

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

**Seventy-Eighth Session
March 25, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:18 p.m. on Wednesday, March 25, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 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; 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
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:

Assemblywoman Victoria A. Dooling (excused)



GUEST LEGISLATORS PRESENT:

Assemblywoman Jill Dickman, Assembly District No. 31
Senator Scott Hammond, Senate District No. 18

STAFF MEMBERS PRESENT:

Paul V. Townsend, CPA, CIA, Legislative Auditor, Audit Division,
Legislative Counsel Bureau
H. Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department
of Education
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber
of Commerce
John Wagner, State Chairman, Independent American Party of Nevada
Lynn Chapman, State Vice President, Nevada Eagle Forum
Cara Strasser, Private Citizen, Carson City, Nevada
Roger Stockton, Private Citizen, Reno, Nevada
Dr. Linda E. Young, President, Board of Trustees, Clark County
School District
Patrice Tew, School Board Trustee, District E, Clark County School
District
April Tatro-Medlin, Private Citizen, Las Vegas, Nevada
Bob Clifford, Secretary, Nevadans for Local Control of Education
Carole Fineberg, Private Citizen, Reno, Nevada
Dr. Dotty Merrill, Executive Director, Nevada Association of School
Boards
Chris Miller, Member, Nevada Association of School Boards
Stacie Wilke, Legislative Chair, Nevada Association of School Boards
Dr. S. S. Rogers, Private Citizen, Las Vegas, Nevada
Anna Slighting, Private Citizen, Las Vegas, Nevada
Kevin Child, School Board Trustee, District D, Clark County School
District
Angie Sullivan, Private Citizen, Las Vegas, Nevada
Jacob Jones, Private Citizen, Carson City, Nevada
Jim Falk, Private Citizen, Fallon, Nevada

Bob Burnham, Private Citizen, Eureka, Nevada

John Eppolito, Private Citizen, Incline Village, Nevada

Joy Trushenski, representing Nevada Legislative Affairs Committee

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

Ryan Reeves, Chief Operations Officer, Academica Nevada, Las Vegas, Nevada

Lauren Hulse, Executive Director, Charter School Association of Nevada

Dr. Carrie A. Buck, Principal, Pinecrest Academy, Henderson, Nevada

Richard Daly, representing Local #169, Laborers International Union of North America

Jack Mallory, representing Southern Nevada Building and Construction Trades Council

Melinda (Mindy) Martini, Deputy Superintendent, Business and Support Services, 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

Mary Pierczynski, representing Nevada Association of School Superintendents

Bailey Bortolin, Private Citizen, Las Vegas, Nevada

Chelsea Capurro, representing American Diabetes Association

Irene Smith, Nevada Advocacy Chair, American Diabetes Association

Jessica Ferrato, representing Nevada Association of School Boards; and Nevada Nurses Association

Chair Woodbury:

[Roll was taken. Committee protocol and rules were explained.] If you have submitted a letter on a bill, your letter will be made part of the record for this meeting. You may want to summarize your remarks, and your written remarks will be entered into the record.

We will hear the bills out of order today. We are going to hear, in this order, Assembly Bill 339, Assembly Bill 351, Assembly Bill 278, Assembly Bill 328, and Assembly Bill 285. I will open the hearing with Assembly Bill 339. Assemblyman Hickey and Superintendent Erquiaga are here to present.

Assembly Bill 339: Revises provisions governing the composition of the boards of trustees of county school districts. (BDR 34-229)

Assemblyman Pat Hickey, Assembly District No. 25:

I am here today to present Assembly Bill 339, which changes the way school boards, in certain circumstances, could be reconfigured, and specifically instances where school board trustees or members could be appointed.

Most of you know I represent Reno and parts of Washoe County. We had a very unfortunate situation in Washoe County last fall. In the process of questioning whether or not the superintendent should stay engaged in the school district, the Board of Trustees, unfortunately, made a number of mistakes. It improperly and illegally removed the superintendent of schools from his duties. A process ensued, and the result made the taxpayers of Washoe County responsible for hundreds of thousands of dollars, along with adding to embarrassment for the students and families of Washoe County, a district that has been improving in both test scores and graduation rates.

I bring that up because I was asked by a number of my constituents and leaders in the community if there was anything I could say or do about this. At that time, I began looking into the governance of school boards themselves. Are there rules that trustees are following that specifically comply with their duties? Are there areas that superintendents need to be complying with? It began as a discussion, then I started to look at the idea of blended school boards and if, in certain circumstances, trustees could be appointed.

The bill did not go that far, but if you recall the Governor's State of the State Address, he mentioned it himself. He took an interest, and that prompted me to do a little more homework and present A.B. 339 today.

There are some obvious challenges you will hear regarding this bill. Historically and traditionally, school board members have been elected. That is very important to local governance, to voters, and to the powers that we the people have in selecting our representatives.

Maybe this bill will help us have a conversation to make us more serious about this problem going forward. Many times people do not pay attention to who their school board members are and do not bother to vote for them. In fact, one of the opponents of this bill said I was taking away his right to vote for his trustee. This bill does not do that. I asked my opponent if he could tell me who his school board trustees, or any of the seven trustees in Washoe County, were. I took it further and asked about any of the members, after this problem ensued,

that he supported in place of those who created the problem. It underscores a problem that we have.

I am embarrassed and unhappy to say that just yesterday the Board of Trustees acted in a similar fashion, almost making the same mistake it made when it improperly relieved Pedro Martinez of his duties, by not properly complying with Nevada's Open Meeting Law and selecting a superintendent. The new superintendent is a fine individual and has been serving as the interim superintendent. It was pointed out that they had, once again, violated the Open Meeting Law, and they had to rescind that hire within a couple of hours. In a sense, they almost make the bill's point, to question how well our school board trustees perform in things as basic as following the law.

Assembly Bill 339 is to begin a discussion. If the result of all of this is that each of us, especially the voters, takes a more serious look at how we select school board trustees, then we will have done a good service for the students of this state at this critical time. Superintendent Erquiaga is more familiar with some of the alternative ways in which we could address certain problems with school boards and meet the elements of the bill itself. [Also submitted written testimony ([Exhibit C](#)).]

Assemblyman Elliot T. Anderson:

I am glad you brought up the action that happened yesterday. It makes my point and why I am not warm to this bill. Currently, the Washoe County School District does have a blended board. They have at least one appointed member. It shows that whether someone is appointed or elected, they can make mistakes. I feel like this is punishing the voters for something they did not do. In fact, the voters made the system work after the last election. The school board president was not returned by the voters. We are not giving the voters enough credit. The voters did their job. Could you respond to that? Are you saying the system did not work?

Assemblyman Hickey:

I think they did their job too. That was an example of a response to a crisis or an extraordinary situation. I would add that any of the actions that were taken and enabled by this bill would have to be initiated by the trustees themselves. As many people in the public called for resignations at that time, should the Board members wake up and realize they really made another mistake with their actions and think about resigning as a whole? Whether it is realistic or not, some people in the public are going to say that.

This bill would provide a vehicle to appoint persons without necessarily removing any. This bill would give school boards the capacity to add appointed members.

Assemblyman Elliot T. Anderson:

I understand what you are saying. I was appalled with what happened in Washoe County during the interim. It was inexcusable. Education should not be adults fighting. I just do not know if this is the right vehicle. I am not taking away from the problem. I understand that there is a problem, and I am glad you are trying to do something about it.

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

I will walk you through the bill, but let me add a little background information before I take you to those very specific sections of the bill.

The Governor touched on this issue in the State of the State Address. He was aware of Assemblyman Hickey's bill, so I was dispatched to discuss with Assemblyman Hickey the means by which some change might occur. It is a difficult change to make. The bill before you is one means by which to do this. I would underscore the Assemblyman's comments that perhaps the greatest consequence of this measure is a conversation around governance. The model of governance for how school districts should operate in Nevada only dates to 1955. As an example of a models change, this body changed the State Board of Education from an entirely elected body to a hybrid or blended board in 2011. That is the model the Governor and Assemblyman Hickey have drawn. If that model is adequate for the State Board of Education, what is wrong with it for a local school board?

Indeed, the State Board of Education has the voice of a school board trustee on it, guaranteed by law. That person is not a voting member, but has a voice in the meeting, as does the Nevada System of Higher Education, a student, and a school superintendent. There are two voices guaranteed in our hybrid model. I love our model. I have four elected board members, three appointed board members who have votes, and four nonvoting members. The model works. I have worked with the State Board of Education for 18 months, and it is the best board I have ever worked with in private life, nonprofit life, or in government. I believe in the model, and there is something for us to learn there as we rethink our system of governance.

The last point I would ask you to consider is that the Governor has challenged us all to think about modernizing our system of instruction. We fail too many children today and too many adults who are licensed by the Department of

Education. The Governor challenged us to rethink 50- and 60-year-old models. What I hope you will take away from this conversation are those questions for yourself. If it is good for one board, why is it not good for another board? Consider how we might update our system for the realities of this century, not just two errors by one board, but are we approaching this in the right way?

I am going to tell you what the bill does, because you are going to hear a lot about what the bill does not do.

Section 2 is really the intent of this bill. It is important to look at subsection 2. This bill requires a public hearing by the local school board to consider a change in governance. They have two choices. Can they add more voices, thus appointed voices, to how many people are already elected? Keep in mind, Nevada school boards are either five members or seven members, and buried in the bill are all sorts of ways that is determined. I will leave that piece of the bill to legal counsel to explain, as she worked hard to make that piece work. The first question a board must consider is should we add a couple of voices here? Are we lacking some expertise, or are we passing by an issue that would benefit from more voices? The board could also decide to change their governance model by going to a full hybrid like the State Board of Education, where either three or five members would continue to be elected. The lines would be redrawn so everyone would still have an elected representative. It is not as if my district would suddenly be taken from me and I would not have an elected voice. The board could make that choice. This is a public process. It is driven by the school board. The conversation is theirs, and the decision is theirs. They could add voices pursuant to section 2, subsection 2, or they could replace voices. That is an important framing device for considering this change.

Section 2, subsection 1, asks when might this conversation with the voters occur? This bill requires a conversation for schools. When should we talk to our voters about this issue of are we representing them or not? It "may" occur at the will of the school board at any time. The school board members could decide they have had a bad run recently and could decide to have a conversation with their voters. They could do that. Then the public hearing process would trigger. They could then adopt a resolution to either add voices or replace some voices.

The bill does provide five triggers when that conversation "must" occur, or when outside events would dictate it is time to have a public hearing and have a conversation. Those five instances are as follows:

A petition presented by the qualified electors of the county in which the school

district is empowered. This is an outgrowth of the Washoe County situation. Assemblyman Hickey's phone, Governor Sandoval's phone, and my phone rang with people asking us to do something. There was no recourse other than to wait for an election, which happened to be occurring soon, rather than two years away, or mount a recall, which is a terribly expensive process. This bill offers a recourse. We have petitions elsewhere in Nevada law. This is offered as an idea. Maybe the voters should have the right to say they would like to have a conversation with their trustees about our model of governance.

The second trigger is based on the system of accountability, which is provided for in law. As a practical matter, this provision has not yet been exercised by the Department of Education. The Department of Education "must" develop a rating system for schools and "may" develop a rating system for districts. We abandoned the Adequate Yearly Progress system for districts and the Department has not created a system. Because it is provided in law and the Department might someday do that, your bill drafters rightly picked up that section. This is a possible trigger. If you are performing poorly as a district, and student achievement is so poor in the district that you receive the bottom rating, that should probably trigger a conversation with your voters about achievement.

The third trigger is about failed elections. When a bond election fails, there is always a guessing game. Did it fail because the voters hate taxes? Did it fail because the voters do not mind having children stacked like cordwood in overcrowded schools? Did it fail because of some crisis in confidence over the fiscal management skills of the district and its leaders? No one ever knows the answer to that question. If you lose a bond election, you should go to your voters about why.

The fourth trigger is a statutory provision that is in existing law. I do not know if it has ever been used here. Under current law, there is a means for a district that falls into such financial hardship that the State Board of Education must certify emergency assistance. There is a process delineated in that section of the law for how financial assistance is provided. It is by the State Board of Examiners. If things are so bad that the state is bailing you out, you probably should have a conversation with your voters about having the right representation of financial experts on that board.

The fifth and last trigger is provided based on the authority of the state superintendent. There is something in *Nevada Revised Statutes* (NRS) Chapter 387 that we call the 387 report. It is a fiscal report about essentially every dollar that is spent by your districts. That report comes to the Department of Education. It is used to build the State Distributive School

Account, among other things. It is a critical document. If we find material errors in that document, or if we find that unnecessary expenditures or expenditures outside the law have been made, we bring that to the attention of the State Board of Education, which we have a right to do. Beyond that, it should have a triggering effect for this bill. As an example, in discussing class-size reduction with the local districts, it is a difficult subject and fraught with waivers, where the money went, and how it was used. It is very complicated, and there is always a tug-of-war. If there is something done wrong, under the law my recourse is to withhold money. That means I make class sizes bigger and I require the laying off of teachers. It is a resource left to me that none of my predecessors have been eager to use, nor would I be.

In my staff discussion of that section of law with some representatives of the districts—not school boards to be clear—the question was, "What is he going to do, send us to class-size reduction jail?" That is the view of the accountability provisions of the Department of Education by some of our local school districts. If I find a material error, or that monies have been transferred from class-size reduction into the General Fund, for example, I would like the local school board to be accountable for that and to have a conversation with their voters—again, to represent whether or not they need more fiscal voices.

The board can choose at any time from the five triggers provided for in the bill. The result is a public hearing, and section 4 details the specificity of that public hearing. It cannot be buried on a regular agenda; it has to be a special meeting, specially posted, and you have to engage in this conversation with your voters. Do we add voices because we do not have a lawyer, or because we do not have finance, or because we do not have mom and dad, or do not have educators? On our Board, the three appointed seats are required to be from specific areas: a businessperson, a teacher, and a parent. We know those voices are always represented at the State Board of Education. Do we add those voices because we feel they are lacking, or do we really want to make a change to a hybrid model where we give up some elective seats?

The change in appointment is that the State Board of Education would make those appointments. That is a departure. You will find in section 14 of the measure that today, when there is a vacancy on a school board, the trustees themselves fill that vacancy. Assemblyman Hickey called me saying the Superintendent of Public Instruction should make those appointments, but I did not think that was appropriate. I serve at the pleasure of an elected official, so that is probably not wise. Some people thought the Governor should do it. The Governor fills vacancies on county commissions, and school boards are, in many ways, like county commissions. They serve the same area, and they are a creature of this body. However, the Governor said this was not a role he

wanted to take for himself either. Assemblyman Hickey then asked me if it should be the county commissioners. We talked through that, and in our current system, counties have no crossover into school districts. We decided to leave that one out and settled on the State Board of Education. If there is some kind of appointment oversight, should it remain with the local school boards or should it be some other state entity that has, by statute, oversight over the school boards? That is a key point.

The rest of the bill provides the means for the resolution that the local board would adopt, should they have this public hearing session and decide to make a change. If they do not make a change, they do not make a change. The elected board remains in place. If they do decide to adopt a resolution, it is spelled out in the bill how to do that.

There is a mechanical piece if there is a five-member board or a seven-member board, representing 1,000 students or 5,000 students. The mechanics of that are spelled out quite well by your legal counsel. I know it was not easy to get through all of those iterations. These appointments do expire; they are given terms. The board is required by law to take the opportunity to undo it if they wish to. That flexibility in governance is appropriate.

