

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
April 5, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 3:58 p.m. on Friday, April 5, 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 Pat Spearman, Senatorial District No. 1

STAFF MEMBERS PRESENT:

Pepper Sturm, Policy Analyst
Diana Jones, Committee Secretary

OTHERS PRESENT:

Valerie Wiener
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District
Carey Stewart, Director, Washoe County Juvenile Services; President, Nevada Association of Juvenile Justice Administrators
Mike Mieras, Chief, Washoe County School District School Police
Kareen Prentice, Domestic Violence Ombudsman, Office of the Attorney General
George Ross, Las Vegas Metro Chamber of Commerce
Constance J. Brooks, Ph.D., Nevada System of Higher Education

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Ray Bacon, Nevada Manufacturers Association
Steve Canavero, Ph.D., Director, State Public Charter School Authority
Deborah H. Cunningham, Ph.D., Deputy Superintendent, Administrative and
Fiscal Services, Department of Education
Dotty Merrill, Ed.D., Executive Director, Nevada Association of School Boards
Peggy Lear Bowen
Nicole Rourke, Clark County School District
Christine O. Cheney, Ed.D., Dean, College of Education, University of Nevada,
Reno
Thomas Harrison, Ph.D., MFT, Associate Dean and Professor, College of
Education, University of Nevada, Reno
Craig M. Stevens, Nevada State Education Association
Thomas B. Pierce, Ph.D., Chair and Professor, Department of Educational and
Clinical Studies, College of Education, University of Nevada, Las Vegas
Nykki Holton, Superintendent, Lincoln County School District
Emily Lin, Ph.D., Director of Teacher Education, Department of Teaching and
Learning, College of Education, University of Nevada, Las Vegas
Elizabeth Hawthorne, Ph.D., Interim Dean, School of Education, Nevada State
College
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
David Perlman, Administrator, Commission on Postsecondary Education
Brian Flanner, Administrative Service Officer, State Public Charter School
Authority
Kathleen Conaboy, Chair, State Public Charter School Authority

Chair Woodhouse:

I will open the meeting with Senate Bill (S.B.) 427 which revises provisions governing bullying.

SENATE BILL 427: Revises provisions governing bullying. (BDR 5-72)

Valerie Wiener:

I am a former State Senator and have been interested in legislation regarding bullying for many years. Two Sessions ago, I introduced a bill against cyberbullying. At the same time, there was also an Assembly bill dealing with this issue. After discussions with the author of that bill, the two bills were combined and the Assembly bill was allowed to lapse. During this process, the working group realized there was no definition of bullying in *Nevada Revised Statutes* (NRS). My task was to assist representatives from the

Legislative Counsel Bureau (LCB) in developing a definition to be used in future legislation. We created a statutory definition that blended language from the NRS sections on intimidation and harassment in schools.

Last Session, a bill was presented that addressed harassment, intimidation, bullying and cyberbullying in schools. It also addressed reporting and training requirements for educators in this area. During the interim, in speaking with school police, juvenile justice personnel and others involved in reporting these types of behavior, I discovered there was confusion about how to categorize the four behaviors identified in statute. Because the definition of bullying blends the definitions of harassment and intimidation, it was easy to see why this confusion occurred. Senate Bill 427 addresses this issue and expands the definition of bullying. This definition includes the majority of the language from the definitions of intimidation and harassment. This bill will create greater clarity by deleting those definitions from statute.

An online article in *JAMA Psychiatry*, published Feb. 20, 2013, discussed the long-term impact of bullying. This study found that, as adults, childhood victims of bullying were 4 times more likely to have an anxiety disorder than those who were not bullied. Bullies who were themselves victims of bullying, which is common, were nearly 15 times more likely to develop panic disorders as adults. They were almost 5 times more likely to experience depression. Men who were both bullies and victims of bullying were 18.5 times more likely to have suicidal ideation into adulthood. Women in the same category were 26.7 times more likely to develop agoraphobia than those who were not bullied. Bullies who were not victims were 4.1 times more likely to have antisocial personality disorders.

This article stressed that being the victim of bullying has significant impact as far as a decade into adulthood. It is not a harmless rite of passage. It is a harmful behavior that hurts those who do it and those who are its victims, many of whom were themselves bullies.

The primary goal of S.B. 427 is to clarify the definition of bullying. Section 1 also requires reporting for the courts. Section 15, on page 29, includes anti-bullying requirements for those using public school facilities regardless of their school connection. Section 15, subsection 1, reinforces legislation regarding bullying on school grounds. Subsection 2 expands anti-bullying legislation to include activities that occur at nonschool locations if

development of a hostile or disruptive school environment results from those activities.

Senator Cegavske:

Does section 1, subsection 3, on page 2, require a child be convicted of bullying or cyberbullying?

