

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
April 1, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 4:24 p.m. on Monday, April 1, 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

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senatorial District No. 19
Senator Debbie Smith, Senatorial District No. 13
Assemblyman Tom Grady, Assembly District No. 38

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Diana Jones, Committee Secretary

OTHERS PRESENT:

Zhan Okuda-Lim, Past Student Representative, State Board of Education
Alex Bybee, President Emeritus, Nevada Association of Student Councils
Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Nevada
Department of Education
Tami Berg, VP of Legislative Service, Nevada PTA
Aquilla Ossian, Former Student Representative, State Board of Education
Pam Salazar, Ed.D., Chair, Teachers and Leaders Council of Nevada

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Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Lonnie Shields, Nevada Association of School Administrators
Kristen McNeill, Chief of Staff, Washoe County School District
Craig M. Stevens, Director of Government Relations, Nevada State Education Association
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Erin McMullen, Las Vegas Metro Chamber of Commerce
Lisa Noonan Ed.D., Superintendent, Douglas County School District
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District
Angie Sullivan, Teacher, Clark County School District
Lisa Muntean, Teacher, Clark County School District
Adam Berger, Special Education Teacher, Clark County School District
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Louis Test, Co-Chair, College of Agriculture, Biotechnology and Natural Resources Advisor Board, University of Nevada, Reno
Gail Kosach, Co-Chair, College of Agriculture, Biotechnology and Natural Resources Advisor Board, University of Nevada, Reno
Kiki Corbin
Jana Vanderhaar, Local Food Network of the Truckee Meadows
Shelley Brant
Ann Louhela, Nevada Grown
Ann Bollinger
Jon Erickson, Nevada Cattlemen's Association
Steve Walker, President, Walker & Associates, Inc.
Dagney Stapleton, Government Affairs Consultant, Nevada Association of Counties
Nik Walters
Mark O'Farrell, Chairman, Nevada Organics Advisory Council Hungry; President, Nevada Grown, Hungry Mother Organics
Jeff Bryant, Executive Director, Urban Roots
Don Molde, Hidden Valley Homeowners Association
Harold Jacobsen, Former Chair, Board of Regents, Nevada System of Higher Education
Daniel J. Klaich J.D., Chancellor, Nevada System of Higher Education
Ron Zurek, Vice President Administration and Finance, University of Nevada, Reno

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Robert E. Dickens Ph.D., Director, Governmental Relations, University of Nevada, Reno
Paul J. Moradkhan, Director, Government Affairs, Las Vegas Metro Chamber of Commerce
Robert Lang Ph.D., Professor, School of Environmental and Public Affairs, Greenspun College of Urban Affairs, University of Nevada Las Vegas; Las Vegas Metro Chamber of Commerce
Mark Curtis Ed.D., President, Great Basin College
Maria Sheehan Ed.D., President, Truckee Meadows Community College
Mendy Elliot, Northern Nevada Development Authority
Curtis Blackwell, President, Associated Students of Western Nevada, Western Nevada College
Ray Bacon, Nevada Manufacturers Association
Linda English, Executive Director, Governor Guinn Millennium Scholarship Program/Deputy for College Savings Plans, Office of the State Treasurer
Nicole Rourke, Executive Director, Community & Government Relations, Clark County School District
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents

Chair Woodhouse:

We will begin the meeting with Senate Bill (S.B.) 444 related to student participation on the State Board of Education (SBE). I will turn the meeting over to the Vice Chair.

SENATE BILL 444: Revises provisions governing the State Board of Education. (BDR 34-1076)

Senator Joyce Woodhouse (Senatorial District No. 5):

I will read my prepared statement ([Exhibit C](#)).

Zhan Okuda-Lim (Past Student Representative, State Board of Education):

I am a former student member of the SBE and I am speaking to you today via telephone. I will read my written statement ([Exhibit D](#)) that has been submitted to the Committee. I urge the Committee to support S.B. 444.

Senator Kihuen:

Mr. Okuda-Lim testified many times as a member of the Nevada Youth Legislature (NYL). He was always eloquent and articulate. He is the perfect example of the type of student who serves on the SBE.

Senator Cegavske:

I have a concern about a young person serving as a voting member on this type of board. Most of these students are not old enough to vote in general elections. Usually, this is a nonvoting position. I am also concerned that adding an additional voting member to the SBE will cause it to have an even number of voting members.

Senator Woodhouse:

Students who have served on the Board have proven they know the issues and have legitimate concerns and beliefs. They are adding an additional level to the discourse that is positive and good for our State. This bill takes their rights to the next level by allowing the student representative to participate as voting member of the SBE. These students are ready to accept this role and will continue to show a high level of leadership.

This legislation would make the SBE an even-numbered group in regards to voting. The SBE membership would increase from seven to eight. I considered this when drafting this bill, but felt it was time to move forward on this legislation. We can review this after implementation after we see how the process works.

Senator Cegavske:

Because of the different issues we have as a state, on another bill, we added two students to a committee, one from the north and one from the south. This kept the group at an odd number for voting purposes. I think having an odd number of members is important, so I suggest we consider identifying one student from the north and one from the south as voting members

I support the concept of student participation in government. It is important for students who are leaving high school to tell us what has worked and has not worked in their educational experience. We need this perspective on the SBE.

Senator Woodhouse:

I welcome an amendment to add an additional student. I have no concerns about identifying two students as voting SBE members.

Mr. Okuda-Lim:

I will not be impacted by these decisions because I graduated from high school in 2011. I am testifying in favor of S.B. 444 because I feel strongly about ensuring the youth voice is heard in decisions that are impacting students. The role of the SBE was expanded in past legislation. It now reviews standards, examinations, graduation requirements and other factors that directly impact Nevada students.

Several years ago, when I first considered the idea of expanding the role of the student member on the SBE, I originally had some reservations about the idea. I was concerned about whether the student member would be responsible, dedicated and able to think critically. I realized, however, that I was working with many outstanding student leaders from across the State. These students put enormous effort into everything they did, both inside and outside of the classroom. They demonstrated dedication, critical thinking, independent thinking and a desire to reach out to different student populations. They shared what others had to say before they made their own decisions. As I continued to think about the idea of giving voting privileges to the student SBE member, I realized I had direct experience with students who would bring the dedication, responsibility, knowledge and critical thought all of us would want in this position. The process of being chosen as a student member of the SBE is extremely rigorous. In order to be considered by the Governor for participation on the SBE, students must demonstrate high levels of responsibility and advanced thinking skills. There are students who would do an outstanding job as a voting member of the SBE.

Senator Kihuen:

Please explain the student selection process that is discussed on page 2, line 2 of the bill where it says " ... in consultation with the Nevada Youth Legislature."

Senator Woodhouse:

This is the same process that is used to identify the nonvoting member of the SBE.

Alex Bybee (President Emeritus, Nevada Association of Student Councils):

The selection process was developed last year by the Nevada Association of Student Councils (NASC) during their State conference. In the last Session, the process for identifying the student member changed. The representative previously was elected by students at the NASC State conference. He or she is now appointed by the Governor, based on recommendations submitted to him. It is required by *Nevada Revised Statutes* (NRS) that the NASC consults with the NYL in this process. The names of two nominees were sent to the Governor last year, one having the recommendation of both the NYL and the NASC. The two organizations consult with each other to make this process work.

Senator Gustavson:

We have outstanding students in Nevada. My concerns are similar to Senator Cegavske's. I am not concerned about the age of the student member, I am concerned about the SBE being comprised of an even number of members. I recommend we have one member from the north and one from the south. This would give us better input from both parts of the State. It will keep the SBE at an odd number of members which is better for voting purposes.

Senator Woodhouse:

These recommendations will be taken into consideration as we revise the bill.

Mr. Bybee:

Student councils in Nevada serve students enrolled in public education. I will read my prepared statement ([Exhibit E](#)) to the Committee.

Rorie Fitzpatrick (Interim Superintendent of Public Instruction, Nevada Department of Education):

The Nevada Department of Education (NDE) is impressed with the caliber of students who have participated as SBE members. We think this bill is important in giving students a voice in the educational process. Other nonvoting members on the SBE should also have a vote. We support increasing the number of voting members to include these members as well. We believe it is important for students to have a vote on the SBE regardless of granting this privilege to others.

Vice Chair Ford:

What is your opinion about increasing the number of student voting members to two?

Ms. Fitzpatrick:

Several SBE members represent a State organization that speaks for a Statewide population. Adding an additional student would not be fair to these SBE members. I am not sure we need a representative from both the north and south. All members of the SBE consider Statewide needs in their decision-making process. In order to maintain balance when determining the makeup of the SBE, it is important to ensure representation from all geographical and cultural interests.