This is an important conversation about our system and how we approach it. We may end up saying it is fine as is, but if we have thought it through and looked at the future of our children, it is a good thing.

Assemblyman Munford:

The appointing of members to the local school board of trustees reminds me in an historical sense of the Seventeenth Amendment when they removed the appointment of United States senators. Senators used to be appointed by the state legislators. The argument at the time was that it was cronyism. The money people and people of power and influence had strong input into who would be appointed as senators. When you get into the appointments, it could lead to favoritism. You are taking away the will of the people. The voice of the people is number one. That is precedent and outweighs anything.

It says in the Preamble to the *Constitution of the United States*, "We the people." It should always be relegated to the people because they are in the best position to hold you accountable. If you do not do the job, you will not be there next year or next election. The people will vote you right out. I hear that often. Most of us sitting up here, hear that—you will not be here next November if you do not do what the people want you to do.

I find it hard to take it out of the hands of the people. People with money have too much influence anyway. The people are voting from their heart. They are voting for the ones they believe will give them something back, that will make them feel good and elevate them. I am not saying I am right nor am I saying you are right. I am saying, let the people decide. Maybe they will be right.

Assemblyman Hickey:

I am not going to take issue with that eloquence, Assemblyman Munford, or the correctness of it. I would say that, as was pointed out, one of the instances here could be to add some additional help to a local board. Maybe someone with particular expertise in business, or parents. That is one option that does not take away from the ability, power, and accountability of the people themselves. You mentioned money and you are absolutely right. You cannot take politics out of anything that is political, including elections and appointments. If we do not know that by now, we have missed a big lesson.

At the same time, school board campaigns are influenced by money. One of the reasons why good people do not run is because it is so hard for them to raise money on that level. Historically, one of the largest contributors has been teacher associations that obviously have an interest in the kind of trustees elected. You cannot take money out of either side or the influence of politics. I agree with your basic sentiment.

Assemblywoman Swank:

I want to go back to the comment about the composition of the State Board of Education and that you have appointed members for the four non-voting members and the three voting members. The State Board of Education is very different. There is not a local school that is under its control. To equate those is probably not the best path to take. We hear parents in this Committee telling us how they are concerned about curriculum, bullying, and many other issues. We often hear that this cannot be tailored statewide. Parents want to have more input on how their local schools are run and what they are teaching their children. I am not sure how this does anything but decrease those parents' input on how their schools are run.

You could say we need to appoint people because something has gone wrong in the interim. In this building, there are a lot of arguments that people would give for the same thing, for all of us elected officials up here. The democratic process is not neat. It is rarely without controversy, but it is also the only way we make sure this is our government and that it is the government by the people and by the voters. We are getting on a slippery slope here, and this could be a very bad precedent to set.

Assemblyman Elliot T. Anderson:

I have to go with Winston Churchill on this: "... democracy is the worst form of government except for all the others that have been tried." I understand it. I have been asked what I stand for when I go door to door.

Assemblyman Armstrong:

My question is about specifics. How did you come up with not less than two years after the members who are appointed can then be removed or the former composition moved back? What was the reasoning behind that?

Dale Erquiaga:

I will defer to Legal, as that was one of their questions. When should this change over? I think we picked that because of the timing of the elections.

Karly O'Krent, Committee Counsel:

Assemblyman Armstrong, could you point me to the particular section you are looking at in the bill?

Assemblyman Armstrong:

In section 2, subsection 3, it says, "Not less than 2 years after new members who are appointed to the board of trustees of a school district pursuant to a resolution adopted pursuant to subsection 2 take office, the board of trustees of a school district may, after a hearing that meets the requirements of subsection 4, adopt a resolution to return the board to its former composition by removing the appointed members and, if applicable, replacing the appointed members with elected members."

Karly O'Krent:

The reason we went with the two-year provision is that these members are appointed for two years, so we would not want the composition to return and have an election anytime in those two years because of the two-year appointment period. They would not be revisiting it after they had been appointed, but rather two years later.

Assemblyman Armstrong:

If they are appointed in the middle of an election cycle, is it more appropriate to say that the school board would meet after the next election period or cycle, to decide to change the composition back rather than just a two-year period?

Karly O'Krent:

I am not quite sure what question you are asking. If you might rephrase, I am happy to address it.

Assemblyman Armstrong:

If the school board met in 2015, but the election cycle is in 2016, then those appointed members would serve until 2017 versus a 2016 cycle. It seems it would make sense if we were trying to coincide with an election cycle. The school board would then have to make a decision at the end of an election cycle rather than just a flat two-year period. I am trying to understand why there would be an overlap in that instance.

Karly O'Krent:

That makes sense to me. I would just point you to section 3, subsection 2, which provides that if they adopt a resolution in a certain period of time, they want to give people enough time to run for reelection as all members are displaced. The initial recomposition of the board would take into account that very thing.

Assemblywoman Joiner:

My question is about the need for this bill. During the presentations, you gave some examples from Washoe County that related to the Open Meeting Law. No doubt, errors were made in the Open Meeting Law. Do you have any substantial examples of where policies relating to education are in some way not coming out in a positive way for children because of the way boards are composed right now in the state overall? The reason I ask is that I, as a parent, when I choose a school board member, I Google people's backgrounds. Maybe I want someone who specializes in safety, or who has been a teacher, or who has expertise. I do not necessarily care whether they have a knowledge of the Open Meeting Law. We hope their staff advises them well on that.

I am struggling with the need for this bill—substantial policy problems that we are having because of the structure of the board currently.

Assemblyman Hickey:

One of the things the bill does is allow for the board, first of all, to make decisions if they think there are some gaps or some areas that need improving or enhancing, possibly by the option or alternative to appoint an additional couple of members. That is a discussion that could go on among the board members themselves. That is one option that is not necessarily aligned to just a problem with an existing structure, but it gives the opportunity to try to improve the mission of the board itself.

Assemblywoman Joiner:

Relating to a board making the decisions, that is one of my concerns. The voters have spoken and have selected people who represent their district. It seems to me this is a way to create a homogeneous way of thinking.

If three people on a board do not like how two other people approach policy or their thinking, they can either add members or replace those members by using these provisions. I have a concern with that too. The voice of the voters in selecting the expertise they wanted will be overridden by the majority of the board.

Dale Erquiaga:

That is one of the exact pieces we grappled with as to who would make the appointment, because what if this is really just about local fighting? That occurs. That is why there is this desire for an outside entity. We ultimately chose the State Board of Education, which is a large group that represents voters and groups across the state. That was the exact reason why we ultimately decided they would just fill the vacancy themselves, the way they do today. In this instance, if they are really looking for a different voice, then perhaps an outside appointing authority should be offered. That was our solution to that very question.

Assemblyman Stewart:

When I campaign or when I am out among people, I have often run into individuals who are very bright and have great expertise in certain areas of education or finance and they say, "I do not know how you do it and how you take all of the criticism. I do not want to go through all of the dirt of the politics." I think we exclude these bright people, and maybe this is a way of bringing them in without having them go through all of the rigmarole we go through. People in the community who have expertise and are very bright people might be included.

Assemblyman Hickey:

As pointed out by Assemblyman Elliot T. Anderson earlier, in Washoe County recently there was a vacancy, and it was filled by a very qualified person. The interesting dynamic was there were 17 or 20 extremely qualified people who applied for that position, and many of them noted they would never have been able to run for office for whatever the reasons may be.

Chair Woodbury:

I will take those in support of Assembly Bill 339.

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

We are here in support of the concepts of Assembly Bill 339. We believe the dialogue on the subject between local school boards and members of the community would be beneficial.

Chair Woodbury:

Is there anyone else in Las Vegas or Carson City to testify in support of A.B. 339? [There was no one.] Is there anyone in opposition to A.B. 339?

John Wagner, State Chairman, Independent American Party of Nevada:

I have to echo what Assemblyman Munford had to say. We know that mistakes are made by the school boards, particularly in Washoe. I do not think that is necessarily the fault of the school board members as much as it is their legal counsel. Why did they not tell them that they were violating the law? They did not do that.

We had a situation here in Carson City where we had a school board member retire, and the vacancy was filled by the school board, which is the proper way. I do not like the idea of the state dictating that process. I do not like the way the State Board of Education is made up, but that is another story.

Lynn Chapman, State Vice President, Nevada Eagle Forum:

I live in Washoe County, and it was quite embarrassing and a terrible thing that happened, but we the people were never really told everything that happened. We were told it was the law and we could not know the problems.

I am concerned with having unelected, unaccountable people brought in. The people have a right to say who is going to be in charge of their children and how their money is spent.

We already have a right to speak. We can go to the school board meetings. If you cannot go to the school board meetings, you can pick up the phone and talk to your trustee. The extra help we need for local boards is for them to listen to the people when we go to the school board meetings or speak to them on the phone.

The thing I am concerned with is that the taxpayers are getting tired of being called cheap. That was one of the things brought up, that the taxpayers were not paying enough. We do not want to be called cheap.

I appreciate the comments made by Assemblymen Elliot T. Anderson, Munford, Swank, and Joiner. I agree with them.

Cara Strasser, Private Citizen, Carson City, Nevada:

I am a mom and I represent my children and my future. I do not think that because a couple of events occurred that were not good should constitute a knee-jerk reaction to change how we set things, take away rights from the

local people and give it to more government, and bring someone in from the state who represents the state's interest and maybe not the people's.

More importantly, the reason I chose to speak today is because when I was here for the first time last week, an individual was speaking about a concern they had with the rights of their children and keeping our children's information protected when they take certain tests. The Chair suggested he go out into the hallway with the school board members and talk to them about it. They did not know I was sitting next to them, but one of the two school board members said under his breath to the other member that he was not going out into the hallway with that man. The second member responded with, "Why would I go out into the hallway with him?" If that is the kind of response we are getting from our school board and from the state, why do I trust them to represent my interests and my children when they will not even have a conversation in the hall with a parent? Even though they have already given him the information, he still has an interest and a concern about his children.

Assemblyman Armstrong:

Sometimes the State Board of Education or local school board has to appoint members that resign or leave for some reason. In that instance, is it okay for the state or local school board to replace that person, or would you, as a voter, rather see that position vacant until the people have a choice in the next election?

Cara Strasser:

I would rather have it vacant. I do not believe the state knows what is going on in my school with my children. Many of the schools have the same things going on. We all hate Common Core State Standards (CCSS). We all have certain things going on, but this is in my school district with my children. I would like the right to choose who represents us.

Roger Stockton, Private Citizen, Reno, Nevada:

I am representing myself as a grandfather of six wonderful grandchildren. I agree strongly with Assemblyman Elliot T. Anderson. Even though what happened in Washoe County was an embarrassment, the system worked as it should. The voters came out, in force, to chastise the school board for what they did. Sadly, a similar event happened again this week. My belief is the counsel for the school board should be the one taken to task for giving them the advice that made them think they could do something like this. Or, if he gave the advice and it was not heeded, then I believe the Washoe County School District Board of Trustees will certainly get an earful from the voters in their next meeting.

The first argument against this bill that I have is that it robs the choice of the voters to choose the people who will best represent them. These are the taxpayers of the district who pay the bills, keep the schools open, and employ the teachers. It may not be a perfect system. There may be an argument that it is expensive to run; we cannot just step in and get these positions even though we may feel we are qualified. The system has to be trusted to some degree.

The comment of Assemblyman Munford was very well taken. When you start appointing people, appointments to positions like this rarely come from walking down the street, finding a smart person, and saying they would make a good member of the school board. Usually, there is an element of political connection that comes into appointments to anything in government—state, local, and federal.

You do set up the scenario where crony capitalism could become a factor. School boards do more than conduct meetings. They also award contracts. Even though I am not saying the intent is nefarious in that sense, people are appointed based on the knowledge of the people appointing them. You tend to appoint your friends, then when contracts are to be awarded, it makes sense that you know a person is qualified to provide this consulting service or whatever. It creates the image of the cronyism that could occur.

I do not think it is the intended consequence, but the other thing I believe this sets up is that we are looking at forming a state school board to take over troubled schools. If we start appointing school board members from the state level, the easiest way to dissolve a school board is to have that school board vote to dissolve itself and join the state system. We are creating a potential for continuing to centralize government farther away from the people. I cannot imagine trying to testify if the state ended up having one single school board and I was testifying when I had an issue in Washoe County.

I would encourage everybody here to think about who sent you here, and it is the people who elected you, and I believe the people need to elect those who represent them on every level.

Assemblyman Armstrong:

I am going to ask the same question I asked the previous testifier. If there is a vacancy that occurs for whatever reason in the school board or anywhere else, would it be your opinion for that seat to remain vacant until the next election, or should it be appointed?

Roger Stockton:

I do not have a problem with appointing somebody as a temporary replacement up until the next election. Especially if it maintains a diversity on the school board and gives them the opportunity of having more voices. I do not think that is the issue of this bill. I do not think this bill deals with appointing a school board member to fill a temporary vacancy. This has more to do with selecting people from outside the voter bloc to represent them on a permanent basis. That is where the slippery slope begins. As Assemblywoman Swank very well said, that is something we need to be very aware of. It has been said many times that the best government is the government closest to the people. To answer your question, I do not see that as a major issue as it involves this bill. That is more of a separate issue. I cannot see that appointing temporary replacements would be a problem.

Assemblyman Edwards:

A question came to mind as you were talking about cronyism, the bad people who could be appointed, nepotism, et cetera. Do you have any faith that there are actually good people that could be appointed?

Roger Stockton:

I am not saying that is the design of the system. I am saying that I work in government and politics mostly at the national level and cronyism is alive and well in our government system. It is inherent, and there is no way to avoid it. I am not saying that is the intent of the bill. I am not a conspiracy theorist who wants to say that this is the design and the intent. I am saying that it opens up the possibility because when you appoint two very well-qualified people to a board of random citizens who won an election, you are essentially putting two people who will present themselves as experts on any issue. The nature of people will be to defer to them to a certain point based on that expertise. Human nature would allow that the two people appointed would have a little more influence than the people elected. You might have someone with a General Education Diploma elected to a school board who may be intimidated by someone who is appointed and has a Ph.D.

To answer your question fully, I have limited faith in the system. Inherently, people are good. I am not questioning the reputation or values of anyone on this Committee. I am just saying, it opens the door. When you start appointing people, it depends on who is appointing them and the values of that person. Sadly, there are people who do not always follow the highest moral principles. That has to be at least considered when you are reviewing this bill.

Assemblyman Edwards:

I just wanted to consider the other aspect that there are good people who are qualified and who would be willing to serve. I do not want them to be forgotten in the discussion. Sometimes appointing someone can work, and work out very well for the people.

Roger Stockton:

Sometimes it can.

Assemblyman Stewart:

I agree with Assemblyman Munford that the will of the people should be expressed, but in my tenure in the Legislature, I have seen five appointments, including three this session. Every one of them have been excellent appointments, including the one that is sitting on our Committee today.

Dr. Linda E. Young, President, Board of Trustees, Clark County School District:

I am here today to speak in opposition to Assembly Bill 339. As a career educator, I was a high school special education teacher, nationally and Nevada certified as a school psychologist, a former principal, and a director of equity and diversity education programs, to name a few.

I want to say congratulations to our elected officials and my colleagues for your work to help model for students from all cultures and backgrounds the principles and actions of our democracy. Our legacy must be one of courage and commitment to the ideals that made this country and the state of Nevada great. However, to support a proposal that denies the people of Nevada the right to choose their elected school board trustee is a throwback against all that we believe.

