

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
April 12, 2013**

The Senate Committee on Education was called to order by Chair Joyce Woodhouse at 4:15 p.m. on Friday, April 12, 2013, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

GUEST LEGISLATORS PRESENT:

Senator Scott Hammond, Senatorial District No. 18
Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Steve Canavero, Ph.D., Director, State Public Charter School Authority
Robert Howell, Academica Nevada
Nicole Rourke, Executive Director of Government Affairs, Clark County School District
Joyce Haldeman, Executive Director, Community and Government Relations, Clark County School District

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

Chair Woodhouse:

This is a work session. Pepper Sturm will present each bill on our agenda. We will begin the work session with Senate Bill (S.B.) 59.

SENATE BILL 59: Eliminates a restriction on times during which a charter school may use school buildings owned by a school district. (BDR 34-397)

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 59 ([Exhibit C](#)). This bill eliminates the statutory restriction that prohibits the use of school district facilities by charter schools during regular school hours. Such uses must still be approved by the school district's board of trustees.

There were two proposed amendments to S.B. 59. The first of these proposed amendments was submitted and later withdrawn by the State Public Charter School Authority. Because the first proposed amendment was withdrawn, the second proposed amendment no longer applies.

SENATOR CEGAVSKE MOVED TO DO PASS S.B. 59.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 240.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 240 ([Exhibit D](#)). This bill creates the Teachers' School Supplies Reimbursement Account within the State General Fund and appropriates \$2.5 million for each

year of the biennium to this account. In addition, the account is authorized to receive gifts, grants, bequests and donations. Each school district will be apportioned its share of money from the account based upon the number of classroom teachers employed in that district. School districts are required to establish a special revenue fund for this program to be used only for reimbursing teachers for their out-of-pocket purchases of school supplies necessary for their pupils. The measure specifies the forms and the processes through which a teacher may submit a claim of up to \$100 for reimbursement from the school district, subject to the availability of money in the revenue fund. In addition, the Department of Education (NDE) is required to adopt regulations that must identify the school supplies that are eligible for reimbursement and specify the claims procedure and approval process.

There is a proposed amendment to remove "not to exceed" from the existing language in section 5, subsection 2, and add "of \$100 or more."

In addition, there is a fiscal note on S.B. 240.

SENATOR FORD MOVED TO REREFER WITHOUT RECOMMENDATION
S.B. 240 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 255.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 255 ([Exhibit E](#)). This bill requires the Board of Regents of the Nevada System of Higher Education to use the proceeds from the sale of or any property received in exchange for agricultural research property to support, expand and develop

research and other programs in agriculture within the Nevada Agricultural Research System or an institution within that system.

There is a proposed amendment to make two changes to S.B. 255. First, the amendment proposes that the proceeds and rents described in section 1, subsection 3, "may" be used for the purposes set forth in section 1, subsection 3, paragraphs (a) and (b). Second, the proposed amendment allows the proceeds of the sale or lease of agricultural property as mentioned in the bill to be used for other purposes if the Board of Regents seeks and obtains prior approval from the Legislature.

In addition, there is a fiscal note on S.B. 255.

SENATOR FORD MOVED TO AMEND AND REREFER WITHOUT RECOMMENDATION S.B. 255 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 291.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 291 ([Exhibit F](#)). This bill requires that the Clark County School District (CCSD) establish a prekindergarten program for children with limited proficiency in English. The measure specifies the curriculum for children in this program to include academic instruction, developmental components and elements that promote critical thinking. The program must have a pretest and a posttest of English language proficiency for these children. The Clark County School District Board of School Trustees is required to provide professional development for the

educational personnel involved in the program. The CCSD also must provide an annual evaluation of the program and report its findings to the NDE. To fund the program, \$20 million is appropriated each year of the coming biennium to the CCSD. Any amount that remains unspent each fiscal year will revert to the State General Fund.

There are no amendments to S.B. 291. This bill contains an appropriation not included in the Executive Budget.

