

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

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

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 5 p.m. on Monday, April 8, 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 Greg Brower, Senatorial District No. 15

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Sharla Hales, Nevada Association of School Boards; School Board of Trustees,
Douglas County School District
Craig Hulse, StudentsFirst
Bryan Wachter, Retail Association of Nevada
George A. Ross, Las Vegas Metro Chamber of Commerce; Association of
Gaming Equipment Manufacturers
Stephen Augspurger, Executive Director, Clark County Association of School
Administrators and Professional-Technical Employees

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Lindsay Anderson, Washoe County School District
Christine Simo
Tray Abney, The Chamber
Ray Bacon, Nevada Manufacturers Association
Craig M. Stevens, Nevada State Education Association
Ron Dreher, Washoe School Principals' Association
Autumn Tampa
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Joyce Haldeman, Associate Superintendent, Clark County School District
Geoffrey Lawrence, Nevada Policy Research Institute
Tami Berg, Nevada PTA
Angie Sullivan
Beth Wells, Executive Director, Nevada STEM Coalition
Mark Newburn
Lou Loftin, Staff Development Trainer, Regional Professional Development Program, Washoe County School District; Science Trainer, Nevada's Northwest Regional Professional Development Program
Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Brian Crosby, Regional STEM Training Facilitator, Nevada's Northwest Regional Professional Development Program
Janine Hansen, President, Nevada Families Association
Carolyn Edwards, President, School Board of Trustees, Clark County School District
Dawn Miller, Nevada PTA

Chair Woodhouse:

We will hear Senate Bill (S.B.) 193.

SENATE BILL 193: Revises provisions governing reductions in the workforce of school districts. (BDR 23-1009)

Senator Greg Brower (Senatorial District No. 15):

Senate Bill 193 is a product of discussions I have had with various school district personnel and school board members. When schools are forced to lay off teachers or administrators, existing law states the district "may" consider performance evaluations. This bill would require districts to consider

performance evaluations in their decision to lay off personnel. I believe this is a common sense policy change.

Sharla Hales (Nevada Association of School Boards; School Board of Trustees, Douglas County School District):

The Committee has received my written testimony ([Exhibit C](#)) in support of S.B. 193. The improvements that are being developed for evaluations for teachers and administrators will enhance meaningful interactions between teachers and instructional leaders. *Nevada Revised Statute* (NRS) 288.151 was added during the 76th Session to prohibit reduction-in-workforce (RIWF) decisions from being based solely on seniority. However, this change has not been as effective as we hoped.

The circumstances in the Douglas County School District are a microcosm of what has transpired throughout the State concerning RIWF. With the changes in NRS 288.151, the Douglas County School District school board understood they had leverage with which to negotiate changes to the union contract to allow RIWFs based on student learning and achievement. Our board directed our negotiating team to place priority on improving the contract's RIWF language specifically to include the factors listed in NRS 288.151. The response from the teachers' association to the Douglas County School District proposal was that there were no changes needed since the layoff provisions were not based solely on seniority, but were based on licensure. This response was disappointing to the Douglas County School District. In spite of our negotiating team's best efforts, the teachers' association would not move from their position. Specifically, we were prevented from including performance evaluations as a factor for consideration in RIWFs.

As the negotiation process continued, we had two options: forego inclusion of performance evaluations in RIWFs or take the issue to arbitration. Because the Washoe County School District (WCSD) and the Clark County School District (CCSD) had just lost their cases in arbitration, we chose to mediate. The Douglas County School District agreed that the mediator would serve as arbitrator if the mediation did not result in a settled contract. During mediation, the mediator informed our negotiating team that he felt seniority was a "clean and fair way" to make RIWF decisions. We knew then our success was unlikely if our case went to arbitration. We chose to settle by excluding performance evaluations in RIWF decisions.

Cumulatively, we have cut out \$5.5 million of the current budget of \$42.7 million in the past 4 years. Because personnel costs are 85 percent of our budget, RIWFs have included teaching staff. Administrators have communicated to me that RIWFs would be less painful if the Douglas County School District removed those teachers who contribute the least to student achievement. The Douglas County School District was one of seven districts that was unable to negotiate into the contract the factors included in NRS 288.151. Two districts were able to bargain into their contracts the licensure and degree-attained provisions. A slim majority of districts do not have performance evaluations included in RIWF decisions. Eight districts consider performance evaluations to some degree, and nine districts do not take performance evaluations into consideration in making RIWF decisions. Every district would like to take performance evaluations into account when RIWF decisions are being made in keeping with the focus on student learning and achievement.

The Douglas County School District, like most rural districts, has a slightly declining enrollment. Every forecast indicates the Douglas County School District will need to reduce its workforce in the future. Please give us the tools we need to ensure dollars are spent wisely and to ensure we are keeping teachers who offer students the best education. The time is right to include performance evaluations in RIWF decisions, but this cannot happen in the Douglas County School District without your assistance. This is the right thing to do for taxpayers, families and students. I am confident this change will contribute to other educational reforms underway in the State to increase student achievement and learning. I support S.B. 193.

Senator Ford:

Did you indicate that eight of nine districts have contract provisions to take into account performance evaluations in their RIWF decisions?

Ms. Hales:

There are 17 school districts in the State. Eight school districts use some aspects of performance evaluations in their RIWF decisions.

Senator Ford:

Have the other nine school districts attempted to negotiate into their contracts the inclusion of performance evaluations in RIWF decisions?

Ms. Hales:

I cannot speak for all nine school districts, but it is my perception most school districts tried to negotiate the inclusion of performance evaluations in RIWF decisions, and they were unsuccessful.

Senator Ford:

What do you attribute to the eight school districts that were successful in their negotiations, and what do you attribute to the nine school districts that were unsuccessful?

Ms. Hales:

One or two school districts had contract language to consider performance evaluations in RIWF decisions prior to the addition of NRS 288.151. Other school districts were able to negotiate the language into their contracts.

Senator Ford:

Did the eight school districts that consider performance evaluations in RIWF decisions negotiate that provision into their contracts?

Ms. Hales:

That is correct.

Senator Ford:

Have the other nine districts not been able to negotiate that provision into their contracts?

Ms. Hales:

There is no possibility that the Douglas County School District can negotiate this issue with the teachers' association.

Senator Ford:

What is different in the Douglas County School District that makes negotiation of this provision impossible?

Ms. Hales:

The Douglas County School District has a different climate and culture, and we have different association leadership.

Senator Cegavske:

The intent of NRS 288.151 was to move from "last in, first out" for teachers to include teacher performance reviews in RIWF decisions.

Ms. Hales:

In some school districts, the legislation carried some weight, and it was negotiated into some contracts.

Senator Cegavske:

Does S.B. 193 strengthen NRS 288.151?

Senator Brower:

This bill requires that performance evaluations be considered in layoff decisions. The quality of the individual employee and the quality of that employee's performance should not have to be bargained. It should be a matter of public policy that performance evaluations are required when layoff decisions are made. Without this change in statute, performance evaluations will continue to be the subject of bargaining. As testimony has demonstrated, this issue differs from county to county, and there should be uniformity throughout the State.

