

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 19, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 2:47 p.m. on Tuesday, May 19, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblywoman Dina Neal, Assembly District No. 7
Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

H. Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District
Andrew Diss, State Director, StudentsFirstNV
Sylvia Lazos, Vice Chair, Latino Leadership Council
Mary Pierczynski, representing Nevada Association of School Superintendents
Jessica Ferrato, representing Nevada Association of School Boards
Seth Rau, Policy Director, Nevada Succeeds
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce
Lauren Hulse, Executive Director, Charter School Association of Nevada
Victor Wakefield, Executive Director, Teach for America, Las Vegas Valley
Victoria Carreón, Director, Education Policy, Kenny C. Guinn Center for Policy Priorities
Dena Durish, Director of Educator Effectiveness and Family Engagement, Department of Education
Ruben R. Murillo, Jr., President, Nevada State Education Association
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District

Chair Woodbury:

[Roll was called. Protocol and procedures were explained.] We will start with our work session.

Senate Bill 391 (2nd Reprint): Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

Kristin Rossiter, Committee Policy Analyst:

Senate Bill 391 (2nd Reprint) was presented on May 18 by representatives of the Department of Education. The bill requires the board of trustees of each school district and the governing body of each charter school to prepare a plan to improve the literacy of students enrolled in kindergarten through Grade 3. The principal of each elementary school must designate a learning strategist to train and assist teachers in providing intensive instruction to students identified as deficient in reading. Certain teachers are required to complete related professional development.

This bill requires academic interventions for kindergarten through Grade 3 (K-3) students who do not achieve adequate proficiency in reading, and beginning in School Year 2019-2020, prohibits a public school from promoting a student to Grade 4 if the student does not achieve such proficiency, with certain good-cause exemptions allowed. A student may only be retained one time in Grade 3. The bill also has certain reporting requirements. [Continued to read from ([Exhibit C](#)).]

Several amendments have been proposed including additions to reporting requirements and revisions to section 8 that add language similar to "describe, explain, and model (or practice)...." [Continued to read from ([Exhibit C](#)).]

Chair Woodbury:

Can I have a motion to amend and do pass?

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
SENATE BILL 391 (2ND REPRINT).

ASSEMBLYMAN HICKEY SECONDED THE MOTION.

Is there any discussion on the motion?

Assemblyman Elliot T. Anderson:

Since it is already an amend and do pass motion, is it possible to be added as a cosponsor? I put in a lot of work on this policy last session. I would appreciate that opportunity.

Chair Woodbury:

Do we need permission from the bill sponsor? If Senator Harris approves it, that is fine. Can we make that amendment?

Kristin Rossiter, Committee Policy Analyst:

We can add it to the conceptual amendment.

Assemblywoman Shelton:

I still have a few questions so I will vote this out of Committee, but I reserve my right to change my vote on the floor.

Assemblywoman Dooling:

I have the same concern. I reserve my right to change my vote on the floor.

Chair Woodbury:

If there is no further discussion, we will vote. [There was no further discussion.]

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND
GARDNER WERE ABSENT FOR THE VOTE.)

Chair Woodbury:

Assemblyman Elliot T. Anderson will make the floor statement.

Senate Bill 405 (2nd Reprint): Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-887)

Kristin Rossiter:

The next bill on our work session is Senate Bill 405 (2nd Reprint), which was presented by Senator Denis, Senator Kihuen, and Superintendent Erquiaga on May 18, 2015 ([Exhibit D](#)). Senate Bill 405 (R2) provides for the expansion of the Zoom schools program. Funding approved by the 2015 Legislature from the Account for Programs for Innovation and the Prevention of Remediation is designated for the Clark and Washoe County School Districts, and the remainder will be available for the Department of Education to fund grants as proposed by the remaining school districts and the State Public Charter School Authority.

The bill funds existing Zoom schools, allows additional elementary schools to receive funding, and expands the program into a limited number of middle schools and high schools in the Clark and Washoe County School Districts.

Additional services concerning the recruitment and retention of personnel, parent engagement, and professional development are added to the program, but no more than 2 percent of the funding provided may be used for such a purpose.

The bill requires the State Board of Education to prescribe statewide performance levels and outcome indicators for Zoom schools and requires the Department to contract for an independent evaluation of the effectiveness of Zoom schools. It further requires the State Board to recommend legislation for the 79th Legislative Session defining "long-term limited English proficient" and prescribing a procedure for districts and charter schools to separately count and report data concerning students so defined.

The bill is effective on July 1, 2015. There are no amendments, and there is no fiscal note for this bill.

Chair Woodbury:

Can I get a motion to do pass?

ASSEMBLYWOMAN SWANK MOVED TO DO PASS
SENATE BILL 405 (2ND REPRINT).

ASSEMBLYMAN FLORES SECONDED THE MOTION.

Chair Woodbury:

Is there any discussion?

Assemblywoman Shelton:

I have some concerns that I have not had answered yet. I am also concerned about doubling the amount we have already put into this program. I will vote this out of Committee, but will reserve my right to change my vote on the floor.

Assemblywoman Dooling:

I am going to vote this out of Committee today, but I still have some questions. I will reserve my right to change my vote on the floor.

Chair Woodbury:

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS AND
GARDNER WERE ABSENT FOR THE VOTE.)

Chair Woodbury:

Assemblywoman Swank will make the floor statement.

We will open the hearing on Senate Bill 432 (2nd Reprint).

Senate Bill 432 (2nd Reprint): Provides for the distribution of money to certain public schools designated as Victory schools. (BDR S-1187)

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

Senate Bill 432 (2nd Reprint) is in part the product of the Task Force on K-12 Public Education Funding that convened during the interim. From the 2013 Legislature, the Task Force engaged in a study of the Nevada Plan for School Finance, which we have discussed here a number of times. One of the recommendations of that Task Force was that Nevada's current funding model should contain a weight or multiplier for poverty or "at riskness." The Task Force spent a great deal of time on that subject. Most states use some sort of a multiplier for poverty. States vary in how they calculate the poverty rate.

