

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 21, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 5:06 p.m. on Thursday, May 21, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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
Senator Tick Segerblom

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Betty Kaminski, Committee Manager
Beth Ann Reykers, Committee Secretary

OTHERS PRESENT:

Mark A. Hutchison, Lieutenant Governor
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education
Andrew Diss, Students First
Tray Abney, The Chamber
Christine Simo
Marsha Irving, Clark County Black Caucus
Seth Rau, Nevada Succeeds

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Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Lonnie Shields, Nevada Association of School Administrators
Yvette Williams, Chair, Clark County Black Caucus
John Vellardita, Nevada State Education Association
Theo Small, Vice President, Clark County Education Association
Erik Smith, Clark County Education Association
Ruben Murillo, Jr., President, Nevada State Education Association
Michelle Kim, Director of Advocacy and Representation, Clark County Education Association
Angie Sullivan
Chelli Smith, Southern Nevada Regional Professional Development Program
Joyce Haldeman, Clark County School District
Jessica Ferrato, Nevada Association of School Boards
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Pam Salazar, Ed.D., Chair, Teachers and Leaders Council of Nevada
Sandi Herrera, Got Core Values
John Eppolito, Nevadans Against Common Core

Chair Harris:

I have Senate Amendment No. 906 to Assembly Bill (A.B.) 328 for your review ([Exhibit C](#)).

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

The Committee considered a conceptual amendment regarding hearing officers for pupils with disabilities. As we were drafting the amendment, the language seemed vague. We included a more detailed process with time lines in the amendment before you. I wanted you to be aware of the changed language. Are there any questions or comments?

With the Committee's approval, we will report this amendment to the Senate Floor immediately.

I will open the hearing on Senate Bill (S.B.) 92.

SENATE BILL 92: Revises provisions relating to personnel of public schools. (BDR 34-485)

Mark A. Hutchison (Lieutenant Governor):

Senate Bill 92 is aimed at improving education in the State by implementing important reforms resulting from the *Vergara v. California*, No. BC484642 (Cal. Super. Ct. Aug. 27, 2014) decision which include ending Last-In, First-Out (LIFO) provisions in collective bargaining agreements and developing guidance for future reductions in force (RIF), as well as establishing mutual consent placement procedures. This bill would also authorize a statewide Turnaround School designation system and establish protocol related to its implementation.

These reforms are important to improving education in the State. *Vergara* raised important questions and concerns regarding LIFO provisions in collective bargaining agreements. The decision determined that seniority-based layoffs disproportionately impact the most at-risk student populations, specifically minority and poor students. I recognize that the state of California is challenging the findings of *Vergara*, and I understand that during the 75th Legislative Session, the State limited consideration of seniority within collective bargaining agreements and ensured it was not the sole factor in determining future RIF. However, I believe that we are continuing to do a disservice to students in Nevada by allowing seniority to remain a consideration in the collective bargaining process. As a result, S.B. 92 proposes that future RIF shall be based solely on the overall performance of a teacher or administrator and that seniority only be considered should a teacher or administrator remain evenly matched after applying all other criteria.

Senate Bill 92 further details protocol for future RIF. Most school districts throughout Nevada will not be considering a reduction in force at any time in the near future, but putting into place a process that protects our most effective teachers and administrators is an important step in guaranteeing quality education in Nevada's future. The protocol detailed in S.B. 92 would require that in a situation requiring layoffs of ineffective and minimally effective teachers be considered for RIF first. The school district would then be required to consider teachers and administrators who have received disciplinary actions, ordered from most severe to least. Should further RIF be required, then the district would apply existing factors established in the *Nevada Revised Statutes* to fulfill the necessary reduction. While considering these phases in a RIF, the school districts would be allowed to consider the subject area taught by a teacher to determine if that reduction would result in a shortage of teachers for that subject. If that is found to be the case, those teachers may be exempt from that specific RIF.

The next major component of the bill is the establishment of mutual consent placement procedures. This section requires a school district to consult with and obtain the approval of the principal of a school in which it is transferring a teacher or administrator who is rated ineffective or minimally effective. Mutual consent placement procedures are important to ensuring principals are able to hire teachers and administrators best suited to their students' and schools' needs. The forced placement of a teacher or administrator should be prohibited. The notion that competent teachers and administrators are critical, if not the most important component of a child's in-school educational experience should be reinforced. I also want to be clear that mutual consent placement will not apply to teachers or administrators who are rated effective or highly effective. Those teachers and administrators may be placed into a school regardless of the principal's approval.

The final component of this bill addresses "turnaround school" designation and implementation. Senate Bill 92 requires the State Board of Education to establish by regulation, the criteria for designating a school as a turnaround school. It then empowers the Nevada Department of Education (NDE) with the ability to designate a school as a turnaround school if it meets the established criteria. Should the NDE designate a school as underperforming, the board of trustees of the district in which that school is located may review the principal's performance and determine whether or not that principal shall be retained. This process must commence immediately and, in the event the board of trustees determines that a principal shall be replaced with the approval of the NDE, must provide an incoming principal ample time to prepare for the next school year. The reassigned principal must be transitioned to another school in the district.

