

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

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

The Senate Committee on Education was called to order by Chair Mo Denis at 3:33 p.m. on Friday, February 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 Don Gustavson
Senator Greg Brower

COMMITTEE MEMBERS ABSENT:

Senator Barbara K. Cegavske (Excused)

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Billie McMenamy, Committee Secretary

OTHERS PRESENT:

Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education
Craig M. Stevens, Director of Government Relations, Nevada State Education Association
Craig Hulse, Director, Government Affairs, Washoe County School District
Caroline McIntosh, Superintendent of Schools, Lyon County School District
Bart Mangino, Legislative Representative, Clark County School District

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VICE CHAIR KIHUEN:

I will open the meeting with Senate Bill (S.B.) 35.

SENATE BILL 35: Revises provisions governing the automated system of accountability information for Nevada and the reporting of test scores by charter schools. (BDR 34-440)

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

Senate Bill 35 was submitted on behalf of the Department of Education (DOE) to clean up areas within the statutes. Section 1 requires the automated system of accountability to identify the assignment of a paraprofessional to an individual pupil. We are requesting the elimination of an individual pupil assignment to a paraprofessional. The DOE has been unable to identify individual students with individual paraprofessionals as required by statutes. A paraprofessional is a person employed by a school district, who under direct supervision of a licensed teacher, provides assistance with classroom management, computer labs, parental involvement activities, support in library or media centers, translation and instructional services. Most paraprofessional assignments are not tied to an individual student, especially in areas like computer lab or libraries where students can come and go. Paraprofessionals are employed to supervise outside in playground areas. Unlike teachers, paraprofessionals are not licensed. They do not have unique identifications. This makes it difficult to track them through our teacher licensing database.

Section 2 revises the manner of reporting results of proficiency examinations administered to public school pupils in district and charter schools. We are requesting clarification of how these reports are to be submitted. We have 27 charter schools in Nevada, of which the State Board of Education sponsors 10. Current wording requires the report to be sent directly to the DOE. In some cases, sponsors do not see the report. Required reports will remain the same but will now be routed through the sponsor. This is critical for annual evaluations of charter schools.

CRAIG M. STEVENS (Director of Government Relations, Nevada State Education Association):

The Nevada State Education Association supports S.B. 35, especially section 1.

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CRAIG Hulse (Director, Government Affairs, Washoe County School District):
The Washoe County School District supports S.B. 35. Section 1 is clarifying language regarding paraprofessionals and reporting in charter schools.

CAROLINE MCINTOSH (Superintendent of Schools, Lyon County School District):
We support S.B. 35. The Lyon County School District would like more accountability and transparency for our charter schools.

BART MANGINO (Legislative Representative, Clark County School District):
I would like to reinforce Clark County School District's (CCSD) commitment to our continuing support of the charter schools we sponsor. The CCSD is in support of section 1 language regarding paraprofessionals. Our interpretation of section 2 of S.B. 35 is that it will amend the law to require reports be submitted by charter school sponsors to the DOE. Is this the intent of the bill draft?

DR. RHEAULT:
The intent is for sponsors of charter schools to see the reports.

MR. MANGINO:
Thank you, Dr. Rheault, for your clarification. We are now in support of S.B. 35.

VICE CHAIR Kihuen:
I will close the hearing on S.B. 35 and open the hearing on S.B. 38.

SENATE BILL 38: Revises provisions governing apportionments to school districts, charter schools and university schools for profoundly gifted pupils. (BDR 34-507)

DR. RHEAULT:
Senate Bill 38 clarifies authority the Superintendent of Public Instruction (Superintendent) has with regard to intervening and correcting fiscal problems. Section 1 will revise charter school statutes to allow the Superintendent to deduct funds from quarterly apportionments due the charter school sponsor. The amount of money paid to a sponsor annually for administrative expenses is 2 percent of the total amount apportioned. This stipulates if an amount is due, it can be withheld from the charter school's quarterly apportionment and then paid to the sponsor.