As a result of that Task Force and some of the feedback that was received by the Sandoval Administration during the interim about the Zoom school pilot project, Governor Sandoval proposed the Victory schools project that is in the bill before you. A Victory school is, in its simplest terms, similar to a Zoom school but for children who live in poverty. This bill establishes a new program. There is funding for it in Governor Sandoval's recommended budget, which was approved on Saturday by the Senate Committee on Finance and the Assembly Committee on Ways and Means. The Victory schools program would begin in the upcoming biennium. It will operate very much like the Zoom school program with these key differences. Victory schools are identified using income information from the United States Census Bureau, Department of Commerce.

The Department of Education has chosen to approach that designation by selecting the 20 poorest zip codes in our state. Those zip codes exist in Clark County, Nye County, Humboldt County, Elko County, and Washoe County. We began with a scan of those zip codes. We then used the second criteria, as we did with the Zoom schools—we identified underperforming schools within those zip codes. Underperformance is based on the state system of accountability, the one- and two-star ratings with which you are familiar. That generated a list of about 35 schools. There are district schools on that list and three charter schools that are not State Public Charter School Authority-sponsored schools, but charter schools sponsored by either Clark County or Washoe County. The Victory school list is not only for

elementary schools as Zoom was in its pilot. That gives us the universe of schools we are talking about. A school cannot be a Victory school and a Zoom school—this is a different intervention. The Victory school must be at some level of underperformance and must be located within those zip codes.

Section 1 sets out the legislative priority about our goals. You have heard us talk a lot about reading by third grade. The Department also benchmarked high school readiness and successful completion of high school with high school graduation. We know that the cost of providing services to children in poverty is different. An intervention for children in poverty might cost more because of time, or wraparound services, or some other service that is provided. This bill sets out a means for the Department to designate the final list of schools by June 1, 2015, and establishes the mechanism by which the Department will transfer the funds, if approved by the Legislature in the budget, to the district or to the sponsor of the charter schools.

We think the key to the Victory school program begins in section 2, subsection 5 of the bill. That is a process of planning, needs assessment, and community engagement. As we prepared this legislation, Dr. Canavero visited with the communities that would be impacted. It was very clear to us that solving the challenge of poverty and the academic challenges it brings is a community response. This bill requires the district or the sponsor of the charter school to develop a plan that begins with a needs assessment—what is the issue that is contributing to underachievement at the school. Then, they need to work with the community to build a system of supports and to coordinate existing activities. Many of these schools, perhaps all of them, are Title I-eligible schools, probably all are funded by Title I. They may also receive other special funds. It became important to us, as this plan developed, that the school and the district would weave these resources together. We want the Victory dollars to be the last dollar in at a school that is in poverty, to solve the last problem remaining. The way we envision this, a school in Owyhee in Elko County in the Victory school zone that has a high Native-American population would have a different problem than a school on the west side of Las Vegas, or a school in rural Nye County. We wanted the community to be involved in identifying the issues and in planning solutions, which would allow the Department to approve that plan before funding is released. The funding is to be released on a per-pupil basis, so this moves us to the idea of multipliers or student weights. The plan spells out the interventions or strategies that the school would use to address its problem. In the Senate, they split the list. Certain items, that you will see in section 2, subsection 7, use the word "shall"—you shall choose from this list. Then, in subsection 8, they split it out a little bit to differentiate that you "may" also do these other things. That is the operating scheme. We identify the schools, the schools through their districts

identify a root cause through needs assessment, they develop their strategy, then they use the Victory dollars as the last dollar in to solve that problem we believe derives from poverty. The schools are funded and go about their business.

The remainder of the bill is about reporting. As you have heard me say a number of times, the Governor has required that this program, like so many others, have a third-party independent evaluation. The Senate added some reporting to the Legislative Committee on Education and to the State Board of Education during the interim. There is a provision in section 2, subsection 13, that allows the Board to claw back the money if, after our first year of assessment, the plan is not working. There is a means for the State Board to take that money back and reallocate it.

The final portion of the bill is about how we report to future sessions of the Legislature as we begin to understand what a state-sponsored intervention for poverty or "at riskness" might cost. Following that are the accounting provisions of the bill.

That is the bill as it stands before you. In conversations with members of your body, we have developed some ideas for amendatory language, but first Dr. Canavero and I would be happy to answer your questions. Then I will walk through some of the new ideas.

Chair Woodbury:

Are there any questions?

Assemblyman Munford:

Early in your presentation you mentioned zip codes. Have you identified those yet, or are you are in the process of identifying them?

Dale Erquiaga:

The zip codes are identified. We chose the 20 poorest in the state. In Las Vegas, those are 89030, 89106, 89101, 89102, 89109, 89169, 89104, and 89115. It is the heart of the city—the historic west side which you represent, but also some of the northeast almost out to Nellis, and the core area off the Strip. As a practical matter, not only does this bill give the state an opportunity to begin to understand state-sponsored interventions for poverty, but these zip codes give us historically African-American populations with their changing demographics. The schools would be only Victory schools, they cannot be both Victory schools and Zoom schools. That will give us three or four schools that are almost entirely of Native-American population and rural poor—very disparate groups.

That is why this bill has much more flexibility than the Zoom program. When Zoom began, it had four prescribed interventions. The schools must do each of these four things. We know two things. In working with children in poverty, the challenges are different based on the circumstances of their poverty and where they live. We also know, because our state is so diverse, the challenges in northeast Nevada on a Native-American reservation and the west side in Las Vegas will be very different community experiences as well as family and school experiences. The flexibility in this bill is intentional. It will make it harder to measure, so we are going to be very tight on approving the plans. What are you trying to change and how are you going to measure that change?