Senator Cegavske:

I think S.B. 193 brings clarity to the statute, and I support the bill.

Senator Ford:

Are we being asked to put into statute the provisions concerning contract bargaining that some districts have already been able to achieve through negotiation?

Ms. Hales:

I do not envision Douglas County ever being successful in negotiating this issue with the teachers' association.

Senator Ford:

I am conflicted about putting this provision into statute. For example, one could argue that teachers who thought they were unfairly compensated could ask the Legislature to place provisions in statute for compensation.

Senator Brower:

You, like many of us in the Legislature, are trying to do everything we can to ensure teachers have more resources to do their jobs. However, consideration of performance evaluations in reductions-in-workforce decisions is not an issue that should be bargained.

Craig Hulse (StudentsFirst):

We support S.B. 193. Governor Brian Sandoval's proposal during the 76th Session was that seniority not be considered whatsoever in the layoff-decision process. This bill requires neither that evaluations are solely used in layoff decisions nor does the bill eliminate seniority as a consideration in layoff decisions. This bill is necessary because it clarifies the language of NRS 288.151.

Bryan Wachter (Retail Association of Nevada):

We support S.B. 193. The Retail Association of Nevada has approximately 400,000 employees who either are directly or indirectly created or employed through retail businesses. Either those employees are students themselves or they have family members who are students, so we have an interest in education policy.

According to Working Paper No. 17699 of the National Bureau of Economic Research, "The Long-Term Impacts of Teachers: Teacher Value-Added and Student Outcomes in Adulthood," when a high value-added teacher enters a school, end-of-year test scores in the grade he or she teaches rise immediately. Students assigned to high value-added teachers are more likely to go to college and earn higher incomes. These students are less likely to become teenage mothers. On average, having a high value-added teacher for 1 year raises a child's cumulative lifetime income by \$50,000. The savings gained from replacing a low value-added teacher with an average-quality teacher is approximately \$190,000 and eventually surpass another \$250,000 in savings per class based on a 3-year study. While these statistics are more relevant to value-added methodology standard for evaluating teachers, there is no denying that a well-evaluated teacher should take preference during RIWFs when compared to such things as national board certification, longevity, license type or advanced degree. Much like our own workforce that values results over longevity and reviews from consumers, we find it hard to imagine a system that forces an employer, or in this case a school district, to bargain for the right to

include employee evaluations always when considering a RIWF. We urge the Committee's support for S.B. 193.

George A. Ross (Las Vegas Metro Chamber of Commerce; Association of Gaming Equipment Manufacturers):

The Las Vegas Metro Chamber of Commerce (LVMCC) endorses S.B. 193. For our economy to progress and to grow, it is imperative we have a well-educated workforce. The weakness of the State's educational system has been seen as one of the impediments to our economic development and economic diversification. For Nevada citizens, with or without children, our children are our most precious possessions. Other than providing our children with good morals and values, the most important thing we can provide them is an education that enables them to be productive and contributive citizens. In business, performance matters. There is nothing more important than a teacher who understands how to teach and teaches well. Inclusion of performance evaluations in layoff decisions must not be sacrificed on the pillar of bargaining. The quality of education is paramount.

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

We support S.B. 193 for two reasons. First, school districts do not often reform themselves without being nudged by important policy statements from legislative bodies. There is always difficulty in moving away from traditions and changing cultures. Sometimes a policy statement like S.B. 193 is profound in its impact and in its ability to improve the system. Second, in our contract we negotiate with the CCSD, we have had for many years' language that states if an administrator is twice rated unsatisfactory and there is a RIWF, that administrator is the first to be reduced in force.

In 2010, the CCSD had a significant school-based administrator RIWF that impacted 137 administrators. At that time, we had three administrators who had received their second unsatisfactory evaluation. With the language we had in our contract, those three administrators were the first to be reduced in force even though they were senior administrators. In every contract, there are recall provisions as there should be under certain circumstances. However, because the recall language was in our contract, each of those three administrators who had each received two unsatisfactory evaluations were reassigned as principals. We felt that was unconscionable. That year during negotiations, our association, with full support of our membership, brought forward language that said, if

one is reduced in force because of two unsatisfactory evaluations, that person forever gives up their right to be recalled as an administrator. This was a statement that we value performance, we want people performing their work well, that no student should be subject to a poorly performing teacher and that no teacher should be subject to a poorly performing administrator. During negotiations this year, we brought forth additional provisions that state when there is a RIWF and the necessary numbers cannot be achieved by those having unsatisfactory evaluations, next we look at discipline. We look at only one level of discipline which is suspension. Administrators who have received suspensions would be reduced in force prior to other administrators. After working through those provisions, we move to standard seniority provisions in the contract.

If we value children, passage of S.B. 193 is the right thing to do.

Senator Ford:

Does your bargaining contract have provisions that require consideration of performance evaluations in RIWF decisions?

Mr. Augspurger:

We have the provision that states if an employee is twice rated unsatisfactory, that employee is the first to be reduced in force.

Senator Ford:

Is that provision in your bargaining contract?

Mr. Augspurger:

Yes.

Senator Ford:

What safeguards or processes are in place for individuals who have been twice rated unsatisfactory? Are there appellate procedures for these individuals?

Mr. Augspurger:

In our contract, we define an unsatisfactory performance evaluation as a disciplinary document. Discipline is always subject to the grievance and arbitration process. In the 13 years I have worked for the association, I have never seen an administrator who received an unsatisfactory performance evaluation appeal the decision through the grievance or arbitration procedure.

Lindsay Anderson (Washoe County School District):

The WCSD supports S.B. 193. The school district is fortunate to be one of the districts that has a positive and respectful working relationship with the Washoe Education Association. During our last contract negotiation, the WCSD was able to include language pertaining to performance evaluations in addition to licensure and seniority in our RIWF provisions. We understand the bill sponsor's intent to codify the language in statute. This bill aligns with our board platform that the State's education reform and increased achievement begin and end with high-quality human capital.

Senator Ford:

Does your contract have appellate and due process procedures?

Ms. Anderson:

I do not know if the contract contains those procedures, but I will obtain that information for you.

Christine Simo:

I support S.B. 193. I am a teacher, but most importantly, I am a parent in Clark County. I teach at a private school and am a parent of twin 17-year-olds in a public school in the CCSD. I have taught for a total of 13 years in Florida and Nevada. When I moved from Florida to Nevada in 2010, I received my first position as a Grade 1 teacher in the CCSD. I was pleased with my new school, my students and my administrators. However, by the end of the school year, I was one of four teachers threatened by a RIWF. I was told that if I were laid off, I would probably not be recalled. I was saddened that even though I had made a difference and had made great gains in my students' achievement, I learned I would be laid off. In addition, I had just received national board certification that was presented to me by Superintendent Dwight Jones 1 month prior to being laid off. I was a last in, first out employee. My principal was disappointed because she had no control over whom she had on her team. I found a job at a private school, but I miss working in public school. With the skills, education and qualifications I possess, I should be able to help the CCSD.