Ms. Wiener:

This question was raised by juvenile justice court officials. I do not think the language in this section is clear. The language was drafted to follow current policies in schools regarding reported behaviors. It expands those policies to include bullying and cyberbullying.

Senator Cegavske:

Does this type of reporting violate the individual privacy rights of students? A student who bullies may have emotional or other types of issues. I am concerned about protecting student privacy.

Ms. Wiener:

The intention is not to create a new reporting practice. It is to expand current practice to include bullying and cyberbullying.

Senator Cegavske:

I am concerned about notification. Schools previously have not been notified about these behaviors.

Ms. Wiener:

Court reporting requirements now exist. The intention of S.B. 427 is to add bullying and cyberbullying to the list of behaviors reported to schools.

Senator Ford:

I do not see an issue with providing this information to schools. The question is: How will schools use this information?

Ms. Wiener:

These reporting practices are in place now. The relationship between the courts and school districts in regard to sharing information about students is not new. I do not know what the districts do with the information.

Chair Woodhouse:

Have you reviewed S.B. 164?

SENATE BILL 164: Revises provisions governing safe and respectful learning environments in public schools. (BDR 34-454)

Ms. Wiener:

Senate Bill 427 is based on my work two Sessions ago developing the definition of bullying. To avoid the confusion described in reporting these behaviors, the definitions of harassment and intimidation have been blended into the definitions of bullying and cyberbullying.

Senator Cegavske:

Is bullying defined in statute? Does S.B. 427 remove the words intimidation and harassment from statute?

Ms. Wiener:

Bullying is defined in this bill. The definition now includes both harassment and intimidation. The terms intimidation and harassment are being removed from statute in this bill.

Senator Cegavske:

How is the emotional harm—mentioned on page 29, line 29—determined without some sort of proceeding?

Ms. Wiener:

I do not know the details of how emotional harm is determined. The language in this bill is based on that of other states. Those who apply this language will determine if a bullying incident has occurred. School police are often involved with this and could make the determination.

Senator Cegavske:

I would like more information about incidents that occur as part of club or organizational activities held off campus.

Senator Ford:

How would a school apply the language on page 29, section 15 about clubs and organizations? If an organization engages in bullying outside a school-related function, would it no longer be allowed to use school facilities?

Ms. Wiener:

This section is designed to hold the members of organizations accountable. Bullying is sometimes created or fostered by organizations outside of the school environment. This can impact a student while he or she is at school. What happens off campus can have a strong and substantial impact on the learning environment and emotional well-being of a student while at school.

Senator Ford:

Section 15, subsection 1 disallows a member of a club or organization from bullying while using school facilities. This is easy to control. Subsection 2 is more difficult to monitor because students are not on-campus. Is this enforceable?

Ms. Wiener:

This section was important to representatives from the juvenile justice court system and representatives from the Clark County School District (CCSD) and the Washoe County School District (WCSD). They felt bullying behavior that began off campus was having a negative educational impact on students during the school day.

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

The CCSD feels this is an important bill because it makes our schools bully-free zones. We have high expectations for our students, but we cannot be held responsible for their actions throughout the day. Events that have nothing to do with school sometimes impact the learning environment because school is where all of the parts come together. At the CCSD, we have several people who focus specifically on bullying issues to keep our school environments safe.

Senator Ford:

If a club uses school facilities, does section 15 require a district monitor nonschool-related events or those held off-campus for bullying?

Ms. Haldeman:

I do not read the section this way. The CCSD would not support this bill if that is the intention. My expectation is when an outside group is on campus, they will adhere to these guidelines.

Senator Ford:

I suggest the LCB clarify this section.

Chair Woodhouse:

We will have the LCB review this wording.

Carey Stewart, (Director, Washoe County Juvenile Services; President, Nevada Association of Juvenile Justice Administrators):

The Association of Juvenile Justice Administrators worked with Ms. Wiener on the development of S.B. 427. A gap in statute does not address the bullying that occurs off school grounds and carries over to impact the school environment. Parents expressed concern about their children because they were being bullied and did not want to attend school. Because the bullying was not occurring on school grounds, at a school function or on a school bus, there was no way for law enforcement to become involved. We were unable to intervene in these situations and make a referral or arrest if needed.

This led to the proposed extension of the law to off-campus activities as found in section 15, subsection 2. It also led to section 1, subsection 3, which allows the courts to notify schools if someone has admitted to or been adjudicated as committing a bullying offense. Because of legal jurisdiction, most of our referrals come from the WCSD. If this jurisdiction is expanded to include activities that occur off school grounds, other law enforcement agencies would be able to refer an individual and to meet with the juvenile justice services department. Under law, it is now possible a victim and an offender could be in the same classroom sitting next to each other. We feel notifying the school district could assist the victim in these cases.

Senator Ford:

What does the school do with the information you give them? We need to address behavior that carries over to the school campus, but we need to be careful so schools are not held liable for what happens off campus if incorrect information is shared.