Assemblyman Munford:

It identifies my district. You say the funds are already appropriated and the money is already available? Will these schools have to apply for these funds?

Dale Erquiaga:

The money committees closed the budget on Saturday. You will have to still approve the planned budget. If this program remains in the budget when the Legislature adjourns, the funding would exist. We would finalize the list of schools by June 1. The districts have been preliminarily notified. On June 1, they would be notified that we have money and that the school has been selected. They would then have until August 15 to submit a plan. Based on that plan, we could approve or ask for revision. Then money would be released.

Assemblyman Munford:

Is this all through the State Board of Education?

Dale Erquiaga:

It is through the Department of Education. The Board has some role, the Department has some role.

Assemblyman Munford:

Have my Prime 6 schools already been informed of this? Are they ready to go forward?

Dale Erquiaga:

I can say that your district has been informed. We have not notified individual schools; we have notified the superintendent. Probably half the Prime 6 schools are on this list. I do not think all of them are. Their achievement has spread out over time, so probably not all are eligible, but there are a number on this list.

Chair Woodbury:

Are there any further questions from the Committee?

Assemblywoman Diaz:

I know that Assemblywoman Neal has been in conversation with you regarding potential changes or amendments forthcoming to the Victory school bill. Are there any that you can point out to the Committee that you foresee materializing?

Dale Erquiaga:

I would be happy to do that. We have met with the Chair and with Assemblywoman Neal and have gone through the bill. I have a list of items that we will be providing to your staff. Let me touch on those. One of the concerns raised in section 2, subsection 5, was the deadline of August 15 for the plan to be done. That is a tight deadline. Assemblywoman Neal has suggested that we have a two-step process for districts that need more time than that. We would add language that says that the district could essentially provide a letter of intent saying, I can tell you this about my schools and I will present a full plan, and here are my school improvement plans. These are referenced already in the measure in section 2, subsection 11. That would allow the Department to be able to say they were on the right track and begin to release funding. The reason we picked such an early time of the year is that the districts will need this money to make these changes at the schools.

Regarding section 2, subsection 5, Assemblywoman Neal asked that we clearly state that we require the plan that comes to us to analyze available data concerning pupil achievement and school performance, both from the state system and the most current data the district or sponsor has about that school. We think it is wise to be clear about what the data says. This would be a baseline for the school. We agree with her suggestion.

Section 2, subsection 5, paragraph (c), is about the community having a mechanism for entering the school to provide services free of charge. These services would not be paid for with Victory school dollars. Assemblywoman Neal has suggested some language which we agree with that would establish criteria for selecting the entities. The language currently says that the district must establish a manner, but she would like some criteria listed to differentiate between programs that impact the academic success of students—tutoring for example—and programs that might be nonacademic in nature, more like a wraparound service or transportation. We think that is a good change.

In section 2, subsection 5, paragraph (f), in addition to considering and coordinating funding, we know that these districts have resources they purchase using federal Title I dollars—for example, textbooks or computer software—that we think they should coordinate for physical materials resources as well. We think that is a great idea.

Section 2, subsection 7, paragraph (f), talks about recruitment and retention of teachers but uses a different phrase than the language that was used in the Zoom bill. By amendment, we would bring the language from the Zoom bill here. It is better language. The existing language is a little vague. We would add a new section to the bill requiring the State Board of Education to recommend or prescribe strategies or incentives for recruitment and retention, to make it like the Zoom bill.

We have been happy to work with the Chair and Assemblywoman Neal. They know these schools very well. Our discussions were very helpful. We will be leaving all of those suggestions with your staff. We think they make the bill stronger.

Assemblyman Gardner:

I notice that some of the groups that the Victory and the Zoom schools would be dealing with are the same. Is there anything preventing a school from being both a Zoom school and a Victory school?

Dale Erquiaga:

That would be me, because the Department approves these plans. That is why we chose to designate the Victory schools. Clark County and Washoe County designate their Zoom schools and inform us. We want a very clear lane to study the multipliers before we just add weights to the Nevada plan. We want very clear lanes. We want to understand that these are the strategies we have tried that worked in Zoom schools, or these are some that did not work. We want the same thing with Victory schools—these are the strategies that will be more diverse that we are trying in the poverty areas. We want to be able to report very clean control groups to you. The Department intentionally keeps the lists separate.

Chair Woodbury:

Are there any further questions? [There were none.]

Dale Erquiaga:

Section 1 of the bill is intent language. Section 2 begins to set out how the process works, prescribing how we pick the schools; subsections 1 through 3 identify how they are funded; subsection 4 talks about delivering the money. Subsection 5 is critical. It requires the district or sponsor to submit a plan to the Department, delineating what that plan must contain. This is where we would add language to allow for a letter of intent if the plan is not complete by August 15. Subsection 6 requires us to review the plan and approve it or ask for revisions. Subsections 7 and 8, I would ask you to look at very closely. They have been massaged by a number of committees. They delineate the acceptable services for which state monies can be used. Subsections 9 and 10 are restrictions on how the money can be used, including an additional restriction on scientific research for these interventions. Subsections 11 through 13 are about evaluation or the ability to claw back monies. Subsections 14 and on begin our reporting, including in subsection 15, reporting to the Legislative Committee on Education. Finally, it is how the money is distributed.

Chair Woodbury:

I will ask for testimony in favor of S.B. 432 (R2).

Assemblywoman Dina Neal, Assembly District No. 7:

I am here in support of the bill. I am also representing the Nevada Hispanic Legislative Caucus in support. I am offering support from the African-American community as well. I am in strong favor of this bill. These are steps in the right direction.

