

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
April 3, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 6:24 p.m. on Wednesday, April 3, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Moises (Mo) Denis, Senatorial District No. 2
Senator Michael Roberson, Senatorial District No. 20
Assemblywoman Olivia Diaz, Assembly District No. 11

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Asher Killian, Counsel
Sara Weaver, Committee Secretary

OTHERS PRESENT:

Fernando Serrano, Nevada KIDS COUNT
Sylvia Lazos, J.D., Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; Co-Director, Research Center for Social Justice
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District
Lindsay Anderson, Director, Government Affairs, Washoe County School District

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Melissa Morgan, Teach for America

Seth Rau

Angie Sullivan

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

Brian McAnallen, Las Vegas Metro Chamber of Commerce

Sebring Frehner

Loretta Harper, Counselor, Institute for Integrated Studies at Desert Pines High School, Instruction Unit, Clark County School District

Rosemary Flores

John Vellardita, Clark County Education Association

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

Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education

Mary Pierczynski, Ed.D., Nevada Association of School Superintendents

Teresa Boucher, Teacher, Clark County School District

Scott Miller, Teacher, Clark County School District

Jerry Webster, Teacher, Clark County School District

Heather Semon, Teacher, Clark County School District

Geoffrey Lawrence, Deputy Policy Director, Nevada Policy Research Institute

Ryan Donohue, Deputy National Advocacy Director, Parent Revolution

Craig Hulse, Nevada State Director, StudentsFirst

Chair Woodhouse:

The Committee will begin with a brief presentation about Nevada KIDS COUNT.

Fernando Serrano (Nevada KIDS COUNT):

The handout "Nevada KIDS COUNT Data Book 2012" ([Exhibit C](#)) has been given to the Committee. KIDS COUNT is a project of the Annie E. Casey Foundation. The Foundation has been active in Nevada, and it has funded a variety of child welfare projects. KIDS COUNT is housed at the Lincy Institute at the University of Nevada, Las Vegas (UNLV), Center for Business and Economic Research. The UNLV became involved with KIDS COUNT in 1996 as a data partner. The Lincy Institute at UNLV funds and distributes the publication. The Committee has received the *2012 Nevada KIDS COUNT Data Book*. This publication can be found on the Internet at <<http://kidscount.unlv.edu>>. In

addition, the Committee has received our *Nevada KIDS COUNT Newsletter* including: "Profile of Black (African American) Children in Nevada" ([Exhibit D](#)); "Profile of Hispanic Children in Nevada" ([Exhibit E](#)); and "Profile of White Children in Nevada" ([Exhibit F](#)).

KIDS COUNT tracks the health of families through a variety of factors and disciplines. I have been involved in the establishment of community coalitions throughout our State. Community coalitions are comprised of many disciplines in various communities that address the needs of youth and families. KIDS COUNT provides objective data allowing for appropriate grant writing and project development. The problems facing youth in our State are addressed in the *Data Book*. I hope you will find the *Data Book* helpful.

Chair Woodhouse:

We will hear Senate Bill (S.B.) 504.

SENATE BILL 504: Enacts provisions providing English Language Learning for Our Students. (BDR 34-1099)

Senator Moises (Mo) Denis (Senatorial District No. 2):

This bill provides a comprehensive program targeting the needs of English Language Learners (ELLs). The bill's provisions require qualified teachers and administrators at schools with high ELL populations. Western states have seen significant growth in the percentage of students in the public schools classified as limited English proficient. Of Nevada's student population, 19 percent are classified as limited English proficient. Approximately 70 percent of Nevada's ELL students attend school in the Clark County School District (CCSD). Of these students, approximately 90 percent are Latino and Spanish-speaking. Latinos are the fastest-growing demographic under age 18, and they make up over 50 percent of students in kindergarten through Grade 3 (K-3). One of two students in K-3 is an ELL student. We do not have a program to address the needs of these students.

Many of our school districts have implemented ELL programs and services, but these programs and services do not address the necessary assistance needed by ELL students. Classroom instruction for ELLs varies considerably depending on the proportion of ELLs in the district. Often, these students are not properly identified, or they transition out of services prematurely. Many are placed in mainstream classrooms without additional language support. Many ELL students

speaking adequate English for daily interactions, but do not possess the skills to master academic English. This is of particular concern with the impending implementation of Common Core State Standards (CCSS). Language development is the key to academic success. We need to do a better job of identifying the needs of our ELL students by providing programs and services they need to succeed. In addition, we need to provide classroom teachers and school administrators with the understanding of principles and best practices to support the unique needs of ELL students. This bill addresses these gaps.

As we continue to implement the CCSS and implement the assessments linked to those standards, many teachers of ELL students are increasingly concerned about being held accountable for their students' progress as measured by assessments. Teachers of ELL students need appropriate training to meet the needs of their students. Most teachers lack this training. Senate Bill 504 addresses the need for targeted training and professional development.

Section 2 establishes the Legislature's commitment to provide every child a high-quality education, and its intent is to provide high-quality instruction and service to the State's ELL students. There are two major components to the bill: first, provisions that provide for ELL programs and funding; second, various provisions that concern certification and professional development for ELL educators. Section 1 requires each school district to identify the number of pupils participating in ELL programs in the district. This will provide the Legislature the needed data to calculate future programs for ELL students. In addition, this will enable the Legislature to revise the Nevada Plan for School Finance by adding a weighted formula for this group of pupils.

For the current biennium, there are an estimated 71,275 ELL students. This number of ELL students is used to calculate the appropriations contained in section 7 of the bill. The Committee has been given the handout titled "Appropriations within Senate Bill 504" ([Exhibit G](#)). The appropriations in section 7 provide \$200 in additional funding for each ELL student served by the district. The funds are to be used to: create and restore ELL specialists within certain schools; provide free summer school programs for ELL students; create and expand prekindergarten classes; and provide programs and assessments to support ELL students. In addition, there are a number of ELL students currently in full-day kindergarten funded through Title I or State funding. However, large class sizes blunt the impact of the full-day kindergarten program.

