

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

**Seventy-Eighth Session  
April 6, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:17 p.m. on Monday, April 6, 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 at [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

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

**COMMITTEE MEMBERS ABSENT:**

None



**GUEST LEGISLATORS PRESENT:**

Assemblyman Ira Hansen, Assembly District No. 32

**STAFF MEMBERS PRESENT:**

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

**OTHERS PRESENT:**

Frank Partlow, Private Citizen, Reno, Nevada  
David W. Carter, representing Nevada Legislative Affairs Committee  
Kevin Page, Chairman, Board of Regents, Nevada System of Higher Education  
Rick Trachok, Vice Chairman, Board of Regents, Nevada System of Higher Education  
Daniel J. Klaich, J.D., Chancellor, Nevada System of Higher Education  
Chet Burton, President, Western Nevada College  
Nicole Rourke, Executive Director, Government Affairs, Clark County School District  
Dena Durish, Director of Educator Effectiveness and Family Engagement, Department of Education  
Pamela Salazar, Chair, Teachers and Leaders Council  
Andrea Klafter-Rakita, Assistant Chief Student Achievement Officer, Performance Zone 4, Clark County School District  
Grant Hanevold, Principal, Sunrise Mountain High School, Las Vegas, Nevada  
Anthony M. Nunez, Principal, Manch Elementary School, Las Vegas, Nevada  
Dawn Huckaby, Chief Human Resources Officer, Washoe County School District  
Ben Hayes, Chief Accountability Officer, Washoe County School District  
Kristen McNeill, Chief of Staff, Washoe County School District  
Kathleen Vokits, President-Elect, Nevada State Association of School Nurses  
Mary Pierczynski, representing Nevada Association of School Superintendents  
Stephen Augspurger, representing Clark County Association of School Administrators and Professional-Technical Employees

Paul Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce  
Vikki Courtney, President, Clark County Education Association, and representing Nevada State Education Association

**Chair Woodbury:**

[Roll was called. Committee rules and protocol were explained.] We are going to begin our meeting today with the work session on Assembly Bill 120.

**Assembly Bill 120: Clarifies rights of public school pupils regarding the free exercise of religion. (BDR 34-520)**

**Kristin Rossiter, Committee Policy Analyst:**

Assembly Bill 120 clarifies rights of public school pupils regarding the free exercise of religion. The bill is sponsored by Assemblyman Wheeler and was heard in this Committee on February 23, 2015.

Assembly Bill 120 clarifies the rights of public school pupils concerning the free exercise of religion. Specifically, the bill provides that pupils are entitled to pray, express a religious viewpoint, possess and distribute religious literature, and organize and participate in a prayer group, religious club, or religious gathering to the same extent that all such activities are allowed for similar nonreligious matters.

The bill also provides that a pupil may make a complaint concerning a violation of these provisions. For traditional public schools, the complaint must first be handled by the principal. If the complaint is not resolved, a process is provided for the pupil to file a complaint with the school district superintendent, and ultimately with the school board. If the board and the pupil do not reach a satisfactory resolution, a civil complaint may then be filed.

There were amendments proposed. There is a mock-up included in the work session document that presents, in conceptual form, a way to simplify the bill and require that the school district have an anti-discrimination grievance policy in place for pupils to register complaints concerning restrictions that conflict with the provisions set forth in this bill. [Referred to work session document ([Exhibit C](#)).] There is no fiscal note for the bill.

**Chair Woodbury:**

Do I have a motion?

ASSEMBLYMAN ARMSTRONG MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 120.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

**Chair Woodbury:**

Is there any discussion?

**Assemblyman Elliot T. Anderson:**

I appreciate the amendment from Assemblyman Wheeler. It removed most of my concerns. What I think the bill now says is that the First Amendment needs to be followed, as existing case law already provides, and if it is violated, there has to be a grievance procedure, which I think is fair. For those reasons, I will support the bill, and I thank Assemblyman Wheeler for taking my concerns into account.

**Assemblyman Gardner:**

I want to confirm this is a friendly amendment.

[There was no verbal response.]

**Chair Woodbury:**

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

THE MOTION PASSED. (ASSEMBLYMEN FLORES, JOINER, AND  
SWANK VOTED NO.)

**Assemblyman Munford:**

I would like to reserve my right to change my vote on the floor.

**Chair Woodbury:**

We will move to Assembly Bill 221.

**Assembly Bill 221:** Revises provisions relating to data concerning pupils.  
(BDR 34-147)

**Kristin Rossiter, Committee Policy Analyst:**

Assembly Bill 221 revises provisions relating to data concerning pupils. The bill is sponsored by Assemblyman Kirner and was heard in this Committee on March 23, 2015. There are fiscal notes for this bill.

Assembly Bill 221 revises provisions governing the collection, maintenance, use, and security of data collected concerning public school pupils. The bill also adds related reporting requirements for school districts, charter schools, the university school for the profoundly gifted, and the Department of Education. Specifically, the measure requires the Department to: (1) Establish, make public, and update regularly an index of the data elements that are part of the education accountability information system, including the reason for collecting such information and any entities with access to individual pupil data; (2) Adopt and regularly update policies and procedures necessary to comply with state and federal data privacy laws concerning student records; and (3) Establish a data security plan concerning the collection, maintenance, and transfer of information. The bill further requires the governing bodies of public schools comply with such a plan and include any changes in this process or in the data collected in their annual accountability report to the state.

For any contract that discloses personally identifiable data about pupils, the Department, public school boards of trustees, and governing bodies are required to include contract provisions that meet certain privacy and security requirements, including prohibiting the use of such data for commercial purposes.

There were amendments introduced to the bill. [Continued reading from work session document ([Exhibit D](#)).]

**Chair Woodbury:**

Do I have a motion?

ASSEMBLYMAN HICKEY MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 221.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

**Chair Woodbury:**

Is there any discussion?

**Assemblyman Stewart:**

I am pleased about the parts of the bill, including the amendment, which tighten the privacy rules and make the information aggregate. I will be voting in favor of this bill.

**Assemblywoman Shelton:**

I would have liked to see the amendment specifically address the Student Privacy Protection Act. I will vote to move this bill out of Committee, but I do reserve my right to change my vote on the floor.

**Assemblywoman Dooling:**

I will vote yes to vote this out of Committee, but I will reserve my right to change my vote on the floor.

**Chair Woodbury:**

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

THE MOTION PASSED UNANIMOUSLY.

**Chair Woodbury:**

I will ask Assemblyman Kirner to take the floor statement. We are moving Assembly Bill 226 to the work session next Wednesday. We will move to Assembly Bill 278.

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

**Kristin Rossiter, Committee Policy Analyst:**

Assembly Bill 278 revises provisions governing class-size reduction. The bill is sponsored by Assemblyman Elliot T. Anderson and was heard in this Committee on March 25, 2015.

Assembly Bill 278 requires the Department of Education to develop policies and procedures concerning the monitoring and distribution of funds to reduce the pupil-teacher ratio, and provide guidance to school districts concerning the class-size reduction program. [Continued to read from work session document ([Exhibit E](#)).]

**Chair Woodbury:**

Do I have a motion?

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 278.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Woodbury:**

Assemblyman Elliot T. Anderson will take the floor statement. We will move to Assembly Bill 285.

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

**Kristin Rossiter, Committee Policy Analyst:**

Assembly Bill 285 revises provisions relating to the self-administration of certain medications in public schools. Assemblywoman Woodbury is the sponsor of this bill, and it was heard in this Committee on March 25, 2015.

Assembly Bill 285 expands existing law regarding the self-administration of medication for pupils in schools, to include the self-administration of medication for the treatment of diabetes when a parent or legal guardian has submitted a written request that includes a written treatment plan prepared by a physician. [Continued to read from work session document ([Exhibit F](#)).]

**Chair Woodbury:**

Do I have a motion?

ASSEMBLYMAN STEWART MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 285.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Woodbury:**

I will take the floor statement. I will open the hearing on Assembly Bill 421. Assemblyman Hansen is here to present the bill.

**Assembly Bill 421:** Creates the Spending and Government Efficiency Commission for public education in this State. (BDR S-1083)

**Assemblyman Ira Hansen, Assembly District No. 32:**

I am pleased to be here to present Assembly Bill 421 for your consideration. This bill creates a spending and government efficiency commission for public education in Nevada.

In 2008, the Nevada Spending and Government Efficiency (SAGE) Commission was created and the findings reported to then-Governor Jim Gibbons in 2010. Then, as now, there was a desire to learn from best practices from other states

and across the country. At that time, the SAGE Commission's mandate was to examine the Executive Branch of Nevada State government, excluding higher and K-12 education.

Today, A.B. 421 focuses the conversation on best practices in public education by establishing the Spending and Government Efficiency Commission for public education and the Nevada System of Higher Education (NSHE). These costs amount to nearly 50 percent of our General Fund Budget and must be analyzed. The first SAGE Commission was created by executive order. This bill is meant to mirror the SAGE Commission very closely in statute.

The Spending and Government Efficiency Commission will consist of 12 members who are appointed by the Governor. Six of the members are Governor-appointed without limitation, two members are appointed from a list of six recommendations provided by the Senate Majority Leader, two members are appointed from a list of six recommendations provided by the Speaker of the Assembly, one member is appointed from a list of three recommendations by the Senate Minority Leader, and one member is appointed from a list of three recommendations provided by the Assembly Minority Leader. The Governor will also appoint the Chair of the Commission.

Section 1, subsection 3, of the bill states that members of the Commission must have expertise in the operation of a business with no personal or professional conflict of interest.

Section 1, subsection 9, of the bill authorizes the Commission to appoint committees or subcommittees of its members to study Nevada's K-12 public education system for ways to improve the system.

Section 1, subsection 10, requires the Commission to meet quarterly and submit its recommendations to the Governor identifying areas in which the cost of public education may be reduced, as well as any areas for increased efficiencies. If there are no recommendations, a status report of the activities of the Commission must be submitted.

Finally, section 1, subsection 11, states that the Commission is required to prepare and submit a final report of its findings and recommendations to the Governor and the Director of the Legislative Counsel Bureau (LCB) for transmittal to the 79th Session of the Nevada Legislature on or before February 1, 2017. The Commission will sunset after June 30, 2017.



