions of section 1 of this act would still apply regardless of that.

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SENATOR BROWER:

Could you explain why we cannot simply delete the six words as previously proposed?

MS. ERDOES:

If the six words are removed, I am left with a dilemma when the bill is codified. The appropriate place to codify this language is in NRS 391.311 to NRS 391.3197. If this proposed language to section 4 of A.B. 225, [Exhibit C](#), is not used, we would be back to "this would apply." My understanding is that the intent of the Committee is that it not apply.

SENATOR WIENER MOVED TO ACCEPT THE CLARIFICATION TO A.B. 225 AS PRESENTED IN [EXHIBIT C](#).

SENATOR LESLIE SECONDED THE MOTION.

SENATOR KIHUEN:

I will be voting against A.B. 225. I reserve the right to change my vote on the Senate Floor.

THE MOTION CARRIED. (SENATOR KIHUEN VOTED NO.)

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SENATOR LESLIE MOVED TO CLARIFY THE AMENDMENT TO A.B. 229.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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KRISTIN ROBERTS (Counsel):

The Committee has received a copy of Proposed Amendment 7329 to A.B. 229 ([Exhibit D](#)). The proposed amendment matches the bill approved by the Committee with the exception of pages 21 through 30, [Exhibit D](#). The proposed amendment, [Exhibit D](#), page 25, clarifies that if a probationary employee receives notice he or she will be dismissed before the completion of the current school year, the probationary employee may request an expedited hearing.

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SENATOR BROWER:

Should "Expedites" be changed to "Expedited" in the proposed amendment, page 26, line 1, [Exhibit D](#)?

MS. ROBERTS:

That will be changed.

The Committee requested further discussion regarding last in first out when a school district needs a reduction in existing workforce. The proposed amendment provides a school district with procedures to implement a reduction in workforce, page 27, section 19.6, [Exhibit D](#). A reduction in workforce will not be based solely on seniority but will include without limitation the factors listed in the proposed amendment, page 28, [Exhibit D](#).

SENATOR CEGAVSKE:

What is the difference between the arbitration procedures in [A.B. 229](#), page 25, [Exhibit D](#), and [A.B. 225](#), page 3, [Exhibit C](#), or are they the same?

MS. ROBERTS:

In [A.B. 225](#), section 5, [Exhibit C](#), the postprobationary employee who has been deemed probationary and receives a notice of dismissal midyear may request an expedited hearing. In [A.B. 229](#), the probationary employee who receives a notice of dismissal midyear can request the expedited hearing.

SENATOR CEGAVSKE:

What are the Labor Arbitration Procedures established by the American Arbitration Association or its successor organization?

MATTHEW WALKER (Legislative Analyst, Assembly Leadership Office):

The expedited due process has to do with ....

SENATOR CEGAVSKE:

I want to know about the American Arbitration Association or its successor organization. I understand the procedures.

MR. WALKER:

The American Arbitration Association is a nationally recognized arbitration service which provides third-party neutral arbitration across the country.

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CHAIR DENIS:

Is this something commonly used in Nevada?

MS. ERDOES:

There are two arbitration organizations commonly used in NRS. The American Arbitration Association is one of them. One or the other, sometimes both, are offered. The successor organization terminology is used because the Legislature meets every two years and entities sometimes change their name.

SENATOR KIHUEN:

A wrongfully terminated employee should receive a due process hearing. Does the bill include an expedited hearing as the Committee suggested?

CHAIR DENIS:

Yes. There is one for the probationary new employee who is fired midyear. The other procedure is for the postprobationary employee.

MS. ROBERTS:

The proposed amendment, section 20.5, page 30, [Exhibit D](#), amends section 1, [A.B. 225](#) to be effective July 1, 2013, when the four-tiered evaluation system comes into place.

CHAIR DENIS:

Will the Teachers and Leaders Council establish the four tiers?

MS. ROBERTS:

Yes.

CHAIR DENIS:

What happens if the Teachers and Leaders Council is not formed?

MS. ROBERTS:

The Teachers and Leaders Council is included in [A.B. 222](#). In [A.B. 229](#), the school districts must establish their evaluations using four tiers.

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

CHAIR DENIS:

Teachers and administrators have the same evaluation procedure.

SENATOR LESLIE MOVED TO ACCEPT THE CLARIFICATION TO  
A.B. 229 AS PRESENTED IN EXHIBIT D.

SENATOR WIENER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

There being no public comment or further business to come before the  
Committee, the meeting is adjourned at 10:20 p.m.

RESPECTFULLY SUBMITTED:

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Sandra Small,  
Committee Secretary

APPROVED BY:

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Senator Mo Denis, Chair

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

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
A			Agenda
B			Attendance Roster
A.B. 225	C	Brenda Erdoes	Proposed Amendment 7330
A.B. 229	D	Kristin Roberts	Proposed Amendment 7329