Section 8 provides an appropriation to fund full-day kindergarten class size at the ratio of 15 to 1.

Schools with high ELL populations are usually in high poverty areas, and the schools are likely to be underperforming. Reading Skills Development Centers (RSDC) support early literacy by tutoring high risk for literacy failure children. The RSDCs provide job-embedded onsite literacy and ELL professional development for teachers at schools being serviced. The pilot project in place at six CCSD schools has shown that this intervention is on the right track to help the neediest children in the most impacted schools. A pilot program for RSDCs is established in sections 9 through 13 within certain high-risk schools in CCSD and Washoe County School District (WCSD). The RSDCs support assessment and intervention for pupils with literacy problems. Appropriations are provided to support these programs.

The bill contains provisions for certification and professional development of educators. Each successful program requires successful teachers and administrators with appropriate license endorsements. Section 3 requires that teachers in schools with greater than 25 percent ELL student population hold a licensed endorsement of TESOL. The agency responsible for licensing teachers is required to adopt regulations concerning this endorsement. In addition, there must be quality professional development for teachers and principals at schools where there is a high ELL population. Section 6 provides an appropriation to the Regional Professional Development Programs for educator training. In section 16, schools are required to make district-provided professional development a priority for teachers and administrators at schools with ELL populations greater than 25 percent. The RSDCs are required to provide professional development within their schools. Section 15 requires the Teachers and Leaders Council (TLC) to recommend evaluation criteria for those teachers providing ELL instruction.

Dollars spent now on ELL students are investments in Nevada's future. Our goal for all Nevada students is that they be provided with a high-quality education.

Senator Cegavske:

I have concerns that our university system is not helping the State produce the needed quality specialists in early childhood development. Have you talked with the Nevada System of Higher Education about this issue? In addition, since we

have limited teachers and limited classrooms, is it your intent to gradually implement the provisions of this bill?

Senator Denis:

This bill aggregates several bills into one. First, RSDCs are implemented in conjunction with other provisions. Second, the TESOL endorsement will assist us with creation of qualified specialists. There are additional provisions to train teachers. We cannot only recruit new teachers. We must train the teachers we now have. We have a commitment to hire the best and brightest teachers.

Senator Cegavske:

Section 1, subsection 2 refers to the count of ELL pupils who participate in the program. Do we know the current count?

Senator Denis:

We are using an estimated count of 71,275. Moving forward, we will calculate that number more accurately as valid data is collected.

Senator Cegavske:

Is the count of 71,275 pupils all non-English speaking? In addition, you also mentioned adding a weighted formula for this group of pupils. Can you explain why?

Senator Denis:

The count of 71,275 pupils is statewide and is comprised of all ELL students. Concerning the weighted formula, we are one of three states that does not use a weighted formula to fund ELL programs and to address poverty and special education. In the future, we need to use a weighted formula in the Nevada Plan.

Senator Cegavske:

When we review the Nevada Plan again, we need to perform an assessment of the Plan.

Senator Denis:

I agree that we need to perform an assessment. However, I believe the Nevada Plan is one of the most equitable plans in the Nation concerning per-student funding. However, the Nevada Plan is not equitable regarding the special needs of the student population.

Senator Cegavske:

How much are we receiving in federal funding to address ELL programs?

Senator Denis:

Most of the funding we receive for ELL is federal funding.

Senator Cegavske:

Are we anticipating receipt of additional federal funding?

Senator Denis:

The Nevada Department of Education (NDE) can better answer that question.

Senator Kihuen:

Most of the ELL funding comes from the federal government. How much has been invested by the federal government and by the State for the last biennium?

Senator Denis:

I do not have those figures. The NDE can better answer that question.

Sylvia Lazos, J.D. (Professor of Law, William S. Boyd School of Law, University of Nevada, Las Vegas; Co-Director, Research Center for Social Justice):

This bill takes a systemic view of closing the ELL achievement gap and the poor graduation rates. All components of the bill are part of a system that will assist ELL students. This bill is sound and intelligent. I urge the Committee to support S.B. 504.

Assemblywoman Olivia Diaz (Assembly District No. 11):

I am a teacher who has continually worked in high-risk schools with high ELL populations. I have always felt we need to do more to close the achievement gap of ELL students. I am frustrated we are not making progress in a timely manner to address the issues ELL students face. Every child who is not at grade-level proficiency by Grade 3 has diminished chances for success. This bill will move ELL education forward in Nevada. When ELL students enter the public school system, they are often just learning the conversational aspects of the English language. The non-English proficient students are not prepared for academics. Attendance in prekindergarten is important in schools with high populations of ELL students. Teachers do as much as they can to get ELL students to master the Common Core State Standards. However, without prekindergarten it is difficult to move students to master CCSS. Mastery of

CCSS is the State goal. Overcoming the language barriers of ELL students allows us to better achieve our goal.

The Reading Skill Development Centers are currently in six Title I, at-risk CCSD schools. The RSDCs provide additional professional development to teachers. The RSDCs help teachers with underperforming students in literacy.

Class-size reduction will help teachers. As teachers have smaller class sizes, they are able to allocate more individualized time to students.

This bill is an action plan. As a State, we need to devise plans to address challenges pertaining to ELL students. All schools are funded the same regardless of their ELL populations. I support S.B. 504.

Senator Gustavson:

I have always been a supporter of teaching ELL students how to read to decrease the dropout rate. Many ELL students who have not learned the language get discouraged and drop out.

