

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session  
May 26, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:36 p.m. on Tuesday, May 26, 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

**COMMITTEE MEMBERS ABSENT:**

Senator Tick Segerblom (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Paul Anderson, Assembly District No. 13  
Assemblyman Harvey J. Munford, Assembly District No. 6

**STAFF MEMBERS PRESENT:**

Todd Butterworth, Policy Analyst  
Risa Lang, Counsel  
Shelley Kyle, Committee Secretary

**OTHERS PRESENT:**

Scott Baez, Washoe County School District  
Jessica Ferrato, Nevada Association of School Boards

Senate Committee on Education  
May 26, 2015  
Page 2

Craig Stevens, Clark County School District  
Ruben Murillo, Jr., President, Nevada State Education Association  
Don Gallimore, NAACP, Reno-Sparks Branch No. 1112  
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents  
Anna Slighting  
Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education  
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement, Department of Education  
Paul Pastorek, Pastorek Partners, LLC  
Andrew Diss, StudentsFirst Nevada  
Michael Vannozzi, Las Vegas Global Economic Alliance  
Lauren Hulse, Executive Director, Charter School Association of Nevada  
Patrick Gavin, Director, State Public Charter School Authority  
Lindsay Anderson, Washoe County School District  
Joyce Haldeman, Clark County School District  
Victoria Carreon, Kenny Guinn Center for Policy Priorities  
Ray Bacon, Nevada Manufacturers Association  
Peggy Lear Bowen

**Chair Harris:**

We will open the hearing on Assembly Bill (A.B.) 234.

**ASSEMBLY BILL 234 (2nd Reprint)**: Enacts provisions related to multicultural education. (BDR 34-102)

**Assemblyman Harvey J. Munford (Assembly District No. 6):**

I retired from the Clark County School District (CCSD) after 38 years as a teacher. Assembly Bill 234 addresses the need for better multicultural education in Nevada's elementary and secondary schools. The bill deals with curriculum content, curriculum compliance and teacher education.

Section 1.5 of the bill requires the State Board of Education (SBE) to adopt regulations prescribing a program of multicultural education for students. This multicultural education program must include information on the contributions of men and women from various racial and ethnic backgrounds. Section 1 also states that local school boards must ensure the program is provided to students in grades 2 through 12, with an emphasis on elementary, middle, and junior high school.

Section 2 requires teachers, who want to renew their licenses, to show proof they have completed a course in multicultural education. Also in section 2, the Commission on Professional Standards in Education must adopt regulations prescribing course content and the number of credits a teacher must complete.

Assembly Bill 234 is important because we live in an increasingly multicultural State. In school year (SY) 2012-2013 in the Clark County School District (CCSD), Hispanic students comprised the largest ethnic group with 44 percent of total enrollment. The remaining student population in SY 2012-2013 was 37 percent white, 9 percent black, 7 percent Asian or Pacific Islander, and the balance multi-race, American Indian and Alaskan Native students.

Today, no single racial or ethnic group makes up a majority of our public school students. It makes sense and it is just plain right to incorporate a variety of cultural perspectives in the curricula in our schools. We live in a global economy and Nevada's students need knowledge of other cultures to thrive, contribute and fulfill their potential in this changing world.

This is the fourth session I have introduced this bill. My support for this initiative has not waivered because in today's world, multicultural education is essential. By supporting A.B. 234, we are demonstrating we recognize the importance of multicultural education for Nevadans in the educational framework.

**Chair Harris:**

Is there a multicultural class readily available for teachers for the professional development requirement, or will a class need to be created? What type of class would teachers need to take?

**Assemblyman Munford:**

In 1974-1975, I was on the staff, part-time, at the University of Nevada, Las Vegas (UNLV) and taught in the ethnic studies department. In 1979, I taught at the College of Southern Nevada in the ethnic studies department. As far as I know, these ethnic studies departments are still on the campuses. I have felt teachers need to have multicultural education in order to better understand the student population in the multicultural classrooms in today's schools.

Many teachers do not have a background in ethnic studies. It is important to have experience or exposure or an opportunity to have interactions and

connections with different ethnic groups. This multicultural education would enlighten teachers on ethnic cultures and groups and help them be comfortable and relaxed in front of their classrooms. Learning about other cultures and ethnic groups provides the knowledge of others. This knowledge reduces fear when we understand others and are comfortable in our interactions with them.

**Chair Harris:**

Are there then a number of classes available to teachers for this multicultural education? Would this be a onetime requirement, or would it be necessary to take a class each time a teacher would renew his or her license?

**Assemblyman Munford:**

Yes. There are classes available for the teachers. It would be a onetime requirement.

**Chair Harris:**

Would teachers and all school personnel, including counselors, psychologists and administrators, be included in this requirement?

**Assemblyman Munford:**

It would be good to extend the requirement to all school personnel. I do not think this idea would hurt. It would be beneficial if, in some way, we could implement or incorporate this idea for everybody to have the multicultural education.

This is needed not only in the classroom; this education is something our whole country, our whole society and the world needs. As I stated previously, knowledge is important. When people have this background and knowledge, fear and apprehension are removed. They are comfortable when talking to someone who is different from themselves.

**Chair Harris:**

I would say my entire Committee agrees with you. Our Committee would like to offer Proposed Amendment 7672 ([Exhibit C](#)) for your consideration. This amendment would allow students throughout the State to take an elective class in ethnic studies. Our teachers would receive training in multicultural studies. Nevada students would have an opportunity to take an elective class in ethnic studies, which could be taken as an online class through a distance education

course. The online course would provide maximum flexibility and opportunity for students to take this class.

**Assemblyman Munford:**

This has some merit and makes a lot of sense. I like it so far and would like to learn more about this friendly amendment.

**Senator Woodhouse:**

Chair Harris, in response to your question to Assemblyman Munford regarding counselors and administrators needing to take this class; this is an idea I think we would want to do. Having been an administrator as well as a teacher, my experience is that all of the school personnel are in touch with all of the students. School personnel are working with the students who are sent to them, whether it is in a classroom, working as a speech therapist or in other capacities. The sensitivity to and understanding of the ethnic cultures would be appropriate for everyone. I would not include all substitute teachers, only the substitutes who are contracted.

