

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 7, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:48 p.m. on Thursday, May 7, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Becky Harris, Chair
Senator Scott Hammond, Vice Chair
Senator Don Gustavson
Senator Mark A. Lipparelli
Senator Joyce Woodhouse
Senator Moises (Mo) Denis

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Elliot T. Anderson, Assembly District No. 15
Assemblyman Ira Hansen, Assembly District No. 32
Assemblyman James Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Paul V. Townsend, Legislative Auditor
Jan Brase, Committee Secretary

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OTHERS PRESENT:

Frank Partlow
Daryl Drake
Ray Bacon, Nevada Manufacturers Association
Kevin J. Page, Chair, Board of Regents, Nevada System of Higher Education
Rick Trachok, Vice Chair, Board of Regents, Nevada System of Higher Education
Daniel J. Klaich J.D., Chancellor, Nevada System of Higher Education
Nicole Rourke, Clark County School District
Seth Rau, Nevada Succeeds
Mindy Martini, Deputy Superintendent for Business and Support Services,
Department of Education
Justin Harrison, Las Vegas Metro Chamber of Commerce
Karen Cavallaro
Cheryl Misuraca
Michelle Hillman
Kristina Williams
Susan Lacey
Janet Whitmore
Gwen Niccoli
Kelly McHenry
Lynn Chapman, State Vice President, Eagle Forum
Daniela R. Corral
Letitia Corral
Bonnie Meyers
Johnathan Denwood
Craig M. Stevens, Clark County School District
Lindsay Anderson, Washoe County School District
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Jessica Ferrato, Nevada Association of School Boards

Chair Harris:

I will open the hearing on Assembly Bill (A.B.) 421, which began in the Subcommittee of the Senate Committee on Education just prior to the beginning of this meeting.

ASSEMBLY BILL 421 (1st Reprint): Creates the Spending and Government Efficiency Commission for public education in this State. (BDR S-1083)

Frank Partlow:

I support A.B. 421 and agree with the information presented ([Exhibit C](#)). I was educated at the United States Military Academy and have a master's degree from Stanford University. In 2008, I was asked to serve as executive director of the Spending and Government Efficiency (SAGE) Commission, a privately funded effort to offer practical recommendations for streamlining our State government. The 14 members of the Commission were drawn from the private sector. An effective SAGE commission on education should attempt to duplicate the demographics of the earlier commission. It should include successful non-education customers of Nevada's education systems. Membership of the commission should be a microcosm of Nevada: highly successful men and women of all races and political parties from all parts of the State. There are undoubtedly many qualified educators who might be contributing members, but I recommend a membership of business experts who can evaluate the system from the outside.

Chair Harris:

I understand the recommendation for a membership of business experts. Why not include at least one member from the education community? An insider's perspective might be valuable.

Mr. Partlow:

The SAGE Commission surveyed all State employees and solicited information from a variety of sources. Similarly, an education SAGE commission could request input from educators. My experience in professional organizations has demonstrated that organizations have trouble reforming themselves. The most important consideration in forming a commission such as this is to consider the demographics.

Chair Harris:

Section 1, subsection 3 outlines members' required qualifications. Section 1, subsection 1, paragraph (e) specifies "To the extent practicable, in appointing members to the Commission, the Governor shall ensure that the membership reflects the ethnic, gender and geographic diversity of the State." Though I agree it is valuable to have members with business expertise, a commission comprised entirely of businesspeople is not reflective of a microcosm of Nevada.

Mr. Partlow:

In our experience, government cannot be run like a business. There are many restrictions on government. I agree the membership requirements may be too restrictive, but it is important to remember that people who are very close to the problem cannot always see the solution.

Senator Lipparelli:

Do you view this commission as an encroachment on the duties of the elected members of the Nevada System of Higher Education (NSHE) Board of Regents (Regents)? Do you expect to engage them in the process?

Mr. Partlow:

If the commission needs information or input, I would encourage the members to reach out to the Regents. The intent is to work collaboratively in identifying problems and solutions. Members whose backgrounds are outside of education will ask questions that might not be asked by educators.

Senator Lipparelli:

What would those different questions be? There are many people in the higher education system asking important questions and working to improve the system.

Mr. Partlow:

One question, are taxpayers getting what they pay for, and if they are not, why not?

Senator Lipparelli:

Is it your argument these questions are not being asked by the Regents?

Mr. Partlow:

I would argue it is important to consider all aspects of the education system and that the assessment and perspective of individuals who are outside the system are valuable.

Assemblyman Hansen:

I would emphasize this process is advisory in nature. There is no intent to completely revise or eliminate any system. Many improvements in our State's government have occurred because the Legislature authorized outside studies and invited recommendations.

In response to Senator Lipparelli's question, I would suggest it is very difficult to reform internally. The Regents are asking questions and considering problems, but they have been working on many of the same issues for a long time without finding solutions. An advisory evaluation from a group of experts outside the system would be invaluable.

Senator Denis:

Many of the suggestions from the SAGE Commission have been implemented; others are in process. State government is meant to work incrementally. Would it make sense to complete this process first?