The responsibilities of a principal of a turnaround school will include all determinations for the school concerning hiring, curriculum, school schedule, and instructional design. In terms of hiring, the principal will have the ability to review every employee in the school and determine whether to retain or reassign them based on the needs of the school. The board of trustees of the district will be responsible for the reassignment of any employees who are transferred as a result of the principal's review. With the adoption of Proposed Amendment 7574 to S.B. 92 ([Exhibit D](#)), which we have agreed to and are working from today, the board of trustees will also be responsible for ensuring reassigned employees receive assistance to help the teacher meet the standards for effective teaching which may include, without limitation, peer assistance and review.

Senate Bill 92 also allows the board of trustees of a school district to provide financial and other incentives to teachers and paraprofessionals employed at a turnaround school. These incentives include but are not limited to salary increases or bonuses, flexible schedules, opportunities to receive training and professional development and opportunities for promotion.

Senate Bill 92 also requires that all increased costs resulting from determinations made by the principal of a turnaround school directly related to changes made at the school to improve its performance must be funded from a requested grant through the NDE or through a request to the board of trustees of the district in which the school is located before any action is taken. In the same vein, any cost savings resulting from a determination made by a principal of a turnaround school shall be reallocated to other spending categories for the turnaround school.

I believe S.B. 92 will be instrumental in the Committee's efforts to strengthen Nevada's education system.

Senator Hammond:

The language in section 20, subsection 5, paragraph (c), [Exhibit D](#), states, "May develop a plan to address the assignment of teachers" Are you aware of discussions this Committee has had about the Peer Assistance and Review (PAR) program? How will this proposal work together with the PAR program?

Lieutenant Governor Hutchison:

The intent of S.B. 92 is to be consistent with the other work performed by this Committee. Section 20, subsection 5, paragraph (c) specifically permits the school district to develop a plan, consistent with other legislation passed by this Committee, as well as by statutory obligations. It is our intent that S.B. 92 will work hand-in-hand with the other legislation passed by this Committee.

Chair Harris:

As part of the plan a school district will help the teacher meet standards for effective teaching which may include peer assistance and review, participation in professional development and other appropriate training, as stated later in paragraph (c) of subsection 5, of section 20.

Lieutenant Governor Hutchison:

The intent of the amendment is to improve the original language within S.B. 92.

Senator Hammond:

A lot of work went into A.B. 447 not too long ago. Section 24, subsection 5 of the proposed amendment to S.B. 92 discusses the evaluation system. The language in the amendment states, "If a postprobationary teacher receives an evaluation designating his or her overall performance as minimally effective or ineffective, the postprobationary teacher must be evaluated three times in the immediately succeeding school year"

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

Proposed Amendment 7574 to S.B. 92, Exhibit D, requires a postprobationary teacher receiving either a minimally effective or ineffective rating to be evaluated three times. Is the intent to have the postprobationary teacher evaluated three times in the year following a minimally effective or ineffective evaluation or observed three times during the year, culminating in one written evaluation?

Lieutenant Governor Hutchison:

The Legislative Counsel Bureau (LCB) suggested section 5 be added back into the language of S.B. 92 to ensure consistency with A.B. 447. Once A.B. 447 has passed, conforming language will be included.

Chair Harris:

After conversations with stakeholders, it is my understanding that a postprobationary teacher who receives a minimally effective or ineffective evaluation will receive three observations and one written evaluation in the year immediately following such an evaluation. The NDE was part of the stakeholder group.

Senator Segerblom:

Is the principal of a Zoom School empowered to enforce a staff transfer?

Lieutenant Governor Hutchison:

Yes, the principal of a turnaround school can make staffing changes based upon an evaluation of the staff and can designate any member of the staff to be transferred out of that school for the purposes of meeting the needs of the turnaround school.

Senator Segerblom:

Does the school district have an obligation to take the person and reassign him or her? What kind of choices would the person have, and how would the process work?

Lieutenant Governor Hutchison:

Yes, the scenario you described is addressed in [Exhibit D](#) in section 20, subsection 5 paragraph (c), and states that the board of trustees of a school district:

... May develop a plan to address the assignment of teachers or administrators who have received evaluations designating their overall performance as minimally effective or ineffective and who are unable to obtain the consent of a principal Such a plan must include, without limitation, a plan for any such teacher or administrator to receive assistance to help the teacher or administrator, as applicable, meet the standards for effective teaching which may include, without limitation, peer assistance and review, participation in programs of professional development and other appropriate training.

If someone is displaced from a turnaround school, the district is responsible for creating a plan that will help him or her meet the Nevada Educator Performance Framework (NEPF).

Senator Segerblom:

Where would the teacher or staff member go?

Lieutenant Governor Hutchison:

That is part of the plan to be developed by the school district.

