

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
May 8, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 4:22 p.m. on Wednesday, May 8, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Elliot T. Anderson, Chairman
Assemblywoman Marilyn Dondero Loop, Vice Chairwoman
Assemblyman Paul Aizley
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblyman Wesley Duncan (excused)
Assemblyman Randy Kirner (excused)

GUEST LEGISLATORS PRESENT:

Senator Aaron D. Ford, Clark County Senatorial District No. 11

Minutes ID: 1103



STAFF MEMBERS PRESENT:

Todd Butterworth, Committee Policy Analyst
Jacque Lethbridge, Committee Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

Dotty Merrill, representing Nevada Association of School Boards
Nicole Rourke, representing Clark County School District
Lonnie Shields, representing Nevada Association of School Administrators
Ruben Murillo Jr., representing Nevada State Education Association
Craig Stevens, representing Nevada State Education Association
Craig Hulse, representing StudentsFirst
Lindsay Anderson, representing Washoe County School District

Chairman Elliot T. Anderson:

We will open the hearing on Senate Bill 311 (1st Reprint).

Senate Bill 311 (1st Reprint): Revises provisions governing empowerment schools. (BDR 34-637)

Senator Aaron D. Ford, Clark County Senatorial District No. 11:

I am here to present Senate Bill 311 (1st Reprint). This bill has garnered a lot of interest, not always positive interest, and has been somewhat controversial. This idea came about in early February when we had our first of several roundtable discussions on this idea to determine if I could garner support, interest, and ultimately come to a resolution or compromise. That idea was to focus on parental involvement. We talk a lot about money and teachers when it comes to education. This is the reason I am here today on this bill, which encompasses my efforts to engage parents and hold them more responsible for the academic achievement or nonachievement of their students. In order to facilitate that, we met with teachers, the Parent Teacher Association (PTA), school districts, school boards, outside groups, communities in schools, and 15 or 16 other groups. We sat at a table to begin talking about what we could do relative to providing parents choices and opportunities in schools that are considered failing. The first thing I mentioned was the notion of potentially allowing parents to convert a school to a charter school if the traditional public school was not performing. Raising flags, it had some admirers and we had the discussion.

The very first thing we agreed to, out of the entire group, was if we trigger, we need to have the option to trigger back. That was the first part of the bill that

was complete. You can see there are opportunities for parents who have opted to take advantage of this legislation, to ultimately trigger back to a traditional public school if they determine they are not satisfied with what they have obtained. Ultimately, what you have before you is a quintessential example of compromise legislation. Every single group that was there had a piece in composing this bill. You may hear from 2 or 3 groups, out of 15 or 16, who refused to support the bill. We will attempt to address some of those concerns as well.

I call this bill a quintessential example of stakeholders coming together to develop a piece of legislation that accomplishes a number of goals, including parent involvement, teacher appreciation, and student success. The bill is indeed a modified version of what are commonly called parent trigger laws, which have been adopted in several other states. [Continued to read from written testimony ([Exhibit C](#)).]

Section 2.5 was an amendment proposed by the Nevada Association of School Boards. Many people were at the table; bringing together all of the stakeholders is a big deal when you are talking about legislation. The Nevada Association of School Boards suggested section 2.5, which requires school districts with one or more underperforming schools to adopt a policy allowing the establishment of a school advisory team. This school advisory team is intended to address concerns that people have raised regarding the confrontational nature that many people have become accustomed to understanding. [Continued to read from written testimony ([Exhibit C](#)).]

People often ask what validity charter schools have in our current environment. I have said before, "You show me a bad charter school and I can show you a good charter school." I am a member of an organization in Las Vegas that runs a charter school that has had problems. You show me that school; I will show you Rainbow Dreams Academy, which just got their charter renewed. Their scores are outperforming local students. You show me one piece of research that says charters are bad, and I can show you research from other places that say charters are good. Ultimately, what it comes down to is a policy choice on our part relative to whether or not we want to allow parents to be engaged in the choice process relative to their student's education.

Assemblyman Eisen:

You said you spoke to the folks from the Association of School Boards about whether a year was adequate time, and they said it was. I am concerned about that given the list of responsibilities in section 2.5, subsection 5. The school advisory team has to review data and develop a plan in this 12-month period. It seems to me that another important piece of that process is the

implementation of the plan and the assessment of that plan after it has been implemented. It is not whether or not you can develop a plan in a year, but whether you could develop a plan, implement a plan, and assess that plan in the span of a year. That is where I am concerned there may not be time.