I agree with Assemblyman Munford that the courses are available. I have taken an excellent 3-hour class on multicultural education at UNLV.

**Senator Denis:**

I appreciate Assemblyman Munford bringing A.B. 234 forward. In teaching, if you can truly understand the student and his or her background, it is easier to teach the student. I grew up in a different culture; it helps to appreciate other cultures. This is a good step to help our students.

**Senator Lipparelli:**

Section 2 references that the Commission on Professional Standards in Education would adopt regulations prescribing contents of the course and the number of credits. Are you expecting this course to require more credits than other subject areas? Why do we need the language for rule making if teachers are obligated to take a course as part of their teacher renewal?

**Assemblyman Munford:**

In terms of sitting down and basing the number of credit hours that would be applied to the class and how we would implement and incorporate the class into the daily curriculum, it would be part of the 21 credits needed to graduate. It is still 21 credits, is it not?

**Senator Lipparelli:**

That was my question. Can you do all the other subject areas? Is that what happens now?

**Assemblyman Munford:**

It needs to be implemented so that it is part of the entire graduation requirement for high school. In elementary school and middle school, the teacher would be able to incorporate the subject within his or her class.

At the high school level, I want to have the class over four quarters emphasizing a particular group during each quarter. Hispanic month and Asian and Native American month are presented in the schools in some way and communities tune in to these cultures during this time.

I would suggest the first 9 weeks could be devoted to the Hispanic culture because there is Hispanic month during this period. The second 9 weeks could be Asian and Native American culture. The third 9 weeks or second semester could be African-American history since February is African-American month. The fourth quarter could be all different groups in America that have experienced some type of oppression. The struggle of women and religious groups would be included. In America, we have made it difficult for some religious groups to be accepted.

I wanted to break down the course in this type of arrangement. I do not know the Commission's thoughts. This is my final term of office; however, I would like to be a part of the Committee if and when my plan is implemented.

**Senator Lipparelli:**

If there is a blending of S.B. 211 that we heard previously, I want to remain consistent with my prior positions where we would mandate versus this being feathered into existing programs; I will hold my same position. I will be interested to know if we combine these two bills, I will hold to my prior position and maybe we can work around that.

**SENATE BILL 211 (1st Reprint)**: Revises provisions governing public schools.  
(BDR 34-426)

**Scott Baez (Washoe County School District):**

The Washoe County School District (WCSD) supports A.B. 234. We applaud the goal of expanding multicultural education in Nevada. Incorporating it into existing social studies standards is a good way to accomplish this because it absolves any fiscal impact to our school district.

**Jessica Ferrato (Nevada Association of School Boards):**

The Nevada Association of School Boards supports A.B. 234 and appreciates the work that has been done on the bill thus far. We appreciate the course being incorporated in the social studies curriculum. In the rural communities, it will be tougher to find teachers who would teach in specific areas if this would be an individual course. We appreciate it is interwoven in the curriculum.

**Craig Stevens (Clark County School District):**

The Clark County School District (CCSD) supports A.B. 234 and we echo the previous remarks by Mr. Baez and Ms. Ferrato. Our school district provides in-service and professional development when it comes to multiculturalism. We would like to work with the department as this moves forward.

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

The Nevada State Education Association supports A.B. 234 and has submitted our letter of support to the Senate Committee on Education ([Exhibit D](#)). Multiculturalism is about the culture our teachers and leaders work in and understanding the community in which they have committed to work. We recommend all personnel in the school district be included in this requirement because all personnel have contact with the students.

**Don Gallimore (NAACP Reno-Sparks Branch No. 1112):**

The Reno-Sparks Branch No. 1112 of the NAACP supports A.B. 234.

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

The Nevada Association of School Superintendents supports A.B. 234 and appreciates this is incorporated into the social studies curriculum. In our rural areas, hiring additional staff members would create a problem.

**Anna Slighting:**

I am a social studies teacher and I support A.B. 234. I look forward to receiving my endorsement in multicultural education.

**Assemblyman Munford:**

This has been a special day for me. Earlier today, I was part of a bill signing ceremony with Governor Brian Sandoval. Now, I come before this Committee and you have been so cooperative. Madam Chair, I appreciate very much the professional manner in which you have conducted this entire hearing.

As I mentioned before, this is my final session and is the last time I will be testifying before a committee. This is a pleasant way to end, and I appreciate all of you and my supporters. Thank you for everything.

**Chair Harris:**

I will close the hearing on A.B. 234 and open the hearing on A.B. 448.

**ASSEMBLY BILL 448 (2nd Reprint)**: Revises provisions relating to education  
(BDR 34-746)

**Assemblyman Paul Anderson (Assembly District No. 13):**

In Governor Brian Sandoval's State of the State address, we heard many bold education initiatives. We have worked on several this Session, including A.B. 234, which I support.

Assembly Bill 448 is another initiative about changing the way we provide education in this State. As the Governor said, it draws a line in the sand. The State will no longer accept the fact it has failing schools. Bold change makes people uncomfortable, whether in historical levels of education investment or establishing the new Achievement School District (ASD).

The ASD puts a clear and concise focus on the State's most underperforming schools. The bill creates an ASD within the Department of Education (NDE). The bill outlines the definition of an underperforming school and makes those schools eligible to convert to achievement charter schools.

The bill caps the number of schools to be converted to achievement charter schools to six schools per year. This is not a pilot program; it is a prudent approach to a bold initiative. Assembly Bill 448 will provide students in the most underperforming schools an opportunity to see significant change in their schools and give them a better education.



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

Unfortunately, I talk a lot about underperformance in my job. On the current list of underperforming schools under federal and State designations, the total is about 78 schools. During this Session, we have tried to bring before you and the money committees any number of initiatives that address the underperformance, whether we speak about specific populations like Zoom schools or Victory schools or we speak about specific needs like reading by Grade 3. In this Session, we have tried to bring forward bold initiatives so we address all kids in all kinds of schools with an unerring focus on the persistent underachievement.