Tami Berg (VP of Legislative Service, Nevada PTA):

The Nevada PTA supports S.B. 444. Assemblywoman Dondero Loop from Assembly District No. 5, is presenting a similar bill, Assembly Bill 134, that will allow a voting student representative on the Nevada PTA board.

ASSEMBLY BILL 134: Revises provisions governing nonprofit corporations.
(BDR 7-223)

Vice Chair Ford:

What is your opinion about having a northern and southern representative on the State Board of Education?

Ms. Berg:

I think it is preferable to have one student represent the entire State.

Aquilla Ossian (Former Student Representative, State Board of Education):

I am the last elected representative to the Board. I support S.B. 444. While serving as SBE representative there were many instances when, as a student member, I would have liked to have been able to vote. This would have allowed me to have a greater impact as a Board member.

I was elected at a State NASC conference to represent students from the entire State. During my term I represented all students in Nevada. In order to make the best decisions, the SBE needs to include a student voice. There are pros and cons to the idea of having two representatives. I lean toward having only one because one student can do the research on issues for the entire State.

With two students, decision making could become confusing. The person selected for this position is presumed capable of speaking for all of the students in the State. It would be an honor to have a vote. My choices were respected by the SBE, but if I had been able to vote, it would have been a more powerful statement in making significant change.

Senator Cegavske:

Is there a student on the Board of Regents for the Nevada System of Higher Education? (NSHE)

Mr. Bybee:

There is not a student on the NSHE Board now. Assembly Joint Resolution 8, proposed by the Legislative Committee on Education, would amend the Nevada Constitution to allow a voting student member on the Board of Regents.

ASSEMBLY JOINT RESOLUTION 8: Proposes to amend the Nevada Constitution to add a member to the Board of Regents of the University of Nevada who is a student within the System. (BDR C-201)

Senator Cegavske:

Would this student be a voting member of the NSHE Board?

Mr. Bybee:

Yes. That bill would amend the State Constitution and place a student member on the NSHE Board with voting rights.

Vice Chair Ford:

To be consistent, we should keep Assembly legislation in mind when we vote.

Senator Woodhouse:

We will place S.B. 444 on an upcoming work session.

Vice Chair Ford:

I will close the hearing on S.B. 444.

Chair Woodhouse:

I will open the hearing on S.B. 407 which revises provisions governing the statewide performance evaluation system for teachers and administrators.

SENATE BILL 407: Revises provisions governing the statewide performance evaluation system for teachers and administrators. (BDR 34-143)

Senator Debbie Smith (Senatorial District No. 13):

Significant reform legislation regarding the evaluation of educators was passed last Session in NRS 391.465. For the first time, evaluation now includes teachers and administrators. The Teachers and Leaders Council (TLC) was created as a part of this reform in NRS 391.455. This 15-member task force was given the charge of developing a multilevel performance evaluation system to replace the former two-level system. The TLC held 20 meetings to discuss the design of this system. The NDE and school districts supported this task. Nevada is not often looked at as an educational leader. The TLC has helped put Nevada at the forefront of evaluation reform.

The evaluation design created by the TLC took advantage of learning from other states. The TLC reviewed what these states were doing and learned from their successes and failures.

It was determined that 50 percent of an educator's evaluation would be based on student achievement data. One challenge with this system continues to be designing criteria for classes that traditionally are not tested. The TLC is reviewing what other states are doing in this area. We do not want to make mistakes that might affect employment or students as this system is implemented.

These are big decisions with high stakes. They affect the future of our students, the employment of our educators and the reputation of our State. We need to do this right.

After the last Session, I felt we would need to make some adjustments to the legislation that was passed. That is what S.B. 407 does. It makes technical fixes and the changes that are needed to move us forward. It also provides funding for the TLC. An amendment will be offered to adjust the amount offered in the bill, which is inadequate. We need to fully fund this work in order to do it correctly. This legislation does not diminish the process that has begun. It takes into account what we have heard from the members of the TLC. As we do this work, it is important to listen to the people who are in the classrooms performing these evaluations.

Pam Salazar, Ed.D. (Chair, Teachers and Leaders Council of Nevada):

The TLC feels it is important to assess teachers and administrators to identify strengths and areas for improvement. This will allow us to provide aligned professional development that leads to greater effectiveness for our educators. We designed the new performance evaluation system with this in mind. First we defined “what” was being assessed by identifying standards of practice and key elements to use in measuring student progress. Next we described “how” to evaluate these elements in terms of cycles of data collection and using these data for feedback and coaching. Lastly we grounded our work in the “why” of improving learning for Nevada’s students. We feel this system will improve learning for all students in Nevada.

Ms. Fitzpatrick:

Several changes to current law are included in S.B.407. The identification and definition of educators to be evaluated is clarified throughout the bill. The definition of student data is broadened in section 1 on page 4, lines 11-12. This will allow expansion of data sets beyond the currently used data which includes Statewide summative assessment data, graduation rates and dropout rates and attendance. We are now able to cleanly link only 25 to 30 percent of our educators to Statewide summative assessment data or criterion-referenced test data about their students. Other states are developing additional assessments for personnel such as art or physics teachers who teach courses that are not assessed by Statewide assessments. These assessments could include performance assessments and end-of-course assessments. This would broaden the data an educator can use to inform practice. It would also provide an immediate link between what is being taught and what a student has learned.

We are investigating ways to evaluate what we call “Group Three Specialist Personnel.” This group includes librarians, counselors and other nonclassroom service providers. There is no appropriate way to evaluate these personnel under the current system. If we believe in the efficacy of this evaluation system, we need to develop a method to evaluate this group as well. On page 16, section 9, lines 12-17, this bill charges the TLC to build a parallel and aligned system of evaluation for these educators.

To reflect the differences in school district calendars, in section 4, the dates for performing educator observations have been adjusted. To promote equity among districts, evaluation deadlines are now based on the number of instructional days

In Section 4, subsection 8, on page 9, the content of the evaluation is changed. Instructional practice, professional responsibility, pupil performance and the other domains of instructional practice should not be view as additions to what we have used as evaluative criteria in the past. Past criteria did not provide the results we wanted. We are replacing what we used in the past with better practice based on research.

Implementation timelines have been adjusted in this bill. The TLC plans to validate this evaluation system during the 2013-2014 school year. As shown in section 11, on pages 17-18, we plan to be ready for implementation in the 2014-2015 school year.

There are several elements to the conceptual amendment proposed by Senator Smith ([Exhibit F](#)). Amendment 5 provides links to the Interim Finance Committee (IFC) to allow a delay of implementation, if needed, after the 2013-2014 validation year. We do not want to implement a system of consequences for educators if the system has not been fully validated. We do not anticipate this, but would like the flexibility if needed.

Amendment 2 relates to first-year probationary teachers. It only applies to new educators, not those who have reverted to probationary status. Because these educators are new, it will be difficult to gather the student achievement data that is required in a timely way. These data are normally received by a district after the school year has ended. This amendment proposes to evaluate teachers and administrators in this category using either the instructional practice or instructional leadership domain, and the professional responsibilities domain. The following year the educator would be evaluated using student data from the probationary year.

Senator Cegavske:

What test are you referring to here?

Ms. Fitzpatrick:

I am referring to the Nevada Criterion Referenced tests (NCRT) which are given to students in Grades 3 through 8 and Grade 11.

Senator Cegavske:

Is this the only test that will be used in this process? Are the results of other tests that districts give considered in the evaluation process?

Ms. Fitzpatrick:

The NCRT is offered across the State during a specific testing window. There is only one Statewide test. It has specific protocols and is extremely secure in its implementation. Districts have the option of offering additional tests for their own purposes. These are formative assessments such as the Measure of Academic Progress (MAP) or the Discovery Education Assessment. These do not have the same level of standardization or test security as the NCRT so cannot be used as part of an educators evaluation.

Senator Cegavske:

The MAP and Discovery assessments are the type I was referring to, but there can also be portfolio or other forms of assessment. We are looking to measure student growth while with a teacher, regardless of where the student begins. We want to see that a specific teacher has had an impact on the student.

Ms. Fitzpatrick:

We do not want to change the entire system. Summative assessment data such as MAP and Discovery will have a place in this structure. This amendment will allow us to begin to identify these types of assessments, however these assessments do not have the same level of test security. When these data are used, there have been reports of teachers skewing the data to make their results look more positive. We need the rigor and criteria in place before we begin to use them to ensure they are technically sufficient for our purposes.

The needs of the Washoe County School District (WCSD) are addressed in amendment 1 of [Exhibit F](#). Due to receipt of a federal grant, this district is ahead of others in the State in implementing a system of performance evaluation. This amendment allows the WCSD to implement their system, including consequences, in the 2013-2014 school year.