Assemblyman Hansen:

Yes, legislation has been suggested and improvements made based on the SAGE Commission recommendations. However, SAGE Commission members were specifically informed not to discuss education. We are suggesting a review of the remaining 50 percent of the State's budget. Future legislators will benefit.

Daryl Drake:

I support A.B. 421 and have submitted written testimony ([Exhibit D](#)), which outlines my background and my interest in reforming our State's fiscal policy. It is appropriate and timely for us to address education funding during this Session. As spending on education increases, taxpayers need to be assured the funds are spent wisely and efficiently.

In considering the scope of the bill, I disagree with the sponsor in one respect. From my knowledge of the differences between prekindergarten through Grade 12 (preK-12) and higher education in terms of governance, administration, accountability and academic standards, assessments and other issues, I submit that combining both levels of education is ill-advised. Higher education is so significantly different from elementary and secondary education that a separate effort should be made to review them. I fully support convening a NSHE SAGE Commission once we have completed a preK-12 SAGE Commission. The NSHE may decide to form an independent group to support its own reform efforts.

I agree with the importance of a membership of business experts, but members should also have knowledge of current education practices and the evolution of the system. The key to the success of the commission will be the membership.

Ray Bacon (Nevada Manufactures Association):

I had the opportunity to testify before the SAGE Commission. There had long been an understanding in the State of the need to expand the manufacturing base and create long-term stable jobs. We have seen progress recently with several manufacturing firms locating in Nevada. I was appointed to the Education Reform Blue Ribbon Task Force (Task Force) in 2010. It is significant that two members of the Task Force are now members of the State Board of Education (SBE). Elaine Wynn is President and Allison Serafin is Vice President of the Board, and there have been significant improvements in the efficacy of the Regents' meetings.

There is room for improvement in both higher education and preK-12. We are concerned about the quality of kindergarten through Grade 12 students who enter the university system. However, we still do not produce the number of mathematics, science and career and technical education teachers needed in this State. This is where we see the jobs of the future.

I expect this Committee will recognize this issue. We are only now creating a program to assist mathematics, science and engineering college students to work toward a teaching certificate as part of their courses of study.

This commission will not be perfect, but it is a step in the right direction.

Kevin J. Page (Chair, Board of Regents, Nevada System of Higher Education):

The Nevada System of Higher Education opposes A.B. 421 and the intent to create a higher education SAGE Commission. We have submitted two letters detailing our opposition ([Exhibit E](#) and [Exhibit F](#)). In summary, our objections are based on our view that the legislation as it applies to NSHE is unnecessary and inappropriate. The goals of the proposed commission are to recommend ways to reduce costs, to find efficiencies and to improve education. I would argue this work has been done in connection with the revision of the formula for funding higher education. The Committee to Study the Funding of Higher Education was authorized by Senate Bill (S.B.) No. 374 of the 76th Session. Legislators, the Regents, representatives of the Governor's office, faculty and students agreed upon clear metrics for determining the expected performance and efficiency of the system. The metrics are based largely upon completions of degrees and certificates with emphasis on at-risk students and alignment of higher education

with the State economic development plan. Attached to our written testimony are tables reporting NSHE performance with respect to these areas.

It is clear the system is exceeding a majority of the agreed-upon metrics, including numbers of graduates. The work proposed by A.B. 421 has been done and performance is ongoing.

Rick Trachok (Vice Chair, Board of Regents, Nevada System of Higher Education):

Assemblyman Hansen suggested higher education was excluded from the SAGE Commission. Bruce James was chair of the SAGE Commission. He has submitted a letter ([Exhibit G](#)), which I will summarize. In 2010, he had lengthy conversations with Governor Jim Gibbons who wanted to include higher education within the scope of the study. Mr. James disagreed because of the unique nature of higher education governance. This assessment was based on Mr. James' experience as a trustee and Chair of the Board of Trustees of the Rochester Institute of Technology, one of the largest private research universities in the Country. Mr. James goes on to say he has had the opportunity to work with the Regents and the chancellor of the NSHE, and they are performing well the jobs they were elected to do. He urges the Committee to delete the NSHE from A.B. 421.

The 13 members of the Board of Regents elected by voters are members who are outside the education field, as suggested by this legislation. Members work every day to improve the education system and do not lack in reform efforts. We have turned the system upside down to ensure we improve efficiencies. Many of the issues raised by former Indiana Governor Mitch Daniels in a recent *Wall Street Journal* article are being addressed in Nevada. In fact, some are included on the Regents' agenda in June 2015.

I agree with Mr. Drake's assessment that higher education should not be included in this legislation. The NSHE frequently requests independent reviews. Mr. James has provided a lengthy and detailed report of our community college system. We have been actively pursuing and implementing his recommendations. Any study by a higher education SAGE Commission would be duplicative.