Joyce Haldeman (Associate Superintendent, Community and Government Relations, Clark County School District):

The CCSD supports S.B. 504. This bill recognizes the needs we have been discussing for many years. We have not paid attention to the lack of funding received for the education of ELL students. School districts have the burden of funding these programs. We currently receive \$6 million from the federal government for Title III funding. The CCSD ELL Program has a budget of \$10 million. The CCSD has 59,000 ELL students.

The bill recognizes that funding must accompany the requirements we have for teaching our students. It also recognizes that ELL students can be contributors to our community especially when we can meet the needs of these students at an early age.

The CCSD is pleased with many aspects of the bill including: the creation and development of specialists; free summer school; prekindergarten programs; full-day kindergarten at the ratio of 15 to 1; and assessments. The CCSD has three priorities concerning funding this year. First, we need to lower class sizes. This bill has provisions to reduce class sizes. Second, we intend to have funding

for ELL programs. Third, we want to expand half-day kindergarten to full-day kindergarten. All three of CCSD's priorities are contained in this bill.

The Commission on Professional Standards in Education will adopt the endorsement requirements for TESOL. We appreciate that the TLC will develop the evaluations for ELL teachers. These two existing boards are poised to accomplish these provisions in the bill.

The districts should be the fiscal agent for funding RSDCs rather than other agencies in the State. Although the RSDCs are in their first year of operation in the State, they have been successful and have strong support from the districts.

It will be difficult for us to meet the requirement of TESOL-endorsed teachers in classrooms at each school with a 25 percent or greater ELL student population. We do not have a sufficient number of TESOL-endorsed teachers. There is no incentive for teachers to bear the expense to attain TESOL endorsement. We do not have the funding to financially assist teachers to become TESOL-endorsed. Teachers would have to take courses at their own expense and pay the fee to have the endorsement on their license. Incentives for teachers to obtain TESOL endorsement should be a priority.

The bill recognizes the weighted funding formula needed to address the needs of ELL programs. We support S.B. 504.

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

The WCSD supports S.B. 504. A priority for WCSD is ELL programs. It is also a part of our strategic plan. We are developing a district-wide professional development plan with heavy emphasis on ELL programs. We have adopted the World-Class Instructional Design and Assessment (WIDA), and we have incorporated WIDA into our strategic plan. We have created curriculum and common assessments in elementary and secondary schools based on research-based programs, CCSS and WIDA frameworks. We appreciate the funding included in the bill.

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

The Nevada State Education Association (NSEA) supports S.B. 504. We ask that the Committee support this bill. We support the funding in the bill.

However, as a State, we need to continue creating policies that positively affect ELL programs. We need additional training programs for educators. In addition, we need the weighted enrollment formula that allows funding to follow the student.

Mike Liu:

I was born and raised in China. Before 1976, China was an isolated country. After the death of the leader of China in 1977, China was open to the West. The leaders of China wanted to grow the economy. Because of this initiative to grow China's economy, my father was sent by the Chinese government to the United States to be trained in the operation and maintenance of equipment. When my father returned to China, he described the United States and how advanced it was. My father encouraged me to go to the United States when I was old enough to do so. Subsequently, I obtained an application from the University of Nevada, Reno (UNR). I completed the application, and UNR accepted me in their graduate program. That is how I came to reside in Reno, Nevada.

I return to China occasionally, and many of my friends and family members still living in China ask what makes the United States so great. I tell them that the United States is great because it is the only country that truly offers opportunities for every citizen regardless of a person's economic or social status. When powerful people like you in the Legislature show that you care for the people at the bottom of society, the whole world recognizes the positive work you do. You are encouraging people to achieve their goals and make their dreams come true. That is what keeps this Country No. 1. I support S.B. 504.

Melissa Morgan (Teach for America):

I submit to the Committee my written testimony ([Exhibit H](#)) in support of S.B. 504. I am a staff member of Teach for America. It is important to recognize that we teachers need to be exposed to valuable and effective strategies. This bill begins to address the issues of ELL students by providing high-quality instruction and services to Nevada's ELL student population.

Seth Rau:

I support S.B. 504. I am a student at UNLV, and I am currently taking courses toward TESOL endorsement. We can address ELL issues by improving teachers' ELL instruction and by using RSDCs for ELL students. I have taken two courses toward achieving the TESOL endorsement. However, the teaching instruction

I have received is not the high-quality instruction I anticipated. This is disappointing since my goal is to become an effective ELL teacher.

I have had the opportunity to visit one of the Reading Skills Development Centers. These Centers are impressive because teachers are allowed to give individualized attention to students. Overall, the RSDCs are effective. Moving forward, we must expand the Centers. Improvement in the quality of TESOL instruction for teachers will result in better teachers in our classrooms. The RSDCs have teachers who enable ELL students to master core phonics so ELL students can become fluent readers of English and become the next generation of successful leaders.

Angie Sullivan:

I support S.B. 504. The ELL funding is of great importance. I consider my students as my own kids. Almost every teacher in the Clark County School District is teaching ELL students. It is important we support teachers in their efforts to teach ELL students. We need to address the needs of teachers and ELL students. I have attended UNLV and received a TESOL master's degree. The TESOL program at UNLV is a great program, but they have been affected by the lack of funding too.

Professional achievements and salaries have been negatively affected. We must compensate people fairly. If we want to improve the quality of teachers and retain the best teachers, we must fairly compensate teachers as professionals. I appreciate the efforts of NSEA for teachers and students.

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

We agree with all the positive testimony about S.B. 504. This bill puts us well on our way to improving instruction for ELL students across the State. We strongly support S.B. 504.

Brian McAnallen (Las Vegas Metro Chamber of Commerce):

The business community and the organization I represent is supportive of greater investment in ELL programs for students. We know that CCSD has a disproportionate number of ELL students, and we need to invest in programs for ELL students. Our association believes S.B. 504 is a step in the right direction.