As school board trustees, we hold monthly meetings with parents and communities in our schools. The results are that our citizens are more connected to the schools, and we are more responsive to our constituents. Our voters and our constituents are very interested in school board races. People cast more votes for Clark County School District trustees in 2014 than they did for members of the Legislature who represented the same area. As trustees, we bring ideas to the table and bring forward issues that represent the people who elected us, not just individuals who may be appointers.

Moving forward, Assembly Bill 339 disenfranchises our constituents and silences their voices. If trustees are not effective, they can be voted out on the next term or voting cycle. There is no evidence that appointed school boards

are better. They still make mistakes, have to learn to get along, and there is no evidence that student achievement improves with appointed boards.

Democracy can often be messy, but it is one of the greatest gifts this country has given to the world—the right to elect me and you. Redistricting and appointing a couple of politically handpicked individuals is not the legacy of a process that you or I want to leave to our students.

First it was the State Board of Education, now it is the local school board, next it will be you. Please know that you have the vote today, but our constituents will have the vote at the polls tomorrow. Do not sell our democracy for any price.

Dr. Martin Luther King, Jr., said, "Our lives begin to end the day we become silent about things that matter." Do not be silent. Please vote against Assembly Bill 339 and protect our legacy and model our democracy for all students and our constituents.

Assemblyman Munford:

I want to commend you. What you just said is well done and well said and I appreciate it very much. Thank you and keep up the good work.

Patrice Tew, School Board Trustee, District E, Clark County School District:

I am in opposition to Assembly Bill 339. Assemblyman Stewart sort of hit a raw nerve with me when he talked about smart people and their unwillingness to raise money or to come forward. To that, I say, one of the most difficult parts of the campaign for me was promoting myself and giving credentials. Since that is in question right now, I will overcome that and do what people need to do in order to fight for children.

To people who are unwilling to come forward because it might be too hard, or it is hard to raise money, or they do not want to approach people, then I say they do not have the grit to fight for student achievement and to fight for good things to happen in the classroom.

I went to college as a U.S. Presidential Scholar. I graduated with a tri-major. I graduated from the Honors Program at Brigham Young University as a university scholar, high honors with distinction. I was the valedictorian of my college class and went on to earn my juris doctorate from Jay Reuben Clark Law School and was later admitted to practice in the Minnesota State Bar, where I practiced for three years. Then we moved here. I had 3 children by then, and when I walked my kindergartner into a classroom of 45 children, I knew that my career was not going to be law. It was going to be in

education, and I began a quest of volunteerism that lasted for 20 years in classrooms, in Parent Teacher Associations, and in Boy Scouts of America. I chaired Clark County School District committees. On an international level, I went to Geneva and Warsaw to argue for the rights of children, families, and women. I went to the Convention on the Rights of the Child at the United Nations and the Commission on the Status of Women.

I say to you, it is essential that we show the grit. I also say that I appreciate the discussion that has begun, and I would submit to you that we are asking the wrong question. The question we need to ask is, how can we support school board members who have been elected by the voice of the people? I want to quote Andrew Jackson where he said, "The people are the government, administering it by their agents." They, the people, are the government.

I will just say, as elected officials, if you support this bill, you are circumventing the very voice of the people who elected you and who elected us. People need to be proven and vetted by their constituency to prove they will fight for causes that are critical to them.

April Tatro-Medlin, Private Citizen, Las Vegas, Nevada:

I am in opposition to Assembly Bill 339. The importance of the public electing their trustees cannot be overstated. While there have been times I felt I may not have been heard by the board, I do not wish to change the makeup of the board or how they are elected. Eventually, they will hear me.

These are our trustees; they belong to us. In my district, my trustee resigned and a new trustee was chosen by the Board of Trustees and they chose very wisely.

Bob Clifford, Secretary, Nevadans for Local Control of Education:

You can probably guess what side of this bill I am on. I have sat through a lot of local board meetings and we always have counsel there. If there is any question about legality, they look to the counsel and get a ruling on it. I do not know what happened in the Washoe County School District where they could not listen to their counsel and stay out of trouble. I do not think the problem in Washoe County is cause to make this type of change.

As Assemblywoman Joiner pointed out, this absolutely subverts the will of the voters and allows a majority of a board to throw out the other members and bring in state people. I would like to point out that not only are these appointees by the State Board of Education not elected and not accountable, they are also not local. The person could be from way outside of the county and have no local interest whatsoever. I find that appalling.

I might also point out that a presumption that the hybrid model implemented on the State Board of Education as being good or superior, I do not find that to be true at all. It may make Mr. Erquiaga's job easier because it is easier for him to get his way, but I would not make the assumption that that model is good. Based on what? It is just his opinion.

Basically, we do not want any more state control of education. We want local control. We want our schools accountable to the local voters.

Carole Fineberg, Private Citizen, Reno, Nevada:

I am a retired teacher, a mother, a grandmother, and a taxpayer. If there are misdeeds by the school board, then at least we can remove trustees at the next election cycle. If appointed, we have no say and no remedy, and the appointed board member will only be answerable to the entity that appointed them, not to the taxpaying public that pays their salaries.

Mr. Erquiaga was appointed, so of course he would like the appointed model. We have four of seven brand new trustees in the Washoe County School District. They may not know the law. This is not the first time the board attorney has not been helpful in helping them understand the law. If they err, they need to be educated, but the entire law does not need to be changed.

As Assemblyman Munford said, "Do not take away the will of the people." Nevada is a state of wide diversity. Churchill County is not like Washoe County; Douglas County is not like Clark County. We the citizens of each of these counties and areas know our children, know our schools, and know our district. I know every one of my school trustee's names. I have them on auto dial.

It is wrong. It is taking away our right, our say, and the voice of the people. I urge a no vote on Assembly Bill 339.

Assemblyman Elliot T. Anderson:

I certainly agree with you ma'am, but I think we should leave Mr. Erquiaga out of this. This is not about him. He is a staff member; he is not a school board member, or even a State Board of Education member. For the record, we should leave Mr. Erquiaga out of this. He is a fine administrator.

Dr. Dotty Merrill, Executive Director, Nevada Association of School Boards:

I am here on behalf of the Nevada Association of School Boards to oppose Assembly Bill 339. There are some school board members who are in the room today, you have probably received messages from other school board members, and you have heard from a couple of school board members in Clark County.

We oppose this bill because we believe that school board members should be elected by their constituents, the voters. Like legislators, mayors, city council members, county commissioners, and all other elected officials in Nevada, school board members must make complex and often difficult decisions. These decisions are often unpopular with some constituents. Unlike most other elected officials, all of the decisions made by school board members impact children, the schools those children attend, the educators and the others who work in the schools, how children get to and from school, the safety of those schools, the books they use, et cetera.

School board work is not easy. It is sometimes fraught with controversy. Meetings are often long because there is much work to be conducted in the public view. Preparation can be time consuming. The pay is barely enough for a school board member to hire a babysitter for the duration of several board meetings that may take place over the course of a month.

As any board member will tell you, rezoning is not simple, and it is not straightforward. Constituents can get angry when their children are moved from one school to another to alleviate overcrowding. Closing a school is not easy. Constituents can get angry when children have to travel a longer distance on a school bus. Adopting a budget is not easy. Especially when funding is cut, constituents are angry. Employees who are constituents may get especially angry when their jobs are eliminated or they are not rehired.

However, when Nevada voters get angry about these decisions that their elected officials are making, they show up at public meetings, they can make their voices heard. If that is not enough, they can use the recall process guaranteed by the *Constitution of the State of Nevada* and described in NRS Chapter 306.

From the perspective of the Nevada Association of School Boards, we think the current election and recall process works and is representative democracy. School board members across the state need to continue the difficult and challenging work they are doing without the threat that a small percentage of angry constituents can instigate a process that changes the focus of school boards from student learning and achievement to something entirely different.

Chris Miller, Member, Nevada Association of School Boards:

I am a school board member from Storey County. I have served the Nevada Association of School Boards (NASB) twice as president, both times during legislative sessions. I am here today because the Association's current president had another commitment that could not be changed. Thank you for

the opportunity to represent NASB before you this afternoon. We speak in opposition to Assembly Bill 339. [Read from prepared testimony ([Exhibit D](#)).]

It is unfortunate that a number of states have fallen prey to the seductive imperative to take drastic measures in response to the difficulties and the things that sometimes go wrong in America's collective endeavor to educate its children, to define their success, and to develop the human potential of its young people. Of course, this endeavor is fraught with difficulty. It is also fraught with deep emotion and tends to elicit visceral reactions on the part of all onlookers.

This endeavor is the most fundamental in which we as a country and as human beings engage. Please join us in recognizing that the work for student success should be the most democratic work in which Nevada engages.

Assemblyman Munford:

I have never heard it announced, what is the standard salary or pay to a school board member?

Chris Miller:

I know what I get. Not much. As set by statute, for a population less than 20,000 it is \$250 per month. For a population 20,000 to 100,000, \$400 per month. More than 100,000, \$750 per month.

Stacie Wilke, Legislative Chair, Nevada Association of School Boards:

I have served as a school board member in Carson City for more than six years and I am in my second term. I have served as president of the Carson City School District Board of Trustees. In November, I was elected the 2015 Legislative Chair to the Nevada Association of School Boards. The second time I ran, four years ago, I left to raise my children. My seat became open again, so I actually began this term as an appointed member, then was elected last November to serve for four more years.

I am representing Carson City, and we oppose Assembly Bill 339 for many reasons, but there are two that I will bring to your attention using Carson City as an example. In section 2, subsection 1(a), it states, "The board of trustees is presented with a petition on a form prescribed by the Superintendent of Public Instruction that has been signed by not fewer than 10 percent of the qualified electors who reside in the school district."

In a school district like Carson City, 2,663—10 percent of the qualified electors—would have to sign this petition whether they have children in our schools, whether they have attended a board meeting, whether they have

known the issues the board addressed, whether they have any interest in public education at all.

A hearing must be held which cannot be part of a regular board meeting or work session. Not less than 30 days before a meeting, the board must post notice, send notification of the hearing to the parents or guardians of each student in our district, and the notice must be published in the *Nevada Appeal*. Moreover, the district will incur the cost of notifying these parents about the petition, which none of them may have signed, and we will incur the cost of newspaper advertisements for the hearing.

Our second objection comes with the hearing itself. If the local board decides to adopt a resolution to move forward with the State Board of Education appointment of members, there is no guarantee this will result in local board members who do not participate in the decision or behave in such a way that the other 2,662 people will sign the petition. None of this guarantees that things will change.

I do not know how an appointed board would change the mistakes that have been made by prior school boards. We might be better served by having more mandatory professional development for all school board members and better legal counsel.

We are thankful for the conversation to talk about our educational system, but we oppose A.B. 339 and encourage you to oppose it too.

Dr. S. S. Rogers, Private Citizen, Las Vegas, Nevada:

I am pastor of the Greater Mt. Sinai Missionary Baptist Church in Las Vegas, Nevada. I am also the president of the Ministry Alliance of Southern Nevada. I have been a resident of Clark County for 54 years.

I am opposed to the appointing of trustees to our communities. I am grateful to our trustees. We have had two speak today so far on this issue. I am here to support them in this effort. I want to thank Assemblyman Munford, and he deserves accolades for working in the Assembly for this purpose. I worked with him about 30-plus years in Clark County. I retired in 1993, but I am still working with the Clark County School District with their Board of Trustees. From my Ministry Alliance perspective, we have the same sentiments as the members of our Board of Trustees have. We need our community to continue to support each board member in our district. With this taken away, it will lessen the power of our communities all over this city and all over the country.

Thank you for allowing Clark County to be part of the segment to voice our opinion and our thoughts about what we want to do in Clark County.

Assemblyman Munford:

Thank you, Dr. Rogers, for taking the time to support this bill. You and I go way back. You have been a bedrock in the community. Keep up the good work.

Anna Slighting, Private Citizen, Las Vegas, Nevada:

I am in opposition to Assembly Bill 339. I am the mother of four Clark County School District (CCSD) children, and I am a volunteer member of a CCSD board-appointed committee. I work closely with the CCSD board members and I can assure you that there is nothing broken about their system. What may be good for the State Board of Education will not be good for CCSD.

On my zoning committee, I can tell you that the parents of the schools that appear on our agenda know who their trustees are because they call them, they email them, and they visit with them at their parent meetings. They do anything they can to communicate with those trustees, and I can see how those trustees respond to each parent, as well as to the members of the community who are also involved in the process. I can assure you that the Board of Trustees is acutely aware of the voices of its constituents, as well as the members of the committee. I trust them to accurately reflect those voices through their votes on the board.

I am concerned with this bill and am in opposition because I am afraid there might be groups that come in and try to discount the value of another vote by enacting a certain trigger, even though the vote they are trying to suppress might be representative of the constituency of that trustee.

I have some of the same concerns that have been expressed by the Committee and the questions you have asked as well as the other public comments.

Kevin Child, School Board Trustee, District D, Clark County School District:

We talked about elections, and the person before me was appointed. I thought I could do some good by running and getting elected. I called more than 6,800 people and I walked to 2,800 households. These children are very important to me, and my community is very important. I ran seven times for the Legislature. My father told me I should run for the school board, as he was a school board member in Illinois. We believe in this democracy called voting and not taking the people's voices away.

I see many things that I have wondered about, Mr. Hickey—being sworn in to protect the *U.S. Constitution*. Well, guess what? You are taking people's votes away. There is nothing broken with the system. We have committees in place. The board oversight, as our previous testifier was saying she is on, is a committee. Our people are committed to our community. If they want to be involved in our process, they can sit in on workgroups. I am on an auditing committee with three community business leaders.

I worry about the appointed positions because I look at the State Board of Education and there are some influential people up there. We have a problem with our Smarter Balanced Assessment Consortium (SBAC) testing, and I worry about that because we are held accountable as a school district to implement that. We are still waiting for comments from the State Board of Education. Please, make sure our people's voices are heard. We are the elected people. I go to four to six schools a day.

Assemblyman Munford was my government teacher at Bonanza High School. I wear a flag on my lapel every day because people fought for other people's right to speak. I thank you for your service in the Legislature. Please do the right thing.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I am also a Clark County School District teacher. I want to say "ditto" to what I have heard from people opposing this bill. I believe my students and I are best served if the community votes on who will be their school board member. I have sat in on many meetings past 10 p.m. watching the school board attend to various items. I do not always agree with the school board members, but they are always polite to me, give me time to speak, and I am able to attend and voice my views.

I have worked on a lot of campaigns for school board members. I have walked a lot of districts and knocked on doors for people I like, and I have done the same for people I do not like. I know it is expensive and a time and labor process, but it also promotes democracy.

What I do worry about is when I send emails to appointed school board members at the state level, I do not receive the same courtesy as I receive from the people who are accountable to their constituents. They do not feel the need to respond to me or listen to my concerns. That is the difference between someone who has to be elected and someone who is appointed.

I understand that there were problems in one location in the state, but three-quarters of the state is served by the CCSD school board. I am not saying

they are infallible or that things do not happen, but I do believe we have people serving there who really have the best interest of our children in mind and spend hundreds of hours listening to people and trying to address concerns. Please, let us keep this position an elected position and not appointed.