We have centralized the administrative functions. We have instituted a new tuition and fee policy. We have implemented a requirement for our northern

community colleges to collaborate in the use of administrative services. We have improved alignment of our programs with the State's economic development plan. In partnership with the Legislature, we have created a system within a system for our community colleges. A special committee of the Regents focuses solely on the community colleges. Each community college has created a community advisory committee to respond to local workforce needs. This is just a partial list of programs meant to improve efficiencies. They have been implemented during a time when our budget has been reduced by 30 percent. Our enrollments have increased and our graduation rates have increased. We have accomplished more with reduced resources.

There is no reason to believe a group of individuals with no background, history or expertise in administering higher education institutions could bring significant value to the effort of improving the system. On the contrary, it is likely our forward progress would be impeded, as our limited staff would be required to spend valuable time responding to outside requests.

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

I proudly served as cochair on Governor Gibbons' Task Force. I continue to be committed to reform. We engage our communities extensively. We rely on community input from college advisory boards, accreditation advisory boards, and the community college advisory boards among others.

It is important to raise the question of the constitutionality of this legislation. The Nevada Supreme Court in *King v. Board of Regents*, 65 Nev. 533, 200 P.2d 221 (1948) established the Regents as the exclusive authority with respect to higher education. This does not divest the Legislature of its authority prescribing duties of the Regents. The court dealt with the question of advisory committees and found the Legislature had overstepped its authority. Details of the court's decision are outlined in [Exhibit E](#).

We are confident we are good partners with the Legislature and disagree with the notion it is not possible to reform from within because we think we have an excellent record of reform. We look forward to being completely transparent about our efforts.

Nicole Rourke (Clark County School District):

The Clark County School District (CCSD) is neutral on A.B. 421 because while we support accountability, the bill replicates the work already being done by our

district and the numerous boards, commissions and committees in existence. In 2013, we launched “Open Book” to make our financial information available to the public. For many reasons, we have published our comprehensive annual financial report, but we wanted to create an interactive interface. This allows members of the public to explore the budget. Available at <<http://openbook.ccsd.net>>, this Web-based set of interactive tools has brought greater financial transparency to our district. Open Book represents an innovative step by CCSD to report the use of tax dollars in a clear and transparent fashion to the public. In May of 2014, in an effort to continue the work and evaluate the return on investment, Superintendent Pat Skorkowsky formed the Superintendent’s Executive Advisory Group to ensure every dollar counts. This public/private partnership is unprecedented in Nevada and includes representatives from the Las Vegas Metro Chamber of Commerce, the Las Vegas Global Economic Alliance, Wells Fargo Bank, United Way, the City of Henderson, Nevada Succeeds and many others. Our goal is to demonstrate every dollar makes a difference in the lives of students. With the aim to improve efficiency and customer satisfaction, the group formed three subcommittees to evaluate the expenditures and performances of schools’ academic programs and departments.

The school comparison study is the first of its kind. It compares two existing pieces of data, school expenditures and school performance. We look forward to sharing the results with the Legislature. This has been an effort to bring outside business perspectives into an evaluation of the CCSD.

Finally, we question how the work of an education SAGE commission fits with the deconsolidation bills presented this Session. All of these efforts to review and potentially revise district operations will require an enormous effort and input by school districts. Many new programs will require plans, budgets and evaluations. Our staff will be very busy.

Seth Rau (Nevada Succeeds):

Nevada Succeeds is neutral on A.B. 421 because we can see ways the bill could be improved. Nevada Succeeds has been working with the CCSD on a return on investment study. The group has produced results, as will be obvious in the coming months. The SAGE Commission was not authorized by an act of the Legislature. There are many important efforts to improve education.

The goals contemplated in A.B. 421 might be incorporated into Governor Brian Sandoval's Governor's Business Roundtable for Education Policy Reform, which will begin meeting following the 78th Session.

Assemblyman Hansen:

I would like to address the objections raised to A.B. 421. The Legislative Counsel Bureau has determined A.B. 421 to be constitutional. The Regents are elected, as are members of our local school boards. We are suggesting an evaluation, which is advisory in nature, and no changes will be made without going through the legislative process. We do not anticipate burdening school districts' staff members with requests for information.

I would be open to forming separate commissions, one to study preK-12 and another to study higher education, which would first report to the Regents and then to the Legislature. Nothing in A.B. 421 requires that action be taken on any recommendation. The CCSD argues they are making serious efforts at reform and yet our spending is increasing and test scores are declining. It is time to look outside the internal attempts to determine the source of the system's problems.

The Task Force was successful, but did not complete an examination of the system's finances. The Task Force members would agree it is important to continue studying education. In my own business, I would appreciate an evaluation by independent, outside advisors. This commission will be formed and function at no cost to the taxpayers. Our focus should be on improving performance for our students. We should be eagerly engaged in any effort to do this.

Chair Harris:

I will close the hearing on A.B. 421 and open the hearing on A.B. 278.

ASSEMBLY BILL 278 (1st Reprint): Revises provisions governing class-size reduction. (BDR 34-749)

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

Assembly Bill 278 addresses class-size reduction (CSR). Nevada has had a program in place since 1989. The program was designed to reduce pupil-to-teacher ratios in classrooms to not more than 15 pupils to each teacher in kindergarten through Grade 3. Assembly Bill No. 2 of the 27th Special

Session established new reporting requirements related to pupil-to-teacher ratios. Assembly Bill 278 creates a new section in *Nevada Revised Statutes* (NRS) chapter 388 that requires the Nevada Department of Education (NDE) to develop policies and procedures to monitor CSR by school district.