We have processed and discussed with you a couple of bills addressing turnaround efforts and underperformance efforts. Assembly Bill 448, as I have characterized it, is a measure of last resort. If, unfortunately, all of those initiatives fail or fall short in some schools, this is the measure of last resort to which we would turn. I appreciated the Assembly's amendment to convert no more than six schools. This is a number I have had in my mind; we would, if necessary, take on up to about six schools.

There has been talk in the communities that the Department would take 78 schools. This has never been my intention; we want to help 78 schools. If we cannot get them across the finish line, we want to have this initiative.

At this time, about 15 of the 78 schools on the list of underperforming schools are not served by a program. They do not have an intervention. The total population of these 15 schools would fill the MGM Grand Garden Arena. This is a lot of children, and it is an unacceptable statistic and an unacceptable image.

That is why this measure is here. As a measure of last resort, I hope we never use it, but I certainly want it because many of the schools have been on the list for more than a decade. This is a generation of children that has moved through the schools.

We have put together this plan. It is modeled on legislation currently in use in Louisiana and Tennessee. This year, the state of Georgia processed a similar bill, and Michigan has a bill with less effect. We have learned about mistakes that others have made. We have the benefit of many national experts.

Assembly Bill 448 lays out the conditions under which the SBE and the NDE would activate the ASD, the public process we would go through in the selection and identification of those schools and, ultimately, the conversion of some of those schools to achievement charter schools so they might be turned around and managed with their communities' input. In addition, there is a process contemplated for returning those schools to some level of normalcy-back to their originating districts or to the State Public Charter School Authority (SPCSA).

**Chair Harris:**

What do the schools' populations look like?

**Mr. Erquiaga:**

These schools exist all over our State. It is not only an urban problem. There are schools in poor, rural parts of the State. In our cities, the schools are in the more urban, traditionally minority neighborhoods. Almost exclusively, these are schools with underachievement issues due to poverty, language status or years of neglect.

These schools are not all the same. They are very different because the State is so geographically different and our schools are so dispersed. In an urban setting, those are the schools we are talking about; in the more rural settings, the schools will be smaller with different sets of challenges.

**Chair Harris:**

Through these schools, will we be able to help many children from many different backgrounds? For example, helping the Native American children, African-American children, Hispanic children and our white children?

**Mr. Erquiaga:**

Yes. The school converted to an achievement charter school would include all the students in the underperforming school it represents. This is not a cherry-picking environment; this is who we are as a family, and we are going to fix that family.

**Senator Hammond:**

Why did we settle on six schools for the ASD? If we were to increase or decrease the number of schools, how would that affect the cost?

**Assemblyman Anderson:**

Because of all the educational programs we are rolling out, it was a concern in the Assembly of taking on too much. The number we reached allows us to take on the schools that need it most, and at the same time, still be effective and have enough data to show the program is successful.

**Mr. Erquiaga:**

The cost of an achievement charter school is what the cost was for a traditional district school. Monies from the district school are converted to the achievement charter school. These schools do not have different price tags. The funds convert over, and the charter management organization (CMO) entrusted with managing the charter can enter into agreements back with the originating districts to purchase some services or with other entities should it choose to purchase other services like transportation. The monies we were spending, we will now be spending.

There are some funds available to us from the federal government for school improvement, and there is some money contemplated in the Governor's budget. Those funds will not necessarily flow to these achievement charter schools. We want to use those funds to make the interventions and make changes in an existing school environment so the school would be removed from the underperforming list and would not be subject to conversion to an achievement charter school.

**Senator Hammond:**

There are about 78 underperforming schools under consideration for this program?

**Mr. Erquiaga:**

At this time, the number consists of federally and State-designated schools. Priority schools and focus schools are federal designations, and 1-star schools are the State designation. Every year, the number will change. This bill, which Dr. Canavero will explain to you, contemplates a process by which a percentage of the underperformance based on certain indicators must be reviewed by the NDE and the SBE. A percentage thereof is made eligible for selection as an achievement charter school and the data are made available to the local school districts' boards of trustees for their input.

This is a constant winnowing process to determine the schools that have the most need. Prior steps taken to elevate student achievement have not succeeded. The executive director of the ASD under this bill would be responsible for finding a charter partner for a potential achievement charter school. Charter turnaround, and turnaround work in general, is very different work from starting a school from scratch. We will look nationally for the right partners.

**Senator Hammond:**

How comfortable would you be if the number of schools would be 10?

**Mr. Erquiaga:**

This is a reasoned approach, and we will work hard to find that number of CMOs. I would be happy if the number were zero; I do not want the children in my schools underperforming to this level. If I can only help six schools each year, I will make it work.

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

Assembly Bill 448 creates the ASD and creates achievement charter schools. During my testimony, you will hear me talk about our existing charter school law and where A.B. 448 merges with and may diverge from the existing charter law. As I move through the bill, I will let you know.

**Chair Harris:**

I have very particular questions how those laws will interrelate and dovetail. The more specific you can be, the more helpful it will be for me.

**Dr. Canavero:**

In section 2, subsection 1 the language is changed to read:

“Achievement charter school” means a public school operated by a charter management organization, as defined in section 13 of this act, an educational management organization, as defined in section 14 of this act, or other person pursuant to a contract with the Achievement School District pursuant to section 21 of this act and subject to the provisions of sections 12 to 34, inclusive, of this act.

In sections 3, 4 and 5, we are adding “the Achievement School District” to the list of sponsors including local education agencies (LEA), the SPCSA and the Nevada System of Higher Education.

Sections 3 through 8 discuss other various reporting requirements, including the applicability of the statewide system of accountability.

Sections 10, 11, and 12 note that charter school does not necessarily mean achievement charter school. We make a distinction between charter schools and achievement charter schools which is important in law.

