

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

**Seventy-Seventh Session
March 27, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 3:17 p.m. on Wednesday, March 27, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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 Wesley Duncan
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman Randy Kirner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Michael Sprinkle, Washoe County Assembly District No. 30

Minutes ID: 634



STAFF MEMBERS PRESENT:

Todd Butterworth, Committee Policy Analyst
Jacque Lethbridge, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Steve Canavero, Ph.D., Director, State Public Charter School Authority
Kathleen Conaboy, Chair, State Public Charter School Authority
Christopher Roller, representing the American Heart Association
Clara Andriola, Chief Executive Officer, Northern Nevada Chapter,
American Red Cross
Nancy Brisack, Private Citizen, Gardnerville, Nevada
Marie Tasker, Service Delivery Manager 2, American Red Cross
Joseph Bombara, PHHS Territory Representative, American Red Cross
Steve Schauer, Private Citizen, Henderson, Nevada
Craig Hulse, Private Citizen, Sacramento, California; and representing
Students First
Brian Daw, representing Clark County School District
Calli Fisher, representing Washoe County School District
Mary Pierczynski, representing the Nevada Association of School
Superintendents
Dottie Merrill, representing the Nevada Association of School Boards
Deborah Cunningham, Deputy Superintendent for Administrative and
Fiscal Services, Department of Education
Nicole Rourke, representing Clark County School District
Lonnie Shields, representing the Nevada Association of School
Administrators
Paul Moradkhan, representing the Las Vegas Metro Chamber of
Commerce
Christine Miller, representing the Nevada Association of School Boards
Craig Stevens, representing the Nevada State Education Association
Leigh Berdrow, Director, Academy for Career Education Charter High
School
Michael Cate, representing Academy for Career Education Charter
High School
Carol White, Principal, I Can Do Anything Charter High School
Dr. John Hawk, Executive Director, Nevada State High School

Chairman Elliot T. Anderson:

[Committee protocol and rules were explained.] We do not have a quorum, but we will go ahead and take testimony.

Steve Canavero, Ph.D., Director, State Public Charter School Authority:

We thought a little historical context tracing the charter school movement back a number of years would be valuable. We often get the question, "Where did this come from?" To understand where it came from you need to study Minnesota ([Exhibit C](#)). In the mid-1980s Minnesota was the first state to pass a statewide school choice program. Some choice may or may not have been enough, so in 1991 they passed the nation's first law enabling formation of public charter schools.

If the United States public education system has about 350 years of tradition, the charter school concept has about 22 years. The charter school sector is constantly evolving. I use the phrase "Charter Schools 2.0," it could be 4.0 by this time, but the notion being the evolution of the concept over the course and through time. Now we are seeing an interesting simultaneous push for a renewed focus on the quality of charter schools. This push is coming from national charter school support organizations, statewide support organizations, and national entities as well as sponsors.

Charter schools are public schools. They receive certain autonomies from regulation and statute. In exchange, they are held to a higher level of accountability for those results. Each charter school has a charter that requires a sponsor and a school. Each charter school has its own governing board. That is a determination based upon the time of awarding the charter.

Kathleen Conaboy, Chair, State Public Charter School Authority:

Senate Bill 212 of the 76th Session created our authority ([Exhibit C](#)). We came into existence in January 2012 and have a very specific statutory responsibility. We are designed to authorize high-quality charter schools, provide appropriate oversight to those schools, and serve as a model of best practices. Our membership is outlined in statute; there are seven board members. The composition of the board reflects the Legislature's intent that board members have to be charter school supporters and have some knowledge of education issues and policies in areas like technology, assessment, and sound management practices, as well as the laws and policies governing charter schools.

The State Public Charter School Authority is a fee-based agency. We currently have no State funding. There is a Department of Administration bill pending this session that would put some money into an existing charter school revolving loan account. This account has been unfunded since it was founded. We have no appropriation to support our operations. The statute authorizes us to charge up to 2 percent of the schools' Distributive School Account. In return for that

2 percent, the schools receive a variety of services. This year we are charging our sponsored schools 1.50 percent.

Our policy framework was discussed with the Board over the last year with input from national consultants who have come to us from a National Governors Association (NGA) grant and from the National Association of Charter School Authorizers (NACSA). Our priorities are to enhance our schools' operational autonomy while continuing to require full accountability for their performance.

Our second goal is to make sure there is equitable funding for charter schools so the children that attend those schools have the same stability and opportunities as traditional students.

Lastly, we seek to model best practices that could be adopted and replicated by other authorizers in Nevada.

We employ our own staff. For purposes of distribution of federal money that comes to the schools, we are a local education agency. Senate Bill 212 of the 76th Session solved this complication because we were formerly part of the Department of Education. The State Board of Education sponsored our schools. As a State agency, the Department could not pass federal money to state-funded schools. More than \$1 million that we missed having access to before came to our schools this year. This is a good outcome of the bill.

Steve Canavero:

There is a ranking by the National Alliance of Public Charter Schools related to the State's law benchmarked against the national model law. In 2011, we improved three spots. In 2012, we slipped a little bit primarily because the Legislature does not meet during the even-numbered years, and there is tremendous action in other states. Of the 41 states that have law to provide for the creation of state public charter schools, we have relatively strong law.

In 2011 and 2012, under the Office of Charter Schools with the Nevada Department of Education, we applied for an authorizer evaluation grant from NACSA. It was a modest grant, but it provided us with information related to the Principles and Standards for Quality Charter School Authorizing. This organization puts together principles and standards about how to sponsor high-quality schools. They reviewed our practices, they came out and conducted site visits, desk audits, and witnessed a board meeting at which we presented recommendations to approve or deny charter school applications. They provided a wonderful report, a roadmap if you will, about how to improve our practice, not only for the Department but also for sponsors. We wrote a competitive implementation to NACSA and were awarded the grant. We are

picking out the high-level components that were necessary to bridge where we were with where we wanted to be. We completed the application decision-making process, and we are nearing the end of our internal frameworks. We are using this process and the performance-based charter contract to judge quality.

We were funded \$30,000 to have a comprehensive strategic plan for our agency. That has been completed, as well as the grant Ms. Conaboy mentioned. We anticipate applying for another round of NGA grants to help us clarify the local education status of the Authority.

In the interest of time I will quickly move through these slides. The first slide shows the work buckets of the Authority and the specific duties we classify our service in. The next slide relates to a presentation to be made later today on Assembly Bill 205. There is also a list of schools and members of the Authority Board. We would not be where we are without the tremendous support of the Authority Board.

This next slide shows the number of charter schools, with years on the bottom and number of schools represented by the bar graph. The Authority is the blue bar graph. Right now we sponsor 16 charter schools. In fiscal year (FY) 2014 we anticipate 21 charter schools. We have seven schools that have subsection 7 status, which is a charter that has been approved but is not ready to commence operation. We anticipate five of them will become active. There are a number of challenges presented to a charter school after it goes through the application process, and if it is approved, to start up and become operational. Without any support they have to provide salaries, textbooks, facilities, technology, et cetera.

The next slide shows the population of students served at our schools. This graph was used for budgeting purposes and is estimates for FY 2014. If we aggregate our children into a district, we would be the third-largest in the state.

Moving forward, we have a clear focus on shifting from compliance to performance. Are quality and quantity inversely proportional? We know they are not. You can have a high number of great schools. We are taking lessons from Denver, Chicago, Louisiana, and Missouri where charters outperform. There is a lot to be learned from a national context on how to build a high-performing portfolio of charter schools. The other is the notion of essential practices, which are just that: essential. Where nearly 100 percent of the sponsors require annual, independent, financial audits of their charter schools,

only 42 percent use expert panels that include external members to review new applications.

Chairman Elliot Anderson:

Are there any questions from Committee members? [There were none.] We will open the hearing on Assembly Bill 414. Madame Secretary, please note for the record we have a quorum.

Assembly Bill 414: Requires a course of study in health to include instruction in cardiopulmonary resuscitation and the use of an automated external defibrillator for certain grade levels. (BDR 34-204)

Christopher Roller, representing the American Heart Association:

Thank you for the opportunity to speak to you today about a very important piece of legislation. I would like to thank members of the Interim Education Committee, chaired by Assemblyman Bobzien, for making this a Committee bill and allowing it to be introduced and heard before the Legislature this session. The bill is short and to the point.

Section 1, subsection 3 adds language for an additional requirement that it needs to be taught in a health class. Section 2, subsection 1, paragraphs (a) and (b) state, "The administration of cardiopulmonary resuscitation according to the guidelines of the American National Red Cross or American Heart Association; and the use of an automated external defibrillator." Section 3 basically repeats the same requirement for private schools as outlined for public schools in section 2.