Mike Mieras (Chief, Washoe County School District School Police):

Many organizations hold their activities on school sites. This is why section 15, subsections 1 and 2 are important. I agree this wording should be reviewed by the LCB.

Senator Cegavske:

On page 2, section 1, subsection 3, beginning on line 16, who determines the unlawful behavior? Are privacy considerations taken into account when reporting this information to a school district?

Mr. Stewart:

We are unfamiliar with this area in regard to release of information. Information release is now handled on an informal basis. There is no formal fact-finding. We have not discussed to whom this information will be released at the schools. We have always been very cautious about what information we release and to whom we release it.

Senator Cegavske:

I have a concern about student privacy. I would like to know how this information sharing would occur. What would the liability be for a school district if the information is not accurate? What would happen if an adult was bullying a student? Would this situation be handled in the same way? I would also like clarification of section 15, subsection 2, paragraph (a), on page 29, line 29. Who determines what constitutes emotional harm? Is this determined by the court?

Ms. Haldeman:

Procedures are similar to those currently in place. If a fight occurs off campus and emotions carry over the next day to campus, discipline occurs. School deans and administrators are familiar with disciplining students who fight. They are good at de-escalating situations and administering progressive discipline in an appropriate manner. This bill adds bullying and cyberbullying to the types of behaviors that would be addressed. It does not change what schools do on a regular basis.

Ms. Wiener:

Bullying is defined in section 7, on page 24. Subsection 1 of this section refers to infliction of harm or serious emotional distress, which is already in statute. In order to revise the language of this bill, I will review the concerns raised with all interested parties

Senator Cegavske:

What does the CCSD now do with the information you receive from the courts?

Ms. Haldeman:

If the situation can be handled with mediation and counseling, the information is given directly to the school administrators so they can work with it. A severe concern may go to the school police and, if needed, be handled legally. It is handled on a case-by-case basis. I will provide additional information to you.

Kareen Prentice (Domestic Violence Ombudsman, Office of the Attorney General):

The Office of the Attorney General supports S.B. 427 as way to ensure safe schools in Nevada.

Chair Woodhouse:

I have received a letter of support from the Nevada Network Against Domestic Violence ([Exhibit C](#)). I have received a proposed amendment from the American Civil Liberties Union of Nevada ([Exhibit D](#)). I will close the hearing on S.B. 427 and open the hearing on S.B. 309, which urges the establishment of certain mentoring programs.

SENATE BILL 309: Urges the establishment of certain mentoring programs.
(BDR S-768)

Senator Pat Spearman (Senatorial District No. 1):

Senate Bill 309 urges the Nevada System of Higher Education (NSHE) and businesses in Nevada to establish a small business mentorship program. This bill was developed with assistance from my intern, Morgan Fischer. I will read from my prepared statement ([Exhibit E](#)). I have provided the Committee a proposed amendment to this bill ([Exhibit F](#)) and an article from *Bloomberg Businessweek* that highlights a model mentoring program ([Exhibit G](#)).

Senator Cegavske:

Would the proposed program be implemented in conjunction with the business colleges at the University of Nevada in Reno (UNR) and in Las Vegas (UNLV)?

Senator Spearman:

The proposed mentoring program would coordinate with programs that are already in place, not only at the two research universities, but at all NSHE institutions. It would provide assistance to students who are entrepreneurs and need extra help.

Senator Cegavske:

Would this program collaborate with the local chambers of commerce?

Senator Spearman:

Yes, it would.

George Ross (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce (LVMCC) has discussed the concept of this bill with Senator Spearman and supports S.B. 309.

Senator Kihuen:

Does the LVMCC collaborate with NSHE on any mentoring programs now?

Mr. Ross:

I do not know if we have formal mentorships. This program will allow businesses to develop close relationships with students while the students gain financial rewards from the experience.

Senator Kihuen:

This is a proactive program. We are sending a message to NSHE that new occupations are coming, and students need to be prepared for them.

Mr. Ross:

One of our objectives is to develop a closer relationship with the universities. We would like the universities to relate more to the business community. We want to ensure that when students finish school they are prepared for a career. Many successful businesses are being started by young adults.

Senator Kihuen:

It is important to cultivate the entrepreneurial spirit of our students.

Constance J. Brooks, Ph.D. (Nevada System of Higher Education):

The NSHE is neutral on this bill because the Board of Regents has not been able to take a formal vote on it. Several regents are small business owners and would appreciate this bill. The NSHE has several robust programs that assist the business community. The UNR and the UNLV respectively have the Nevada Small Business Development Center and the Center for Business and Economic Research. At the College of Southern Nevada (CSN), small business incubators serve as a resource to the community and to our business students. We are

formalizing partnerships with the Governor's Office of Economic Development and the Department of Employment, Training and Rehabilitation (DETR). The CSN joined with DETR to set up one-stop shops which allow the business community greater access to our campus resources.