Sections 13 and 14 are additional definitions of a CMO and a definition of an educational management organization (EMO).

Section 15 defines the executive director (ED) of the ASD. Section 16 defines “public school” to not include a charter school or a university school for profoundly gifted pupils.

Section 17 creates the ASD within the NDE. The ASD can employ any persons. The language is similar to SPCSA. When the SPCSA was created, much of the language was brought together. Assembly Bill 448 does state all employees are in unclassified service. The schools will be known as ASD Charters and its own LEA, which is different from the SPCSA, which is the LEA for the public charter schools.

In section 18, the Superintendent of Public Instruction appoints the ED of the ASD. Section 18 also addresses the duties and powers of the ED and how he or she will manage and maintain oversight of the achievement charter schools. Much of the work in section 18 is aligned to the provisions of the performance contracting in existing law and in section 20 of this bill.

You will hear me refer to section 34 frequently. Section 34 is a reserved space, the “not otherwise described” area within the bill where regulations will be adopted. Through a number amendments, we have worked to develop a balance between being prescriptive enough within the bill and the understanding that we may not know all the answers. The section allows the NDE to work out definitions by regulation.

Section 19 establishes the account to fund the ASD. This is an account very similar, if not identical in language, to the SPCSA Account.

Section 20 describes the criteria to determine eligibility for conversion to an achievement charter school. Amendment 799 to A.B. 448 limits the number to not more than six schools.

There are three criteria for conversion: an elementary school or middle school must be in the lowest 5 percent based on the statewide system of accountability, a high school must have less than a 60 percent graduation rate, or if a school met other criteria as adopted by the NDE in regulation.

**Chair Harris:**

Section 20, subsection 1, paragraph (c) reads: "Pupil achievement and school performance at the public school is unsatisfactory as determined by the Department pursuant to the criteria established by regulation of the Department." What do you anticipate these criteria being?

**Dr. Canavero:**

When we look at the lowest 5 percent and the graduation rate of less than 60 percent, we do not see large achievement gaps. Criteria for federally designated focus schools might be a good example of what may become through regulation, "areas of focus or interest." Large achievement gaps within a particular school that are otherwise obscured may become apparent when you begin to aggregate the data.

Also in section 20, we go through the process of selecting and identifying these schools. This was amended in the bill's original form. The ED submits a list of not less than 20 percent of the eligible schools. Before submitting a school, the ED must consider data from all sources, input from parents of pupils enrolled in the schools and other members of the community, and must consult with the board of trustees of the school district in which the school is located. Section 34 describes a number of key areas where we must prescribe this process through regulation. This is a very important process. The SBE approves 50 percent of those schools on the list. The amendment restricts it further to six schools.

Section 21 pertains to the ED and selection of schools. The ED must solicit applications from EMOs, CMOs and other persons to operate an achievement

charter school, provide information to parents on programs of instruction that applicants submit and solicit input concerning the needs of pupils and the ability of the proposed program to meet those needs. Again, section 34 describes the processes that will be laid out to engage parents.

The ED would approve only the applications of the highest quality. Again, section 34 lays out the need to adopt the criteria. The ED has the sole power to negotiate and enter into contracts with 6-year terms. This is consistent with existing charter school law. The ED would be empowered to monitor performance; and once approved, the ASD becomes the sponsor.

Section 21.5 refers to the selection of the governing body, an important role. The governing board is appointed by the entity awarded the contract, and no fewer than two members must reside within the community in which the achievement charter school is located. There are some arm's-length provisions within to protect for self-dealing, and no employees may be voting members on the governing board.

**Chair Harris:**

Section 21, subsection 2, paragraph (b) reads: "Authorize a charter management organization, educational management organization or other person to submit one application to operate more than one achievement charter school." What do you anticipate as "other person" or entity authorized to submit an application to operate a charter school?

**Dr. Canavero:**

I would interpret it to mean a corporate entity. I cannot speak specifically. "Other person" could apply to another business structure that does not meet the specific EMO or CMO definition.

Section 22 of A.B. 448 describes the duties and powers of the governing body of the achievement charter school. The governing body selects the principal, and the principal makes the determinations of employment and offers of employment at the school. There are a number of provisions related to employees of the school district who were in the public school before it was converted to the public achievement charter school. Section 22, subsection 1 states:

The board of trustees of the school district in which the achievement charter school is located shall reassign any employee who is not offered a position in the achievement charter school or does not accept such a position in accordance with any collective bargaining agreement negotiated ... .

Section 22, subsection 2 states the achievement charter school must continue to operate in the same building in which the school operated before conversion and the board of trustees must provide use of the building without compensation; the achievement charter school governing body must pay all costs related to maintenance and operation of the building; and the school districts must pay for the capital expenses.

Amendment 799 ensured a district would not be required to grant priority for capital projects to an achievement charter school, and it is protective on the other side regarding capital improvements otherwise scheduled for the site to become an achievement charter school.

Section 22, subsection 4 states the children enrolled in the school must be enrolled in the achievement charter school unless the parent or guardian provides written notification to the principal. This is very specific that the children are there, and the achievement charter school operator shall serve those pupils in situ.

Section 23 clarifies the application of law to an achievement charter school. One of the big differences is how an achievement charter school stands up compared to how a traditional charter school stands up. Section 23 goes into great length and detail about which sections of the charter school law apply and which sections do not apply.

To ensure the record is clear, *Nevada Revised Statute* (NRS) 386.550 does apply. The provisions within NRS 386.550 important to call out are in subsection 1, paragraphs (a), (b), (c) and (d). These paragraphs ensure charter schools comply with laws and regulations related to discrimination and civil rights, remain nonsectarian in their employment policies and their admissions, refrain from charging tuition, levying taxes or issuing bonds (later, there are certain provisions which allow them to do this), and they have to comply with any plans for desegregation ordered by the court that are in effect.



Section 24 extends the same privileges afforded to all charter schools, and achievement charter schools can apply for money for facilities if certain performance exists and money exists.