Regarding the time interval between these steps, advisory committee for a year and empowerment school for three years, the way I am reading this is that these appear to be maximum time periods and not minimum time periods. Section 3, subsection 2, paragraph (c) says, "Submitted to the board of trustees on or before December 1 of the year immediately following the year during which the school advisory team is created" If the school advisory team is created in November 2015, then in February 2016 a petition could be brought forward to convert an empowerment school. I want to make sure we are very clear about giving adequate time for the review of the situation, the development and implementation of the plan, and the assessment of whether or not that plan made a difference.

Senator Ford:

The intent has always been that you cannot trigger a charter until after three years of empowerment. To the extent the language appears to indicate otherwise, no one has ever had a doubt the time frame we are talking about is one year for the advisory team, three years for empowerment, then you can go three years for a charter, and then you can trigger backwards. After three years of the charter, which is seven years down the road, if no improved academic performance has taken place, the charter is automatically revoked and the school reverts to a traditional public school.

Relative to your initial question about the one-year time period, I will leave it to the Nevada Association of School Boards to articulate their rationale for saying we have a sufficient amount of time to implement and assess whether it is going to be successful. In this instance, I tend to rely more heavily on the educators who have indicated to me that they will have a sufficient amount of time to assess the success.

Assemblywoman Fiore:

Thank you for bringing this bill forth. I do not know if you are aware, but both of my girls have attended charter schools. I appreciate your expertise in education. If you amend anything, please amend me as a sponsor. I like this bill a lot.

Assemblyman Stewart:

In the past, we have funded the empowerment schools. When the funding was limited, or ran out, they were still empowered to do certain things like juggling

schedules, et cetera. If the funding is not available, do you envision for empowerment schools to function to the limit that funds are available?

Senator Ford:

The short answer is yes. My children attended an empowerment school while they were in elementary school. They were the first class to go there. Empowerment is about more than just the funding. It is also about the discretion given to teachers and administrators to operate that school in a way that is more responsive to the local constituency. I would anticipate, even outside of funding, there will be opportunities for parents to help develop an empowerment program that is responsive to what they require and suggest for the education of their children.

Assemblyman Stewart:

Thank you.

Senator Ford:

The concept was charter only. I could not get some groups on board with just charter so we compromised and went back with empowerment. I could not get everybody on board with just empowerment. I suggested we do a double option and let the parents choose to go with empowerment or charter. I could not get anybody on board with that. Ultimately, I suggested the compromise of a step system and no one wanted to do that either until I said I would put that in there and we could work it out. We have come to this bill, which is a compromise that I think accomplishes several goals.

Assemblywoman Neal:

In section 2.5, subsection 4, you have the advisory team, which is a mix of five parents. There are more parents on the board, I understand the concept, but in section 2.5, subsection 5, what they are being asked to do is review the data, review support programs, and then review the level of parental involvement. In regard to the recommendation concerning new strategies to increase academic achievement and the review of the support programs, what type of support programs are they going to be reviewing? Because it is a public school, are we talking about them looking at whether or not Title I is working, or whether or not the reading grants are working? What expertise are they bringing to the table to review those programs and to examine and give recommendations on strategies when who is in the minority on the advisory team are the people who have the expertise?

Senator Ford:

To the extent parents are involved in this discussion, and this provision certainly provides for that opportunity, the input relative to those types of idiosyncrasies

such as ascertaining the appropriateness of the type of instruction, whether it is auditory or otherwise, is very important. You mentioned a couple of programs and the answer is yes. We get to ask if Title I programs are working. Yes, we get to ask if the reading programs are working. It is all fair game relative to the discussion and recommendations that come out of that. Your other question was the fact that those who are experts in the profession are the minority; I do not disagree with that. They are nonetheless represented. The concept behind this is to insist upon the interaction of parents, teachers and administrators on trying to improve the academic success of students at a particular school. This, by the way, is not district wide; it is school specific. This is a great opportunity for cooperation, coordination, and collaboration as opposed to confrontation, which most folks assumed this bill was going to produce.

Assemblywoman Neal:

I do not think parents are not capable of thinking and examining. I do feel at times they do not understand all of the things that come into play at a public school relating to academic performance and the history of why academic performance may be where it is. The criteria you have listed are the same things that ideally would be implemented and examined in any school. Why would this work? Why would this be a better shift? Philosophically, when we talk about academic preparedness, we also need to get into the history of the public education system in Nevada. We need to understand why we have a child who cannot pass a test. Now that we are shifting to something else, why do we have students that know one thing, but not another? I get that we are trying to play out education solutions. If you do not have staff that could carry out education or teach a child, it does not matter.

Senator Ford:

I agree. That is the reason we need to support this bill. If a parent like you is on the advisory board and is bringing up points just like that, then suddenly we have a whole different conversation relative to how we are going to fix our educational system in that particular school. One of your questions to me was, "Why would this work?" We do not know if it will work. We can sit back and ask the questions without making an effort to put forth something new, something different, something that moves us beyond the status quo. This does it on the front side by allowing parents to interact with teachers and administrators to come up with ideas to improve their kid's academic success.

