

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
February 20, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 3:30 p.m. on Wednesday, February 20, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Joyce Woodhouse, Chair
Senator Aaron D. Ford, Vice Chair
Senator Ruben J. Kihuen
Senator Barbara K. Cegavske
Senator Donald G. Gustavson

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Colleen Platt, Counsel
Sara Weaver, Committee Secretary

OTHERS PRESENT:

Erin E. Cranor, District G Trustee, Board of School Trustees, Clark County School District
Jhone M. Ebert, Chief Technology Officer, Technology and Information Systems Services Division, Clark County School District
Andrea Damore, Teacher, Clark County School District Virtual High School
Seth Goolsby, Virtual High School Student, Clark County School District
Jose Mendez, Virtual High School Student, Clark County School District
Dominique Quattrini, Former Virtual High School Student, Clark County School District
Dotty Merrill, Ph.D., Executive Director, Nevada Association of School Boards
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Geoffrey Lawrence, Deputy Policy Director, Nevada Policy Research Institute
Craig M. Stevens, Director of Government Relations, Nevada State Education Association

Chair Woodhouse:

We will now hear testimony on Senate Bill (S.B.) 58.

SENATE BILL 58: Revises provisions relating to distance education. (BDR 34-396)

Erin E. Cranor (District G Trustee, Board of School Trustees, Clark County School District):

I am a parent and member of the Board of School Trustees of Clark County School District (CCSD). In addition, I represent parents and grandparents in support of S.B. 58.

From January to May 2012, a group of parents, grandparents and I worked to understand the available digital-learning opportunities and barriers the children of our State face. Our meetings resulted in three conclusions. First, education policy and infrastructure must support individual-paced learning, so every student remains engaged and achieves his or her potential for success. Digital-learning opportunities provide a means to this end. Second, the advantages of digital learning are being discussed throughout the Country; Nevada can be a leader in making digital-learning opportunities a reality. Third, digital learning can facilitate student-to-teacher and student-to-student relationships; as an example, my oldest child experienced his first digital-learning opportunity at CCSD Virtual High School (VHS) and interacted with his teacher 24 hours a day, 7 days a week (24/7).

I also have a statement from one of the members of our 2012 working group, Theresa Renner, who is in support of S.B. 58:

It is essential that children have a place to go during the day for their learning. Students also need social interaction for purposes of education and for learning how to be productive in a social setting. They need exposure to the other parts of a typical school day such as the arts and being able to listen to and understand instruction

given by someone other than a parent or guardian. It gives them a voice different from what they are given at home. Students need to be made to feel like a valuable part of a team, and a little friendly competition is good to help push some students on to the next level. To summarize that first point, learning together is a good thing, and students need to interact. And students need to interact with teachers and each other as they learn. So, second point, and here's the dilemma; all people, regardless of age, learn at a different pace. When you compare the fastest learners to the slowest learners, there's a drastic time difference. It is completely unfair, to both ends of the comparison, to be subjected to instruction that just doesn't suit them.

We are excited about the solutions digital learning offers students. My own children have benefitted from their digital-learning experiences, and I look forward to the availability and accessibility of digital learning for all Nevada students.

Senator Cegavske:

When you use the term "digital learning," does that include all programs accessed on the Internet?

Ms. Cranor:

There are opportunities in a classroom or in a VHS where students can connect with a teacher who may be offering a course that is not offered on the campus where the student attends school. For instance, at my children's high school, Advanced Placement (AP) World History is not offered, but they have the opportunity to take the AP World History course at CCSD VHS.

Senator Cegavske:

I did not see a definition of "digital learning" in the bill.

Ms. Cranor:

During the 2012 working-group discussions, we looked for every opportunity where digital learning could be used. There is an ever-changing world of opportunities for digital learning.

Senator Cegavske:

Is there a live instructor at all times?

Ms. Cranor:

Yes, there is an instructor.

Jhone M. Ebert (Chief Technology Officer, Technology and Information Systems Services Division, Clark County School District):

I am pleased to have this opportunity to review S.B. 58 and share examples of how digital learning has positively affected the achievement of students in CCSD. We hope to expand our reach through the digital-learning application to provide opportunities to all Nevada students. Senate Bill 58 modifies the *Nevada Revised Statutes* (NRS) to open access and remove barriers for our students. In addition, CCSD proposes an amendment to S.B. 58, section 2 ([Exhibit C](#)).

Senate Bill 58, section 2, removes restraining qualifications and criteria for defining a distance-education student. These changes allow any student who is otherwise eligible to be enrolled in a public school to participate in a program of distance learning.