Section 25 addresses access to facilities. Upon takeover by the achievement charter school, the physical school remains. Achievement charter school personnel move in, and some former employees of the school move out.

Section 25 refers to access to facilities other than the converted achievement charter school and ensures other facilities can be provided to the achievement charter school. An achievement charter school has the ability to contract with the district to perform other services.

Section 26 extends existing charter school provisions to achievement charter schools so that students may participate in classes not offered at the achievement charter school as long as space is available and the pupils are qualified.

Sections 27 through 31 go into detail about the employees and the board of trustees and how that interaction works. The employees at the achievement charter school are public employees. Charter schools are not only choice for parents and children; the charter schools are a choice for professionals whether teachers or administrators.

Section 31 builds from existing law and has responsible protection for teachers and local boards of trustees. Teachers may remain at the achievement charter school with certain protections or transfer back to the district. These next examples tend to be two-way. The governing body at the achievement charter school may enter into a collective bargaining agreement, and this is extendable to all of our charter schools. With employee consent, employee evaluations can go to a school district or from school district to achievement charter schools.

If an achievement charter school is terminated or ceases to exist, the licensed employees are reassigned in accordance with the district's collective bargaining agreement. The district is not required to reassign an employee. It extends most of the rules related to employment that exist in present law. The board of trustees of a district may grant a leave of absence not to exceed 6 years to an employee who requests to remain at an achievement charter school. This is

building on the existing charter school law, which is 3 years for a leave of absence.

Section 32 provides general guidance on compensation. It mirrors existing charter school law. There are provisions in this section to protect the Public Employees' Retirement System and to ensure compensation is not excessive.

Section 33 relates to accountability. A number of provisions relate to accountability and the role of the ED. Section 34 describes a number of regulations required to be adopted in this area. In the sixth year, the ED evaluates the performance and will do so each year. However, in law, the sixth year is a critical gate. If the achievement charter school makes adequate progress in pupil achievement, the principal of the school must decide in consultation with the school's community to convert to governance under the board of trustees. The school could then become a charter school under the LEA sponsorship; it can become a charter school under the SPCSA of the university system; it could remain as an achievement charter school, or it can return to its former status as a traditional non-charter district school.

If the achievement charter school has not made progress, it must continue for 6 years. High-stakes evaluations will be conducted each third year thereafter.

If the achievement charter school does go under the board of trustees, the employees would remain at the school and must be hired if they meet the requirements of NRS 391.

If the achievement charter school continues as a charter school, it must remain in the building as a charter school for the purposes of statute. The NRS 386.490 through NRS 386.650 apply.

**Chair Harris:**

My question refers to section 33, subsection 1, paragraph (b), regarding an achievement charter school that has not made adequate improvement. We have had several bills before the Committee that address reconstituting the board and doing other things to make sure that if we need to change the adults to help the students we are able to do that. Does this bill contemplate any of these measures?

**Dr. Canavero:**

This bill does not deal with those measures, and I will explain why. The ED is the sole end of the State side of the contract. There is a provision in the law that allows the ED to vacate the contract at any point. It is more nimble, in terms of the contract between the State and the achievement charter school, the CMO, EMO or the other person than it would be to go through a traditional revocation.

**Chair Harris:**

When the CMO or EMO is changed, what happens at the school? Does the change refer to the governing board and the way the achievement charter school has been set up, or is it a change of administration and/or staff?

**Dr. Canavero:**

Let me understand your question. When an achievement charter school is in place and is not meeting expectations, what can we then do?

**Chair Harris:**

Yes, that is my question.

**Dr. Canavero:**

Within the bill, there is a wide berth of possible solutions to this specific scenario. Our selection of a CMO, EMO operator or other person must be right. Through the selection process, we will make the selection based on which entity has a record of success taking over schools and improving them. There are a number of states looking at this particular work. It is a competitive environment to find those skilled operators.

If our selection is not working the way it needs to, the ED can either vacate the contract or breach the contract. If he or she has a bench, the ED could go to the bench to find someone who could move in or work out solutions that are specified in regulation. If we approve the right CMO or EMO first, we would have 6 years of continued improvement.

**Assemblyman Anderson:**

I have a meeting I must attend. I wholeheartedly support A.B. 448.

**Paul Pastorek (Pastorek Partners, LLC):**

Dr. Canavero has hit the nail on the head. You have whatever remedies are at law otherwise, and you have the remedy to be able to replace. To your question, you would be able to replace the board of trustee and the adult in the building.

In Louisiana, we learned how to make the transition in as seamless a way as possible so it is not interruptive or disruptive to the community, the parents or the children. There are ways to accomplish these goals and I understand this bill would do that. If there were other remedies at law, based on Nevada law for something short of an outright replacement in the ASD, the ED could exercise those as well.

**Dr. Canavero:**

Section 34 refers to a number of processes that must be prescribed through regulation, including: the process the ED will go through to solicit input from the community and parents; the process the ED will go through to solicit applications to operate; the contents of that application; and the criteria to evaluate applications, which is the first gateway and a critical decision.

Additional processes include: the manner in which the ED will monitor and evaluate pupil achievement and school performance; the process by which parents and legal guardians may enroll, which includes nondiscrimination language; circumstances under which the governing body may authorize a child to enroll in another school for a class not offered by the school; and the procedure for converting the achievement charter school into a public school under the trustees.

Sections 36 through 38 provide for the conversion of a non-charter public school to an achievement charter school. Remaining sections provide for other conforming changes.

**Senator Denis:**

Will you use the existing attendance boundaries of the public school when converting to an achievement charter school?

**Dr. Canavero:**

Unless parents submit a written notice to the principal stating they do not want their child to attend the achievement charter school, the students in the

attendance zone will attend the achievement charter school. The school and the student population remain; the management oversight individuals and teachers may change.

**Senator Denis:**

The attendance zone is still created by the school district in which the school resides.

**Dr. Canavero:**

That is correct.

**Senator Hammond:**

If 100 students would opt out, there would be 100 seats. Would it be opened up, lottery style, to 100 students coming in?