Paul V. Townsend (Legislative Auditor):

The Committee has received the Performance Audit, Department of Education, 2014 ([Exhibit H](#)). The report is concerned with teacher licensure and review of CSR oversight. As reported on page 19, controls over the CSR plan can be improved. Plans required by statute were not submitted by school districts. There is a requirement for each school district to develop a plan to reduce the district's pupil-to-teacher ratio in certain grades and then submit the plan to the Board. The NDE has been receiving quarterly reports, which were considered to be sufficient to meet the requirement because the reports included space for brief descriptions of the plans. As we reviewed the responses outlined on page 20, we found the descriptions were very brief and did not address all of the statutory requirements. For example, State law lists specific items that must be included in a district's plan. The Board must develop data that will be used by districts to monitor each plan and then report to the Board. Each school district must demonstrate its method for reducing pupil-to-teacher ratios within the limits of available funding. None of the 17 school districts has met this requirement. On page 21, we note that counties with populations less than 100,000 are allowed to develop alternative plans. Alternative plans allow higher ratios in the lower grades, but must demonstrate fiscal neutrality and not be more expensive than the standard CSR plan. None of the five districts with alternative plans has met the reporting requirement. The NDE could provide districts with additional guidance on developing plans as outlined on page 22, where the need for better monitoring of CSR reports and variances is discussed.

During the economic downturn and with the reduction of department budgets, the Legislature in the 26th Special Session enacted provisions providing additional flexibility. Districts were given the opportunity to increase ratios by two students in Grade 1 and Grade 2 with several requirements, including ensuring funds saved would be used to minimize the impact of budget reductions in Grades 4 through 12. The statute also included reporting requirements, which were not met by school districts.

Pages 23 and 24 outline reports and variance requests from school districts. They are required to be submitted to the NDE, where they are summarized and

submitted to the Board and the Interim Finance Committee. We found these reports were often incomplete and sometimes had errors.

On page 25, we note the process for distributing the CSR funds. The NDE was responsible for distributing a budgeted amount of more than \$381 million in fiscal year (FY) 2014-2015. Determining the amount allocated to each district is a complicated process and involves calculations from many sources. We found the process was completed by one staff member without review or supporting documentation. We also noted the need for improved communication with school districts, especially regarding proper spending of funds, the number of teachers expected to be employed with the CSR funds and the average teacher salary used to calculate costs. The CSR distributions and minimum number of teachers funded for FY 2014 are outlined on page 26. Our auditors found not all districts were aware of this information.

On page 28, we have outlined recommendations relative to the audit. Many of the recommendations are repeated in A.B. 278. It should be noted, the NDE is making progress and improvement in all areas since this report was issued.

Chair Harris:

Has a CSR variance ever been denied? If not, why is it necessary to apply for a variance?

Mr. Townsend:

My understanding is variances are routinely approved. There are two components required to apply for variances; a report generated to recognize the locations requiring variances and a means of measuring the district's progress against the CSR plan.

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

The Department of Education supports A.B. 278. We appreciate the audit findings and have made significant progress addressing accountability. The Board has included recommendations from the audit on each agenda for many months. During the last meeting, CSR variances were reviewed. Three sets of CSR plans and the accompanying variances were denied and will be resubmitted. We are able to sort the variances by achievement and by school. For example, some school districts' plans preclude variances for 1- and 2-star

schools. For the first time, we are conducting a complete review of school districts' plans and requests for variances.

Justin Harrison (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce supports A.B. 278. Class-size reduction has long been a priority of the Chamber. We appreciate the accountability measures included in the bill.

Chair Harris:

We will close the hearing on A.B. 278 and open the hearing on A.B. 328.

ASSEMBLY BILL 328 (1st Reprint): Revises provisions relating to certain hearings concerning pupils with disabilities. (BDR 34-620)

Assemblyman Anderson:

Assembly Bill 328 received unanimous support in the Assembly. The bill specifies that whenever a due process hearing is held pursuant to the federal Individuals with Disabilities Education Act of 1990 (IDEA) for the identification, evaluation or disciplinary action of a public school student with a disability, the superintendent of public instruction is required to select a hearing officer. The selection shall be based on a random-rotational or other impartial basis from a list of qualified hearing officers maintained by the NDE. For school districts with more than 50,000 pupils enrolled, the CCSD and the Washoe County School District (WCSD), the hearing officer must maintain a place of business in the school district to the extent it is practicable.

The bill requires the local education agency involved in the complaint to pay the cost of the hearing. Procedures must be in place to avoid the appearance of a conflict of interest in the way the funds pay for the hearing. In order to remain on the list maintained by the NDE, the hearing officer must receive training concerning laws relating to special education, hearing procedures and writing decisions. A minimum of 40 hours of training is required, which must include at least 24 hours of training in laws relating to special education. Finally, section 2 of A.B. 328 requires the NDE to post information relating to due process hearings on its Website. The requirements are in conformance with federal laws requiring each state to provide a procedural safeguard notice in an easily understandable manner.