Senate Bill 193 is a common sense bill. The bill will benefit the students. We should only want and demand the best teachers for our children.

Tray Abney (The Chamber):

The Chamber supports S.B. 193. This bill is about our children and the future workforce. This bill will ensure the best possible teachers are in front of every classroom. One's seniority does not equate to being the best person for the job. We believe this is a common sense measure. This is not about adults, labor contracts or politics. This bill is about requiring the consideration of performance evaluations in RIWF decisions so the remaining teachers are the best teachers for the district.

Ray Bacon (Nevada Manufacturers Association):

The Nevada Manufacturers Association supports S.B. 193. The provisions in S.B. 193 were not included in the legislation of the 76th Session. This is a common sense bill. The number of ineffective teachers in each school district is insignificant, but they have a significant negative impact on children. This bill is not anti-teacher. It is essential we make this correction for the future. In the private industrial sector, the poorest performers are the first to be laid off regardless whether it is a union company or not.

Senator Cegavske:

Our administrators are handicapped because they cannot release those employees who are not performing satisfactorily. We must have highly qualified teachers in the classroom. We need to pass S.B. 193.

Chair Woodhouse:

The Committee has received a written statement ([Exhibit D](#)) from Frank Brittain supporting S.B. 193.

Craig M. Stevens (Nevada State Education Association):

Our association opposes S.B. 193. First, our research shows that 12 of the 17 school districts have reduction-in-workforce provisions in their contracts. Second, seniority is not the sole factor used in RIWFs for 95 percent of all educators in the State. Third, 94 percent of all educators in the State are subject to the consideration of performance evaluations during RIWFs. There are some rural counties in which this is not happening, but they are not a microcosm of what generally happens during RIWFs.

There are different priorities in different districts. For example, in the Esmeralda County School District there are only five educators, so a RIWF process would be different there than in the CCSD. Mineral County

School District has seven or eight long-term substitutes. When Mineral County School District sat at the bargaining table, their priority was not to find a way to fire people, but to determine how to attract the best educators to their district. The determining factors for RIWFs should be left at the local level.

Senator Ford:

What other school districts use seniority as a sole determining factor in RIWFs?

Mr. Stevens:

I do not have that information with me. In Douglas County, there was some difficulty with the arbitrator. Requiring the consideration of performance evaluations in statute does not guarantee that evaluations are going to be used. During the 76th Session, the priorities for many districts concerned funding.

Senator Ford:

Why do we need to have this issue as part of bargaining?

Mr. Stevens:

The reduction-in-workforce procedures are different because each school district is different. We believe each school district should be given leeway to determine what RIWF procedures are best for the school district. The Legislature has already stated that seniority cannot be used as the sole factor in RIWFs. Requiring school districts to use performance evaluations during RIWFs may not be best for every school district. This is a local issue and should be left to the local authorities. Regarding the retention of bad teachers, there is a procedure to fire them. Teachers should be fired if they are not performing. However, RIWFs should not be used to dismiss underperforming teachers. Administrators should be held accountable if RIWFs are used to dismiss underperforming teachers.

Senator Gustavson:

Why would we fire a qualified teacher and keep a teacher who is unqualified?

Mr. Stevens:

The new performance evaluation system is not ready yet.

Senator Gustavson:

I know the performance evaluation system is not in place yet. One bad teacher can harm a child for life. We need to do something quickly about this situation.

Mr. Stevens:

There is a process in place to dismiss poorly performing teachers, and that process should be used.

Senator Ford:

Of the 12 school districts that have contract provisions to use performance evaluations in RIWF decisions, are these provisions comparable across districts?

Mr. Stevens:

There are due process provisions in all of the contracts. However, the RIWF language may differ from one district to another.

Senator Kihuen:

What is the definition of a "bad teacher"?

Mr. Stevens:

In existing statutes, there is a list of offenses for which a teacher may be fired.

Senator Kihuen:

Is there a process in place to remove bad teachers?

Mr. Stevens:

Yes. There are two processes. First, the principal identifies and notifies a poorly performing teacher. The principal then gives the teacher adequate time to improve. If there is no improvement, the principal moves to dismiss the teacher. Second, if a teacher receives two annual unsatisfactory evaluations, the teacher is moved to probationary status. The probation is for one year. If there is no improvement, the teacher can be dismissed, and the teacher cannot appeal the decision.

Senator Kihuen:

When do the new teacher performance evaluations begin?

Mr. Stevens:

The teacher performance evaluations have already begun. There are teachers who are going through the process. Teachers who have received two unsatisfactory evaluations will be moved to probationary status beginning next year.

Senator Kihuen:

What happens to a teacher who is given a bad evaluation and that evaluation is not based on performance?

Mr. Stevens:

Many times, evaluations are simply checkmarks on a page or a 30-minute observation by the administrator. This is one of the issues we have with evaluations because evaluations should have fidelity. With the system addressing teachers with two unsatisfactory performance evaluations, there is little protection for the teacher who is actually doing a good job but has a personality conflict with the administrator.

Senator Kihuen:

I believe teachers with poor performance should be dismissed. However, I am concerned about teachers who might have a personality conflict with the administrator.

Chair Woodhouse:

If a teacher receives an unsatisfactory performance evaluation, can that teacher transfer to another school?

Mr. Stevens:

That is determined by the individual contract. There are some contracts that state a teacher who has received an unsatisfactory performance evaluation is not allowed to transfer to another school.

Senator Gustavson:

What percentage of teachers are currently on probation?

Mr. Stevens:

I do not have that information.

Ron Dreher (Washoe School Principals' Association):

The Washoe School Principals' Association opposes S.B. 193. Performance evaluations are subjective. Performance evaluations should be bargained in the contract. The Douglas County School District stated they had a problem during mediation, but they had the opportunity to take negotiations to arbitration. I have negotiated collective bargaining agreements for 29 years. This bill is

about children to a degree, but it is not about children entirely. The bill is about changing the collective bargaining statutes.

Performance evaluations should be done fairly, equitably, impartially and objectively. It is my experience that performance evaluations are not done this way routinely. That is why there must be a next step. The Washoe School Principals' Association contract has provisions for due process. Due process for teachers and administrators is outlined in NRS 391.312. I request the Committee oppose S.B. 193.

Senator Cegavske:

Who is there for the child in the classroom of a poorly performing teacher or a teacher who has received two unsatisfactory performance evaluations and is on probation?

Mr. Dreher:

It is a fallacy that employees cannot be fired. There has to be a standard, and the system in place must be used. There is a movement to develop teacher and administrator performance evaluations. There are standards and due process in place. Principals have contacted me and stated they have been written up without just cause. Principals need to have due process.