Senate Bill 58, section 3, removes barriers for part-time students who wish to participate in a program of distance education. Part- and full-time students must seek written approval from the school board of trustees to participate in distance learning; S.B. 58 removes this requirement for part-time students only.

Distance learning offers opportunities to students that they might not otherwise have. For example, if a school wanted to offer AP biology, but only had 12 students enrolled, the school could not offer the course because it would not be feasible. Distance-education courses allow students to be grouped in computer labs across a district, and courses can be offered as necessary.

Senate Bill 58, section 5, addresses changes to those persons qualified to be in the room with students. Senate Bill 58 provides for an unlicensed employee of a district to supervise students in a computer lab to support a licensed distance-learning teacher.

Senator Cegavske:

I have concerns regarding S.B. 58, section 5, as it pertains to the qualifications of the instructor, specifically the unlicensed person present with the students. I understand what the need is, but my concern is that a student could have an unqualified instructor present. My greatest concern with kindergarten through

Grade 12 (K-12) is having instructors without specific training for the classroom, regardless of whether the instructor is a short- or long-term substitute, or a teacher who is certified but not in a specific subject area.

Ms. Ebert:

Your concerns are warranted. We want to ensure we have highly qualified teachers for every student. Digital-learning students are assigned to licensed teachers who have expertise in specific subject areas. In a computer-lab setting, we have another licensed teacher whose expertise may be in another content area.

Senate Bill 58, section 5, modifies this requirement so a supportive adult is available to monitor and assist students in the computer lab; students will continue to have connectivity with their assigned licensed teacher.

Senator Cegavske:

I am still concerned that S.B. 58 could result in two unqualified persons teaching.

Ms. Cranor:

I will illustrate what has happened with my own children who took AP world history. They took this course in a computer lab, which doubled as a college and career center; the licensed teacher in the lab was charged with operation of the college and career center. That licensed teacher was there to assist all students who had a virtual class during that period; there were a variety of virtual classes for students in a variety of grade levels in the same computer lab. The licensed teacher was charged with assisting students and ensuring the smooth operation of the computer lab.

The individual most important to the students for their instruction is the VHS teacher. The VHS teacher is the individual students can instant message and interact with 24/7. Students in virtual classes are on various campuses throughout the district at schools that do not offer a given class; the VHS teacher can interact with all the students using virtual-learning-management software. The VHS teacher and student relationship is what matters. The person assigned to be present with the students is simply there to assist with any computer problems or to make sure students are on task.

Senator Ford:

Tell me the grades to which distance learning and S.B. 58 apply.

Ms. Ebert:

Middle and high school students participate. Inclusion of elementary school is being considered, but we do not have the class content developed.

Senator Ford:

Do we have precedent for individuals who are unlicensed to teach but are charged with supervising only? For example, are there unlicensed individuals who supervise students for safety reasons?

Ms. Ebert:

Senate Bill 58 clarifies the interpretation of NRS. It is our interpretation, under NRS, districts must have a licensed teacher with all students at all times.

Senator Ford:

Would this bill make an exception to that interpretation? Is it correct this bill provides for licensed teachers, regardless of the subject matter of their licenses, to be assigned to a computer lab with the sole purpose of supervising students? You do not believe there should another licensed teacher with specific subject matter expertise present with the students?

Ms. Ebert:

That is correct.

Chair Woodhouse:

What is your level of comfort in not having a licensed teacher present in the classroom?

Ms. Cranor:

I am comfortable with the provisions of S.B. 58 and am advocating on behalf of parents. It is cost prohibitive to have two licensed teachers engaged with a given student. This bill provides for additional opportunities for schools to make distance learning available to more Nevada students.

Ms. Ebert:

I concur with Ms. Cranor's response.

Senator Kihuen:

Approximately how many students will take advantage of distance learning?

Ms. Ebert:

Clark County School District has provided the Committee with VHS course enrollment data for 2008-2012 ([Exhibit D](#)).

Senator Kihuen:

Teacher allocation is based on student population per school. Will the allocation remain the same?

Ms. Ebert:

We have 12 full-time VHS teachers, and they are given the same staffing allocation as a traditional school.

Andrea Damore (Teacher, Clark County School District Virtual High School):

I teach government and U.S. history with CCSD VHS. With a video, I will demonstrate a virtual course from the students' perspective so you can experience what the student does when they attend CCSD VHS [played video].

There are multiple avenues for communication and collaboration between the student and the instructor. Students can message, instant message or call me for assistance. My students are able to reach me 24/7. This one-to-one open line of communication allows us to communicate without the distractions of a full classroom. This allows me to learn more about a student's learning style and to differentiate assignments to increase that person's understanding of the subject. Students collaborate on discussion boards; in my class, it is required that all students participate on the discussion board and collaborate with their peers. In a face-to-face classroom, there is insufficient time for all 40 students to share their thoughts in a meaningful way and comment on fellow students' contributions. Online learning appeals to students' desires to be equipped with skills that prepare them for jobs of the future.