That is the formal presentation for this bill. For clarification, my first exposure to the SAGE Commission was in 2010, when I was running for office. I went to a get-together for all the candidates and a gentleman started describing it and how it was estimated it would save over \$800 million a year for the state. Of course, that very much attracted my attention. I ended up getting a copy of this book ([Exhibit G](#)), *SAGE Nevada, Bipartisan Directions for Nevada's Future*. I have studied this book extensively. In the back were 44 recommendations. I noticed the author was a gentleman named Frank Partlow. I happen to know Mr. Partlow. In fact, it is General Partlow, who is sitting to my left.

General Partlow is a graduate of the U.S. Military Academy at West Point. He is a combat veteran, he served three tours in Vietnam, and he is extensively experienced in all sorts of areas regarding commissions and efficiencies. If you have not read this book, it is a fantastic series of recommendations. It is 100 percent bipartisan. One chapter actually describes the membership and the makeup of the committee. In fact, one of the members was a former Democratic gubernatorial candidate, Jan Jones, the Mayor of Las Vegas. When you look at the recommendations, they are really excellent.

Why the need now? As I stated in my testimony, approximately 50 percent of the state's General Fund money is spent on education. The reality is, it is substantially more than that when you factor in local, state, and federal spending. In a normal biennium, K-12 alone spends somewhere between \$6 to \$6.5 billion in Nevada. Our portion of that is typically around \$1.5 billion. When you start seeing numbers like that, even if you were able to save 5 percent, that would be a \$300 million estimated savings.

I met this morning with some folks who do these things for the states to get a more firm number, but when you start looking at that kind of potential, the fact is, without some sort of oversight, if you expect agencies to self-regulate and self-evaluate, it is pretty tough to do.

I also passed out "Audit Highlights" ([Exhibit H](#)). This is an audit by the LCB Audit Division. They found that essentially all of the \$381 million being spent on class-size reduction programs had literally no oversight, no evaluation program, and no distribution program. They were unable to provide to the state's auditor how those monies were being used. That is nearly \$400 million and no one knows where it went. There are no programs in place.

I bring this to your attention simply to give you an understanding of why there is a need for this. It really is an excellent program. The whole idea is you actually go outside to people who have no conflict of interest. In other words, they are not going to be the professional educators.

I would like to congratulate the Assembly Committee on Education. You have been doing some amazing work. You have an excellent reputation for taking care of some much needed reforms. I think this bill would fall in line with that as well.

I asked General Partlow to be here because he was the Executive Director of the SAGE Commission. I know it embarrasses him when I call him General, but for me to call a West Point General by his first name makes me a little uncomfortable. I brought him along to reinforce some of the ideas of what the original SAGE Commission did and why it is an excellent opportunity. This is really necessary for the State Budget and for all of us who are not only trying to improve education, but to have a watchdog-type situation for the tax dollars that are being used.

I would like to introduce General Partlow and allow him to comment on this bill as well.

**Frank Partlow, Private Citizen, Reno, Nevada:**

I see my role in all of this pretty much as Assemblyman Hansen has described. That is, among all of my other experiences in 60 years of professional life, I spent two years as the Executive Director of the SAGE Commission. I could not spell SAGE when I started, but I know what we did, and I am here to answer any questions you may have about that today.

Whether or not it is appropriate for there to be a SAGE Commission on higher education or education in general is something that you will have to decide. Certainly, my reading is that there are some broad-based problems with education at all levels in the United States today. I do not have to tell folks like you that. That would color my judgment if I were in your position.

I think the other observation I will make, based on 60 years of professional experience, is that I have never seen an organization of any size that could reform itself. That includes the Department of Defense. Some of you may remember the Goldwater-Nichols Department of Defense Reorganization Act of 1986. The last major reorganization of the Department of Defense was brought by a senator and a representative from the outside. It extends all the way down to boys and girls clubs. I have seen, in recent years, that kind of experience in the Reno area.

It takes outsiders to do this and that is the central feature of the SAGE Commission. If you do not look at anything else in this book ([Exhibit G](#)), look at the chapter where it talks about the SAGE Commission members, where they came from, and who they were. They were all successful entrepreneurs

and business people from outside the government community. They served without compensation for two full years. They came up with the recommendations that I think speak for themselves. I believe an education SAGE Commission should keep that specific provision in mind as the central issue. In my view, it requires people who use something, who need something, who are going to hire the students, and are going to work with people who come through the education system for the rest of their lives, to make recommendations from a non-educator point of view and help with any reforms or suggestions that are needed.

At the interfaces of K-12, community colleges, and higher education, there is really no one who is responsible for those interfaces. I will leave you with this thought. From my casual reading, which may or may not be absolutely true, there are millennium scholars in this state entering the universities of this state, and they have to take remedial courses before they can start coursework. When people in the community see that, they have some questions. What you should be looking for in people for this Commission are those who have the caliber, the experience, and the willingness to work for a couple of years without remuneration. All expenses of the SAGE Commission were paid by its members.

**Assemblyman Armstrong:**

My first question is about the SAGE Commission itself and what their authority is. It is my understanding they do not have any rule-making authority but come up with recommendations that would then need to be legislatively approved. Is that accurate?

**Frank Partlow:**

The SAGE Commission created by former Governor Gibbons met once a month, and periodically, every 90 days, they provided an interim report to the Governor. When the Commission was terminated after two full years, they provided a full report to the Governor, which is in my book ([Exhibit G](#)). The SAGE Commission did not exist after it was disbanded in 2010.

**Assemblyman Armstrong:**

My second question has to do with the letter from NSHE in opposition to this bill ([Exhibit I](#)). Is there a conflict between the SAGE Commission and the Board of Regents? I have heard that it could possibly be unconstitutional because the Board of Regents is an elected body and this would somehow fall under the same purview.

**Frank Partlow:**

I have no idea.

**Assemblyman Hansen:**

I would like to address that question. First of all, the Commission is entirely advisory in nature. It has no rule-making authority and cannot tell NSHE or K-12 to do a single thing. The Commission cannot force anything. It will simply review and make recommendations. I think that is important to remember as the testimony comes up. There is no constitutional conflict. Because of the large amount of money the state gives to NSHE, do we not have a responsibility to at least provide a commission to advise this body as to whether or not they are spending that money wisely?

In most committees, you have probably heard a series of recommendations on eliminating some commissions from Assemblywoman Bustamante Adams. The genesis of all those changes comes from this very book ([Exhibit G](#)). It was the Sunset Subcommittee of the Legislative Commission recommendations that were formulated by the SAGE Commission. All those changes we have been seeing in our committees about elimination of certain commissions gives you an example of some of the things they have been able to do.

As far as the remedial course issue that General Partlow mentioned, I have actually had extensive correspondence with Chancellor Klaich from NSHE. He can probably give you an exact number, but as I recall, of our millennium scholars, the cream of the crop, if you will, of our public education system, at least 25 to 30 percent of them have to take remedial courses when they enter our own college systems. When it comes to the students who are not millennium scholars, it is pushing 50 percent. In other words, they have to repeat simple math and English classes, even though they have a diploma that says after 13 years in K-12, they have mastered certain fundamental skills. However, when they are tested on those fundamental skills at the college-entry level, one-third to one-half come up deficient. That is something that is a major concern. We, as taxpayers, have already paid for them to go through K-12, then we have to pay for them a second time in our higher education system to make up for the inability, for whatever reason, to pass a simple entry-level test into our higher education system.

**Assemblyman Armstrong:**

If the Board of Regents has this under their purview, perhaps we should be asking our elected officials to do more and maybe follow these different recommendations. A number of the Committee members went to an education conference during the session and found out we are not unique. A large portion

of our top-performing high school students have to take remedial classes. That is not a Nevada-specific problem, but we do need to address it.

**Assemblyman Hansen:**

I agree. In this Committee, who here would not like to see us improve our educational performance standards? We are 50th in the nation. The traditional answer has always been to spend more money. I do not have a problem spending the money as long as there is an evaluation that the money has been wisely spent. That is what this Commission will help to address and is its ultimate purpose. Are we getting the wisest use of the dollars we are currently investing in K-12 and higher education? Who, in their right mind, would oppose having a reasonable evaluation from experts in the field who do not have a conflict of interest, who could not be challenged ethically, who could be made bipartisan, and who can come up with some excellent recommendations so that you and I, when we have to make these very difficult choices, will actually have a rational basis to fall back on?

**Assemblywoman Swank:**

I have a couple of questions about the Commission and its relationship to the Board of Regents. The Board of Regents is an elected body that determines how higher education is run. The Board of Regents came out of the idea that government is by the people, of the people, and for the people. One of my concerns is I feel by appointing a commission that is, in effect, over the elected body, we are disenfranchising those voters who have placed those members on the Board of Regents to oversee our higher education system.

In conjunction with that, the members of this Commission serve without salary or compensation for their travel or per diem expenses. It seems to me we are not getting the same sample of folks from Nevada as we do with our elected officials. We are going to have folks who can afford to serve, who can afford to take the time off work, and who can afford the travel and per diem. I fear from those two pieces, we are going to be taking higher education, and where we should go with higher education, away from the people and away from a represented group of people. I would like to hear your thoughts on that.

**Assemblyman Hansen:**

That is interesting. If the Board of Regents actually dealt entirely with their own budget so there was no oversight by the Legislature, you might have a case. The reality is, all of us help fund those issues, and those dollars come through this very body. We are also an elected body, and one of our duties is to assist other elected bodies. If you think nine members of the Board of Regents are able to deal with the \$6.5 billion that are currently being expended every biennium in K-12, then I think you might have a case. I would love someone on

this Commission to ask Chancellor Klaich, or whoever comes up to represent NSHE, what their total spending is: federal, state, local, and private donations.

As far as the oversight aspect, this is entirely advisory. If I were serving on the Board of Regents, I would be absolutely delighted to have an opportunity to have some board help me make difficult decisions. Think of all the decisions we make in this body. We often want someone to help advise us. That is what this sort of commission will assist in. If you were to ask the people of the state of Nevada if they think we are treading on their toes and somehow crossing into the Executive Branch, or an area that properly belongs exclusively in their branch versus the Legislative Branch, they would say no. The public is in a panic over the amount of tax dollars we are spending and the constant escalation in spending without any evaluation or oversight. They would love to have a committee like the SAGE Commission and would probably think it is a good idea. The idea that we are stepping on the toes of our own voters, I do not think that would fly in the least.