Assemblyman Tyrone Thompson, Assembly District No. 17:

I represent the City of North Las Vegas and parts of Clark County. I am here today in support of this bill. I testified before the Senate Committee on Finance as well. I was born and raised in Clark County and am a product of the Clark County School District. I am so excited about this opportunity to work with the community in conjunction with the school. I think this is going to be a win-win for all the stakeholders. I am looking forward to the progress. I appreciate the Superintendent outlining all the areas that we need to work on with the plan. August 1 will get here quicker than we can imagine because we have the summer holidays. I will be there to support this in any way I can. I urge this Committee to please support this bill for our children.

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

We are here in support of Senate Bill 432 (R2). The preliminary list of schools for the Washoe County School District included three or four schools.

As Superintendent Erquiaga mentioned, they are of a very diverse nature. We have a couple of urban schools, a rural Native-American school, and a charter school. We look forward to doing the work around what it looks like to serve those students in poverty. I have not seen anything about the particular amendments the Superintendent mentioned. It sounds like they are working on those. We look forward to doing that. They sound fine. School starts in Washoe County on August 10 or 11, so that is coming up very quickly. We appreciate any extra time we might have to develop those plans, but the schools have been preliminarily notified they may be part of this process so they know what is coming.

Nicole Rourke, Executive Director, Government Affairs, Community and Government Relations, Clark County School District:

We are here to support S.B. 432 (R2) on Victory schools and appreciate the recognition that the bill provides of the needs of students in poverty and the fact that they have many additional risk factors when they come to school. This bill contemplates solutions to their needs and allows schools to select the programs and strategies that best suit the school environment and the student demographics within their buildings. We appreciate that and the allocation set aside for Victory schools within the Governor's recommended budget.

Andrew Diss, State Director, StudentsFirstNV:

I am in support of S.B. 432 (R2). The National Bureau of Economic Research recently put out a study that shows that districts that invest more in at-risk students from poverty see those students gain over a year's worth of learning over the course of their school career. They earn 25 percent more when they enter the workforce. They see a corresponding 20 percent drop in the adult poverty rate. Given that Nevada leads the nation in the adult poverty rate, I think that S.B. 432 (R2) is a good way of going about addressing that problem. For all those reasons, we are in support of the bill.

Sylvia Lazos, Vice Chair, Latino Leadership Council:

We would like to commend the Governor and the sponsors of this bill for this great project going forward. Poverty knows no color, and yet poverty is probably the most important factor in determining one's chance to be successful or not in life. I think the latest study by Robert D. Putnam, *Our Kids*, shows that we need to invest in poverty and in helping children out of poverty so that they really have that opportunity to move up the social mobility ladder. We want to emphasize two points. The first is that the budget that the Governor has proposed is about \$750,000 per school. That is supposed to be provided in a whole gamut or menu of things including prekindergarten, which we know is probably the most solid investment when it comes to children in poverty. The \$750,000 is probably a ballpark figure. It may or may not be

adequate funding for poor children, but it certainly is a good starting point for these schools that are in such dire need of support. We are grateful for that, but we want it to be noted that that may not be the number that is really adequate to fund these schools.

The second point we want to bring to your attention. The Governor and his team, Mr. Erquiaga and Dr. Canavero, were very wise to come up with more or less a flexible program. It is absolutely true that poverty in an Indian reservation is very different from poverty in Washoe County or in Las Vegas, in the immigrant corridor that we have there. That flexibility is absolutely important. What we want to underscore here is that our rural superintendents are really strapped. We want to urge the Superintendent of Public Instruction to apply great flexibility and understanding for the plans being put forward because in every situation these schools are going to be unique and the kinds of support they are going to ask for are going to be *sui generis*. There is no such thing as a menu for poverty, especially in a state that is as big as we are and has such a diverse population. I urge flexibility in terms of what plans are submitted and how those are accepted.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are in full support of Senate Bill 432 (2nd Reprint) and want to thank Superintendent Erquiaga for his presentation today and the commitment for flexibility. Two of the areas that are going to be highlighted with the Victory schools are Owyhee and McDermitt, both with Native-American populations. It is wonderful to get some extra help for that area. West Wendover also is very high poverty. We are really happy to see them on the list.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here in support of the bill. We appreciate the flexibility in the bill. As many others have testified, the populations in various communities in the state can be quite different. We appreciate that and the work that has been put in by the Department of Education and everybody involved.

Seth Rau, Policy Director, Nevada Succeeds:

I want us to focus on a few key points of Senate Bill 432 (R2). First is that it is really important that we are finally beginning the free and reduced-priced lunch weight of what is hopefully our new funding formula. It is really strong to see that process moving forward. Second, I think Assemblywoman Neal's proposed amendment about having the plans being developed with a letter of intent by August 15 is really strong. If you look at the Zoom schools from the last session, they were not identified as early as these Victory schools have been, so thank you, Superintendent Erquiaga, for doing that earlier so these schools

can start to plan if this bill is passed. Third, allowing for flexibility for teacher retention incentives is really important. We have noticed that every one of our Zoom schools still has a teacher vacancy right now. If you decide to pass this bill, hopefully none of our Victory schools would have any teacher vacancies in the upcoming school year. Finally, we would like to thank you for both district and charter schools in this approach.

Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

We are here today in support of S.B. 432 (R2). We would like to thank the Governor and the Superintendent for their leadership and for bringing this bill forward. We believe the targeted funds directed at persistently underperforming schools in economically challenged areas will have return on investment, not only for students, but for future workforce development.

Lauren Hulse, Executive Director, Charter School Association of Nevada:

I support this bill. I will just ditto what everyone else has said.

Chair Woodbury:

Is there anyone else in Carson City who would like to testify in support of S.B. 432 (R2)? [There was no one.] Is there anyone in Las Vegas who would like to testify in support of S.B. 432 (R2)?