On behalf of the American Heart Association, I have provided a handout that compares sudden cardiac arrest to a heart attack ([Exhibit D](#)). Most sudden cardiac arrests occur outside of the medical setting. They occur in the home, at sporting events, shopping malls, and other public places. The chances of survival increase dramatically when cardiopulmonary resuscitation (CPR) is administered. The chance of survival drops 10 percent for every minute after the onset of sudden cardiac arrest. After ten minutes, the chances of survival are extremely low. We need to dramatically expand the percentage of citizens in Nevada that know CPR in order to improve those overall survivability rates. Currently, we have self-reported data that indicates only about 3 percent of Nevadans have been trained in CPR. It is the right thing to do; it is just not happening currently. There are some barriers for bystander CPR. Some of them would be fearful of doing it incorrectly, causing more harm, being sued, using mouths, et cetera. Basic education in schools can help alleviate a lot of those fears and compel folks to try to rescue somebody who has been afflicted with sudden cardiac arrest.

I have provided another handout titled "CPR in Schools" ([Exhibit E](#)). Currently, 37 states have a law or curriculum requirement on the books. Alabama and Iowa have had a requirement on the books for a couple of years. Last year, Minnesota, Tennessee, and Vermont enacted a requirement. So far this year we have seen bills signed in North Carolina and Virginia. Georgia also has a bill before the governor and a signature is expected. We are not asking every student be certified, that they pay money to go to training. We are asking that schools simply include instruction about CPR and automated external defibrillator (AED) use within health classes. This can be accomplished in as little as one class period. It is not a course that would take place over the semester. Teachers do not need to be trained or certified in order to teach this. There are tools available. Although students would not be certified, they would learn how to save a life. Many would be compelled to be certified. They would be empowered with the ability to save a life and possibly be inspired to go into health care professions. Cardiopulmonary resuscitation is already in curriculum. It is being taught in many schools, and students are already being certified in some of those schools. We know it can be done. It can be implemented. Physical education teachers, coaches, first-aid assistants, and school nurses are all certified and can be internal resources for teaching students. There are community resource people available that can assist the schools and teach CPR if needed. There are fire departments, emergency medical technicians, paramedics, some police, public health educators, CPR training instructors, Medical Reserve Corps, community emergency response teams, et cetera. There are also web and video resources available. You could also include education on heart attack signs and symptoms in the lesson.

Clara Andriola, Chief Executive Officer, Northern Nevada Chapter, American Red Cross:

Everyone knows the American Red Cross is about saving lives and helping those in need. One thing that really brings it home is the fact that not only did Clara Barton create the Red Cross, but was also was the founder of the National First Aid Society. The people you are going to hear from today are here to save lives. In just a short period of time, one class period can do that. We are supporting this and would welcome working with everyone.

Nancy Brisack, Private Citizen, Gardnerville, Nevada:

I have been an American Heart Association Basic Life Support (BLS) instructor for more than 20 years. Heart disease is the number one cause of death in the United States. Stroke is the number one cause of disability. Clark County has become a leader in the nation for out-of-hospital cardiac arrest survival rates. Many years ago it was King County in Seattle that led the nation. Four or five years ago, in the casinos in Las Vegas, all of the staff on the floor were trained

in CPR and the use of an AED. Recognition of signs and symptoms of cardiac arrest, heart attack, and stroke can make a difference in the survival rate.

Marie Tasker, Service Delivery Manager 2, American Red Cross:

Many of us hear the CPR stories where someone is with us today because someone else acted and performed CPR. ABC News recently reported a young mother whose 12-week-old child had stopped breathing. She did not know what to do, and her young neighbors, nine and ten years old, helped to save her life.

Let us bring that back to Nevada. A teenage son comes home from school, his grandparents are visiting, and his 18-month-old sister is off playing. Suddenly the teenager is shouting for someone to call 911. He has found his sister in the water, face down, and not breathing. She had crawled through the doggie door and fell into the pool. Because this young man had taken CPR, he knew how to save his baby sister. He pulled her out of the water and began a series of chest compressions and breaths. Even before the paramedics arrived, she was breathing on her own. He saved her life. He took the training, internalized it, and was able to respond to the call to action.

We do not know when the moment will arrive when young people will be faced with the opportunity to perform CPR. However, I would hope that each of them know it so that during a family gathering, soccer game, or field trip they will know what to do when an emergency occurs.

Joseph Bombara, PHHS Territory Representative, American Red Cross:

The Red Cross is committed to having schools train in CPR. It is one of their educational initiative commitments nationwide. One of the components is to have a leader-led program where someone can be taught to lead students or other individuals in citizen CPR. A leader is trained for one hour, and they can continue to train others after that in as little 30 minutes or less. They receive CPR instruction so they can teach that lifesaving technique. The American Red Cross has many digital formats and access to this program so we can continue to reach out to those who want to learn more to save lives.

Steve Schauer, Private Citizen, Henderson, Nevada:

I volunteer for the American Heart Association. On March 30, 2011, I was at my office and experienced a sudden cardiac arrest. My heart went to 288 or 300 beats per minute, and my life was saved by one of my coworkers who knew CPR. It took about 3 1/2 minutes for the ambulance to arrive. Every minute counted. I was immediately administered CPR. I have no history of heart disease, I am not out of shape, nor did I have any symptoms of cardiac arrest. I am very thankful that somebody knew CPR. I think it is

important to get that training out to everybody. We do not have an AED where I work, but somebody ran across the street to get one. I am living proof that CPR can save lives. I am supportive of CPR training in education in school districts.

Chairman Elliot Anderson:

Mr. Roller, before we open it up for questions, do you want to present your amendment?

Christopher Roller:

In section 2, subsection 1, paragraph (a), we changed the wording from American National Red Cross to American Red Cross ([Exhibit F](#)). Striking "National" is due to a name change. The specification that instruction needed to include a hands-on psychomotor skill-based component was also added. Those are the same changes in section 3 for the private schools. We wanted to make sure it was clear that this was not visual instruction with students watching. If students perform chest compressions on the dummy, it gives them the knowledge and muscle memory to know how hard they have to press, as well as the rhythm they have to use pressing on the chest, to make sure they are doing it effectively.

Assemblyman Eisen:

I am a Pediatric Advanced Life Support instructor. Having taught classes in basic and advanced life support, I think this is incredibly important. It has been pretty standard policy in most of the hospitals where I have worked that patients who are considered high risk, for example communing out of the neonatal intensive care unit, parents were typically expected to learn CPR. I do not think there is any reason for every adult not to know CPR. I think having this in a high school curriculum is a great way to get us to that point. This can no doubt save many lives.

Assemblyman Kirner:

I am a member of the board of the American Heart Association in Northern Nevada. In section 2, subsection 1, is it your intention that students get this instruction on an annual basis? Or, would they get it every other year? Are they certified somehow?

Christopher Roller:

There is one semester of health required for graduation. It is not the intention that students would repeat this instruction. They would get the instruction in one of the health classes they take before graduation. It would not hurt to have it repeated. It would give them more opportunity to practice. It is my understanding they have the one semester in middle or high school before they

graduate. We are not asking for certification. If a student is inspired during the health class to become certified, that is great. We certainly encourage it, but it is not required.

Assemblyman Kirner:

Should we be more explicit about what the requirement is? A defibrillator is a sophisticated piece of equipment. Is it your vision that a junior high or high school student be taught how to operate and use that?

Nancy Brisak, Private Citizen, Gardnerville, Nevada:

I am an American Heart Association instructor. King County, Washington, ran a study where they took emergency medical technicians (EMTs) and paramedics and put them in one room. They put a group of sixth graders with no prior knowledge in another room. They put an AED and mannequin in each room and it took the sixth graders ten seconds longer to get a first shock with the AED on the mannequin than the EMTs and paramedics. The AED is a foolproof device, and in the 20 years it has been out has never been known to make a mistake in shocking ventricular defibrillation.

Assemblyman Stewart:

Who would train the teachers? Would Red Cross come in to conduct the class? Are there defibrillators available in every school?

Christopher Roller:

We are not specifying that teachers be certified. Physical education teachers, coaches, and nurses are currently required to be certified. Health teachers are not required to be certified. This is a hands only, compression only, education component of health class. Since we are not requiring students to be certified, it is not a requirement that somebody be certified to teach it. There is an opportunity for teachers to pursue certification if they wish.