**Frank Partlow:**

I would like to respond to Assemblywoman Swank in specifics. There was no friction between the SAGE Commission I worked on and those employees across the entire state government. All of the department heads cooperated with us. Admittedly, the Governor asked them to do that. It was not looked upon as an inspector general type of operation. It was a community effort to have experts in the field, those senior people in government and their staff, to tell the members of the Commission what they were doing and why they were doing it, and have the Commission then make recommendations based on that.

In fact, we did an employee survey of over 1,000 employees in state government at that time. There were almost no complaints about what we were trying to do; there was only a sense of cooperation to help the Commission get the information they needed to have.

**Assemblywoman Swank:**

I want to return to something Assemblyman Hansen said regarding the escalating amount of money we are spending on higher education. I would like to remind everyone, during the recession, the higher education budget was cut by about 30 percent, and we lost a lot of people and a lot of jobs. I have not seen in recent years a massive escalation of spending in higher education.

**Assemblyman Hansen:**

That is true only because of the recession. I had the Legislative Counsel Bureau chart that out through the last session, and I can provide that information for you. In fact, higher education has had a substantial increase in spending,

especially following the 2003 Session when the tax revenues spiked dramatically. During the window up until 2008, you will see a constant escalation in the higher education budget.

It is not so much the budget. What business or person would not appreciate an opportunity to have someone come in and give them an evaluation? It is not as if we are out to get them. We are trying to improve the performance. I would love to have an outside agency come in and help me in my plumbing business. They may be able to tell me where I could improve efficiency, cut costs, and improve performance. Are we going to say because of constitutional grounds, we are going to deny that to our public education system? If we were number one in the nation, I could see where you would have a pretty good case not to disturb it. In this case, we are 50th in the nation, and it is time we take some radical means, if necessary. This is not radical means. This is a very reasonable methodology to try to help the public and the students in the schools who may be shortchanged in their education. The need to spend tax dollars twice, when students receive a diploma and then have to repeat those types of classes at taxpayer's expense, I think that is something the taxpayers would overwhelmingly support. The idea that taxpayers would see this as some sort of infringement on the rights of the Board of Regents is something I do not buy.

**Assemblyman Hickey:**

Assemblyman Hansen, I wish you had been here on the Committee when we were talking about appointed school boards. I may have gotten that bill out with the arguments you just made.

My question to General Partlow is, having been the Executive Director of the SAGE Commission and administering a very diverse group of people involved in that committee, as was mentioned, do you necessarily agree that if this Commission were to be formed, that it should only be businesspeople? While I agree we do not necessarily want an elected regent to be on a version of the SAGE Commission, what would be the problem in having a retired educator that had some sense of the complex issues in higher education or K-12? Do you agree it should be narrowly focused on businesspeople alone? I am not someone who disagrees with the notion that government should pay more attention to how businesses are run successfully, although I think we all agree government is not necessarily a business. Do you agree it should only be businesspeople to the exclusion of anyone who may have been a former educator?

**Frank Partlow:**

No, it does not exclude anyone as far as I am concerned. What you are trying to do is assemble a group of people who are going to provide an outside

perspective. That is what was done watching the SAGE Commission being built. Carole Vilardo, President of the Nevada Taxpayers Association, was on the SAGE Commission. It is awfully hard to call Ms. Vilardo an outsider in this business. David Goldwater was an elected member of the Assembly, but he was a businessman as well.

The problem with having soldiers or retired soldiers fix soldiers' problems is there is an ethic. If people put 40 or 50 years of their life into a particular field, they are congenitally constrained from being very critical. There is always the question of retired generals coming back into the field. Why did they not speak up while they were in office? The same question could be asked of retired educators. Why did they not fix this problem while they were doing it if it needed to be fixed?

I do not think there is a cookie cutter here. Chances are, the best type of commission would be people with an educational background. Many people do not feel they do, but they do have an educational value.

**Assemblyman Hickey:**

If that is the case, then I would like to have those people considered. The bill does say, "...expertise and experience in the operation of a business." It is narrowly defined as to who the commission members may be. I would like to see that broadened.

As a final commentary, and I bring this up in front of this Committee because of the discussion about higher standards and greater expectations for our students, Massachusetts also has a very high instance of remedial education for their graduates, even in that top-performing school system in the country. We all have challenges.

**Assemblyman Munford:**

Did the SAGE Commission include any teachers or past teachers?

**Frank Partlow:**

I do not recall. I have many biographies in the book that I wrote to capture what happened in the SAGE Commission. I was not a member of the Commission; I was the Executive Director. I taught at West Point for three years. I was a fellow at Harvard. I have a master's degree from Stanford. There are a lot of people in this world who have those kinds of educational credentials who are doing something else. People do not see that because they have folded their educational experience into whatever they are doing at that particular time.



**Assemblyman Munford:**

Was there any racial diversity?

**Frank Partlow:**

We had women and men, a Hispanic member, and people from all parts of the state. I do not believe we had a person of color other than the Hispanic member.

**Assemblyman Munford:**

I cannot remember any African-American member of the SAGE Commission. I would like to make a suggestion to this Committee. There is nowhere in the bill that says the membership should reflect the population of the state and the country. There could be diversity when it comes to ethnicity, race, et cetera. I think that would be the fair way to do it.

**Assemblyman Stewart:**

In my short and undistinguished career in the army, I never had the opportunity to question a general. I could not pass up this opportunity now. General, I have read your book and the suggestions. Can you tell us why the SAGE Commission did not study education at that time? Was that not included in the purview? Secondly, I would like to know how we are doing. Have we fulfilled a good number of those suggestions? Could you give us an update?

**Frank Partlow:**

To the issue of what has been done with the SAGE Commission recommendations, it would take someone in the Legislative Counsel Bureau (LCB) to do that. Assemblyman Hansen has done some recent work on that. There are things going on in this session which, I think, will advance the ball as far as the original SAGE Commission is concerned. Yes, there have been significant SAGE Commission recommendations, or parts of recommendations, which have been enacted. I do not have the capacity to tell you which ones exactly, but that information is available.

**Assemblyman Stewart:**

During the original SAGE Commission, was the study of education not part of your assignment?

**Frank Partlow:**

That was specifically prohibited by an agreement between the Governor and the Commission Chair, Bruce James. I was not privy to why that decision was made.

**Assemblywoman Joiner:**

Part of my question may have already been asked, but I have additional questions on section 1, subsection 3, relating to the only qualification for these people being experts in business. I have a concern with that. Obviously, the goal of business is to create profit, and the goal of educating our young citizens is not. Higher education and K-12 are not engaged in creating profit, they are engaged in educating our younger citizens. For those of us who have been in the public sector or higher education, we know it is an extremely complex organization. Understanding public budgeting is a completely different world from business. Would it be appropriate for a K-12 teacher or someone from NSHE to advise the business community on how they should fund their franchise? I think if you can answer that honestly, you would see how it really does not make sense to those of us who work in education to see that business expertise is a relevant expertise in a commission such as this.

**Assemblyman Hansen:**

We are willing to consider whomever. This is all going to be up to the Governor and the Majority and Minority Leaders. I can guarantee you there will be people on this Commission with some educational background. On the other hand, as General Partlow mentioned, and I think it is just common sense, it is difficult to see organizations really make reforms from the inside. That is why this Commission, both in the past and currently, is so valuable. You are basically setting up people from the outside who will not have any vested interest. I think it will provide a great opportunity to enhance the performance rather than trying to trip them up by looking for something. I do not think anyone would look at the "Audit Highlights" from the Department of Education done by our own Mr. Townsend and suggest he is trying to trip up education. He is simply pointing out the fact that we spent \$381 million and there is basically no oversight in the Department of Education.

When you start seeing numbers like that, it is very reasonable to ask people with educational backgrounds, but also mathematical accounting business backgrounds, to help set up some metrics to ensure that \$381 million actually has some sort of performance. Did the class-size reduction program have any impact on the performance of the children? Those kinds of metrics can be set up from a business perspective, as well as from an educational perspective. I see nothing in this bill that would prevent some involvement from folks who have extensive backgrounds in education as well as outside areas of expertise.

**Frank Partlow:**

I would like to reassure Assemblywoman Joiner that there were people on the original SAGE Commission who said we have to run government like a business. They learned that you cannot run government identical to a business. I would

argue that there are things in the education community that we could all learn from whatever sort of work we are doing. By the same token, there are things from the business community that educators could learn from as well.

**Assemblyman Edwards:**

What was the exact impetus for the bill itself?

**Assemblyman Hansen:**

It was to repeat the success of the original SAGE Commission. Remember, they came up with 44 recommendations all contained in one simple, little book ([Exhibit G](#)), which General Partlow, as Executive Director, recognized. If you had a 600-page book, how many of us would really pay close attention? In fact, there have been a series of reports like this previously, which are collecting dust on the shelves of the Nevada State Library and Archives, and no one pays attention to them.

I see costs escalating and quality going down. Any reasonable person would want to set up a private, independent group, as much as we reasonably can, to see if we can improve our performance, both educationally and fiscally. That is really the genesis of this bill.

**Assemblywoman Diaz:**

I think sometimes we forget how we have gotten to this point in our educational system. When No Child Left Behind was implemented it had that kind of business model mentality that all of our children needed to learn at a certain rate, and we had to hit certain thresholds. We all, especially as parents, know our children cannot be measured to one another. Each child comes with a unique skillset and a unique ability to learn at different rates. I want to remind people that where we are right now came a while back. I think a lot of people who had this business-driven mentality brought forth that kind of reform that did not work.

I look at this bill and wonder who the brave souls are who are going to try to tackle all of these things we are charging them with. First and foremost, why did we prioritize this list the way we did for the Commission? I think that if we are 50th in the country, we are bottom of the barrel, and we need to concentrate on how we are going to improve our school system versus talking about how we are going to reduce the money. I do not necessarily think that improvement always equates to a slashing of funds or getting rid of X, Y, and Z. I think improvement means how can we add on to what is currently in place. If the real intent of the Commission is to improve the state of education in Nevada, we need to focus on the means to improve it.