Victor Wakefield, Executive Director, Teach for America, Las Vegas Valley:

Many of our corps members and alumni currently teach at the schools that are being considered as Victory schools. We strongly support S.B. 432 (R2). Here are a few reasons: it recognizes and acts on the simple reality that students who come to school with additional needs require additional investments; it is a good policy instrument in that it enables investment in teacher professional development in programs to recruit and retain highly effective teachers; and it ensures community voice and that the practitioners on the ground help to shape the services and supports delivered at the neighborhood schools. We strongly support the bill.

Chair Woodbury:

Is there anyone else in Las Vegas who would like to testify in support? [There was no one.] Is there anyone in Carson City who would like to testify in opposition to S.B. 432 (R2)? [There was no one.] Is there anyone in Las Vegas who would like to testify in opposition? [There was no one.] Is there anyone wishing to testify as neutral?

Victoria Carreón, Director, Education Policy, Kenny C. Guinn Center for Policy Priorities:

We wanted to note a couple of things. One, there is a strong nexus between poverty and student achievement, specifically for the Victory schools being considered. The average free and reduced-price lunch rate is 86 percent, while the math and reading proficiency rates are less than 50 percent. There are also many research-based interventions that can be used to improve student achievement. We like the flexibility that is in the bill regarding the use of the funds.

One issue we think that could be considered by the Committee is section 2, subsection 8. There is a list of programs or uses that includes providing evidence-based programs and services specifically designed to meet the needs of pupils who attend the school. We think that use could be in the section where the majority of the funds could be used. We think that would make the bill stronger.

Regarding accountability, we think it is great that this bill has accountability measures. One of the things I thought was interesting is that this is the only proposal that has clawback measures for if the school does not improve its achievement. We were wondering how that would work once it became part of the weight under the new funding formula if that method continued.

We think there is a lot of overlap in populations and uses in the Victory schools, Zoom schools, and the Read by Three program. We think it would be helpful to consolidate them for administration at both the state and local levels. To underscore that, I want to share with you some statistics about the proposed Victory schools versus the Zoom schools. The Victory schools, as I mentioned earlier, have an 86 percent free and reduced-price lunch rate. They also have a fairly high English language learner (ELL) rate—32 percent. Meanwhile, Zoom schools also have high poverty—97 percent and ELL at 52 percent. Every school is going to be different, of course, and have its own unique needs. We think providing flexibility by putting them all together would be the best course of action. [The witness submitted prepared text that included additional testimony ([Exhibit E](#)).]

Chair Woodbury:

Is there anyone else in Las Vegas who would like to testify as neutral? [There was no one.] Superintendent Erquiaga, do you have any closing comments?

Dale Erquiaga:

I will be brief. I talk about money a lot in this Committee, even though it is not a money committee. While this bill has money tied to it, I want to close with a reiteration of where we started. This bill really is about Nevada establishing a policy for addressing poverty in our schools. Sixty percent of our children qualify for free and reduced-price lunch. About 25 percent of our children live below the federal poverty line. This is who we are as the Nevada family. I told the Governor the other day that I was once made to cry here in the Legislative building a long time ago in my career. I have gotten teary a couple of times this session. You have seen it happen here. I cry at bank commercials now; it must be something about my old age. This is the bill I got the weepiest about. This is really critical work for us. I care about all the children you have entrusted me with. I have 450,000 children now. These children are part of a group that we have not addressed in policy in our state. I am very proud of this bill, and I really would urge your support.

Chair Woodbury:

Assemblyman Munford has a question.

Assemblyman Munford:

The proposal for deconsolidation of school districts is something that you have discussed, is that correct?

Dale Erquiaga:

The State Board has not taken a position on that.

Assemblyman Munford:

In that case, you may not be able to respond to my question. I wondered if deconsolidation would affect how the money for Victory schools would be distributed. Deconsolidation would cut up school districts in all kinds of ways.

Dale Erquiaga:

I will not spend a lot of time speaking to another bill, [Assembly Bill 394 (1st Reprint)] but our understanding of this bill is that it contains a per-pupil allocation focused on schools, so money under the multiplier or weighted student formula would follow students. In these programs, money follows the school. It would not matter what precinct or district the school was in. Whether in Washoe County or Clark County or some division of Clark County, money would follow to the school.

Chair Woodbury:

Now I will close the hearing on S.B. 432 (R2) and open the hearing on Senate Bill 474 (2nd Reprint).

Senate Bill 474 (2nd Reprint): Makes various changes concerning the professional development of teachers, school administrators and other educational personnel. (BDR 34-1183)

Dena Durish, Director of Educator Effectiveness and Family Engagement, Department of Education:

I am very excited to present this bill today on behalf of the Governor's new initiative, partially because one of the things Senate Bill 474 (2nd Reprint) does is take a first step in focusing on the adult educators in our system. That is one of the things we, the Department of Education, have not had a clear focus on. We have a lot of initiatives for working with students, but not a comprehensive plan. The State Board of Education and the Department have not had a role in the professional development and/or preparation and recruitment for educators. With the creation of the Division of Educator Effectiveness by the Superintendent, this bill complements our work. One of the things we are working to do is to look at the comprehensive cycle—from requirements for initial licensure, through evaluation, professional development, and teacher leadership—of the evolutionary process of an educator's career.

This bill will create a more robust and aligned system of professional development. It will modernize the system for the adults in it, just like we are modernizing the way we interact with students and provide for students. The reason for this bill came about from a couple of different things. Two reports speak about the misalignment of funds in the state. There is a need for a comprehensive statewide focus—statewide standards as well as statewide priorities—and an aligned use of state and federal funding. This was in response to what we, as a new leadership team in the Department, had heard from the school districts. They said that there is the large teacher shortage and a lack of adequate funding for resources for professional development, for new standards, new curriculum, implementations, and different initiatives that are going on. What this bill will do is create an incentive catalyst fund that will allow educators to have different opportunities across the state.