There is a requirement to have AEDs placed in high schools, not in middle schools. We need to look at the availability of AEDs for instruction. There is nothing that would specify the AED has to be on hand and used in the instruction. There are online and video resources available for showing how an AED needs to be used. Even though we want a hands-on, psychomotor skill-based component of CPR, where the students have a chance to do the chest compressions, we are not asking that they actually handle an AED unit in the class. They will be shown what they are, told what they are, and how they are to be used.

Chairman Elliot Anderson:

When I look at this bill, I think that is provided for where the State Board prescribes regulations. Would it be up to the State Board to determine how this would be best implemented?

Christopher Roller:

We hope if there are some things to be cleared up, in order for this to be properly implemented, we have the opportunity to do so through the regulations process.

Chairman Elliot Anderson:

Are there any further questions from Committee members for any of these witnesses? [There were none.] Is there anyone wishing to testify in support of A.B. 414?

Assemblyman Michael Sprinkle, Washoe County Assembly District No. 30:

I am here in a professional capacity, having been a firefighter and paramedic for the past 20 years. I want to speak briefly to the value of citizen CPR. You heard testimony that time is brain and time is heart muscle. When these people need CPR, they need it immediately. It takes paramedics anywhere from four to eight minutes on average to arrive on scene when we get a 911 call. That is four to eight minutes where somebody's heart is not beating, and they are not breathing. Having citizens who have even the basics of CPR is vitally important, and doing it through the schools is a great avenue to teach our kids. This is not a certification, this is simply the basic level of training. In the 25 years since I took my first CPR class, the idea of an actual certification program has dwindled down to just getting everybody the basics of CPR. That is so incredibly important. I really hope you look favorably upon A.B. 414.

Craig Hulse, Private Citizen, Sacramento, California:

As a cardiac arrest survivor, and someone who has been the recipient of life-saving CPR and use of a defibrillator, I cannot stress enough how important this bill is to keep people in Nevada healthy and safe. I know there are going to be challenges at the school districts. This is one of the few bills that will save lives. If you pass it you will see a lot more people like me running around.

Brian Daw, representing Clark County School District:

The Clark County School District is not in support of A.B. 414. Assembly Bill 414 creates a host of difficulties in implementation and administration of instruction to middle and high school health classes in CPR and use of the AED. If the intent were simply to provide instruction in CPR and on the use of the AED, such as viewing an approved training video, the task would be more manageable. [Read from prepared testimony ([Exhibit G](#)).]

Assemblyman Eisen:

It seemed like at some point there was a concern this would be too difficult to implement, and at another point it was suggested this would not reach a high enough standard of training. I was a little confused about where exactly the district stands. Recognizing what the bill requires is the promulgation of regulations. If there were volunteers available to provide the training, would that address the most significant of the barriers you mentioned?

Brian Daw:

As it relates to the way the bill is currently written, it does not require certification. You would have to have teachers that have some basic knowledge at the level of certification to perform the instruction. Some of the teachers are coaches that teach health. There would have to be the professional development component which has additional costs. Can you please repeat the second part of your question?

Assemblyman Eisen:

I recognize your concerns about professional development and the availability of qualified teachers. This bill does not specify who has to provide that education. If there were volunteers available to the district who could provide the education in the classrooms, would that overcome the barrier?

Brian Daw:

We would be open to having volunteers. I know a number of schools schedule different groups to come in. The concern is, as in the example I gave about the school with 2,800 students and ten consecutive health classes, you might be able to get somebody to come in for a couple of those classes, but to make sure all ten of those classes were covered each semester and at each school, may be problematic if you are relying on volunteers.

Assemblyman Eisen:

I can help you out with Sylvester Junior High School and Silverado High School.

Assemblyman Stewart:

Is there a way we can limit this to high schools? That would help somewhat. If we could have teachers trained at staff development days, that would help. I used to have the fire department come into my classes once a year and demonstrate various things. They were helpful. I think there is some way we can work things out to make the requirement a little less strict as far as using the mannequins and without the additional expense to the school district.

Brian Daw:

The implication and intent in the bill is that the instruction would be provided at the middle and high schools. During the interim study one of the considerations was the instruction would be provided to the middle schools.

Assemblyman Stewart:

If trainings were conducted at middle and high schools, students would be doing it twice, which would be good. If there is a question of training and money, and we limited it to the high school, it would be easier for the school district to carry it out. Is that correct?

Brian Daw:

Yes. There is certainly the possibility that some of the instruction and professional development could be done during staff development days.

Chairman Elliot Anderson:

I am trying to get to the heart of this and where the opposition is. I am concerned that we are trying to get rid of too many policies I think are good. Last session, I had an issue getting rid of a mandate that the administrator be in the classroom for a day at least once every year. I am wondering how long we are going to go until we keep taking away policies we all agree are good. Bill after bill, it seems like we are saying, "This sounds good, but we do not want to do it." I am not going to get into the funding in this Committee, but we should focus on the policy and whether or not it is good policy.

Brian Daw:

I do not think anybody would argue with the testimony from the individuals who have been helped with CPR and AEDs. We have to look at the structure and mechanism of how that is actually accomplished so we can comply with the law.

Chairman Elliot Anderson:

I am open to going through the policy, and I like Assemblyman Stewart's suggestion. Please work in good faith with the bill sponsors on this because I think this is a good policy, and we do want to make sure that it will work and be effective. Any suggestions you can give the bill sponsor are good.

Calli Fisher, representing Washoe County School District:

While we appreciate the spirit of this legislation and agree that CPR is a critical life skill, our Board has made it clear they are not going to support any new, unfunded mandates that come before this legislative session. Implementation of this legislation would require significant time and training for our teachers as well as for the purchase of materials to carry out training to thousands of high

school students enrolled in health classes. We have shown a willingness to work with the American Heart Association on this bill. We have participated in discussions during the interim. Unfortunately, we ultimately cannot support this bill the way it stands.

Mary Pierczynski, representing the Nevada Association of School Superintendents:

We are in support of the concept of this type of training in our schools. However, it is a situation of what we can accomplish in our schools in a semester class. This is proposed to be taught in the health class which has a heavy emphasis on nutrition, alcohol and drug abuse, and family life. There would have to be some changes made to that curriculum and perhaps the standards committee would have to look at the standards that are required. Last night I did call a high school health teacher. She said, "That is a great idea, but I do not know when I could possibly work it into the curriculum because of what I am mandated to do right now." For that reason, we are opposed to the bill.

Chairman Elliot Anderson:

Is there anyone else in Carson City who wishes to testify in opposition of A.B. 414? [There was no one.] Is there anyone in Las Vegas wishing to testify in opposition of A.B. 414? [There was no one.] Is there anyone wishing to testify in neutral on A.B. 414?

Dottie Merrill, representing the Nevada Association of School Boards:

The Nevada Association of School Boards is neutral on A.B. 414. You spoke several moments ago, Chairman Anderson, about issues related to policy. We suggest that as a matter of curriculum, this consideration would be better before the Council to Establish Academic Standards. That group can focus on the entire curriculum and integrating the concerns and issues raised here into the health curriculum. As a matter of policy, that is our position.

Assemblywoman Diaz:

Why does it have to be part of the curriculum? Could the school districts partner with individuals that have the knowledge? I understand the whole route of putting it into the curriculum and having the training behind staff. There are already many people in our communities that have these skill sets. I am wondering if we can bridge their knowledge and expertise and bring them into our classrooms to provide this training.

Dottie Merrill:

This position I was trying to communicate has nothing to do with who might be involved in bringing the training into the classroom. The matter of determining

what the objectives should be for a segment of a health class is under the purview of the Council to Establish Academic Standards.

Christopher Roller:

I want to reiterate, concerns of certification were expressed in some of the opposition. We are not asking for certification. We are not requiring that certified instructors do the training. We are not requiring that certification-quality mannequins be used. There are much less expensive options available for schools, should they decide to purchase their own equipment and not utilize what the fire department or others in the community might be able to provide when they come in to help. We are willing to look at changes in the language, exemptions for online courses, and for students with disabilities, if that needs to be laid out in statute, or if it is more appropriate in the regulation process. We can look at Assemblyman Stewart's suggestion of specifying a grade level or having it either in middle or high school. I think it is important to point out there is some research that shows the most effective time for a child to learn CPR is in seventh or eighth grade.

Chairman Elliot Anderson:

Are there any questions from Committee members? [There were none.] I will close the hearing on A.B. 414. We will open the hearing on Assembly Bill 205.