Assemblywoman Neal:

In your introduction, you went over the difference between the empowerment and charter schools. I worked at a charter school and understand the flexibility. I also understand the resources it needs to drive the ship and the same resources that are needed to drive the ship for empowerment.

Both offer collaboration. On one side, you have a teacher-driven model where teachers get to be a little more innovative in terms of curriculum, application of curriculum, and they can adjust a lot more quickly. Instead of having an administrator-down flow, you can have a teacher-up flow. In empowerment, you have more collaboration between principal and staff and the ability to use funds in a different way to fit your needs. Why the progression?

Senator Ford:

The progression is not one that seeks to contend that empowerment is better than traditional and charter is better than empowerment. What it does is recognize the level of disruption associated with the conversion goes from least to most. If 55 percent of all parents can go from traditional to charter just like that, it is a bit of a disruption. In this bill, we look at a progression of least disruptive alternatives for purposes of trying to find out what is going to work.

Assemblywoman Neal:

That answers my question. I just wanted to be clear on the intent. I was open to what you had to say. I wanted to understand how this is fixed. Why is it better? If this passes, you have a lot of work to do to track your bill.

Senator Ford:

I work on my whole life. It will not be any different on this one.

Assemblywoman Dondero Loop:

We have empowerment schools, we have charter schools, and we have many different models. With all due respect, I just do not see why we need this bill. I have worked in many schools, and I think we need more consistency. Parents have a choice and there is a process where if they do not like what is going on in their schools, they can get an audience at many different levels. I have been there as a parent, I have been there as a teacher, and I have been there as a student. I just do not get it.

Senator Ford:

You are not alone. This is something reasonable minds can disagree on. I happen to disagree with you. I think parents should be allowed to have the choice relative to effecting change in their local schools. I view this as an opportunity for such choice and an opportunity to increase parental involvement. I am like you. I have been a parent, I have been a student, I have been a teacher, and I have an academic background just as you do. At all levels everyone has acknowledged and agreed that parental involvement is better, tempered with those who know education and policy. Whether this works, as I said earlier, who knows? What we are attempting to do in this Legislature is effect change. People on the other side say just

the opposite. They say class-size reduction means nothing. Reasonable minds disagree on that. We are opting to go with the policy of class-size reduction as being a way to improve education. Some say that we do not need full-day kindergarten, nor do we need prekindergarten, nor do we need some of the other things we are advocating. We are doing it notwithstanding the debate. I still think this is a good opportunity for us to engage parents on the front end and to progress a school on the local level through a change process that ultimately can effect positive changes in the academic lives of our students.

Assemblywoman Dondero Loop:

Parents do effect change. It is called PTA in many schools. If you do not think parents effect change, talk to Senator Cegavske. She was my room mother, and she effected a lot of change. Change happens every day in every school. You are right; we will probably have to agree to disagree because there are many choices for parents. One of them is homeschooling. Parents have every right to raise their children and school their children the way they feel necessary. I would submit that is why we have private schools. That is why we have charter schools. That is why we have empowerment schools. That is why we have homeschooling. I have been in one-room schoolhouses in Nevada. Do those parents have everything that maybe a bigger school has? Maybe not. Those parents live in a small town and a lot of them have chosen to live there for that reason. I am totally struggling with the fact that the genesis of the bill is that we do not have enough opportunity for parents to effect change and make a choice. I believe we have many choices for parents. I made some of those choices for my own children for different reasons. When I was a teacher and did not like something or I did not agree with something, I had avenues to change those things. I had principals and parents to talk to. I believe strongly that we have many choices for parents. It has nothing to do with not having choices for parents; I think these things are already in place.

Senator Ford:

We do not disagree that parents can effect change. If I have misled people to believe the premise of this bill is that change does not exist already, that is not the premise. The premise is allowing more parental involvement. Just because you have it, does not mean that we do not have to allow additional options and additional possibilities for parental involvement. I do not disagree that people can stay home and homeschool if they can afford it. I do not disagree that we have private schools, if people can afford to go to them. I do not think, however, that we have only those choices. Through this bill, I am presenting another option for parents who want to be involved at their local level, to do so.

Assemblywoman Diaz:

I am going to speak more to the at-risk community. I think we have been talking about possibilities of homeschooling and more in a higher echelon than I work and most of the schools in my district are located. I have been working at a school that is in need of improvement, an old-school term for No Child Left Behind [the Elementary and Secondary Education Act of 2001]. We have seen principals change three times. Because we have such a high turnover rate with our teaching staff, if we were to switch the program on them, it would be more detrimental to their academic achievement. What has kept that school together has been the consistency of the program. One of my concerns is where do we come up with the figure of giving an empowerment school three years to work?