The NSHE worked with Senator Spearman on development of the proposed amendment. We believe it promotes a reciprocal relationship between the business community and our students. Many of our students need financial assistance. The scholarships provided by the business community in the amendment would assist them greatly.

Ray Bacon (Nevada Manufacturers Association):

The manufacturing sector has begun to work with the university system. The focus of these programs has been on the business colleges. A need exists to encourage engineering and science students to go into the business sector. We are beginning to develop relationships in this area, but we are not doing as well as we should. The career and technical schools in southern Nevada are doing an excellent job, but students completing these programs are leaving the State for college. Instead of going to our State colleges or universities, these students are attending engineering schools throughout the western United States. The Nevada Manufacturers Association (NMA) is neutral on this bill.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 309.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Woodhouse:

I will open the hearing on S.B. 443, which revises provisions governing charter schools.

SENATE BILL 443: Revises provisions governing charter schools. (BDR 34-1079)

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

In 2011, revisions to NRS gave the Department of Education (NDE) power to sponsor charter school sponsors. This is in alignment with best practices in charter school management. Along with Assembly Bill 205, S.B. 443 will strengthen charter school sponsorship and the operation of charter schools. The Committee has received a copy of my testimony ([Exhibit H](#)).

ASSEMBLY BILL 205: Revises provisions governing charter schools. (BDR 34-200)

School districts and NSHE are allowed by statute to apply to the NDE for authorization to sponsor charter schools. Failure to carry out the powers and duties of a sponsor, as prescribed in NRS, constitutes grounds for revocation of a charter. Senate Bill 443 would clarify the role of the NDE in sponsor accountability. The application process is described on page 3, lines 2 through 10, of the proposed legislation. Page 4, section 2, line 16 describes the ability of the NDE to sanction or revoke a sponsor's authority to sponsor a charter school. On page 9, section 5, subsection 1, regulations that must be adopted to clarify the application and sponsor review processes are specified. This information is also listed on pages 2 through 4 of [Exhibit H](#).

This bill removes responsibilities from the NDE that should reside with charter school sponsors. Under statute, a proposed charter school sponsor may request the NDE review a charter school application. This language is eliminated on pages 6 and 7, section 3, subsections 5 and 6 of the proposed bill. Elimination of section 4, portions of subsections 1 through 3 and subsection 6 on pages 6 and 7, move the NDE away from functions residing more correctly with charter school sponsors. Responsibility for providing training to charter school governing bodies is transferred from the NDE to charter school sponsors by the deletion of section 6, subsection 4 on page 11. This is also explained on page 5 of [Exhibit H](#).

Deborah H. Cunningham, Ph.D. (Deputy Superintendent, Administrative and Fiscal Services, Nevada Department of Education):

The NDE has increasingly made the number of quality charter schools that are available as viable options for students a priority. This bill will ensure quality controls are in place at the local charter school level, the sponsor level and at the NDE. Senate Bill 443 will benefit noncharter public schools by providing

examples of innovation and success with different student populations. We support this bill.

Dotty Merrill, Ed.D. (Executive Director, Nevada Association of School Boards):
The Nevada Association of School Boards (NASB) supports S.B. 443. This bill resolves policy issues that have concerned us. It brings alignment to the system that was not previously present.

SENATOR CEGAVSKE MOVED TO PASS S.B. 443.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Woodhouse:

I will now close the hearing on S.B. 443 and open the hearing on S.B. 467, which revises provisions relating to education.

[SENATE BILL 467](#): Revises provisions relating to education. (BDR 34-1130)

Deborah H. Cunningham, Ph.D. (Deputy Superintendent, Administrative and Fiscal Services, Nevada Department of Education):

The Committee has received a copy of my presentation ([Exhibit I](#)). Senate Bill 467 will simplify and strengthen the oversight of education to allow critical reforms. On page 2 of [Exhibit I](#), the history of the recent reform movement in Nevada is reviewed. Page 3 is the current organizational structure for education leadership in Nevada. This model effectively prevents us from being successful. Page 4 shows the educational organizational structure proposed by this bill. This model would create the efficiency, coherence and focus we need to achieve the results we want.

Senate Bill 467 would mandate creation of an integrated, overarching Education Advisory Council. The purpose of this Council would be to increase collaboration and decrease isolation. The members proposed for this Council are listed on page 5 of [Exhibit I](#); roles of this proposed Council are shown on page 6.

With the creation of a new State Board of Education as shown on page 4 of [Exhibit I](#), we have the opportunity to streamline existing advisory groups. The Board consists of members appointed by the Governor and each House of the Legislature, elected members representing the voting public, representatives from NSHE, school superintendents, teachers, school board of trustee members and students. This Board is poised to lead the State forward, but it cannot do so with the current organizational structure.