SENATOR FORD MOVED TO REREFER WITHOUT RECOMMENDATION
S.B. 291 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 311.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 311 ([Exhibit G](#)). This bill requires that school districts identify schools rated as underperforming and eligible for conversion into empowerment schools. The bill specifies that 55 percent or more of the parents or guardians of pupils enrolled in the school may submit a petition for conversion. Districts are required to post a list of such schools annually on October 1 and specify for each the number of valid signatures required to petition the school board to make such a conversion. The measure defines an "underperforming school" as one that has been rated as underperforming by the NDE under its accountability provisions. Charter schools are specifically excluded from the provisions of this bill. A school board receiving such a petition is required to notify the Superintendent of Public Instruction concerning the receipt of the petition and is given 15 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 in a public hearing. The process of conversion must begin immediately following that decision. The bill specifies requirements for determining the sufficiency of the petition, notification requirements for the various parties and implementation deadlines. Petitions that may be insufficient have 20 days to gather the requisite signatures for resubmittal. In addition, parents and guardians are authorized to petition for a reversal of that conversion using the same signature and related requirements set forth for the original petition to convert. The provisions of the bill also apply to school districts that are not statutorily authorized to participate in the State's empowerment school model, and districts authorized to participate may exceed that cap authorizing or limiting the number of empowerment schools within the district.

There are a number of proposed amendments to S.B. 311. Senator Ford has provided a mock-up of Proposed Amendment 8254 to S.B. 311. This mock-up incorporates all of the following amendments.

Amendment 1 authorizes conversions to a charter school, should the converted empowerment school continue to be rated as underperforming, using the same requirements and processes for a petition to convert to an empowerment school.

Amendment 2 provides that parents and legal guardians may also then petition to reverse the conversion to a charter school.

Amendment 3 amends the authority granted in amendments 1 and 2 to provide for the revocation of a school's charter by its sponsor if it continues to be rated as underperforming for 3 consecutive years following its conversion.

Amendment 4 states that if the charter school conversion is reversed due to a parent petition as specified in amendment 1, it becomes a traditional public school the following school year.

Amendment 5 requires school districts with one or more underperforming schools, upon a petition of 10 percent of the parents and guardians of pupils attending an underperforming school, to adopt a policy establishing a school advisory team. According to the intent of the amendment, this would insert an intermediary step prior to a petition to convert a school. The full proposal specifies the composition of the advisory team and spells out its duties.

Amendment 6 requires that, beginning March 1, the school advisory team meet at least six times a year before a petition to convert may be initiated. At the end of the year, the school advisory team must submit a report with recommendations to the board of trustees so that it can begin to operate as an empowerment school in the following school year.

There is a fiscal note on S.B. 311.

SENATOR KIHUEN MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 311.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed to S.B. 328.

SENATE BILL 328: Makes various changes relating to education. (BDR 34-937)

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 328 (Exhibit H). This bill prohibits the State Board for Career and Technical Education from using federal funds to provide leadership and training activities unless required. Not more than 5 percent of State money in any one fiscal year can be used for this purpose. State money must be distributed equally among programs of career and technical education including: agriculture and natural resource sciences; business and marketing; family and consumer sciences; health sciences; information and media technology; and trade and industrial sciences.

In addition, the bill requires the Executive Officer of the Board to appoint a person to oversee each of those areas, and specifies that the person responsible for agriculture and natural resource sciences have a minimum of 3 years of experience teaching agriculture at the secondary level. The bill also sets forth the processes to be followed if the grant distribution is less than \$1.5 million per fiscal year, and if the grants exceed \$1.5 million per fiscal year.

Unspent State money for grants will not revert to the State General Fund. The bill also requires school districts and charter schools match certain grants and allows for a waiver if it is determined the district or charter school is financially unable to provide the matching amount. Finally, the bill provides for an evaluation of the effectiveness of the programs.

There are proposed amendments to S.B. 328. Senator Settlemeyer has provided a mock-up Proposed Amendment 8073 which consolidates all of the following proposed amendments.

Amendment 1 shifts the limitation of 5 percent for leadership activities from federal funds received for career and technical education to State appropriations.

Amendment 2 adds the definition of "leadership and training activities."

Amendment 3 clarifies that the grants be awarded based upon developing new or expanding existing programs of career and technical education.

Amendment 4 adds section 4, subsection 3, paragraph (k) and section 5, subsection 2, paragraph (k) stating, "Program that leads to a national credential or certification or not."

SENATOR CEGAVSKE MOVED TO AMEND AND REREFER WITHOUT RECOMMENDATION S.B. 328 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR FORD SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 345.