**Dr. Canavero:**

This is a process not spelled out in law; however, in regulation, it could be. On the front side, the idea is to mitigate the issue by the ED engaging with the community to understand its needs and understand the educational program and applications offered by the CMO fit the needs of the community.

**Senator Hammond:**

If this is a successful program, and if after 2 years, the school has started to turn around and students who left want to return, there should be a process to allow them to return and/or allow others, who have seen the success or like what they see happening in the school, to attend.

**Senator Denis:**

We now have Zoom schools and Victory schools to address low performing schools. As these schools are making progress, will they possibly be disrupted and converted to achievement charter schools?

**Dr. Canavero:**

In the thoughtful selection of the schools, if a school is demonstrating gains, it will not be disrupted. If a school is still working through many of the different processes and is not making significant gains or improvements, the school would be subject to this particular takeover.

**Senator Denis:**

I would not want to see a school that was beginning to make progress have to make such a change.

**Andrew Diss (StudentsFirst Nevada):**

StudentsFirst Nevada supports A.B. 448. We like the fact that each achievement charter school will have its own board of trustees. This can be an improvement on how each board at the achievement charter school will respond to a family's needs.

School board meetings in the CCSD and the WCSD can take a long time and parents can wait a very long time to address the board about the specific needs of their students. For this reason and others, StudentsFirst Nevada supports this bill.

**Michael Vannozzi (Las Vegas Global Economic Alliance):**

The Las Vegas Global Economic Alliance supports A.B. 448. We have been here supporting a number of Governor Brian Sandoval's education priorities. It is an all-in effort to try to change the education narrative in Nevada. This bill will show our economic development clients we are serious about doing what is needed to address our lowest-performing schools.

**Lauren Hulse (Executive Director, Charter School Association of Nevada):**

The Charter School Association of Nevada supports A.B. 448. We are excited about the potential of the ASD because it is an opportunity to bring high-quality charter school operators to the State. We do have some high-quality charter school operators in the State. We do not have operators in the State who have experience in turning a school around.

Nevada will likely become a magnet for talent pipeline organizations that focus on cities and states where there is a demand for top leadership talent. There is a large demand for talent in the State, especially in the urban areas. This will prove Nevada welcomes innovation.

**Senator Denis:**

Can we do a turnaround in a charter school?

**Dr. Canavero:**

Assembly Bill 448 does not contemplate converting a traditional charter school to an achievement charter school.

There are a number of provisions working through the Legislature to address an underperforming charter school, and a number of statutory implications address an underachieving charter school. At this time, there is mandated closure for schools exhibiting 3 consecutive years at the lowest performance level. Those schools are closed.

There are provisions moving through to allow for the change out of the governing body in lieu of a mandated closure of the school.

**Senator Woodhouse:**

If you have an underachieving charter school and if the ASD is the way you want to go, why not solve some of the issues that you have with the 1- or 2-star charter schools?

**Dr. Canavero:**

My opinion, and it is reflected in statute creating the SPCSA, is that underperforming charter schools should be closed. They should not exist. The notion to have persistently underperforming charter schools does not jibe, for me, personally. It is disruptive to adults, to children and to families.

The provisions contemplated now in law allow for the changeover of a governing body. If the adults responsible for this one school are unable to obtain the improvement according to the performance contract, get rid of them and put in people who can. Keep them on a short rope, but give them the latitude, flexibility and accountability to meet the needs of the children enrolled in the school.

**Patrick Gavin (Director, State Public Charter School Authority):**

Today, S.B. 509 moved unanimously out of the Senate.

**SENATE BILL 509 (2nd Reprint)**: Makes various changes to provisions governing charter schools. (BDR 34-1090)

Anything that would cause a school to be eligible for the achievement charter school district is cause for one of the interventions outlined in S.B. 509. The

sanctions we have discussed are fully aligned with that, including the reconstitution of the board or the replacement of the board by a CMO, for example. There are similar provisions in S.B. 509 that relate directly to these things, but are more appropriate to the charter school context where you do not have a district or, in most cases, a collective bargaining agreement. These are not zoned schools, and there will likely be more movement of children in and out than in a school that is zoned.

**Mr. Pastorek:**

I will offer two observations for you to consider. When I got involved in the effort in Louisiana to pursue this, it was after about 20 years of volunteer service on our chamber of commerce, on our state board of education and as a partner with an inner city school in New Orleans. I watched the tragedy unfold for 20 years, as did many of my friends, business partners, the governor and others. We realized we had to have an additional tool in the toolbox to be able to drive the change that we needed to have, so children would be given a much better opportunity.

That tool is not a perfect tool. It took us some time to learn how to use it in Louisiana. When we began, we started with too many schools as a result of the situation we faced after Hurricane Katrina. We were forced to take on much more than we were prepared for. You want to create great flexibility for the ASD to be able to do this work because it takes great flexibility to do it. You want to pursue it and should pursue it. When I was asked to do this by the governor of Louisiana after Katrina, I was skeptical about whether this would work. We have been fortunate in Louisiana to have seen 66 percent of our schools failing before Katrina; and today, 7 years later, of those schools being handled by the state, 7 percent are failing.

Academic achievement has moved from 24 percent of students being at grade level based upon state-administered tests to 57 percent at grade level. The graduation rate in New Orleans has moved from 47 percent before this effort to 77 percent today. This is graduating on time after passing the state test.

I would not argue what we did in New Orleans should be rubber-stamped on any other state. You must look at your own circumstances. I have been fortunate to work with the states of Michigan and Georgia. They have adopted strategies local to themselves.



They recognized that when you give local communities the ability to govern their own schools, you can achieve success. When you empower principals to do the work they have been asked to do and give them the opportunity to build their teams with teachers, then you can be successful. You must couple that with accountability. When you see empowerment coupled with accountability, you see schools that are successful.

We have begun to see this in Tennessee, and I am optimistic we will see changes in Michigan and Georgia. If Nevada is interested in pursuing this path, Nevada will see the same level of success. Children are waiting for adults to get their acts together, especially children who are in chronically low-achieving schools and have been in these schools for so many years.