Sebring Frehner:

I support S.B. 504. I have been involved in education policy research. The most inexpensive policy on which we can move forward is ELL education and funding. Our research shows that impoverished students can benefit from education and funding. In schools I have visited, impoverished students do not have the English language skills to keep them on par with their peers. Not only are we helping all ethnicities with ELL programs, but we are helping those who are impoverished. We do not adequately fund ELL programs. This legislation must go forward from a policy standpoint.

Loretta Harper (Counselor, Institute for Integrated Studies at Desert Pines High School, Instruction Unit, Clark County School District):

I support S.B. 504. I register ELL students who do not speak English. It is difficult for me to register and place these students in classrooms. We had ELL classes in early 2000, but they are no longer available. Since these classes are no longer available, our graduation rates have declined. We are 2 months from graduation, and we still have a high percentage of ELL students who are not proficient in reading, writing, science and math. We need to pass S.B. 504 to address these problems. Desert Pines High School has an ELL population of 70 percent. I urge the Committee to pass S.B. 504.

Rosemary Flores:

I support S.B. 504. There is a provision in the bill to train teachers so they can engage parents and families. Many times, parents feel their child is doing well in school. When it is communicated to parents that their child is only passing at a basic level, the parents are surprised. Parents are eager to connect with teachers to resolve their child's problems. Teachers are overwhelmed, and they have little support. I support S.B. 504, but I want to emphasize the importance of family engagement. Parents are the resource and the vehicle for many of our ELL students to succeed in the future.

John Vellardita (Clark County Education Association):

I support the testimony of CCSD regarding S.B. 504. This is such an immense problem in southern Nevada. The ELL programs are underfunded in CCSD. First, you are developing good policy. Second, the implementation of this bill includes needed funding.

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

We are appreciative of the work that has gone into this bill. However, we are neutral on S.B. 504. We acknowledge that S.B. 504 is a comprehensive plan that addresses many facets that positively affect ELL students and programs in our State.

Section 3 has provisions that are sticking points. This section states, "a teacher." This means anyone who is a teacher at a school with more than 25 percent of pupils who are ELL students must hold the TESOL endorsement. That is an immediate challenge. In the Elko County School District (ECSD), three schools have greater than 25 percent of ELL students. One of the priorities of the ECSD Board of Trustees is to provide professional development. Teachers in the content areas in ECSD would have more skills to work with ELL students at those schools. However, it will be difficult for ECSD to recruit teachers with TESOL endorsements to those schools. What they must do is concentrate on existing teachers in ECSD. Although they continue to work toward professional development, there will be several years before adequate professional development is provided to receive TESOL endorsement. This is a policy concern.

There are good provisions included in this bill, but from the school board perspective, there are concerns, and we are neutral on the bill.

Senator Ford:

You raise an excellent point, and I wonder what part distance education plays in this regard. It seems that for schools in rural areas, populations will not meet the criteria contained in this bill. This is another reason for districts to engage in distance learning.

Dr. Merrill:

That is certainly one opportunity that may make a difference in moving forward with professional development. For isolated or remote schools that have teachers living in those areas, distance learning should be considered.

Chair Woodhouse:

The Committee has received a written statement from Progressive Leadership Alliance of Nevada ([Exhibit I](#)) in support of S.B. 504. In addition, the Committee has received a written statement from the American Civil Liberties Union of

Nevada in support for S.B. 504 ([Exhibit J](#)). The hearing on S.B. 504 is closed. We will hear S.B. 455.

SENATE BILL 455: Establishes a pilot program for school districts to establish or expand programs for children who are English language learners. (BDR S-1131)

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

I will provide an orientation of S.B. 455. We all agree there is a need for ELL programs. The bill creates a statewide program to target support for ELLs across Nevada. The program focuses on English language acquisition to ensure ELL students learn the English language. In addition, the program focuses on the academic success of students particularly with regard to early literacy. This is a priority so that ELLs understand how to read and to read in English for future success. Governor Brian Sandoval's recommended Executive Budget contains funding for this program.

I will focus on how the funds will be allocated and what the parameters are for the awards of those funds. The funds will be allocated through grants to school districts. The goal of these grants is to increase performance of our ELL students particularly for prekindergarten through Grade 4. We want to begin with our early learners. This is the first statewide program targeted to enhance the ELL student population. This program is designed to support school districts by creating and expanding proven programs to increase results for ELL students' language proficiency and academic performance. The program components include an opportunity for districts to provide a needs assessment and to demonstrate specifically those district concerns relative to policy, practices and procedures. A portion of the grant is set aside for those districts that submit applications not fundable due to misalignments between the needs and the solutions.

Sometimes our smaller school districts have challenges in their capacity to analyze their needs and provide correct solutions. Capacity supports in S.B. 455 ensure that struggling districts understand their needs and their best uses of resources. There is an opportunity to provide technical assistance to ensure fundable applications. Grants are competitive only through the funding criteria. Our smaller districts have a challenge with regard to creating grants that are competitive with larger districts that have professional grant writers. This is

targeted at schools that have evidenced needs. Those schools with low performance based on the Nevada School Performance Framework will be specifically targeted for support as with those schools with a high proportion of ELL students.

The district funding will be based on the number of ELL students in kindergarten through Grade 4. This is a proportionate funding opportunity. This is important because the bulk of funding goes to our largest district, CCSD. This is an opportunity to address those smaller districts to begin to implement quality strategies for ELL students. Seven of our districts in the State receive no federal funding. This is opportunity for us to address these districts. Each district will receive a minimum of \$10,000 if they have ELL students.