Chair Harris:

One of the teacher incentives that can be offered in a turnaround school is a flexible schedule, which could allow teachers to pursue other assignments for education. Could you help us understand what that means for a teacher?

Steve Canavero, Ph.D. (Deputy Superintendent for Student Achievement, Department of Education):

The language in S.B. 92 and the proposed amendment is modeled after and consistent with the language for the turnaround schools. In the focus groups conducted pertaining to the development of the turnaround school concept, teachers requested flexible scheduling to allow them to pursue additional education within the school day or outside the school day. The principal would be able to approve such a schedule.

Chair Harris:

Is it anticipated that the instructional time for students would still be met, but instead of prep-time, a teacher might be able to go off-campus to pursue opportunities that would perhaps enhance their teaching?

Dr. Canavero:

The scenario you described is within the spirit of what the NDE heard from stakeholder groups and is the intent of the language within the bill and amendment.

Senator Segerblom:

Is the transfer of a teacher out of a turnaround school exempt from the union process? Can a teacher grieve the reassignment?

Lieutenant Governor Hutchison:

Transfers and assignments under this statutory language would not be subject to mandatory negotiations to the extent that they would conflict with this statute.

Senator Segerblom:

What happens if an employee alleges he or she is being transferred because he or she complained about discrimination or the employee is a whistleblower?

Lieutenant Governor Hutchison:

The mutual consent placement only relates to those employees who receive a minimally effective or ineffective evaluation. Such an employee would then be placed into a probationary period. If the employee is again rated minimally effective or ineffective, he or she can then request a different administrator conduct the evaluation. An employee can even go so far as to select the administrator, from a pool of three, to perform the evaluation.

Senator Segerblom:

Can a teacher or administrator grieve an ineffective evaluation?

Dr. Canavero:

I believe under the provisions of the employee agreement, an employee has the right to grieve a rating received on an evaluation. The districts can explain the process more specifically.

Senator Segerblom:

Do you think this would be subject to the collective bargaining agreement?

Dr. Canavero:

If I understand the question correctly, yes, I believe so.

The NDE supports S.B. 92. The NDE also supports the amendment because it adds administrators as eligible recipients for incentive payments for turnaround schools. We appreciate the desire and willingness to empower the State Board of Education with another strategy to improve underperforming schools.

Andrew Diss (Students First):

Students First supports S.B. 92 and endorses the new language included in the amendment, specifically the LIFO provisions. Last In, First Out is a quality-blind system. This reform is timely.

Tray Abney (The Chamber):

The Chamber strongly supports S.B. 92. The Chamber believes it is student-centric and is critically important for the future of education and Nevada's future workforce.

Christine Simo:

I will now read from my written testimony ([Exhibit E](#)).

Marsha Irving (Clark County Black Caucus):

The Clark County Black Caucus (CCBC) is excited that the focus is going to be on what is good for boys and girls within our State. The CCBC has reviewed S.B. 92 and its amendments. The CCBC recognizes that many principals will have considerable authority. We want to ensure the community has a voice in helping to select the principals at some of these underperforming schools.

The CCBC also supports the language and wants to ensure that if funds are available for services, there are opportunities for outside sources to participate in providing support where they have proven experiences to support schools.

We support the language in the S.B. 92 as it relates to RIF policies. It is difficult to have to lay off staff, but it is extremely difficult to lay off quality staff.

We all know that in any profession there are quality employees. There is also a handful that might require more support, or some who might not be in the right profession. It is difficult to lay off talented, qualified teachers due to seniority. Senate Bill 92 will allow school districts to make decisions to keep their most highly qualified teachers in the classroom.

The CCBC supports the incentives offered to teachers and administrators willing to work in turnaround schools. Incentives done correctly, can bring the brightest and best teachers and administrators to children who are struggling.

The CCBC encourages your support of S.B. 92 and hope you will pass this bill.

Seth Rau (Nevada Succeeds):

Nevada Succeeds supports S.B. 92. Nevada Succeeds wants to ensure every child in Nevada has an effective teacher each year. As we increase our teacher pipeline, we need to ensure it is full of effective teachers. This bill in concert with many of the other policies that have come through the Senate Committee on Education over the course of this Session, is a step in the right direction.

Stephen Augspurger (Executive Director, Clark County Association of School Administrators and Professional-Technical Employees):

Senate Bill 92 is an important bill about children. It is an opportunity for adults to do something that will improve the educational experiences for children.

This bill is a step in the right direction to ensure every child has the best teacher we can find and every teacher has the best administrator we can find. Senate Bill 92 is a critical bill to pass.

The Clark County Association of School Administrators and Professional-Technical Employees supports passage of all aspects of S.B. 92.

Lonnie Shields (Nevada Association of School Administrators):

I echo the previous testimony on behalf of S.B. 92.

I travel the State and go into schools and I watch teachers and principals at work. The great majority of the people working with the children in the State are doing an excellent job. When it comes down to where you have to pick which one is doing the best job and which one is doing the worst job—and you cannot—it puts the principal in a terrible position. Senate Bill 92 will take care of that problem. I urge your support of S.B. 92.