Elimination of several committees and groups no longer needed would assist in Board efforts. These groups are listed on page 7 of [Exhibit I](#). The work and disposition of responsibilities for each of these groups is listed on pages 8 through 12. Oversight of the Regional Professional Development Programs (RPDP) would be moved to the Board and the NDE under this bill. This would not change current RPDP activities; it would simply modify the responsibility for program oversight. This change would provide for State and local collaboration regarding the training needs of educators. The benefits from implementation of this bill are explained on page 14.

Senator Cegavske:

Will the NDE have oversight of the RPDP or perform some other role?

Dr. Cunningham:

The Board and the NDE will have oversight of the RPDP. The RPDP employees will continue to be school district employees. We will meet on a regular basis with superintendents and other district representatives to determine the professional development program.

Senator Cegavske:

Do you want to dismantle the way the RPDP is currently set up?

Dr. Cunningham:

We are leaving the majority of the system as is. There is now a State coordinating governing council as well as a governing council for each of the three regional service areas. We would replace those groups with Board and NDE oversight. The RPDP would be managed by the NDE to connect its efforts to State-level reform efforts. The operation of the RPDP in the three regions would remain the same, only the governance would change.

Senator Cegavske:

The RPDP is working well as it is. Is this change based on views held by the previous State Superintendent of Public Instruction?

Dr. Cunningham:

Our proposals were developed as NDE proposals. We want to ensure professional development efforts are closely connected to reform efforts such as the implementation of the Common Core State Standards (CCSS), the new educator evaluation system and the new student assessment program. We do not want to stop what is working well now and have pledged to partner with the districts as we roll this out.

Senator Cegavske:

The RPDP collaborates with the NDE. I would like to see an amendment to remove this section of the bill.

Dr. Cunningham:

We would like the approximately \$3 million in the Governor's biennial budget for professional development related to the new educator evaluation system to complement the budget for the RPDPs.

Chair Woodhouse:

Would all the groups listed on page 7 of [Exhibit I](#) be disbanded under this legislation?

Dr. Cunningham:

Yes, they would. The duties of these groups would be absorbed by the NDE. The Board and the Education Advisory Council would oversee these activities.

Chair Woodhouse:

I am concerned about this. I participated as a member of the Legislative Committee on Education in 2010, and we addressed the issue of these groups. We felt some should remain active and some should be placed under management of the NDE.

Dr. Cunningham:

Separate groups are required at times. The P-16 Advisory Council, that has representatives from preschool through higher education, is an example of this. At the beginning of an effort, a group such as the Teachers and Leaders Council

is appropriate. We want to correct the fact that we have ten ongoing groups that appear to be duplicating efforts.

Senator Ford:

There is an objection from NSHE on this bill. What is your reaction to this?

Dr. Cunningham:

There is a member of the NSHE Board of Regents on our Board. We are collaborating with NSHE on important projects. One is the implementation of the CCSS and the implication of these standards for higher education. We are also working with NSHE on the development of our State longitudinal data system. There are ways for NSHE to provide input, and we welcome it.

Senator Cegavske:

It is difficult to ensure a high level of quality participation for all these groups. Some groups have a similar purpose and may no longer be needed. We should keep the P-16 Advisory Council.

Dr. Cunningham:

The P-16 Advisory Council has members representing different State agencies. The Board only has members representing the educational community. We want to consolidate efforts where similar purposes are being served by more than one group.

Peggy Lear Bowen:

It is important elected officials accept responsibility for their actions. I do not understand the role of the Board as shown on page 4 of [Exhibit I](#) in the revised organizational chart. It appears the Superintendent has been given responsibilities in place of the Board. This concerns me. The original Nevada Constitution required the Superintendent be elected. This changed over time, and it has now become a position appointed by the Governor. Subjects like social studies are being omitted from instruction in our schools because they are not tested.

Mr. Bacon:

The NMA supports S.B. 467. The Education Advisory Council would benefit from the addition of a representative from the career sector.

Nicole Rourke (Clark County School District):

The CCSD is opposed to this bill. Eliminating the groups on page 7 of [Exhibit I](#) would create a concentration of power at the NDE. It would also eliminate participation by classroom experts who bring a unique perspective to our educational system. With the recent resignation of the Superintendent, now is not the time to change the structure of the NDE. Although this structure is convoluted, it has a long history of positively influencing education in Nevada.

The Commission on Educational Technology created a statewide plan that takes into account the infrastructure of each of the 17 school districts. It awards grants based on identified needs in each district. It brings education partners and industry experts together to review the needs of schools throughout the State. For reasons such as these, we oppose [S.B. 467](#).