I will go through the components of the bill now as they are written. This bill has had a couple of different reprints. As you have it before you today, S.B. 474 (R2) creates the Great Teaching and Leading Fund. As Committee members are aware, the budget has been approved but not funded for this. It is a \$4.9 million per fiscal year fund. Section 1 outlines the fiscal details of that bill, creating the Fund and the appropriation. We are requesting that any remaining funds revert back to this Fund, rather than to the State General Fund, so that they can be used in the next biennium.

Section 1, subsection 5, outlines the Superintendent's role in this. Not only is the Fund to be utilized for school districts, but paragraphs (a) through (g) outline several entities that could apply for these funds. This could be used as a supplement to our existing Regional Professional Development Program (RPDP) allocation. The board of a school district could use this. Clark County School District, Washoe County School District, and seven of our rural districts have been approved to offer alternative routes to licensure programs. This would allow them to provide funding to boost those programs and build them to assist with our teacher shortage. We have allowed the governing body of charter schools, the State Public Charter School Authority, and even our higher education programs to apply as they are working on their pipeline. The last two groups would be employee associations, including teacher and administrator associations, for development of their constituents; and nonprofit organizations for teaching fellows or teaching professional development leadership training, and a myriad of other organizations that would fall under the 501(c)(3) regulations there.

Section 1, subsection 6 outlines the process. The Superintendent would prescribe an application. We are currently looking at what the request for proposal (RFP) would look like. As with all of these initiatives, there will be a quick turnaround time. There would be a committee to assist in the recommendation process. In section 1, subsection 6, paragraph (c), a recommendation would go to the State Board to have final approval of grants.

Section 1, subsection 7, outlines the timeline. The funds would be awarded no later than December 31 of each year. You see in line 41 of page 3 that a grant can be awarded for a period of up to five years. That was in direct response to some of the comments we received from the field. They wanted the opportunity to apply for a multiple-year grant. Through the process in another committee, there was a 25 percent cap so that no one organization would receive more than 25 percent.

Section 1, subsection 8, goes on to talk about the timeline for reviewing applications. This specifically delineates what would occur in fiscal year 2017 and beyond. We will get to fiscal year 2016 in section 3. This upcoming year, the Board would create the priorities for the following academic year. We would administer the RFP. Entities would apply for those funds. The funds would be awarded in December but not distributed until July of that fiscal year when they were released. It also delineates that the Board will work with the governing body of the Regional Professional Development Program to determine the priorities for each year. Prior to the RFP being issued, we would meet with the Board. It would be on their agenda to determine the upcoming priorities.

They could vary from year to year or from biennium to biennium, depending on what the Board found to be the need. This speaks to the need of having a statewide aligned system of professional development.

Section 1, subsection 10, talks about the uses of the grant of money. We have already mentioned professional development and preparation. This delineates peer assistance and review. We know that we have a new teacher evaluation system and a new administrator evaluation system. This would allow for entities to provide for assistance and mentoring and review programs for licensed personnel. We know that the teacher-leader is one of the most important things in school success. We have included leadership opportunities, to help train our principals for our twenty-first century schools. Tied in with preparation is recruitment, selection, and retention of teachers and how districts might utilize these funds to increase those efforts.

Section 1, subsection 11, outlines reporting. We feel it is extremely important that the grantees are given the opportunity and are required to report annually. What they would be reporting on would be included in the RFP. You can see that it would be the effectiveness of not just the outcome of the training or the professional development or the event itself, but what the impact was of the assistance or the professional development that occurred. We want to drill down into a deeper level of the return on investment for our Fund.

Section 1, subsection 12, is very similar to that. I believe that the Committee is aware of the independent evaluation that has been proposed with all of the Governor's initiatives. This provides for the \$30,000 line item for us. In addition to each entity doing a report, there would be an external evaluation that would talk about changes in educator practice as a result of the work that is conducted via this grant.

Section 1.7 was added by floor amendment in the Senate. This speaks to the requirement that districts are providing high-quality professional development experiences in two areas. One is in standards for science—what it is that we have to teach. The second is the curriculum and instruction—that the districts are providing high-quality professional development in the areas of science, technology, engineering, and mathematics (STEM).

Section 2 of S.B. 474 (R2) talks about the Board establishing the priorities. It references the Regional Professional Development Program. I believe all the members of the Committee are aware that each of our RPDPs has its own governing body. This section points to the governing board of each of these working with the State Board to determine those priorities, and then the RPDPs providing training based on those priorities set on an annual basis.

We can skip over to section 3. This delineates what we will have in fiscal year 2015-2016. We have mentioned that the Board would set the priorities; there is not a turnaround time that we are eligible to do that this year for 2015-2016. The priorities for 2015-2016 are already written in the bill: science and the statewide performance evaluation. This upcoming school year will be the first year of the Nevada Educator Performance Framework. What we are learning as a result of our validation study is that we definitely need more training statewide, so that would be a priority. We also need to address the recruitment, selection, and retention of teachers as our teacher shortage continues to grow. Finally, we need to address leadership training and development. This section outlines the priorities. Our intent is to issue an RFP for these four areas immediately upon the close of the session and the budget. Then we would review the applications right away. Our intent would be to make recommendations to the Board by September, and then have the money out the door for the fiscal year 2016 fund that will be allocated right away. There would not be any waiting until the December deadline previously mentioned. Those would just go out the door no later than mid-September to the grant awardees of the \$4.9 million for the first fiscal year. I will be happy to answer any follow-up questions about that because it is a little tricky.

