

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

**Seventy-Eighth Session
April 9, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 5:16 p.m. on Thursday, April 9, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
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 Tyrone Thompson, Assembly District No. 17
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

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

Chair Woodbury:

[Roll was taken. Committee protocol and rules were explained.] We are going to begin our work session, but I am going to move Assembly Bill 395 to tomorrow's work session to give people more time to read the amendment.

**Assembly Bill 205: Creates the Nevada Advisory Commission on Mentoring.
(BDR 34-116)**

H. Pepper Sturm, Committee Policy Analyst:

The first bill in your work session binder is Assembly Bill 205 sponsored by Assemblymen Thompson, Flores, Araujo, Diaz, E. Anderson, Joiner, Spiegel, and Swank. It was first heard in this Committee on March 9, 2015. [Read summary of A.B. 205 ([Exhibit C](#)).] There is a mock-up of the proposed amendment in your work session document submitted by Assemblyman Thompson as well as a further amendment. There is a fiscal note for this bill.

Chair Woodbury:

Assemblyman Thompson, will you come up and explain your conceptual amendment?

Assemblyman Tyrone Thompson, Assembly District No. 17:

Thank you for the opportunity to share a conceptual amendment to Assembly Bill 205. After speaking with various stakeholders, I would like to move forward with the following proposed amendment.

Under *Nevada Revised Statutes* (NRS) 218E.615, the Legislative Committee on Education has various general powers over the subject matter they can consider during the legislative interim committee meetings. In essence, the proposed amendment would revise NRS 218E.615 to grant the Legislative Committee on Education, which is also known as the Interim Education Committee, the power to recommend model guidelines and parameters for existing mentoring programs and recommend a financial plan to sustain existing mentoring programs. Of course, it is very important to note that this would be a voluntary option for organizations to take part in to further expand their efforts and to build capacity. I know this would cause a delay in the way I would like this to go, but I really value mentoring, as do the stakeholders I have spoken to. We would be willing to and would hope the Committee would consider this conceptual amendment, so we could get some sound recommendations and try to move forward in the future.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND
DO PASS ASSEMBLY BILL 205.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Woodbury:

The Department of Education's part of the proposed amendment would no longer be necessary. Assemblyman Thompson will take the floor statement.

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

H. Pepper Sturm, Committee Policy Analyst:

Assembly Bill 328 was sponsored by Assemblyman Elliot T. Anderson and was first heard in this Committee on March 25, 2015. [Read summary of A.B. 328 (Exhibit D).] Assemblyman Elliot T. Anderson has presented a mock-up of Proposed Amendment 6379 that makes this summary not applicable. I will drop down to the mock-up summary at the bottom of the page and the six proposed amendments. [Read summary of Proposed Amendment 6379 (Exhibit D).] There are fiscal notes for this bill.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 328.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:

I worked with the Department of Education and the Clark County School District to resolve all concerns.

THE MOTION PASSED UNANIMOUSLY.

Chair Woodbury:

Assemblyman Elliot T. Anderson will take the floor statement.

Assembly Bill 341: Mandates enhanced screening and intervention for children with certain disabilities. (BDR 34-832)

H. Pepper Sturm, Committee Policy Analyst:

Assembly Bill 341 was sponsored by Assemblymen Ohrenschall, Diaz, Silberkraus, Spiegel, Carrillo, and Senator Ford. It was first heard by this Committee on April 1, 2015. [Read summary of A.B. 341 ([Exhibit E](#)).] Again, a number of items in the summary provided for this bill have been changed by the mock-up of Proposed Amendment 6384 submitted by Assemblyman Ohrenschall ([Exhibit E](#)). The changes are contained within that mock-up. There is a second proposed amendment by Susan Lacey. Committee members Elliot T. Anderson and Stewart suggested revising this measure to create a pilot program for the 2015-2017 biennium focusing on the Zoom schools, utilizing reading specialists and other personnel already in place in those schools. There is a fiscal note for this bill.

Assemblyman Gardner:

I would like to ask Assemblyman Ohrenschall if these are all friendly amendments.