The grant criteria includes: an application prescribed by the Department of Education requiring grants to include a needs assessment articulating the project's significance; a project design with stated goals, objectives and outcomes; a plan for sustainability over time; a component of management of resources and implementation of the plan as written; and a prepared evaluation which includes student outcomes, particularly student growth. One of our historical challenges is with ELL student growth. To ensure that evaluations are robust to drive future decision making, there is an expectation that the districts will set aside a minimum of 10 percent or \$300,000 of the grant.

There are several priorities of the grants: high-quality, developmentally appropriate prekindergarten programs; empirically proven tools to assess reading; empirically proven technology-based tools; highly developed, research-driven professional development programs; before- and after- intersession programs for students; and any other empirically proven tools to inform instruction. We think these priorities are important components of a ready-to-learn umbrella. These priorities connect to other priorities within the budget such as full-day kindergarten and the promotion of highly effective instructional strategies of the educator effectiveness framework.

The return on investment is clear. Prioritizing our programs for ELL students is the right thing to do for our State, and it is the right thing to do for our students.

Senator Cegavske:

Are we studying immersion policies?

Ms. Fitzpatrick:

This grant program does not prescribe a single methodology. It is possible that a district would prioritize an immersion policy. Because the approach of S.B. 455 is statewide, each of our districts has the capacity to do things differently. It is also true that the same programs in different districts may not yield the same results. This program creates local control and methodologies. It provides resources to districts to make inroads. Local stakeholders and local values should determine how the programs operate.

Senator Ford:

Are the funds for distribution in addition to the current ELL funding, or is this program a means to allocate funds from the Governor's budget?

Ms. Fitzpatrick:

This is an appropriation of \$29 million beyond the Distributive School Account.

Mr. McAnallen:

We are in support of S.B. 455. The Chamber of Commerce is concerned about ELL funding and our ability to meet the ELL student needs in the CCSD.

Ms. Haldeman:

The Clark County School District supports S.B. 455.

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

We appreciate the Governor's attention to ELL programs. We support S.B. 455.

Dr. Merrill:

The Nevada Association of School Boards supports S.B. 455.

Ms. Anderson:

The Washoe County School District supports S.B. 455.

Mr. Stevens:

The Nevada State Education Association supports ELL programs. However, we are opposed to S.B. 455. Our opposition stems from the grant program in the bill. We believe the funding should be put in the Distributive School Account. Our reasoning is that when budgets shrink, grant programs are the first to be cut.

Chair Woodhouse:

The Committee has received a written statement from the American Civil Liberties Union of Nevada ([Exhibit K](#)) in support of S.B. 455. The hearing on S.B. 455 is closed. The hearing on S.B. 291 is open.

SENATE BILL 291: Requires the board of trustees of certain school districts to establish a prekindergarten program to teach children who are limited English proficient. (BDR 34-857)

Senator Michael Roberson (Senatorial District No. 20):

The latest 50-state data indicates that 19 percent of Nevada's total public school enrollment is classified as limited English proficient. That includes students of all ages enrolled in public school for the 2010-2011 school year. The same data reports that Arizona is at 7 percent, and New Mexico is at 16 percent. While the total numbers may be higher in those states, this provides the Committee with an idea of the scope of the English proficiency problem in Nevada. The 19 percent of Nevada's total public school enrollment represents students in kindergarten through Grade 12. However, we must consider those children who have not yet enrolled in school.

It is likely that most children from households in which English is not the primary language spoken have limited exposure to the language acquisition skills they will need to be successful in school. The new academic emphasis by CCSS makes this skill a prerequisite for success. We can agree that our youngest ELLs need this type of assistance before they start their regular academic program in our public schools. Senate Bill 291 is designed to begin the process of addressing this need.

The purpose of S.B. 291 is to provide a high-quality prekindergarten program for children with limited proficiency in English.

In section 1, the program will be limited to the CCSD. Section 1, subsection 2 provides that the curriculum for children in this program will include: academic instruction; developmental components; and elements that promote critical thinking. Section 1, subsection 3 provides for a pretest and a posttest of English language proficiency for these children. The Clark County Board of School Trustees is required to provide professional development for the educational personnel involved in the program. The District also must provide an annual evaluation of the program and report its findings to the NDE.

To fund the program, section 2 appropriates \$20 million each year of the coming biennium to CCSD. Any amount unspent each fiscal year will revert to the State General Fund.

The program established by this bill will help to meet the needs while providing information about its impact. Programs like this help our youngest ELL students, and the programs can assist our schools in avoiding the need for additional programs in later grades.

This bill originated with the CCSD. I met with CCSD, and they communicated their needs. Superintendent Pat Skorkowsky of CCSD was integral in the development of this bill.

Senator Cegavske:

Is the list in section 1, subsection 2 inclusive of Common Core State Standards?

Ms. Haldeman:

Yes. Section 1, subsection 2 includes the CCSS. We support S.B. 291.

Mr. McAnallen:

We support S.B. 291. The Las Vegas Metro Chamber of Commerce has made a strong commitment to and investment in CCSD students who need mentoring to meet graduation requirements. We made that commitment and investment, and we intend to continue this effort.

Mr. Augspurger:

We support S.B. 291. We think this bill will address this ongoing issue.

Mr. Stevens:

We support S.B. 291. We believe this bill is a model for use by all counties.

Mr. Vellardita:

We support S.B. 291.

Chair Woodhouse:

The Committee has received a written statement from the American Civil Liberties Union of Nevada ([Exhibit L](#)) in support of S.B. 291. The hearing on S.B. 291 is closed. The hearing on S.B. 240 is open.

SENATE BILL 240: Authorizes the reimbursement of teachers for certain out-of-pocket expenses. (BDR 34-651)

Senator Michael Roberson (Senatorial District No. 20):

In conversations with teachers, I frequently hear about the dedication these professionals have for making sure their students succeed. Teachers are routinely paying for materials out of their own pockets to meet the needs of their students.