Section 3.5 gets into a different component. This is the section that was added by the Senate. The Advisory Task Force on Educator Professional Development was added as a result of conversations with the Senate Committee on Finance and the Senate Committee on Education. This is an eight-member body that would be created and throughout the upcoming year, would study several things, which are outlined in section 3.5, subsection 2. They would study the way all funds are used, state or federal funds, paragraphs (a) and (b). They would study the "how" of professional development—the effectiveness of the manner in which it is delivered across the state. They would study the standards that are utilized across the state and the structure of delivery that is used statewide. Section 3.5, subsection 2, paragraph (e) speaks to the results. The study would look at the effectiveness of the programs and the return on investment, not just of the Great Teaching and Leading Fund, but of all state funds allocated for professional development. One thing that is to be contemplated in this bill is professional development for paraprofessionals and other educational personnel. One of the things we are finding is that we know these educators are a critical part of what happens in a school day, yet there is not a good look at how the training they are receiving across the state is done.

You can see the timeline outlined in section 3.5, subsection 4, with the first meeting convened prior to the end of August and meeting at least four times by the end of June. The Department will facilitate that process and

provide staff for the boards. Section 3.5, subsection 10, says that by no later than December 31, 2016, a final report will be delivered to various bodies—the Legislative Committee on Education, the Governor, and the State Board. This report will make recommendations, not just for the budget to move forward, but also some policy regulation or legislative changes in the upcoming session.

Assemblywoman Diaz:

I have a couple of questions. I do not know if you will be able to address them all or if the Superintendent might want to answer them. On page 2, lines 6 through 9, it says that the Superintendent can accept gifts and grants from any source to deposit into the fund. I do not see any reporting mechanism about being transparent and sharing the information about who is contributing. Is there going to be a report that is given to the Legislature that shows who is giving this money? Is there going to be something online that shows us who is being philanthropic?

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

This is standard language that the bill drafters pick up every time a fund is created. There are probably five or six in the Department. I do not think any have a reporting requirement. I certainly would not object to an amendment. I can say, for intent, if you do not wish to amend the bill, that it would be a great idea. No one has ever given us a gift at the Department. Maybe this will be a first.

Assemblywoman Diaz:

I would like to know who is giving gifts, so that we can continue to tell them to please give more.

Dale Erquiaga:

We have one gift that has been pledged since I became Superintendent. That is from Tesla. We have not received the money yet, so we have not posted that. I would have no problem with a reporting requirement or the Department and the Board could adopt policies that would cover all of our gift funds, not just this one.

Assemblywoman Diaz:

How will we ensure that the distribution of the funds is done in an equitable and intentional manner? I want to clarify the 25 percent of the money going to one single entity. If we look back at section 1.5, subsection 5, it mentions where the money could go. There are many categories of entities listed. Is the bill saying that a state public charter school could receive 25 percent? I want to

make sure that everybody is getting a fair shot at access to the funds. It seems like only four groups would be entitled to a part of that money. That causes me some concern.

Dale Erquiaga:

There are two processes for equitable division of the money. One is an evaluation committee. That is how the Department of Education hands out federal monies today. An evaluation committee makes decisions based on the RFP. The State Board is the ultimate distributor and would make the final evaluation of where those funds go. In the original measure, there was no restriction on any single entity receiving funds. They had a rather healthy conversation about this in the Senate Committee on Finance. It was the Senate that suggested 25 percent as a stopgap. We went back and forth on it, and this is where they landed. It is an awful lot when you look at that long list, but when you look at the size of some of the programs—the regional training programs could take up 50 to 75 percent of this money just themselves. The teacher pipeline at a university could take up 50 or 100 percent of this money. This is the number the Senate Committee on Finance gave us as the governor over the distribution by the Board.

Assemblywoman Diaz:

Have we sustained conversations as a state as to what would be a dire critical need and where prioritizing expenditures of these monies would best help the state in our educational endeavors? The Chair and I understand this because we live and breathe this, but for those who are on the Committee that are outside of the education world, who are we seeing jumping in to seize on this opportunity of these funds?

Dale Erquiaga:

You have touched on the issue of why we think this bill is important from a policy perspective. As Ms. Durish has pointed out, the State Board, as the policy leader of the system—I am the manager of the system—will be able to have that conversation about what our priorities are as a system. We do not have a statewide venue for that conversation today other than this body. Every time you approve a legislative budget, you have made some of these decisions ad hoc. We believe that having that role given to the State Board, the policy voice for prekindergarten through twelfth-grade education in this state, is an important conversation. We do not have an aligned or cohesive system today. We think that is critical, whether we are talking about the teacher preparation programs in the pipeline or what kinds of degrees are needed. You are familiar with the conversations we have had around teaching English as a second language and english language acquisition and development (ELAD). We think this is really the beginning of that kind of alignment.

Dena Durish:

We currently do other awards like this. I have been working with those in our department that do the math and science partnership grants process, which is a very similar process. If \$4.9 million is the allocation and the total of the applications we received is \$8.9 million, then the Committee could make the recommendation to the Board that all of the applicants are awarded something or that certain ones are awarded to equal the \$4.9 million. This provides us the flexibility to work with the Board and with the Committee in making those determinations.

Assemblywoman Diaz:

You touched on the English Mastery Council and the ELAD. I would like to know a little bit more about the genesis for section 1.7 and why a distinction is being made for professional development for the STEM areas. We have the Zoom school funding going to Zoom schools, but that does not mean that our ELL students are only going to Zoom schools. You will find our ELL throughout our valleys. I have heard from many that they do not feel competent in teaching and addressing our growing English language learner population. Why did we not incorporate other areas of need that we see as a state? Zoom schools will only grow so much. They will get some help and support, but what about the rest of the schools that do not have that luxury?