Senator Ford:

Have you been able to review the amendments proposed by other organizations?

Ms. Fitzpatrick:

I have been working with the Nevada State Education Association (NSEA) on an amendment to allow the use of peer reviewers to perform classroom observations. This is amendment 3 on [Exhibit F](#). We would like to develop a cadre of peer evaluators to help offset the demands that would be placed on

administrators in some districts having a high number of probationary teachers. This cadre will allow us to better address the evaluation of teachers in specialized content areas such as chemistry, calculus or other science, technology and engineering areas. The NDE has applied for a federal Supporting Effective Educators Development grant to increase the number of board-certified teachers in Nevada. These teachers would be able to participate in this cadre. I have not reviewed the other proposed amendments.

Senator Cegavske:

In amendment 5 on page 2 of [Exhibit F](#), the work of the Regional Professional Development Programs (RPDP) is discussed. How does this amendment change that program?

Ms. Fitzpatrick:

Governor Sandoval has set aside approximately \$1.4 million for teacher and administrator training in the new evaluation system during the first year of this biennium. This training will focus on learning about the new system and developing an understanding of the accountability required by the system. In the second year of the biennium, approximately \$1.3 million has been earmarked for this project. This is the interim period. If the timetable for full implementation required adjustment, there would be no way to change the date. Senator Smith felt the IFC would be the appropriate source to trigger a delay in full implementation during the interim. Some of the currently allocated funding might be needed to promote full implementation in 2015-2016. The figure shown in [Exhibit F](#), amendment 5, is three-quarters of the current allocation of \$1.3 million. This leaves funds for an extra year of implementation after the biennium.

Senator Cegavske:

Are you changing the structure of the RPDP?

Ms. Fitzpatrick:

No, this is an addition to the current program. These funds enhance the funds they have been given. This does not change the infrastructure of the RPDP.

Senator Cegavske:

Teachers should come prepared with the skills and education they need to teach successfully. I support professional development to provide teachers new skills and strategies. I would like to see a more in-depth explanation of the four tiers.

Ms. Fitzpatrick:

There is not a lot of detail in [Exhibit F](#) about the four tiers. Our system of evaluation changed under legislation last Session. That legislation did not specify that there be four tiers. The TLC made this decision and determined the tiers would be named highly effective, effective, minimally effective and ineffective.

Chair Woodhouse:

Information about the levels is spelled out in [Exhibit F](#), Amendment 1. It is also found in section 10 of S.B. 407. This bill needs a work session with all of the interested parties before being presented again.

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

The Clark County Association of School Administrators (CCASA) supports S.B. 407. The reform passed last Session was significant and has changed the way we think about doing our work. The CCASA has participated in this reform effort by attending all but two of the TLC meetings. We have a proposed amendment to present ([Exhibit G](#)).

In working toward reform, we sometimes experience a conflict between what is best for students and what is best for adults. We must view our actions through the lens of what will most positively impact a student's classroom experience and achievement. Reform must reach the classroom. Today when there is a reduction in force (RIF), a principal has no say over the teachers that are received into his or her building. In situations when a school is underenrolled, staffing must be adjusted. Teachers are placed in schools having vacancies with no input from the teacher or the receiving principal. The amendment language proposed in [Exhibit G](#) details new provisions for teacher placement during a RIF. If a teacher is rated as highly effective or effective, the school district has the right to place the teacher. If the teacher is rated ineffective or minimally effective, he or she would not be placed into a school against the will of the principal. If the teacher cannot be placed, he or she would be paid full salary and benefits and assigned at the discretion of the school district. This could include working in an assignment such as a long-term substitute, short-term substitute or with a mentor teacher in a classroom. If the teacher demonstrates satisfactory performance to a supervising principal, he or she could be placed back on full status. This process would also apply to administrators who are being transferred.

No student should be subjected to a poorly performing employee. No principal should be required to accept a poorly performing employee. Placement should be done by mutual consent. This could have a significant and profound impact on our educational system. It could improve what we do in schools and provide more opportunities for students to succeed. These opportunities will be enhanced when highly skilled educators are working with our children.

Senator Ford:

When I taught in school districts, I was required to interview with the principal before I was offered a job. The principal made the decision about hiring me. Is it true that, under law, educators involved in a RIF, or otherwise let go from a position, do not go through the same interview process as a new employee?

Mr. Augspurger:

That is correct. If there is a RIF, or a loss of student enrollment in one school, the receiving principal does not have a say about the teachers entering his or her building.

Senator Ford:

Is this State law or part of the collective bargaining agreement?

Mr. Augspurger:

It is part of the collective bargaining agreement.

Senator Ford:

Does not State law prohibit teachers or administrators from making a decision about who teaches at a specific site?

Mr. Augspurger:

No, it does not. Systems do not often have the ability to reform themselves from within. The reform occurs because policy decisions are made by legislative bodies. These provide direction for things to happen differently in the future.

Senator Ford:

A principal should be able to hire the teachers he or she wants. Is there a downside to putting this into statute? Are there unintended consequences of having statutory requirements that do not allow teachers, principals and districts to make these decisions as they see fit?

Mr. Augspurger:

If a teacher has been unfairly rated minimally effective or ineffective, there could be unintended consequences. If this happened, the teacher would hopefully show his or her expertise to the new principal and regain full status. Another possible consequence could occur if large numbers of teachers are not placed in teaching positions. This could create a financial burden for the district because the teachers would receive their full salary and benefits for the year without working directly in a classroom. Districts could, however, utilize these employees as they see fit, which would be an additional service.

Lonnie Shields (Nevada Association of School Administrators):

The Nevada Association of School Administrators supports this bill. We urge you to consider the amendments as well.

Kristen McNeill (Chief of Staff, Washoe County School District):

I will read from my prepared statement ([Exhibit H](#)). The WCSD received a Teacher Incentive Fund (TIF) grant from the federal government for over \$9 million which helped us begin revising teacher and principal evaluation systems. We have made significant progress on this within this grant program. Our Professional Growth System handbooks are being fully implemented this school year. Using the Danielson/McREL rubrics we developed, we are assessing gap-reduction in student achievement data.

Our performance-based-compensation data management system allowed us to provide live dashboards to teachers and principals in the summer of 2012. We implemented our first pay-for-performance payout for classified, certified and administrative staff in November 2012. Our Peer Assistance Review Process assists underperforming principals and teachers through support networking and peer involvement. We have worked closely as partners with all of our associations to make this work successful.

Senator Ford:

What are your thoughts on the amendments that have been presented?

Ms. McNeill:

We support the amendment from the NSEA regarding peer observations ([Exhibit I](#)). Having teachers available on site who can perform these observations is an asset for administrators. I am not familiar with the other amendments.

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

The NSEA supports S.B. 407. We support the work of the TLC in implementing legislation regarding educator evaluation reform. This reform will require funding now and in the future. With the new focus on the Common Core State Standards (CCSS), we will be lacking valid student data as we begin to implement these changes. We will need to review more than one year of student test scores to make sure we are using these data correctly. For this reason, we support pushing out the full implementation to ensure we are making the correct, high-stakes decisions about how to use these data.

Peer evaluation will help ensure required evaluations occur. Our conceptual amendment, [Exhibit I](#), addresses this topic. Peer evaluators can assist administrators in this process. This strategy has been successfully implemented in other states.

Senator Ford:

Have you reviewed the amendment from the CCASA?

Mr. Stevens:

I have not reviewed the amendment, but I have spoken to colleagues across the Country who have implemented similar legislation. In Colorado, school districts are experiencing problems with this issue. There are over 2,000 educators who have not been placed in Colorado because of legislation they passed. I urge we move slowly in this area. The NSEA believes this should be part of the collective bargaining agreement.

Senator Ford:

Is the Colorado legislation the same as ours in terms of placing teachers having different levels of evaluation?

Mr. Stevens:

I do not know if its law is exactly the same as ours. I will research this for the Committee. There are many components to an evaluation. I caution against putting this into statute when it can be addressed at the local level.

Senator Cegavske:

If we were designing this from the beginning, is there a method the NSEA would like to use for educator evaluations.

Mr. Stevens:

The work of the TLC has been excellent, it is similar to how we would develop an evaluation system. The idea of having preconferences, postconferences, well-trained evaluators and professional development linked to assessed needs is something we support.

Senator Cegavske:

Is there anything you would change about the process?

Mr. Stevens:

We would like to see data on the efficacy of weighting student achievement data as 50 percent of the evaluation. We fully support the five standards and the process that has been used to design the evaluation.

Senator Cegavske:

Are we moving too slowly in this work?

Mr. Stevens:

If we had the number of quality evaluators we need, we could move faster. The data system took time to develop. The technology now allows us to do what we want to do. This has the potential to harm an educator, so we want it done properly.