This bill includes K-12 and higher education. How are we going to get the level of expertise? I can tell you, Assemblyman Hansen, I put together a council last session to strictly look at English language learners, methodologies for teaching it, and how we could get our educators better prepared so when they came out of their coursework from the college system, they were ready to teach English as a Second Language. In two years, we have made very little headway into that subject matter. That is just looking at one very specific thing in two years. I am thinking this is a lot for a commission to take on in two years. I would ask you to reconsider and talk to me about what led you to put these priorities in section 1, subsection 10, which includes reducing the costs of education, increasing efficiencies, and then the last priority is how we can improve it. I think the priorities are off a little.

**Assemblyman Hansen:**

The order in which they are listed in that section is not meant to be the order of priorities. The whole concept comes from the original SAGE Commission, which was through an Executive Order, and that is where most of the language comes from. I agree, maybe 14 people will not be enough. This is not set in stone. It is something this Committee can discuss. Maybe we need 14 people to examine K-12 and another 14 people for higher education. I would at least get the whole process started to see where they want to go with it. There is a flexibility factor here. The original SAGE Commission made up of 14 people successfully studied approximately half of the entire state government, all the Executive Branch agencies, and came up with 14 excellent suggestions. It is definitely possible to do.

As far as No Child Left Behind, I completely agree with you. In fact, that is why I am very concerned about Common Core. I do not think we should have federal top-down standards. I think each state should, in fact, have a great deal of flexibility. As in the past, everyone thought No Child Left Behind, a federally mandated program, was going to save us. I see a repeat of a lot of that concept with Common Core, which I know this Committee is debating currently. No Child Left Behind did not do what it was expected to do. I think Common Core is the same thing. That is a little off topic, but again, I think a federal top-down mandated-type system is something we should be nervous about. As far as the recommendations, for all I know, when they come back, they are going to say the biggest problem with Nevada education is we, as legislators, have grossly underfunded it. They may come back with recommendations that we substantially increase the tax revenue that is spent on public education in Nevada. Again, that would be after a thorough evaluation rather than speculation on those things that we so often do currently.

**Assemblyman Flores:**

This board has absolutely no power. They will make recommendations and that is as far as their authority goes. Why can we not have some type of advisory board, a non-incorporated, non-profit organization now? Is it because you think this gives it a little more power? I am trying to figure out why it is we cannot do this now and if they do not have any authority, what is the real purpose behind it?

**Assemblyman Hansen:**

The real authority is going to be the power of influence. When you have people who are West Point generals, people who run the biggest casinos in Nevada, have extensive business experience, and have had some sort of educational background, perhaps a professor at a university, and you form all those people into a group like this to give an evaluation of our performance, even though they cannot force anyone to do anything, the influence they have over the general populous who elect us, is going to be very powerful. When we go back to our constituents and they ask why education is so lousy and what we have done about it, we can say we have recommendations from a commission who are experts in various fields and who will help advise us to make this process work. The truth is, I have been studying this. I have a report I gave to most of my colleagues. I have 30 years' worth of information from 5 governors and 16 sessions of Legislature recommendations for improving education. That improvement has not happened. If anything, we have gotten a little worse in spite of all those efforts. Ultimately, it will be the power of influence because I do not think we can give these folks that sort of power.

As far as why the private sector does not randomly do this, it is because the private sector has no authority to study the books to find out how the English language learning program is doing in relation to the expectations, how much money has been spent on class-size reductions, or if the breakfast programs have actually improved educational performance. No one can randomly do that. We, as a legislative body because we are over government education, are the ones who can do that. That is why this bill is here now.

**Assemblyman Armstrong:**

I would like to thank you, General Partlow, for your service to the country and to the state with the original SAGE Commission and the work you did there. The Commission helped out during the recession, and we could have been a lot worse off.

**Assemblyman Hansen:**

I think that is a very important point. In the interim, I did ask General Partlow to review how many of the SAGE Commission recommendations have actually been implemented at the state level. I had LCB review it, and then I had General Partlow review it. We have done pretty well, but we still have a ways to go. Things take time. This Commission went through a difficult time with a governor who was struggling and, consequently, some of their efforts were tainted a little bit by that process. However, by constantly bringing it back and reviewing some of these recommendations, slowly but surely they have been improving government efficiency and are being incorporated through the laws this body has brought forward. I would imagine it would be the same with education. It is not as if we will magically get a report and in the next session be able to cure all the problems in the Nevada education system. At least it will give us some guidance as to where we think we should go.

**Assemblywoman Swank:**

As a point of clarification, the Millennium Scholarship does not cover those remedial classes. The students must pay for those on their own.

My question is, how would this Commission fit in with the numerous boards and commissions that are already in place that oversee education and that the Board of Regents already work with as far as higher education?

**Assemblyman Hansen:**

It was the same thing with the original SAGE Commission. Keep in mind, the Executive Branch has numerous commissions and boards as well. Those were reviewed by the SAGE Commission. It would be the exact same scenario with this. All of those boards and commissions would have an opportunity to present themselves to the commission or vice versa. Hopefully, it would be a friendly interaction. I assume anyone in higher education or K-12 would love an opportunity to see an improvement in performance.

Regarding the Millennium Scholarship, my point was not that the dollars for that scholarship are being used for the remedial classes. My point is, the quality of students we turn out to get those scholarships have to repeat those classes. The cost there is not to the millennium scholars; it is, in fact, a duplication of efforts that is occurring. Whether or not it is occurring in Massachusetts or all the other states in the country, it is an interesting point, but it does not change the fact that they may be struggling too. I think anyone would want to reduce that to the absolute minimum. It seems silly that students can leave high school with an A or B average in English, yet they cannot pass a basic entrance examination on English in our own system of higher education.

**Chair Woodbury:**

Seeing no further questions, I am going to take those who would like to testify in support of A.B. 421.

**David W. Carter, representing Nevada Legislative Affairs Committee:**

Having been involved in school business for 25 years and an accountant for over 30 years, I sometimes have questions about the need for commissions. However, in this case, I do support the idea. Having served in school districts in California for 25 years in one of the largest school districts in California and one of the smallest, and one of the largest school district county offices of education, and one of the smallest, I have seen at all of those levels that there are ways that reforms can be made. Often, these reforms are difficult because people on the various boards may not be willing to make those adjustments without some higher commission or government enforcing those regulations. I think having recommendations from the SAGE Commission would be very valuable. I would have been glad to have seen that in my tenure.

**Chair Woodbury:**

Is there anyone else wishing to testify in favor? [There was no one.] Is there anyone who would like to testify in opposition to the bill?

**Kevin Page, Chairman, Board of Regents, Nevada System of Higher Education:**

With me today is Rick Trachok, Vice Chair of the Board of Regents, and Chancellor Dan Klaich. We are here this afternoon to testify in opposition to A.B. 421, an act creating the SAGE Commission for NSHE. We have submitted two letters to your Committee going into detail regarding the basis of our opposition [([Exhibit I](#)) and ([Exhibit J](#))], and I would like to summarize the significant points raised in them for you.

As you know, A.B. 421 proposes to establish the SAGE Commission for NSHE composed of 12 lay members appointed by the Governor. The members of the Commission are to be persons with expertise and experience in the operation of a business. The Commission is charged with recommending ways in which costs may be reduced, deficiencies may be found, and education may be improved. Clearly, these three areas of investigation and recommendation encompass the entire sphere of higher education governance.

We believe that the legislation, as it applies to NSHE, is wholly unnecessary and inappropriate, and we will each briefly review the reasons why. The first point we would like to make is regarding performance metrics for higher education. This work has been done. In connection with revision of the formula for funding higher education that was led by the Legislature's interim committee and created pursuant to Senate Bill No. 374 of the 76th Session, performance

funding was first incorporated in the higher education funding formula. The Legislature, Board of Regents, representatives from the Office of the Governor, faculty, and students agreed upon clear metrics for determining the expected performance and efficiency of the system. The metrics are based largely upon completions with emphasis on at-risk students and an alignment of higher education with the state economic development plan. We have attached to our written testimony ([Exhibit I](#)) a summary table showing the performance of NSHE with respect to each of these areas.

It is clear, NSHE is already exceeding the majority of the agreed upon metrics, including critical metrics in numbers of graduates at the baccalaureate level and below. The work proposed by this bill has been done and performance is ongoing. [Referred to ([Exhibit I](#)).]

**Rick Trachok, Vice Chairman, Board of Regents, Nevada System of Higher Education:**

Before I go into the summary of some of the steps we are taking as an elected board, I would like to address some of the points raised in the earlier testimony. First, I understand Assemblyman Hansen's desire to improve the efficiency of education and commissions within the state of Nevada. I can tell you, as a member of an elected board whose constitutional job is to oversee and govern higher education, we as a board also think that cost efficiency and cost control are extremely important. I think it is very important for you as a Committee to understand what we have implemented to date and what we are implementing in the future to make sure we can fulfill our obligation to the electorate and our constitutional obligation.

Second, the Board of Regents is not an agency and, as elected officials, we do self-regulate. We regulate every time we have a meeting and discuss the issues that are critical to higher education in the state of Nevada.

Third, we are not a professional educator class. We are citizens just like you who spend our time, and it is our passion, to make sure education in Nevada is better, and that we fully serve Nevadans.

Fourth, we recognize as a board the issues at the national level. I can promise you, as a board, we push our staff to make sure we get information we need so we can have full debate, and we can make decisions on how to make our education better for Nevadans.

Fifth, we seek out and retain experts across the spectrum to assist us and give their advice as to how we can continue to make education better for Nevada. A perfect example of this is my close friend, Bruce James, who was retained to



form a committee to study community colleges and what we can do in Nevada to improve community college education for all citizens of Nevada. Currently, the system is implementing the most far-reaching administrative restructuring in its history.

Following the 2011 implementation of a modern student information system, we have just ventured on a second phase that will allow all eight of our institutions to use the exact same system so we can perform functions such as administration, human resources, and purchasing. We can do it on a system level to increase the efficiency. This will be completed in 2017, and it will streamline business operations by reducing unnecessary, inefficient, and duplicative back office activities across NSHE institutions. It will reduce transactional costs, and it will increase the reliability, accuracy, and timeliness of transactions. It will improve the flow of information and access to business operations across NSHE. It will improve reporting and decision-making, and it will deliver consistent administrative solutions that best meet the needs of NSHE in the most cost-effective manner possible. It will give us the tools to adopt common business practices to ensure standardized and consistent high levels of service across NSHE. It will maximize productivity through shared resources across campuses. We are already doing this today. Through our northern community colleges, we now have the ability to centralize human resource functions and business functions. Our community colleges, at the direction of the Board of Regents, are also sharing services of professional staff, something that was not possible and had not been done before. Finally, it will improve consistency in data and reporting capabilities at the system level, as well as reporting and data collection at the System level and to external entities such as the Governor, the Legislature, and other stakeholders.