Chair Harris:

Thank you for reminding this Committee about the wonderful teachers and staff who work on behalf of our children every day. Sometimes, we are wrapped up in policy and hear about problems. In an attempt to solve those problems, we forget to shine a positive light on all the good work so many of our teachers and administrators engage in daily.

Yvette Williams (Chair, Clark County Black Caucus):

We have had schools that have been underperforming for too long. The school districts have really struggled to try to turn them around. Part of the reason is the inability to keep quality teachers. Senate Bill 92 will be a big game changer for us.

At the start of this Session, the CCBC spoke to many of you about its desire to see the Legislature address turning around these underperforming schools. Inserting the turnaround school policy into S.B. 92 is brilliant.

John Vellardita (Nevada State Education Association):

The Nevada State Education Association (NSEA) is at the forefront of school reform, working to move forward the appropriate funds and programs as well as the accountability mechanisms. We are working together to ensure the allocations are well spent and measurable progress will be seen in the achievement of our students, statewide.

The NSEA is concerned that two separate issues have been bundled together within this one bill. When S.B. 92 was first introduced, it was centered on one issue, LIFO. I want to make it clear for everyone on the Committee to understand that our collective bargaining agreement already states that a RIF does not start with seniority. It starts with whether an employee is a criminal or

has had a disciplinary action. It then proceeds to an employee's performance evaluation. If an individual is an unsatisfactory performer, he or she will be affected by a RIF. Seniority is the last issue considered; that has been in place for 4 years. This language is a product of collective bargaining.

The NSEA believes the Peer Assistance and Review (PAR) program that you heard and approved as a Committee is a game changer. In so many ways, it is a product of collective bargaining. It is an acknowledgement on the part of the NSEA that it must invest in the practice of teaching.

The greatest at-risk legal exposure in the State is not collective bargaining and LIFO language. It is that we have 40,000 students who go to school in the Clark County School District (CCSD) every day who have substitute teachers. These students are denied access to effective, minimally effective or ineffective teachers because they do not even have teachers. These students are in at-risk schools. There are 2,600 staff vacancies for next year in the CCSD. Eighty-three percent of the vacancies are in Title I, Tier 1, and Tier 2 schools. Approximately 2,000 of the 2,600 teachers will be hired and placed in these schools. These are first-year teachers who will be thrown into these schools and held to a standard. They need resources to succeed. The NSEA endorses the PAR program and the investment in professional development so teachers are successful. The NSEA does not view S.B. 92 in that context. We do not see collaboration in this bill. Giving one person, the principal, unilateral authority to oversee what happens in a school district does not foster collaboration.

A provision in S.B. 92 states that if the principal of a turnaround school thinks that a teacher in another school could benefit his or her students, the principal can unilaterally reassign a teacher to his or her school.

Educators will not become great teachers by forcing them to be located at a particular school. That is one of the shortcomings of S.B. 92. This is just one piece of this bill that is cause for concern. The NSEA has not had the opportunity to review the bill and the proposed amendment in detail. We would like that opportunity. We think S.B. 92 is flawed and is not good policy. The NSEA likes some of the ideas presented in S.B. 92, particularly some pieces regarding the turnaround schools. The NSEA supports the intent of the NDE and thinks it is trying to put resources and support into those schools. However, some of the language in the bill is inadequate.

Chair Harris:

Is the NSEA in favor of the bill with the exception of section 30?

Mr. Vellardita:

The NSEA does not favor section 30 of the bill and the unilateral authority given the principal of a turnaround school. Today in the CCSD, there is a process in place for the designation of a turnaround school. An assessment is conducted where staff evaluation is part of the criteria. There is already authority to move everybody out of the school building. The same thing applies for people who want to come into that school building. In other words, they have to be hired. The ability to make staffing changes in a turnaround school already exists.

Senate Bill 92 allows a principal to deny access into a school building because somebody was rated minimally effective. It also goes a step further and says I can take a teacher from another school and reassign them to my school without his or her consent. That is a very serious issue for the NSEA.

Theo Small (Vice President, Clark County Education Association):

The Clark County Education Association (CCEA) is opposed to S.B. 92 primarily because this bill does not speak to a growth mind-set. It penalizes teachers and administrators. The first section of the bill gives sole power to the principal of a turnaround school. It does not provide for any input from students, parents, families, teachers or the other professionals who work with the students every day. It says the principal is the sole decision maker, even as far as curriculum issues. This is a big concern for me as a classroom teacher.

I appreciate the Proposed Amendment 7574 to S.B. 92, which includes the PAR program. The purpose of the PAR program is to help a teacher who is brand new to teaching and is struggling. We have to be able to work with the teachers and the administrators who are in the school building. We have a history of just moving personnel. This bill just continues that practice of movement. Senate Bill 92 states teachers will be moved out of classrooms with high needs and placed at another school. Most of our schools in the CCSD are high-needs schools. Moving people without improving and helping them to grow is a flaw in this bill.