Jacob Jones, Private Citizen, Carson City, Nevada:

I am a student at Carson High School, and I am going to represent the students of the great state of Nevada. I have been on the Carson City School District Board of Trustees as a school board representative to Carson High School for the past two years. I love everything that they do, and I love everything I do.

This bill definitely struck a nerve with me when I heard Governor Sandoval speak at the State of the State Address. My government teacher had us write a letter to a congressman, and I begged her to let me write a letter of opposition to Governor Sandoval.

After hearing what you all have said, I have a couple of comments I would like to make. First of all, Assemblyman Edwards, there is a thing in my student council where we have "eager versus willing," and you said there are many people who are very willing to be appointed to be school board trustees.

There is a difference in being eager and willing. If someone is eager to run, and eager to be on that school board, they will run, they will go through the politics, and they will get through everything they need to do necessary to get on that school board to represent their students.

Our parents are also major voting members who vote for these trustees, and they vote with knowledge from the students that they have in the communities they are voting for. Every single student has unique information on what is going on in that particular county. That information is vital to who is on the school board and who is not.

In government, we learn about the *U.S. Constitution*. The Tenth Amendment reserves education as a state right so you have the authority to make this bill a law. This country was built on popular sovereignty. By making appointed school board members, this is going to remove the voters—not by just one level, but by two levels, because you have the Governor who was elected; you have him appointing the State Board of Education president; and you have that Board president appointing school board members. That is two levels of government that are being bypassed by the voters—constituents who were voting for their school board members. As a student who has been in this city for 18 great years, I am finally a legal voter, and I have looked for this opportunity to vote for my school board members because I know everything

they have done for the past two years has resulted in incredible decisions in Carson City, and I would not change any of them. If they were appointed, it would be a completely different situation.

Chair Woodbury:

Assemblymen Stewart and Munford are two former government teachers on this Committee. What grade would you give Jacob?

Assemblyman Munford:

This young man must be in Advanced Placement Government. He does not sound like the typical high school student with his knowledge and understanding. He said a very powerful word—"sovereignty." People do not say that too often and he knows that popular sovereignty puts the power of the government in the hands of the people. That young man knows his stuff. Maybe you will be a future elected official or a school board member. I highly commend you as a former government teacher. You sound extremely astute. I would have been proud to have you as a student. Keep up the good work and good luck to you.

Assemblyman Stewart:

I would like to say "ditto" to Mr. Munford.

Assemblyman Edwards:

First, I will compliment you for your astuteness, your articulation, your eagerness, and your willingness. My question to you is this—if you were offered the opportunity to be appointed, would you take the appointment?

Jacob Jones:

You had to throw a wrench in my plans.

Assemblyman Edwards:

I will give you the opportunity to shine.

Jacob Jones:

I do not know. There are varying circumstances with that appointment. Personally, having been on the school board for the past two years as a non-voting member I would love the opportunity to serve any way possible. If I had the choice between running for election and being appointed, I would personally choose to run for election. What this nation was built on is the election process. For me personally, that would be an accomplishment and it would show me the side of government that not a lot of people get to see.

Assemblyman Edwards:

Running for office can be fun for the eager and the willing, but please remember, there are times when it is actually beneficial to the people you want to represent to take advantage of skills of people like yourself, but an appointment can do just as well. I do not want you to exclude yourself from opportunities. Thank you. You were great.

Jim Falk, Private Citizen, Fallon, Nevada:

I am also Chairman of Nevadans for Local Control of Education. I would like to thank Assemblyman Munford for introducing the element of cronyism. There is no better example of what I would call this 800-pound gorilla in the room, than the Governor's choice for his Superintendent of Public Instruction. I would like to ask how that has been working out for you with the ever-increasing demands for more money and the new programs being imposed on the schools—mostly untested programs—the bullying and intimidation of teachers and staff members not to talk about what is going on in the district that they disapprove of.

Bob Burnham, Private Citizen, Eureka, Nevada:

I am a former Eureka County School District Board of Trustees member and president, and a former officer of the Nevada Association of School Boards. I served on the interim Task Force on K-12 Public Education Funding with Assemblyman Hickey.

Nevertheless, I am opposed to Assembly Bill 339. Looking at it from a small, rural, and remote area, it is highly unlikely those who would appoint people in these small distant districts would be familiar with those best suited for those positions and would not be familiar with the local community and the issues at hand. During my eight years on the Eureka County School District Board of Trustees, we had to appoint several trustees and we generally did a good job. I am comfortable with the ability of boards to do that.

There is nothing that people are more passionate about than their children. Given the difficult decisions a school board makes on a regular basis, it is very likely that at least 10 percent of the public will be angry at their local board at any given time. I have been to many school board meetings and I have been to many county commission meetings, and there are probably more people mad at county commission meetings, but they are not as mad as people at school board meetings. That is the nature of school boards; people are very passionate about their children.

John Eppolito, Private Citizen, Incline Village, Nevada:

I want to thank Assemblywoman Swank and Assemblymen Munford and Anderson. I agree with what you all said.

I was at the Washoe County School District (WCSD) board meeting last evening, and I want to report to you that the appointed member on the board was one of the two most vocal proponents to elect the new superintendent prematurely. It also came up at that meeting that WCSD is having the same problem that CCSD is having in getting clarification on forcing all of the children into this Smarter Balanced Assessment Consortium (SBAC) testing. I do applaud WCSD because last night they took a stand and made a decision without first hearing from the State Department of Education. It was the right decision in my opinion.

I led a battle for about a year and a half fighting the WCSD trustees, then-Superintendent Morrison, and Deputy Superintendent Martinez, who wanted to force all 1,000 of our children in Incline Village into a program that it turned out only a handful of residents wanted. My point is, we were able to fight for our children and have our voices heard. Ultimately, we won that battle.

Superintendent Erquiaga made a statement a few moments ago that the current structure at the State Board of Education works for him. That is great. I am glad it works for him. However, there are 850 of us that it does not work for. These are the people who signed the Common Core State Standards (CCSS), SBAC, and data collection petition. They could care less what we have to say. They do not even want us at their meetings and it is very clear.

Currently, at the State Board of Education, we have a billionaire, non-educators, and unfortunately seven out of ten of them are not accountable to the voters. That is a problem. I may not always agree with the local school board, but I know, unlike the State Board of Education, they listen to us parents and grandparents, and more importantly they care about the children. As long as they are accountable to the voters, I respect the process.

In my humble opinion, I believe all the State Board of Education members and the Superintendent of Public Instruction should be elected and accountable to the people.

Joy Trushenski, representing Nevada Legislative Affairs Committee:

I agree with everything said in opposition to Assembly Bill 339, especially what John Eppolito just said. School board members must continue to be elected by the people they represent. Keep schools in the hands of the parents.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas who wishes to testify in opposition to A.B. 339? [There was no one.] Is there anyone who wishes to testify as neutral to A.B. 339?

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

We are testifying neutral on Assembly Bill 339 regarding appointed school boards. We conducted a thorough analysis of the effect of student achievement of all of the Governor's proposals in collaboration with Nevada Succeeds. What we found in doing that data analysis is that there is no significant impact on student outcomes looking at the differences between appointed versus elected boards. That is the main point we want to make. There is no data to show a better or different impact on student achievement.

We also found that diversity of board members does matter. In boards where there are more diverse numbers that reflect the community, particularly Latinos, there are better outcomes for students.

My last point is that we found implementing school board best practices actually can improve student achievement, so we have eight best practices from the Center for Public Education that we listed in our testimony ([Exhibit E](#)). I would like to go over a few of them.

- Effective school boards commit to a vision of high expectations for student achievement and quality instruction.
- Effective school boards are accountability driven. They spend less time on operational issues and more time focused on policies to improve student achievement.
- Effective school boards align and sustain resources, such as professional development, to meet district goals.
- Effective school boards lead as a united team with the superintendent, each from their respective roles, with strong collaboration and mutual trust.

Based on this information, our recommendations are that the Nevada Legislature establish a task force to explore the process by which school boards could be appointed and determine whether that is the direction the state wants to go, and to identify mechanisms for ensuring school board members reflect the diversity and needs of the local community.

Chair Woodbury:

I will close the hearing on Assembly Bill 339 and we will take a short recess [at 5:03 p.m.].

Chair Woodbury:

I will call the Assembly Committee on Education back to order [at 5:08 p.m.] and open the hearing on Assembly Bill 351.

Assembly Bill 351: Revises provisions relating to projects to benefit charter schools. (BDR 34-1012)

Assemblywoman Jill Dickman, Assembly District No. 31:

As most of you know, charter schools are at a distinct disadvantage when it comes to facility funding. Charter schools receive the same per-pupil funding as traditional schools, but they must also use the funding to pay the lease or mortgage on their facility. This drastically affects their ability to provide quality facilities for their students. The 2013 Legislature addressed this issue in part through the passage of Senate Bill No. 384 of the 77th Session. This bill provided our best charter schools with access to the public bond market, which will enable them to raise capital for improved facilities and to repay their debt over longer periods of time.

While this approach did not put charter schools on the same footing as our traditional public schools, it was a major improvement. To my knowledge, only one school was able to take advantage of this since the last session.

Currently, to prequalify for this bond financing program, a school must have received one of the two highest state accountability rankings for three consecutive years. Section 1 revises this requirement to expand this program to include additional charter schools. On page 2, lines 17 and 18, the bill amends this provision and requires a charter school that wishes to use bonds to finance a project to have received one of the three highest performance ratings from the statewide system of accountability for public schools within the immediately preceding two consecutive school years.

As the Committee is aware, the Legislature has already addressed the issue in section 2, and this part of the bill is now moved. I do not feel this bill is a full solution for charter school facilities, but it continues to expand the good work of this Committee and the 2013 Legislature. [Submitted written testimony ([Exhibit F](#))].

Sitting next to me is Ryan Reeves, who will go into a bit more detail about the needs of the bill from a school's perspective.

Ryan Reeves, Chief Operations Officer, Academica Nevada, Las Vegas, Nevada:

Academica Nevada is a management company that works with charter schools to assist in their legal, human resources, and business operations in order to support their growth and success. We currently work with five approved charters, four of which are open and operational. As previously mentioned, there is one charter school, Somerset Academy of Las Vegas, that is going through the bonding process. We do work with that school. Other schools hope to do that in the future, and this bill will assist that by broadening those opportunities to schools in the three highest star categories and within the two-year window.

We do believe this is important and necessary. The obvious inherent question is, why broaden this to schools at a lower level? The answer is because this helps them get to the higher level. Often, the nature of the facility, the size of the facility, and the impact of the facility on funding, impacts a school's ability to provide the best operational success to their school. By enabling them to participate in the bonding process, obtain a better facility, obtain better pricing and payment on that facility, it frees up the resources necessary for that school to move into the four- and five-star categories.

For that reason, we support the bill and would support that being expanded in this way.

Assemblywoman Dickman:

If you have a charter school that starts out ranking high, or maybe ranks high after their first year, they would still have to wait three years to get this bonding the way the bill is written.

Chair Woodbury:

Assemblywoman Dickman, I have a comment on a technical point you brought up. It sometimes happens that if one bill is passed before another bill, it will preclude the effectiveness of a provision of another bill. That has happened in this case. For the education of this Committee, earlier in the session a measure was passed and signed into law that would exclude schools, which includes charter schools, from the requirement of prevailing wage on a public work. Therefore, section 2 of this bill would be a moot point, as it is already law. I would like to ask my legal counsel to verify that.

Karly O'Krent, Committee Counsel:

That is correct. Senate Bill 119, which passed and was enrolled earlier this session, accomplishes much the same results.

Chair Woodbury:

I want to make sure we stick to what this bill actually does, and stick to the changes in section 1. There are some concerns about section 2, and I do not want to talk about it during this hearing. However, if you want to talk about it during public comment, that is fine. Are there any questions?

Assemblyman Elliot T. Anderson:

I would like to ask Legal whether they could fix something like that in codification—whether it would have to be in the bill or not, or if they could fix it on their own.

Karly O'Krent:

After bills are passed, following session, we codify all of the bills into law. We make consistent changes to the extent that what has already passed would impact the provision that is included in section 2 of this bill. We could change that during the codification process.

Senator Scott Hammond, Senate District No. 18:

Assembly Bill 351 is a stronger version of the bill I introduced two years ago, Senate Bill No. 384 of the 77th Session. We are talking about including a few more schools. The original intent of the bill was to allow money to be accessed by these charter schools for capital improvements or for buildings and so forth. What we intended to do two years ago is starting to come to fruition, as we have had one school already go in front of the board to ask for financing and they have received it. The first bonding is coming out, so this will open it up for other schools that are maintaining a proven track record, academically and financially. I do support this bill wholeheartedly. It makes the bill from last session even better.

Assemblyman Elliot T. Anderson:

I recall our conversations on this bill last session. What you are amending was actually my amendment to the bill, and I feel better that the bonds were not directly on the hook. Our financial products could still suffer from general reputational damage if everything does not parcel out. The nice thing about having the fourth- or fifth-highest level is we have a little space between where the automatic closure provisions of Assembly Bill No. 205 of the 77th Session would kick in.

Are you worried that potentially, because you are shortening the time and lowering the requirement, that some schools might be closed that have never taken out bonds, then there would not be much that investors could do with the collateral if the school is built new?

Senator Hammond:

I think I understand your question because we did have several conversations about this two years ago. I will reiterate what I said two years ago and that is, those who participate in this bond market are pretty savvy. They are savvy investors; they know what they are getting themselves into. They consider all of these risks and know what they are engaged in.

I understand the reputational damage you are considering or are contemplating. I think lowering it to a one-star status probably will not include that many more schools, but it would help out. They still have to consistently prove a pretty strong financial and academic record. They might be at a three, and maybe vacillate between a three and a four, but with the star rating system not being exactly in place because we are still waiting for some of the pieces to be put into place, or to know exactly how it is going to come to fruition, I think this is a good move. I would remind everyone that we are talking about savvy investors in a bond market. It will come back to the state. I hope that answers your question.

Assemblyman Stewart:

What is the one school that is qualified for this?

Senator Hammond:

The one school so far is Somerset Academy of Las Vegas-Sky Pointe Campus. It is in my Senate district.

Assemblywoman Diaz:

My concern is that if we drop that bar to a three-star, we know things are in the mix. Evaluation tools are being changed. If they are barely hanging on to their three-star status, what happens if in the mix of things they go down to a two-star or possibly a one-star? What happens to the students? What happens to the bond? Obviously, if you are a one- or two-star, you are not going to be able to operate. I am concerned about putting somebody on the hook for the money. I would feel very apprehensive about investing in a charter that is not very solid.

Senator Hammond:

I went to a meeting in front of the Board and there are no slouches over there. The Governor is part of that board [State Board of Finance]. They asked several questions. It has to get through them before they approve of the ability to go on the bond market. They will have a lot of that information. They will be able to evaluate how close they are to the line—three or two. Are they trending downwards or upwards? They have several people who they invite to speak to

that question. Again, this is a pretty solid board. We are talking about certified public accountants. They will know before we get to that point.

Assemblywoman Swank:

You mentioned that by expanding it to the third level, it would include a few more schools. I am not sure if you know this, but how many schools do we have right now that are four and five? How many more would this include? How many charter schools do we have at the two and one levels that would not qualify?

Senator Hammond:

We are talking about 12 schools that are five-star, 9 schools that are four-star, 15 schools that are three-star. There are 38 schools all together. The rest would be two- and one-star schools.