Senator Cegavske:

We want good teachers who will stay in our schools. We are responsible to the students in our schools. We have not done a good job in helping our students move on after high school.

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

The Nevada Association of School Boards (NASB) supports S.B. 407 and the conceptual amendment proposed by Senator Debbie Smith in [Exhibit F](#). I have not reviewed the other amendments.

Page 18, section 11, line 7 of S.B. 407 discusses performance pay for educators. At Senator Smith's request, I gathered information from school boards about their implementation of this section. Because of financial challenges, it has been difficult for districts to implement this component. The WCSD has developed a pay-for-performance plan for educators using their TIF grant funds. The Douglas County School District has developed a pay-for-performance plan for their administrators. Other districts have been unable to do this because of budget cuts. Pushing out the implementation date will assist these districts.

Erin McMullen, (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce supports this bill. We are advocates for performance pay and enhanced evaluations. This bill will allow these to be properly implemented in our schools. I have not reviewed all of the amendments with my clients. We support the amendment presented by the CCASA, [Exhibit G](#).

Lisa Noonan Ed.D., (Superintendent, Douglas County School District, Nevada Association of School Superintendents):

I am speaking as an officer of the Nevada Association of School Superintendents (NASS). I will read my prepared statement ([Exhibit J](#)).

Senator Cegavske:

Have you been able to review the proposed amendments?

Dr. Noonan:

We support the bill and the amendments in [Exhibit F](#). I have not reviewed the other amendments and cannot comment for the NASS on them.

Joyce Haldeman (Executive Director, Community and Government Relations, Clark County School District):

The CCSD supports S.B. 407. We have not taken a position on the amendments. The CCSD has a pay-for-performance model that we have used in our empowerment schools for several years.

Angie Sullivan (Teacher, Clark County School District):

I am a teacher in the CCSD. I am a dedicated educator and love my job. I worry about the unintended consequences that are already occurring with portions of this reform that have already been implemented. These reforms seem punitive. I am worried about the lack of support I have in my daily job. I feel I am being penalized for factors beyond my control. I feel I am being set up to fail. There is a lack of funding for schools, especially in the CCSD.

Teacher reviews have traditionally been a time for teachers to reflect with administrators on ways to improve. Now teachers are afraid to be honest or to admit they need assistance. They are afraid asking for assistance will be held against them when this is a traditional way to improve instruction. My peers are being forced out of the profession. There are many changes occurring and they do not know what will happen next.

I have taught in the CCSD 12 years. I have had six principals. Each has used a different system to evaluate my performance. I feel threatened and afraid. I have heard that principals have been told to identify poor teachers. I am worried about how this affects staff morale. It creates a stressful working condition which affects students. Teachers do their best, but it is difficult when they feel insecure. I worry about the competition that could occur with implementation of this system. I feel it could create an environment that is adverse to learning. I am afraid teachers might take actions to have the top students placed in their classrooms.

When an emphasis is put on testing, I become worried about cheating. I am concerned about statistical anomalies. Teachers are concerned about keeping their jobs and supporting their families. I am afraid we will begin teaching to the test. This does not prepare our children for college, adulthood or teach them to use higher-level thinking skills. I am worried we will not be able to staff our challenging schools. Some students need additional time to learn the skills that are being assessed, and teachers may be frightened to work at these schools. I am concerned good teachers might be rated low because of poor student test scores. I know a teacher who works with special education students. These students will never score high on the NCRT. She is one of the best teachers I know, and I am concerned these test scores will impact her evaluation.

I have no power in the CCSD. I do what I am supposed to do in the classroom, and I love my students. I teach in a school with at-risk students and intend to

remain there. I do not believe my students' scores will ever reflect what I really do in the classroom. I feel this new system may be unfair to me, to the people around me and to my students.

Lisa Muntean (Teacher, Clark County School District):

I teach in the CCSD. Teachers do not get to choose their site administrators. In my years 10 years with the CCSD, I have had more administrators than years of service. I am not allowed to invalidate an evaluation because my administrator is unsatisfactory.

I am opposed to this bill because Nevada is in the process of implementing the CCSS. We will also be changing our State assessment during this period. During this time, what is being taught in our classrooms will not match what is being tested. I suggest we look at student data over a 3-year period. I do not oppose using data for evaluation, but I am concerned that we are implementing new standards and assessments at the same time we are employing a new evaluation system.

In the CCSD we are also beginning to use new textbooks. These are not always well-aligned to the CCSS or assessments. This new assessment model, which factors 50 percent of a teacher's evaluation on student assessment, concerns me. As a math teacher, I know that 50 percent is a failing grade. If I am not allowed the freedom by my site administrator to teach the way I think I need to, by differentiating and applying accommodations as needed, my students may not demonstrate success.

Adam Berger (Special Education Teacher, Clark County School District):

I teach students with severe emotional challenges at David M. Cox Elementary School in the CCSD. Decisions about reappointment and tenure should be made carefully. This subject is becoming a priority among policymakers. Many teachers receive tenure by default, yet most districts do not have a systematic evaluation system. Standardized tests and sophisticated methods to estimate the impact of each teacher on the achievement of his or her students are becoming prominent topics in state and federal policy discussions. These value-added measures have serious limitations, and statisticians feel they should not be used to make high-stakes decisions until they are more accurate. They are being used by more and more states as a way to assess teacher effectiveness and to determine who deserves tenure. Several states have recently passed laws requiring districts to base 40 percent to 50 percent of

a teacher's evaluation on student achievement data. In part, this increase has occurred because few districts use evaluation systems to identify and dismiss ineffective teachers. If local districts do not develop and support meaningful systems for evaluating educators, value-added scores will play an even greater role in future evaluation systems.

I am opposed to implementing this legislation in the 2013-2014 school year. In the CCSD there is an issue with class size. Our classes are very large. Elementary teachers may have 40 students in a class, and high school classes may have up to 50 students. There is no funding for special programs to address the needs of English language learners. There is little equity in the evaluation system as it stands today.

Chair Woodhouse:

I will close the hearing on S.B. 407 and open the hearing on S.B. 255, which limits the use of certain property by the Board.

SENATE BILL 255: Limits the use of certain property or the proceeds of certain property by the Board of Regents of the University of Nevada. (BDR 34-632)

Senator Pete Goicoechea (Senatorial District No. 19):

This bill is designed to address the piecemeal erosion of the College of Agriculture, Biotechnology and Natural Resources (CABNR) at the University of Nevada, Reno (UNR). This College started off as a land grant institution in Elko, Nevada and then moved to the UNR. These original grant properties are gradually being sold off. Proceeds from these sales are not returning to the CABNR, instead they are being used by the UNR for expenses such as retiring the debt of the Fire Science Academy or guaranteeing professor placements in colleges other than the CABNR. This bill would require proceeds from the disposal, trade or sale of assets from the CABNR be returned to and used by the CABNR. The UNR was originated as a land grant university and needs to be maintained as one.

Assemblyman Tom Grady (Assembly District No. 38):

People have donated property to the UNR for many years with the understanding that it would be used for the purpose of agricultural education. We are concerned this property will not remain part of the CABNR. When it began, the UNR was the only college in the State offering agriculture classes.

We feel the CABNR has the right to some of the funding that was given to the UNR for its agricultural program.

Doug Busselman (Executive Vice President, Nevada Farm Bureau Federation):

I urge the Committee to support S.B. 255. Agricultural research property in this State needs protection from being plundered, sold off and rezoned for commercial use. In the past, our requests to protect these properties have been made to the Legislature and a number of other authorities to no avail. I have provided the Committee a record of Legislative intent ([Exhibit K](#)). In August 1981, the University Board of Regents confirmed the Legislative intent of preserving this land for use by the CABNR through adoption of Resolution No. 81-8. This action supported the reinvestment of funds in agricultural programs should there be a reason to sell agricultural research property owned by the UNR.

Since then, this support has been eroded and rejected. In 2005, following the sale of agricultural research property in Reno, the NSHE Board began the systematic practice of setting aside this intent. They have repeatedly sold agricultural research property to gain instant funding for other pursuits with higher needs. Recently, the UNR persuaded the Reno City Council to approve a zoning change that authorized commercial development for a 104-acre tract of the Nevada Agricultural Experiment Station, Main Station Field Laboratory. The NSHE Board, the Legislature, the Reno City Planning Commission and the Reno City Council have all heard requests to protect this land. Agriculture education and development has been important to our State's history and remains important today. It appears the NSHE Board has determined there are more important purposes for the use of the funding from sales of agricultural research lands. Senate Bill 255 is intended to reaffirm the value of agricultural research in our State. Funds from sales of agricultural research lands should be reinvested in the CABNR, not used to pay off other debts or to build additional buildings. We encourage the Committee to assist us in protecting the agricultural research assets that are necessary to serve Nevada farm and ranch families by passing S.B. 255.