The input that a teacher or an administrator has in his or her own professional development is key. Senate Bill 92 does not give any support to the

decision-making of the individual teacher or administrator in his or her professional growth.

I am concerned that the CCEA has not seen the amendments and changes that will be aligned with the NEPF system. As a member of the Teachers and Leaders Council of Nevada (TLC), I know we are postponing full implementation of the NEPF until the 2017-2018 school year. Senate Bill 92 will go into effect before the NEPF is fully implemented. People who have not been trained on the NEPF will be making personnel decisions. The CCEA is concerned about this.

The CCEA believes in great teachers. It is our position that every class should have a quality teacher. In the CCSD turnaround zone, there are just under 200 vacancies. If we recruit teachers through incentives and ask them to teach in at-risk schools and then they are moved depending on whether or not the principal likes them, recruitment and retention efforts will fail. This is counterproductive to everything the CCSD is trying to accomplish.

The CCEA understands the intent of S.B. 92 and it works collaboratively with the CCSD. Many of the systems outlined in this bill are already in place. As written, the CCEA opposes S.B. 92.

Erik Smith (Clark County Education Association):

I am a nationally board-certified teacher and I oppose S.B. 92. I do not understand how this bill will help me as a teacher, nor do I understand how this bill will help students in Nevada. This bill continues to skirt the real issue of inequitable funding. The CCSD has almost 300 Title I schools. How will this bill address the opportunity for all of those students to have an equitable opportunity to gain an education that will raise them above poverty?

How will S.B. 92 help all of the teachers who work with students in those particular classrooms get quality educations? The language in this bill appears to "rob Peter to pay Paul" and will only exacerbate the problem.

How will S.B. 92 be implemented when there is a tremendous teacher shortage? There are over 2,600 teacher vacancies to be filled. We have substitute teachers inappropriately dispersed throughout the CCSD. This does not help our most-in-need students. I do not believe S.B. 92 will help attract teachers to our most challenging schools. Where is something that will address the working conditions of teachers in our lowest performing schools? Senate Bill 92

addresses the needs of teachers in only one zone. It does not address the larger picture, which is a disturbing picture of student poverty and the lack of quality teachers giving students the best opportunities to learn in every classroom.

Senator Hammond:

There have been several bills heard by this Committee that address the problems you have outlined, wraparound services in Victory Schools and incentives for teachers who work in the lower-performing schools, to name a couple. When you mention this bill does not address those issues, it is because S.B. 92 is attempting to address one part of a problem. If we have a fully staffed school district and we are looking at teachers who are minimally effective or ineffective, what will we do with them? Even now, when we do not have a teacher in every classroom, there are still teachers out there who should probably not be in the classroom. Senate Bill 92 attempts to address this issue, and other pieces have been added to the bill.

Would you not agree this Committee has passed several potential pieces of legislation that will address problems facing Nevada's schools?

Mr. Smith:

The system of LIFO is more of a myth than a truth. Teacher tenure is not the primary reason ineffective teachers are in the classroom. The spirit of the bills that have been put forward this Session is encouraging. Do they go far enough? No. According to research, if we are going to attract teachers to our most difficult schools, we should be looking at a differentiated salary structure that addresses the fundamental difference between the working conditions at these schools. This has not been done yet.

Establishing incentives for one zone is a great start, but this practice should be available to all teachers working in underperforming and disadvantaged schools. Over 270 schools in the CCSD are designated as Title I schools. How do we get teachers there? The language in S.B. 92 does not say we will start with compensation that is research-based, then we will add professional development that is aligned with how a person is motivated and the work he or she wants to accomplish. If these measures are combined with opportunities at these schools for upward mobility, mentoring opportunities and a support infrastructure, change might occur. The measures passed by this Committee are headed in the right direction, but are not substantial enough to realize significant change.

Senator Hammond:

There is a significant amount of research which supports the idea that there are tenured teachers still teaching in classrooms when they have been rated chronically ineffective or minimally effective. I have seen literature that says they are usually concentrated in one school, but the fact is there is probably a couple in every school. Senate Bill 92 is designed to correct this practice.

We recognize the other part of the puzzle; helping and retaining probationary teachers and teachers who are struggling. We are addressing that with the PAR system. I think we have done a good job.

Ruben Murillo, Jr. (President, Nevada State Education Association):

I will now read from my written testimony ([Exhibit F](#)).

Michelle Kim (Director of Advocacy and Representation, Clark County Education Association):

I will now read from my written testimony ([Exhibit G](#)).

Mr. Vellardita:

The NSEA wants qualified teachers in every classroom. We do not want a system that enables poor performance or unqualified people. The NSEA has demonstrated its commitment to quality during this Session of the Legislature, as well as in its relationship with the school district.

We think S.B. 92 is two bills bundled into one bill. The NSEA suggests S.B. 92 be discussed during a later session where there is more opportunity to discuss these issues.