As a teacher, I have modified my teaching style to focus on coaching students and facilitating the learning process; students become more self-sufficient through this process. To promote participation and ownership, I focus on current events to make the subject matter relevant to the student. Students are able to view political debates and review and comment on current events. While I may not have face-to-face interaction with students on a regular basis, there

are tools available in an online classroom that make it easier for me to post projects and have students interact in class discussions. Students contribute and collaborate in live sessions.

Seth Goolsby (Virtual High School Student, Clark County School District):

I speak in support of S.B. 58 and submit my written testimony ([Exhibit E](#)).

Jose Mendez (Virtual High School Student, Clark County School District):

I speak in support of S.B. 58 and submit my written testimony ([Exhibit F](#)).

Dominique Quattrini (Former Virtual High School Student, Clark County School District):

I speak in support of S.B. 58 and submit my written testimony ([Exhibit G](#)).

Ms. Ebert:

Our students enroll for a variety of reasons: to complete a four-year degree; to take individual courses; to take advanced or accelerated courses; or to select courses not offered at their home school. In addition, students are given the flexibility to learn at their own pace and schedule. We care about the quality of the content and curriculum we develop. We are in the process of aligning all the curriculum with the Common Core State Standards. In 2012, CCSD VHS was one of only three high schools in our State to be designated an Exemplary school by the Nevada Department of Education. We project access to online learning by students will increase if S.B. 58 is adopted. We are working to expand our course offerings, including middle school curriculum by August 2014, creating greater flexibility and options for all students. *Keeping Pace with K-12 Online & Blended Learning: An Annual Review of Policy and Practice (2012)* noted that no state has allowed or created a full range of online-learning options for all K-12 students. With planning and consideration, Nevada could contribute to that endeavor.

Senator Kihuen:

To the students who testified, do you feel you have been left out of the social aspects of attending traditional school by attending online classes?

Ms. Quattrini:

I took online courses for 2 1/2 years; I did not feel I was left out of the social aspect of traditional school.

Mr. Mendez:

Taking online courses has not had a negative effect on my social skills.

Mr. Goolsby:

Taking online courses does not affect my social status. I take online courses at home, so I have the benefit of doing both—attending traditional school and taking courses at a VHS. I can interact with the students taking online courses and with students at school.

Senator Cegavske:

Does this bill contain requirements for home and hospital virtual learning, or does this bill pertain only to traditional brick and mortar schools where there are actual students in the classroom?

Ms. Cranor:

There will be no change regardless of whether students attend virtual classes or classes in a brick and mortar school. This bill addresses the requirement for a licensed teacher to be present in the computer lab at the school. If we can remove that requirement, virtual classes will be available to more students. Schools will not have to have a licensed teacher present in the room to oversee students; that licensed teacher can be in the classroom teaching.

Senator Cegavske:

My concern is what is best for the students. How many students can one virtual teacher handle? What is the setting for the virtual teacher—are they in a school?

Ms. Ebert:

We have part- and full-time VHS teachers. Full-time teachers work from home 3 days per week and are on the campus 2 days per week; however, they work 24/7 since they are communicating with students at all hours. Part-time virtual teachers work as full-time high school teachers at assigned high schools with extended duties teaching one or more VHS classes.

Senator Cegavske:

Do virtual teachers teach from their home or the school?

Ms. Ebert:

They teach from their home or from the school, if they have extended their school day. We can track all activities of students and teachers online.

Senator Cegavske:

I agree with the program and the technology is efficient, but I have the concern this bill does not require that a licensed teacher be present in the classroom with the online-learning student. How many students are assigned to one virtual teacher, and how do you justify the number of students assigned to a teacher?

Ms. Ebert:

We staff the way any school staffs. In some instances, the number of students in a classroom may be 40 while in other classes there may be only 12. The virtual environment can be used by a variety of students at a variety of grade levels for a variety of classes; the virtual instruction is individualized for each group of students assigned to that teacher.

Senator Cegavske:

The language change is a policy decision that can affect students. If a student can use online learning in a home or hospital setting, how do you accommodate those situations without a licensed teacher present?

Ms. Ebert:

The online teacher tracks the student and his or her work. If a student is not making positive progress, the teacher notifies the parents that the student is not satisfactorily progressing in the course.

Senator Cegavske:

If you have a student at home or in the hospital, and is in the virtual-learning process, why is that person not required to have a licensed teacher and virtual-learning teacher present? These situations are akin to home schooling, correct?