Senator Ford:

The definition of a land grant university includes a focus on the teaching of practical agricultural science, military science and engineering without excluding classical studies. Why should we limit how these funds are spent at the UNR?

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Mr. Busselman:

We do not want to demolish the research component of our research facilities by selling them for short-term gain.

Senator Ford:

Is it possible that these investments are going toward long-term gains?

Mr. Busselman:

That is possible.

Louis Test (Co-Chair, College of Agriculture, Biotechnology and Natural Resources Advisor Board, University of Nevada, Reno):

I have prepared a document for the Committee outlining the history of the Main Station Farm at the UNR ([Exhibit L](#)) and will share the highlights. Information about the UNR's original request to the Legislature for purchase of land for an experimental farm station is provided on pages 1 and 2. This request was funded at \$43,000. Page 3 shows acceptance of this money by the NSHE Board. Page 4 provides information about the Ladino Dairy property which was later deeded to the University. This property was adjacent to that purchased with the original funding from the Legislature. In 1955, the UNR had the opportunity to purchase the land that is now the Main Station Farm land as detailed on page 5. The NSHE Board felt it was appropriate to go to the Max C. Fleischmann foundation for permission to sell the Ladino Dairy in order to put the funds toward purchase of the Main Station Farm. Page 5 also details the intent of the NSHE Board that funds from this purchase be used to develop the Max C. Fleischmann College of Agriculture. The NSHE Board meeting minutes where the bid for this purchase was discussed are pages 6-9 of [Exhibit L](#). By statute, the Governor was required to approve all sales and was at that meeting.

In 1960, the NSHE Board unanimously agreed that funds from the Ladino Dairy sale be handled in accordance with "present practice." Page 14 provides further documentation of this and reinforces the understanding these funds were to be held for use by the CABNR.

Senator Ford:

Was the NSHE Board conferring on these sales out of obligation? Were they required to check before they did anything with agricultural property?

Mr. Test:

We believe the Max C. Fleischmann Foundation deeded the Ladino Dairy to the UNR for the sole benefit of agriculture and that is why the College was named after him.

Senator Ford:

Was the land deeded to the UNR? Did the deed say the land could only be used for specific purposes?

Mr. Test:

It was deeded to the UNR with conditions. Legislation does not require a deed restriction be placed on a gift. It says it shall not be transferred without taking into consideration the conditions that may have applied when the gift, bequest or the grant was made. In terms of the grant, I feel the terms of the original grant apply. A deed restriction is not required for funds to remain with the CABNR. Checks and balances were in place when the original legislation was introduced. Sales of agricultural research land required the approval of the Governor. In 1981, this process came before the Board of Regents. Pages 16 and 17 of [Exhibit L](#) provide information regarding the Board's Resolution No. 81-8, which reaffirmed the concept that funds from sales of agricultural properties should remain with the CABNR.

This position was honored until 2005. At that time, the NSHE Board sold 55 acres of the Main Station Farm. This is detailed in the NSHE Board minutes on pages 18-23 of [Exhibit L](#). Money from this sale was to be split equally between the CABNR and other uses as determined by the NSHE Board. This did not occur. The University used \$6.6 million to retire a portion of the Fire Science Academy debt and \$4.4 million was given to the CABNR to improve the Main Station Farm. The \$2 million remaining was subsequently used by the UNR to retire the Fire Science Academy debt. The CABNR had planned to use a portion of the \$2 million to rebuild its programs and implement endowed chairs. The President of the UNR agreed to give the college \$100,000 to hire an additional professor, so it could begin this process. Concern was expressed this did not constitute a firm commitment of funds over time as an endowment would have.

Pages 24-25 of [Exhibit L](#) illustrate another example of the NSHE Board selling agricultural research property. The property in this example was sold for \$7.4 million. Out of this sale, \$333,000 was to go to CABNR towards hiring

professors. The remainder of the funds were to be used by the UNR to pay off the Fire Academy debt. The NSHE Board additionally wanted to sell water rights as indicated on pages 31-34. These water rights were from land that was part of the Ladino Dairy and the original land purchased by the UNR. I requested the NSHE Board implement procedures they used on the other pieces of property that had been sold, and give the CABNR the interest rate that was being accrued, pursuant to their endowment figures. That did not occur. Page 39 details a provision from NRS that I believe applies to the UNR. Pages 35-38 are notices prior to the meeting when the water rights were sold indicating notice of a public hearing on the intent to sell water rights was not given as required by law.

A NSHE Board member encouraged me to speak to the Legislature to help fund the CABNR programs. These resources are protected in law. The law has been reaffirmed. Money from assets that are sold would help us attract the type of dean we want. In order to build the CABNR we need funds. These assets were donated to build an agricultural research program. They have generated over \$25 million for the UNR, but the CABNR has only seen \$4.4 million plus a commitment, not an endowment, for another \$430,000. The Governor did not sign off on the transfer of water rights or the land sales when they occurred in 2005. If the UNR needs funds, it would be better served by giving the school the funds to build a more vital CABNR.

Gail Kosach (Co-Chair, College of Agriculture, Biotechnology and Natural Resources Advisor Board, University of Nevada, Reno):

The CABNR is one of three entities at the UNR funded through the land grant system. The other two are the Main Station Farm, which came into existence through the 1887 Hatch Act fund and the Cooperative Extension, which is our outreach program and was created by the Smith-Lever Act of 1914. These programs have all been impacted by NSHE Board decisions to sell agricultural research land. The CABNR has received federal funds from Morrill Land Grant acts of 1862 and 1890, the Purnell Act of 1925, the Bankhead-Jones Act of 1935 and individual grants that support research. This is research property. It is valuable property. It is in a floodplain which makes it important. I am concerned taking funds from the CABNR will eventually come under the scrutiny of the U.S. Department of Agriculture or the U.S. Department of the Interior. We have accepted federal funding for the Main Station Farm and I am afraid this scrutiny may be unavoidable.

Mr. Test:

In 1931, the Board of Regents sold the CABNR farm livestock and leased-out the Main Station Farm. This left the CABNR without a farm or animals for at least 15 years. Enrollment in the College grew to 103 students in 1938-1939. The leasing-out of the farm began to look like a serious error at that time.

Kiki Corbin:

I support this bill. I am an alumni of this university system and would like my grandchildren to be able to attend the CABNR here, instead of having to go to a school outside of the State.

Jana Vanderhaar (Local Food Network of the Truckee Meadows):

I am a member of the Local Food Network of the Truckee Meadows. We support local farmers, restaurants, businesses and others who are interested in eating locally and supporting local farmers. The UNR is a land grant university with a core mission of agricultural research. We are a cattle state and a large- and small-scale farming state. An increasing number of young people who have not grown up in farming families are drawn to agricultural programs. There is a need for these students to learn the market, sales and practical applications of agriculture. Through our networking, we encourage different organizations, restaurants, farmers and young people to discuss local food. We feel the UNR could revitalize its agricultural research program and its Cooperative Extension programs which are of great value to our community. Successful programs require funding. Funding that was initially intended for CABNR should not be used for other purposes. I urge you to support this bill. I will read from my written statement ([Exhibit M](#)).

Shelley Brant:

I am a local food advocate. Nevada's local food economy is strong and our communities support local food on a regular basis. Local food is a growing segment of the community and has been shown to have long-term benefits that go beyond agriculture. There is potential for tremendous benefit for Nevada in this area. Invaluable agricultural assets are held by the UNR and we have everything in place to build our local food future. Please support S.B. 255 and keep the funds from sale of agricultural lands focused on cutting-edge programs. The UNR is the steward of an invaluable urban agricultural program, Wolf Pack Meats. This program provides services and education and has great potential which is not being reached due to underfunding. I would like to see

funds from any future sales of agricultural property go back into programs like Wolf Pack Meats.

Everyone eats. We need farmers and ranchers in our State with the skills to grow food. The UNR is our educational institution for this field and it needs to provide opportunities for students to receive this education. This will not happen if the NSHE Board continues to siphon off funds from sales of agricultural property for use on other programs. Please tell our land grant university we value agricultural education and the benefits it brings to our communities.

Ann Louhela (Nevada Grown):

I am a board member of Nevada Grown, an agricultural marketing organization. I will read from my prepared remarks ([Exhibit N](#)).