Chair Woodbury:

I did the math and there are two schools that are one- and two-star. There are 36 schools that are three-, four-, or five-star schools, and you said there were 38 altogether.

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

We are very excited to be supporting this bill today. I want to thank Assemblywoman Dickman for sponsoring this, as well as the other sponsors who signed on to Assembly Bill 351.

I am not going to reiterate all of the other great reasons why this bill is needed. I am going to let Dr. Carrie A. Buck give an example of why this is needed. She is also one of the board members of the Charter School Association of Nevada. We advocate for the whole charter school community, and she has done a great job in that position as well. She also has a great example from her three-star school that would benefit from this bill. She will make a strong case for how she will be successful with it.

Dr. Carrie A. Buck, Principal, Pinecrest Academy, Henderson, Nevada:

I am here to support Assembly Bill 351. I want to thank the 2013 legislators for passing the charter school facility finance bill. You had the foresight to embrace this great school choice initiative.

Recently, with Somerset Academy taking advantage of this wonderful law, it will be issued the bonds within the next four weeks, and we are very excited to see the success from that. They are thankful for the extra State Distributive School Account (DSA) dollars that they will be able to reallocate toward teacher

salaries and resources for their students. Well done, and thank you to those of you who were here in that session.

The most important change to note, is to broaden the applicability to include three-, four-, and five-star schools to apply for bond dollars within two years.

I am the current principal of Pinecrest Academy, Horizon Campus, and I serve 940 students each day. We will also be opening Pinecrest-St.Rose and Pinecrest Inspirada this coming year. With all three of our campuses, we will be serving 2,356 students each day, and we currently have a waiting list of over 1,000 students.

Many parents love this school and to quote one of our parents on a recent survey, "I feel good about this school. I recommended it to others, and their children now attend." Another parent states, "I love Pinecrest. The education my child receives is outstanding."

Why am I here today to talk to you about A.B. 351? After turning the C.T. Sewell Elementary School in the Clark County School District (CCSD) around from 35 percent proficient to 85 percent proficient in reading and math, I moved to the charter world a little over a year ago.

When I walked through the doors of Pinecrest, we were a three-star school in both our elementary school and our middle school. A month later we took an assessment, and about four months later we were deemed a three-star elementary and a four-star middle school. Although this showed promise with the Smarter Balanced Assessment Consortium (SBAC) that is coming, we are locked at that rating for at least another year.

How does that change the conversation? Charter schools function with only \$6,500 per student. There are no additional monies for facilities or start-up costs. The financial challenge for charters becomes paying a lease or a loan for start-up costs estimated between 14 and 18 percent of our school's per pupil \$6,500 from the DSA. With the same dollars, we have to pay our lease and start-up costs for desks, chairs, et cetera. With the significant percentage of Nevada's per-pupil funding, or approximately \$1 million, at Pinecrest Academy and Horizon Campus going to a lease and start-up loans, there is less for instructional supplies and teacher salaries.

I am trying to turn around a school, so I need to make sure that I am recruiting leaders for the school. When I am not able to provide a close salary to recruit in New York or recruit against Texas, I am not able to offer more money to get

top-quality applicants. I am competing for this limited teacher pool with CCSD, and it is a defeating loss right from the beginning.

The passage of A.B. 351 makes a difference for students—period. Every dollar we do not send to a landlord goes to teachers in classrooms, resources for students, and I am trying to turn around a school. I want it to be a five-star school just like the last school I left. It just takes time.

Thank you so much for your time, and keep up the great work that you are all doing. All of you sitting up there give us all hope for students in Nevada.

Chair Woodbury:

Is there anyone else in support of A.B. 351? [There was no one.] Is anyone here in opposition to A.B. 351?

Richard Daly, representing Local #169, Laborers International Union of North America:

I am going to be experiencing a new event where right, wrong, or indifferent, the Chair is trying to preempt testimony on a bill that is in front of this Committee, maybe because she does not believe or think that a portion of it is....

Chair Woodbury:

Sorry, sir, please be respectful. Would you like that part of the bill amended out, as Assemblyman Elliot T. Anderson suggested?

Richard Daly:

I would.

Chair Woodbury:

It has nothing to do with the bill anymore, so we are not going to talk about it during the hearing on the bill. If that is all you wanted to talk about, we will end the testimony now.

Richard Daly:

It is not, and if I can.

Chair Woodbury:

I will hear it all during public comment.

Jack Mallory, representing Southern Nevada Building and Construction Trades Council:

We are not diametrically opposed to charter schools. We believe there is a way and a means for them to exist peacefully and to coexist alongside public schools within our society. There is a place and a need. We believe that they should not be rewarded and, at the same time, dumb down the standards they are being held to, to receive that reward when we are in a session where everybody is talking about increasing excellence in the schools.

If it is a problem with the amount of time that individuals need, then you should look at the duration of time that they require to be at the top two tiers before they are eligible to apply for those bonds. There is a finite bonding capacity that every agency of government has. My concern as a representative of working people is that bonding capacity can be reached and tapped out and not be able to address needs that come up in other areas.

Assemblyman Gardner:

You are talking about the finite sources in bonding, which I agree with. Would you be agreeable with the statement that we take away the bonding ability for the one- and two-star public schools to give to those more deserving schools according to our standards, whether they be charter or otherwise?

Jack Mallory:

I would say no. The reason I would say no is that government has made a promise, historically, to its people that it would provide education to its citizens. That public education has not discriminated one way or another between the type of school or the location of the school. At least it is not intended to do so.

If there were a way to say that money should be concentrated in different areas, I would say that it should be from the bonding that was approved in Senate Bill 207 from this session, for example. In my opinion, it should be concentrated in areas near the urban core where there is a higher propensity for people not to do as well in school and there is a higher number of troubled schools. There seems to be more of a need in those areas for improvement.

Assemblyman Gardner:

Charter schools are public schools. I do not see how you are differentiating the two. Also, I would assume that you agree that we should put the money where we have the overcrowded schools. We are not talking about money in general; we are talking about building money. Would you agree that we should put that money where we have overcrowded schools, rather than on academic success? It seems we build them where we need them.

Jack Mallory:

Absolutely, there is a need to spend money in the locations where there are overcrowding problems. There is no question about that. That was part of the discussion along with S.B. 207. The bonds that are being spoken of with S.B. 207 are not related to these bonds. These bonds are being issued by the Department of Business and Industry and not by the local school boards, which are those bonds that are being rolled over in accordance with the provisions of S.B. 207.

Assemblyman Gardner:

Those funds are being used to build new schools. They are also being used to renovate schools, which is what we are talking about.

Jack Mallory:

That is correct, sir. The issue of whether or not a charter school is a public school is always open to debate. It is a facility that is operated by a private organization—a nonprofit organization—and it utilizes public dollars to educate students. It is treated differently from a standard public educational facility. It is a semantics argument. Charter schools have certain standards they have to meet similar to public schools, but they do not follow the same set of rules that public schools do. They have a bit more freedom than some of the public schools.

Assemblyman Edwards:

Although charter schools are somewhat different, they are still chartered by the state or the local community. Therefore, they still serve the public good, using public funds. They are serving the overall intention and requirement to educate the same students. If the students were not in a charter school, they would be in a public school of a more traditional nature. The money is really being used for the same purpose. I do not understand why you are in opposition.

Jack Mallory:

My opposition is in reducing the standards required to apply for the bonds from the Department of Business and Industry.

Assemblyman Edwards:

However, you also indicated that you were still willing to spend the same money on schools that are rated as a one- or two-star. If it is good for a one- or two-star traditional public school, why is it not good enough for a three-star charter school which obviously has better standards and is doing a better job and delivering a much better product to the people?

Jack Mallory:

Again, we are talking about the public school system versus the charter school system.

Assemblyman Edwards:

It is all ultimately the same. It is not a semantic argument.

Chair Woodbury:

I am going to have Legal comment on whether a charter school is considered a public school or if that is open to interpretation.

Karly O'Krent, Committee Counsel:

Nevada Revised Statutes 385.007 provides that a charter school means a public school. It is formed pursuant to certain provisions in existing statute.

Assemblyman Edwards:

Why are we willing to support a one- or two-star traditional public school, that is a noncharter school, and yet reluctant to support and provide for a three-star charter school that is doing a better job?

Jack Mallory:

Thank you, Counsel, for the correction. Charter schools have always been treated differently. That is a fair statement that everybody here would agree with. If they had not been treated differently, then they would have been built in Clark County, using the same school bond money that had been approved by the voters in 1998. They then would have been renovated with the same money that is going to be created from the bond rollover provisions in S.B. 207 and we would not need to be talking about them needing to have special financing provisions from the Department of Business and Industry.

Assemblyman Edwards:

However, the complication to all of this was created by an arbitrary difference. Is there a different set of standards? It is really a disadvantage to the charter schools that have often proved to do a far superior job. In this case, we are talking about the charter schools that are clearly doing better than many public schools that are not charter schools. I do not understand why you would punish them further when we do not need to. This is simply giving them a more level playing field to provide for the needs of the same group of people—the students across this state.

Jack Mallory:

I am not suggesting that we punish anyone. I am suggesting that we maintain the same high standards that were proposed by the Governor in his

State of the State Address, that we promote excellence in education. This is not promoting excellence.

Assemblyman Edwards:

It is promoting excellence above the one- and two-star levels of the noncharter public schools.

Assemblyman Elliot T. Anderson:

I would like to make a comment about the different kinds of bonds. In the charter bonding provision, these are special obligation bonds. The full faith and credit of the state is not pledged to those bonds. Because of that, my intent with this provision we are discussing was ensuring that we had high-quality charters that would not be affected by the automatic closure provisions of Assembly Bill No. 205 of the 77th Session that would shut down charters. You would then be left with collateral—for example, the school building—that could not always be used, for many reasons, thereby reducing the value of the collateral and potentially harming the state's reputation.

I have not made a decision how I feel about this yet, but it is not accurate to say that we should treat them exactly the same because they are different types of bonds with different issues. We do need to check one thing, because I think there is something we said in the last bill that we would not change the statutes for a certain time. That is one issue I would ask our legal counsel to look into. I wanted to make that distinction because I had to take a crash course last session on bonds. There is a difference.

Richard Daly:

There are a couple of other factors that Mr. Mallory did not point out on the difference between charter schools and their operation and governance and traditional schools that may or may not affect decision-making processes on issuing bonds. Charter schools are special and different. They are a public school and get public funding, but they also have a separate board that does not always have the same level of expertise.

We have seen in Sparks where charter schools have gone awry and overspent their money or misappropriated the funds. One thing that may affect the bonds, and why we may not want to lower the standard, is that they do not have to follow many of the procedures a traditional school has to follow. They do not have to publicly bid. They are exempt from various safeguards that are in place to protect the expenditure of public dollars. That is in the second section of A.B. 351 that is not being deleted. That is another factor when you are selling bonds for why they are different from traditional schools.

Chair Woodbury:

Is there anyone else in opposition to A.B. 351? [There was no one.] Is there anyone who would like to testify as neutral to A.B. 351? [There was no one.]

Assemblywoman Swank:

We know that charter schools do not always function very well. They are not frequently the highest-rated schools. We know that the best charter schools are ones that are managed by nonprofits and that are aimed at our low-income children.

My question gets more to the distribution and the legislative intent. I believe the legislative intent last session was to reach out and to provide support for our best charter schools—those that were really doing a great job and helping out our children.

Taking the numbers you gave on what rankings our schools have, this would open up bonding capabilities to 95 percent of our charter schools. I am hesitant when thinking that 95 percent of our schools constitute what I would consider the best schools. I am wondering if you could comment on the legislative intent from last session and how this is going to alter that.

Senator Hammond:

I believe the legislative intent was to give aid to charter schools where all we had was the State Distributive School Account (DSA) to try to run the school, pay salaries for teachers, buy the materials, and buy classroom equipment and furniture. Everything is off of the DSA. As was mentioned earlier, the charter schools are at a significant disadvantage in that they do not have access to financing for school buildings. This particular bond we just approved goes a long way to expand and make them better schools by making them more functional. It actually helps us pay the rent, and the rest of the money goes into teachers and supplies and into the schools. The schools will then get better.

You heard from Dr. Carrie A. Buck that one of the things we are up against right now is this period of time where some of the schools are going to be stuck at whatever rating they have even though they are doing better. This will help them out.

Again, going back to my other comment, when it comes to how well a school is running, the State Board of Finance does a great job of evaluating and looking to see how they are trending. They look at their financials very carefully and also look at their record. They did a fantastic job of evaluating everything and

have wonderful people who work on that and look at all of the material they need to make that decision.

Assemblyman Edwards:

In looking at the math, the fact that 36 out of 38 schools in the charter school system qualified, that is 95 percent. This is using the same standards that would be used for grading all of the public schools. We are saying 95 percent of the charter schools are at a three-star or better rating, which is something we should be celebrating rather than being afraid that 95 percent of the schools would be open to this new bonding should this bill pass. Only two schools would not be open to it. In the near future, given these kind of advantages, those two might qualify, which is something we should be happy about. Correct?

Senator Hammond:

As teachers, whether we are charter schools or Clark or Washoe County School District public schools, the only thing we want to do is celebrate the positives, but we want to look at those other schools and help them and improve them as well. Our job is never done. We can celebrate the positives, but we also look at where we can make improvements. This will actually help those schools improve if we can put more of the money into the schools.

Ryan Reeves:

Charter schools are often K-8 or K-12 and, as such, they receive more than one rating. While there are 38 charters in the state, we gave you 36 rating levels. I would love to say that 36 charters out of the 38 are in the one- and two-star category; however, I believe that consists of multiple ratings being assigned to some individual charter schools. There are a few more charter schools in that one- and two-star range that are working to get better. I did not want to leave that number out there, as it was not completely accurate. It does speak to the number of charters out there doing well and continuing to improve who could use this bill to help them improve more.

Assemblyman Armstrong:

I know Senator Hammond has worked closely with the charter schools for a while, including the school system and the parents. From the testimony we have had, it seems to me that if I am a parent and have a child going to one of these schools, I want to make sure the state is putting money into the best schools possible. Is that something that is consistent with what you have heard from parents—that we want to make sure that we put the money and bonding capacity in the best schools possible?

Senator Hammond:

Yes.

Assemblywoman Dickman:

I want to thank this Committee for listening to this bill and listening to the witnesses who have so much knowledge about this subject. I hope you will support this bill to help our children.

Chair Woodbury:

I am going to close the hearing on Assembly Bill 351.

[The Chair requested the additional letter in opposition to Assembly Bill 351 from April Tatro-Medlin ([Exhibit G](#)) be placed on the Nevada Electronic Legislative Information System (NELIS).]

I will open the hearing on Assembly Bill 278.

**Assembly Bill 278: Revises provisions governing class-size reduction.
(BDR 34-749)**

Assemblyman Elliot T. Anderson, Assembly District No. 15:

I am here today to present Assembly Bill 278 for your consideration. I would like to open my testimony by providing you with information on this measure, as well as provide an overview of the bill's key provisions.

Nevadans have had a class-size reduction (CSR) program in place since 1989 with the passage of the Class-Size Reduction Act of 1989. The program was designed to reduce pupil-to-teacher ratios in classrooms with a goal to achieve a pupil-to-teacher ratio of not more than 15 pupils per teacher in kindergarten through third grade.

Assembly Bill No. 2 of the 27th Special Session was passed establishing new reporting requirements for school districts' pupil-to-teacher ratios. Assembly Bill 278 revises provisions governing CSR in response to the requirement that the school districts submit CSR plans to the Department of Education.