Christine O. Cheney, Ed.D. (Dean, College of Education, University of Nevada, Reno):

Our State has many challenges, but one of our strengths is working together for the good of our citizens. The NDE and the institutions that make up NSHE have collaborated in a variety of ways for many years. This bill proposes to abolish the Commission on Professional Standards in Education. The Commission affects not only kindergarten through Grade 12 (K-12) education and teacher licensure, but also curriculum development in colleges of education and the approval of college programs. By disbanding the Commission, we lose the diverse voices of our State as we look at how we best answer questions related to education and the preparation of teachers. I would not like to see the voices of the institutions of higher education limited by this legislation. We ask that this bill be amended to retain the Commission on Professional Standards in Education that includes a representative from NSHE.

Thomas Harrison, Ph.D., MFT (Associate Dean and Professor, College of Education, University of Nevada, Reno):

I attend Commission meetings as a representative of NSHE and have participated in other education committees at the State level. There are five important issues regarding this bill. First, critical reform requires input from diverse voices. Passing [S.B. 467](#) and eliminating the Commission will eliminate part of this voice. Second, the Commission has a history of achieving success in a spirited and collaborative sense. Third, the Commission has been unable to telecast its meetings to rural areas such as Elko. I am concerned elimination of the Commission may eliminate the voice of our extremely rural population.

Fourth, representation on groups at the State level will drop from 32 to 6 people. This will significantly decrease the diversity of views that are heard. Lastly, participation by institutions of higher education is optional in this proposed legislation. These institutions have more to offer than just educational technology. Elimination of our voice would not be wise. We are embracing educational reform. At the UNR, our grants have increased to \$8.1 million in the 2 years we have gone through budget cuts. To stand tall as a State, it is important to create this reform with as many diverse voices as possible. This Commission provides a forum to discuss issues that promote inclusion and diversity and still show success.

Chair Woodhouse:

I was responsible for the Commission becoming part of statute and was one of the first appointed representatives. It has brought positive changes to our teachers and classrooms. We must have institutions of higher education involved in the decision-making process. I have received a letter from the NSHE Chancellor Daniel J. Klaich opposing this bill ([Exhibit J](#)).

Craig M. Stevens (Nevada State Education Association):

The Nevada State Education Association (NSEA) opposes S.B. 467. In section 3, NSEA would prefer to nominate several members for choice as a representative to serve on the Education Advisory Council rather than having one appointed. Our second point of opposition relates to the importance of diversity on the Commission. It is vital that the opinion of practitioners who are in the classroom be heard as part of this group. The Council to Establish Academic Standards for Public Schools also needs to have practitioners as part of its membership. We oppose dissolving this Council as part of this bill.

We agree the RPDPs require autonomy to design appropriate professional development for each geographical area. We are concerned that moving them under the jurisdiction of the NDE will lessen inclusion of all voices. We suggest having a coordinating council under the NDE where the RPDP directors could work together to share information. We are concerned the NDE does not have the staffing at this time to do the work of the groups proposed for elimination. We would support having the RPDPs under the NDE if they could keep some level of autonomy.

Thomas B. Pierce, Ph.D. (Chair and Professor, Department of Educational and Clinical Studies, College of Education, University of Nevada, Las Vegas):

I have concerns about all of S.B. 467, but I am specifically concerned about the monitoring design. Current problems will be exacerbated by a top-down approach to management. We must have representation from a cross section of stakeholders in the decision-making process. I am concerned about proposed language defining the qualifications for Superintendent. This language does not require the candidate have a degree or experience in education. It states minimum requirements of reaching the age of 21 to hold this position.

The Commission has served as a vehicle for collecting information from stakeholders. Higher education institutions across the Country have been involved in licensure issues and research to guide educational issues. New classes must be carefully implemented based on validated data. We must provide leadership in working with special student populations. There have been concerns about the configuration of the membership of the Commission. Representation is not as diverse as it should be, and this limits thoughtful professional discussions.

Nykki Holton (Superintendent, Lincoln County School District):

I represent the rural school districts. I am opposed to S.B. 467 and A.B. 357 that proposes similar legislation. I am opposed to any takeover, in whole or in part, of the RPDP.

ASSEMBLY BILL 357: Revises provisions governing the regional training programs for the professional development of teachers and administrators. (BDR 34-272)

I am specifically opposed to section 8 of S.B. 467. I believe those in educational leadership roles should have a background in education. Removing representation and diverse input from State planning activities, as proposed in sections 18 and 20 of this bill, further alienates rural districts from the educational processes for which they are held accountable.

The current structure of the RPDP is eliminated in sections 55 through 62 of the proposed bill. This program has proven effective in supporting educators. I am opposed to the concept of an overarching council managing the RPDP. This bill removes the State and regional structure that has been successful in managing the RPDP for over 12 years. The RPDP has provided professional development

to teachers to improve math, reading, writing, English language arts, science and social studies instruction. It has helped my district organize our local assessment data to provide longitudinal and student-specific information for use by classroom teachers. High schools in my district now participate in RPDP activities. Each school in the district is addressing an area-specific goal that is data-driven. Representatives from RPDP visit elementary schools at least monthly and high schools at least once a quarter. The RPDP is beginning to provide professional development to our administrators on implementation of the new educator evaluation system.