Senator Cegavske:

I am concerned about the child in the classroom. Who is speaking for the child?

Senator Ford:

I believe in due process and the need to ensure employees are treated fairly. However, no one wants to protect poorly performing teachers. We need to consider what happens when a teacher is dismissed. Do we want to hire a long-term substitute? We need to do all that we can, not just in terms of dismissing poorly performing teachers, but in terms of supporting districts to recruit and retain good teachers.

Senator Kihuen:

I represent part of east Las Vegas. There are many English Language Learners (ELLs) in the area. Does the geographic area impact the performance of a teacher?

Mr. Dreher:

I think there is an impact. Many principals in the WCSD attempt to recruit those teachers to do the appropriate job regarding this issue.

Senator Kihuen:

We have not made a serious investment in ELL. We have not provided teachers or ELL students with the proper tools for them to succeed. The teacher may be effective, but may not be able to communicate with the student. We have to provide the right tools for the teacher and the student to succeed.

Mr. Dreher:

There will be a negative impact on a teacher who does not speak Spanish and the student does not speak English. There are many factors that can have a negative impact on teachers and students such as lack of parental involvement.

Autumn Tampa:

I have worked for the CCSD for approximately 14 years in various positions. I have worked in over 120 schools in the CCSD as a short- and long-term substitute teacher. In addition, I have worked as a teaching assistant, and I am now working in an ELL program.

There is due process in collective bargaining, and it protects everyone. Due process provides fairness for teachers. Reductions-in-workforce are about money and not enough positions. Evaluations of teachers should not be included in RIWFs. I oppose S.B. 193.

Senator Brower:

I appreciate the Committee hearing S.B. 193. Our goal is to move to effective performance evaluations for teachers and administrators. The simple premise of S.B. 193 is that these evaluations should be considered when making reduction decisions.

Chair Woodhouse:

The hearing is closed on S.B. 193. The hearing for S.B. 311 is open.

SENATE BILL 311: Revises provisions governing empowerment schools.
(BDR 34-637)

Senator Aaron D. Ford (Senatorial District No. 11):

Senate Bill 311 addresses student and parent accountability. I discussed the concept of this bill with several entities including: the Charter School Authority; the Department of Education (NDE); the Nevada Association of School Superintendents (NASS); the Nevada Association of School Boards (NASB); the Nevada PTA; the Nevada State Education Association (NSEA); the LVMCC; the CCSD; the WCSD; StudentsFirst; the Nevada Association of School Administrators; the Clark County Association of School Administrators; Parent Revolution; and communities and schools. During discussions with these entities, we came to an agreement on several issues.

This is “parent-trigger” legislation. We determined that if the bill triggered movement of a public school to a public charter school, we needed to be able to trigger out of the public charter school if necessary. After two meetings, we came to the decision that we would pursue legislation that is before the Committee.

According to the National Conference of State Legislatures, 25 states have considered parent-trigger legislation, 7 of which have enacted some version of the law. Those states have modified the parent-trigger concept to fit their specific circumstances. It is generally recognized that parent-trigger laws empower parents especially for those in low-income neighborhoods. These laws provide parents with a voice in the operation of their child’s school.

The purpose of S.B. 311 is to provide parents with students in underperforming schools an option to restructure the school through the empowerment model. The concept of empowerment was built upon a model administration referred to as “participatory management.” The concept of empowerment is anchored in the belief that critical decisions affecting instruction should be made at the school level by those most closely involved with the children. Schools that are held accountable for achievement should be given adequate resources. In addition, schools should have the freedom to determine how to attain specific goals by employing resources effectively and to engage the school community in the process.

The model the CCSD adopted used school district funds to implement its pilot program of empowerment schools during the 2006-2007 school year. Four elementary schools were selected to receive additional funds to provide smaller class sizes, extended school days, extended school years and additional

discretionary dollars. The principals' salaries were increased up to 5 percent and there was up to a 2 percent pay-for-performance increase for all licensed staff if specific achievement targets were met. By 2009, the CCSD had implemented a total of 17 empowerment schools funded with school district general funds and grants. The effectiveness of the empowerment school pilot program during the 2007-2008 school year was reflected in the following results: an increase in the percentage of proficient students in math by 9.7 percent and in English language arts by 5.5 percent when compared to their pre-empowerment proficiency percentages; student attendance rates consistently exceeded the CCSD average; and parent-satisfaction scores rose. This was a successful pilot program, and there was momentum to adopt this model at the State level. Unfortunately, the State began its empowerment program at the beginning of the economic downturn, and there was no available funding. State funds for empowerment schools were eliminated because of budget reductions. The 75th Session did not approve State funding to support the program through the 2009-2011 biennium. By adopting S.B. 311, we will renew our focus on the successful empowerment model.

Section 2 of the bill requires a school district to identify its schools rated as underperforming that are eligible for conversion to empowerment schools. Districts are required to post such schools annually on October 1, and districts must specify the number of valid signatures required to petition the school board to make the conversion to empowerment schools.

Section 7 defines an underperforming school as one that has been rated as underperforming by the NDE under its accountability provisions. We have exempted charter schools in this bill. However, there is a proposed amendment ([Exhibit E](#)) submitted by NSEA to remove that provision from S.B. 311. [Exhibit E](#) states charter schools can be converted to empowerment schools under this model.

Section 3 states that 55 percent or more of parents or guardians of pupils enrolled in a school may submit a petition for school conversion.

Section 4 describes the responsibilities of the school district board of trustees. The board is required to notify the Superintendent of Public Instruction upon receipt of the petition. The Superintendent of Public Instruction is given 15 calendar days to verify the signatures. Within 15 days of making a determination that the petition is sufficient, the board is required to adopt

a resolution approving the petition during a public hearing. The process of conversion must begin immediately following that decision. Section 4 also specifies requirements to determine the sufficiency of the petition, notification requirements for the various parties and implementation deadlines. For petitions that are determined to be insufficient, petitioners have 20 days to gather the requisite signatures for resubmittal.

Section 5 specifies the provisions of the bill that apply to school districts not statutorily authorized to participate in the State's empowerment school model.

Section 6 allows for parents to petition for reversal of school conversion using the same petition requirements as those stated in section 4.

Section 8 allows those school districts authorized to participate in conversion to exceed the cap authorizing or limiting empowerment schools within a district.

Other provisions of S.B. 311 authorize the adoption of associated regulations, or they make technical changes to existing statutes to conform to other sections of the legislation.

Senator Cegavske:

Will section 7, subsection 2, paragraph (b) remain in the bill?

Senator Ford:

I need to research that particular provision. [Exhibit E](#) allows charter schools to be converted to empowerment schools.

If after 3 years of being an empowerment school the school has not improved, there is the opportunity to trigger to a charter school. The charter school trigger is subject to the requirements stated in section 3 of the bill. If the charter school fails after 3 years, there is an automatic trigger to convert the school to a public school.

The intent of S.B. 311 is to improve parental involvement and responsibility to enhance the academic achievement of our students.