Assembly Bill 205: Revises provisions governing charter schools. (BDR 34-200)

Kathleen Conaboy, Chair, State Public Charter School Authority:

Earlier, we discussed grant funding that allowed us to do an examination of our practices and help us develop a roadmap for going forward. In State Public Charter School Authority board meetings, we had access to some absolutely wonderful technical support from the National Association of Charter School Authorizers (NACSA). We learned in-depth about the 12 essential practices for high-quality authorizing. Insight and experiences around the country have been invaluable to us as we shape our thinking. We come to you today with Assembly Bill 205 as an endpoint in that process, with a primary focus on performance outcomes and a shift away from processes, and being complete and compliant. This has been the hallmark of our review process to date.

We had some other policy issues that came before the Legislative Committee on Education (LCE) during the interim, which was chaired by Assemblyman Bobzien. He asked us to make this presentation today in his stead because he could not be here. Assembly Bill 205 came out of considerations during the interim. Other things we discussed with the LCE included our status as an Authority, what our responsibilities, powers, and

duties are, modifications to the enrollment lottery, access to capital for planning and start-up money, and access to facilities.

We are not travelling our policy road alone. We have worked hard to develop collegial relationships with the Governor's Office, the Nevada Association of School Boards, the superintendents and administrators groups, and with the principals of our authorized schools. We have reached out to the school districts on behalf of the charter schools they authorize and have talked about a number of issues with the Nevada State Education Association. Our goal is to apprise people of our priorities and seek their input. All of these discussions formed the Strategic Plan that our Authority adopted on Friday, March 22 at our regularly scheduled meeting. You have a handout that gives a brief outline of that plan ([Exhibit H](#)). You can see we are focused on our schools and the performance of our schools. We are very focused on strong school governance. This is a major component of the success of the charter school.

Steve Canavero, Ph.D., Director, State Public Charter School Authority:

I will briefly go over sections 8, 3, 9, 10, 7, and 17 ([Exhibit I](#)). Section 1 contains definitions. Sections 2 through 6, sections 11 through 16, and section 18 revise language to align with changes in the sections noted above. Section 19 briefly clarifies the contents of the annual report. Section 20 provides for transition to contract upon renewal, or voluntary transition upon request by the charter school. Section 21 is effective upon passage.

Consistent with our statutory obligation, being informed by national models, and our presentation to the Legislative Committee on Education during the interim, some ideas and language that were proffered came from the National Alliance for Public Charter Schools. They have a model law for supporting the growth of high-quality public charter schools. The National Association of Charter School Authorizers (NACSA) has the Principles and Standards for Quality Charter School Authorizing and an Index of Essential Practices. The United States Department of Education non-regulatory guidance from 2011 was referenced when we looked at the enrollment lottery.

The performance-based charter contract is included in sections 2 and 8. The contract becomes the agreement between the school and sponsor; it defines the relationship. The contract embodies the core principles of autonomy and accountability. It should clearly articulate the rights and responsibilities of both parties, as well as identify materiality. Important concepts such as school autonomy, legal status, expected outcomes, measures for evaluating success and failure, and performance consequences are described within the contract.

This section revises *Nevada Revised Statutes* (NRS) 386.527 where we differentiate between an application and a contract. This is a key distinction. When we receive an application to form a charter school, the application truly encapsulates the aspirations and theories for what the Committee to Form believes the school will be. Historically they are multiple binders and volumes of paperwork. We have been able to streamline that process, but nevertheless there is a lot of paperwork involved. The contract, by definition, talks about the practical expectations for what the school will become. The application and a written agreement are what *Nevada Administrative Code* defines as the charter. This is a fundamental shift away from application and written agreement to creating a contract with the school. In reality, only those pieces of the application integral to the school's identification and operation, such as mission, location, educational philosophy, and program, should be included in the contract.

The proposed language in section 8, subsection 9, talks about the description of the administrative relationship. I thought it would be useful to provide more sections that would be in a contract: recitals, establishment of the school, operation of the school, school financial matters, personnel, charter term, renewal and revocation, and operation of the contract. This is pretty standard language. Where it becomes a performance-based document is when you incorporate the performance framework, which we will talk about in section 3, as well as preopening requirements for the school. The contract spells out the sponsor's responsibility as well as the school's.

Kathleen Conaboy:

With the strategic plan, the roll of the sponsor is as important as outlining the school's responsibilities. That is fully contained in the strategic planning document.

Steve Canavaro:

The performance framework is the heart and soul of the contract. Beginning in section 3, charters, like all other public schools in Nevada, are subject to the State's model to measure the academic achievement of pupils, currently the Nevada School Performance Framework. Charter schools, regardless of sponsor, will receive a star rating. Section 3, subsection 2, specifies the minimum composition of indicators. A sponsor may rely solely upon the Nevada School Performance Framework to gauge performance of their charter school's academic program. There is a friendly amendment offered by Clark County School District to make it clear that a sponsor need not develop a different model to measure the achievement of their pupils.

Section 3, subsection 2, does not prohibit a sponsor from adding academic elements to the framework, the sponsor determines as necessary. Section 3, subsection 3, allows charter schools to propose mission-specific goals to be incorporated into the performance framework of the charter school. The ability of a sponsor to add elements and the ability of a charter school to propose mission goals to be incorporated into the framework, is critical. Although the Nevada School Performance Framework is fantastic, we still struggle with identifying and measuring performance for alternative education campuses. The sponsor should have the flexibility to add elements, to measure the schools, and incorporate components of the school's mission into the performance framework.

We have two schools that are in the subsection 7 phase, which are not prepared to commence operations. We anticipate they will open next year. One will serve adjudicated court appointment youth, and the other is primarily designated to serve non-native English speakers. I do not know how they will fare on the Nevada School Performance Framework.

The Nevada School Performance Framework does not, however, measure all aspects of the charter school's performance that are material to a sponsor's determinations around performance and compliance. Section 3, subsection 2, adds financial performance and performance of the governing body. The graphic on this slide provides a view of the different sections that together would constitute the performance framework as defined by section 3.

I have included the elements that are truly the sponsor's discretion and of course the school proposed mission goals as well. If the performance contract, by way of incorporating the framework is the "what," then performance-management, merit-based decisions is the "why." This graphic represents a simple view of the performance-management cycle. Based upon the contract, you establish expectations and incorporate those expectations into the contract. You monitor performance by conducting reviews and intervene, if necessary, and inform and require remediation of unsatisfactory performance. You ultimately decide to renew, or not renew, after an assessment of the overall performance in relation to established expectations.

Section 9 proposes changes to NRS 386.530. Charter schools have a six-year charter when they are approved. When they are renewed it is for a term of six years. Action must be taken at the end of its term in order to perpetuate the school. We call those renewal or nonrenewal decisions. A sponsor issues a performance report in year five. This is in addition to the annual reports, but does not preclude a sponsor from issuing earlier reports. We have a plan to do a comprehensive review of our schools in year three to help facilitate and

understand their trajectory. Statute also provides an opportunity for the school to submit clarifications to that performance report, that the school submits an application for renewal in year six, and ultimately the sponsor makes a merit-based decision based upon the performance of the school consistent with the cycle previously discussed.

Revocation is termination of the contract, closure of a school between year one and when it comes up for renewal in year six. A sponsor may close a school at any time provided it has cause. They do not have to wait until year six. The proposal adds to current language. Causes for revocation may include breach of material terms of the contract, fiscal mismanagement, failure to comply with statute and regulation, persistent underperformance that would be defined in the contract through the performance framework by the sponsor, bankruptcy, or reason to believe that termination would be necessary to protect the health and safety of pupils or employees.

Application review determines which proposals to approve are critical. Which schools to bring into the sponsor's portfolio is the sponsor's most important decision. The proposed changes in section 7, subsection 1, include a team of reviewers and an in-person interview with the Committee to Form the School. The application review and the approval process have to adhere to the policies and practices developed by the sponsor. The approval resides on the demonstrated competence that the Committee and school will result in the successful opening and operation. I have conducted application review cycles without the in-person interview and have conducted one application review cycle with the in-person interview. The in-person interview is where the Committee sits before a team of reviewers and asks questions that originate from the paper review, the desk audit of the application itself. It is the single most informative component of reviewing charter school applications and answers a lot of questions that team reviewers may have.

Section 17 addresses the lottery. Assembly Bill 205 proposes two fundamental changes to the lottery process for schools. The first is it eliminates the restriction of the enrollment exemptions applicable to only at-risk designated charter schools and extends the exemptions to all charter schools, including at-risk. If you have 26 applicants and 20 seats, you can exempt some of those 26 students, based upon law, to fill those 20 seats before you conduct a randomized lottery. The second is it includes exemptions from the lottery for members of the Committee to Form and the governing body. This aligns with the requirement of NRS 386.520 and 386.549 that required a parent or legal guardian of a child enrolled in the school, to be on the Committee to Form and the governing body.