Ann Bollinger:

I work as a natural resource specialist for the Carson City Parks and Recreation Department. I am presenting my personal views. The actions of the UNR will result in a long-term loss to the university system. In January, 2013, President Johnson requested, and the NSHE Board approved, foregoing payment toward the Fire Science Academy debt and instead allocated \$7 million to a new facility on the main campus of the UNR. This money should have been directed to the CABNR or the Cooperative Extension. The Cooperative Extension will have suffered a 72 percent reduction in funding as of July 1, 2013. Programs in the Cooperative Extension include agriculture, such as 4H; horticulture, such as the master gardener program; wildfire awareness and others. These programs were in all counties in Nevada, and the impact of this funding loss will be felt throughout the State.

Since the UNR is the land grant institution in Nevada, the Cooperative Extension falls under its purview. Beginning in 2005, sales from the Main Station Farm have resulted in nearly \$26 million in proceeds. Only \$4.5 million of these funds have been used to support agricultural purposes. The remaining \$21 million has helped pay down debt from the Fire Sciences Academy and, more recently, was used toward building a new student facility on the main campus. I have prepared a packet for the Committee with minutes from the NSHE Board meetings showing its role in finances related to the CABNR ([Exhibit O](#)). The agricultural lands at the UNR were purchased to be used for educational and research purposes. They should not be lost. If remaining agricultural research

lands are sold, they will be lost forever. There should be restrictions on how proceeds from sales of these lands are used. I encourage approval of S.B. 255.

Jon Erickson (Nevada Cattlemen's Association):

The Nevada Cattlemen's Association supports this bill.

Steve Walker (President, Walker & Associates, Inc., Eureka County):

I am representing Eureka County. We support this bill.

Dagny Stapleton (Government Affairs Consultant, Nevada Association of Counties):

The Nevada Association of Counties supports S.B.255. There is an important connection between having a strong educational research program at our university and the success of the agricultural industry.

Nik Walters:

I graduated from the Max C. Fleischmann College of Agriculture. I support this bill. We need to preserve the resources of the CABNR for future generations.

Mark O'Farrell (Chairman, Nevada Organics Advisory Council; President, Nevada Grown, Hungry Mother Organics):

Two years ago an opportunity developed for the CABNR to collaborate with the Small Business Development Center and the UNR College of Business on a grant awarded to them by the U.S. Department of Housing and Urban Development (HUD). The grant was to develop a demonstration project for small farmers that would illustrate how to adapt their operations to the changing times, foster food security and promote economic development. Hungry Mother Organics agreed to manage this project, which was called the High Desert Farming Initiative (HDFI). It was established as a nonprofit venture. We secured a pledge from another nonprofit organization for \$75,000 to assist with operating costs as the funds from the HUD were earmarked for construction purposes only.

The HDFI project is currently stalled. The \$500,000 grant that was received from the HUD is to be returned to the federal government in August. This was a unique public-private partnership. Unfortunately, lands that were part of this project were sold by the UNR. No assets from these sales were given to the HDFI to assist the program. University administrators have supported the HDFI verbally, but have not allocated funding to the project. We need a mechanism to

hold university administrators accountable. As a member of Nevada Organics, Nevada Grown and Hungry Mother Organics, I support S.B.255.

Jeff Bryant (Executive Director, Urban Roots):

I support this bill. Nevada rarely leads the Nation in a positive way. The strategic plan developed by the CABNR provides an opportunity for the UNR to reinvent agriculture in our State. It is in compliance with the Governor's report, "Moving Nevada Forward: A Plan for Excellence in Economic Development 2012-2014." If we can reinvest assets into the CABNR, we can hire the dean required to meet the goals of the CABNR strategic plan.

Don Molde (Hidden Valley Homeowners Association):

I am on the board of directors of the Hidden Valley Homeowners Association. We are located on the southern border of the Main Station Farm. We support S.B. 255. The Main Station Farm has benefited the city of Reno. Proceeds from sales of agricultural research lands should remain with the CABNR.

Harold Jacobsen (Former Chair, Board of Regents, Nevada System of Higher Education):

I attended the UNR during the years when there was no farm program. I was chair of the Board of Regents and have been in public service for many years. I chaired a committee to reestablish the farm at the UNR. Agriculture has a great future in Nevada. We need to keep the property we have at the UNR. Do not sell this property. I strongly support this bill.

Daniel J. Klaich J.D. (Chancellor, Nevada System of Higher Education):

Minutes from the Board of Regents meetings can be interpreted in many ways. I have not seen documents indicating a lack of compliance with a donor request, noncompliance with a deed restriction or improper use of federal funds for property that has been given to the university system. As times change, we have an obligation to extend the stewardship of the University throughout the system. I believe S.B. 255 is unconstitutional. If you review case law, direct interference through a law like this may be in violation of the Nevada Constitution.

Enrollments, graduations and National Merit Scholar awards are at a record high at the UNR. The UNR has abided by the documents through which it has received property. The Legislature has the opportunity to let the NSHE Board perform its job by not passing this bill.

Senator Gustavson:

Is it true that money from sales of agricultural research lands is not being returned to the CABNR?

Chancellor Klaich:

There have been sales of property where the entire sales amount was not applied to the CABNR. There was no obligation to do so and the proceeds were applied for the good of the entire University. I question inferences that utilization of proceeds in this manner is improper, given donor restrictions or federal and State legislation. I do not think we have used any funds improperly.

Senator Ford:

Are there other instances in the university system where one college received funds that were applied somewhere else?

Chancellor Klaich:

Donors give money and typically know where they would like their money to go. We follow these guidelines. If the gift is unrestricted, the UNR President and the NSHE Board determine the most appropriate use for the funds. Restricted funds are used as donors indicate.

Senator Ford:

Do you contend the land that has been sold was considered unrestricted?

Chancellor Klaich:

Yes, I do.

Senator Ford:

Do you have other examples where you have taken unrestricted funds from one college and used them in a different college or for a different purpose.

Chancellor Klaich:

I do not have that information.

Senator Cegavske:

The word I think is most important is "intent." Testifiers have indicated there was an intent for donations to be used for a specific purpose. I am concerned the will of the people who donated has not been followed.

Chancellor Klaich:

These are sophisticated transactions. When property is donated there are restrictions and these are well documented. We have carefully reviewed the documents and can say we have complied with donor intent.

Ron Zurek (Vice President Administration and Finance, University of Nevada, Reno):

I oppose S.B. 225. I will read my prepared statement ([Exhibit P](#)).

Senator Ford:

Do the examples you gave relate to restricted funds?

Mr. Zurek:

They included bequests and a gift that came with donor restrictions, so yes, the funds were restricted.

Senator Ford:

Do you agree this bill refers to unrestricted funds?

Mr. Zurek:

Yes. We have looked into this extensively to ensure these properties were unrestricted.

Senator Ford:

Do you have examples where you have used unrestricted funds from one college to benefit the university as a whole?

Mr. Zurek:

Senate Bill 255 includes consideration of whether an asset is being used by the CABNR. We have several colleges and schools that are using facilities in Stead. We have needed to sell some of these properties. The proceeds from these sales did not go back to those schools and colleges, they went to the general purposes of UNR.

Robert E. Dickens Ph.D. (Director, Governmental Relations, University of Nevada, Reno):

I performed much of the research on this bill for the UNR. I oppose S.B. 255.

Senator Cegavske:

Were assets available that could have been put back into the agricultural program after sales of agricultural research land?

Chancellor Klaich:

No, I do not think so. There were significant cuts made to the CABNR just as there were to all areas of the UNR. There are people who disagree with how we made those cuts. Proceeds could have been applied differently, but we applied them as we saw best for all students at the UNR and the State.

Senator Ford:

The Governor and many others see agriculture as an emerging opportunity for growth in Nevada. What is your overall plan for the CABNR?

Chancellor Klaich:

Agriculture was recently designated as an additional sector and added to the original seven economic sectors identified in "Unify, Regionalize, Diversify—An Economic Development Agenda for Nevada," created by the Metropolitan Policy Program at the Brookings Institution and SRI International. The mission of all higher education institutions in Nevada is to align their programs with the sectors identified in this report and to support them. We are now required by statute to report to the Legislature how we do this. We have difficult decisions to make with limited resources. We think we are making the right decisions.

Senator Gustavson:

Is enrollment up at the CABNR? Are the graduation rates up at this College?

Dr. Dickens:

Enrollment at the UNR has increased at our key colleges of business, engineering, health sciences, mining and the college of science. Students from urban areas prefer these areas. Small increases have been seen in the CABNR. These are found in the colleges of biochemistry and veterinary medicine. There is not a large interest in production agriculture. Development of curriculum in the small farm sustainable food movement might increase our enrollment. As a university, we have placed our focus on the academic core of the UNR and that is reflected in the key colleges.

Senator Gustavson:

How large is the Main Station Farm?

Chancellor Klaich:

Before the recent sale, there were 1,064 acres. Previously, 100 acres were rezoned. The recent sale was 165 acres. There are no plans to sell additional property.