SENATE BILL 345: Creates the Advisory Council on Science, Technology, Engineering and Mathematics. (BDR S-700)

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 345 (Exhibit I). This bill creates a 15-member Advisory Council on Science, Technology, Engineering and Mathematics (STEM). The Council members, or their designees, would be officials to serve as ex officio members including: the Superintendent of Public Instruction; the Chancellor of the Nevada System of Higher Education; the Executive Director of the Office of Economic Development; and the Director of the Department of Employment, Training and Rehabilitation. The Council would also include 11 voting members who are educators or businesspeople in STEM fields, including: 3 members appointed by the Governor; 4 members appointed by the Senate Majority Leader; and 4 members appointed by the Speaker of the Assembly. The Council would select a chair at the first meeting and would meet no more than four times per year. Members serve without compensation.

The Council is required to develop a strategic plan for the development of education resources in STEM to serve as a foundation for workforce development, college preparedness and economic development. The Council must develop a plan for identifying and awarding recognition to pupils in the State who demonstrate exemplary achievement in STEM and develop a plan for identifying and awarding recognition to up to 15 schools that demonstrate exemplary performance in STEM. The Council must conduct a survey of existing and proposed STEM education programs, apply for grants on behalf of the State relating to development and expansion of STEM education programs, identify a nonprofit organization 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 in Nevada public schools. Finally, the bill appropriates \$50,000 to the Council for a staff person to develop the plans required by the bill and to write grant applications.

There are proposed amendments to S.B. 345. Senator Woodhouse has provided a mock-up of Proposed Amendment 8122 to S.B. 345 that incorporates all of the following amendments.

Amendment 1 proposes that the Advisory Council on STEM is created within the NDE. The State Board of Education will consider the plans, surveys and reports of the Council and adopt regulations as necessary.

Amendment 2 would require that the reports specified in the bill also be provided to the State Board of Education and the Governor.

Amendment 3 would delete section 3 of the bill, thereby removing the appropriation for a grant writer and thus the fiscal note.

Amendment 4 shifts the sunset provision of the bill from June 30, 2015, to June 30, 2017.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 345.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed to S.B. 384.

SENATE BILL 384: Revises provisions relating to charter schools. (BDR 34-687)

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 384 ([Exhibit J](#)). This bill changes the statutory name of the State Public Charter School Authority to the Nevada Public Charter School Authority. The bill clarifies that, while a charter school in Nevada may not operate on a for-profit basis, it may be incorporated as a nonprofit corporation pursuant to Chapter 82 of *Nevada Revised Statutes* (NRS).

This bill revises the provisions governing the closure of a charter school and includes important provisions related to: public notice of the closure; the development of a plan for closure, including the maintenance of insurance coverage and an office with regular hours of operation; measures to protect the school's assets, including a final audit; and steps that ensure the proper conclusion of the charter school's financial affairs.

More significantly, S.B. 384 enacts the Charter School Financing Law and empowers the Nevada Public Charter School Authority to issue tax-exempt bonds and other obligations to fund the buildings and facilities necessary to operate a charter school. Any bonds authorized and issued by the Authority would be special obligations, and would not create a general obligation to the Authority or the State of Nevada. The bonds would be secured or unsecured debt obligations of the end-user, who would ensure payment of the obligation to investors in accordance with the bond terms—all of which would first need to be approved by the Authority. The bond market would ensure that each bond is priced with an appropriate risk premium, and it would assess the value of any assets pledged and the reliability of any income streams used to repay the bonds. Most often, bonds would be repaid using the annual per-pupil funding of the charter school and any other revenues the school may receive. Bonds that are issued may only be used for their stated purpose, and any unused portion must be applied to the payment of principal or interest on the bonds, or in a way that protects the bondholder.

There are proposed amendments to S.B. 384.

Amendment 1 creates a new chapter in NRS 349A.

Amendment 2 includes some of the definitions from the original bill, modifies others and includes new definitions including: cost of a project; expense of operation and maintenance; financing agreement; obligator; revenues; and others.

Amendment 3 shifts the authority for the program from the Charter School Authority to the Director of the Department of Business and Industry (B&I).

Amendment 4 defines prerequisites for the program.

Amendment 5 specifies the bonds are to be limited special obligations of the State, but do not constitute debt or indebtedness of the State or local governments.

Amendment 6 uses and modifies sections of the bill concerning form and terms of bonds; bond security; exemptions of bonds from taxation; pledge of faith of the State concerning repeals and modifications; and refunding.