Assemblyman Eisen:

In Section 17, subsection 2, paragraph (b), additional language is proposed to be added to one of these exemptions of the lottery. What is the background of the term "free of charge?"

Steve Canavero:

In 2011 the United States Department of Education issued a non-regulatory guidance and provisions around a lottery for prekindergarten (Pre-K) programs that a charter school may attach to, if you will. Perhaps a better term would be "tuition free" for this. A kindergarten program at a charter school could exempt students in a Pre-K program that was tuition free to matriculate into the kindergarten of that school, but not a paid Pre-K program.

Assemblyman Eisen:

If a charter school had a connection with a Pre-K program, or had a Pre-K program of their own, that was tuition based, a student in that tuition-based pre-K program could not be exempted from the lottery on that basis alone.

Steve Canavero:

That is correct.

Assemblywoman Neal:

As an example, if this was Andre Agassi College Preparatory School, they wanted to do the exemption for 26, with up to 26 seats that were set aside, and there was a combination of at-risk, staff, and board member children in the mix, what is the safeguard if there were more staff or board member children than at-risk who became part of the 26? What do we do? The idea is to give low-income or at-risk children a preference and then draw from the broader community for applications.

Steve Canavero:

Andre Agassi is an at-risk school so they have qualified for these exemptions. If there are more exempted pupils from the lottery than seats, you would have to engage in a randomized lottery. There is no priority list of exemptions. That is the guidance that the United States Department of Education would provide.

Assemblywoman Neal:

The way I read section 17, it encompasses all schools because you struck out the language of the at-risk exemption. Now it is a blanket rule that has three criteria for who can be a part of the exemption. Is that correct?

Steve Canavero:

That is correct. Assembly Bill 205 proposes to remove the restrictions that these exemptions only apply to at-risk designated charter schools. They would apply to all charter schools, including at-risk.

Assemblywoman Neal:

You open the door for more students to get an exemption, which could take seats away from at-risk students. If you have only 26 seats, at-risk has only 10 and other students have 16 seats, a debate may ensue because I want all 26 seats for my students.

Steve Canavero

The designation of at-risk is made at the school. It is not at the student level. I should have clarified that for you.

Assemblyman Aizley:

The use of the word lottery bothers me because we know lotteries are illegal in Nevada. You would get into trouble if you were charging a fee to enter into the lottery. I think that would get you into trouble.

Steve Canavero:

You are correct. As a public school, you may not charge tuition. You cannot have a tuition or a fee that appears to be a tuition, and that is something we closely monitor.

Assemblyman Aizley:

There is not an application fee?

Steve Canavero:

That is correct. Charter schools can charge fees similar to those fees in non-charter traditional public schools, such as a uniform fee. There cannot be barriers to enrollment, so there has to be a scholarship, or opt-out clause, so that separates a fee from tuition.

Assemblyman Munford:

Is there a geographical distance in locating charter schools? In my district, there are three charters within one mile of each other. Sometimes I get complaints from constituents they are drawing students to the charter schools and taking students away from our public school system. Public school numbers are down. It is not that charter schools are not welcome in the community, there is some concern about so many of them that are so close. Do you think that is feasible? Does it make sense they are so close? It is sending a message

that our public schools are inadequate, they are not serving and providing a quality education.

Steve Canavero:

I am not familiar with the specifics of the three schools. They are not part of our sponsored schools. Part of the application process is that they pinpoint a community of need in which they would locate and demonstrate community engagement. There is nothing in law that would prevent another charter school from entering the region occupied by a charter school.

Assemblyman Munford:

I think there would be some type of outcry or complaint if there was to be another charter school in that area. They seem to go into areas where it is feasible to locate where there is an at-risk community economically. They seem to be impacting the area in a positive way, and they are going to improve education.

Chairman Elliot Anderson:

How many folks are on the Committee to Form the School? How many are on the governing body of a charter school?

Steve Canavero:

The minimum number is defined in statute. I believe it is five. It is defined as a parent, teacher, administrator, and two others who have experience in areas of expertise such as finance, real estate, et cetera.

Chairman Elliot Anderson:

On the terms of renewal, you said you were concerned about the way that was drafted, and we did talk to legal counsel regarding six years.

Kathleen Conaboy:

It is in section 9, subsection 6.

Chairman Elliot Anderson:

Just to be clear, if there is a renewal, it is going to be six years, and we can make that intent very clear for you.

Assemblyman Aizley:

Although I do not know much about charter schools, I have learned over the past few years that charter schools are becoming more popular. What has the creation of charter schools done to improve the education of children who are not in the charter schools?

Steve Canavero:

It goes back to a few concepts within the charter school movement as to why they were created. As public or private schools lose enrollment to charter schools, it should encourage a non-charter school to subsequently do something different. If you think of charter schools as incubators of innovations, one of the early fundamental philosophies was if we provided public schools with more autonomy, they could be free to innovate and do things uniquely and differently. If we were to measure and monitor that innovation, we could find something that works and could inform the greater system. We recognize there is some work to do collectively. There is a component in our strategic plan that talks about engaging in productive ways with school districts, developing and collaborating to try to improve the environment for charter schools. Ultimately the Charter School Authority's adoptive vision is that all children will have a quality public school choice to use.

Assemblywoman Fiore:

I am a fan of charter schools. Both of my daughters have attended through their elementary years.

Chairman Elliot Anderson:

Are there any other questions from Committee members? [There were none.] Is there anyone wishing to testify in support of A. B. 205?

Deborah Cunningham, Deputy Superintendent for Administrative and Fiscal Services, Department of Education:

Responsible competition and choice is one of four Department of Education levers that we believe are critical to the State's plan to make lasting improvements in education. Charter schools are a key vehicle to fulfilling the Department's mission of ensuring opportunity, facilitating learning, and promoting excellence. [Read from written testimony ([Exhibit J](#)). I do think there are some lessons to be learned from charter schools for regular public schools.

Assemblyman Aizley:

Are you saying there is too much administrative control in the non-charter school?

Deborah Cunningham:

We are looking at autonomy and flexibility in exchange for increased accountability, school improvement, and student achievement results. There is a principle in school accountability that says, if you want to get more outputs you have to loosen up on your control of the inputs. That is the basic principle we are exploring. There are some lessons there for other public schools.

Assemblyman Munford:

Charter schools are supposed to positively impact public schools in that district. I do not know if the performance level in public schools has improved that much because of charter schools. Our schools are still having some problems in performance and achievement level. I do not know if Clark County School District has picked up the slack with trying to compete with the charter school.

Deborah Cunningham:

There is a tremendous amount of research on this. I am aware of evidence on both sides. There are some cases where they are seeing competitive responses from regular public school districts and others where they have seen a negative result, where the charter school tended to attract some of the more able students. Charter schools are part of our landscape now. They are really increasing in Nevada and throughout the country. We will continue to learn as we go forward. In the Department of Education, we do believe there are some lessons for public schools in the way we treat and regulate charter schools and the requirements they are held to.

Assemblyman Munford:

I am not opposed to charter schools. They can be a quality education provider. I can see where they can be very instrumental in providing some of the needs of students to advance and improve their value.

Deborah Cunningham:

I would like to point out that the Department of Education is partnering closely with the Charter School Authority. If there are things to learn about the developing charter school role that can benefit public schools, we want to take advantage of them.

Chairman Elliot Anderson:

My question revolves around the interplay between post-performance framework for charters and the state's performance framework. I am looking at section 3, subsection 3, which talks about the additional indicators that charter schools would have the ability to implement. We discussed mission-specific goals based upon the type of charter school it is. What would the State Board of Education and United States Department of Education do if the goals became inconsistent? Would the State Board be interplaying with that, or is that more of a Charter School Authority issue?

Deborah Cunningham:

I am not sure I fully understand your question. Are you asking if the charter school would have to comply with the Nevada School Performance Framework?

Chairman Elliot Anderson:

That is generally what I am asking. There is language in the bill that says the additional mission goals would have to be consistent with the State performance framework. I am asking if the Department of Education would be involved at all if they were inconsistent?

Deborah Cunningham:

Yes. As part of our Title I funding, we would be committed to observing the performance of all schools in the state. This says the Nevada School Performance Framework is the base, and the school's mission can add to that. We would be assessing them for accountability purposes.

Chairman Elliot Anderson:

We are going to have amendments presented about what would happen if a charter school goes to one or two stars under the provisions of this bill. For the Committee's information, can you talk about what happens for regular schools that go to one or two stars under Nevada's performance model?