Senator Ford:

This is an option. In the schools like yours, if consistency has been what saved the school, I suspect parents would not be invoking a 10 percent rule to create the student advisory council. The time frame came from discussions around the table that after three years the professionals, which included administrators, teachers, and school boards, agreed that the three-year time, which also aligns with a state assessment relative to the school itself, is a sufficient amount of time to determine success or failure of that school in its current state. It was not an arbitrary number. It grew out of discussions between 15 or 20 folks at the table, the three times we met to develop this bill.

Assemblywoman Diaz:

In an elementary school, the parents go through the whole process, and the empowerment school comes on board. You already have kids in separate grades. I do not know how realistic it is to measure the growth of the kids in the three-year span. Another thing is I know good schools need to have great leaders on their campuses that put in a lot of work and effort in creating the culture and fostering a culture of achievement. Where in this bill does it guarantee you are going to appoint or assign somebody of excellence to run this new school?

Senator Ford:

There is no guarantee in our current situation. When you talk about turnover in our current schools, you demonstrate there are no guarantees those teachers, administrators, or leadership are the best or most appropriate. This bill does not purport to try to guarantee an outcome. The only outcome that it does hope to guarantee is that parents will get involved early on with a cooperative communication that leads to potentially better academic success for their students. That is the bottom line for this bill.

Assemblyman Aizley:

Why do we wait for the parents to get upset? Why not empower all of the schools right now?

Senator Ford:

I do not disagree with you on that either, which is one of the reasons we added the 10 percent requirement. Before we empower that school there is conversation about what is happening.

Assemblyman Aizley:

Why would we empower a school that is not doing well?

Senator Ford:

I am not sure I understand your question.

Assemblyman Aizley:

If a school is not working right, the parents are upset, so they are not doing things correctly, and the students are not performing, why do you empower those people to do more?

Senator Ford:

We may be using the word empower differently now. When I use the term empower, I am talking about the empowerment school model. What I am looking for in this bill is to allow parents the option to convert a school to an empowerment school model. Clearly, they are empowered through this bill to convert to empowerment.

Assemblyman Stewart:

I appreciate your honesty in that you do not know if this will work or not. In the past, we have passed many bills, and we never said that. We do not know if they are going to work or not until three, four, or five years down the road and we get some data. We do not know if this is going to work, but it is an option.

Senator Ford:

Thank you. That is my philosophy on this. Ultimately, all I can do is put forth what I think are good ideas to try to make positive change. That is what this bill seeks to do.

Chairman Elliot Anderson:

Are there any other questions from Committee members? [There were none.] I want to publicly acknowledge how much work you put into this. It sounds like our Committee members still have some concerns. I would encourage you to

work with them. You should be commended for the outreach you have done with the stakeholders.

Senator Ford:

Thank you.

Chairman Elliot Anderson:

Is there anyone in Carson City wishing to testify in support of S.B. 311 (R1)?

Dotty Merrill, representing Nevada Association of School Boards:

I want to begin by thanking Senator Ford. He has been very open to consider suggestions about this proposal. When the Nevada Association of School Boards provided a friendly amendment, which now appears primarily in section 2.5, he was very open to considering that. We are here in support of S.B. 311 (R1).

In section 2.5, subsection 5, we have structured the school advisory team to meet at least six times over a 12-month period. Enumerated in paragraph (a) are the tasks of the school advisory team. We believe that the review as described in paragraphs (a), (b), and (c) can be done within a 12-month period, without a lot of time lapse. The recommendations about ways to make the school more inviting to parents and guardians to increase parental involvement and make some suggestions about new strategies to increase academic achievement can also be done, as well as to reflect on whether or not there has been success.

During my time as a teacher in the Washoe County School District, I worked in two schools where a principal came in who said, after he had been in the school a few weeks, "We have some problems here, and I think we can benefit by having the school advisory team." It did not take long for the parents to begin to do the work involved in paragraphs (a), (b), and (c). Within several months, very clear recommendations were made that the principal and staff began to carry out. Administrative leadership matters. We believe the priority for the administrator of an underperforming school is a key element of the school advisory team. It provides an opportunity, as Senator Ford said repeatedly, for some structured parental involvement together with the principal, teachers and staff of the school. There is nothing in the bill to say this has to end at the end of one year. In fact, it can go on indefinitely. The report to the board is not the last thing in this process.

One alternative in section 3, subsection 1, would be to move forward to an empowerment school. That does not have to be the case. The school advisory team does not have to make that decision. It can decide to continue working

together and it can decide to move in that direction if they choose to do so. We believe that having the piece here about the school advisory team provides a real opportunity for collaboration, focus, and working together for improvement at the school.