Amendment 7 contains sections concerning the limitation of actions and sufficiency of the provisions in the new NRS chapter.

Amendment 8 clarifies that any contract for new construction, repair or reconstruction for which financing was granted must adhere to Nevada's prevailing wages laws.

Amendment 9 requires the Director to adopt regulations incorporating certain of the subjects within the original bill and other provisions related to the amendment as a whole.

Amendment 10 amends the charter school statutes as provided in the original bill in sections 29 through 34, but now include notification of the Director of B&I in closures of charter schools.

Senator Scott Hammond (Senatorial District No. 18):

Senate Bill 384 is a collaboration of Governor Brian Sandoval, the Office of the State Treasurer, the Attorney General and B&I. The most important change to S.B. 384 is to house the Nevada Public Charter School Authority within B&I.

In discussions, the concerns of the Charter School Authority were addressed. The Department of Business and Industry handles bonds often, so we are putting the Authority under their care.

Senator Ford:

Were all the concerns of the Treasurer's Office addressed?

Senator Hammond:

I did not receive any communications from the Treasurer's Office. The absence of a telephone call was tacit consent of S.B. 384.

The Department of Business and Industry questioned why some of the bill language had been removed. This language is instrumental in any of the bonding B&I does now with industrial bonds. We addressed their concerns by putting language back in and amending some of the bill language.

Senator Ford:

Did you receive buy-in from all interested parties?

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Senator Hammond:

That is my understanding.

Senator Ford:

Are there any outstanding issues with S.B. 384?

Senator Hammond:

Yes. We are awaiting an opinion from the Legal Division, Legislative Counsel Bureau (LCB), regarding amendment 1.

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

There was a question as to whether the bonds could be classified as revenue or general obligation bonds because the Distributive School Account (DSA) derives money from tax receipts. Senator Hammond has requested an opinion from LCB. When we receive the opinion, the next steps of this bill will be known.

Senator Cegavske:

The prevailing wage provision in the proposed amendment means costs will be higher. Was that addressed during your conversations with all parties?

Robert Howell (Academica Nevada):

The prevailing wage is the law. It is used for any public school as it relates to new construction.

Chair Woodhouse:

Ms. Erdoes, do you have anything to add regarding the legality of S.B. 384?

Brenda Erdoes (Legislative Counsel):

The Treasurer's Office asked if these bonds could be revenue bonds. The case *Morris v. Board of Regents*, 97 Nev. 112, 625 P.2d 562 (1981) says local government or any other revenue bonds cannot be revenue bonds if the money pledged to pay them comes from State taxes. The issue is complicated because a portion of the money that would be pledged is DSA dollars. The DSA is funded by many sources. I am working through the Bond Counsel to determine if these bonds can be revenue bonds. I do not have that information at this time. If it is determined they cannot be revenue bonds, they would have to be general obligation bonds meaning the full faith and credit of the State would be pledged and they would count against the State debt limit. As soon as I receive an answer, I will notify the Committee.

Senator Ford:

If it is determined the bonds are general obligation bonds, is there a problem?

Senator Hammond:

Yes. We are awaiting the opinion from the Bond Counsel. We want to ensure they can be revenue bonds. We want to avoid the issue if the bonds must be general obligation bonds.

Senator Ford:

If the Bond Counsel's opinion states that the bonds must be general obligation bonds, does S.B. 384 in its amended form address that matter?

Senator Hammond:

I do not believe that is addressed specifically in the bill. We have buy-in from almost every stakeholder to whom we have spoken. If the opinion is that they must be general obligation bonds, we will not support the bill going forward.

Chair Woodhouse:

Can we process this bill with an additional amendment stating that the bill will not go forward if there is an opinion they must be general obligation bonds?

Ms. Erdoes:

Yes, you can, but you may not want to. You can process this in good faith that these will be revenue bonds because if this source for revenue bonds does not work, there might be another means to make it work. We can work with the Bond Counsel to find another way. We need to receive the opinion from the Bond Counsel to determine how to proceed. We can process this bill with the notion that when it goes to the Assembly, we will be watching to ensure the bill works before it is ultimately passed.