Section 4.2 of the proposed amendment gives the principal the ability to trump the authority of a school district board of trustees. This is problematic for the NSEA.

The first word in the proposed amendment, paragraph (c), subsection 5, section 20 is "May." The use of the word may is much different than the use of the word "shall." This means it may not happen or it could happen. The plan to help a teacher to improve is not a given in this statute.

Section 29.3, subsection 6 of Proposed Amendment 7574 reads:

The board of trustees of a school district in which a school is designated as underperforming pursuant to section 4.2 of this act or the principal of such a school, as applicable, may take any action authorized pursuant to section 4.2, including, without limitation, reassigning any member of the staff of such a school or reassigning any member of the staff of another public school to such a school. Any provision of any agreement negotiated pursuant to this chapter which provides otherwise or imposes consequences on the board of trustees of a school district or the principal of a school for taking such action is unenforceable and void.

This is not mutual consent. This is unilateral direction.

The NSEA collective bargaining agreement states RIF is determined by teacher performance. The provision discussed under section 30 of the proposed amendment is an untested evaluation system that will immediately be implemented and people's careers are going to be affected.

This past year, 400 cases of evaluations were reviewed and challenged in the CCSD. Teachers can grieve their evaluations. We learned there is no consistent standard used to rate teachers as satisfactory or unsatisfactory. A teacher in one building in one corner of the CCSD was rated one way and a teacher in another building was rated another way. The lack of uniformity in the evaluation process is a major concern with a new system that has not yet been implemented and tested. We do not have a tested definition of what "minimally effective" means. There should be a uniform definition statewide, and right now, we do not have one. That is the concern with this section of the proposed amendment.

Senate Bill 92 is too important to rush. The NSEA represents 18,000 teachers, and we request more input.

Senator Lipparelli:

You referenced satisfactory and unsatisfactory and in the bill, it says ineffective or minimally ineffective. Would you reconcile those terms for me?

Mr. Vellardita:

The new evaluation system, the NEPF, will use the terms highly effective, effective, minimally effective and ineffective. The previous evaluation system used the terms satisfactory or unsatisfactory. We are shifting from a 2-tiered system to a 4-tiered system.

Senator Lipparelli:

Are the terms relatively interchangeable?

Mr. Vellardita:

They will be interchangeable once we understand what the NEPF standard is going to mean.

Senator Lipparelli:

If the mission of a turnaround school is to bring about change to that school, and if S.B. 92 is passed as it is written, what is the worst a new principal can do with the powers given to him or her through this bill?

Mr. Vellardita:

Bold action can be taken now. If a school is labeled by the CCSD as underperforming, it may be designated as a turnaround school. There can be a total shake up of the staff. The measure is already in place. That is not really a concern.

These school buildings should be magnets that attract the best teachers. We do not want them to be places teachers do not want to go. Senate Bill 92 does not foster a collaborative environment where teachers will roll up their sleeves and try to work with their leader, the principal, to devise strategies to improve student learning.

Parts of the NDE contribution to section 4 of the bill are good starting points. The NSEA would add more incentives to ensure a highly qualified teacher would want to go to an underperforming school.

Senator Lipparelli:

If the language in the bill was permissive, so teachers were not forced to teach in a school they did not choose, would the NSEA support this bill?

Mr. Vellardita:

Yes, in that sense. However, there would still be a concern that a principal had veto power over the board of trustees. This bill puts too much faith in the building principal. By and large, principals do a good job. Nevertheless, probably 15 percent to 20 percent have challenges themselves.

Valley High School in the CCSD has five national board-certified teachers. That is the top of the top. These teachers are highly effective. A new principal came to Valley High School this year. All five of these teachers are leaving. They are leaving because of the new leader. We are not saying the leader is a bad or ineffective leader, but the leader only has 1 year of experience.

The idea that all trust is being taken away from the local school district board of trustees and given to a principal without some type of oversight is concerning.

Senator Denis:

There are many challenges in these schools. Are we setting up these teachers for failure? Are there teachers who are effective in one school and then come to one of these lower-rated schools and become ineffective?

Mr. Vellardita:

I think that has been the experience. It is mixed. More than one factor contributes to a good solution. Resources, professional development and support for teachers to be successful with that challenging student population are critical. Parts of that are addressed in the language added by the NDE and are a great starting point. You can give a teacher \$20,000, but if he or she does not think he or she can be successful in that school, and it will be a blemish on his or her record, the assignment will not be accepted. If a teacher does not think he or she can help contribute to the success of the school and its students, he or she will not go there.

Senator Denis:

I know teachers who have left schools because of the principals. I am worried about increasing the number of long-term substitutes in these schools. Just because we can get rid of an ineffective teacher does not mean we can replace that teacher with an effective teacher. We already know about the teacher shortages.

Senator Hammond:

I am inclined to make the language between a teacher and the principal more of an agreement between the parties. I think people are trying to divert attention from the problem of ineffective teachers to the issue of teacher shortages. It is well intended to find a mechanism to correct the teacher's performance or to let the teacher go.