The Nevada System of Higher Education and its Board of Regents has undertaken these fundamental changes not only to improve services, but also to ensure that Nevada's investment in higher education is directed to its primary mission of instruction and research.

I would like to pass it back to Mr. Page to address other issues.

**Kevin Page:**

One other point of correction to Assemblyman Hansen, it is a 13-member board, not a 9-member board. Regarding the question of diversity in the makeup of the board, we have diversity. We have businesspeople and educators, so the board is very diverse.

In regard to the tuition and fee policies, they have been completely revised. Market pricing has been incorporated, and a more stable pricing regarding fee increases has been adopted, allowing families to better budget for college expenses. Numerous discounted tuition and fee policies were repealed. For high-cost programs, the Board has implemented a policy allowing differential fees. Tighter controls over graduation requirements were implemented. Standards were established for maximum number of credits in degrees, low yield programs were subjected to review and possible elimination, and comprehensive policies supporting completion were put in place.

Collaboration to achieve cost reduction has been implemented throughout the system. A college collaborative was established to share talent and services among northern community colleges, reducing institutional costs while maintaining service levels. Similar efforts have been implemented at the University of Nevada, Las Vegas, Nevada State College, and College of Southern Nevada.

We have improved alignment of our programs with the state's economic development plan. This includes curriculum, research and workforce alignment, and reporting to the state. In partnership with the Legislature, we have implemented a system within a system designed to bring our community colleges closer to the communities that they serve and to improve our workforce.

Recently, we have entered into a groundbreaking partnership with the Department of Employment, Training and Rehabilitation to implement the program for training and placement of workers and curriculum aligned with employer needs and the state economic development plan.

[Assemblyman Stewart assumed the Chair.]

**Rick Trachok:**

All of the programs you have heard about, and the programs that have been provided to you in the written materials ([Exhibit I](#)), were accomplished during a time when we implemented a 30 percent general fund reduction throughout the System. For the period of 2008 through 2014, the cuts to higher education in Nevada ranked us 8th among all states in overall cuts, reducing the per student funding by \$3,430.

In short, I think it is important to note that the Board of Regents and NSHE are doing their job running the system of higher education during very difficult economic times and doing it in an exemplary manner. The concern that I have as a member of the Board of Regents with a commission such as this, is at this

time when we have been pushing our staff to implement these cost-efficiency measures to improve the System, this will then be another commission that will capitalize on their time. I am afraid it will slow down the progress that we have made on some of these items.

Finally, when I mentioned this bill to Bruce James, he sent me a very long and passionate email, as only Mr. James could send. He then put it in letter form. I would ask your indulgence if I could read for the record the letter Mr. James sent to Mr. Page.

**Vice Chair Stewart:**

We are running out of time. Could you summarize it quickly?

**Rick Trachok:**

In summary, Mr. James and former Governor Gibbons had a very spirited debate on this very issue. Mr. James was able to explain to the Governor why higher education should not be included in the SAGE Commission. The Governor agreed with him, and it was not included.

**Assemblyman Armstrong:**

I appreciate everything you are doing to save money, but what concerns me is you talked about your "close friend" Bruce James being retained. I want to make sure there are other reasons why he was retained other than him being your close friend. I do not want you to leave us with the appearance that is why he was retained.

**Rick Trachok:**

I was not on the Board of Regents when he was retained by the Chancellor. He is my close friend. He was asked to chair a committee. Mr. James was the chairman of the Rochester Institute of Technology Board of Trustees for a number of years. He was on their Board of Regents for about 15 to 20 years before that. He has a lot of experience in higher education.

**Assemblyman Armstrong:**

Thank you for that clarification. I wanted to make sure we were not leaving that appearance out there.

[Assemblywoman Woodbury reassumed the Chair.]

**Daniel J. Klaich, J.D., Chancellor, Nevada System of Higher Education:**

We should strike the word retained. Mr. James served gratuitously at my request. I understand the time restraints and I will be uncharacteristically brief.

We have submitted testimony regarding whether or not this bill is constitutional. I am not going to repeat that.

There has been a lot of discussion about whether it is simply advisory or not. Regardless of whether it is advisory or not, that is not a matter of concern to the Nevada Supreme Court, which has already struck down a very similar advisory board to the Board of Regents in *King v. Board of Regents*, 65 Nev. 533, 200 P. 2d 221 (1948).

The Legislature does have power to legislate clearly with respect to the Board of Regents and NSHE as decided in *Oakley v. Board of Regents*, 637 P.2d 1199 (1981). However, that legislation must be legislation which applies generally to all boards or government municipalities in the state. This simply is not that case. This is a piece of legislation directed at the Nevada System of Higher Education.

I will leave it at that since I know you have a difficult schedule. I would encourage you to read the two letters we submitted [([Exhibit I](#)) and ([Exhibit J](#))] and which are part of your record.

**Chair Woodbury:**

Assemblyman Hickey has a quick question, and then we do need to move on and get downstairs.

**Assemblyman Hickey:**

This question is to Mr. Trachok. It should be noted that Mr. James was the chair of the SAGE Commission. I personally am interested in hearing his reasoning for recommending that higher education not be included. I have not read the letter, but could you comment on that?

**Rick Trachok:**

What Mr. James explained to the Governor was the issues facing higher education and the administration of higher education were unique from K-12 and anything else within government. Based on his experience as the chairman of the board of trustees for the largest private research university in the country, it was inadvisable. He said after spirited debate, the Governor finally agreed with him and made certain it was not included within the purview of the SAGE Commission.

**Assemblyman Armstrong:**

From what I understand in undertaking this, it was a recommendation from the SAGE Commission that prevented even deeper cuts to higher education.

**Chair Woodbury:**

Is there anyone else wishing to testify in opposition to the bill?

**Chet Burton, President, Western Nevada College:**

I am on the frontline of efficiency every day. Our state support has been cut by 42 percent since 2008. At the same time, we graduated a record number of students. Last year both were certificate and associate degrees. We are being asked to diversify and support Tesla's workforce. That is efficiency in itself.

I did spend over ten years in the corporate world. The Navy sent me to get my master of business administration at a top business school. To say we cannot run education efficiently as a business, I am held accountable to do that. In my corporation, if we would have had someone else come in from the outside, the shareholders would have asked what we were doing and would have wanted new leadership.

Everything that was addressed here, we are doing. I encourage you to look at what was submitted by NSHE because you will see it.

**Chair Woodbury:**

Is there anyone else in opposition? [There was no one.] Is there anyone wishing to testify as neutral?

**Nicole Rourke, Executive Director, Government Affairs, Clark County School District:**

We are here in the neutral position today because we feel it replicates the evaluation work underway in our district currently.

In 2013, we launched a program called Open Book to make our financial information available to the public. [Continued to read from prepared text ([Exhibit K](#)).]

I know this Committee has already considered a bill on this issue, and we think that given the business experience of the members, this group could evaluate the many contractual and financial considerations involved in the possible reconfiguration of school district boundaries.

**Chair Woodbury:**

Is there any further testimony neutral to the bill? [There was none.] I will close the hearing on A.B. 421. I am going to recess the meeting and reconvene upon adjournment of floor.

[The meeting was recessed at 4:42 p.m. and reconvened at 5:59 p.m.]

**Chair Woodbury:**

I am going to open the hearing on Assembly Bill 447.

**Assembly Bill 447: Revises provisions relating to the statewide performance evaluation system. (BDR 34-1120)**

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

I am excited to be here on behalf of the Department of Education to share with you Assembly Bill 447 for your consideration. Before we jump into the text of the bill, I thought I would take a couple of minutes to give a little background context as to how we got to this point.

The conversation around a statewide evaluation system for, as the law says, teachers, administrators, librarians, counselors, and other licensed personnel, began in 2011, when the initial law was passed and it created the Teachers and Leaders Council (TLC). The Teachers and Leaders Council was tasked with making recommendations to the State Board of Education for what that system would look like. It was stated at the time that there would be four levels of evaluation. We were to move from what is currently a satisfactory or unsatisfactory system, and there would be four levels of rating, from ineffective, minimally effective, effective, or highly effective. What the law did not include was what defined each of those levels and what the actual evaluation would look like. The initial legislation tasked the TLC with making those recommendations.

In 2013, the standards and the indicators, the domains, the educational practice, professional responsibilities domains, and instructional leadership practices were passed by the State Board of Education. Also in 2013, during that Legislative session, there was legislation language that pointed to a validation study. The system would have one year of validation where no personnel decisions were to be made based on the new system. Districts across the state were to do a study on this new system. They were then to report back to the Interim Finance Committee last fall.

Based on the results of the study and the testimony from all 17 state superintendents, it was determined they were not yet ready for full implementation. Part of Senate Bill No. 407 of the 77th Session that was passed in 2013 allowed for a second year of validation study.

That is where we currently are today. Our second year of validation study is 2014 through 2015. The districts are currently still using their own systems, which means all 17 districts have their own system of teacher and administrator

evaluation, and the ratings are still satisfactory and unsatisfactory ratings. At the same time, all 17 districts are participating in the second year of the study, which includes a representative sample of elementary through high school as well as rural and urban schools.

The 2015-2016 school year is to be full implementation, which leads us to our conversation about this bill, heading into what is supposed to be 2015-2016 statewide implementation of the evaluation system. The bill before you has a few recommendations from the Department of Education. I will begin with the language proposed in section 1.

The Elementary and Secondary Education Act (ESEA) requires that all states have student achievement as a part of their evaluation. That is something we have never had in the past. As of the 2015-2016 school year, the way the law is currently written, it shows pupil achievement data should account for 50 percent of the evaluation. There is currently *Nevada Revised Statutes* (NRS) language that points to what that 50 percent should be composed of. The makeup of that 50 percent is in NRS Chapter 386, so we would probably need to talk to staff about that.

In the first section of the bill, starting at lines 21 through 28, we are proposing that 50 percent be composed of 25 percent of statewide achievement data from our statewide performance assessments, and the other 25 percent be composed of local school district data. Each district could select what it is they would want to include in that remaining 25 percent. You can see then, it would require approval from the superintendent for that remaining 25 percent. It is still 50 percent. Currently, it is 35 percent growth data, 15 percent achievement data, and 5 percent of gap reduction data for certain student populations. This would change that and only make 25 percent be based on our standardized examinations.