Specifically, the bill creates a new section in *Nevada Revised Statutes* (NRS) Chapter 388, which requires the Department of Education to develop policies and procedures to monitor the CSR plan compiled by each school district.

Before I go into the key provisions, I would like to turn it over to the Legislative Auditor to go over some of the history and how this bill developed. I looked at the Department of Education's audit in 2014, and I am trying to take some of the recommendations and put them into place to ensure that our dollars for CSR are spent wisely.

Paul V. Townsend, CPA, CIA, Legislative Auditor, Audit Division, Legislative Counsel Bureau:

I would like to note that as Legislative Auditor, I can neither support nor oppose a bill, but I would like to point out the highlights of our audit.

You have a copy of the Performance Audit, Department of Education, 2014, ([Exhibit H](#)) on the Nevada Electronic Legislative Information System (NELIS). This audit dealt with two areas. One was the Office of Educator Licensure, and the other was class-size reduction.

The section on class-size reduction is on page 19 of the audit before you. By way of background, when CSR was first funded in 1991, it was funded at \$16 million. In fiscal year 2014, that number was \$177 million.

In looking at the program, we did find that some things could be improved. We found that plans required by statute to be submitted by districts were not being submitted. The requirement is that each school district develop a plan to reduce the district's pupil-to-teacher ratio in certain grades and submit that plan to the State Board of Education.

The Department of Education was receiving information regarding CSR on a standard form, and a section of that form did deal with the plan, but it was in very brief statements. If you turn to page 20, we have highlighted in the bullets some of the responses on how the CSR plan was formulated and what it was doing. We did not feel that was enough to satisfy the statutory requirements.

At the bottom of page 20, we also found that some specific statutory requirements of the plan were not met. For example, each school district must demonstrate how they will reduce pupil-to-teacher ratios within the limits of available funding. We found none of the 17 school districts had submitted information that demonstrated that.

In addition, on page 21, we also note that counties with populations that are less than 100,000 are allowed to develop an alternative plan. That provides some flexibility for the smaller counties where they may have higher ratios in the lower grades, but then they are going to be held to set ratios through

grade 6. What we found there is of five districts using alternative plans, none of those met the reporting requirements that demonstrated that a plan would not cost more to carry out than a regular CSR plan. Also, none of them met the requirements that described their method for evaluating the effectiveness of the program.

On page 22, we did note a number of areas in our audit where we looked at other states that had some CSR plans. There are some key elements in those. We did recommend that the Department of Education pass some of those examples on to the districts to assist as guidance in preparing their plans. I do want to note that the Department of Education has already taken action on this item and is developing similar elements.

On page 22, we also discuss how better monitoring of CSR reports and variance is needed. The CSR reports are provided quarterly with ratios and variance information. These reports are then summarized and submitted to the State Board of Education and also the Interim Finance Committee. We did find that the reports were often incomplete and sometimes had errors.

On page 25, we note the process for actually distributing the CSR finance and weaknesses. The Department of Education is responsible for distributing \$381 million in 2014 and 2015. Determining the amount for each district involves a very large number of calculations with different sets of data. What we found is that these calculations are not reviewed by an additional person as part of a quality control process, and often there were not adequate supporting documents.

One final note I will make on page 27 is that there is improved communication needed with the districts. Districts were not adequately informed of the minimum number of teachers they were expected to employ with their portion of the CSR funds, or the average teacher salaries used in the calculations. That information is laid out on page 26. This information was not always as clearly presented to the districts as you see in that table.

On page 28, we do have our recommendations that we made to the Department of Education regarding making improvements to the CSR plan. These recommendations largely mirror what is in the legislation. I want to point out that the Department of Education and the superintendent were very cooperative and accepted all recommendations.

As part of our audit follow-up process, they are required to submit a plan for corrective action. We received that plan earlier this month, and I want to note

that the Department of Education has taken strong action in implementing the recommendation and is making good progress.

Assemblyman Stewart:

In your opinion, would this bill provide more enforcement ability to ensure the intent of the Legislature was carried out?

Assemblyman Elliot T. Anderson:

There is no real hammer in this bill. This is not seeking to punish; it is about getting us better information so we know what is happening with the dollars that we are appropriating. It is a way to have transparency and to ensure that when we do spend money, we receive better information when we make decisions and when we are appropriating. This bill will help ensure that we have accurate information about how our taxpayer dollars are being spent.

We should probably spend more on CSR, and I want to be fair to the districts. I do not think we have ever given them the money they need to reduce class size to the statutorily mandated levels.

Assemblyman Stewart:

Are we going to hire additional people so we have better information?

Assemblyman Elliot T. Anderson:

I will leave that to the districts as to whether they will have to hire more. I would say for the Department of Education, I do not believe they will have a fiscal note. They are here in support is what I have been told. They have already accepted the recommendations in whole that are required in this bill. I would not imagine they have a fiscal impact. They can speak to that better than I can.

Assemblyman Stewart:

You are tightening up so we will have better information on how the money is being spent and how accurate the records are.

Assemblyman Elliot T. Anderson:

In one word—transparency.

Assemblyman Armstrong:

When I read this audit, it only has what we can improve. Was the audit's purpose to find out what was wrong, or was it just an audit of the program?

Paul Townsend:

Our objective on this audit was to examine the controls in place over the CSR program. We looked at the whole program from what its intent is to what controls they have in place as far as requesting information, and verifying that information is accurate and flowing through to decision makers at the State Board of Education and the Legislature.

Assemblyman Armstrong:

It does not seem like any of the controls were working, or were adequate. Can you tell me if there is something that was left out of this that was adequate?

Paul Townsend:

Generally, when we do our reports, we are not developing a scorecard on every single thing we found, whether it is right or wrong. There is often an expectation that things are running right, and they should be. We do report by exception. We are reporting on the issues that we did have problems with.

Assemblyman Armstrong:

On page 27, the survey of seven districts revealed that four districts were unaware of the minimum numbers of teachers to be expected, or their salaries. I wonder if this policy is working at all if we do not have verification that this program is working or if the funding is being used properly. This audit is very eye opening for me as to the CSR and how shockingly inefficient and uncontrolled this program is.

Assemblyman Elliot T. Anderson:

That is a fair comment. I will try to be fair to the districts here though. They are not able to recruit all of the teachers that they need. Until recently, they have not been able to build all of the schools they need to build. For the past few sessions, funding has been anyone's guess. It is still anyone's guess because the more things change, the more they stay the same. They are working as hard as they can. We need to do better. When the program in concept is implemented correctly, it is a good deal.

I would point out that the program is not bad in concept. We need to get the implementation right, no doubt. As a William S. Boyd School of Law student, you had legal writing classes that were 16 to 1. They were kept that way and there were no exceptions. It was kept that way to ensure that students had all of the opportunity to become the best legal writers possible. We are ranked third in legal writing in the country. I learned more about writing in that year than I have in my entire life.

Imagine a kindergarten teacher with a classroom of 45 children. We need to make sure these dollars are being spent to alleviate that teacher's issue. We need to make sure she has time to control that classroom and does not have to be a nanny, so she can be a teacher, especially with harder standards coming.

Maybe the program is uncontrolled. That is the intent of the bill: to get control of it, to make sure our dollars are being spent wisely. We should not be throwing money at a problem, but we should be investing smartly.

Assemblyman Armstrong:

I completely agree with what you said, but this program was implemented in 1989 and we now are saying to the taxpayers that we have wasted that much money over this program since it was so uncontrolled over such a long period. That concerns me.

Assemblyman Elliot T. Anderson:

I would take issue with the word waste. We do have needs that this money was used for. It was not targeted in the way we asked for it to be, but to say it is a waste is not accurate. It is a fact that we are underfunded in this state with education. We would be even more underfunded in education without these dollars that have flowed even if they were not used as we asked.

Assemblyman Armstrong:

I agree that education has been underfunded, but there is a large portion of this that was probably wasted because we did not control how it was being spent.

Assemblyman Elliot T. Anderson:

Again, I would say it was spent on our children. That is not a waste. It was not spent in the way we asked for it to be spent. We need to invest in smart policies. In a way, I agree that this money needs to be used where it was directed. I believe in class-size reduction, and this bill is an attempt to make sure we take the findings we received from our excellent auditing staff and use them to fix the problem.

Assemblyman Edwards:

I want to compliment you on the audit. I was reading through it and it is a great audit. It shows a lot of the problems we have to deal with. It shows it in a fair, straightforward, and objective manner. It gives us a good handle on what we are facing. What we are facing is shocking; there are no controls that are being implemented. There is no plan. The people who are supposed to be implementing CSR do not even know what they are supposed to be reducing it to. Therefore, they have no plan to do that. Based on the data that

you were able to collect, we do not know where the money was spent. We may assume it was spent on the children, but based on the audit, we do not know. There is no evidence to indicate what it was spent on.

I am in agreement with the bill to get the information and the reports. However, does it go far enough? We are in the process right now of potentially following the \$381 million we have spent the last two years, with another \$480 million to do the same thing. At this juncture, we do not know if we have made one step in the right direction because there is no credible data collected or credible evidence provided by the school districts to show us that. I am absolutely stunned at what I am possibly going to tell the voters in my district about where the next \$480 million is supposed to go.

The audit is well done, and it does help us to start making the right decisions for what we need to do in the future. We are in agreement on the idea of getting the right sized classrooms. This audit is an enormous step in telling us just how bad off we are when it comes to getting this problem resolved.

We might need to take a look at the bill in order to make it more comprehensive and more forceful so we can take care of the intense problem we are faced with in the school district itself. As far as hiring more people to do it, maybe we need to make people do the jobs they have been hired for—and are making more than enough money for—and fill out the data fields correctly.

Assemblyman Elliot T. Anderson:

I think this is a transparency piece. Control and reports not being correct does not necessarily mean the money was not used for a good cause. The question is that we do not know. The districts can speak to how the money has been used. I do not want to paint with a broad brush and say it was not used for class-size reduction. The point is that we do not know and we should trust but verify.

Assemblyman Gardner:

We could talk all day about funding levels, I would like to point out that our law school is actually pretty good, but there are also 1 to 80 teacher to student ratio classes that are just as good, in my opinion. It is very clear that there are some classes that are small, but we also have classes that are 1 to 80. In college, I even had classes 1 to 2,000.

Assemblyman Elliot T. Anderson:

Of course I am referring to the writing program, and it is a very difficult thing to learn. I cannot quantify it, but I can qualitatively tell you that the writing program is phenomenal.

Assemblywoman Diaz:

I believe the Legislature had the best intent when passing CSR. It was to make sure our ratios were benefiting the quality of instruction and the one-on-one time our students were getting with their teacher. I have not had time to get into this audit for myself, so I would like a CliffsNotes version of it. What was the biggest obstacle in implementing CSR? Do we have any information? I know the districts were faced with a tremendous amount of growth, and we also cut education funding during the years we wanted them to implement CSR. Can you give us a bigger picture of the intent and why mechanisms were not put into place for it to happen? We thought about it, but where did we miss the link in making sure it was put into practice?

Assemblyman Elliot T. Anderson:

It is hard to implement programs that are always changing. Every two years the Legislature likes to change things. I do not think they have ever fully funded CSR. Then, as you mentioned, we had an economic downturn. We should avoid making this about what the districts have done; we should make it about what the districts should be doing to fix it. They are doing the best that they can with what we have given them.

Paul Townsend:

This is a program that has been around for a while. It was created in 1989. Our audit covers the period from July 2012 to March 2014. In the period we were looking at, we did not see adequate plans. That does not mean that an adequate plan was never submitted in past periods. There have been different superintendents and Department of Education personnel. What we were keen on is statutory requirements.

In the 26th Special Session [2010], the economic downturn was brought up as the budgets were being cut. At that point, there were things brought in to provide a little more flexibility with class-size reduction, because if you are working really hard, and your budget is cut, to maintain classes in Grades 1 through 3, but ignoring Grades 4 through 12, things can spin out of control.

There were some variances put into place for a little more flexibility for Grades 1 through 3, but it did need to apply it to Grades 4 through 12. We talk about this on page 23 of the Performance Audit ([Exhibit H](#)). They had to provide reports that noted how they were minimizing the impact in Grades 4 through 12 and that the program was not costing any more money to address this flexibility.

That is an area we looked at as well. There were some increased reporting requirements laid out in statute. The Legislature said they were going to give

the districts more flexibility, but they wanted more information. We want to make sure they are accountable. That scenario was not followed up on, and that information was not provided.

I want to make those points that the audit covers recent time. I cannot speak to the beginning of the program. What we have looked at has been a turbulent period since 2008. The flexibility is built in with more accountability, and we were not really seeing that as we looked in this recent audit.

Assemblyman Gardner:

At the beginning of the audit, you said that all of the recommendations, 10 through 18 on page 28, were accepted and the first report was due March 2. Do you know if they are implementing these things now, or is this still something they are processing? I see there is a six-month report due in September. Can you tell us where they are in accepting these nine recommendations, please?

Paul Townsend:

Yes. We have an audit follow-up process of 60 working days after an audit is issued. Every agency has to provide a plan of corrective action. We do review that plan to make sure they are on the right track. Six months after that, the Department of Education administration performs a follow-up and verifies the status of the implementation and recommendation.

They have taken strong action. The audit was issued December 2. I believe they took information to a State Board of Education meeting in December, and they had already laid the groundwork at that point on implementing the recommendations. The report we received earlier this month further indicated that, yes, they are moving along. There is new management at the Department of Education, and they are taking a different look at this and agreeing with many of the issues we brought up.

Assemblyman Gardner:

Because they are already accepting these recommendations, and the recommendations look a lot like this bill, is this bill necessary?

Assemblyman Elliot T. Anderson:

I believe so. Currently, it is just a policy. We know this is the right thing to do. We want to make sure that we do not repeat history. If we have a change in administration, as we will, we need to ensure that the force of law is there so it is required and we continue to have good information. Once the Department of Education has transitioned, I would say yes.

Assemblyman Edwards:

I want to emphasize that over the course of the several years that we have been trying to get class-size reduction, when we add up the numbers, it runs into the billions. When I look at the taxpayers who are struggling, I am concerned that we have not delivered a good product to them. We do have to look at the history to show that those who have been responsible for implementing this have not done their jobs. I am not willing to cut them as much slack as you are because they are being paid enough to come up with a plan and they do not even have a plan. They are being paid to communicate that plan. They failed to communicate that plan, and they failed to implement that plan. The students are still in overcrowded schools and classrooms. We have to hold them much more accountable for getting the job done before we spend another half a billion over the course of the next two years. This is not such a hard problem that we could not have made better progress over the years.

Your bill may go far enough, maybe it needs to go further, but we need to see more progress for the students we care so much about, and for their parents who are paying the taxes, and for the state to make sure that our school system works much better. I applaud you for the bill and I am with you on it, but we need to get this done and we need to get it on the record that this must be solved before we start spending billions of dollars more.

Assemblyman Elliot T. Anderson:

I understand where you are on this and that you support it. My intent is not to have a "beat up the districts day." My intent is to move forward. I have found in education that everyone always sees someone else they think needs to do better.