Senator Hammond:

I agree. I do not want to kill the bill because there may be another way to keep the bonds as revenue bonds.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 384.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 391.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 391 ([Exhibit K](#)). This bill places community colleges within the NDE. The bill directs the NDE to conduct an annual examination of the community college system including its strengths, weaknesses, opportunities and assets, and report its findings to the public and the Legislature. Finally, S.B. 391 requires that a comprehensive, 4-year strategic plan for our community colleges be drafted and updated every 2 years.

Senator Cegavske has provided a mock-up Proposed Amendment 8111 to S.B. 391 that revises the bill extensively and creates an interim study.

Amendment 1 contains a legislative declaration concerning the importance of community colleges to the State's economic development efforts; their presence in underserved rural communities; and their responsive nature to needs of employers and the surrounding communities within their service areas.

Amendment 2 requires the Legislative Commission to appoint a six-member committee to study methods of governance and financing for Nevada community colleges.

Amendment 3 sets forth the scope of the review to include shifting the administration of the system to the NDE and the components involved in such a transfer.

Amendment 4 states that should such a transfer be deemed inadvisable, there will be a review of other options for improving the governance structure and funding methods for Nevada's community colleges.

There is a fiscal note to the original bill.

Senator Ford:

I support the concept of S.B. 391. The only concern I have regarding the proposed amendment is it creates a six-member committee that only includes Legislators. I believe members of the Nevada System of Higher Education should be part of the committee. I understand our committee membership is comprised of Legislators, but we have precedent where we have included other interested parties. I support the bill otherwise, and I will be voting in favor of the bill as amended.

SENATOR CEGAVSKE MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 391.

SENATOR GUSTAVSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 392.

SENATE BILL 392: Requires reporting of certain gifts and bequests relating to education. (BDR 34-147)

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 392 ([Exhibit L](#)). This bill requires the State Board of Education and the board of trustees of each school district to prepare reports concerning certain gifts and bequests of money or property. The reports shall include the name of the donor and the amount of the gift; any instructions about the use of the gift; and information about any connection between the donor and recipients, including bids on contracts and any lobbying ties. The reports are required to be reviewed

at a public meeting of the Board. Included in [Exhibit L](#), there are two proposed amendments 8276 and 8250 to S.B. 392.

The first proposed amendment amends the original bill and applies the following to gifts made to the Board or to local school boards: the value of the gift or money subject to reporting is set at \$1,000, and requires reporting any donor's instructions concerning the use of the gift that conditions the use of the gift upon the payment of salary or other valuable consideration to a specific person or consultant.

The second proposed amendment limits the provisions of the bill to gifts amounting to a combined total of \$100,000 or more within a 12-month period. In addition, the second proposed amendment adds a new subsection to section 2 prohibiting the board of trustees of a school district from accepting a gift or bequest that establishes the use of the gift or that conditions the use of the gift upon payment of salary or other consideration to a specific person, vendor or consultant.

The proposed amendments are in conflict with each other.

Senator Cegavske:

These amendments could not only harm donations given to the school but donations to the local television broadcasting station of Vegas PBS as well. I am concerned about doing anything to harm these entities.

Senator Ford:

I also have concerns about the bill. There is an option other than passing the bill. Possibly we can have a conceptual amendment for the Legislative Committee on Education to look at this during the interim. Some of us will be on that Committee, and we can report back in the next Session.

Chair Woodhouse:

Can we refer this to the Legislative Committee on Education to report during the next Session?

Asher Killian (Counsel):

Yes, we can.

Chair Woodhouse:

I am concerned about unintended consequences of the bill. The bill sponsors are attempting to right a perceived wrong. Perhaps we have gone too far with S.B. 392. We should study and address the issue but not harm the parties involved.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED S.B. 392 WITH A CONCEPTUAL AMENDMENT TO REREFER TO THE LEGISLATIVE COMMITTEE ON EDUCATION.

SENATOR CEGAVSKE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 427.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 427 ([Exhibit M](#)). This bill revises the definition of bullying to include harassment and intimidation and removes the separate references to harassment and intimidation throughout the provisions of statute concerning a safe and respectful learning environment in public schools. The bill also requires courts to inform school districts if the court determines a child enrolled in the district has engaged in bullying or cyber-bullying. Finally, the bill prohibits a member of a club or organization that uses school facilities from engaging in bullying and cyber-bullying on school premises or at any location that is not school-related if the behavior causes physical and emotional harm and creates a hostile environment or otherwise disrupts the educational process.