Section 2 of S.B. 38 affects all school districts, charter schools and the University School for Profoundly Gifted Pupils. It authorizes the Superintendent to deduct funding from Distributive School Account (DSA) apportionment for three purposes. The first is for funding provided by the State exceeding the actual amount that should have been paid. We base initial payments to districts on estimated numbers at the beginning of a school year. We have count day to clean up final enrollment figures and the authority to collect excess apportionments. Secondly, during summer months we make final clean-up adjustments to all school district and charter school appropriations for the year. Districts and charter schools, as required by statute, are to reimburse the funds by September 25. Lastly, state grants provided to districts and charter schools are monitored or audited. Whether funds to be repaid found in audits are not accurately reported or are carry-over funds, we can recover them. It also allows deductions if charter schools fail to pay late payments. In subsection 5, a charter school may request the superintendent, for fiscal reasons, for a delay in payment. Once the delay is approved and if payments are not made, we can begin the collection process.

Section 2, subsection 3 allows, but does not mandate, the Superintendent to withhold entire quarterly apportionments or portions for failure to submit a report or other information required by statute or regulation. The Superintendent is required to provide notice of late reporting.

Section 3 deals with hold-harmless funding provisions available in the state. If school districts, or charter schools have between 95 percent and 100 percent of students returning from the previous school year, they are entitled to be paid at the higher of the two years. This allows them one year to make adjustments in their budgets. If they have 95 percent fewer enrolled students in the current year than in the previous year, they are entitled to the highest of the last two years. The DSA amount is paid based on pupil count.

Section 5 clarifies the adjustments made to the apportionment determined by department audits.

Section 6 clarifies that unless the funding is withheld by the Superintendent, it must be paid.

CHAIR DENIS:
Are there further questions for Dr. Rheault?

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SENATOR WIENER:

Dr. Rheault, have there been many instances of deliberate withholding or underreporting?

DR. RHEAULT:

We have had some issues.

SENATOR WIENER:

If they were forthright in reporting, would they receive the DSA amount for the number of students in that school? What are the mechanics of payment?

DR. RHEAULT:

At the beginning of the school year, funding is paid on a per-pupil basis.

SENATOR WIENER:

Unless they were not forthright?

DR. RHEAULT:

They are required to submit amendments to the DOE or their sponsor. The question became, whether the Superintendent has authority not to pay the hold harmless. In the past, we paid it because there was no authority not to do so.

MR. MANGINO:

If the amendment we propose to S.B. 38 ([Exhibit C](#)) is approved, CCSD supports S.B. 38.

MR. STEVENS:

The NSEA respectfully opposes S.B. 38, specifically section 3. School districts should be held accountable for all reporting requirements and the effects should not be at the expense of our schools, employees and children. Perhaps there is a solution to narrow the focus of what can be withheld. Withholding the entire DSA payment for a report is not the fault of an educator or the fault of the child.

SENATOR BROWER:

What would you propose as a fair and reasonable alternative?

MR. STEVENS:

Perhaps something more administratively laden.

MR. HULSE:

We are neutral on S.B. 38. We have seen concerns raised by the DOE on February 1, 2011, that list 50 reports due to the State Board of Education, all with deadlines. Sometimes laws have unintended consequences. To put into law withholding the entire DSA payment because a report is one day or two days late gives us concern. We support the amendments submitted by CCSD. A state law will permanently make the changes. *Nevada Revised Statute* 386.370 provides the authority of the Superintendent to require a report prescribed by the Superintendent. Withholding of the DSA payment for any late reporting could lead to unintended consequences.

CHAIR DENIS:

Dr. Rheault, can you meet with these people and come up with ideas?

DR. RHEAULT:

I am open to consider statutorily required reports if current wording is too broad.

CHAIR DENIS:

Please get back with me for further discussion.

DR. RHEAULT:

I will, Senator Denis.

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CHAIR DENIS:

We will close this hearing on S.B. 38. If there is no further business to conduct, we will adjourn at 4:13 p.m.

RESPECTFULLY SUBMITTED:

Billie McMenamy,
Committee Secretary

APPROVED BY:

Senator Mo Denis, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: February 18, 2011

Time of Meeting: 3:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 38	C	Bart Mangino	Proposed Amendment, Clark County School District – 2/17/11