

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 5, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:30 p.m. on Thursday, March 5, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom, (Excused)

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Christopher Smith, Chief, Division of Emergency Management and Office of Homeland Security, Department of Public Safety
Richard Stokes, Superintendent, Carson City School District
David Jensen, Ed.D., Superintendent, Humboldt County School District
Pat Skorkowsky, Superintendent, Clark County School District
Jeff Zander, Superintendent, Elko County School District

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Lisa Noonan, Ed.D., Superintendent, Douglas County School District
Robert Dolezal, Superintendent, White Pine County School District
Steve Hansen, Superintendent, Lincoln County School District
Keith Savage, Superintendent, Lyon County School District
Sandra Sheldon, Ed.D., Churchill County School District

Chair Harris:

We will begin the hearing on Senate Bill (S.B.) 205.

SENATE BILL 205: Revises provisions relating to plans to be used by a school in responding to a crisis or emergency. (BDR 34-404)

Senator Joyce Woodhouse (Senatorial District No. 5):

I will read from my written testimony regarding the school districts' emergency plans ([Exhibit C](#)).

Representatives from the two agencies that came to the Legislative Committee on Education during the interim are here today to provide their testimony and answer questions. There are friendly amendments that will be brought forth.

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

When we met with the interim committee, Christopher Smith and I discussed the status of how school districts' emergency plans reside with the Department of Education (NDE), the Division of Emergency Management and the Office of Homeland Security and which agencies were more appropriate. Adopting a safety plan in a public setting seemed unwise to us. Instead, we will prepare a model plan.

With the assistance of Chief Smith, the NDE has received a federal grant for safety planning. We will have a model plan by July 1, 2015, which is the effective date of S.B. 205, if approved by this Committee and the Legislature.

Chair Harris:

Is an emergency plan written or is it action-oriented? Could you walk us through what an emergency plan is all about?

Mr. Erquiaga:

This will be the framework that we will use for an operations plan at the school level. The plan contains policy statements, lists of hazards, an overview of hazards analyses and the community the school serves. It would provide preparedness and mitigation overviews, assessing each of the hazards and its priority for response. Also, included would be national incident management system best practices and steps to ensure that families are assisted in reconnecting with pupils once they have been relocated.

We know that our schools and districts have done this work. However, we want to be sure that we provide, from the State department level, the most current best practice work. That is why *Nevada Revised Statutes*, (NRS) sections 392 and 394 have us work closely with Chief Smith's office.

Chair Harris:

The statutes refer to a deviation from the plan. Please tell us what that is.

Christopher Smith (Chief, Division of Emergency Management and Office of Homeland Security, Department of Public Safety):

A deviation, in our view, is a significant change in an operational procedure made by a school during the school year. The school would delineate what that change would be and supply that information to the NDE and the Division of Emergency Management. Most importantly, that information would be supplied to first responders who would be responding to that school site in the event of an emergency.

Chair Harris:

In the proposed language that would fit within the existing statute, there is a requirement to file a copy of the notice the plan has been completed with your department. Why just file a notice and not a fuller version of the plan?

Mr. Erquiaga:

Chief Smith and I have determined that the plan documents should be cared for in a secure environment. My office is a public place, and it is not appropriate to have those plans in a public place.

Because Chief Smith's office has vaults and he has a caretaking responsibility, we feel the documents should be kept in his office. The Department of

Education would have a checklist form or the notice prescribed by law so that we can ensure compliance.

Chair Harris:

In Section 2, subsection 3, paragraph (g) of S.B. 205, it states a copy of the deviation can be provided upon request. Why would a deviation from a plan need to be requested? Why would it not be automatically sent to the emergency organizations?

Mr. Erquiaga:

That is existing law. Neither of us knows why it has been left that way rather than having an automatic transmittal. We certainly could provide your staff with language to change that.

Chair Harris:

Do you think that would be helpful?

Mr. Smith:

That would be helpful. If a school district, charter school or private school makes a substantive change to a plan operationally, it is imperative that first responders be aware of the change.

Chair Harris:

If you would suggest some language, I would like to add that as an amendment.

Mr. Smith:

Prior to my service with the State, I served as a school district emergency manager. I used *Nevada Revised Statute* 392.620 to develop my emergency plans for the school district.

There are two areas of clarification that I would like to offer as friendly amendments. The first, as the law stands now, we cite law enforcement agencies to have a plan and be part of the planning process. The fire service and emergency medical services are left out of this planning process.

The friendly amendment would be to recommend where law enforcement is listed that we use collective terminology like "public safety agency" for these three services.

We do need to include the entire public safety strata when developing the plan.

The second area to amend would be to eliminate subparagraphs (1)-(4) of section 3, subsection 1, paragraph (k). We have a myriad of threats and hazards around the State that are different. Every county in the State is required to have a hazard mitigation plan that is germane to that county. These threats and hazards are now referred to in each county's hazard mitigation plan.