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

The NASB supports S.B. 311. The NASB has submitted a proposed amendment ([Exhibit F](#)) to the Committee.

The intention of [Exhibit F](#) is to insert a step prior to the petitioning process to convert an underperforming school to an empowerment school. School boards recognize that often parents want to have their voices heard, and they want to meet with the school administrator to discuss concerns they may have. When parents are given this opportunity, challenges are resolved, parent engagement is increased and student learning and achievement is improved. [Exhibit F](#) has six proposed language changes to S.B. 311.

First, the board of trustees of each school district is required to establish a process to develop a school advisory team at the underperforming school.

Second, on or before February 1, 10 percent of the parents of pupils attending the underperforming school may petition the board of trustees or its designee to establish a school advisory team. We originally set the percentage of parents who can petition at 1 percent. However, setting a 10 percent threshold will give a broader base of parents requesting that the process to be put into place. This addresses those districts with small populations.

Third, the school advisory team would be composed of nine members including: an administrator at the school; five parents of pupils attending the school; two teachers employed by the school; and one support staff member employed at the school.

Fourth, the responsibilities of the school advisory team include: review of achievement data for pupils; consideration of support programs in place at the school; consideration of the level of parent engagement; development of recommendations to make schools more inviting to parents; and development of recommendations to increase pupil learning and achievement. The intent of this proposed provision is to provide ideas for further improvements in an underperforming school.

Fifth, the school advisory team is required to meet six times per year beginning March 1 prior to moving to other measures described in S.B. 311.

Sixth, the school advisory team is required to submit a report to the school board of trustees describing the recommendations and activities of the team.

The NASB believes it is important for the board to develop these provisions. In addition, [Exhibit F](#), includes flexibility so the school advisory team can be increased as necessary.

Senator Cegavske:

I am concerned about why you changed the percentage of parents who can petition from 1 percent to 10 percent. Is that the percentage included in other bills, or has that been used at the national level?

Dr. Merrill:

There are many ways parent engagement can be evaluated and assessed. For accountability reporting purposes, the data reflect the number of parents who participate in parent/teacher conferences, the number of parents who participate in school activities and the number of parents who seek assistance to help their child at home.

With regard to the 10 percent provision in [Exhibit F](#), the NASB believes that allowing 1 percent of parents of students attending an underperforming school to petition was too low, and 10 percent was not too high.

Pepper Sturm (Policy Analyst):

Does [Exhibit F](#) propose to replace section 2 of S.B. 311?

Dr. Merrill:

The NASB would leave that to the Legal Division, Legislative Counsel Bureau, to determine where the proposed language of [Exhibit F](#) is most appropriate in S.B. 311.

Mr. Stevens:

The NSEA supports S.B. 311. The NSEA has had several goals as an advocate of parent-trigger legislation. First, the NSEA wanted the legislation to be fair. Second, we wanted parents involved in the process. Third, we wanted to ensure there were results at the end of the process.

The NSEA proposed amendment, [Exhibit E](#), amends section 6. The provisions in [Exhibit E](#) address those schools that move from an empowerment school to a charter school. If the charter school is not working after 3 years, the charter is revoked. The NSEA chose 3 years because studies show that within that period it is known whether or not a charter school is successful.

In addition, the NSEA supports the NASB proposed amendment [Exhibit F](#).

Senator Cegavske:

Does [Exhibit E](#) cover all charter schools?

Mr. Stevens:

[Exhibit E](#) pertains only to parent-triggered charter schools.

Senator Cegavske:

Item 2 of [Exhibit F](#) states that 10 percent of parents of pupils in an underperforming school “may” petition the board of trustees. Does this provision precede section 3 of S.B. 311?

Dr. Merrill:

The bill must first clarify the definition of underperforming schools. The NASB proposes that language in [Exhibit F](#) follow the definition of an underperforming school, but precede section 3, subsection 2, paragraph (b) of S.B. 311.

Mr. Hulse:

StudentsFirst supports S.B. 311. This bill addresses the specific needs of Nevada.

Mr. Augspurger:

We support S.B. 311 and the proposed amendments.

Mr. Ross:

The LVMCC supports S.B. 311.

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

The CCSD supports S.B. 311. The focus of this bill is on parental involvement. In the CCSD, the first empowerment schools implemented were successful because there was adequate funding. The implementation of empowerment schools can be done without funding, but there is no accompanying incentive pay. This bill offers us opportunities to make our schools as good as possible.

Geoffrey Lawrence (Nevada Policy Research Institute):

The Nevada Policy Research Institute supports S.B. 311. The Institute supports the parent-trigger concept.

Tami Berg (Nevada PTA):

The Nevada PTA opposes S.B. 311. The Committee has received my written testimony ([Exhibit G](#)).

We support empowerment schools, but we believe this bill is not the way to solve problems with family engagement in public education. This bill addresses issues at the back end of the process. The primary concern is for students and their achievement, and we need to consider ways to engage families every day in the school system. This bill does not accomplish that goal.

Ms. Anderson:

The WCSD opposes S.B. 311. The WCSD is pleased we are discussing family engagement and identifying underperforming schools. However, family engagement is an education process that should be addressed at the front end rather than the back end. There is a knowledge gap among parents of students at our underperforming schools. Parents want to be engaged, but may not know how to be engaged.

The WCSD has made significant changes to its program called "Parent University." Parent University is an outreach program to communities and schools that teaches parents various things such as how to read a report card, how to support student learning at home and how to address shortfalls in a child's vocabulary. Parent University teaches parents skills to support student learning at home.

The WCSD sends parent involvement facilitators to perform home visits to determine what barriers there may be in the home. In addition, we are engaging parents to make them feel comfortable in coming to the school. It is our responsibility as a district to ensure parents feel like they can come into the school and have a collaborative relationship with the teacher and principal.

We do not agree that having a parent sign a petition constitutes family engagement. We want parents to focus family engagement efforts on student learning. The WCSD is not in the business of validating signatures on a petition.

In regard to underperforming schools, WCSD has 13 one- and two-star schools. All 13 of those schools are Title I schools highly impacted by poverty. By identifying those schools, we have engaged families and communities.

The WCSD uses a different model than the typical empowerment model. We empower our high-achieving schools to be autonomous because what they are doing what works at these schools. In WCSD's low-achieving schools, there is a managed-performance framework to give them more resources in a directed manner.

Senator Cegavske:

I believe you are underestimating parents and their ability to engage in their child's education. What does the term "back end" mean?

Ms. Anderson:

The WCSD in no way underestimates the ability of parents to be the greatest support system in their child's life. Back end means we have waited until there is a problem to get the parents to participate. When the WCSD identifies a school in terms of underperforming student achievement, we want to involve parents early in the process. This ensures parents are part of the conversation, and they share governance of the school at the beginning of the process.

Mr. Dreher:

The Washoe Principals' Association opposes S.B. 311. The principals like the concept of the bill, but cannot support the bill because the districts should have the ability to provide parental involvement.