This is what I offer to you from our experience. Many lessons have been learned, many mistakes have been made and many scars are on my back. This is a real tool and a real alternative to create an opportunity for children to get out of failing schools.

**Anna Slighting:**

I am a parent of four children in the CCSD, a member of the CCSD attendance zone committee and a charter schoolteacher. I am opposed to A.B. 448. As a charter schoolteacher, I do not see anything in the bill that will incentivize parents to be more involved, or anything to attract better teachers. Therefore, I do not see charter conversion as the answer for these schools.

**Lindsay Anderson (Washoe County School District):**

The WCSD is neutral on A.B. 448. We appreciate the amendments made on behalf of this bill and have been working in good faith with the sponsor to address the concerns we have. The WCSD shares the commitment to address chronically underperforming schools. Our interim superintendent was the principal of a turnaround school in Nevada and turned the school around. She knows how to do the work and is committed to the work.

The WCSD has its own acceleration zone in which we have identified our lowest-performing schools. In two years, some of the schools that were 1-star schools in the beginning are now 3-star schools. The WCSD made drastic changes in those schools, made some uncomfortable decisions and used evidence-based programming.

At this time, the WCSD has only one 1-star school in the district. Our efforts to turn around our low-performing schools are working. However, this does take time.

We have additional concerns. Section 15 creates an ED, and as you have heard from the testimony, the ED has a lot of authority. We know the intent is to ensure that person is able to be nimble and flexible and address the needs. Section 17 does not state what the qualifications of the ED would be. It would be the recommendation of the WCSD to outline what the qualifications of the ED are to ensure we get a high-quality individual into a position with such power.

Section 20 deals with the selection of schools, and the WCSD is grateful for limiting the number to six schools in any one year. It does not address the use of multiple years of data, which is important for the WCSD to identify low-performing schools.

As I mentioned, we now have schools that are making significant progress, and we would not want a 1-star school that is on the right track to be identified, disrupted and turned around, if in fact, the school was making progress.

Within section 22, even with the amendment, there is still an awkward landlord/tenant scenario where no money is changing hands and the achievement charter school can change and do things to the building without the district's buy-in or sign-off. We have some concerns about the ability to modify or change the building without being able to work with the district or turning over the building with no compensation.

The WCSD is committed and working to have no low-performing schools in our district

**Dr. Pierczynski:**

The Nevada Association of School Superintendents wants to thank the sponsor of A.B. 448. We had many concerns in the beginning and we still have some concerns. There has been progress on A.B. 448.

There is one concern I would like to address from the rural standpoint. Some of the schools on the list of underachieving schools are located in our rural districts. When we think of the turnarounds and the underperforming schools,

we have a tendency to look at our urban areas. We face those issues in our rural districts as well.

A big concern is teacher placement. When a school is converted to an achievement charter school, the principal is selected by the governing board. The chosen principal then selects the teachers who will be in the achievement charter school. This becomes an issue.

In a large district, the teachers not chosen to remain at the achievement charter school return to the school district, and there may be a bumping situation. There also may be a situation where there are fewer students and teachers who now are looking for positions. This is a problem, and it is particularly an issue in the rural districts. Where does that teacher go in the rural district?

The school in Owyhee is an underperforming school and could be a candidate for the ASD. It is a 2-hour drive from Elko to Owyhee. Those are issues in the rural districts. Possible recommendations to be considered would be teachers who are not selected would be placed in their home districts with full bumping rights.

What happens to a teacher who is not working out after the beginning of the school year and the school is in operation? If a teacher is forced to leave because the position is not a good match, is that teacher in a bumping situation or placed in a pool in that school district?

Teachers in very remote areas might not be someone the organization wants to keep. We recommend the teacher be kept and given professional development and coaching. If this does not work out, then progressive discipline and perhaps another career choice is recommended for the person. These are thoughts on teacher placement.

**Joyce Haldeman (Clark County School District):**

The CCSD appreciates working with the people in the Assembly to improve A.B. 448. The thrust of A.B. 448 is to invite in high-quality charter schools and allow them to use school buildings during the school day.

All of us are concerned about underachieving schools. We still have concerns about a couple of things in the bill, which I will point out. We are grateful it was changed to an opt-out situation for the students, and the achievement charter

school will have the entire attendance zone. We do have the same question Senator Denis brought up about attendance zones needing to change. Especially in the CCSD with our growth and as we are building new schools, attendance zones will change.

I am concerned about the parents who decide to opt their children out. They may be in an attendance zone surrounded by other schools that are already overcrowded, and the district would still have to provide education for them. This means we would have to transport those students to another school. If it is one student, that would be sending a bus for one student and taking that student somewhere else. If it is 200 students, we would worry where we would put those students. This is one concern that needs to be addressed, and we think we need reimbursement for the transportation.

In section 22.5, subsection 2, it specifically spells out the achievement charter schools will be given access to special education funding, and yet there is still no requirement for them to provide special education or to meet all the federal and State requirements connected with an Individualized Education Plan (IEP). If an achievement charter school is going to be given the special education funding, it needs to be held to the very same standards required of a public school in terms of special education services.

We are not bothered by the fact a school would be used free. Section 25, subsection 1 states:

Upon request of the Executive Director, the board of trustees of the school district in which an achievement charter school is located shall provide facilities to operate the achievement charter school, in addition to and not including the building which the achievement charter school operates ... .

We wonder what this might be. It could be administrative space, the use of a gym or performing arts facility. We know the district will be reimbursed, and there is an attempt to be fair. We feel there should be the qualifying language, "if available." For example, if the ASD grows to such a size it needs to have administrative offices in the CCSD, the "if available" becomes very significant.

Section 25, subsection 1 states if there is a dispute regarding the use of another facility, the Superintendent of Public Instruction must determine the

cost to be reimbursed. We do think there needs to be an arbitrator; however, the Superintendent of Public Instruction is the direct supervisor of the ED. We think someone who is more neutral might be better suited to arbitrate those situations.