I support this bill because it is a measure establishing a process that will assure participants of procedural justice. Procedural justice is the sense of having been given a fair opportunity in the hearing process. Assembly Bill 328 is designed to put procedures in place to avoid the appearances of conflicts of interest. If a hearing officer is an employee of the school district, parents may believe they are not receiving fair treatment. Our goal is to have hearing officers who have experience in students' communities and understand their struggles.

Many of these cases are eventually litigated. If we can give families the sense they have been treated fairly, they may be more likely to accept the decision. I have worked with the NDE and am confident the Department supports A.B. 328. The CCSD was concerned about having an adequate number of hearing officers in residence. Language was added to the bill that has allayed its concerns.

Senator Lipparelli:

Will the redacted results of these hearings be published? It might be useful for the public or others who are in the hearing process.

Assemblyman Anderson:

I would be open to language allowing for publication, but would like to have conversations with the NDE and the public school districts for details and feedback.

Chair Harris:

I am also concerned about the perceived impartiality of the hearing officers. I would be interested in knowing how the list of hearing officers is compiled and how it is made available. I would also request we continue the conversation with the NDE regarding the importance of the appearance of impartiality in the hearing process.

Assemblyman Anderson:

I agree and know that Superintendent Dale Erquiaga has been a champion of special education. I initially considered drawing hearing officers from the Department of Administration, but it may not be allowable under the IDEA. We can continue to have the conversation.

Ms. Rourke:

The CCSD is neutral to A.B. 328. This bill codifies the current process. Hearing officers are paid by the District. It is my understanding this is a federal requirement. I will research it and provide more information. We will also explore the possibility of publishing details of the hearings. These are sensitive issues, and we want to ensure confidentiality. It is important to have hearing officers who are experienced, although we appreciate the training element for new officers.

Chair Harris:

We will close the hearing on A.B. 328 and open the hearing on A.B. 341.

ASSEMBLY BILL 341 (1st Reprint): Revises provisions relating to pupils with disabilities. (BDR 34-832)

Assemblyman James Ohrenschall (Assembly District No. 12):

Assembly Bill 341 addresses the important issues of dyslexia and multi-sensory reading therapy.

Karen Cavallaro:

I support A.B. 341 and have submitted written testimony ([Exhibit I](#)). When you hear children have dyslexia, you might think they reverse their letters or cannot read at all. Dyslexia is a neurological brain difference making learning to read, write and spell difficult. Children are not using the language center of their brain. Children with dyslexia have a hard time digesting the individual sounds of words and cannot manipulate those sounds to understand patterns in words. Only approximately 20 percent to 30 percent of dyslexics actually reverse letters when they are reading or writing. The common myth is that dyslexia is just a vision problem, but it is not. Dyslexia is a language disability. The word "dyslexia" means trouble with language.

Dyslexia is a genetic condition and is found in all ethnic backgrounds. It occurs on a continuum from mild to moderate to severe to profound. The earlier a child struggles to read, the more profound the condition. Only one in ten children with dyslexia is referred for testing. Most children with dyslexia can read to a certain extent, but it is not until Grade 3 their disability becomes apparent. Unfortunately, teachers are not trained to recognize the warning signs. If a child meets the criteria for special education, many times the child's specific needs are not met in the system. In Nevada, 28 percent of children who are in special

education graduate from high school and 80 percent receive reading intervention.

Dyslexia is the most researched and most prevalent learning disability, and yet there is a large gap between what science and research tell us and what actually happens in schools. For example, I recently met with the family of a boy who is in first grade. His mother, father and older sister have been diagnosed as dyslexic. He has a speech Individualized Education Program (IEP) and is reading below grade level needing immediate, intense intervention. He is not even on the teacher's radar. His family history and language disability should be sending off alarm bells, but he has not been assigned for small group instruction, been referred to Response to Intervention or been referred for assessment. Typically, students with this profile are not referred for services until Grade 3. We wait to see these children fail before we intervene. This would put them at risk of being held back in school under Governor Brian Sandoval's Read by Three initiative. We need to change the way we teach children with dyslexia.

Reading specialists with master's level training are not taught what dyslexia looks like or how it is remediated. I work with parents who are dyslexic themselves and do not recognize the condition in their own children. In fact, it is not uncommon for parents to learn they are dyslexic when their children are struggling to read. There is a large amount of scientific research telling us the major reason for children's struggle with reading is dyslexia. These children do not have access to the language center of the brain in order to process language at the written level. We still have educators who resist this evidence. They say dyslexia is a medical diagnosis and they do not deal with it. They suggest that parents continue to read to their children, who will eventually catch on. They argue that dyslexia is not a federally recognized issue. It is not in the Nevada education code. In fact, dyslexia is a federally recognized disability under the IDEA and children qualify for special education services under the term "specific learning disability."