The hazards identified in subparagraphs (5)-(8) would be kept. I offer that the language could read, "as a result of: any threat or hazard listed in the county hazard mitigation plan."

This language would allow and encourage emergency management officials and school district officials to work together to develop plans that are appropriate for their areas of the State.

Chair Harris:

Would subparagraphs (5)-(8) remain?

Mr. Smith:

Yes.

Senator Denis:

Would we list subparagraphs (5)-(8) and include the additional words, "any threat or hazard listed in the county hazard mitigation plan"?

Mr. Smith:

That is correct.

Senator Lipparelli:

Would there be any reason we should not say, "including, but not limited to." Are we trying to be too specific?

Mr. Smith:

We wanted to set a minimum of what needed to be required. We could certainly say, "not limited to." That would ensure that if a school district wanted to have a comprehensive plan to deal with as many elements as possible, it could. We want to make certain these core elements are in the base plan.

Senator Hammond:

Would, “including, but not limited to,” precede those listed hazards?

Mr. Smith:

That is correct.

Chair Harris:

The hearing on S.B. 205 is closed. I would like to invite any of the State school superintendents in our audience today that have a “Good News Minute” to share those with us.

Richard Stokes (Superintendent, Carson City School District):

An invitation is extended to all of you to attend the Carson City School District’s Science, Technology, Engineering and Mathematics (STEM) Fair tonight at Eagle Valley Middle School. In Carson City, we have added an “A” for arts. We refer to our program as Science, Technology, Engineering, Arts and Mathematics (STEAM). It is an important aspect in our current curriculum.

David Jensen, Ed.D. (Superintendent, Humboldt County School District):

Recently, we had a hazardous materials spill in Winnemucca. Mercury was brought into our school that required an evacuation of the school. We had responders from fire, emergency medical services, police force, hazardous materials crews, and the Division of Environmental Protection in our school. The support and reaction we received from the community is telling of the support we have across the State for public education.

Pat Skorkowsky (Superintendent, Clark County School District):

Here is an update on our return-on-investment work. The new initiative, “Ensuring Every Dollar Counts,” is a public/private partnership that includes community leaders and representatives of the Clark County School District, the Las Vegas Metro Chamber of Commerce, the Las Vegas Global Economic Alliance and Nevada Succeeds. This is the first-of-its-kind partnership between a major urban school district and community leaders.

We have developed rubrics and plans so we can evaluate every expenditure in our departments and divisions within our central office. We are looking at the total money that goes into a school and determining if we can have an expected achievement outcome. If schools that have like demographics, like demographic groups, are getting better outcomes for that money—we look at what they are

doing and how we can replicate that. We want to show our community that every dollar makes a difference in the lives of students.

Jeff Zander (Superintendent, Elko County School District):

For the past year, we have been working with our local law enforcement agencies to return school resource officers to our schools. We have signed a multi-jurisdictional agreement with the Elko County Sheriff's Office and the Elko Police Department.

We have received Community Oriented Policing Services grants from the federal government. With these grants and contributions from the City of Elko, Elko County Sheriff's Office and the Elko County School District, we have placed five resource officers in a multi-jurisdictional area. This multi-jurisdictional area covers all of northeastern Nevada and Elko County, a total of 17,000 square miles. The program will be in place for the next 4 years.

Lisa Noonan, Ed.D. (Superintendent, Douglas County School District):

Douglas County taxpayers supported a 10-year bond for our schools. One of the results from their support can be seen in front of Douglas County High School. It is a new STEM building that is more than midway through construction. When people are in Douglas County, we encourage them to drive by the high school and see the new STEM center.

Robert Dolezal (Superintendent, White Pine County School District):

I would like to thank the Clark County School District for the work they are doing with the smaller rural school districts in the State. They have developed a curriculum engine that allows teachers to better prepare their lessons and share with their school and between school districts. Our small rural school district is grateful for the curriculum engine.

Steve Hansen (Superintendent, Lincoln County School District):

Lincoln County School District has a tradition that has been going on for several years. The sixth grade class from each of the four communities in Lincoln County—Alamo, Caliente, Panaca and Pioche—get together each year during a break time for a trip to Washington, D.C. They place a wreath at the Tomb of the Unknown Soldier and visit our Congressional Delegation. They have learning standards that are required from the trip. It is funded through donations and parents' support. Not a lot comes from the schools. It is a great learning experience for them.

Keith Savage (Superintendent, Lyon County School District):

We are proud of what we are doing with Early Childhood Education in Lyon County. Last summer, we offered a 6-week summer program called "Beginnergarten" for those who were entering kindergarten in the fall. Kindergarten teachers reported it was an amazing success. The teachers were able to hit the ground running with the students. It was a stepping-stone to implement prekindergarten in all of our elementary schools, which are all Title I-eligible.