The length of the contract needs to be mentioned. Section 33, subsection 1 reads: "During the sixth year that a school operates as an achievement charter school, the Executive Director shall evaluate the pupil achievement and school performance of the school." There is no language saying we need to evaluate them prior to the sixth year. Six years is a long time in the life of an elementary school child. You can conceivably have a student who enrolls in kindergarten and not have the performance of the achievement charter school evaluated until he or she is leaving and going to middle school. We think 6 years is far too long to wait to evaluate an achievement charter school.

If a school is deemed not to be successful, one of the options is to give the school another 6 years to improve. There needs to be more scrutiny and shorter time lines.

We do look forward to continue working on this bill. It is the intent of the CCSD to help underachieving schools improve. Most important is making sure our students have a quality education. We look forward to make these changes.

**Jessica Ferrato:**

The Nevada Association of School Boards wants to thank the Assembly for the work done on A.B. 448 and appreciates the cap on the number of schools to be selected. I will not duplicate what has been said by Ms. Anderson, Dr. Pierczynski and Ms. Haldeman; however, I want to mention a concern pertaining to the extremely small districts in our State and highlight this concern.

Some of these districts have lower-performing schools. If a school from one of these small districts was targeted to become an achievement charter school, there are concerns if those students moved to the ASD, these small districts would not be able to fund their districts with the remaining funds. The per-pupil funding is part of an overall operational perspective that is taken, and these districts have concerns about providing for the students remaining in their districts.

**Victoria Carreon (Kenny Guinn Center for Policy Priorities):**

I will summarize from my written testimony ([Exhibit E](#)). The Guinn Center for Policy Priorities feels it is important to look at the experience of other states and the ability of ASDs to improve student achievement. We have heard a lot about Louisiana. In Tennessee, there are some positive trends; however, the schools inside the ASD are not improving as fast as expected. In Michigan, there have not been positive results. It is important to take this information into account.

One issue for the Committee to consider is the contract start date. Section 21, subsection 1, paragraph (d) states the contract begins on the first day the CMO or EMO is responsible for operation. As you know, with any charter school, there will be a long planning period in advance. There is no contract between the State and the provider during the long planning period. A CMO could pull out during the planning period and Nevada would have no recourse. This occurred in Tennessee with Yes Prep Public Schools. We suggest that section 21, subsection 1, paragraph (d) could be amended to include the planning time in the contract and use funds from the Charter School Harbor Master Fund to help support the contract period to start-up.

Another consideration we submit is allowing slow-start models to be implemented. One of the charter school best practices is starting a charter school one grade level at a time each year and building on progressively. Assembly Bill 448 envisions that an entire school would be taken over at once. The list of high-quality charter operators that do that work is limited. If you would provide the flexibility for the slow-start option, you would expand your horizons of which charter operators are available.

Once you have these schools in place, since they are underperforming schools, you should consider allowing them to use some of the funding Governor Sandoval has proposed specifically for underperforming schools that is supposed to be for turnaround. These funds should be available for achievement charter schools as well.

**Ray Bacon (Nevada Manufacturers Association):**

This is not going to be an easy task. When we look at the successful charter operators, there is a lot of flexibility given to the charter operators. This includes schedule issues. The schedules in some drastically underperforming new schools can be from 7 a.m. to 4 p.m. each day and a half day on Saturday. I assume the flexibility will be leveled.

Something that was not mentioned is The Nevada Plan For School Finance has done a wonderful job of leveling the funding that goes among and between the school districts. It has not necessarily done a wonderful job on leveling and balancing the funding that goes inside the school districts. Some of these schools may have partial funding issues.

The key thing for this Committee and for whoever runs the operation to remember is that we must focus on the children. We have proven in the successful charter schools around the country those things that have made dramatic improvements in the low-achieving schools in the past; it has never been about the kids. It has always been "what we have done to the kids." This will be a monumental task, and we should expect this be an issue every session.

**Peggy Lear Bowen:**

My suggestions are: No. 1, the achievement charter schools need to answer to the NDE and the SBE, elected folk who answer to their constituents; No. 2 is you allow school districts the option to bring in charter schools to enhance their school districts and keep it at the home level; No. 3, and foremost, is bring it all back under the umbrella of the Legislature and the Legislators. This means licensure returns to the SBE.

Bring it back home to you; standards, diplomas, credits and you can go from school to school and not opt out. Make it yours again and do not privatize, which this appears to do.

**Dr. Canavero:**

A few quick comments in response to comments I heard specifically related to special education. This is Mr. Erquiaga's absolute priority. One reason achievement charter schools are in and of themselves LEAs is they now carry the legal burden of the Free Appropriate Public Education for Students With Disabilities or students with IEP requirements. This provision addresses that any school that does not meet those obligations is subject to a number of issues.

The other comment is in relation to monitoring. The NDE is empowered to adopt regulations that describe the manner in which the ED will monitor and evaluate pupil achievement and school performance of an achievement charter school. There will be no 6-year window of time for an achievement charter school to continue to underperform. It will be performance-based and accountable.

Senate Committee on Education  
May 26, 2015  
Page 32

**Chair Harris:**

We have had great discussion today on A.B. 448, and some of it has been vigorous. You have given this Committee much to think about, and I am grateful for the different perspectives and the time everyone spent on A.B. 448. I will close the hearing on A.B. 448.

**Chair Harris:**

There being no further comment or business before the Committee, the meeting is adjourned at 5:41 p.m.

RESPECTFULLY SUBMITTED:

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Shelley Kyle,  
Committee Secretary

APPROVED BY:

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Senator Becky Harris, Chair

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



<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	4		Attendance Roster
A.B. 234	C	5	Chair Becky Harris	Proposed Amendment 7672
A.B. 234	D	1	Ruben Murillo, Jr. / Nevada State Education Association	Support Letter
A.B. 448	E	2	Victoria Carreon / Kenny Guinn Center for Policy Priorities	Written Testimony