I have two children with dyslexia. My son was formally diagnosed at the end of second grade. I paid for outside testing after years of teachers telling me they did not understand how such a bright student was struggling. When I took the diagnosis to the school, I could not get the appropriate reading intervention. I researched and advocated for my son, but there are very few resources or experts available to help dyslexic children. The paucity of resources combined

with the lack of awareness is alarming. As a result of my research, I have been trained as tutor.

I support A.B. 341 because there are so many children in our State who are undiagnosed and never receive help. These stories are not rare. During the Assembly Committee on Education hearing on A.B. 341, the room was filled with people who wanted to share their stories. Their stories are all similar: the signs of dyslexia were there, no one saw them and parents have had to look outside the schools for assistance. This is a lack of awareness; there are funding issues, and teachers are restricted by procedures. Teachers are eager for information and training.

We know how to help these children, but the knowledge has not filtered down to the education community. In 1984, the State of Nevada Legislative Commission studied dyslexia. The Commission findings and recommendations are included in A.B. 341. Everyone here recognizes the stakes and the consequences of continuing low reading statistics. We will not solve the problem of low reading scores by retaining children who are not reading at grade level. The science and research support identifying children with dyslexia early and providing them with correct interventions. This is the most effective way to teach all students to read. This bill, properly implemented, can have a significant impact on our literacy statistics.

Dyslexic children can read if given the appropriate intervention. They are among the best and brightest students in our schools. Albert Einstein, Thomas Edison, Walt Disney and many other successful people were dyslexic. Awareness is essential. We risk losing future scientists, scholars, inventors and teachers when we are not able to identify and treat dyslexia.

Cheryl Misuraca:

I support A.B. 341 and have submitted written testimony ([Exhibit J](#)). I have outlined the difficult process of finding help for a child who struggles with dyslexia. My son, Ryan, has always had difficulty in school. We paid for tutoring, though he did not improve. He was assessed at school with a specific learning disability and was given an IEP. He tested above average for intelligence, but was assigned to special education classes for part of his school day.

I contacted a parent organization, Nevada Parents Educating Parents. I took some classes because I wanted to understand why he could not learn. Through these efforts, I learned Ryan had dyslexia. The CCSD does not diagnose but only assesses for services. We had Ryan tested in California, and they found he had severe dyslexia and moderate dysgraphia which is difficulty with writing. We submitted the written report to the CCSD and implemented their recommendations into his IEP. The school was very cooperative, but we had to spend more than \$15,000 for private tutoring. I am certain that without our sacrifices and intervention, our 15-year-old son would be illiterate today.

Ryan is a freshman at Palo Verde High School. He has to work harder than other students do, but will be in all general education classes and is on a college track. We are optimistic and proud of Ryan. Assembly Bill 341 will not necessarily help my son, but I am here in support so families who do not have the resources to recognize and obtain independent dyslexia-related assistance can take advantage of the provisions of this bill.

Once identified there are ways to overcome dyslexia, but if we are not even screening for it, our children and educators will fail.

Assemblyman Ohrenschall:

Sections 8 and 9 of A.B. 341 require the board of trustees of the governing body of a charter school or of a school district serving students in kindergarten through Grade 3 to prescribe an early literacy screening assessment to students who have indicators of dyslexia and may need intervention. The assessment will be administered to students who have been identified by a trained professional. Treatment will be through a scientific, research-based intervention system of instruction.

Section 11 outlines the instructional approaches that must be used when developing an IEP for students with dyslexia. Section 13 requires the NDE to designate at least one employee to receive training on effective intervention for students with dyslexia. Additionally, school districts and charter schools must designate one employee at each school with students in kindergarten through Grade 3 to receive professional development on methods of recognizing indicators for dyslexia and the scientific research-based interventions.

Section 14 requires the NDE to develop a dyslexia resource guide to help schools identify and provide dyslexia intervention. Section 16 requires minimum

standards prescribed by the SBE for students with dyslexia to receive certain instruction.

The CCSD has proposed an amendment to remove training in dyslexia as a prerequisite for teachers' licensure ([Exhibit K](#)). We understand the hardship the District is facing, and we consider this a friendly amendment. We hope this will be included in future legislation.

Chair Harris:

Assemblyman Ohrenschall, you and I have discussed the ways A.B. 341 and S.B. 391 relate to each other.

[SENATE BILL 391 \(1st Reprint\)](#): Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

Section 13 of A.B. 341 requires professional development training. In S.B. 391, we contemplate each school will have a literacy specialist or learning strategist. Would you consider designating this specialist as the person who would receive training in dyslexia?

Assemblyman Ohrenschall:

Yes, S.B. 391 is the Read by Three bill. The bills complement each other. The learning strategist would need to have professional development in detecting indicators of dyslexia, but it would be an excellent way to combine efforts.

Chair Harris:

This would be an ideal way to support the Read by Three goals and to address the treatment of dyslexia properly.

Senator Hammond:

Section 9, subsection 3, paragraph (a) of A.B. 341 references a "norm-referenced test." Are there tests directed specifically toward dyslexia? Do you think the section should be more specific?