Ms. Ebert:

Distance education programs are provided for in NRS; the provisions call for a student, a teacher and the assigned content, and the student must progress through the class. Because these students are on our school grounds, they must be supervised by a licensed teacher. If the student is in the hospital, for instance, the student is not on our school grounds.

Senator Kihuen:

We have approximately 70,000 English Language Learner (ELL) students in Nevada. Could online learning be another tool enabling ELL students to learn and graduate at a faster pace?

Ms. Cranor:

Yes, we want all students to have access to distance learning. We have students who need specialized learning. This is an opportunity to make distance learning more available to all students.

Senator Kihuen:

English Language Learner students are intelligent and competent, but they need to learn the language. Sometimes ELL students drop out of school, and that affects our entire education system. Distance learning would be one more tool for ELL students to learn the language, and we need to do everything possible to make this accessible to them. We need to provide the tools that allow ELL students to graduate.

Senator Ford:

Under existing law, I assume districts have been prevented from placing additional teachers because of cost or because of requirements to hire licensed teachers with specific expertise. Is that an accurate assumption?

Ms. Cranor:

The last round of budget cuts reduced staffing at schools; this resulted in a shortage of licensed teachers with specific expertise and a shortage of licensed teachers to supervise distance-learning students. When a school does not have a licensed teacher who can be shifted to the role of supervisor, instead of teaching a class, there is not a licensed teacher to supervise the computer lab.

Senator Ford:

Is it correct that the amended language benefits you in terms of budgeting since you will not be required to spend at the current levels?

Ms. Cranor:

More students will have access to distance learning under the current budget and staffing levels if S.B. 58 is adopted because we will not be required to have two licensed teachers per one student.

Dotty Merrill, Ph.D. (Executive Director, Nevada Association of School Boards):

On behalf of the Nevada Association of School Boards, I speak in support of S.B. 58. On January 25, 2013, our executive committee and board of directors voted unanimously in favor of this bill. They did not have the proposed amendment at the time, but the proposed amendment strengthens their support because it extends opportunities for students.

Mary Pierczynski, Ed.D. (Nevada Association of School Superintendents):

On behalf of Nevada Association of School Superintendents, I speak in support of S.B. 58. This bill provides opportunities for rural students.

Stephen Augspurger (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

On behalf of 850 school-based and central-office administrators of the Clark County Association of School Administrators and Professional-Technical Employees, I speak in support of S.B. 58. The bill will expand learning opportunities for students, give principals greater flexibility and provide more curriculum. In addition, this bill provides for a greater return on the educational dollar. Although I agree with Senator Cegavske that we must be concerned about who supervises the students, this issue is not unique to schools; we have many non-licensed employees who work with students—hall monitors, police officers, crossing guards—so, the idea is not novel. The concerns expressed by Senator Cegavske are outweighed by the benefits we will gain from this program.

Geoffrey Lawrence (Deputy Policy Director, Nevada Policy Research Institute):

I represent the Nevada Policy Research Institute. We are in support of S.B. 58. We have always supported distance-learning education for several reasons. First, there is cost savings because less classroom space is needed. Second, this bill accommodates families who have unconventional schedules. Third, online-learning programs allow for a customized education curriculum; there are digital applications and platforms not available in traditional classrooms that individualize learning programs for students.

Craig M. Stevens (Director of Government Relations, Nevada State Education Association):

The Nevada State Education Association is neutral on S.B. 58. Our concern is section 5 regarding removal of the licensed teacher from the classroom. We want to ensure the displaced teacher is reassigned to a traditional classroom

and not dismissed; licensed teachers who are no longer needed to supervise in the computer lab should be placed elsewhere within the school.

Chair Woodhouse:

In Ms. Damore's presentation, I noticed there are far more ways for teacher-to-student communication than I anticipated. From an online teacher's perspective, are there any instances where teachers have felt students are falling through the cracks?

Ms. Ebert:

I will obtain and provide the information you have requested from our distance-learning teachers.

Senate Committee on Education
February 20, 2013
Page 14

Chair Woodhouse:

The Committee meeting is adjourned at 4:33 p.m.

RESPECTFULLY SUBMITTED:

Sara Weaver,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 58	C	1	Jhone M. Ebert	Proposed Amendment
S.B. 58	D	1	Jhone M. Ebert	Virtual High School Course Enrollments by Year and Enrollment Type
S.B. 58	E	1	Seth Goolsby	Written Testimony
S.B. 58	F	1	Jose Mendez	Written Testimony
S.B. 58	G	1	Dominique Quattrini	Written Testimony