What it comes down to is that education is a puzzle. You need to put many different pieces together to make a good picture. You cannot just have good administrators, or good students, or good parents, or good teachers, and you cannot have just good legislators who are doing the right thing. Instead of looking at what other people are doing, I try to focus on what I can do to make things better. I can roll over bonds to ensure they have schools to put these children in, so they are not overcrowded. I can ensure there are better controls on the money we are spending to ensure that investments are being done wisely. I can vote for funding to ensure we actually fund CSR in the first place and do not have to give them waivers, which we have been doing for the past several biennia. In 2009, when I was here as an intern, UNLV was facing a 52 percent cut to its general fund appropriation. We were worried about having a school to go back to.

While I understand where you are coming from, and I want to make sure our money is being invested wisely, I am not going to sit here and pile on districts that have been struggling to survive over the past few years while they are already growing again. They are doing the best they can, and they need to do better. We need to encourage good policies, which is what we can do to ensure this money is invested wisely.

Assemblyman Edwards:

I do not want to prolong this, but I have to say that they are not doing the best when they do not even have a plan after all of these years. They are not doing their best when they cannot show us where the money is being spent. They are not doing their best when they cannot show us the progress the taxpayers are paying for. This is not as hard as that. You and I could sit down and over the course of two days have a pretty good plan put together that they could implement if they choose.

Melinda (Mindy) Martini, Deputy Superintendent, Business and Support Services, Department of Education:

The Department of Education is in support of this measure. I was hired in April of 2014, right after the audit. I was appreciative of the Audit Division's findings and in letting us know of those findings regarding the CSR plan which has been around for many years, and several millions of dollars have been put into this program.

We believe that this bill will increase accountability and transparency for the program. When the Department's staff has moved on, having it in law will make sure that this increased accountability will be there even after the audit report has been put on a shelf.

Since we received this report, we have taken tremendous strides in trying to make corrections at the Department level. We have had this on the State Board of Education's agenda for two months, and we will be discussing it again tomorrow. We have come up with new ways of getting meaningful CSR plans from the school districts. Various requests will be reviewed and approved by the State Board of Education before they are implemented.

For those of you who are on the Interim Finance Committee, there are quarterly reports that are required, and you will see that about 80 percent of our schools have variance requests. That means they are over the prescribed ratios. It is a fascinating program. It was disconcerting that we had these findings, but we are moving forward. I do want to mention that we have submitted our corrective action plan, which is a 60-day plan. That plan is very detailed and I can get that to you all.

One thing that has come up in the testimony so far is that, yes, there has been flexibility built into the class-size reduction plan to assist in economically difficult times. There were questions asked in the meeting of the Assembly Committee on Ways and Means on how the money has been spent on the "plus two" program. It is allowing the school districts to have two extra students in Grades 1 through 3. Then it is to reduce class sizes in Grades 4 through 12. Part of our corrective action plan was to ask the Audit Division of the Legislative Counsel Bureau to expand their audit to the school districts. We have been in discussion with the Audit Division on that, but we must have legislative authorization to do an expanded audit. If you are looking for a way to make this a stronger bill, having an additional audit that would go into the school districts that might be something that would help us.

Assemblyman Stewart:

Are you putting forth a plan to implement CSR? Any plan has to be followed. If you are going to reduce classes, you have to hire more teachers to have fewer students per teacher. Is that correct?

Mindy Martini:

Yes, and part of the plans that we are looking at are that they can specify a certain population. When you see the variance request, you might find there are several variance requests for one-star schools. The plan for the school district if funding is not sufficient to have class size all at a certain ratio, there could be a focus. Should there be variance requests for increased class sizes in one-star schools? The CSR plan would indicate our goal for our school district is to have no variance requests for one-star schools. That would be the type of meaningful plan we are trying to work toward.

Assemblyman Stewart:

You have 80 percent of the schools with a class size variance. Is that correct?

Mindy Martini:

Yes.

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

Class-size reduction has been a long-standing priority of the Las Vegas Metro Chamber of Commerce. It is our belief that the reporting mechanisms required in Assembly Bill 278 will allow for effective and, importantly, transparent measurement of the plans to reduce student/teacher ratios in the state.

Chair Woodbury:

Is there anyone else in Carson City or Las Vegas who would like to testify in support of A.B. 278? [There was no one.] Is there anyone who would like to testify in opposition to A.B. 278? [There was no one.] Is there anyone who would like to testify as neutral?

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

We are here in the neutral position on A.B. 278. If there are additional reporting requirements to comply with the Legislative Audit, we are happy to accommodate that. As has already been mentioned, we do quarterly reporting as a result of Assembly Bill No. 2 of the 27th Special Session on CSR.

All of the money that districts receive for CSR goes to pay for additional teachers to keep class sizes smaller in Grades 1, 2, and 3. The money is not spent on other things.

There are a couple of points of confusion when we talk about having waivers. The way the program is funded at the Legislature is on a district-wide average. We take the number of first graders, for example, and divide by the number of teachers, and that is the ratio we have to comply with as a district. In first grade it is 16 to 1, or 18 to 1 under the "plus two" program.

The reporting requirements are done at the school level, grade level. As you can imagine, first graders do not come in nice little packages of 16 children. At one school you may have 20 first graders, and at another school you may have 14 first graders on average in that school. In order to comply with the statutory requirement, it would be an average. If we had two schools in a district, we would be in compliance, but we would have one school with a waiver and one school without.

Inherently, you are going to have lots of waivers in a program where you are reporting at a school level and grade level, but funding on a district-wide average. It is not because we do not want to have class sizes at 20 to 1 at every school, but that is not the way the program was ever set up. This new reporting mechanism at the class level, grade level, is causing a bit of confusion.

It is not that we do not want to comply with lower class sizes, but when we have 21 students show up in a particular grade level, we cannot necessarily hire another teacher. Especially if it is midyear and we have a lot of transient students and enrollment growth, and these programs are funded during a legislative biennium when we cannot predict growth in our schools.

The money has been well spent, and keeping class sizes small in our lower grades does have benefits for our teachers and our students. We are happy to comply with additional reporting requirements for the requests from the Audit Division.

Assemblyman Stewart:

How much of the money that was allocated for CSR was spent on CSR in the Washoe County School District?

Lindsay Anderson

One hundred percent.

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

We concur with everything that Lindsay Anderson laid out for you as far as how it is calculated and how we handle class-size reduction. All of our CSR funds go toward teachers and are handled for CSR.

To address what we do report, we have reported that we spend it on teachers. Our quarterly reports include information about how many General Fund teachers we provide to each school and how many CSR teachers we provide each school. We separate it by their funding source. When we report that to the Department of Education, they know exactly how many fall into each funding category.

We have had some growth challenges. As of the beginning of this month, we had 1,922 additional elementary students since count day. It has grown even more since. As Ms. Anderson also indicated, they do not come to us in 16 students to a package. They are not widgets; they are children. They are families moving from one place to another, often for jobs. We have to accommodate those numbers even though the numbers do not fall into nice even class sizes. Yes, you will see waivers on a quarterly basis as we have continued growth in the Las Vegas Valley.

Assemblyman Stewart:

How much of the money that went to CSR in Clark County School District was spent on CSR?

Nicole Rourke:

One hundred percent plus.

Assemblyman Stewart:

What is the problem here? Are the reports not accurately reflecting where the money is being spent?

Nicole Rourke:

I do not think that is the case. We indicate how many teachers are hired under CSR funds at each school quarterly. I think the Department of Education, through the audit, has decided that we need to indicate our plans differently than we have in the past. We will certainly comply with the additional requirements.

Assemblyman Stewart:

A lot of the money for CSR has been spent on K-3. Is that correct?

Nicole Rourke:

All of it.

Assemblyman Stewart:

This has oftentimes resulted in larger class sizes in the 4th through 12th grades. Is that correct?

Nicole Rourke:

Oftentimes, it does because we do not necessarily get the funding to hire the number of teachers that we need to lower the class sizes to what is in statute. Again, that is why you see waiver situations. Also, as you alluded to earlier, we are struggling to hire the number of teachers we need. We have a nationwide teacher shortage. We are working toward that end to ensure we have quality teachers in every classroom.

Assemblyman Stewart:

How many teachers are you currently short in Clark County?

Nicole Rourke:

We have been around 600. I do not have a current number at the moment. I can get back to you.

Assemblyman Stewart:

This CSR sometimes results in teachers like Mr. Munford and myself having classes of 40 students or more.

Assemblywoman Diaz:

I want to stress that it is not money well spent. It is money well invested. I have worked in the elementary school setting for a long time, and I can tell

some of the Committee members that sometimes administrators are faced with difficult decisions in running their buildings. Like you said, we do not get students in tidy numbers right at count day, or moving forward.

Right at count day is when they are faced with decisions about keeping their fourth- and fifth-grade classes at almost upwards of 40 students, or do they waive a class size in the second grade so they can allocate that position to alleviate a class of almost 40 students in the fourth and fifth grades? Those are the decisions administrators have been facing for a long time. I want people to understand and look at that perspective. It is not fair to the fourth- and fifth-graders to be cramped in a portable of 40 students, when maybe there is a second-grade class that is above class size, but do you keep 22 to 1 versus almost 40 to 1?

That fact sometimes gets lost because we have not expanded CSR beyond first, second, and third grades. It is supposed to be K-3, but I do not think we have implemented and funded kindergarten. We have not reduced class sizes for fourth or fifth. There is probably a need even in middle and high school. I hear all of the time from colleagues in the secondary areas that have 40 students to a class. How do you teach 40 high school and middle school students with the quality that is needed with the varying levels of academic attainment that each child brings? Is this a reality where sometimes you are unfortunately waiving where you are supposed to be using those class size dollars to apply them to a greater need in the school?

Lindsay Anderson:

Absolutely. We are making those decisions every day. You can imagine, if you have a class, for example, of 22 second graders, that is over the class size. If you hire another teacher, you end up with a class size of 11 to 1 in that particular grade. That is not a sustainable model either. How high do you let it go before you hire another teacher to split that class up? Those are not easy decisions at the school level with a fixed number of resources; we are making those value judgments on a regular basis.

Assemblyman Edwards:

I would like to request the reports that you have that show the expenditures of 100 percent for teachers. Could you get that to my office please?

Assemblyman Munford:

When I was teaching, I never had the luxury of having under 35 students. That was in high school and they were seniors. I would tell them that one day they would be experiencing even higher numbers in college. Does Clark County still have the policy to buy teacher prep periods when you have overcrowded

classes? They would do the count, then after the count, they would break it off.

Nicole Rourke:

Yes. That is a site-based decision back to what Assemblywoman Diaz was talking about. Each site makes decisions based on the number of students they have and what they need to accommodate. Certainly prep period buyouts are an option in some cases.

Assemblyman Munford:

It was pretty good, because you can make some extra money to supplement your income.

Nicole Rourke:

It is also great when you do not have enough funding at the school level to fund an entire position.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I would like to ditto what my colleagues said from Washoe and Clark County School Districts. The money is funded districtwide, and they report school wide. That is the same thing, obviously, that the rural districts are doing. You get a lot of variances so it looks like people are not complying, but the work is being done. If the reporting needs to be done differently, then we can comply with that.

Assemblyman Elliot T. Anderson:

Again, I would state that this is about transparency. It is not that anyone is doing anything wrong. It is that we do not know what they have done. If we let the sun shine in, there is nothing bad that can happen from this bill.

Chair Woodbury:

We are going to close the hearing on Assembly Bill 278 and open the hearing on Assembly Bill 328. Assemblyman Anderson is going to present that bill as well.

Assembly Bill 328: Revises provisions relating to certain hearings concerning pupils with disabilities. (BDR 34-620)

Assemblyman Elliot T. Anderson, Assembly District No 15:

This bill revises and clarifies requirements related to hearing officers who oversee special education hearings concerning students' disabilities in line with the Department of Education's mission statement to improve student achievement and educator effectiveness by ensuring opportunities, facilitating learning, and promoting excellence.

According to the Nevada 2013-2014 Report Card, 51,946 students in our state have Individualized Education Programs, which is 11.5 percent of our state's K-12 students. Even more are eligible for disability services.

By way of background, in federal law, the Individuals with Disabilities Education Improvement Act (IDEIA) lays out the rights and accommodations that schools are required to offer children with disabilities. When a school and a parent are not in agreement over these services, families are entitled to special education due process hearings. [Read from prepared testimony ([Exhibit I](#)).]

Although oversight in the Department of Education remains the same, these issues, which scratch the surface, have not always been fixed.

Before I walk you through the bill, I want to turn it over to a law school colleague of mine, Ms. Bailey Bortolin, who is here as an extern to talk about some of her research. This is an issue of law that she is especially engaged in and we are teaming up.

Bailey Bortolin, Private Citizen, Las Vegas, Nevada:

I want to quickly tell you why this bill is necessary. It is not meant to be adversarial. As Assemblyman Elliot T. Anderson walks you through the specifics of this bill, I think you will find all of the additional requirements we are including are hopefully already happening, in addition to some commonsense ideas we think should be codified and implemented.

These hearings are held independently of court proceedings because they are supposed to provide a specialized, less adversarial form of hearing. However, things are not laid out clearly and have led to some misconceptions. One of these misconceptions that we will go through is who is paying this hearing officer.

There are two parties at a table; one of them is a school district, and one of them is a parent. The third party is technically receiving a paycheck from that school district through the passing of federal funds to the state, to the school district, to the hearing officers. That creates a sense of bias that they are finding for or against the person who is paying them. We will lay out some things that will help remove that bias.

Another thing we have found is that there is no annual training or required training laid out specifically and clearly, so we want to address that. Some of the hearing officers are not necessarily doing this full time—they may take a case every two years. This is not something they have particularly specialized in prior to becoming a part-time hearing officer. They may not have reviewed

special education law in a long time. They may be an expert in construction law, and by the time they are getting to these hearings, they are not familiar with the topics being discussed. We want to codify that they be well-trained and annually trained to make sure they are experts in this field so they can come up with the best solutions for the students.

We have heard stories from parents and attorneys regarding how things are not running smoothly. Addressing these problems might fix things. We can talk about more of them specifically as we go through.

One anecdote I would share is from the conclusion of a hearing. The parents and attorneys had gone back and forth with the school district, and one of the hearing officers asked, "Well, what does LRE mean again?" I think you are all familiar with the Least Restrictive Environment. It is a huge basis for special education law. That is a problem we want to try to fix.

Assemblyman Elliot T. Anderson:

With that, I will break down the bill for you and go through some of the provisions. [Submitted written testimony ([Exhibit J](#)).

Section 2, subsection 1, moves hearing officers out of the Department of Education and into the Department of Administration, because a school entity, usually the local education agency, is one of the two parties in the hearing. Having the Department of Administration oversee it removes any possibility of perceived bias from a parent. It also psychologically helps the hearing officer. If you are getting your check from someone, people might feel a little pressure. The idea would be to remove that pressure and that perception on both sides.

I do want to note something I am working on with the school districts, which is the way the federal statute reads in the *United States Code*, Title 20, Section 1415, subparagraph f1(a). We may need to structure that differently for it to be technically compliant. Subsection 1 is something other states do now by maybe contracting hearing officers by the Department of Education with the Department of Administration, then the Department of Administration would technically be the employer in that situation. That may be another way to go. The way it is written, that language may need to change.

Subsection 2 moves the payment of the hearing officers to the Department of Administration as well. Right now, the school districts administer those paychecks, which again looks like bias.

Subsection 3 ensures that there is a system in place to challenge the appointment of a hearing officer. There used to be a method to select and/or challenge hearing officers in Nevada, but there no longer is. That gets to what was discussed in the 2006 audit that I referenced as well. That part would respond to that concern.