Assemblyman Eisen:

You made a comment about the process in section 3 being one of the options for the advisory team. How I read this is that the advisory team would not have the power to move the school toward an empowerment school without 55 percent of the parents. I want to make sure that is very clear for the record.

Dotty Merrill:

Yes.

Assemblyman Eisen:

You described a situation where a principal came in and within a few weeks identified problems. I do not doubt that happens sometimes, where you can get to the root of the problem in a few weeks. I am not sure that would consistently be the case. Sometimes it takes a little more digging than that. The issue is not simply a matter of doing these five things that are elucidated in section 2.5, subsection 5, in a 12-month period. I think that is relatively reasonable in most circumstances.

The way the bill is written, and what I am concerned about, is that it is already that next year, and that is the time limit, not the time minimum. Nonetheless, in that one year, things can move toward an empowerment school. How is there time to take those recommendations that have been developed from the review, implement them and then have any opportunity for them to have an effect? You still need to evaluate them to see if they worked. It is not just a matter of meeting six times. It is a matter of meeting six times, coming up with a plan, putting the plan into place, and then measuring it to see if, in fact, it had any impact. That is what I have a hard time seeing compressed into a year.

Dotty Merrill:

The school advisory team could certainly play a role in eliciting parent support for a petition to move toward an empowerment school. That is what I was describing, not that the parents would trigger the move to an empowerment school. I do not know that anyone believes it will take six meetings to get to the plan and recommendation. It may take more than six meetings to see what the changes are and talk about what the improvements have been. It does not have to end in one year. It can be done. It is an idea. We hope it will work. We may have to come back and extend that if the bill passes. Other options can be considered.

Assemblywoman Neal:

I like the advisory team. I also wonder whether that same advisory team could be applied to just the basic public school and do the exact same thing without the conversion. I feel my solutions at the beginning were to fix the public school and stop trying to move away from it. Now I see these radical solutions come forth and it is radical to me. It is not to say they are bad because some things are so radical that they can work. I still wonder if there is an ideological shift where we are saying, "Public schools are not taking the appropriate action." Does that mean we give up on what they are supposed to do?

I believe in school choice just as much as anybody else, but I also understand that when school choice was positioned for certain people, it was not an option. Are we allowing choice without really fixing the root? The root is the performance. The root is if the school district never engaged the parents to begin with, no matter what county we are in, then are we somehow shifting the problem to a set of parents versus the entity that was supposed to have done the job in the first place? Engage the parents, talk to the parents, bring them into the schools, do the job of marketing your schools, and do the job of sending them the newsletter. I know you staple it to the backpack. When I was teaching and I did not get in touch with the parent, I showed up at their door.

Are we moving in a direction where we need to be a little more radical with the public schools and say, "We have a different approach with how we handle our schools that are public, versus shifting in another direction?" That is the more philosophical comment I have. It concerns me because then where do we leave our public schools that still need the money, still need the assistance, and the children who are still there trying to get an education?

Dotty Merrill:

As a representative of the 17 school boards in Nevada, I think I would probably never say we have a school board that is going to say the answer to all of our educational problems is moving to charter schools, private schools, or homeschooling. By being elected to serve on a school board, we have people who are very dedicated to public education in Nevada. They want all children to succeed and to learn. We want schools to provide appropriate services and effective teachers so that students have the opportunity no matter what district they are in or what school they attend within that district. The school advisory team could happen anywhere without this bill. Any principal could talk with his or her supervisor and say, "I want to do something that is different. I want to involve parents in this way." It is hard for me to imagine that a district-level supervisor would say, "No, you cannot do that."

I believe there is, at all levels within a school district, support for moving ahead with innovation. It does not just have to happen at an underperforming school. The shared goal is learning and achievement for all students no matter where they are and no matter what they bring with them when they come in the door to the school. Senator Ford's idea is to provide a different kind of vehicle to do that. Yes, it involves some choice down the road, but it involves some local choice immediately with the school advisory team.

Nicole Rourke, representing Clark County School District:

We would like to thank Senator Ford for his collaboration on S.B. 311 (R1). We appreciate his focus on parental involvement. The Clark County School District worked with Senators Ford and Smith, and submitted an amendment ([Exhibit D](#)). The amendment adds to section 2.5, subsection 5, paragraph (f) that states, "Consult with the Advisory Council on Parental Involvement and Family Engagement regarding best practices and other strategies for effectively involving parents and engaging families in the education of their children in carrying out the provisions of this Act." That council has done a number of great things. You had a previous presentation from them. We feel by engaging in some additional strategies, that team will receive additional support.

Assemblywoman Diaz:

The bill says the schools that would be able to work this trigger would be rated as underperforming by the Department of Education. What does that mean? To how many schools would that apply?