Section 2 is still around the use of student data. I mentioned earlier that there are educational practice domains for teachers and administrators, and there are also professional responsibilities. This proposal would allow those to be the sole basis of the teacher evaluation for the next school year, rather than including student achievement data beginning with the 2015-2016 school year. This proposed language means student achievement data would be included with the 2016-2017 school year instead of the 2015-2016 school year.

One of the things we are finding is there are conversations in states all across the country that have implemented new teacher evaluation systems ahead of us. They are having these same conversations. The ESEA waiver that we have to submit has actually given us permission to be able to do this. We feel it

would be in our best interest to take advantage of that allowance by the federal government and have at least one more year to allow teachers and administrators to become comfortable with the observation standards, if you will, and then include the student data as another piece moving through.

At the February TLC meeting, there was a conversation about legislative changes that the TLC wanted to recommend, in addition to these that are already presented here. The chair of the TLC, Pamela Salazar, presented that to the State Board of Education.

Assemblywoman Woodbury, I believe a letter was sent to you on behalf of the State Board ([Exhibit L](#)) indicating they support this conversation and moving these recommendations forward for your consideration. Pamela Salazar is here today, and she would like to share the TLC's recommendations, in addition to those that are currently proposed in this language.

**Pamela Salazar, Chair, Teachers and Leaders Council:**

I am here today to present a set of recommendations for conceptual amendments to A.B. 447 ([Exhibit M](#)). We have spent a great deal of time over the last few months talking with regard to scaling up for next year for the Nevada Educator Performance Framework (NEPF). We have heard quite a few comments from members of the field, both teachers and administrators, with regard to the implementation this year and the validation schools.

As Ms. Durish mentioned, we have about 140 schools that are currently, in some sense, implementing the NEPF, at least on the educational practices side. As a result of that discussion, as well as discussions with regard to moving this forward next year, the TLC did indeed identify a set of what we believe would be enhancements to this bill that would further support the implementation that would be successful and effective for Nevada.

With that said, I would like to begin with the student outcomes piece that Ms. Durish referred to in terms of first taking a look at the student outcomes and splitting them between both state data as well as district data. The Teachers and Leaders Council absolutely supports that. However, the change they would recommend is it be weighted at 50 percent, as it currently is. As you know, from Assembly Bill No. 222 of the 77th Session, as well as Senate Bill No. 407 of the 77th Session, it was prescribed to the TLC to design a system that had 50 percent of the evaluation be based on student outcomes. The Teachers and Leaders Council suggests we would probably have more confidence and a more fair, valid, and defensible system if we lowered that, at least for the present, until we find more confidence in how to measure student outcomes for non-tested grades and subjects.



Where the issue lies is that works for when we talk about those teachers who are in tested grades and subjects, which accounts for about 18 to 20 percent of our teaching staff. Where it begins to fall apart is for the other 80 to 82 percent of our teachers. Until we find better measures, and I would tell you that even with the Race to the Top states, they are making this same kind of decision, perhaps we had better not put quite as much weight on student outcomes until we have a more fair, valid, and reliable system so we can actually do it in a way that helps and supports growth and development with our teachers, our educators, and our administrators.

The second piece, as we take a look at developing a more fair system, is TLC also supports the idea of extending it. With the ESEA waiver, it offers extensions up to three years for delay in the implementation of student outcomes as a significant part of an evaluation system. The reason for offering states that extension on the ESEA waiver is for that very reason. It is because right now there is just not enough data and research to say how we can best measure the impact teachers have on their students, specifically in non-tested grades and subjects.

Another piece I would take a look at in terms of looking at the component of student outcomes, is that as we make the split and we make the suggestion, for example, of 50 to 40 percent, and we talk about 20 percent at the district level and 20 percent using state test data, we do ensure there are guidelines for what the districts can include for those local measures. As Ms. Durish indicated, there would be some parameters with the kinds of data that would be included for the student outcomes.

In addition to student outcomes, the TLC has spent a lot of time over the last couple of months wrestling with other licensed personnel. As you are well aware, in S.B. No 407 of the 77th Session, there was an addition that asked the TLC to design an evaluation system for librarians, counselors, and other licensed personnel. We spent a great deal of time having those discussions with input from members of those groups. In fact, I think you are going to hear from some members this evening. Who exactly counts as other licensed personnel? The recommendation from the TLC is to provide for an extension for a year for us to better clarify who those folks are.

At this point, we have essentially divided them into two groups, those that are instructional-based and those that are noninstructional-based because when we start thinking about other licensed specialized educational personnel, such as nurses, speech pathologists, and school psychologists, we start to see the gamut of what their roles and responsibilities are, and it really makes it difficult for the TLC to develop a single, uniform system for what we have identified as

12 different titles. The challenge with that is those titles do not even recognize the same role and responsibility from district to district. We are trying to build an evaluation system for 12 very different groups of people, and trying to be in compliance with S.B. No. 407 of the 77th Session. We have developed something that I can certainly share, but I am not sure that it best reflects what the jobs, roles, and responsibilities are with that group. Again, that is one of the recommendations for A.B. 447 that we, too, would support. The TLC recommends an extension of a year to continue that work.

In addition, the TLC has had a number of principals come before us who have spoken about the challenge of probationary educators, and specifically probationary teachers. I have been involved with the TLC since the passage of A.B. No. 222 of the 77th Session. One of the conversations we have often had as we developed the system was that we would make a differentiated observation cycle based on the performance level of the educator. As an example, after the system rolls out and we have it in place, someone who is labeled as highly effective would have a single observation cycle per year. Someone who is labeled effective, as we move to four levels, would have two observation cycles per year. We had also presented that an educator who is a probationary teacher, a minimally effective teacher, or an ineffective teacher, would have three observation cycles per year. All of those individuals would have one single summative evaluation.

I did a survey of the Race to the Top states that I presented a couple of weeks ago with the State Board of Education, and not one of them requires three separate evaluations for their probationary personnel. A recommendation from the TLC, coming to us from the field, from the principals, who are here this evening to speak to this, is that for probationary personnel, there would be three observation cycles that are clearly defined. However, only a single summative evaluation would be required for that individual at the end of the year. That would, again, be a recommendation we would make in terms of a suggested amendment.

The other areas that we have specifically taken a look at are about some of the resources and building capacity to roll this up. This year, we worked with 146 schools in the validation study. Next year, the scale is up to all schools and therefore all educators across the state. I think there are a number of challenges. We find that in systems that work very well, there is strong professional development for both the teachers and the administrators, not only to implement the standards but also for evaluators to supervise the principal as well as the teacher. One of the recommendations that has come before us is this idea of principal supervisors also being supported with a Nevada Educator Performance Framework (NEPF) set of standards and expectations. One of the

recommendations the TLC would have is that the TLC be tasked with this expectation to develop a set of standards for principal supervisors. Some states, specifically Pennsylvania, New Jersey, and Washington, have now, in some sense, stepped backwards and said the place we probably should have started was with educator effectiveness and evaluation systems with principals and supervisors and then worked down. First build a system for them, then a system for administrators, and then a system for teachers.

As we start to understand how these systems need to work in a way that actually enhances student achievement, which is what this is all about, I think it becomes clear that the principal supervisor has a very important role in supporting the school leaders so they can be successful with teachers. That recommendation and conceptual amendment, if you will, would be that the TLC develop a set of standards for principal supervisors.

The other two areas have to do with capacity. I would love to spend time with you to talk about the standards and the implementation because I think what we are seeing in the validation schools is success. We are seeing that teachers begin to think about their practice in different ways, which does have an impact on student learning. What is happening with principals is they are being buried in the paperwork. When the TLC first designed this system, it was always with the understanding that there would be some technology system to support it, that we would not still, in this day and age, have principals doing evaluations on paper. Yet, that is what we have because we do not have a system of technology, a platform if you will, to allow them to conduct electronic observations and to auto-populate data that they collect and evidence that they review during conferencing into a rolling tool that allows them to have conversations. The Teachers and Leaders Council would urge this Committee to consider how we can provide technology to principals and school leaders in order to implement this system in the way it was intended.

We constantly talk about preparing our students to be twenty-first century ready, and to have the skills to be successful in this age of technology. I think at some point we need to look at how we are going to provide our principals with that very same technology to be successful as they supervise teachers in their buildings.

Finally, in the 2013 Legislative Session, there was a set amount that was directed specifically to the Regional Professional Development Programs (RPDP) to ensure educators, both teachers and leaders, would have an opportunity to develop these skills. As we look across the country and look at the research, there is a need for continual professional development for teachers and leaders to not only master these standards, but to truly be able to implement them in

a way that is supported by the literature and the research that will have an impact on teachers and, therefore, on our students. I bring to you this set of recommendations from the TLC ([Exhibit M](#)). They have worked very hard over this last year. I would encourage you to visit one of the TLC meetings. They take this dear to their hearts, they care deeply about the students of Nevada, and they would appreciate your consideration for these recommendations as amendments to A.B. 447.

**Assemblywoman Diaz:**

As Ms. Salazar was saying regarding these very time-intensive performance evaluations, my principal recently gave me mine and it was about 14 pages long. It was good, but it is very time-consuming, especially if there are 12 probationary teachers and the principal has to give these three times a year.

I saw the information from TLC ([Exhibit M](#)) regarding reducing the student outcomes weighting from the current 50 percent to 40 percent. Since we are rolling it back and delaying the implementation for counselors, librarians, specialists, and other educational personnel, would this not also be to help ease the teachers into the system of accountability in saying that in the 2015-2016 school year we would use that 40 percent, and in the 2016-2017 school year go to the 50 percent? I want to make sure that is the thinking there.

My second question is, what would be the alternate assessment that a school district could select under section 1, subsection 2(d)(2)?

**Pamela Salazar:**

In terms of your first question with rolling back the 50 percent to the 40 percent, that is, in some sense, what we are talking about. For next year, we are actually talking about a delay, so there would not be any percentage next year. For the 2015-2016 school year, in alignment with the ESEA waiver, we would be looking at only evaluating educators using the educational practice standards.