Angie Sullivan:

I oppose S.B. 311. My concern is that parent-trigger legislation is a trend. I support the concept of empowering people, but I cannot support the bill.

Senator Ford:

The time frame associated with converting to an empowerment school and then converting to a charter school provides time for the new evaluation system to be implemented. In regard to implementation issues raised, this would be at the discretion of the school board of trustees.

The provisions in S.B. 311 are not a trend. We cannot guarantee this will be successful, but we cannot prevent students from receiving the education they deserve, prevent teachers from receiving the support they need and prevent parents from being involved.

Chair Woodhouse:

The hearing on S.B. 311 is closed.

Vice Chair Ford:

The hearing on S.B. 345 is open.

SENATE BILL 345: Creates the Advisory Council on science, technology, engineering and mathematics. (BDR S-700)

Senator Joyce Woodhouse (Senatorial District No. 5):

Senate Bill 345 creates an advisory council on Science, Technology, Engineering and Mathematics (STEM). I will read from my written testimony ([Exhibit H](#)).

Section 1 creates a 15-member advisory council on STEM. The members include 4 officials and 11 voting members who are educators or businesspeople in STEM fields. A council chair would be selected at the first meeting. The council would meet no more than four times per year.

Section 2 requires the council to: develop a strategic plan for the development of education resources in STEM; develop a plan to identify and award recognition to pupils; develop a plan to identify and award recognition for up to 15 schools; conduct a survey of existing and proposed STEM education programs; apply for grants for development and expansion of STEM education programs; identify a nonprofit corporation to assist in implementation of programs developed by the council; and submit a report to the Legislature by January 31, 2015, with recommendations on STEM instruction and curriculum.

Section 3 appropriates \$50,000 to the council for a staff person to develop the plans required by the bill and to write grant applications.

Approval of S.B. 345 will solidify Nevada's commitment to providing our students with the STEM skills they need to succeed in the modern workforce. It will also lay the foundation for development of a comprehensive statewide policy on STEM education.

Beth Wells (Executive Director, Nevada STEM Coalition):

Senate Bill 345 establishes an advisory council on STEM. The advisory council will be charged to develop a strategic plan that identifies key resources in STEM education to serve as a foundation for workforce development, college

preparedness and economic development in the State. In addition, the advisory council will be charged to develop a plan for identifying and awarding recognition of exemplary performance to pupils and to 15 schools in the State. The Committee has received my written testimony ([Exhibit I](#)).

The advisory council on STEM will bring diverse stakeholders to the table. We are addressing prekindergarten through the workforce. We need to produce career-ready students. We need to be analyzing Nevada's unique economic needs are for the workforce. A skilled workforce does not only include college graduates, but includes adults who are seeking to reenter the workforce.

The advisory council on STEM would address Governor Brian Sandoval's economic plan. The Governor's targeted industries require STEM skills. In addition, many other states in the Country are beginning to recognize the direct link between kindergarten through Grade 20, and states are building a number of strategic plans.

Formal STEM programs influence young people. These programs are a powerful way to attract minority students.

An advisory council on STEM schools could provide strategic planning for STEM schools. Without guidance and standards for the expectations we have for STEM schools, we may not have successful STEM schools in the State. At least one state in the Country implemented a STEM program, and they were unsuccessful because there was not a comprehensive plan in place.

The WCSD and the CCSD won major grants by requesting support for STEM initiatives. A few years ago, Nevada received zero points on the STEM section of its Race To The Top grant. We need to be proactive and never let that happen again.

Nevada's minority population is low performing in math and science. We need to have a strategic plan to address these young people. Hands-on projects are motivating to young people we want to attract.

We need to ensure there is a strategic plan for the implementation of STEM schools so they will be as successful as possible.

Senator Kihuen:

Why are minority students low performing in math and science?

Ms. Wells:

Children from more advantaged homes are exposed to more life experiences. There is empirical evidence that children who are not interested in math and science by Grade 4 do not tend to pursue these areas of learning. This is especially true for girls and minority students.

Senator Woodhouse:

I had the opportunity to visit an elementary school where students were working on a robotics project. The students were about to participate in a robotics competition. The students were excited about the after-school program in which they were participating. More than 50 percent of the class were girls. All four components of STEM were part of their project. Students were required to do research. We need to engender that excitement about STEM with all students.

Mark Newburn:

I am a STEM industry professional. I support S.B. 345. In 2012, the President of the United States made improving our STEM workforce a National priority. Governor Brian Sandoval released his economic plan to diversify our economy into seven economic sectors. All of these sectors rely on a skilled STEM-based workforce. Nevada has made improving STEM education and workforce a State priority.

Recently, states have begun creating their own statewide STEM councils. These councils include a wide range of stakeholders including industry, economic development, education and STEM nonprofit organizations. The goal of these councils is to create the detailed, big-picture perspective to map their STEM pipelines from kindergarten through Grade 12 through economic development. Having a big-picture perspective allows states to develop strategic statewide STEM plans to address shortcomings and to coordinate efforts of the wide range of departments and organizations. These plans will roll into state marketing programs to be used to compete with Nevada to attract high-tech companies.

The advisory council on STEM will not be redundant. It will be synergistic with the work being done by other individual organizations. This council is the next

logical step in addressing the STEM education needs identified in the Governor's economic plan.

Ms. Wells:

A few years ago, there was a CCSD school that was at risk. The school went on to build a comprehensive science program. This was a powerful tool to get students and their parents involved.

Mr. Bacon:

I have been involved in STEM because I represent manufacturers. Most manufacturing pertains to chemistry, physics and biology.

There may be things that need to be addressed in the bill. The advisory council in STEM will need to be assigned to an agency to obtain funding from the State.

We have formed councils in education in the past, and we are now looking to eliminate some of these councils. The Committee may want to put a sunset provision of 4 years for this proposed council. If the advisory council has not completed any work in 4 years, it may mean we are not serious yet or that the council may not be necessary.

Fundamentally, the idea of an advisory council on STEM is the right thing to do. The Nevada National Security Site, formerly Nevada Test Site, has performed tremendous science in this State. However, we have not done an adequate job integrating science into our schools or our higher education system.

Lou Loftin (Staff Development Trainer, Regional Professional Development Program, Washoe County School District; Science Trainer, Nevada's Northwest Regional Professional Development Program):

I support S.B. 345. I work in professional development in the area of science and STEM. I see this bill as a tool for schools looking for a STEM program base. I have visited hundreds of schools. Over the last 3 years, I have seen several schools attempting to implement and run STEM programs. Some schools have done a good job and some have not. There is no precedent of what a STEM school looks like. Some of the schools I have visited are struggling. An advisory council would be a benefit to schools, and it could provide schools with assistance in the implementation of STEM programs.