Dale Erquiaga:

The Senate added that language to the bill. It was not in the original bill. They took language from another bill that was very focused on STEM and added that section. We chose science for this year because of the Next Generation Science Standards. In February 2014, the State Board prescribed new standards for science in K-12, as you know. They are called the Next Generation Science Standards. We know we have to provide professional development on those standards, as we did for the rollout of English language arts and mathematics. We chose science because we are right now in the Next Generation Science Standards. The Senate chose STEM because of a particular senator's interest in STEM education. I would agree with you that one of the priorities that the Board has to consider for statewide priority setting for fiscal year 2017 is cultural sensitivity and English language acquisition simply because of the scope of that population. I would expect that the Board will debate that issue.

Chair Woodbury:

All those in favor of S.B. 474 (R2) please come up, but keep it really short.

Seth Rau, Policy Director, Nevada Succeeds:

We are in strong support of S.B. 474 (R2). It allows strong investment for professional development, teacher pipelines, and can even work with additional funding for English language learners. We think it is a strong investment in the state and hope you will pass it.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

I just want to say that the Nevada State Education Association is being proactive in bringing greater accountability and assurances of high-quality teachers and support staff to professional development. With the severe teacher shortage being experienced across the state and especially in Clark County, providing professional development is crucial so our teachers can endure to ensure that our students are successful. Without S.B. 474 (R2), teachers are not provided with the support needed. Not only do our students suffer, but teachers would continue to leave the profession, continuing the trend of 50 percent of our teachers leaving the profession after the first five years. [The witness submitted letter of support that included additional testimony ([Exhibit F](#)).]

Jessica Ferrato, representing Nevada Association of School Boards:

We are in support of the bill. We appreciate the provisions that have been put into the bill as far as the Regional Professional Development Programs RPDPs go. They are very important in the rural districts, as we have fewer resources in the rural districts for internal resources for professional development.

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

We support this bill.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are now in support of this bill since we understand that the RPDP will be held harmless for funding for the next biennium. That is very important to us in the rural districts.

Chair Woodbury:

Is there anyone else in Carson City in support? [There was no one.] Is there anyone in support in Las Vegas?

Victor Wakefield, Executive Director, Teach for America, Las Vegas Valley:

I also coach with a Nevada consortium on the teacher pipeline with Dean Metcalf at the University of Nevada, Las Vegas. For each of our key education programs and investments that have been discussed this legislative session to work, we need effective teachers and leaders in each building.

You all have heard the statistics over and over again—every Zoom school has at least one vacancy, 80 percent of the vacancies of the 630 in the Clark County School District are Title I-qualifying schools. There are 800 vacancies across the state. Senate Bill 474 (R2) is the only direct policy lever that addresses this issue. We also support the fact that this bill positively influences professional development outcomes. With that, we think it is a great investment. We are here in support.

Victoria Carreón, Director, Education Policy, Kenny C. Guinn Center for Policy Priorities:

I am testifying in support of Senate Bill 474 (R2), the Great Teaching and Leading Fund. We have collaborated with Nevada Succeeds to write a couple of reports regarding professional development and the need to improve professional development to impact literacy outcomes in Nevada. A couple of other things we think are positive aspects of this bill are that the priorities that will be defined by the state will apply to the school districts, the entities receiving money from the Great Teaching and Leading Fund and the RPDPs. We think having that coherent set of priorities will be a great asset to the state. The other thing we wanted to mention is the importance of having standards for professional development. We think as part of this effort the State Board could adopt standards that would apply also to school districts, the RPDPs, and those grantees under the Great Teaching and Leading Fund. [The witness submitted prepared text that included additional testimony ([Exhibit G](#)).]

Chair Woodbury:

Is there anyone else wishing to testify in support of S.B. 474 (R2)? [There was no one.] Is there anyone in either location in opposition? [There was no one.] Is there anyone in either location neutral?

Sylvia Lazos, Vice Chair, Latino Leadership Council:

We are testifying neutral to emphasize the point that Assemblywoman Diaz raised. We recommend and submit to you that in section 1.7, you should consider additional language to just STEM being a priority. In particular, as the Superintendent has acknowledged, professional development in the area of ELL should be a priority. In 2012, the only study we have had as a state that has looked at competency of teachers in ELL teaching, the study by Aida Walqui from WestEd concluded that 99 percent of our teachers were not doing language development for English learners at a level that the Common Core State Standards require. That identifies a great need right there. In a recent preliminary focus group study conducted by Clark County School District, they found that no teacher felt supported adequately in terms of their ELL teaching. I think those two data points underscore that we have a crisis, not just in STEM, but also in ELL. I also like the point that Superintendent Erquiaga raised

about cultural competency as distinct from the more technical English language professional development. In the Clark County School District, we have a district that is first, second, or third in the nation in terms of the gap between the teachers that are teaching the students and the demography of the students that they represent. We have what is a majority-minority population being taught by majority population teachers. Each of us has a cultural blind spot we have to work on. I think it is appropriate to be emphasizing cultural competency as well as a priority for us as a state. I submit that to you for your consideration, that you set that policy and be clear on what you think are the areas we should spend our money on first.

Chair Woodbury:

Is there anyone else wishing to testify as neutral? [There was no one.] Are there any closing comments? [There were none.] I will close the hearing on S.B. 474 (R2). Is there anyone here for public comment? [There was no one.]

We are adjourned [at 4:07 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: May 19, 2015

Time of Meeting: 2:47 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|------------------|----------------|---|-----------------------|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 391 (R2) | C | Kristin Rossiter, Committee Policy Analyst | Work session document |
| S.B. 405 (R2) | D | Kristin Rossiter, Committee Policy Analyst | Work session document |
| S.B. 432 (R2) | E | Victoria Carreón, Kenny C. Guinn Center for Policy Priorities | Prepared statement |
| S.B. 474 (R2) | F | Ruben Murillo, Jr., Nevada State Education Association | Letter of support |
| S.B. 474 (R2) | G | Victoria Carreón, Kenny C. Guinn Center for Policy Priorities | Prepared statement |