I do not want to see a lot of substitute teachers, but that is another piece of the puzzle being solved in other areas.

Angie Sullivan:

I am a schoolteacher in the CCSD. I have taught in at-risk schools. I have worked primarily with children in poverty and with a large population of minority students. It is a struggle to find people to teach in the schools where I have taught.

This past year, 2 weeks before winter break we were told we needed to interview for our positions. Our school had been named a turnaround school. The reason my school failed is not the teachers, but because the standardized testing implementation had problems. There were bandwidth problems. We went from a 5-Star school to a 2-Star school. The staff was so disappointed. It was a slap in the face as a veteran schoolteacher to have to interview.

I took the interview process as an opportunity to ask questions about the process. I was worried about my colleagues because there are many staff members close to retirement. They took this new process as an indicator that they were being asked to leave. That would be a shame for my little school in its at-risk area. It would devastate that school.

Sometimes it is easy to say we need drastic change, and sometimes it is easy to look for a bad teacher. What I have experienced is many unsupported teachers and a lot of staff working without textbooks and paper. I have heard people talking about turnaround schools where there is already a constant turnaround of staff. There is a revolving door. What good does more of the same do? I do not understand why you think that is a good idea.

I have worked for a variety of people who have demanded a variety of things from me. In my 14 years of teaching, I have had 16 different principals,

8 reading series, 7 math series and a variety of technology. My problem is lack of consistency. I do not believe drastically overhauling everything is the answer.

Since I have worked at several at-risk schools, that story is consistent in my life. Maybe you do not hear that same thing in other schools where there are better support and supplies. Where I teach is where you should be concerned about the most.

We all know that children in poverty need stability. It is important to all children, but especially children in poverty, that they have adults who care. If one person is given the power to shift an entire staff around, it will take away the stability of the children we serve. I do not see how that benefits children. I am the person on the ground, and the person you want to keep in the classroom. I think giving principals sole autonomy is a bad idea.

Chelli Smith (Southern Nevada Regional Professional Development Program):

I work for the Southern Nevada Regional Professional Development Program (SNRPDP). The SNRPDP is opposed to S.B. 92, as we have concerns about teachers being let go based upon an evaluation system that is not fully validated. Yesterday we heard the preliminary report from WestEd which indicated that the inter-rater reliability between the administrators and the expert coder was less than 30 percent. In fact, in many of the indicators, reliability was less than 6 percent.

Our biggest concern is moving or letting teachers go based upon an evaluation system that, in fact, could be incorrect. It could be seen at one school one way and at another school another way. Until this system is fully validated and assured of its reliability, we stand opposed to S.B. 92. I encourage you to continue discussion with the teachers union regarding this particular issue.

Joyce Haldeman (Clark County School District):

The CCSD is neutral on S.B. 92. In fact, we are all over the map on this bill. There are some pieces of the bill that we support; there is one piece that we have concerns about, and there are some pieces that are already being implemented in the CCSD.

The good news about S.B. 92 is that everyone who has come to the table has stated that the goal is to ensure we have the best teachers possible in front of the students who need them the most. The CCSD supports that goal.

The CCSD already has a turnaround zone. We have an assistant chief who is assigned to oversee that zone. It consists of about one dozen schools. We have an extremely sophisticated process to identify the schools that are included in the zone. We have a strategy to help schools improve so they can be removed from the turnaround zone. This year under very effective supervision, we have three schools that have exited the turnaround zone. This is a part of S.B. 92 that is already being done; we are doing it on a great level, and local control is important.

State oversight of turnaround schools is not palatable to the CCSD. However, we recognize that the NDE is offering significant resources in exchange for its oversight of turnaround schools. The CCSD supports the incentive options and dollars that come with a turnaround school designation. It will help the CCSD attract good teachers to teach the students who need them the most.

The CCSD has already effectively bargained LIFO. The CCSD has an especially good relationship with the CCEA. We do not want to damage that relationship. The CCSD and the CCEA are working together this Session to pass PAR legislation. We are working together to support and improve teaching.

The CCSD has concerns similar to those expressed by others with section 29.3 subsection 6 of Proposed Amendment 7574. The fact that the principal is given the authority to overrule a school board is something the CCSD cannot support.

I would like to correct some inaccurate statements made earlier. The CCSD does not have 1,000 substitutes in its classrooms. It has 670 vacancies being filled by substitutes. The substitute qualifications have certain requirements. Many of the substitutes are retired teachers. The CCSD does not have 2,600 vacancies. It does have a goal of hiring 2,600 teachers next year. This is normal reaction to attrition. We have a very robust recruitment effort in place. We have hired many more teachers at this point, than we have in years past.

Jessica Ferrato (Nevada Association of School Boards):

The Nevada Association of School Boards (NASB) supports qualified teachers in our classrooms. It is important for students, who are the priority for the NASB.