Nicole Rourke:

I believe the official release of the school performance framework by the State will be in the fall, so I do not have the number of schools at this time that would be identified. That tool will be used by the Department of Education to designate underperforming schools.

Assemblyman Munford:

I remember when Superintendent Rufus was here. Did we have a program of empowerment schools? I heard they were phased out because of funding. We did not have the money to continue supporting them. Those schools were given a certain amount of funds and were given the autonomy to implement any program. If they were not successful, then they would lose their empowerment status and that money. Is that still in effect in the Clark County School District?

Nicole Rourke:

Yes, we currently have 30 empowerment schools. They do have a certain amount of autonomy regarding governance, budgetary authority, staffing, and things of that nature. The additional per-pupil allocation they got through a grant is no longer in place. Those schools do have additional community sponsors so they get some additional funding in some cases to do a variety of different academic programs. As Senator Ford alluded to earlier, they can do a number of things with staffing, such as extending their school day.

Assemblyman Munford:

What is the return result? How effective have those empowerment schools been?

Nicole Rourke:

Many of them have been successful in raising student achievement. We tracked the first four schools we started with in 2006. Over the three-year period, since their inception, they raised English language arts achievement by 16 percent, compared to the district's increase of 9 percent. They increased math achievement by 20 percent, compared to the district's improvement of 9 percent.

Assemblywoman Diaz:

Is it made clear in the bill what an underperforming school means? Is it at the moment they become underperforming that the parent trigger would work? Do they have to be underperforming for three years?

Chairman Elliot Anderson:

I will ask, but I think underperforming is the parlance for 1-star ranking.

Assemblywoman Diaz:

I thought underperforming would be a 3-, 2-, and 1-star. That is where I am not clear what an underperforming school might be. If you go to the Department of Education, I think it is changing. If the bill moves forward, I want to make sure we clearly know what that means.

Chairman Elliot Anderson:

I think I remember that parlance when we were talking about closure provisions of charter schools. We will get that answer on the record as soon as I get confirmation from Legal. I am sure that underperformance is the parlance used in statute using 1-star under the performance framework that we are operating under because of the waiver of No Child Left Behind.

Lonnie Shields, representing Nevada Association of School Administrators:

We also would like to thank Senator Ford for bringing us to the table on S.B. 311 (R1). What we liked about the bill was simply the progression. We saw it as an attempt to give us the ability to solve our own problems through those different steps before the parents took complete control of the school. If you are a principal and the parent advisory group is formed, you know you have a problem in your school. It then becomes incumbent upon the principal to work with that group to find solutions so the next step is not taken. If that became necessary and you had to move to an empowerment system, my guess is that administrator would not be there any longer. You would probably have a new administrator, at least 50 percent new staff, and a real shot at turning that school around. We looked at this strictly from student achievement and trying to solve student problems.

Ruben Murillo Jr., representing Nevada State Education Association:

I am speaking in support of S.B. 311 (R1). The empowerment school program was created in collaboration with the Clark County School District (CCSD) and Clark County Education Association. [Continued to read from written testimony ([Exhibit E](#)).]

To answer a question that was previously asked, technically at this point, empowerment schools do not exist in the CCSD. There was a movement by the previous superintendent to eliminate empowerment schools and transition them to a different program. However, we are excited that empowerment schools can be an option for any school, whether they are underperforming schools or schools that are high performing. It is something that should be available to all schools. [Continued to read from written testimony ([Exhibit E](#)).]

Several empowerment schools have proven to be successful. When the empowerment schools were phased out, or transitioned to what they call innovative schools, the administrators were upset because they loved the collaboration that was developed with their teachers, parents, and the staff in terms of getting a buy-in and having everybody have a say in what went forward. At Steve Schorr Elementary School, the team developed a position that helped to work with the teachers in terms of empowerment. We presented in Columbus, Ohio as part of National School Reform Faculty's Harmony Education Center. Out of the four original schools, one school struggled, and it was probably the leadership of the school. The schools that have succeeded talk about a change in mentality and a change in their thoughts, especially if you talk to the principal. The parents spoke up and said to the teachers, "Maybe this is not going forward because you are not talking to us." The teachers thought they had great communication with the parents, but they

really did not. That was the type of open and honest conversation they were able to have in terms of supporting empowerment schools.

Assemblywoman Neal:

How do you feel about the charter school portion of the bill?