I do not believe the RPDP will function as effectively if it is placed under the NDE. It appears the NDE is focused solely on professional development related to the evaluation process. Representatives from most departments at the NDE do not visit the rural districts on a regular basis. The ones that do visit come yearly, or once every other year due to the distance required for travel. This limited contact would place the rural districts at a disadvantage. We do not want the RPDP placed under the jurisdiction of the NDE. It should remain as it is, under the guidance of those closest to making classroom decisions. In the current system, the RPDP responds rapidly to the needs of the geographic regions being served. A change in governance would create a greater lag time between a request for professional development and its implementation in a district.

The RPDP program is working. With the upcoming adoption of the CCSS, focus of the RPDP should remain on what is being taught, how it is being taught and how it can be assessed as well as providing resources for teachers in these areas. Administrators are made aware of the training teachers receive by RPDP-provided training. Administrators receive training on the evaluation process to help teachers improve instruction. This includes setting expectations for the observation, writing a preobservation conference, writing a classroom observation, writing a postobservation and writing instructions, suggestions and directions for the teacher that will increase student achievement through better instruction.

Emily Lin, Ph.D. (Director of Teacher Education, Department of Teaching and Learning, College of Education, University of Nevada, Las Vegas):

I represent the Dean's office at the Department of Teaching and Learning, College of Education, UNLV. We oppose S.B. 467. The proposed restructuring, which includes abolishing several committees, will silence the voices of

stakeholders having a long history of shaping regulations and setting standards for highly qualified and effective teachers in Nevada. The Commission is the only regulatory body that sets standards for licensing educational personnel in this State. These standards guarantee a quality educational experience for all students. Commission membership reflects key stakeholders in the educational community. Statute requires the Commission have four classroom teachers, one counselor or psychologist, two school administrators, a representative from an institution of higher education and a representative from the general public.

The Commission sets State standards based on accepted standards for professional staff in education. It has established standards regarding examinations of the initial licensure of teachers and other educational personnel. Members of the Commission recognize their decisions are crucial to ensuring Nevada's educators are highly qualified and highly effective. These members represent the different points of view needed to create rigorous regulations for the licensing of educational personnel in the State.

The proposed makeup of the Education Advisory Council would greatly limit stakeholder input. This group would meet quarterly, and have only an advisory function. It would have no regulatory power. The Superintendent, who is appointed by the Governor, would have sole authority to make decisions. The members of this Council would be appointed by the Superintendent. Participation by a representative from an institution of higher education is optional, and no knowledge of teacher education is necessary to serve on this Council. This group would not be held to the Open Meeting Law or public hearings on matters that affect licensure and, consequently, education as a whole in the State.

This bill narrows authority for setting regulations by eliminating the transparent and open participatory processes in place for many years. In this bill, the role of the Superintendent is increased and other roles are eliminated. There is the potential for change of Superintendent every 4 years, depending on the elected Governor. Consequences of this could be a shift in regulations as each new Superintendent is appointed.

Changing the qualifications for Superintendent could cause additional problems. In this proposed legislation, the Superintendent would no longer be required to hold a master's degree in education or school administration. Appointed deputy superintendents would not be required to have master's degrees, administrative

experience or knowledge of curriculum development. This would not serve our children well. Building a strong educational system in Nevada requires maintaining the standards the Commission has established over time. To abolish the Commission through this legislation would run the risk of licensing ill-qualified and ineffective teachers.

Elizabeth Hawthorne, Ph.D. (Interim Dean, School of Education, Nevada State College):

I will read a letter of opposition to S.B. 467 from the faculty of the Nevada State College School of Education ([Exhibit K](#)).

Ms. Bowen:

After hearing the testimony, I am now opposed to S.B. 467. It is important to keep the diversity of voices we have and work in collaboration with the Board.

Dr. Merrill:

This bill would reduce transparency by eliminating boards that currently provide input on policy decisions. It is important to keep the Commission. There is still work to be done by the Council because a continual rotation of curriculum must be developed or updated. The decision-making process used by the Council is transparent and involves public engagement and comment. The NASB is opposed to this bill.

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

The Nevada Association of School Superintendents is opposed to this bill.

Chair Woodhouse:

I will close the hearing on S.B. 467 and open the hearing on S.B. 470, which revises certain fees collected by the administrator of the Commission on Postsecondary Education.