Ms. Cavallaro:

Yes, there are specific norm-referenced tests for dyslexia. One is known as the Comprehensive Test of Phonological Processing (CTOPP), which specifically targets the phonological weakness and the condition known as rapid

automatized naming. Other dyslexia screeners like DIBELS are available, but the CTOPP is the most specific.

Michelle Hillman:

The stories of children's struggles and the pain are very similar. My son is in tenth grade at Douglas High School and has dyslexia. He is a typical dyslexic student. His intelligence quotient (IQ) is in the superior range, reading in the seventh percentile, spelling, written expression and written language in the first percentile. We met with reading specialists and teachers who had not been able to identify his problem.

When he was in Grade 5, I did some research and came to the conclusion he had dyslexia. Our school's IEP team told me the condition was not recognized and instruction would not be differentiated. The principal explained that in education the symptom is treated, not the underlying issue.

For years, my son was bullied and wanted to leave school. He had thoughts of suicide. With one-on-one help, he has improved though he still struggles with reading and writing. He challenges himself to take difficult classes, has a 4.0 grade point average and participates in sports.

One in five Americans are functionally illiterate. More than half the prison population and 80 percent of the learning-disabled population is dyslexic. Children diagnosed with dyslexia can be taught to read if they are given specific, comprehensive and intensive instruction. It needs to be delivered by a teacher trained in a method that is direct, explicit, systematic and multi-sensory.

Kristina Williams:

I have submitted written testimony ([Exhibit L](#)). I am a teacher and a parent of a dyslexic child. I drove here from Las Vegas because I wanted to voice my support for A.B. 341 in person. As a first grade teacher, I found that several students despite all of our efforts could not understand reading concepts. I made it a life-long project to find out why bright students with supportive parents and dedicated teachers could not learn to read. I returned to school and tried to improve my understanding of the teaching process. I earned a master's degree in special education, but in my instruction, I never heard the word dyslexia. I never found the answer to my question during my formal instruction. It was through my personal research that I learned about dyslexia. I learned about the importance of specific, systematic, incremental and multi-sensory

instruction. There is a known method to intervene successfully. My son is dyslexic, and I am his tutor and coach.

Assembly Bill 341 and S.B. 391 are companion bills. It is essential to pass both bills. Without addressing dyslexia, we will penalize students who do not learn to read by Grade 3 because we do not teach them and not because they are not trying or capable.

Susan Lacey:

I am a special education teacher in Douglas County. I have been a teacher for 32 years, and 23 of those years have been in special education. I also serve on the response intervention team at our school. Upon hearing about A.B. 341, I learned more about dyslexia than I had in all my years in education. I did not know about specific screenings and curriculum for dyslexic students. I began to understand the reasons for some of my students' challenges. I support A.B. 341. It will open doors to helping many children who have been lost in the education system.

Janet Whitmore:

I am the director of two volunteer reading programs. I am a retired schoolteacher and a reading specialist. During my training, I did not learn about dyslexia or about the method of teaching reading from the beginning. I train adults to teach students with dyslexia. The system we use is meant to teach dyslexic parents to tutor their dyslexic children. It is a simple method requiring little training. My vision is to place volunteer tutors in schools to support school districts' efforts.

Dyslexia is expressed in a variety of ways. No two dyslexics are the same and it is difficult to develop uniform plans for intervention. Self-esteem is a serious problem for these children, and I support A.B. 341.

Gwen Niccoli:

I have two children who are dyslexic. I want to stress the importance of early screening and appropriate evidence-based intervention. With this process in place, students will only need accommodations rather than special education services. I support A.B. 341 because it will save money and preserve our students' self-worth and self-esteem.

The majority of dyslexics have average to superior IQs. They can mask their struggles for the first few years of school, but by Grade 3, it becomes very difficult. The notion of holding dyslexic children back in Grade 3 because they cannot read at grade level would be a severe disservice. Assembly Bill 341 would assist in teaching teachers and administrators to properly target and remediate struggling students, and students would not lose the most important years of their education.

Both of my children have improved with an evidence-based program. Within 6 months they have improved one full grade level. Passage of A.B. 341 will help other families so they will not have to endure the pain our family has experienced.

Kelly McHenry:

I am a teacher and I have a master's degree in special education. I am a trained evidence-based specialist in dyslexia. I am dyslexic and understand the sense of shame dyslexics feel. I am here because of my daughter, who is dyslexic.

There are two CTOPP tests, one for 4- to 7-year olds and one for 7- to 24-year olds. It takes 40 minutes to administer and certification is not necessary. The test's user manual includes instruction for identifying the three hallmarks for dyslexia and for administering systematic instruction. We have successfully used this system and can see the importance of identifying dyslexia early.

Senator Hammond:

Is this the only test or diagnostic tool used to recognize dyslexia?

Ms. McHenry:

This is a standardized test and one of the tests used to screen for a diagnosis of dyslexia.

Lynn Chapman (State Vice President, Eagle Forum):

The Eagle Forum supports A.B. 341, but we were concerned when the original version of the bill required screening of all students. After discussion with the sponsor and several parents, we are confident this bill will help dyslexic students.