There would not be any impact next year for student outcomes for two reasons. First and foremost, if we do indeed split the student outcomes piece, it will take time for administrators to figure out what to do with those other assessments you are talking about. The second reason is, as I said earlier, there is still not clear enough research around how to use student outcomes in any kind of a way that is fair to teachers, especially if they are non-tested grades and subjects.

The recommendation you see in A.B. 447 in section 2 of the bill would move student outcomes into the first year of implementation in 2016-2017. The 2016-2017 school year is where we are recommending that it be reduced from the 50 percent to the 40 percent. With the split, 20 percent would still be for the state assessments, but the other 20 percent, which would be left up to the district, would be things such as pre-test and post-test, student learning objectives, end of course exams, or teacher or district assessments. For example, many of our districts use maps. It could be various kinds of assessments that meet guidelines that would be developed.

There again is one of the reasons for the request for a delay. We would not only have to provide parameters with what districts could use, but there would also have to be training for principals and teachers in order to use these kinds of assessments that add value to them. I was a physics teacher, so I would have been one of those teachers who was in a non-tested grade or subject. It makes sense, then, that I would want to have some sort of an assessment to show what kind of impact I had by the end of the school year with my 150 students. That would take some time to develop.

Those fall into a broad category called student learning objectives, which I am sure you have heard about. The Race to the Top states have done quite a bit of work around this area. The reason why we see so many Race to the Top states that have gone to this kind of model is because now they have to figure out what to do with nontested grades and subjects. They realize they really do not know how to measure them, and if they are going to do something different, such as using some of the assessments, then it takes training. The delays states are experiencing and recommending is so that they can ensure teachers and leaders are properly trained.

**Assemblywoman Diaz:**

Are we delaying implementation across the board for any type of teacher? I think for the teachers who are teaching all subject matters in the classroom, elementary school for example, the valuation and achievement is still a part of their evaluation. Could we be fair with the teachers who already have to be evaluated with student data if we start them off at 40 percent versus the 50 percent in lieu of the other teachers not being started until 2016-2017? That is what I meant by my first question.

**Dena Durish:**

If the bill were passed as written, it would actually do exactly what you are saying. It would suspend all student achievement data for any teacher, any administrator, and any licensed personnel in the 2015-2016 school year. It would propose that the data begin being used in the 2016-2017 school year.

for anyone. One hundred percent of the teacher evaluations for the upcoming school year would be based strictly on principal observations, observation conferences, as well as professional responsibilities.

**Assemblyman Stewart:**

I want to see if I have this straight. The Teachers and Leaders Council, the 17 state superintendents, the State Board of Education, and the Department of Education, are all in support of this. Is that correct?

**Pamela Salazar:**

The bill, yes. The recommendations from the TLC have just recently been passed and were just presented to the State Board of Education. The State Board of Education supports the recommendations that the TLC made to you today for consideration ([Exhibit M](#)) for amendments to A.B. 447.

**Assemblyman Stewart:**

Does that include the 17 state superintendents and the Department of Education?

**Pamela Salazar:**

I am not able to speak on their behalf.

**Assemblyman Stewart:**

Did I not hear that in your testimony?

**Pamela Salazar:**

No, sir.

**Dena Durish:**

My apologies if I did not make that clear. At the conclusion of the first year of the validation study, which was last school year, there is language in statute that was passed in S.B. No. 407 of the 77th Session that said we needed to present to the Interim Finance Committee the results of the findings by July 1, 2014. That is when all 17 superintendents said they were not ready to fully implement this year. It would have been fully implemented this year had that not been the case. That was the reference to the 17 superintendents.

**Assemblyman Stewart:**

They are in support of a delay of some kind. Is that correct?

**Dena Durish:**

Yes.

**Assemblyman Stewart:**

You want to delay it one year because of problems in implementing the original bill, particularly with the 80-plus percent who do not fall under the 50 percent evaluation. Is that one of the main reasons for the delay?

**Pamela Salazar:**

Yes, that is correct. We do not have an assessment system in place right now that can provide direct information or assessment data for those non-tested grades and subjects.

**Assemblyman Stewart:**

I was on a merit pay committee, if you want to call it that, and we made suggestions on how to evaluate those who could not be under test results. I suggest you check on that as well.

Also, I think there are some unintended consequences of this 50 percent. I have talked to a lot of teachers, particularly middle school teachers, and this puts an additional pressure on the teacher from the student. For example, if I did not do well on a test, I could claim it was not my fault, it was the teacher's fault. The teacher would be evaluated for my lack of learning and be penalized. I think we need to look at that. I have heard from a number of middle school teachers who have students who feel it is up to the teacher to teach them, but not up to them to learn. I think this is a serious issue we need to look at. I believe the pressure should be on the students to learn what the teacher is teaching them, as well as the teacher being prepared and presenting the lessons in a manner in which the students can learn.

**Assemblyman Gardner:**

How was the student outcomes performance network set up? I was happy to see you reviewed the Measures of Effective Teaching (MET) project. In that project, they focused a lot on student surveys. I did not see those in this system. I am wondering why those were not put in.

**Pamela Salazar:**

That is an interesting piece that you bring up because when I came before this Committee in the 2013 Legislative Session, at that time the MET survey results had just been released, and there was quite a bit of conversation across the country with the use of what was called Tripod, which is a survey that is actually referenced in the MET project. One of the drafts that I actually presented to this Committee included survey data as part of the student outcomes piece, which was recommended by the MET survey. When we took that recommendation to the U.S. Department of Education in our request for the ESEA waiver, it was denied. As a result, we pulled the survey component,

which was part of that student outcomes data in response to the U.S. Department of Education telling us it was not going to be able to be a part of our model.

Since then, we have seen states take the left-hand side of the model [page 4, ([Exhibit M](#))] on the "Educational Practice" side. Some states have added 5 percent, for example, so they have another little box. It is not only the "Teaching Standards" box and the "Professional Responsibilities" box, but they actually added one more box called "Student Surveys." We talked about that, but then we got the price tag. The price tag for the Tripod was very expensive. As a result, when I came before this Committee in 2013, we decided to back off from that just because everything cost so much money, and we wanted to try to prioritize where we thought the money could have the most benefit.

With that said, if you take a look at the "Teacher Professional Responsibilities" standard in the second box under "Educational Practice," the fifth standard is about student perception. In fact, the evidence that a teacher presents there has to be from the student. We did not prescribe a particular survey, but we did provide the questions that needed to be asked in order to gain a sense of what student voice would be about with regard to that teacher. It is now embedded as a part of the "Professional Responsibilities" within educational practice, and there is the expectation that teachers, as well as administrators as their supervising teachers, consider that as part of that evidence.

**Chair Woodbury:**

I am going to ask for those who wish to testify in support of the bill to keep their comments to three minutes.

**Nicole Rourke, Executive Director, Government Affairs, Clark County School District:**

We are here today to support A.B. 447 and the recommendations presented to you by the Teachers and Leaders Council. We have asked a few of our people in Las Vegas to join us and provide testimony in support of this bill with their experience in the schools. I would like to introduce you to Andrea Klafter-Rakita from the Clark County School District, Grant Hanevold, who is the principal of Sunrise Mountain High School, and Anthony Nunez, who is the principal of Manch Elementary School. I will turn my time over to them.

**Andrea Klafter-Rakita, Assistant Chief Student Achievement Officer, Performance Zone 4, Clark County School District:**

In my role with the Clark County School District, I supervise 21 schools, 19 of which are Title I schools, K-12. Additionally, I serve as the Nevada Educator Performance Framework (NEPF) liaison for the Clark County School District and



have worked closely with Pamela Salazar and the Southern Nevada Regional Professional Development Program (RPDP) to ensure that our administrators and teachers are receiving the necessary training in order to successfully implement the standards and indicators of the NEPF, which we have adopted to use during the 2014-2015 school year as our parallel system of evaluation. [Continued to read from prepared text ([Exhibit N](#)).]

**Grant Hanevold, Principal, Sunrise Mountain High School, Las Vegas, Nevada:**

Sunrise Mountain High School houses 2,500 students. It is Title I, high poverty, high English language learner, and was named a turnaround school approximately 18 months ago. We were fortunate last year to have the highest-increasing graduation rate in the Clark County School District, with almost a 13.5 percent increase. I am humbled and honored to be their principal.

I am here to speak in favor of amending A.B. 447 to reflect the recommendations of the TLC. I think most administrators would agree that the new NEPF has helped move us from a focus on teaching to a focus on learning. It is a great idea. The new NEPF certainly opens itself to more dialog between administrator and teacher, and certainly stretches even some of the best teachers to perform at a higher level. This is great work and I am grateful for the work you have done.

I am a firm believer that evaluations, the actual form itself, rarely changes behavior. Events change behavior. I realize evaluations are necessary for compliance, but it is the events, the conferences, observations, professional development, collaboration, professional learning communities, conversations, discussions with students, parents, and community, that ultimately change teacher behavior and effectiveness. An evaluation system that focuses on events will certainly elicit better results.

We need and should expect a better return on investment. Time is the constant, and we have to maximize our return by using that time wisely. I am deeply concerned because administrators are spending two to three hours or more writing each evaluation out of compliance. This is up to triple the amount of time we are required to spend in the classroom. That is a horrible return on investment. Spending more time in class and more time focusing on the events that improve instruction will certainly yield a higher academic achievement rate for the students we serve.

We already know at-risk schools have the highest number of probationary teachers. I have 46 probationary teachers in my building. I have assistant principals who are supervising 24 teachers, 12 of whom are probationary. These assistant principals, as a result, are writing 36 evaluations for those

12 probationary teachers, plus 12 evaluations for the post-probationary teachers. It is unfortunate, but our post-probationary teachers are being neglected because too much time has been spent in the compliance of the form.

I want to put the focus back on events that improve instruction and appreciate the fact that we need to maximize our time. For probationary teachers, I ask that we require administrators to complete the three observation cycles per year, to include a pre-conference, teacher observation, and a post-conference, but only require one summative evaluation per year. We support three years of probationary status, but post-probationary teachers are currently being neglected by the amount of paperwork required to observe and evaluate our probationary teachers.

At-risk schools are already losing some of the best teachers to more affluent schools. Please do not promote a system that might drive some of our best administrators out of those at-risk schools also. The unintended consequence of the current evaluation system may further perpetuate an already deplorable achievement gap. I am begging for help.