There are two proposed amendments to S.B. 427.

The first proposed amendment would delete section 15, subsection 2, to ensure school districts are not held liable for the actions of the club or organization at a nonschool location.

The second proposed amendment would add to section 7 to protect certain First Amendment rights under the *United States Constitution*, and it specifies when protected expression becomes unprotected within the definition of bullying.

Senator Ford:

A group met to discuss the potential liability issues raised during the Committee hearing, and they decided to remove the first proposed amendment.

Asher Killian (Counsel):

As we read NRS 388.122 as proposed to be amended in section 7 of S.B. 427, the language defines bullying as a willful act which is not otherwise authorized by law. The NRS already excludes from the definition of bullying any speech or expression protected by the First Amendment. As a result, we feel the language in proposed amendment 2 is unnecessary to address concerns. In addition, we do not believe there is a First Amendment question posed by the addition of language about infliction of harm because the actual infliction of harm cannot be First Amendment-protected conduct.

Chair Woodhouse:

We will amend and do pass as amended to include the first proposed amendment.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
WITH THE FIRST AMENDMENT OF [EXHIBIT M](#) S.B. 427.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 447.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 447 ([Exhibit N](#)). The bill amends the statutory budget submission process for the

Regional Professional Development Programs (RPDPs), and requires them to submit their proposed budgets to the State Board of Education for review and inclusion in the NDE's budget. Once the RPDP budgets are approved through the legislative process, revisions would be processed through the Superintendent of Public Instruction and follow the same procedures as with other State agencies, pursuant to Chapter 353 of NRS. The bill also requires the RPDPs to provide developmental training for those professionals who conduct teacher or administrator evaluations, in consultation with the Teachers and Leaders Council. In addition, the RPDPs must provide targeted professional development based upon the results of teacher and administrator evaluations. The bill also requires the annual evaluation and report of the RPDPs to include additional data points, including: the number of teachers who received training in parent engagement; the number of teachers or administrators who received training in conducting evaluations; and the number of teachers or administrators who received targeted professional development based upon their evaluation results. Senate Bill 447 further authorizes a teacher's aide or paraprofessional to monitor computer laboratories in place of a licensed teacher, unless prohibited by federal law. Finally, this measure authorizes district attendance officers to issue citations for habitual truancy.

There are two proposed amendments to S.B. 447. Senator Woodhouse has provided a mock-up, Proposed Amendment 8222, which consolidates her proposed amendments of [Exhibit N](#).

Amendment 1 revises the membership of the existing Statewide Coordinating Council for the RPDPs to include the Superintendent of Public Instruction or his or her designee, one member each appointed by the Governor, the Speaker of the Assembly, and the Senate Majority Leader; a teacher and a school administrator appointed by the Governor from a list submitted by the respective State organizations; and one school district superintendent or his or her designee from each regional training program. Members may not serve more than three 2-year terms. Appointing authorities must consider the State's cultural diversity and geographic balance. The NDE will staff the Council.

Amendment 2 states the Council will recommend the biennial budget for the RPDPs, review and make reports, coordinate with the Office of Parental Involvement and Family Engagement of NDE, and ensure coordination between district professional development needs and school and district improvement plans.

Amendment 3 provides that the budget process be handled by the Statewide Council instead of the Superintendent of Public Instruction, as specified in the bill.

Amendment 4 states each RPDP must submit a 5-year plan and biennial budget request to the Statewide Council for its review.

Amendment 5 states that annual reports by the RPDPs that are already specified in law must first be submitted to the Statewide Council for its review and revision prior to being submitted to the State Board of Education, the Legislative Committee on Education and others.

Amendment 6 from Craig Stevens of the Nevada State Education Association, proposes deleting all provisions with the exception of sections 7 and 8.

Chair Woodhouse:

I asked many people in the education ranks to work with me on the amendments. I am pleased with the work that was done.

Senator Cegavske:

The proposal in the original bill was to move the RPDPs under the Board of Education. Are we also creating a new council?

Nicole Rourke (Executive Director of Government Affairs, Clark County School District):

The Clark County School District worked with all the education partners to develop the amendments so that the Statewide Council changes its membership and has more responsibility to increase the transparency and accountability of the RPDPs statewide. We also left the form for the budget under the purview of the Superintendent of Public Instruction to have uniformity in budget submissions. This makes the budget easier for review, and the forms would be the same as those used by the NDE and school districts. We looked at membership that is comprised of members of the Legislature and the Superintendent of Public Instruction. The Council will be an oversight body.