In the past, there have been differences between the teachers associations and the school districts. It is positive when we can bring the two parties together.

The purpose of the S.B. 240 is to provide teachers a mechanism to receive reimbursement for those teachers who have purchased necessary classroom materials at their own expense.

Section 2 specifies that the teachers who may benefit from this program are those who devote the majority of their time to provide direct instruction to pupils.

Section 3 creates the Teachers' School Supplies Reimbursement Account within the State General Fund. Section 6 appropriates \$2.5 million for each fiscal year of the biennium to this account. The account is authorized to receive gifts, grants, bequests and donations. If there are remaining funds in the account at the end of each fiscal year, the amount is balanced forward. Year-end remaining funds are not reverted to the General Fund.

Section 4 specifies that each school district is apportioned its share of money from the account based upon the number of classroom teachers employed in that district. This section also requires each school district to establish a special revenue fund for this program only for the purpose of reimbursing teachers for their out-of-pocket purchases of necessary school supplies for their pupils. Although the district's board of trustees may seek the assistance of the local teachers' union in administering the reimbursement process, that organization cannot be compensated for their services.

Section 5 sets forth the process through which a teacher may submit a claim for reimbursement from the school district's special revenue fund. Teachers can submit reimbursement claims of up to \$100 per fiscal year, subject to the

availability of money in the revenue account. In addition, section 5 requires the Department of Education to adopt regulations that specify the claims procedure and approval process. These regulations must identify the school supplies that are eligible for reimbursement.

There is a proposed amendment ([Exhibit M](#)) submitted by the Clark County Education Association. I am supportive of the proposed amendment.

Senator Cegavske:

The reimbursement amount of \$100 seems a little low. Who will administer this reimbursement program?

Senator Roberson:

We struggled in determining the maximum amount, and I know \$100 does not cover the expenses teachers incur. This reimbursement amount is helpful, and we are trying a balanced approach given the available resources we have.

Ms. Haldeman:

We support S.B. 240. This issue is bothersome to all parties. In 2008 and 2009, CCSD developed a program similar to provisions in this bill. We had a budget surplus at the time, and the superintendent determined we could use a portion of the surplus to reimburse teachers for their out-of-pocket expenses for classroom supplies. The CCSD issued a debit card to teachers. Random audits could be performed of purchases made by teachers. In very few instances, purchases did not meet requirements set by CCSD. If there was a balance on the debit card at the end of the fiscal year, those funds were moved to a different account and were used to purchase supplies for schools in need.

Senator Kihuen:

I recall the debit cards. Were those issued to all CCSD teachers?

Ms. Haldeman:

Yes, they were issued to classroom teachers.

Chair Woodhouse:

When you worked on your bill with CCSD and CCEA, did you consider issuing debit cards to classroom teachers?

Senator Roberson:

I used the guidance of CCSD. The CCSD thought the provisions in the bill were workable and appropriate.

Teresa Boucher (Teacher, Clark County School District):

I am a teacher. I go out of my way to support my students. I require my students to create an interactive notebook. I provide notes for students, and they place the notes in their notebooks for a year. I allow students to decorate their interactive notebooks. I purchase the supplies for students to decorate their notebooks.

I have a metal cupboard in my classroom that substitutes as a food storage locker for the students. I have students who forget their lunch or do not have money for lunch, and I feed them. I have purchased clothes and shoes for my students. I have spent approximately \$5,000 a year on my students. I do not regret or resent doing this for my students. I urge the Committee to support S.B. 240.

Senator Cegavske:

In the past, were you one of the recipients of debit cards?

Ms. Boucher:

Yes. I have been with CCSD for 6 years. For the first 3 years, I received debit cards in the amount of \$200.

Scott Miller (Teacher, Clark County School District):

I support S.B. 240. I represent the interests of the thousands of first- and second-year teachers, and I want to describe how this bill will provide needed economic relief to teachers. New teachers begin their first year with little or no available resources. These teachers are most likely to be at the low end of the salary scale and many qualify for food stamps. The cost of essential supplies represents a large percentage of their net income. Passage of S.B. 240 will alleviate the economic difficulty experienced by new teachers.

Ms. Harper:

I support S.B. 240. I speak as an individual and on behalf of several teachers from Desert Pines High School who could not attend the Committee meeting. My school is 70 percent Hispanic. Throughout the years, I have purchased notebooks, pens and pencils. Many students come to school without any

supplies. Some parents of our students state they have no supplies for their child. I have purchased ACT, SAT and Advanced Placement study guides for students.

In addition, I would like to read three letters from teachers who support S.B. 240 and who were not able to attend the Committee meeting.

My name is Dr. Brian Boyars. I am a science teacher at Desert Pines High School. I presently teach three lab-based science courses: Chemistry I Honors; Physics Honors; and Advanced Placement Chemistry. Because my school has been underfunded, I have been forced to spend over \$500 each year of my personal money on supplies I need for my classes to do the labs. I am not referring to any type of basic classroom supplies but rather scientific equipment like glassware and chemicals. I don't know if you are aware just how expensive scientific lab equipment is. The prices for the simplest piece of equipment can be tremendous. Where our school does have equipment for labs, it isn't nearly enough to do all the labs we would like to do for our school. I must invest my own money or deprive my students of valuable lab experiences. I would like to invite you quarterly to visit my classroom at your convenience so you can understand what education has done for us.

My name is Barbara Dreyer. Please fund education in Nevada. Our kids are our future. As a teacher in CCSD, I use my money and time to go beyond my required duties just to get everything done. I average 12-hour days in my classroom. My classroom activities include: prepping; tutoring; and contacting parents. I spend an average of \$1,000 per year on supplies, rewards, laboratory items and various things I need to keep my classroom running. Good teachers are thinking about having to change professions because of high pressures, requirements and lack of support.