I am deeply appreciative of the work the TLC has done. I hope you will support the idea of one summative evaluation per year by amending A.B. 447. I want to thank you for your time. I have given 25 years to the Clark County School District, and I am passionate about improving student achievement for our most vulnerable kids. I am here today advocating for them because they rarely advocate for themselves.

I leave you with a quote from Jonathon Kozol, one of my favorite authors. "A dream does not die on its own. A dream is vanquished by the choices ordinary people make about real things in their own lives. The motive may be different, and I'm sure it often is; the consequence is not." Thank you for your time.

**Anthony M. Nunez, Principal, Manch Elementary School, Las Vegas, Nevada:**

I am speaking in favor of recommendations that were unanimously approved by the State Board of Education in regard to the NEPF and A.B. 447.

Last year, Manch Elementary School was identified for turnaround in efforts to rapidly improve the quality of instructional and social support provided to the community. In addition to being an underperforming school, 90 percent of the students receive free or reduced lunch, and the school experience is about 47 percent student transiency. When I was appointed as principal, I was faced with 27 vacancies. As the years progressed, I have had to hire a total of

35 teachers to meet the needs of my students. Of the 35 teachers, 31 are probationary.

I am pleased to report that 90 percent of my staff has committed to staying on through the 2015-2016 school year, so I only need to hire 11 more staff members this year. The prospective hires, though, are all probationary teachers. Therefore, as an elementary principal, I could easily have 42 probationary teachers next year.

In the current system, this would mean 126 summative evaluations to write, plus the ones needed to be written for the post-probationary teachers. Being that each of these teachers must be evaluated three times, and each evaluation takes upwards of one and a half hours to complete, and each evaluation must include a minimum of 60 minutes of observation, I have spent at least 232 hours this school year meeting the requirements of the NEPF. If we use the minimum of 60 minutes per observation, then of the 232 total hours, only 93 hours consisted of teacher observation.

I believe it was the intent of the law for administrators to focus their time on improving instruction by spending time in the classroom observing and providing opportunities for both pre- and post-observation conferences. I further believe that the intent was to provide more precise and actionable feedback to teachers so we can accelerate their effectiveness.

The real power of the NEPF lies in the conversation between administrators and teachers. I agree that we must be in classrooms and that we must provide our newest teachers with frequent feedback. What I would like to see is the law emphasizing that part of the process. If the writing of the evaluation was reduced to one time each year, but the requirements for the three cycles of the observation were maintained, I believe I could repartition my time to provide more frequent and focused feedback to all my teachers.

**Dawn Huckaby, Chief Human Resources Officer, Washoe County School District:**

With me today are Ben Hayes and Kristen McNeill from the Washoe County School District. Washoe County School District applauds the work of the Teachers and Leaders Council. We have two teachers who sit on the TLC, as well as a board member. We support the delay of the implementation of the evaluation of other licensed personnel, outlined in A.B. 447, and we appreciate the intent of the bill in the delaying of student outcomes for the purpose of evaluation.

Since 2012, Washoe County School District, in collaboration with our employee associations, has utilized the nationally validated, four-tier evaluation and used this for high-stakes employment decisions, such as reversion to probationary status. This work was done via two federal grants. We have progressed with many of the recommendations that TLC has made and presented to you today. We have learned valuable lessons and have committed many resources, both monetary and in personnel, in regard to training, professional development, calibration, and continuous improvement.

Washoe County School District aligned our indicators to the Nevada Educator Performance Framework (NEPF) to ensure all the required information would be submitted to the Department of Education as prescribed in *Nevada Administrative Code* 391.580.

Most importantly, we believe strongly that evaluations must be connected to student success. There is still much work to be done to have a fair, reliable, valid, and defensible system that avoids the unintended human capital consequences, such as lowering the number of people entering the teaching profession and discouraging our best teachers from working in certain grades and subjects and in our highest-needs schools.

**Ben Hayes, Chief Accountability Officer, Washoe County School District:**

We are in support of the bill. I am here to advocate for more study and more simulations during this next year, if indeed it is paused, because we still have a lot of concerns, for instance, the reliability of growth data. We have used our own local data and have run out simulations. The growth is, as the literature says, pretty unstable. For every ten ineffective teachers or low scoring teachers, it might cost us 17 non-low performing teachers, which is a human capital nightmare for us.

We are still not clear what the model would be regarding the 40 percent with 20 percent coming from the state and 20 percent coming from the districts. Our concern is we do not know exactly what the 20 percent from the state will be. It could be grades four through eight because you need growth and those are our tested grades. It is not clear how end-of-course exams would be used. Our concern about the 20 percent from the districts, although we do appreciate local flexibility, is it is a pretty big unfunded mandate if we need to go by assessments right away. The faster we can act and study that, or TLC can act and study that, and give recommendations as to what they will approve, the better.

With all the conversations with the TLC, it was always clear: multiple measures, multiple years. They said on record many times three years' worth of data. This recommends a one year delay. I do not know what happened to the other two. With the data I gave you previously, for every ten low-performing teachers it might cost us 17 non-low-performing teachers; that is with three years of data. When we get to one year of data, I think it is even worse. The recommendation on achievement gap data, if you think of an elementary school classroom with 25 kids, it is pretty unlikely that we would have an end-size for achievement gap data in many classrooms.

I would beg for more simulations and study of the infrastructure. I appreciate the TLC recommendations of technology, but it did not touch roster validations. We have been working in our districts a lot on tying the actual teachers to the students that are in their classes, no matter if they are departmentalized in a fifth grade classroom or special education that pushes in and pulls out. That is a lot of work and a lot of infrastructure. We need instructional time to do it because teachers need to sign off, as well as principals. I think that could use some extra study.

Finally, evaluations, by state law, are due May 1. As you know, the student achievement date will not come out until August. That is a pressing problem. We are put in a situation where we are looking at the previous year to evaluate this year's performance. That does not pass the face-validity test.

In conclusion, we definitely support the delay, and we support the intent of the law. We would just ask for some more technical assistance and some study and simulations as to what this really means for our district.

**Kristen McNeill, Chief of Staff, Washoe County School District:**

As you have heard from testimony provided, both from the Clark County School District and Washoe County School District, we are in support of high-quality instruments for our teachers for evaluation purposes. Therefore, we would like to propose an amendment ([Exhibit O](#)) to the current bill. We would appreciate your consideration of this amendment.

**Kathleen Vokits, President-Elect, Nevada State Association of School Nurses:**

I have been a school nurse for 16 years in Clark County, and I am also a Nationally Board Certified School Nurse. The school nurses in Nevada have been active participants in the stakeholders meetings for other licensed educational personnel. [Continued to read from prepared text ([Exhibit P](#)).]

**Mary Pierczynski, representing Nevada Association of School Superintendents:**

I am also speaking on behalf of Nevada Association of School Boards because Jessica Ferrato could not be here this evening. We are in support of A.B. 447 and also in support of the recommendations made by the TLC. We appreciate the thoughtful heavy lifting the TLC has done to try to come up with a fair and equitable evaluation for our students and staff.

**Stephen Augspurger, representing Clark County Association of School Administrators and Professional-Technical Employees:**

We, too, are in support of A.B. 447, as well as the TLC recommendations. I would encourage those to be added as amendments. I am appreciative of the principals' testimony tonight. I think they are right on target with their comments, as well as the testimony provided by other witnesses.

**Paul Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:**

As many of you know, the Las Vegas Metro Chamber of Commerce has been involved with this issue for the last several legislative sessions. We are supportive of the proposed changes, along with the recommendations that have been brought forth tonight. We believe it is important to do this right and do it well for the benefit of our teachers and our students.

**Chair Woodbury:**

Is there anyone else wishing to testify in support of the bill? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify as neutral?

**Vikki Courtney, President, Clark County Education Association, and representing Nevada State Education Association:**

We appreciate and respect the work of the TLC under the leadership of Chair Pamela Salazar, along with the four teachers and other members who have participated in the work. We have proposed an amendment ([Exhibit Q](#)) that is consistent with the TLC's recommendation on evaluations and would ask for your support. Although progress is being made, we continue to have concerns. Our concerns are based on the need for more training for educators on the new standards, the lack of resources the teachers have to implement the standards, and the implementation of a new test that has not been used system wide yet.

Another concern is the implementation of the evaluation. There are over 300 schools in Clark County that have not benefited from the in-depth training of administrators by the Southern Nevada RPDP that the validation schools have had on the NEPF. Clark County Education Association has provided training for

educators but not nearly enough to cover all of those who need it. We are very concerned about the implementation without the necessary support and training for educators to be successful. The Nevada State Education Association requests there be a whole list of conversation regarding these issues.

**Chair Woodbury:**

Is there anyone else wishing to testify as neutral? [There was no one.] I am going to close the hearing on A.B. 447. Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 7:01 p.m.].

[([Exhibit R](#)) was submitted but not discussed.]

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Recording Secretary

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Melissa Woodbury, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** April 6, 2015

**Time of Meeting:** 3:17 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 120	C	Kristin Rossiter, Committee Policy Analyst	Work session document
A.B. 221	D	Kristin Rossiter, Committee Policy Analyst	Work session document
A.B. 278	E	Kristin Rossiter, Committee Policy Analyst	Work session document
A.B. 285	F	Kristin Rossiter, Committee Policy Analyst	Work session document
A.B. 421	G	Assemblyman Ira Hansen	<i>SAGE Nevada, Bipartisan Directions for Nevada's Future</i>
A.B. 421	H	Assemblyman Ira Hansen	"Audit Highlights"
A.B. 421	I	Kevin Page, Nevada System of Higher Education	Letter in opposition
A.B. 421	J	Daniel Klaich, Nevada System of Higher Education	Letter in opposition
A.B. 421	K	Nicole Rourke, Clark County School District	Written testimony
A.B. 447	L	Dale A.R. Erquiaga, Department of Education	Letter of support
A.B. 447	M	Pamela Salazar, Teachers and Leaders Council	Recommendations
A.B. 447	N	Andrea Klafter-Rakita, Clark County School District	Written testimony
A.B. 447	O	Kristen McNeill, Washoe County School District	Proposed amendment
A.B. 447	P	Kathleen Vokits, Nevada State Association of School Nurses	Written testimony
A.B. 447	Q	Vikki Courtney, Nevada State Education Association	Proposed amendment



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A.B. 447	R	Ruben Murillo, Jr., Nevada State Education Association	Letter in neutral
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