Senator Cegavske:

The RPDPs are doing fine as they are. I have not heard of any concerns other than those in Washoe County School District. The RPDPs are working well in CCSD. I am concerned about making this change.

Chair Woodhouse:

Is it correct that the manner in which the CCSD operates with RPDPs remains the same?

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

The function of the RPDPs will remain the same. The CCSD is suggesting a change in the statewide council.

Senator Cegavske:

I understand your suggestion. You are also placing the RPDPs under the NDE, which would be responsible for staffing the RPDPs.

Ms. Haldeman:

The NDE already attends the statewide governing meetings. The bill gives the council a formal role to ensure the agenda is posted. We have found the meetings occur haphazardly rather than systematically. By having the Council assigned to the NDE, we believe there will be a better process.

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

One of the challenges that arise in the acquisition of additional funding for the RPDPs is to ensure those dollars are used appropriately across the State. The original concept of bringing the RPDPs under the NDE was to create an opportunity for the RPDPs to share budgeting items. We believe the bill serves that purpose well while maintaining the integrity of local control under the data-driven professional development elements and allowing for greater continuity and collaboration.

Chair Woodhouse:

In working on the amendments, I wanted to ensure that we addressed the many letters and emails I have received from superintendents concerning how the RPDPs work for them in that structure. The structure would not change, but would have an overarching, coordinating council. The RPDPs would be on the same track, but still address the specific needs of each school district based upon the needs of teachers and administrators.

Senator Cegavske:

Are sections 7 and 8 being deleted from S.B. 447?

Chair Woodhouse:

No, we are not proposing to remove sections 7 and 8 from S.B. 447.

Senator Cegavske:

I reserve the right to change my vote on the Senate Floor. I am not comfortable accepting this with the limited information I have at this time.

Senator Gustavson:

I agree with my colleague. I would like to study [Exhibit N](#) so I reserve the right to change my vote on the Senate Floor.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 447.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CEGAVSKE ABSTAINED FROM THE
VOTE.)

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Chair Woodhouse:

We will proceed with S.B. 455.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 455 ([Exhibit O](#)). The bill establishes a pilot program to provide grants to school districts to establish or expand English Language Learner (ELL) programs serving children in kindergarten through Grade 4. The measure specifies the grant application procedure; the application review process; and sets forth the manner in which the grant funds will be disbursed. The program requires recipient districts to provide for a third party evaluation concerning the effectiveness of the grant on academic growth of its pupils and the correlation with the grant application criteria. The district evaluation reports will be compiled and submitted to the Governor and the next Session of the Legislature, along with

any recommendations about continuing the pilot program. There are no amendments to this bill.

SENATOR FORD MOVED TO REREFER WITHOUT RECOMMENDATION S.B. 455 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Woodhouse:

We will proceed with S.B. 467.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 467 (Exhibit P). This bill establishes a new advisory council within the NDE and abolishes various education-related councils and commissions.

The bill establishes the Education Advisory Council consisting of six voting members, and other nonvoting members, appointed at the discretion of the Superintendent. The bill specifies the manner of appointment, selection of the Council's Chair and Vice Chair, meeting times, staffing, duties and provides for the payment of travel and per diem for members. The bill provides for the elimination of certain academic credentials and experience from the qualifications for Superintendent of Public Instruction and his or her deputy superintendents and repeals provisions creating the Council to Establish Academic Standards for Public Schools, and transfers its duties to the NDE. The bill repeals provisions creating the Commission on Professional Standards in Education, the educator licensing agency, and transfers its duties to the NDE; it repeals provisions creating the Commission on Educational Technology and transfers certain of its duties to the NDE. The bill abolishes the Commission on Educational Excellence; abolishes the Statewide Coordination Council for the RPDPs, and further abolishes the local governing councils for the three RPDPs; the duties of the State and regional councils are transferred to the NDE. The bill

deletes the requirement that any expenditure from the Education Gift Fund be approved by the Legislature or the Interim Finance Committee.