Craig Stevens, representing Nevada State Education Association:

The charter school aspect is not something we fully support. We knew that in order to get a bipartisan support, that part should be added in. What we do appreciate is that all studies indicate if a charter school is not performing within three years, you pretty much know the charter school is not going to perform. That is why an amendment was included, in order to get our support for the bill, that if it is three years and the charter school is not performing then the charter is revoked. The school empowerment teams that Ruben Murillo spoke of are so critical because this trigger bill provides a way that parents can become part of the process. They have to be if this trigger happens. We believe that is very important. It brings everybody to the table. The communities we are talking about need that say in the schools. If there is a school that is not approaching the need of those parents, then the parents can do this, with 55 percent, and they demand a seat at the table. They can begin having an equal conversation with the principal, teachers, and the community to talk about what the direction of the school is and where it needs to go. This is why empowerment has worked so well and why we believe this is an option parents should have.

Craig Hulse, representing StudentsFirst:

I want to thank Senator Ford for including us as part of his working group. It is a long way from the initial model legislation. My first session here was in 2007 when we created the empowerment law. We appreciate the Nevada State Education Association (NSEA) for bringing that language forward. This is a great bill when you get all of the groups together and get their fingerprints on it. With the empowerment legislation and tying it back to charter schools, it is really a Nevada-based solution in this national trigger movement. We support S.B. 311 (R1).

Chairman Elliot Anderson:

Before I invite more testimony, we got communication back from Legal. She would suggest the bill sponsor use language with the lowest possible rating in the school performance framework. That is not really a clear answer on what it means. Is there anyone else in Carson City or Las Vegas wishing to testify in support of S.B. 311 (R1)? [There was no one.] Is there anyone in Carson City or Las Vegas wishing to testify in opposition to S.B. 311 (R1)?

Lindsay Anderson, representing Washoe County School District:

The Washoe County School District is opposed to S.B. 311 (R1). However, we have been working with Senator Ford throughout this process and he has been gracious. I appreciate him saying great minds can disagree.

I want to provide some information as to why my school board voted to oppose this bill. Senator Ford said the intent of this bill is around family engagement, and that is not something my district could not agree with more strongly. My school board president is the chair of the statewide Parent Involvement Council. I can tell you that our school district dedicates a larger share of its resources towards family engagement than any other district in the state. I would say that what we are doing is nationally recognized, so we certainly support family engagement. We think it is a critical part of the process. I do not want there to be any confusion that if we do not support the bill, we are not in support of family engagement, because that is not true. Our Department of Family-School Partnerships has been begging parents to come to the table and offering a seat at the table at every opportunity we get. We feel there is not an instance at our school district where parents do not have a seat at the table if they so want. We bring them and welcome them with open arms for as much parent involvement as we can get.

The other thing we take seriously is accountability. We have talked a lot about the statewide accountability framework that has recently been released, or will be released. Our district adopted that framework and made it a little more rigorous. We have recently identified our lowest performing schools; we have one 1-star school and 12 2-star schools. Washoe County School District never embarked on the empowerment school model. Part of our hesitation is that it is not a model we have used in our school district before; we do not have any results that say it works. That does not mean we have not addressed underperforming schools in a different way. We include them now in what we call an acceleration zone, where they get special individualized support. It is not necessarily one model for turning around an underperforming school.

It is important to us to identify those underperforming schools and address their needs. We are doing that in our district. However, the research is relatively clear, and I know Senator Ford is an academic so I am sure if he can point to one study that supports this, I can turn to one that does not. The National Education Policy Center has research around parent trigger, and their conclusion suggests that the governance model of a school does not necessarily improve student achievement. It is a complicated package of things that determine student outcomes. Simply changing the governance structure is not necessarily something that is going to ultimately improve student outcomes. Their research says it is clearly about quality instructional materials and

well-prepared teachers. That is where our district wants to spend resources and make sure those things are available at the underperforming schools. They made an analogy that says, allowing parent trigger would be like "turning over control of a public transit system exclusively to a majority vote of the people who happened to be riding the bus on a given day." The concept is true that the parents at a school do not necessarily know the best way to turn that underperforming school around. They should be at the table and we encourage that. To give them ultimate control over what the governance of the school looks like, we do not believe is the right way to go.

I can appreciate that many of our underperforming schools are elementary schools. In Washoe County School District, our middle schools are seventh and eighth grade. This process is incredibly lengthy and the parents that may vote to trigger a school are not going to have students there by the time it is time to decide if that school should be an empowerment school or charter school. That is certainly the same thing for a high school. Students are there for four years, so the parents you engage on the front end may be making decisions for parents that do not have students in that school yet. I completely understand that Senator Ford was willing to compromise. The length of the process we are talking about now just does not seem like it is going to make a difference in any of our schools, except elementary schools, if we can keep parents engaged in this process for six or seven years.

We would like to see proactive parent engagement. We would never want to have a situation where our parents were so frustrated that they had to resort to signing a petition in order to take over the school. I cannot agree that is proactive parent involvement. Our responsibility is to get those parents to the table before they are so frustrated that nobody is listening to them. We believe that is the direction we are going.