Deborah Cunningham:

We have defined different levels of intervention and support that would occur depending on the rating. We would be giving a school much more intervention and support if they had a one- or two-star rating. That would also be true for charter schools. They get negative public relations for having the more negative star ratings. It forces the Department to kick in more support and requirements for the school to improve. The amendment says the charter would be revoked for a school that receives two consecutive one-star ratings, unless an authorizer takes an affirmative vote to keep that charter school open.

Chairman Elliot Anderson:

When you have a one- or two-star rating, does the school end up in the turnaround model?

Deborah Cunningham:

Yes. That is something we need to develop. It is not well developed at this time.

Chairman Elliot Anderson:

Some of that information will be good context for later discussions.

Nicole Rourke, representing Clark County School District:

We support A.B. 205 with the performance framework contracting. The Clark County School District has a friendly amendment. We worked with the State Charter School Authority on this amendment ([Exhibit K](#)).

This amendment clarifies that a sponsor may choose to use an existing performance framework or develop a new one. It is the District's intent to use the Nevada School Performance Framework, established by the Department of Education, to measure achievement of charters as well as our own schools. We would also like you to know the concern over developing a framework is the foundation for the fiscal note we filed. If this amendment is accepted, our fiscal note can be removed from the bill.

Section 3, subsection 1 says, "Upon approval of an application to form a charter school, the sponsor of the charter school shall develop a written performance framework for the charter school." Throughout the bill we changed the reference from "developing a framework" to "using a framework" as provided for in section 3, subsection 1.

In section 5, subsection 4, we added paragraph (g), that is an indemnity clause to hold sponsors harmless in the event the Board revokes, or does not renew a charter contract. That language is as follows, "The powers and duties of charter school sponsors, including those set forth in sections 4 and 5, are not intended to create a private cause of action for any person or entity against the sponsor."

The final change in our amendment is in section 8 where we clarify that the Board will approve the contract and the superintendent will sign it. This aligns it with our current practice.

Assemblywoman Dondero Loop:

If you look at Staton Elementary in Las Vegas, they are a five-star school. If you look at another school, it might be a one-star school. If you look at Agassi Prep or 100 Academy of Excellence charter schools, they do not have a star affixed to them. Is that correct?

Nicole Rourke:

We currently include them in our performance framework. The charter schools we currently sponsor are included in our accountability system.

Assemblywoman Dondero Loop:

Mr. Canavero, would that be the same with the state Department?

Steve Canavero:

That is correct. Every public school, including charter schools, will be under the Nevada School Performance Framework. Sponsors may add elements to that.

Assemblywoman Dondero Loop:

That is what I thought.

Chairman Elliot Anderson:

Mr. Canavero, just to reemphasize, the heart of this is section 3, subsection 3. That is the biggest part of why you want this bill, so you can add additional things. Is that correct?

Steve Canavero:

This is certainly a significant component of the performance framework, bringing in and incorporating mission-specific goals to measure the performance of schools. In addition, that we are able to build on to the Nevada School Performance Framework in areas we feel might be necessary for a sponsor to look at its schools.

Assemblyman Kirner:

Is that consistent with your amendment?

Nicole Rourke:

Yes. That is consistent with our amendment.

Chairman Elliot Anderson:

Can you talk a little about what Clark County School District does when you have a one- or two-star school?

Nicole Rourke:

We have implemented a turnaround model in a number of our schools. When we have a one- or two-star school, we provide additional support, look at professional development, and look at what areas of need are at the school and address them.

Chairman Elliot Anderson:

Which can go all the way up to a turnaround model, or is that just when you have federal funds to come in and help?

Nicole Rourke:

That can go all the way up to a turnaround model. Our last three schools have not received the same level of funding as our prior turnaround models.

Assemblyman Aizley:

Have we had any examples of the two consecutive star charters where you have taken the charter away?

Nicole Rourke:

The Clark County School District does not have any.

Steve Canavero:

We currently do not have publicly released star ratings for our schools. We do not have the information yet to act upon. We anticipate the public release of the star rating in June.

Assemblyman Aizley:

Hypothetically, what will happen to the teachers and students at that school? Where are they going to go the next year?

Steve Canavero:

Closure is one of the areas that has received a significant amount of attention. There is quite a bit of literature on how to orchestrate a closure that does not impact the students to the extent a closure could. There are a lot of timelines to ensure necessary transitions are in place for the students. There is a lot of information available on how to manage an unfortunate closure.

Calli Fisher, representing Washoe County School District:

We are here in support of A.B. 205. In the Washoe County School District, we currently sponsor eight charters. As public schools, we hold them to the same high academic standards as our traditional public schools. Along those lines, we appreciate the ability to incorporate this framework and the flexibility within it, to work with our charters to ensure all of our children receive a high-quality, rigorous academic education. We appreciate the clarification in the flexibility of Clark County School District's amendment as well.

Craig Hulse, representing Students First:

We are in support of A.B. 205. We also have a friendly amendment ([Exhibit L](#)), as discussed with the author, that clarifies section 10. It states, "Each charter school that receives two consecutive one-star ratings as determined by the department of education will have one year to improve to a two-star or higher rating or that charter will be revoked unless an authorizer takes an affirmative vote to keep that charter school open." The authorizers and experts might make a decision to keep the charter open for various reasons such as alternative education, they are reaching out to dropouts, or where the performance framework does not capture their role.

Mary Pierczynski, representing the Nevada Association of School Superintendents:

We are in support of A.B. 205 as amended by the Clark County School District. We are neutral on the amendment Mr. Hulse presented ([Exhibit L](#)).

Lonnie Shields, representing the Nevada Association of School Administrators:

I am also speaking today for the Clark County Association of School Administrators and Professional-Technical Employees. We are in support of A.B. 205 and the friendly amendments.

Paul Moradkhan, representing the Las Vegas Metro Chamber of Commerce:

The Metro Chamber is here today to offer its support of A.B. 205. The Metro Chamber believes that the provisions proposed in this legislation are good public policy, and they will provide greater accountability, measures, and performance metrics for charter schools in Nevada by requiring a written performance framework, the reporting of the attendance rate of students, and tracking the graduate rates for high school students. [Read from written testimony ([Exhibit M](#)).]

Christine Miller, representing the Nevada Association of School Boards:

I currently serve as President of the Nevada Association of School Boards and I am a member of the Storey County School Board. Speaking from the policy perspective of Nevada school boards, the primary strength of the changes proposed in A.B. 205 are the determination of a charter school's success will be based upon the academic achievement of its students using a written performance framework for that charter school. [Read from written testimony ([Exhibit N](#)).]

Chairman Elliot Anderson:

Are there any questions from Committee members? [There were none.] Is there anyone else wishing to testify in support of A.B. 205 in Carson City or Las Vegas? [There was no one.] Is there anyone wishing to testify in opposition to A.B. 205 in Carson City?

Craig Stevens, representing the Nevada State Education Association:

The Nevada State Education Association does support 99 percent of A.B. 205. We are bringing forth an amendment ([Exhibit O](#)) that is very similar to the Students First amendment. We appreciate what they brought forward and support their amendment as well. I would like to bring your attention to section 10, subsection 1, paragraph (a), subparagraph (4), regarding the persistently underperforming charters being revoked. Our amendment removes the words of the Students First amendment that read, "unless an authorizer takes an affirmative vote to keep that charter school open." We believe the first part of the amendment is good. If you go to Stanford University's Center for Research on Education Outcomes (CREDO) study you know if a charter school is performing or not within the first three years. We understand why the three years are in there. However, allowing the authorizer to vote to continue that charter is not something we agree with. We tried to work with

the sponsor of the bill and unfortunately are here with an unfriendly amendment. We believe since this is an amendment that will take effect in three years, if we removed this sentence now, we could come back next session and see if some schools are being affected by this. We can certainly address those concerns then. However, at this time, we simply cannot agree to support a bill which allows the authorizer to vote to continue that charter in perpetuity.

Assemblywoman Neal:

You stated that you accept the Students First amendment even though they have language that you struck out. If you accept the Students First amendment, what happens in the third year if you have the affirmative vote to keep the charter open?

Craig Stevens:

The concept of the Students First amendment is good. We want to make sure that after three years, if a charter is not performing, their charter is revoked.

Chairman Elliot Anderson:

Where does this amendment fit?

Craig Stevens:

Our amendment would fit into section 10 where it speaks to the persistently underperforming. Every traditional public school is held to the star standard and we believe that makes all schools pretty much equal across all frameworks. The charter schools should be held to that same accountability. I know they are doing that accountability in other sections of the bill, but when it comes to actually revoking a charter, they should be held to that star standard. The framework they develop, which could be part of the star or their own framework, puts folks at an even level.

Chairman Elliot Anderson:

We will get that clarification so we can give it to our policy analyst.