My name is Lundyne Sloan. I spend 10 hours per day tutoring after school. The supplies I have bought include: scissors; notebook paper; photocopy paper; laboratory supplies; pencils; pens; binders; folders; and laptop computers. I have bought these supplies for the sole purpose of providing a better education for students.

Jerry Webster (Teacher, Clark County School District):

I support S.B. 240. I love my profession. I kept the receipts for supplies I have purchased for my students. The receipts totaled \$700. This has been a challenge at my school. We were classified as an intermediate school for Grades 3 through 5. When kindergarten and Grades 1 through 2 were added, many teachers chose to stay at the school even though they were assigned to a lower grade level. Changing grade levels meant investment in supplies to support the new curriculum. Some of our students need folders, pencils, glue and other essential supplies. We ask the Committee to support S.B. 240.

Heather Semon (Teacher, Clark County School District):

I support S.B. 240. I am a new teacher. I have spent approximately \$2,000 to get the classroom ready for the students. I believe in quality and equity for all students. I have no other choice but to purchase supplies for students in my classroom. I could easily direct my money to my family, but I choose to purchase supplies for my students instead. I cannot ask parents to provide supplies when they indicate they cannot pay their rent. I urge the Committee to support S.B. 240.

Mr. Vellardita:

The Clark County Education Association supports S.B. 240. It is difficult to listen to the testimony of the teachers I represent. Every day, over 25,000 teachers in the State make the decision to purchase supplies for their students. This is a \$25 million investment made by teachers for their students. We encourage the Committee to consider the proposed amendment, [Exhibit M](#), to revise the language in section 5 of the bill.

Dr. Pierczynski:

The Nevada Association of School Superintendents supports S.B. 240. This is a respectful bill.

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

We oppose S.B. 240. We applaud teachers who go beyond their duties to help their students. Our objection is technical in nature. The CCSD-CCEA contractual provision, Article 10-7, states:

In allocating school budget resources relative to supplies and materials for the classroom, the principal will consult with and seek the input of the Teachers Advisory Council. Teachers shall not be

asked, expected, or encouraged to purchase classroom supplies and/or materials from their personal funds.

The idea behind this bill is laudable, but it contravenes this contractual provision.

Senator Ford:

You have cited a contractual provision, but I do not think that is what the bill proposes. The bill recognizes the fact that teachers are attempting to meet the expectations of the classroom. This bill and the contractual provision you cite are not mutually exclusive.

Mr. Lawrence:

The operative word in the contract is "encourage." If we guarantee reimbursement, the teacher is being encouraged to provide supplies at his or her own expense.

Senator Ford:

I disagree. The bill states that if the teacher purchases needed items, he or she will be reimbursed.

Senator Roberson:

I ask that the Committee support S.B. 240.

Chair Woodhouse:

The hearing on S.B. 240 is closed. The hearing on S.B. 195 is open.

SENATE BILL 195: Revises provisions governing underperforming public schools. (BDR 34-149)

Senator Michael Roberson (Senatorial District No. 20):

Senate Bill 195 is primarily a parental involvement bill modeled after so-called parent trigger laws in several states. The approach contained in this bill has gained widespread popularity among the states. In fact, a report this month from the National Conference of State Legislatures noted that 25 states have considered parent trigger legislation. Seven states have enacted various versions of the law.

There are three components of parent trigger laws. First, these laws encourage parental involvement, especially for schools within low-income neighborhoods, since they provide parents with a more active role in the management of their child's school. In the twentieth century, schools became further removed from the communities they served. As we built mega-schools and expanded the size of school districts, we also distanced our communities and neighborhoods from our public schools. Our efforts to create greater efficiencies in schools have also resulted in greater alienation among parents. It is no wonder that legislatures are continually trying to increase parental involvement. This bill helps restore that direct connection between parents and the school educating their children.

Second, the past two decades of school reform have shown us that the traditional procedures for turning around low-performing schools are too slow. In addition, they are heavily influenced by political interests and the interests of the adults within the system, not necessarily by the students' interests.

Approximately 5 years ago, the research firm Mass Insight Education released a report titled "The Turnaround Challenge." This report caught the immediate attention of the education community. The report concluded that the majority of school improvement programs used to help low-performing schools were ineffective. After examining successful approaches to improving schools, the report made the following conclusions: chronically underperforming schools require dramatic change that is tuned to the high-poverty enrollments they tend to serve; light-touch school improvement and traditional methods are not adequate; and, with rare exceptions, schools and districts will not undertake the dramatic changes required for successful turnaround on their own. The report continues to be a featured discussion item at the national level with the National Association of State Boards of Education, the Council of Chief State School Officers and the Education Commission of the States. Following the report, many states adopted bold strategies designed to make these changes, including policies for school transformation, and restarts and empowerment models. Senate Bill 195 incorporates these recommended strategies.

Third, S.B. 195 will foster better communication between parents, schools and districts about existing school programs and turnaround policies since officials attempt to avoid parent petitions.

The purpose of S.B. 195 is to provide parents of students in chronically low-performing schools a voice in restructuring their child's school for success.

Section 2 states that parents or legal guardians with children in schools that have been designated as needing improvement may petition to have their local school board take action and intervene in one of two ways. They may use a restart model that converts the school into a charter school operated by an educational management organization, or they may convert the school into an empowerment school in accordance with the statutes for such schools. The petition must have signatures for 51 percent of the parents or legal guardians of children enrolled in the school, although provision is made to include signatures of parents of children who are expected to enroll in middle school or high school the next school year.