My school board is particularly concerned about the implementation of the petition process. We are not in the position of verifying signatures and making sure that if it requires 164 signatures to trigger a school, that the parents who signed the petition are actually the parents of the students. Does each parent get a vote? Is there only one vote per child? Are we going to verify their picture? How are we going to make sure the parents who are signing the petition are actually the ones doing it? In fact, we think that is a distraction and takes resources away from the proactive parent involvement we are trying to achieve. Our elected body takes it very seriously that our school board meetings are open, and if parents are so frustrated that school staff is not paying attention, they can always come to our school board. At one of our elementary schools, parents were feeling frustrated about an overcrowding situation. They did not feel they were getting enough attention from their

principal, so they came to the school board meeting. The school board took action on that within a six-week period. I understand that not all school boards operate in the same way, but my particular school board feels powerfully that if parents are frustrated at their school level, they can come to the school board, and those issues will be addressed. We do not need to get into signing petitions and turning over schools.

Our accountability framework is actually the exact opposite. We have a model of managed empowerment so our high-achieving schools have the autonomy to make decisions at the school level. Whatever they are doing at that school is working. Our underperforming schools are the exact opposite. We give them more resources and district-level support to make sure the results they are getting are working. We do not go to an underperforming school and tell them they can do whatever they want and hope that it works. We are going to use best practices and tell them what we think will help them achieve better student outcomes.

Chairman Elliot Anderson:

Are there any questions? [There were none.] Is there anyone in Carson City or Las Vegas wishing to testify in neutral on S.B. 311 (R1)? [There was no one.] Senator Ford, would you like to make closing remarks?

Senator Ford:

I did want to confirm, and will make certain it is in the bill, that we are talking about 1-star schools under the new ranking that is coming out. Conversion to either empowerment or charter is not guaranteed. It can stop after the first year if the parents are satisfied, or the one year could be extended again. There are all kinds of options that can happen. In addition, these are still public schools we are talking about. They may not be traditional public schools, but they are public schools. We are not talking about removing funds from our public school students. In fact, what I am talking about goes hand in hand with other things I spoke about including increasing funding for our schools, prekindergarten, and reading by Grade 3. All of these strategies have to be taken as a whole and not picked apart one at a time.

In response to Washoe, I want to mention that I understand they have disagreed with me on this bill and my truancy bill. I agree there is not one model that fits every single school, which is even more reason to allow local parents at a local school to get together with their local teachers and administrators to determine what is the best fit for creating solutions to the issues. We are talking about a dynamic approach. The governance issue that was mentioned by Washoe County is not the only thing the empowerment or charter model encompasses. It also encompasses looking at curriculum and developing

approaches for presenting the curriculum. It is not just about taking over a school; it is about looking at strategies for teaching someone.

At the very beginning, we had a relatively short process. Fifty-five percent of the people could trigger the charter immediately. That was too short. We are trying to provide opportunities for parents to be as involved as they want to be, for as long as is necessary, to do what they need to do. I am happy to entertain an amendment that would address any implementation concern Washoe County has regarding the petition. I am amenable to any amendment the members of this Committee would be interested in seeing so we can see this bill to success.

Chairman Elliot Anderson:

Are there any other questions from Committee members? [There were none.] Thank you for your good faith in trying to work on your legislation. That is the example that should be set. We will close the hearing on S.B. 311 (R1). Is there any public comment?

Assemblywoman Diaz:

This is Teacher Appreciation Week. I want to take this time to acknowledge all of the hard-working teachers of Nevada who have continued to care for our students, educate our students, and do more with less as we put this huge task on their shoulders. They so gracefully carry out their jobs day in and day out. I want all teachers to know we truly appreciate the great work they do in our classrooms.

Assemblywoman Fiore:

I want to acknowledge all of the teachers on this Committee. We have quite a few. Thank you.

Chairman Elliot Anderson:

I also have to take the opportunity for Teacher Appreciation Week since both of my parents were teachers. If they were not teachers, I would not be here. They are the ones that kept me on task, doing my work, and gave me the value of education.

The meeting is adjourned [at 5:59 p.m.].

RESPECTFULLY SUBMITTED:

Jacque Lethbridge
Committee Secretary

APPROVED BY:

Assemblyman Elliot T. Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: May 8, 2013

Time of Meeting: 4:22 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 311 (R1)	C	Senator Aaron D. Ford, Clark County Senatorial District No. 11	Written testimony
S.B. 311 (R1)	D	Nicole Rourke, representing Clark County School District	Amendment
S.B. 311 (R1)	E	Ruben Murillo Jr., representing Nevada State Education Association	Written testimony