Senator Gustavson:

Statute requires the Governor's approval to sell land grant property. Can you explain how this property was sold without that approval?

Chancellor Klaich:

I cannot explain this. I will discuss this with your Legislative Policy Analyst, Pepper Sturm, and provide you an answer.

Mr. Zurek:

The 104 acres were rezoned this week, not sold. This land is still part of the Main Station Farm. There are still 812 acres remaining at the Main Station Farm. We have 48 acres at the Valley Road Field Laboratories, 1,360 acres at the J. Dow Sr. Wetlands and 10,600 acres at the Gund Ranch Research and Training Facility. Some of the funds from sales of agricultural research lands were used to pay down the Fire Sciences Academy debt. This money reduced the bonds. These bonds are now being used to construct a new student achievement center at the UNR for the benefit of all students.

Senator Gustavson:

Agriculture is a major industry in our State. I would like to keep the CABNR a vital part of our university.

Senator Goicoechea:

We must remember the intent of the original land grants. Agricultural property should not be rezoned. I do not believe the UNR would rezone agriculture property if there was not an intent to sell it in the future. Our students who wish to study agriculture are going to colleges and universities out of state because we refuse to provide the curriculum they need. I urge you to pass S.B. 255.

Chair Woodhouse:

I have received a letter of opposition to S.B. 255 from Michael B. Wixon, Chair of the NSHE Board ([Exhibit Q](#)). I will now close the hearing on S.B. 255 and

open the hearing on S.B. 391 which provides for the transfer of administration of community colleges to the NDE.

SENATE BILL 391: Provides for the transfer of the administration of community colleges to the Department of Education. (BDR 34-952)

Senator Barbara K. Cegavske (Senatorial District No. 8):

This bill proposes transferring the administration of Nevada's community colleges from the NSHE Board to the NDE. Nevada is one of a handful of states that governs its community colleges and its institutions of higher education exclusively at the state level and funds them using the same funding mechanism. There are many problems with this system. Mission creep puts the community colleges in direct competition for students and funding with the universities and state colleges. Challenges exist in effectively responding to local economic and demographic needs. There are unsustainable per-pupil State subsidies for rural community colleges. It is difficult to establish local workforce development training relationships that enable community colleges to better access federal grant funds.

In 2011, Nevada was unable to apply for a community college career training grant made available through a partnership between the U.S. Department of Labor and the U.S. Department of Education. Although Nevada had the highest unemployment rate in the Nation, it did not have a program that qualified for this grant. In 2012, the Nevada Department of Employment, Training and Rehabilitation issued a report entitled "Moving Nevada Forward, A Plan for Excellence in Workforce Development." This report outlined Nevada's "State Plan for Workforce Development." The reports notes that studies of Nevada's training delivery mechanisms reveal it has not utilized its strongest and most flexible higher education component, the community college system, to a high degree. It also states interaction and collaboration between the local workforce boards, industry sector employers and the regional development authorities has not been adequate or consistent.

Changing how we operate our community colleges can be complicated, but there are many positive examples from other states. Community colleges often must address divergent roles including distance learning. Senate Bill 391 will assist in enabling our community colleges to focus on the academic and economic needs of their local communities. At a minimum, community colleges exist to offer associate degrees for aspiring professionals or those planning to

transfer to a 4-year institution; to provide workforce training, development and certification to meet the needs of the local economy; and to offer remediation or college preparation for students who have completed high school, but are in need of remediation before they transition to the rigor of the university system. In states with local control of community colleges, these functions are better aligned to the needs of each community. The NDE has an operating model that provides State-wide coordination and resource sharing in a system that is primarily managed and controlled at the local level. This is what our community college system needs.

This bill does not prescribe a specific governance approach. It outlines three steps that will lead to a stronger focus for our community colleges. First, it frees the community colleges from the centralized control of the NSHE Board and places them with the decentralized system of the NDE. This alignment with kindergarten through Grade 12 (K-12) programs expands the system. It will allow the community colleges to offer vocational and technical courses; provide complementary education such as dual enrollment courses that allow students to receive high school and college credits; and offers a level of coordination with high schools, families and students that creates a better transition to higher education.

Second, S.B. 391 directs the NDE to conduct an annual review of the community college system and report its strengths, weakness, opportunities and assets to the public and Legislature. This will help ensure close monitoring of the progress of the community college system, and it will provide greater ability to strengthen the system through legislation.

Third, this bill requires a comprehensive 4-year strategic plan for community colleges be drafted and updated every 2 years. This plan, combined with the closer coordination between K-12 schools, will increase the college and career readiness of our students. It will also serve as a platform for collaboration between the community colleges, the State colleges and the universities. It is vital we take strong steps for our community colleges by linking them with their local school systems which act as a source of human capital. Senate Bill 391 does this.

I received an email from the Interim State Superintendent of Instruction Rorie Fitzpatrick stating the NDE does not support this bill at this time due to insufficient capacity to manage the program. They are willing to participate in

discussions regarding the possibility of adding this program to the NDE at a later date. I have received a letter of support from Clark County Commissioner for District "E", Chris Giunchigliani ([Exhibit R](#)) who helped develop this bill.

Senator Ford:

What other states have a state-level department of education managing their community colleges? Have you considered a county-based system such as exists in Texas?

Senator Cegavske:

When researching options, Legislative Counsel Bureau staff indicated the NDE was the optimal manager for the community colleges because of its preexisting funding procedures. We want to ensure close articulation between high schools and community colleges, and this plan would do that. We did not ask counties or cities if they were interested in having the community colleges under their control.

Senator Ford:

It appears that under the proposed system, the community colleges are moving from one centralized system to another.

Paul J. Moradkhan (Director, Government Affairs, Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce supports S.B. 391. We need to look at our governance structure with the benefit of outside perspective. I will read my prepared statement ([Exhibit S](#)).

Mr. Busselman:

The Nevada Farm Bureau supports this bill.

Robert Lang Ph.D. (Professor, School of Environmental and Public Affairs, Greenspun College of Urban Affairs, University of Nevada Las Vegas; Las Vegas Metro Chamber of Commerce):

I am speaking on behalf of the Las Vegas Metro Chamber of Commerce. I am one of the principal authors of the Economic Development Plan and wrote the education section of that document. I am in support of this bill. It is not easy to make this type of change. Other states, such as North Carolina and Arizona, that have made this change have found it difficult. I will read from my prepared statement ([Exhibit T](#)).

We are now facing the consequences of the decision to place our community colleges in the same system as our State colleges and universities. In the Economic Development Plan, SRI International stated that our community colleges need to be segregated from the other institutions of higher education. They stated the current system is not working as an instrument for workforce or economic development. This is true for both halves of the State.

I would not recommend placing the community colleges under county supervision; some of our counties are too small to do this effectively. I propose we set up a system similar to the Regional Development Authorities (RDAs) created by the Governor's Office of Economic Development. Regionally chartered groups could be established to make decisions about the community colleges in each area. The NDE would be the coordinator, but RDAs would have decision-making authority for the community colleges. The RDAs might represent one or more counties in this scenario. Carson City and Reno might form one RDA, Las Vegas might form another and several rural areas could form another—the options are open. This would allow community colleges to partner with industry in their local areas to the benefit of both.

This separation in our higher educational system will occur. It makes sense. Our research universities are underperforming. We need this separation of our universities and community colleges. The current system does not allow us the flexibility we need.

Chancellor Klaich:

We are trying to change higher education. We are moving from one central system to another with this bill. We need to study this before we act. We need to be aware of the unintended consequences of this type of action. The NSHE has been tracking data for 7 years. What will become of these data if the community colleges move to the NDE? This bill will require additional funding for more administrators. Property ownership, governance and transfer are other areas of concern. How do we ensure that community colleges will not develop 4-year programs? How do we prevent other types of mission creep? Who will establish the fees for community college attendance under this proposed system? Course numbering, transference of credits and linkage of computer services between the two systems would create problems. It is important to look at how the community colleges can better serve Nevada, but we need to think about consequences before we act.

Senator Ford:

Are there benefits to community colleges and other institutions of higher education if we make this split?

Chancellor Klaich:

I do not think we can cut up the community colleges and make them better. We need to improve our research universities, but this will not occur by removing community colleges from the system. We need to determine what we want higher education to be and then invest in it. Administration and the NSHE Board have an obligation to show they are good stewards of both taxpayer money and the money being paid by students.

Senator Ford:

We have not adequately funded the NSHE. Are you advocating a study occur during the Interim?

Chancellor Klaich:

I am open to that idea.