Assemblyman James Ohrenschall, Assembly District No. 12:

They are friendly. As you will recall from the hearing, Ms. Lacey, who is a special education teacher, did present the proposed amendment that was supported by the Nevada State Education Association trying to extend the age to nine years old pursuant to what federal law already permits.

Assemblyman Gardner:

Does that include the idea to conduct a pilot program in 2015-2017 in Zoom schools?

Assemblyman Ohrenschall:

The pilot program was brought up by Assemblyman Stewart in the hearing. I do not believe that was part of Ms. Lacey's proposed amendment. I am not opposed to it, if it is the Committee's pleasure, but I do not believe it is part of the amendment she proposed.

Chair Woodbury:

You preferred not to do the pilot, but you are amenable to it if that is the Committee's pleasure?

Assemblyman Ohrenschall:

That is correct.

ASSEMBLYMAN ARMSTRONG MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 341.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Woodbury:

Assemblyman Ohrenschall will take the floor statement.

Assemblyman Ohrenschall:

Thank you, I appreciate this bill. Ms. Karen Cavallaro, one of the parents, has been working hard with the stakeholders, and we have tried to take the Committee's suggestions, pare it down, and make it less costly. It may not be perfect, but we have a good bill that will help a lot of children.

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

H. Pepper Sturm, Committee Policy Analyst:

Assembly Bill 421 was sponsored by the Assembly Committee on Education and first heard in this Committee on April 6, 2015. [Read summary of A.B. 421 (Exhibit F).] There are proposed amendments. There is a fiscal note for this bill.

ASSEMBLYMAN GARDNER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 421.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Edwards:

I would just like to make sure that the last amendment you were talking about takes the Nevada System of Higher Education (NSHE) out of the Spending and Government Efficiency (SAGE) Commission?

Karly O'Krent, Committee Counsel:

Are you talking about point number 3 in the work session document? I believe the motion was made to just adopt point number 2. Point number 3 would remove NSHE from the study entirely. It would just be K-12 efficiency.

Assemblyman Edwards:

So NSHE is still in unless we adopt number 3 as well?

Karly O'Krent, Committee Counsel:

That is correct.

Assemblyman Edwards:

I would rather have a motion to include number 3.

Assemblywoman Diaz:

If we are to move the bill forward, it would be my preference to also include both amendments 1 and 2.

Chair Woodbury:

We do have a problem with number 1, and I will have Ms. O'Krent explain that.

Karly O'Krent, Committee Counsel:

The issue is that existing provisions in *Nevada Revised Statutes* (NRS) provide that the Director of the Legislative Counsel Bureau can provide administrative support to those commissions in which a legislator is the chair of the commission. If you were to adopt that amendment number 1, we would need to amend that existing provision in NRS, which can certainly be done should you like.

Assemblyman Hickey:

I will be voting against Assembly Bill 421 as it is currently written. I would vote for it if we include point number 2, excluding NSHE. My reasons are that I believe there will be legal challenges by NSHE given their unique constitutional

role in our state. I also think that trying to study two huge systems—both K-12 and higher education—in an interim commission with very little support for travel and those kinds of things is more than we can realistically tackle. I served on interim education committees when we redid performance standards and benchmarks for higher education, and this is more than can be handled. As much as I am in favor of reviewing education, which is very critical, I would also make one more point. The founder of the SAGE Commission, as we heard in public testimony, was against including higher education at the time of the SAGE Commission, but he has also opposed the inclusion of higher education in this particular study. For those reasons, I will not be able to support this bill as currently construed.

Assemblyman Stewart:

I would hope we could exclude NSHE. They already have an oversight with the Board of Regents; I would agree with Assemblyman Edwards. I would vote for it if we excluded NSHE.

Assemblyman Edwards:

With NSHE included, I am going to have to vote against it in Committee, and reserve my right to change it on the floor if it goes out.

Assemblywoman Diaz:

Since my colleagues are bringing up that point, I still need to weigh out the pros and the cons. I will be voting it out of the Committee, reserving the right to change my vote later.

Assemblyman Armstrong:

Ditto.

Assemblywoman Dooling:

Ditto.