Regarding the issue of minorities underperforming in science and math, I believe this is attributable to No Child Left Behind (NCLB). From visiting at-risk schools, it is my observation that at-risk schools are just trying to make the grade in reading and math. That is how schools are graded. When schools are having a difficult time meeting the requirements of the NCLB, they are not allowed to provide courses in science, social studies or art. The STEM activities teach students why they need to be able to read and write. Administrators need assistance to develop a quality STEM program, and an advisory council would provide that assistance.

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

The NDE supports S.B. 345. The NDE has submitted a proposed amendment ([Exhibit J](#)) to the Committee. The bill as articulated requires the advisory council on STEM to return to the Legislature in the next Session with a set of recommendations. [Exhibit J](#) proposes that the State Board of Education (SBE) be charged with creating the council. The SBE would be the responsible entity for receiving information including data from the survey and reports. The result would be the driver for policies and regulations.

Mr. Ross:

The LVMCC and the Association of Gaming Equipment Manufacturers support S.B. 345. The Gaming Equipment Manufacturers has 130 members and represents the largest technologically and scientifically oriented employers in the State. They make, develop and service slot machines, computerized gaming machines and table games. They employ many engineers, mathematicians and other manufacturing personnel.

In the many meetings I have had with executives of companies, the topic of education arises. Executives express they have trouble finding high-quality, well-educated people in the fields for which they are hiring. I represent two large users of the education product, and we are encouraged by the focus on STEM. They are focused on the improvement of the business climate and on the diversification of the economy.

All of the education bills are linked. We can have a high-quality STEM program, but it will not matter unless we have high-quality teachers.

Mr. Abney:

I support S.B. 345. We support continued increased focus on and funding of STEM programs. We think this bill accomplishes that focus.

Ms. Haldeman:

The CCSD supports S.B. 345. We think this effort will enhance the learning experiences of Nevada students in the areas of science, technology, engineering and mathematics.

The CCSD goals include: expanding the number of students who pursue advanced degrees and careers in STEM; broadening the participation of women and minorities in STEM fields; expanding the STEM-capable workforce and broadening the participation of women and minorities in that workforce; and increasing STEM literacy for all students including those who do not pursue STEM-related careers or additional study in STEM disciplines. The key elements of a kindergarten through Grade 12 STEM education program are to provide access to quality learning opportunities, to hire educators with high-capacity teaching and to ensure there are supportive policies and funding initiatives in place. The CCSD believes the creation of the STEM council will assist with those goals.

The CCSD has several successful schools and programs that emphasize STEM. They provide opportunities and experiences that are exciting for students. The CCSD believes all students need to have access to these kinds of programs.

The Committee may want to revise section 3, subsection 1 to state the appropriation amount is not to exceed \$75,000.

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

The NASS supports S.B. 345. In addition, we are in support of [Exhibit J](#).

Dr. Merrill:

The NASB supports STEM activities in all our districts and in all our schools. However, the NASB believes that if we have a body that focuses on this initiative and this is the primary reason for existence of that body, that will bring a sharper focus to each of our districts. In addition, the advisory council on STEM will expand the opportunity to work with higher education in the business community. The NASB supports S.B. 345.

Mr. Stevens:

The NSEA supports S.B. 345.

Brian Crosby (Regional STEM Training Facilitator, Nevada's Northwest Regional Professional Development Program):

Nevada's Northwest Regional Professional Development Program supports S.B. 345. I have been an educator for 30 years. During my career, I had a model technology classroom in the WCSD in which we performed model STEM activities.

There is a need for STEM education. I work with students and parents specifically about STEM. I have been to schools where I have been told they are a STEM academy because teachers are directed to teach science 15 minutes per day or that reading about STEM constitutes STEM education. We need to have a well-defined STEM education model.

Ms. Anderson:

The WCSD supports S.B. 345.

Senator Ford:

Do you accept [Exhibit J](#) and the verbal proposed amendment from the CCSD to change the appropriation in section 3?

Senator Woodhouse:

Yes, I support those amendments. In addition, I support Mr. Bacon's recommendation to place a sunset provision in S.B. 345. We need to begin work on the advisory council on STEM immediately, and I will be working with Ms. Fitzpatrick. Depending on how we refine the amendments, we may not need the appropriation stated in section 3.

Vice Chair Ford:

The hearing on S.B. 345 is closed.

Chair Woodhouse:

The hearing on S.B. 442 is open.

SENATE BILL 442: Eliminates certain mandates relating to schools. (BDR 34-1078)

Ms. Haldeman:

Senate Bill 442 is designed to eliminate nonessential reports and mandates. The intent of the bill is to allow administrations to focus on students and professional development of staff. Too many of our most effective educators are often overwhelmed with duties unrelated to their primary mission.

We asked superintendents to identify requirements they would like to eliminate. The result was a list of 12 items for proposed elimination. Dr. Pierczynski and I will go through the list of items compiled in S.B. 442.

Dr. Pierczynski:

The bill repeals NRS 385.210 to eliminate several mandated publications that are prepared and distributed. These publications can be posted on the Internet. This will eliminate the time and energy expended by staff to generate this information.

The bill repeals NRS 388.134. This statute addresses safe and respectful learning environments. In addition, this statute contains mandates including: a policy and training for safe and respectful learning environments; and reports concerning safe and respectful learning environments.

Ms. Haldeman:

The bill repeals NRS 388.171 and NRS 388.215. These statutes relate to small learning communities. The original intent of these statutes was that, since the transition time for students was difficult, a different learning community for those classes of students was needed. These statutes require us to provide a separate geographic area for Grade 6 and Grade 9 students, and separate reporting. The reports must include: credits; attendance; truancy; and early identification of struggling students for those populations. In addition, the statutes require districts to assign a counselor, and administrator and adult mentors for those populations and submit an annual report. The effectiveness of those programs are dependent upon physical space and upon additional resources to meet the requirements. The CCSD has struggled with these mandates because of budget and staff cuts.

The bill repeals NRS 388.176 for middle schools and NRS 388.221 for high schools. These statutes address peer mentoring programs. The CCSD believes peer mentoring is good. However, as we have moved to anti-bullying programs, we have discovered peer mentoring is not the answer to the issue of bullying.

The bill repeals NRS 388.181. This statute established the requirement for pupil-led parent/teacher conferences in middle schools. The CCSD recognizes this program may have merit in certain situations. However, the CCSD had to eliminate a day of instruction to meet this mandate for those participating schools.

Dr. Pierczynski:

The bill repeals NRS 389.560 that requires a report that includes: the name of the examination administered; the grade levels that took the examination; the cost of the examination; the purpose of the examination; and the actions taken with the results of the examinations. This report is superfluous since school districts must follow the NDE testing guidelines.

Ms. Haldeman:

When a board of trustees decides to provide a program based on an alternative schedule, they compile a series of reports in conjunction with requirements of NDE. This is an annual compilation of reports. Senate Bill 442 proposes that when a school requests an alternative schedule, a report is appropriate. However, this should only be required upon application for an alternative schedule.