There is a mock-up of Proposed Amendment 8272 to S.B. 467 which incorporates the following proposed amendments. The proposed amendment removes all references to abolish the Council to Establish Academic Standards for Public Schools. In addition, it removes all references that would have abolished the Statewide Council for Coordination of the Regional Professional Development Programs, and further removes references to the associated transfer of duties for certain functions of the RPDPs.

Additional concepts were proposed including: delete provisions concerning revisions to the RPDPs; delete provisions eliminating the Commission on Professional Standards in Education; and turn the various boards and commissions proposed for elimination into advisory bodies to the State Board of Education and retain their membership and essential duties.

Chair Woodhouse:

We passed S.B. 447, which includes references to RPDPs. Does S.B. 467 conflict with S.B. 447?

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

No, all references to RPDPs in S.B. 467 have been removed.

Chair Woodhouse:

I suggest we amend the bill to keep the Commission on Professional Standards in Education and the Commission on Educational Technology. We need to let the Commission on Professional Standards in Education continue to do its work and review the Technology Commission at a later date. We are asking our school districts to expand their use of technology through STEM and other tools to prepare students for the workforce. The Commission on Educational Technology has a role, and I am not ready to dissolve that Commission.

Senator Cegavske:

All the commissions set for repeal in S.B. 467 were evaluated extensively, and the repeal of the commissions is recommended in this bill. I am concerned we are not in keeping with the recommendations that were made. The purpose of

S.B. 467 was to let the NDE reorganize and re-evaluate commissions. How many commissions that are slated for repeal are we reinstating?

Ms. Fitzpatrick:

There is only one commission that would be eliminated. As I understand the bill, we would not eliminate the Commission on Professional Standards and not eliminate the Commission on Educational Technology. If we move forward with the bill, we would eliminate only the Commission on Educational Excellence.

Senator Cegavske:

The Council to Establish Academic Standards for Public Schools could be put under an umbrella for evaluation. I believe that is what we agreed. I worked on this Council. Council members were looking for those people with expertise in the standards. We had classroom teachers and other people on the Council. Soon, we will be using Common Core State Standards. I am disappointed we would not proceed with passage of S.B. 467. The bill is meant to let these councils be either created or dealt with in a different manner under the NDE. I cannot support not repealing all the commissions and councils included in S.B. 467.

Senator Ford:

I believe we should amend and do pass as amended S.B. 467. In addition, we should include verbal amendments to keep the Commission on Professional Standards in Education and the Commission on Educational Technology.

SENATOR FORD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 467.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND GUSTAVSON
VOTED NO.)

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Chair Woodhouse:

We will proceed with S.B. 470.

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

Pepper Sturm (Policy Analyst):

The Committee has received the work session document for S.B. 470 (Exhibit Q). This bill increases certain fees collected by the Commission on Postsecondary Education. Fees include those for an initial license, changes in ownership, renewals of agent permits and for unlicensed out-of-state institutions to employ agents or offer experiential courses. A new fee for approval of an alcohol awareness program is set at \$500. There are no amendments to the bill.

SENATOR FORD MOVED TO DO PASS S.B. 470.

SENATOR KIHUEN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS CEGAVSKE AND GUSTAVSON VOTED NO.)

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Chair Woodhouse:

The meeting is adjourned at 5:44 p.m.

RESPECTFULLY SUBMITTED:

Sara Weaver,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	2		Agenda
	B	3		Attendance Roster
S.B. 59	C	4	Pepper Sturm	Work Session Document
S.B. 240	D	6	Pepper Sturm	Work Session Document
S.B. 255	E	3	Pepper Sturm	Work Session Document
S.B. 291	F	1	Pepper Sturm	Work Session Document
S.B. 311	G	24	Pepper Sturm	Work Session Document
S.B. 328	H	14	Pepper Sturm	Work Session Document
S.B. 345	I	5	Pepper Sturm	Work Session Document
S.B. 384	J	18	Pepper Sturm	Work Session Document
S.B. 391	K	9	Pepper Sturm	Work Session Document
S.B. 392	L	10	Pepper Sturm	Work Session Document
S.B. 427	M	18	Pepper Sturm	Work Session Document
S.B. 447	N	35	Pepper Sturm	Work Session Document
S.B. 455	O	1	Pepper Sturm	Work Session Document
S.B. 467	P	58	Pepper Sturm	Work Session Document
S.B. 470	Q	1	Pepper Sturm	Work Session Document