Section 3 describes the responsibilities of the school district board of trustees. Following a determination that the petition is sufficient, the board is required to act upon it in a public hearing within 30 days. If the board of trustees determines that the model specified in the petition is not possible, the board may implement the alternate model. The petitioners can appeal this decision to the Superintendent of Public Instruction.

Section 4 specifies the process for restructuring a school under the restart model, including provisions for selection of an educational management organization to operate the school.

If a school is restructured under a restart model, parents who disagree with this approach have an option. Section 5 of the bill provides that the parents can apply for a zone variance for the child to attend another school within the school district if space be available at that school. The district is not obligated to provide transportation for the student.

Senate Bill 195 specifies: requirements for determining the sufficiency of the petition; notification requirements for the various parties; and implementation deadlines. Section 7 requires the Advisory Council on Parental Involvement and Family Engagement to develop and submit recommended regulations concerning this process to the State Board of Education and requires adoption of regulations.

Section 13 specifies that provisions of the bill that might conflict with contracts effective July 13, do not apply. However, such provisions do apply to any extension or renewal after July 1, including contracts or notices of

reemployment. Most of the other portions of S.B. 195 make technical changes to existing statutes so they conform to other sections of the legislation.

Senate Bill 195 is a parent involvement bill, designed to give a direct voice to those who often are not heard at all—the parents of students in our lowest performing schools.

Ryan Donohue (Deputy National Advocacy Director, Parent Revolution):

We are a nonprofit community service organization based in California. Our organization's primary mission is to transform public education based on what is good for children by empowering parents to transform their underperforming schools using community-organizing tactics. We work directly with parents at underperforming public schools throughout California. We help organize parents to transform their child's underperforming schools using the California Parent Empowerment Act of 2010. Because of our history working with underperforming schools, we support S.B. 195.

I speak to the success of the California Parent Empowerment Act of 2010. California is likely to see transformation of at least two schools because of this law. The two schools include one rural school and one urban school. The rural school is likely to become a nonprofit, high-performing charter school. Prior to becoming a charter school, the school had a 60 percent ELL and 95 percent free and reduced lunch program participant population. The parents organized and persuaded 72 percent of the parents to sign a petition to transform the school. This school moved from being one of the worst schools as measured by test scores in the state of California. The urban school is in the process of transformation. The parents of children in the urban school will be voting to determine how to transform the school.

The California Parent Empowerment Act of 2010 has given parents political power to address their concerns about public education. It gives parents the opportunity to exercise their First Amendment rights to petition their government to improve childhood education.

It is our belief that parents want what is best for their children and should have a voice in their child's education. Senate Bill 195 creates the environment for the same to happen. I urge the Committee to support S.B. 195.

Craig Hulse (Nevada State Director, StudentsFirst):

We support S.B. 195. This bill gives parents a voice regarding the performance of public schools.

Mr. Lawrence:

The Nevada Policy Research Institute supports S.B. 195. We have always been in support of enacted parent empowerment legislation. Because failing schools are disproportionately located in low-income neighborhoods and predominantly minority neighborhoods, these are laws that tend to benefit these communities. These laws have received nonpartisan support. Senate Bill 195 is positive legislation because it fosters parent engagement.

Senator Gustavson:

Senate Bill 195 states schools must be approved by an educational management organization. How effective are these organizations, and are there such organizations in Nevada?

Mr. Lawrence:

As the bill is written, approval must be sought from and given by a management organization and the board of trustees before school transformation can begin. Historically, boards of trustees are reluctant to grant approval to transform schools.

Mr. Donohue:

Regarding questions posed by Senator Gustavson, I concur with Mr. Lawrence. Implementation of parent empowerment laws do not have to be difficult. In addition, a number of educational management organizations oversee charter schools.

Mr. Stevens:

The Nevada State Education Association opposes S.B. 195. There are provisions in the bill with which we agree. However, we oppose the charter school provisions in the bill. There is no guarantee of greater parent engagement.

Ms. Anderson:

The Washoe County School District opposes S.B. 195. We are pleased that the bill focuses on family engagement. That is an important issue to WCSD. Family engagement is part of the WCSD strategic plan. We are currently addressing the

needs of our underperforming schools with the emphasis on family engagement. This bill conflicts with WCSD's strategic plan and our board of trustees' theory of action for supporting schools. We recently announced our performance framework. We have identified our lowest-performing schools, and we are putting resources toward those schools in a managed framework. We are empowering parents, and they are engaged in our efforts. We do not want to abandon our strategic plan. We are concerned about the structures to effectively carry out this legislation. The school board is an elected body, and they listen to the parents and encourage family engagement.

Senator Roberson:

Thank you for hearing S.B. 195.

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Chair Woodhouse:

The hearing is closed on S.B. 195. The meeting is adjourned at 9:45 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	7		Attendance Roster
	C	25	Fernando Serrano	Nevada KIDS COUNT Data Book Presentation
	D	2	Fernando Serrano	Nevada KIDS COUNT Newsletter; Profile of Black (African American) Children in Nevada
	E	2	Fernando Serrano	Nevada KIDS COUNT Newsletter; Profile of Hispanic Children in Nevada
	F	2	Fernando Serrano	Nevada KIDS COUNT Newsletter; Profile of White Children in Nevada
S.B. 504	G	1	Senator Moises (Mo) Denis	Appropriations within Senate Bill 504
S.B. 504	H	1	Melissa Morgan	Written Testimony
S.B. 504	I	2	Progressive Leadership Alliance of Nevada	Written Statement
S.B. 504	J	1	American Civil Liberties Union of Nevada	Written Statement
S.B. 455	K	1	American Civil Liberties Union of Nevada	Written Statement
S.B. 291	L	1	American Civil Liberties Union of Nevada	Written Statement
S.B. 240	M	1	Clark County Education Association	Proposed Amendment