Subsection 4 structures hiring and training. Currently, all of the hearing officers are from the north—for whatever reason—and I need to work with the Department of Education to understand why. Several people have voiced a concern that they are not familiar with the specifics of the Clark County School District. Plus there is the cost of travel involved.

We all know the challenges the Clark County School District faces are unique. We do need to ensure that people who are conducting these hearings understand the issues our students are facing. In particular, we all know that we have issues with English language learners and poverty, and those hearing officers need to understand those things when they are ruling on these cases. I have spoken with the districts, specifically Clark County, about that part. We may need to figure out a different way to go at that goal because even though three-fourths of the state is in Clark County, there are no Clark County hearing officers, which seems statistically impossible to me. Yet, that is how it is.

Subsection 5 requires the training to be provided by a Department of Education employee. Currently, hearing officers are supervised by a part-time, out-of-state contractor who makes \$549,000 every two years from contracts alone. That money should be staying in state, and that employee should be here to supervise and train in person when necessary. I want our hearing officers to have a resource for continuing legal education to ensure they are keeping up with special education law. It creates too many logistical challenges to have someone doing this from out-of-state.

Again, getting into the issue of knowing the community and knowing the issues that our children and parents are facing, how is it that they can properly supervise from a state away? That, to me, is an issue we need to address. That may be something for a future requirement because I believe there is currently a contract outstanding, so we could not abrogate the contract, of course. That may be an issue we would consider in the contracts clause.

Subsection 6 codifies that the Department of Education is transparent with their records. Currently, they are posting hearing outcomes online, but I would like to see more comprehensive reports.

In conclusion, these additions will ensure that these unique hearings serve their intended purpose and generate solutions for children with disabilities to reach their best outcomes in the classroom in a nonadversarial manner.

I would note that when people feel they have been treated fairly, whether or not they get the outcome they want, they are able to accept it more easily. It is a spoonful of sugar to help the medicine go down if they feel they have had their voices heard, they were treated fairly, and the hearing was conducted professionally with clear procedures. This is what the bill is trying to do. This is completely speculative, but I would believe that if people feel better treated, there will be less litigation costs as a result in the end.

Assemblyman Gardner:

How often are these hearings used? In section 2, subsection 4(c) and (d), where did the requirements for the training education come from? Is there a national standard we are trying to attain, or did we just think those were good numbers?

Bailey Bortolin:

The amount fluctuates, but I would say less than 100 per year. Of the cases filed, significantly less. Due process hearings require remediation first. For various reasons, many of them are resolved before they get to this process. For training, we were just looking at comprehensive training and what is done in the Department of Education for other departments. Then we looked at what other states do. This was a median. California has 120 hours. There is a wide range. We did not want to put in too many hours because this is not as common a problem here, but it was a number we felt comfortable with for how complicated special education law is. It is not friendly to people just entering it.

Assemblywoman Swank:

In section 2, subsection 4, I understand that the hearing officers are all in the north, but in subsection 4(b), it says that for a county whose population is less than 100,000, the hearing officer must be a resident of the state. I would think that in the future, for the longevity of this bill, that if you could find somebody in one of those counties, that would be preferable. If not there, then within the state.

Assemblyman Elliot T. Anderson:

I certainly agree with you. I just figured it would probably be pretty hard to find someone in Goldfield, for instance.

Assemblywoman Swank:

I would say that it would be best if it were possible to have local people. It would be nice for the longevity of the *Nevada Revised Statutes*.

Assemblyman Elliot T. Anderson:

I have been in talks with the districts and the Department of Education, and I have mentioned some of the issues that we are going to try to deal with. We are working together, and hopefully we will get something that works for everyone.

Chair Woodbury:

Is there anyone in Carson City or Las Vegas who would like to testify in opposition to A.B. 328? [There was no one.] Is there anyone who would like to testify as neutral to A.B. 328?

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

We are here in neutral because as Assemblyman Elliot T. Anderson indicated, we have been working with him to address a couple of concerns. Our main concern is about the geographical location of the hearing officer. Currently, there are no hearing officers in southern Nevada, and we want to ensure that we still have access to a pool of experienced hearing officers. As we integrate new people, we want to make sure that the ones who have already been conducting hearings have the ability to continue to be on the rotation, which is our understanding of how it works. Right now, they are randomly assigned by the Department of Education, and they are done on a rotation based on availability. We want to make sure we can still comply with the due process requirements of IDEIA to have available hearing officers. We are held accountable for the timing on the due process hearing.

Assemblyman Gardner:

I notice that there is no fiscal cost, even though it is going to be moved to the Department of Administration. How are they paid if there is no cost, whether it is through your budget or the Department of Administration?

Nicole Rourke:

Currently we pay the hearing officer. In a private civil action, an attorney would pay, from their client, the arbitrator in that kind of a situation. We had two hearings in the 2012-2013 school year. We paid \$57,000 in hearing officer costs. In addition, we also paid court reporter costs and some evaluation costs. In 2013-2014, we had three hearings.

Assemblywoman Diaz:

I do not know why we do not have any hearing officers in the south. Why do we not have our own? I would think by having the largest school district in the state, we would have at least one or two. Do you know why we do not have any?

Nicole Rourke:

Those hearing officers are assigned. We have nothing to do with their recruitment or their membership in the pool. I am sorry, but I do not have an answer.

Assemblyman Elliot T. Anderson:

It is all federal funding. I would just finish with the fact that I am going to try to get consensus with the school district, and there may be another way to go at this to make sure we have qualified Clark County hearing officers. Another thing I considered is that we could include an escape hatch in case they are having problems getting one from Clark County. We will let you know how it goes.

Chair Woodbury:

I am going to close the hearing on Assembly Bill 328. Since I am going to be testifying on the next bill, I am going to turn over the gavel to my Vice Chair.

[Assemblyman Stewart assumed the Chair.]

Vice Chair Stewart:

I will open the hearing on Assembly Bill 285.

Assembly Bill 285: Revises provisions relating to the self-administration of certain medications in public schools. (BDR 34-812)

Assemblywoman Melissa Woodbury, Assembly District No. 23:

I am going to provide a brief summary of the bill and have Chelsea Capurro provide additional testimony. Assembly Bill 285 enables a pupil who has diabetes to self-administer necessary medication in school, in the same way that existing law allows pupils who have asthma or allergies to use medication in school, if their parent or guardian has submitted a written request to the principal or school nurse. The medication may be used on the school grounds, when a pupil is participating in a school-sponsored activity, or on a school bus.

Section 1, subsection 2, of this bill states the written request must include a signed statement of a physician indicating the pupil has diabetes, is capable of self-administering the medication, a written treatment plan prepared by the

physician detailing how the pupil will manage his or her diabetes if they experience a diabetic episode, and a signed statement of the parent or legal guardian that grants permission for the student to self-administer medication. [Submitted written testimony ([Exhibit K](#)).]

Chelsea Capurro, representing American Diabetes Association:

This is straightforward legislation. It just adds to the list of diseases for which students can self-administer. As Assemblywoman Woodbury stated, they have to have permission from both their physician and their parent to do this. Currently, 36 other states, including Washington, D.C., do this, so it is nothing new. Eight states are also looking to do this in their school districts.

This small change will prevent students from having to leave the classroom to test their blood glucose levels in the school nurse's office and save them 30-45 minutes per day in lost instructional time.

Medical technology has advanced to such a degree that diabetes management is no longer the scary undertaking it once was. Blood glucose levels can be checked accurately within seconds. Insulin delivery systems, such as insulin pens and insulin pumps, are commonly used by school age children easily and safely. All of this technology was designed and approved by the U.S. Food and Drug Administration, U.S. Department of Health and Human Services, for use by laypeople.

We also want to make sure that we put on the record that medical waste associated with blood glucose monitoring and other diabetes management is minimal. It is literally a pinprick, and is far, far less than the blood and medical waste associated with routine accidents children have at school, such as skinned knees and nosebleeds.

Schools already have protocols and procedures in place, and I believe the Clark County School District is bringing forward an amendment ([Exhibit L](#)) clarifying that schools may prescribe procedures to handle medical waste and bloodborne pathogens. We have no issues with their amendment.

The American Diabetes Association will continue to work with school districts to make sure this law will not interfere with the policies of school districts in Nevada that are already allowing students to self-manage their diabetes, but rather would make sure students who are capable of self-managing their diabetes are able to do so in all school districts.

As you will see in the bill, we do not prescribe a specific age because it depends on the student. It depends on how responsible they are and how long they

have been managing their disease. We left it up to the parent and the physician to make that decision.

The other states allowing students to self-manage their diabetes include: Alaska, Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin. [Submitted prepared testimony ([Exhibit M](#)).]

Assemblywoman Shelton:

Are they able to do this right in the classroom in front of the other students? The only reason I ask is that I was talking to my daughter regarding this bill, and she said she found it very disturbing, and that she would not want to see someone do that right next to her.

Chelsea Capurro:

Yes, that would be the point. When they have to go to the school nurse's office, they are losing up to 30-45 minutes of instructional time. If you have ever met a student with diabetes, they are pretty good at doing what they need to do. I have had people sitting right next to me and I never noticed that they had done it. If the teacher feels more comfortable, or it is more comfortable for the class, they could go to the back of the classroom.

Assemblyman Flores:

I do not know a lot about the self-medication process, but having read a little, I wonder, are there other types of medicated treatments for other diseases and disorders that may also be considered to be included in this amendment? I am asking so that we do not have to come back in two years and add language for another type of illness. Could you get me some information regarding that?

Chelsea Capurro:

We have not talked to anyone who has expressed an interest in doing this. From our perspective, we would have no issue with that. I cannot speak to anyone else looking to do that.

Assemblywoman Joiner:

Do they have to have legislative authority to do this right now? My understanding is there are some students who self-administer. Are there students who are being told they cannot? Is that the need for this bill?

Chelsea Capurro:

Some school districts already have this in their policies and are doing it. We have some parents who have said they wanted the ability to have their child self-administer, but because there was not specific statute, they did not feel comfortable saying the student could self-administer. You will see that asthma and anaphylaxis are already included, but diabetes was not listed and they did not feel comfortable. They would prefer to have it clear in statute that they have that authority.

Irene Smith, Nevada Advocacy Chair, American Diabetes Association:

I am also a national member of the American Diabetes Association. As the advocacy chair, I receive calls from parents who have children with diabetes but encounter problems in school. Some schools do not allow students who are capable of self-managing the diabetes to do so. They do not allow it in the classroom, on the school grounds, or on school-sponsored trips or school buses.

This is problematic for two reasons. Academically, this is an issue because it means loss of instructional time. Older students with diabetes must check their blood glucose multiple times during the school day. They can administer a glucose tablet or their medication without losing that valuable school time.

There is also a medical safety issue. If a student is capable of self-managing this disease and is able to test his or her blood glucose in the classroom or at another location on campus, he or she can take steps to correct a low blood glucose level or high blood glucose level, thereby preventing a more serious health situation quickly and safely.

Managing diabetes can be done very quickly, very safely, and without it being an obstruction in the classroom. The whole process of testing blood glucose and making whatever correction is needed, either consuming a glucose tablet or administering medication, takes only a matter of minutes. As Chelsea Capurro stated, the medical waste generated by a student would be very minimal and less than what is generated routinely by scrapes, cuts, et cetera.

The Association wants to ensure that all students with diabetes who are capable of self-managing their diabetes are able to do so. It improves not only their academic environment but their health environment by making sure that their diabetes is addressed quickly and safely. I ask you to support Assembly Bill 285. [Submitted written testimony ([Exhibit N](#)).]

Assemblywoman Diaz:

It is already difficult for a young person to be told they have diabetes and have to live with this the rest of their life, assimilate it, and then have to constantly

be going to the nurse. They never get a sense of normalcy in their lives. We do not do it intentionally, but we tend to make it more traumatic by sending them to the nurse every day, and this is just going to be life for them for the rest of their days. I see that we need to accept the child and everything that comes with that child. We can all learn from these types of situations.

Irene Smith:

I am an advocate for the American Diabetes Association because I have two sons with diabetes. It is a 24/7 disease. This would alleviate so many problems, especially for those who can self-manage. Having to go to a high school nurse's office across the campus to test your blood is just a waste of time.

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

We are in support of this bill for self-administration, including parent permission and physician orders. We thank both Chair Woodbury and the American Diabetes Association for accepting our friendly conceptual amendment ([Exhibit L](#)).

In section 1, we would ask that we incorporate a requirement that the student follow our blood-borne pathogens protocol to ensure that while the materials used for self-administration are quite minimal, we want to ensure proper disposal so that other students are not subject to those materials.

In subsection 4, we are expanding the current protection from liability to cover self-administration for diabetes and to cover the materials used.

Jessica Ferrato, representing Nevada Association of School Boards; and Nevada Nurses Association:

We are in support of the bill and the friendly conceptual amendment presented by Clark County School District. We think it is a great idea to allow these students to be accommodated in our districts. From the perspective of other students, it is good to teach students to learn about others and the challenges other students go through. It is acceptable and makes it a lot more convenient for these families.

If I may switch hats, the Nevada Nurses Association is also supportive of Assembly Bill 285. We have spoken to the nurses who are part of our association who are also nurses in schools. They appreciate this bill and think it is safely written and appropriate for their students.

Mary Pierczynski, representing Nevada Association of School Superintendents:

We are also in support of the bill and the amendments that Clark County School District has presented. I also spoke with Bobbi Shanks, a nurse from Elko, and also the National Association of School Nurses State Director for the Nevada State Association of School Nurses, and she is also in support of the bill. She explained that this is happening in many of our schools now.

I also spoke with Sheila Story, a school nurse here in Carson City. Out of eleven students she has at Carson High School, 5 of them are mature enough and savvy enough with controlling their diabetes that they can self-monitor. Others would have to continue to go to the nurse's office. If they cannot handle it themselves, they are still welcome at the nurse's office.

Vice Chair Stewart:

Is there anyone else in Carson City or Las Vegas in support of A.B. 285? [There was no one.] Is there anyone in opposition to A.B. 285? [There was no one.] Is there anyone here as neutral to A.B. 285? [There was no one.] We will close the hearing on A.B. 285.

[Assemblywoman Woodbury reassumed the Chair.]

Chair Woodbury:

Is there any public comment? [There was none.]

Meeting adjourned [at 7:15 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

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DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: March 25, 2015

Time of Meeting: 3:18 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 339	C	Assemblyman Pat Hickey	Written Testimony
A.B. 339	D	Chris Miller, Nevada Association of School Boards	Written Testimony
A.B. 339	E	Victoria Carreón, Kenny C. Guinn Center for Policy Priorities	Prepared Statement
A.B. 351	F	Assemblywoman Jill Dickman	Written Testimony
A.B. 351	G	April Tatro-Medlin, Private Citizen	Written Testimony
A.B. 278	H	Paul V. Townsend, Legislative Auditor	2013 Performance Audit
A.B. 328	I	Assemblyman Elliot T. Anderson	Written Testimony
A.B. 328	J	Assemblyman Elliot T. Anderson	Written Testimony
A.B. 285	K	Assemblywoman Melissa Woodbury	Written Testimony
A.B. 285	L	Nicole Rourke, Clark County School District	Conceptual Amendment
A.B. 285	M	Chelsea Capurro, American Diabetes Association	Written Testimony
A.B. 285	N	Irene Smith, American Diabetes Association	Written Testimony