Mark Curtis, Ed.D. (President, Great Basin College):

I will read from my prepared statement ([Exhibit U](#)). The community colleges in Nevada are very agile. We respond almost immediately when the business community has a need. Any suggestions that the community colleges do not, is false. We are deeply involved with workforce development at Great Basin College and our graduates are performing well. I am opposed to S.B. 391.

Maria Sheehan, Ed.D. (President, Truckee Meadows Community College):

I have been a community college president in two states for 17 years and will share my experience. I appreciate the goal of strengthening community colleges in Nevada. As we look at transferring funding from the NSHE to the NDE it is not clear how we will address what is in the Executive Budget. Community colleges are struggling with funding. We have had a 30 percent reduction in funds over the last several years. Since I began my position at Truckee Meadows, my major function has been to reduce budgets. It is not clear from this bill how this will be addressed. I will read from my prepared statement ([Exhibit V](#)).

We cannot be certain adding additional infrastructure will improve the outcome or efficiency of the community colleges. The NSHE Board is very strict about

addressing these issues. We are required to provide comprehensive reports about how we are becoming more efficient and effective. This bill is very general in discussing these points.

When the community colleges were first formed in Nevada they emerged as an addition to the K-12 system, essentially becoming Grades 13 and 14. They were later recognized as a part of the higher educational system, and a major mission responsibility became preparing students for transfer to the universities. This would not be addressed if we were to merge with the K-12 system. We are not an appendage to K-12; we are part of the system of higher education. We are responsive to the business and industry needs of our communities. In our separate communities, we respond to the needs they express. We are community responsive, that is our role. This is not hampered by the NSHE Board or Chancellor.

Mendy Elliot (Northern Nevada Development Authority):

The success of our economic endeavors and our community colleges is based on attracting new employers. The Northern Nevada Development Authority is interested in assisting with this bill to ensure alignment with identified sector strategies. We must get this right. Our partnership with the NSHE is important. We would like all of the partners at the table when this bill is discussed further.

Curtis Blackwell (President, Associated Students of Western Nevada, Western Nevada College):

I am speaking on behalf of community college students. A community college is not a lesser version of a university; it serves a unique mission. It helps train nontraditional students in order to make them productive. The concept is "many campuses, one community." There is a working system of teamwork between the community colleges and universities. I have watched the Chancellor and the NSHE Board members make hard decisions during the NSHE Board meetings. They are doing a good job of budgeting, the stewardship is excellent.

Ray Bacon (Nevada Manufacturers Association):

I am neutral on S.B. 391. The interface between K-12 and our institutions of higher education needs to be improved. The community college system needs enhancement. A report created during the last interim suggests that, from an employment point of view, the community college system is the jewel of the State. It could be even better. The transfer rate from our community college

system into 4-year colleges is not good. There are funding issues that would need to be addressed if the community colleges were moved into the NDE.

Community colleges are generally responsive to the needs of business with the exception of their schedule being on a 9-month school year when businesses run 12 months a year. The DETR is open to working with the community college system. There are some strong career and technical education (CTE) programs in southern Nevada, but students sometimes feel they are moving backwards when they move to the community college system. This should not be the case. Students attending CTE schools have the highest graduation rates in the Country. In order to receive full credit for courses they have taken, some Nevada students are going to college outside of the State due to confusion over credits they have earned. We need to address this issue and keep these students in Nevada. This will not happen in less than one year, but we need to begin to address it.

Linda English (Executive Director, Governor Guinn Millennium Scholarship

Program/Deputy for College Savings Plans, Office of the State Treasurer):
Senate Bill 391 would have a direct fiscal impact on programs administered by the Office of the State Treasurer. Section 529 College Savings Plans, the Nevada Prepaid Tuition Program and the Governor Kenny C. Guinn Millennium Scholarship Program would all be affected by this bill. We have submitted a fiscal note on this bill.

Senator Goicoechea:

I am neutral on this bill. I am not sure community colleges can compete with 4-year institutions as regards the funding formula.

Chair Woodhouse:

I will close the hearing on S.B. 391 and open the hearing on S. B. 447, which makes various changes relating to education.

SENATE BILL 447: Makes various changes relating to education. (BDR 34-197)

Pepper Sturm (Policy Analyst):

I served as a staff member on the Interim Legislative Committee on Education. I am speaking at the request of the Chair of that Committee, Assemblyman David P. Bobzien, Assembly District No. 24. I will read from Assemblyman Bobzien's prepared remarks ([Exhibit W](#)). This bill requests

five changes in the NRS, several related to the State's RPDPs. Pages 1 and 2 list the requested changes. Pages 4-5 provide in-depth information about each of these changes. The RPDPs previously submitted their budget requests to the Senate Committee on Education each Legislative session, and these were processed as a separate bill. The first change will place this budgeting process with the NDE.

Senator Cegavske:

What else would the RPDPs develop under this legislation? Does this bill imply that the RPDPs would train parents?

Mr. Sturm:

One training component is for the new teacher and administrator evaluation system. The RPDPs have a narrow mission, to teach the academic standards set forth by the Academic Standards Council. This bill would expand their mission and require them to provide training for the evaluation process. The bill includes a requirement to report the number of teachers receiving training in parental engagement. It does not include parent training.

Senator Cegavske:

I have not heard a bill to resolve the problem we have with use of short- and long-term substitute teachers in our classrooms. Can we provide training to them?

Mr. Stevens:

Section 7, on page 25 of S.B. 447, is the most important idea to be addressed this Session. There currently is no link between an educator's evaluation and the professional development that he or she receives. The success of the new evaluation system depends on developing the link between evaluation and professional development. Administrators must receive training to perform these evaluations as mandated in this section.

Senator Cegavske:

We want to improve the abilities of low performing educators using the new evaluation and professional development process. How does this process relate to removing teachers that do not show improvement from the classroom?

Mr. Stevens:

There is a process for removing ineffective educators. If they can be assisted, we believe they should be allowed to have the opportunity to remain in the classroom. Removing a teacher from a classroom does not ensure a better replacement.

Senator Ford:

In law firms, a person is given assistance to improve his or her skills. This bill appears to do the same thing for educators.

Nicole Rourke (Executive Director, Community & Government Relations, Clark County School District):

I will read my prepared statement ([Exhibit X](#)).

Lindsay Anderson (Director, Government Affairs, Washoe County School District):

The WCSD supports all sections of this bill.

Dr. Merrill:

The NASB is neutral on S.B. 447. We previously expressed our support for the CCSD proposal allowing an un-licensed employee to monitor a computer lab which is found in section 4, lines 29-35 on page 23. We have no position on the attendances officers as discussed in sections 9-11. We are neutral on sections 3 and 6 that relate to the budgeting process. All 17 of Nevada's school boards of trustees are interested in ensuring appropriate professional development is provided. They are particularly focused on three areas. The first is the rollout of the Common Core State Standards. The second is the new evaluation framework recommended by the TLC as addressed on page 25, section 7 beginning on line 35. The third is development of strategies to improve instruction-based evaluation, which is also addressed on page 25.

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

The Nevada Association of School Superintendents is neutral on this bill. We support training provided by the RPDPs and want to ensure it continues, especially in the rural counties.

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Chair Woodhouse:

Seeing no further business, the meeting is adjourned at 9:35 p.m.

RESPECTFULLY SUBMITTED:

Diana Jones,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	11		Attendance Roster
S.B. 444	C	2	Chair Woodhouse	Testimony
S.B. 444	D	7	Zhan Okuda-Lim	Testimony
S.B. 444	E	4	Alex Bybee	Testimony
S.B. 407	F	2	Rorie Fitzpatrick	Conceptual Amendment – Senator Smith
S.B. 407	G	2	Stephen Augspurger	Proposed Amendment – CCASA
S.B. 407	H	3	Kristen McNeill	Testimony
S.B. 407	I	1	Craig Stevens	Conceptual Amendment – NSEA
S.B. 407	J	1	Lisa Noonan	Testimony
S.B. 255	K	25	Doug Busselman	Information
S.B. 255	L	39	Louis Test	History of Nevada Agricultural Experiment Station Farm
S.B. 255	M	4	Jana Vanderhaar	Testimony
S.B. 255	N	1	Ann Louhela	Testimony
S.B. 255	O	10	Ann Bollinger	Information
S.B. 255	P	1	Ron Zurek	Testimony
S.B. 255	Q	2	Michael B. Wixon	NSHE Letter of Opposition
S.B. 391	R	1	Chris Giunchigliani	Letter of Support
S.B.391	S	3	Paul Moradkhan	Testimony
S.B. 391	T	3	Robert Lang	Testimony
S.B. 391	U	1	Mark Curtis	Testimony
S.B. 391	V	1	Maria Sheehan	Testimony
S.B. 447	W	5	Assemblyman David Bobzien	Testimony
S.B.447	X	1	Nicole Rourke	Testimony