Chair Harris:

To clarify, S.B. 391 will require screening of every student for literacy. Assembly Bill 341 would focus on students who have been identified for possible problems.

Daniela R. Corral:

I support A.B. 341. School has been difficult for me. Some teachers thought my problems with learning were because English is not my first language. My mother disagreed because she knows I speak English well. I was diagnosed with dyslexia. With help and tutoring, my test scores and reading ability have improved.

Letitia Corral:

I am Daniela's mother and I have two other children with dyslexia. It is much more common than many people realize. Students whose first language is not English are many times misdiagnosed when they have problems with learning. Every year, I was told Daniela was having difficulty because of "language confusion." I knew this was not true.

My younger daughter's school report states, her learning is inconsistent, she has regressed in reading although she has learned a few more letters, sounds and sight words. She can sing the alphabet, but does not recognize the letters in writing. Assembly Bill 341 would be a help to all of our families.

Bonnie Meyers:

I am a reading specialist with an emphasis in dyslexia. I support A.B. 341. Identifying students with dyslexia is essential. I have been volunteering in an elementary school and work with 4 children from a classroom of 18. We have been making progress, but I am not getting support from the school's administration. The principal told me the students are reading at grade level, they do not have dyslexia and there is no problem in the school. There is a serious lack of awareness about dyslexia. Students who are not diagnosed and not trained will spend a lifetime trying to learn to read.

Johnathan Denwood:

I support A.B. 341. I am an adult dyslexic. We continue to apply the same failed solutions to our problems. The education system in Nevada must recognize the need to change some teaching methods if we expect better results.

Craig M. Stevens (Clark County School District):

The CCSD has offered an amendment to A.B. 341, [Exhibit K](#). The amendment strikes the new language in section 17. Our goal is to ensure licensure for educators. The bill as written would allow us to hire from only a very small pool of educators. We are hoping to be able to provide professional development to teachers who may not have the required credentials.

Chair Harris:

The sponsors of A.B. 341 have identified the CCSD amendment as friendly. Would you consider designating the learning strategist required in S.B. 391 as the person who would receive training in dyslexia?

Mr. Stevens:

Yes, A.B. 341 and S.B. 391 are excellent companion bills. We support the section requiring the NDE to determine the way learning strategists are trained and the professional development process. Section 16, subsection 6 requires the Board provide a minimum standard of identifying the characteristics of dyslexia. Having standards in place will help identify an assessment. The CCSD looks forward to working with the NDE, so we know what we are looking for with regard to dyslexia and other learning disabilities.

Lindsay Anderson (Washoe County School District):

The WCSD is neutral on A.B. 341. We support the CCSD amendment. We support the policy, but are generally opposed to unfunded mandates. There may be additional resources needed for professional development and student screening. The Committee might consider this in their decision.

Mary Pierczynski, Ed.D. (Nevada Association of School Superintendents):

The Nevada Association of School Superintendents is neutral to A.B. 341 and supports the CCSD amendment.

Jessica Ferrato (Nevada Association of School Boards):

The Nevada Association of School Boards is neutral to A.B. 341. We would request the fiscal committees evaluate the bill if there is a fiscal impact. We support the CCSD amendment.

Chair Harris:

With respect to S.B. 391, the enforcement of the retention process will be delayed by 4 years in order to solidify all of the elements of the Governor's

education plan. In this way, we can be certain to support all students. I want to emphasize that students who struggle with dyslexia are not in danger of being retained next year. We want to serve students in a thoughtful, comprehensive way that is not punitive.

Chair Harris:

We will close the hearing on A.B. 341.

Ms. Rourke:

This is Teacher Appreciation Week. Every year during this week we recognize seven new employees as new educators of the year: Tim Thompson, science teacher, James Cashman Middle School; Kevin Grimm, physical education teacher, Will Beckley Elementary School; Stephen Bock, science teacher, Mojave High School; Dana Wynne, special education teacher, Nate Mack Elementary School; Jessica Flynn, fifth grade teacher, C. T. Sewell Elementary School; Courtney Floth, second grade teach, Edna F. Hinman Elementary School and Katherine DeSimone, Southeast Career and Technical Academy.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 6:30 p.m.

RESPECTFULLY SUBMITTED:

Jan Brase,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
A.B. 421	C	10	Assemblyman Ira Hansen	Sage Report Handout
A.B. 421	D	2	Daryl Drake	Written Testimony
A.B. 421	E	9	Kevin J. Page / Nevada System of Higher Education	Written Testimony
A.B. 421	F	13	Daniel Klatch / Nevada System of Higher Education	Letter
A.B. 421	G	2	Rick Trachok / Nevada System of Higher Education	Letter of Opposition, Bruce James
A.B. 278	H	46	Assemblyman Elliot Anderson	LCB Performance Audit
A.B. 341	I	3	Karen Cavallaro	Written Testimony
A.B. 341	J	3	Cheryl Misuraca	Written Testimony
A.B. 341	K	1	Craig Stevens / Clark County School District	Proposed Amendment
A.B. 341	L	2	Kristina Williams	Written Testimony