Assemblyman Stewart:

Ditto.

Chair Woodbury:

I am accepting the original motion.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, HICKEY,
AND JOINER VOTED NO.)

Chair Woodbury:

Assemblyman Gardner will take the floor statement.

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

H. Pepper Sturm, Committee Policy Analyst:

Assembly Bill 447 was sponsored by the Assembly Committee on Education and first heard in this Committee on April 6, 2015. [Read summary of A.B. 447 (Exhibit G).] There are multiple proposed amendments. There is no fiscal note for this bill.

Chair Woodbury:

As a point of discussion, the discussion we had was to do pass without the amendments and continue to keep the bill alive and continue to work on these difficult issues in the Senate.

ASSEMBLYWOMAN SHELTON MOVED TO DO PASS
ASSEMBLY BILL 447.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:

We obviously have an issue that we have to get right with the performance framework, and I hope we can all get together on this and make sure we have an evaluation system we can be proud of and that will withstand the legal challenges.

Assemblywoman Joiner:

I had not heard the discussion about just using the do pass to get it through. I had hoped that number 3 would be included. I know there are a lot of folks in the Washoe County School District who have worked very hard on that, and for the past four years they have been using a good instrument. I would hope that in future discussions they would definitely have the provisions in their amendment included.

Assemblywoman Diaz:

I really wanted to see the percent figure go from 50 percent to 40 percent, especially as we are rolling into this implementation. It would be a good way to pilot it with a lower percentage, then as we move along, we could come back and reconsider if it really needed to be 50 percent. I hope the Senate does consider and take that into account when it is on their side.

Chair Woodbury:

Remember, Committee, we have to concur with whatever they decide, so we will be working closely with the Senate.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Elliot T. Anderson will take the floor statement.

Assembly Bill 448: Revises provisions relating to education. (BDR 34-746)

H. Pepper Sturm, Committee Policy Analyst:

Assembly Bill 448 was sponsored by the Assembly Committee on Education and first heard in this Committee on March 27, 2015. [Read summary of A.B. 448 ([Exhibit H](#)).] There are proposed conceptual amendments in the mock-up of Proposed Amendment No. 6108. [Read summary of proposed conceptual amendments from Proposed Amendment No. 6108 mock-up ([Exhibit H](#)).] There is a fiscal note for this bill.

ASSEMBLYMAN ARMSTRONG MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 448.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

Assemblyman Munford:

Is this going to include converting the Prime 6 schools into charter schools? It seems like you are talking about converting and changing some of the schools that are experiencing some difficulty.

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

It is possible that some of the Prime 6 schools are in the category that the front of the bill talks about being in the lowest 5 percent of performance if it is an elementary or middle school. If it is a high school, it would have a graduation rate below 60 percent. Some of the Prime 6 schools would qualify under that eligibility, so they could be considered to be placed on the overall list for the executive director and the state board to then decide if they should be converted.

Assemblyman Munford:

I do not know what the reaction of my constituents in that area will be. I do not know if you have spoken with the representative on the Clark County Board of School Trustees, Dr. Linda E. Young. Is she aware of the possibility of this movement taking place?

Dale Erquiaga:

The Clark County School District has testified on this bill. I have not spoken to Trustee Young about the measure.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,
DIAZ, FLORES, JOINER, MUNFORD, AND SWANK VOTED NO.)

Chair Woodbury:

Assemblywoman Dooling will take the floor statement. That is the end of our work session for today. Is there any public comment? [There was none.]

Meeting adjourned [at 6:14 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: April 9, 2015

Time of Meeting: 5:16 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 205	C	H. Pepper Sturm, Committee Policy Analyst	Work Session Document
A.B. 328	D	H. Pepper Sturm, Committee Policy Analyst	Work Session Document
A.B. 341	E	H. Pepper Sturm, Committee Policy Analyst	Work Session Document
A.B. 421	F	H. Pepper Sturm, Committee Policy Analyst	Work Session Document
A.B. 447	G	H. Pepper Sturm, Committee Policy Analyst	Work Session Document
A.B. 448	H	H. Pepper Sturm, Committee Policy Analyst	Work Session Document