The mandates we want to repeal were well-intentioned. Many of the mandates will continue to be followed by some districts in the State. However, we want to limit the number of reports because they distract from the mission of educators.

Ms. Anderson:

The WCSD supports S.B. 442.

Dr. Merrill:

The NASB supports S.B. 442.

Mr. Stevens:

The NSEA opposes S.B. 442. While we understand it is difficult to do the reporting, we suggest delaying this bill until a later date.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS S.B. 442.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Woodhouse:

The hearing is open on Senate Joint Resolution (S.J.R.) 10.

SENATE JOINT RESOLUTION 10: Proposes to amend the Nevada Constitution to allow voucher schools. (BDR C-35)

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

I have been a strong advocate for parental involvement. I believe the ultimate expression of parental involvement centers on school choice options. I will read from my written testimony ([Exhibit K](#)).

The purpose of S.J.R. 10 is to provide constitutional authority for the creation of a plan to use public funds for a school choice program involving sectarian schools. Should this constitutional amendment eventually pass, it would still be the Legislature's option to create a voucher-type program. I request the Committee give favorable consideration to this resolution.

Mr. Ross:

The LVMCC supports S.J.R. 10. We believe this resolution would open additional education opportunities for parents who are not satisfied with their child's public school. This would provide parents with options other than another public school.

The LVMCC believes S.J.R. 10 will enable children to obtain a good education. Minorities need opportunities in education, and this resolution would provide those opportunities.

Janine Hansen (President, Nevada Families Association):

For many years, I have supported choice in education. I have studied the successes of choice in education. For example, the voucher system instituted in Harlem, New York, was highly successful in raising the level of student

achievement and the graduation rate. In addition, costs were lowered. Wisconsin had a successful school choice program in which they lowered costs from \$9,500 per student to approximately \$5,000 per student. In the school choice program in Washington, D.C., costs were lowered from \$28,000 per student to \$7,000. The Washington, D.C., program focused on low-income families.

We have forgotten about freedom in America when it comes to schools. Citizens have choice in a variety of other areas. School choice injects competition. Competition improves everything. Additional funding is never the answer. I support S.J.R. 10.

Mr. Lawrence:

To date, there have been ten empirical studies that have used random assignment to gauge the impact of voucher programs. Nine of these studies found that voucher programs improved student outcomes. Six of these studies found that outcomes were improved for all students. Three studies concluded there was some benefit while some were not affected. One study found there was no visible impact. None of the nine studies found a negative impact.

In addition, there have been 19 empirical studies that examined how vouchers affect outcomes for those students who remain in public schools. Of these studies, 18 found that vouchers improved public schools while one found no visible impact.

No empirical studies have found that voucher programs harm public schools. Every empirical study conducted in Wisconsin, Florida, Ohio, Texas, Maine and Vermont finds that voucher programs have unambiguously improved public schools. The story that is not typically told about voucher programs is that the beneficiaries of these programs are disproportionately low-income and minority students.

The idea behind a voucher program is that the voucher amount is typically less per pupil than is spent per pupil in the public school system. The U.S. Department of Education states Nevada spends approximately \$10,500 in total costs. Public school systems capture the difference between the total cost for each student and the voucher amount for each student who accepts a voucher. As a result, the average per-pupil funding for those who remain in public school increases. The Policy Institute supports S.J.R. 10.

Carolyn Edwards (President, School Board of Trustees, Clark County School District):

The school board of trustees opposes S.J.R. 10. Nevada's school system is already underfunded with fewer programs available to all students. Nevada cannot afford to finance private education. Giving tax dollars to private education institutions will not correct student achievement problems in public schools. The best way to address low-performing students is by strengthening public schools and addressing individual learning problems directly.

Vouchers could take away tax dollars from public schools where children have the greatest need. Parents already have an array of public school choices for their children making a voucher program unnecessary.

Competition is based on an even playing field. There is not fair competition when competitors play by different rules. Public schools have to accept all students. Private schools do not have to accept all students. Private schools are not required to provide transportation, special education, bilingual education, free and reduced price meals or many other programs public schools provide.

The best public policy is to provide parents with more choices within public schools. Nevada should concentrate on making all public schools stronger, safer and more accountable. Public tax dollars should only be spent to improve public schools, not to assist a small number of parents who choose to enroll their children in private schools.

Senator Gustavson:

A previous speaker stated voucher programs would put more money into the coffers of the public education system. Was that statement incorrect?

Ms. Edwards:

I would have to see the analysis. The reality is that the dollar amount that goes toward a voucher would be the same dollar amount the public school receives. The concern is that the populations that elect to use a voucher are not the same populations that remain in public schools. It will take more dollars to educate those students left behind.

Senator Gustavson:

I have seen studies that show vouchers cost less than what public schools receive per pupil. Have you seen those studies?

Ms. Edwards:

Yes, I have heard about those studies.

Dr. Merrill:

The NASB opposes S.J.R. 10 for three reasons.

First, public dollars require public oversight. Accountability protects taxpayers from having their tax dollars being spent improperly, and it protects the individuals who use the tax-supported program. In stark contrast to the strong requirements faced by public schools, private schools do not have to meet the elementary and secondary education standards.

Second, public schools must admit any child. Private schools do not accept all students. The neediest children are often disproportionately excluded from voucher schools.

Third, empirical data does not necessarily show that voucher programs have improved student achievement. In fact, there is a Government Accountability Office report that notes there has been little or no difference in public or private student performance.

If there is a taxpayer-subsidized voucher program, Nevada's 17 school boards believe it should provide the same guarantees and safeguards for students, and they should meet accountability measures. Private schools should be open to students from any income. That would be the level playing field for all schools.

Dawn Miller (Nevada PTA):

The Nevada PTA opposes S.J.R. 10. We support our system of public education as a vehicle to perpetuate the democratic system of government. The system must be governed by public officials who are accountable to the public.

Mr. Stevens:

The NSEA opposes S.J.R. 10. Our tax dollars should go to entities that are for the public good.

Senator Cegavske:

For several years, I have attempted to implement a voucher system for students with special needs. There are private institutes that take students with special

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needs. The Horizon Academy in Las Vegas provides services for students with special needs. There are all types of schools for all types of children.

I thank the Committee for hearing S.J.R. 10.

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Chair Woodhouse:

The hearing for S.J.R. 10 is closed. The meeting is adjourned at 8:58 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
S.B. 193	C	3	Sharla Hales	Written Testimony
S.B. 193	D	1	Frank Brittain	Written Statement
S.B. 311	E	1	Senator Aaron D. Ford	Proposed Amendment
S.B. 311	F	1	Dotty Merrill	Proposed Amendment
S.B. 311	G	1	Tami Berg	Written Testimony
S.B. 345	H	7	Senator Joyce Woodhouse	Written Testimony
S.B. 345	I	4	Beth Wells	Written Testimony
S.B. 345	J	1	Rorie Fitzpatrick	Proposed Amendment
S.J.R. 10	K	4	Senator Barbara K. Cegavske	Written Testimony