SENATE BILL 470: Revises certain fees collected by the Administrator of the Commission on Postsecondary Education. (BDR 34-1135)

David Perlman (Administrator, Commission on Postsecondary Education):

The fees contained in S.B. 470 would only impact new applicants, not schools that are currently licensed. I will review my prepared materials ([Exhibit L](#)) with the Committee. Given the financial aid programs available to students, operating a postsecondary private school has become more lucrative since 1990. The first

chart, on page 2 of [Exhibit L](#), shows the rise in tuition income for these schools from 1990 through 2012. The fee structure applied to these schools in several other states is shown on the second chart on page 2. Implementing this revised fee structure will help offset some of our agency costs.

Senator Cegavske:

Please explain section 1, subsection 2, paragraph (d), where it mentions approval of an alcohol awareness program. Has there previously been a fee for this? Who would pay the fee to provide this service?

Mr. Perlman:

In a previous Session, the Commission on Postsecondary Education was designated the statewide approval authority for those wanting to implement alcohol awareness training. There was no fee for granting this approval in the past. The approval process is not the same as licensing a school, but it does require significant research. I feel we should be reimbursed for the research we perform. This new fee would be paid by the applicant.

Chair Woodhouse:

You stated there was previously no fee for those desiring approval to implement alcohol awareness programs. Have these programs existed in the past?

Mr. Perlman:

This was a county initiative in the past. It was made into a State program two Sessions ago.

Chair Woodhouse:

I will now close the hearing on [S.B. 470](#) and open the hearing on [S.B. 471](#), which revises provisions related to the Account for Charter Schools.

[SENATE BILL 471](#): Revises provisions relating to the Account for Charter Schools. (BDR 34-1133)

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

There are two major impediments to the development of charter schools. The first is funding for facilities, which is being addressed in another bill. The second is the need for start-up funding, which is addressed in this bill. Nevada has not received funding from the U.S. Department of Education Charter Schools Program (CSP) grant in over 5 years. This funding offers start-up and planning

money to new charter schools prior to and in the early years of their operations. Without CSP funding, Nevada has been at a disadvantage in attracting strong charter operators to and from within our State.

For the first time since it was created nearly a decade ago, the Account for Charter Schools will be funded with a \$750,000 appropriation. This will be managed by the State Public Charter School Authority to the benefit of all charter schools, regardless of sponsor. Regulations to administer this account have been in place for many years, but require revision to reflect the changes in administration of the fund and the amounts to be loaned. The Governor believes this is a small investment that will reap a significant return. With this fund, we can invest in our strongest charter applicants and the future of the students they intend to serve.

Brian Flanner (Administrative Service Officer, State Public Charter School Authority):

I will review my presentation with the Committee ([Exhibit M](#)). Page 1 lists proposed technical changes to be made by S.B. 471. We will bring a technical amendment to finalize these changes. In section 2 of the bill, we want to make it clear there is a cap of \$200,000 for all schools. Page 2 ([Exhibit M](#)) identifies typical preopening costs for a new charter school based on surveys of existing schools. These costs are currently financed with privately raised funds. Page 3 provides information on funding for first-year charter schools. Pages 4 and 5 contain information about default rates and loss recovery for charter schools. Page 6 demonstrates loan amortization for a charter school borrowing the maximum amount available under this legislation.

Senator Ford:

How have these funds been administered in the past?

Dr. Canavero:

This has not been funded in the past. The account set up in 2001 has had a balance of zero until this time.

Chair Woodhouse:

Please repeat the technical amendment.

Mr. Flanner:

The wording of the bill could leave the impression that only new charter schools beginning operation would be limited to the \$200,000 cap. Our intent is that any charter school borrowing from this fund would be limited to that cap.

Kathleen Conaboy (Chair, State Public Charter School Authority):

The Public Charter School Authority Board recently passed its strategic plan. One of the majority initiatives is to improve the environment for the creation and support of charter schools. This includes looking for alternative sources of funding such as private philanthropic organizations and requesting funds from the Legislature. This is our first attempt to reach out to the Legislature. We are in full support of S.B. 471.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B 471 AND REREFER TO THE SENATE COMMITTEE ON FINANCE.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

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Chair Woodhouse:

Seeing no further business, this meeting is adjourned at 6:34 p.m.

RESPECTFULLY SUBMITTED:

Diana Jones,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 427	C	2	Nevada Network Against Domestic Violence	Letter of Support
S.B. 427	D	1	American Civil Liberties Union of Nevada	Proposed Amendment
S.B. 309	E	5	Senator Patricia Spearman	Testimony
S.B. 309	F	1	Senator Patricia Spearman	Proposed Amendment
S.B. 309	G	3	Senator Patricia Spearman	Bloomberg Businessweek article
S.B. 443	H	6	Steve Canavero	Testimony
S.B. 467	I	14	Deborah H. Cunningham	Presentation
S.B. 467	J	2	Nevada System of Higher Education	Letter of Opposition
S.B. 467	K	1	School of Education, Nevada State College	Letter of Opposition
S.B. 470	L	3	David Perlman	Testimony
S.B. 471	M	6	Brian Flanner	Presentation