The NASB supports the language contained in the bill pertaining to LIFO. Not all school districts have that provision. The CCSD and Washoe County School District have LIFO negotiated in their contracts, but the rural districts do not.

The NASB does not support the ability of principals to override the decisions of local school boards in terms of moving around their teachers. All of our districts are very different. The local school board has the entire district in mind; every school fits together like a puzzle. Local school boards need the flexibility to address the needs of the entire district, based on enrollment and other factors.

There are concerns about the financial incentive portion of S.B. 92. Some of our rural school districts are experiencing budget shortfalls. Requiring them to use a certain percentage of funds for incentives is problematic.

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

The Nevada Association of School Superintendents (NASS) echoes the concerns expressed by the CCSD and the NASB. Their concerns and comments are synonymous with the NASS.

Local superintendents are not provided any decision-making power in S.B. 92 and the turnaround school process. It is a superintendent's job to run the district. The local superintendents want to be involved.

Pam Salazar, Ed.D. (Chair, Teachers and Leaders Council of Nevada):

I am here to reaffirm that the measures passed in A.B. 447 that conflict with S.B. 92 have been addressed in the final wording of the bill. The TLC is committed to this work.

Sandi Herrera (Got Core Values):

My company is Got Core Values. I have been doing a lot of work with Title I and turnaround schools in Las Vegas. There are some phenomenal educators in these schools. The work I do is rooted in full collaboration with the entire school community and creates a common language where everyone is on the same page. The power is not just with the principal. It is the collective community and the identity they establish and methodology they adopt. We are seeing some great results in these schools. We are seeing positive results in teacher retention, student success and school spirit. It really has to do with making our schools great places to work, which in turn makes them places to learn.

Senate Bill 92 should focus on making our schools great places to work. When there is a culture and climate of fear, it is not an environment where quality staff will want to work.

Lieutenant Governor Hutchison:

I respect the views of those who are opposed to S.B. 92. I am the product of public education, as are my six children. I know there are many great teachers. I know there are many great people who work within our education system. This bill is not an attempt to suggest otherwise.

There seems to be conflict associated with the turnaround schools and the reassignment of staff and overriding the authority of a local board of trustees. My intent is that we incentivize teachers to come to those schools and we try to work with them and make it consensual. That was my intent and should be our intent. The points raised are valid.

Five million dollars have already been allocated for turnaround school incentives, salaries and bonuses as part of the Governor's Executive Budget. If we do not pass the turnaround school portion, I am not sure where that money goes.

I could not disagree more with the reference made earlier about education not being a fundamental right in Nevada, [Exhibit G](#). I think education is a fundamental right in this State. Providing a quality, equal access education is a compelling governmental interest. This is not about politics. It is about constitutional concerns. Children have a fundamental right to an education in this State. Minority students and poor students, and those who are not so poor, have a fundamental right to an education.

Studies have shown that poor and minority students tend to be disproportionately taught by poor-performing teachers. That is wrong on all levels, and that is what S.B. 92 is trying to address.

Dr. Canavero:

It has never been the intention of S.B. 92 to require a teacher to be taken from his or her school and dropped into another school based upon the request of the principal. The intention is for mutual consent from the principal and the board of trustees.

Teachers have expressed concerns about moving to low-performing schools because they were afraid of the impacts it could have on their evaluation system. They wanted to take the assignment, but were hesitant. There is language built into S.B. 92 which holds the student data portion of the NEPF out of a teacher's evaluation for a couple of years to ensure the concern has been addressed.

Senator Hammond:

The validity of the NEPF was questioned this evening. At what point do we know the NEPF is valid; that there is enough data and research to support the NEPF? This should be addressed in the bill.

Dr. Canavero:

I cannot give you a definitive date. The TLC, NDE and school districts are all working to that end, to ensure it is a reliable system and there is inter-rater reliability that exceeds our present system. It is the intention to have a significantly more reliable evaluation system under the NEPF.

John Eppolito (Nevadans Against Common Core):

Senate Bill 463 was heard today in the Assembly. They totally gutted it. The first thing they did was remove the provision that stated student data belongs to the parents. Nobody seems to know to whom it belongs. The NDE claims they did not change the language. I am guessing it was the Infinite Campus, because they want the data.

SENATE BILL 463 (2nd Reprint): Revises provisions relating to education.
(BDR 34-411)

Every time I sit through one of these meetings, over and over again I keep wondering who is looking out for the children. I still have not figured that out.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 6:41 p.m.

RESPECTFULLY SUBMITTED:

Beth Ann Reykers,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	7		Attendance Roster
A.B. 328	C	6	Senator Becky Harris	Senate Amendment No. 906
S.B. 92	D	12	Mark A. Hutchison / Lieutenant Governor	Proposed Amendment 7574
S.B. 92	E	4	Christine Simo	Written Testimony
S.B. 92	F	2	Ruben Murillo / Nevada State Education Association	Written Testimony
S.B. 92	G	2	Michelle Kim / Clark County Education Association	Written Testimony