Leigh Berdrow, Director, Academy for Career Education Charter High School:

I am the cofounder and director at the Academy for Career Education, known as ACE High School. We are a career technical education high school located in Reno and sponsored by the Washoe County School District. Our high school specifically focuses on earning high school and college credit in our areas of careers—building trades, diesel technology, and computer drafting design. [Read from written testimony ([Exhibit P](#)).]

The Academy for Career Education supports A.B. 205, except for one section. We have always been proponents of moving towards the performance measures versus compliance. We are strong proponents of what the Charter School Authority and Board are doing. However, our concern is the language in section 3, subsection 2, is too specific for statute and affects the flexibility of a charter school. [Continued to read from written testimony ([Exhibit P](#)).]

The Academy for Career Education believes the most important performance measure should be centered on a school's mission. Instead of having it as something you can add with your sponsor, we would rather see that be in language that is addressed specifically. For example, I do not think rate of attendance is a performance measure. I think it is a great thing to look at if you are not performing, but it is really important that you keep in mind transportation is a critical issue to charter schools, especially in the rural areas and northern Nevada, where we do not have a public transportation system that is adequate for our community. As a result of that, we recognize the hardships of some of our families, so we may have students whose attendance is not the greatest, but we provide alternatives for them. We can meet with them on Saturday, have makeup days, do things that do not reflect in an attendance system, to allow them to be successful and have the opportunity to gain those skills, which are better measured by the fact that they complete or graduate. We are not happy with some of the details. [Continued to read from written testimony.]

Assemblywoman Neal:

If the attendance component is removed, what about other schools where that may apply? There are situations where attendance has a direct relationship to whether or not the child is prepared or what they are receiving in terms of academic material.

Leigh Berdrow:

If a student is not being successful it is going to show up in a higher-level measure. For example, they are not going to be meeting performance requirements that really are what they are supposed to do. It might be a test score, a graduation requirement, or something else. Then you do look at attendance, I think that is an issue. For example, I have a track team who has won the state championship for six years in a row, but maybe does not practice as much as other teams. Are we going to look at my practice rate? Is that a measure you are going to place on my performance rating? We have a good performance rate. I think attendance is a sub-measure. I do not personally, and my board especially, likes to see statute get bogged down in details such as that. We like to see really critical performance measures, and

maybe for some schools attendance is the performance measure. I do not think it is for everyone.

Assemblywoman Neal:

I understand your example of the track team that wins and the one that does not practice as much. What about the situation where you are under a performance metric and you are trying to compare apples to apples? If you do not have that measurement in there, we now have an apple and an orange. If you are not performing, they are look at these metrics, and they say, "You fell out." If they come back to us two years from now, how do we answer the questions, "Why was this school doing well? Why was that school not doing well?" If you are going to flex the language, I would prefer you add, "if attendance records are not available then something else."

Leigh Berdrow:

Attendance records are always available. I do not think my rate of attendance indicates whether or not I am performing. I do not think whether a student enrolls in my school next year is a good performance measure. We have students who decide they do not want to be a carpenter, or we are not the right educational option for them.

Chairman Elliot Anderson:

It is not how many students enroll, it is measuring the attendance of students.

Leigh Berdrow:

That is another item that is in the amendment. The two things that I thought were too detailed for statute were reenrollment and attendance.

Assemblywoman Dondero Loop:

My concern with taking out attendance is most school districts have a ten-day-out rule. If you do not show up for ten days you are gone. I get that it is another option, like a virtual school. I think we are teaching children more than just showing up and taking algebra. I think we are teaching them some life skills. I might be able to tell people I can get more done on Monday than you can the rest of the week. I do not get to go home for a week. I do not get to tell my employer, "You know what, I am working on Monday from midnight to midnight and I am not working the rest of the week." It is not that we should not give some options to students to learn, whether it is virtual, charter, private, or public. My concern is we are teaching students that you do not always make those decisions, as in a job. Your job is these hours, this school, or whatever. That is your job. If going to your school would not meet their option, or they cannot get to your school, then they could go to a virtual school.

They do not have the will to be there, or they do not have the way to get there. Then that option is not for them, and they go somewhere else.

Leigh Berdrow:

I agree with you. We are an employment school so we do require attendance and have rules. I am not making my point very clear, and I apologize for that. Attendance is very important. We rate it every day and our board judges it. I do not think it is a reflection on how we perform. I think measures about ACE High School have to be with what our graduation rate is, what our test scores are, and what our students are doing after they graduate. Those are the things we like to look at. We look at attendance for students who are not making it. I wanted you to be sensitive to the fact that for charter schools, especially in northern Nevada, attendance sometimes is an issue. I just do not think it is a measure of good performance. We can include it; it just seems like it is not the big picture.

Assemblywoman Dondero Loop:

I taught for 30 years. If you have a ten-day-out rule, then if they are out ten days, they are out ten days. You are either there, going to school, and learning that is your job, or you are not. It sounds like you are saying two things. You are saying to your students, if they have trouble getting to school, they do not have to come to school. On the other hand, you are saying you have a ten-day-out rule and attendance is not the big picture. That is what I am hearing.

Leigh Berdrow:

I apologize if that is what you are hearing. This was more of an example. Our daily attendance rate is not something that I think makes or breaks what ACE High School does. It is not a performance indicator for us.

Assemblywoman Swank:

Sometimes your students come in on evenings or Saturdays. It seems to me that I do not see in this bill where it says students have to come to school for a certain number of hours or certain period of time during the day. It seems if they are coming in on Saturdays or evenings, it is still attendance.

Leigh Berdrow:

We require students to attend. We have very strict rules. We have a 90 percent attendance rule. Remember, we are a school that is very hands-on, so when you miss a day it is a big deal because we are doing activities. We plan periodically throughout the year for things that happen in families. We are not talking about over ten days. We are talking if you miss a couple of days. We allow the opportunity for students to come in and work a Saturday, or work

on a community service project. These are examples of things we do over and above that will not be reflected. Our average daily attendance rate is very good. It is just recognizing that it is not a clear picture of everything we do.

Assemblyman Eisen:

While I agree with you that attendance is not the be-all and end-all of performance, it is important, and it does matter. The very fact that you have these rules, why do you have them?

Leigh Berdrow:

Because we are an industry school, we consider ourselves a career school, we do teach that you have to show up on time for school and be here every day. If you are going to learn, you have to be here every day. It is not that I do not think attendance is important, I think it is just such a subpart of our culture that it is more important that we look at what I do with those students when they are there. I understand that is not for everybody, but attendance is always available and in the system. If attendance stays in the bill, I am fine with that. I was just trying to make an example of the details in that section, and does it really need to be in statute? My board is composed of business people and that is how they operate their business. We have that freshman who comes to school every day ten minutes late because of the parents. Is that fair to that student? I do not think so. You know what we do, we teach him that we know he is going to be ten minutes late, that he is embarrassed by that every day, and gets a horrible employability grade, but we make an opportunity so he, in a productive way, makes up that ten minutes every day. That is the point I am trying to get at. It is bigger than just the daily attendance rate.

Assemblyman Aizley:

I understand your point. Attendance is important for the campus, but you should be able to make an exception. I have taught college mathematics over a fifty-year period. There was a student who came to my class only to take tests and he earned an A. We arranged that before the class, and I knew he was a good student. Luckily at a university, we do not have the rules that you have at the high school. You should not be penalized if your students do not attend every single day.

Chairman Elliot Anderson:

Are there any other questions from Committee members? [There were none.] Is there anyone else in Carson City wishing to testify in support of A.B. 205?

Mike Cate, representing Academy for Career Education Charter High School:

I am one of the founding board members of Academy for Career Education Charter High School. I would like to say when it comes to charter, the whole point of a charter school is for the teachers, students, and everybody in the school to think outside of the box. One of the problems I see sometimes with legislation are its authors wanting everybody to think outside of the box so a charter helps improve the learning situation. But sometimes that legislation gets turned back into the mainstream of what is already happening.

Carol White, Principal, I Can Do Anything Charter High School:

I am the current principal of I Can Do Anything Charter High School (ICDA), the first charter school in the state of Nevada. We have the reputation of being the school that a lot of legislation's teeth were cut on as we have continued to grow and move forward. We serve primarily an at-risk population of students. Many of our students come to us with serious issues, poor grades, credit deficiencies, minimal success in school, and most of them face significant social, financial, or emotional issues.

Think of a traditional high school where you have a pyramid, and the bottom is the ninth- or tenth-grade students. As you move up the pyramid, your seniors and juniors are the smaller number. You need to flip that pyramid upside down for us. Our students are primarily juniors and seniors and sometimes are those we consider super seniors who have not had success in a traditional school. We are like the "last chance saloon" to get them graduated and on to their path.

There was reference earlier regarding an alternative framework for alternative education programs. That is what I am here to speak about. Our students have a very difficult time with attendance issues. They have blown out of most of their traditional schools. They could come to us as a junior with four credits. They need 22 ½ to graduate. A lot of that is reflective of the poor attendance they had at previous schools. We will continue to work with those students to get them caught up. We are considered, in some arenas, as a credit retrieval school. The way our program is set up, students can earn eight credits a year as opposed to the traditional six in a regular high school. This allows our students to catch up a lot quicker and graduate. We are not going to graduate them in four years. When they come to us as a junior with four credits, we know it is going to take at least two years. That is going to significantly impact our graduation rate. I can only count those that graduate within that four years. I do not have enough time with my juniors and seniors to do that. We have to extend their time in high school to allow them to do that. The attendance is a big issue. We work on it very strongly with our students. Last year we were pleased to see our attendance improve from the mid-70s to above 90 percent. We had a great population of students last year, but our clientele shifts

every year. We do not know who is going to come through our doors, but we willingly accept all of them. This year our attendance has dipped again. Our program has stayed the same. Our curriculum has stayed the same. Our staff has stayed the same. We have not been able to pinpoint why our attendance has dropped, but we are looking at it. By the time we get these 16- and 17-year-olds, they have developed mini master's degrees in task and school avoidance. It is our job to try to overcome that school phobia and help them on their path to success.

I wanted to share this information with you to let you think outside the box. Our school was not created for the traditional student. We were created specifically for the at-risk population. If you think back to your high school experience, you can identify a few students who you know either dropped out or were very close to falling through the cracks. That is the majority of our population and who we serve. We will never be able to reach the bars and standards of the traditional high school. We do not have that population of students. We have those who are falling out, dropping out, and struggling. We need to be able to develop a framework that addresses our students' successes.

If I have a ninth grader who comes in with a fourth-grade reading level and by the time he graduates, he is at reading level. That progress needs to be celebrated and recognized. If I have a tenth grader who comes in with a second-grade reading level, who has been in traditional schools his whole life, and I manage to get him up to the sixth grade reading level before he graduates, will he pass the proficiencies? Maybe, maybe not. However, he has now made four years of growth with us in two years. Those are the things we need to look at. We are not a traditional school. We cannot be held to the same standards as a traditional school. We do not have traditional students. We have a very unique population of students.

I hope when this Committee takes A.B. 205 under consideration, you consider that when it comes to looking at the star rating, and the opportunity to close us because we are not reaching above a one-star rating. I know my rating is one star. We got one point in the area of career and college readiness. Our students do not traditionally go to college. Some of them do, but most of them do not. The standards and objectives that are in place right now to measure us on those items are not appropriate for our students.

When you take a look at the enrollment factor, which is in A.B. 205, some of our students come to us specifically to get caught up. If Mom sees at the end of the freshman year that her child earned only half of the credits he was supposed to get, she will send him to us for his sophomore year to get caught

up, and then take him back to his traditional schools to graduate with his peers. We do not have a problem with that. That is what we are here for. To penalize us because students are not reenrolling is more of a punitive thing than allowing us to celebrate those that are coming to us and being successful.

I know Dr. Canavero has made great grounds and has done a tremendous job with the Authority this year, and I commend him for those efforts. I need to make sure that when you are looking at all schools, you are not looking at them through the same lens. We are unique and have a very unique population and would like the flexibility to have a unique framework to be measured with.

Chairman Elliot Anderson:

The growth model is included in this performance framework in section 3, subsection 2, paragraph (a). I want to assuage your concerns because the way I read the bill, you are not going to be penalized. Mr. Canavero can correct me if I am wrong. The growth model is included in determining what your rating will be.

Assemblyman Aizley:

Would you suggest some other performance measures and mail them to me?

Carol White:

Absolutely.

Chairman Elliot Anderson:

Is there anyone else in Las Vegas wishing to testify in opposition of A.B 205?

Dr. John Hawk, Executive Director, Nevada State High School:

I would like to thank the Committee and the Interim Committee, which some of you sat on, for drafting this bill. I would like to commend your colleague, Assemblyman Bobzien, and especially the State Public Charter School Authority for their leadership and vision. I must suggest that when having such an ambitious vision, it leaves in its trail many questions, of which I am not going to bog you down today. I am fleshing out some of those details when it comes to the State Public Charter School Authority and how this might play out.

I propose to you an unfriendly amendment ([Exhibit Q](#)). The stakeholders in this bill are the State Public Charter School Authority which I happen to be sponsored by. I delicately choose my words and have cautiously looked at the bill and tried to draft some sort of language that would be palatable.

In looking at section 3, subsection 2, paragraph (d), I am offering three items: striking some language, categorizing different areas of the bill, and defining more specifically some clarity.

I suggest at this time the language stating "the percentage of pupils who reenroll in the charter school from year-to-year," be eliminated. You may be creating, with this language, an environment where students need to stay in a program that might not be the right fit for them. You may be collecting invalid and unreliable data as to why a student may not have reenrolled at the school for personal reasons or family matters. Distance may have been a problem. It could have been a better educational fit somewhere else.

In his presentation, Dr. Canavero suggested categorizing things into common themes. He presented four performance frameworks. I can clearly see the academics, finances, and operations. What is not clear to me is the plan. I am asking that the performance framework define the scope of the plan. I do understand that section 3 identifies an opportunity, with permissive language, that you may include opportunities for mission and specific goals. The purpose is to define clear categories of the performance framework, creating consistency with the rest of the sections of the bill, specifically section 6, subsection 4, paragraph (a) and section 9, subsection 3, paragraph (b) where it does reference academics, finances, and operations.

Chairman Elliot Anderson:

Are there any questions from Committee members? [There were none.] You have two minutes, and then I have to go back to the bill sponsor.

Dr. John Hawk:

The rest of the information is there. I could read it for you if any of the Committee members have questions about what has been written, I will restate what is on the piece of paper.

Chairman Elliot Anderson:

We will just read it. We will ask members to contact you if they have any questions. If you have any further remarks, please submit them to us, and we will make sure they are on the record.

Steve Canavero:

There is no one, single measure to determine whether or not a school is making progress with those students. It takes a composite of things to get a clear picture. Ms. White made the case as to why we oppose the amendment that strikes the language allowing the sponsor to affirmatively keep a charter school open, even after two years, and it is now in the third year of an

one-star status. As soon as we can, we will develop alternative educational campus models and develop ways to hold alternative educational campuses accountable for student outcomes.

Chairman Elliot Anderson:

We will close the hearing on A.B. 205. Is there any public comment in Carson City or Las Vegas? [There was none.]

Meeting 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: March 27, 2013

Time of Meeting: 3:17 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|-------------|----------------|--|---|
| | A | | Agenda |
| | B | | Attendance Roster |
| | C | Steve Canavero, Ph.D., Director, State Public Charter School Authority | State Public Charter School Authority presentation |
| A.B. 414 | D | Christopher Roller, representing the American Heart Association | Cardiac Arrest versus Heart Attack flier |
| A.B. 414 | E | Christopher Roller, representing the American Heart Association | CPR in Schools flier |
| A.B. 414 | F | Christopher Roller, representing the American Heart Association | American Heart Association amendment |
| A.B. 414 | G | Brian Daw, representing Clark County School District | Testimony |
| | H | Kathleen Conaboy, Chair, State Public Charter School Authority | SPCSA Strategic Plan |
| A.B. 205 | I | Steve Canavero, Ph.D., Director, State Public Charter School Authority | Assembly Bill 205 Legislative Committee on Education presentation |
| A.B. 205 | J | Deborah Cunningham | Testimony |
| A.B. 205 | K | Nicole Rourke, representing Clark County School District | CCSD Proposed Amendment |
| A.B. 205 | L | Craig Hulse, representing Students First | Students First amendment |
| A.B. 205 | M | Paul Moradkhan, representing the Las Vegas Metro Chamber of Commerce | Testimony |
| A.B. 205 | N | Christine Miller, Representing the Nevada Association of School Boards | Testimony |
| A.B. 205 | O | Craig Stevens, representing the Nevada Association of School Boards | Nevada Association of School Boards Amendment |

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|-------------|---|---|---------------------------------------|
| A.B. 205 | P | Leigh Berdrow, Director, Academy for Career Education Charter High School | Testimony |
| A.B. 205 | Q | Dr. John Hawk, Executive Director, Nevada State High School, Henderson | Nevada State High School amendment |