Sandra Sheldon, Ed.D. (Churchill County School District):

We are excited about our Native American education program. On February 10, students representing the Churchill County School District and the Paiute-Shoshone Tribe attended the Legislative Session in Carson City. It was the first time for these students to see the democratic process in action and they enjoyed their experiences.

We continue to work with Naval Air Station Fallon (NAS) to integrate some of their programs in our schools. Last Friday, we had over 30 sailors in our middle school, working with and tutoring students. We do this on a weekly basis.

On April 2, we will have a Commanding Officer of the Day program at the NAS. The commanding officer of NAS has invited two students and principals from each of our schools to be the commander for the day. They will have a full tour of the base.

It is exciting to be able to work with the different cultures and groups within our community and have them help us enrich our schools.

Dr. Noonan:

I serve as the president for Nevada Association of School Superintendents (NASS), which meets once a month to ensure we are doing the best things for our students with the resources we have and the workforce we appreciate every day.

Every 2 years, in anticipation of the legislative session, the NASS membership organizes its thoughts and suggestions on education matters it wants to receive more attention. In the latter part of 2013, we realized we wanted to devote more time to this in the next issue of iNVEST. In compiling this information, we

found that regardless of the size or location of our districts, we have more commonalities than differences.

We gathered together charts, lists and many other materials for our iNVEST issue. However, we realized the importance to create a document that was easy to understand and useful for people to use in their busy schedules.

Each of you has been provided with a copy of this document. "Road to the Future 2015" ([Exhibit D](#)) was a deliberate title we wanted to use. This document is about our children and what future we are providing for them. As we all know, a trip is not finished in one step. It is a journey that takes time.

My theme today is going to be "thank you." As we worked to prepare this document, we knew that other entities and elected officials were working on their plans for this Legislative Session. We are grateful for what we see as many areas of alignment. As we move forward, we see common themes of what we all are trying to do for students.

An excellent example of this is passing [S.B. 119](#) and [S.B. 207](#) so quickly and early in this Session that helps with our capital projects' needs. It is immediately meaningful in our districts. It is beyond words for us and we cannot thank you enough. Our children will benefit in a lasting and ongoing way because of these bills.

[SENATE BILL 119](#): Revises provisions relating to educational facilities.
(BDR 28-732)

[SENATE BILL 207](#): Revises provisions relating to financing of school facilities.
(BDR 30-1256)

The iNVEST document ([Exhibit E](#)) has three main categories. The first is suggestions and recommendations that are focused directly at the students. The second is support for our educators and workforce that makes sure our students succeed. The third is the overall system needs to make certain we have a capable and vibrant kindergarten through Grade 12 force.

The three categories were then narrowed down to high priorities. Funding full-day kindergarten and specific recommendations and requests for assisting our struggling learners complete the first category.

Under support for our educators, we need to make sure professional development and support for their success is at the forefront. They also need materials and technology to do their jobs as well as possible.

Our work in the iNVest document is the message we are sending with the children we have today into their future.

On page 3 of the iNVest document, [Exhibit E](#), is a portion of Governor Grant Sawyer's 1963 State of the State Address in which he stated some education statistics for Nevada at that time. In 1963, Nevada had the highest literacy rate in the Nation; it was fourth in the Nation on basis of money spent per pupil, eighth for median number of school years completed by persons 25 years or older, fifteenth in pupil-teacher ratio and eighteenth in average teacher salaries. At this time, we know that Nevada ranks near the bottom in almost everything. This is a major concern for us.

We need to give a big picture of what we think is the right thing to do for the long term and realize that is a large goal. What would be the first step to reach this large goal?

In each of the areas, we show a long-term goal for the big picture. Then we show the short-term plan, for the Session we are in now, is the smaller bite out of that task. We have made great progress in full-day kindergarten. It may be too expensive to do all at once. Our short-term goal is that by next Session we could have full-day kindergarten in all of our schools throughout the State.

Mr. Skorkowsky:

Each of our counties has struggling students. We were fortunate to receive money from last Session for ZOOM schools. Last Monday, I was in a ZOOM school for Nevada Reading Week.

Sitting down and talking with the first graders who understand the value of reading and what they have to do as students in their learning is extremely important. This knowledge was created within the culture of the ZOOM school environment where we provided additional support. We provided pre-school, all of these extras—the kindergarten at a 21 to 1 ratio—in a full-day setting. Students are benefitting when we look at the reading skill centers and the extended day.

As part of our plan, we are asking to assist these struggling students. Many of the students in our most poverty-stricken areas are coming to school with less academic language than some of our Hispanic students who do not speak English. We need to focus on the same type of academic skills that these students need to be successful.

Our short-term goal is to expand the funding, which was proposed, to create additional ZOOM schools in three counties and to double the funding in the Governor's proposed budget.

Our long term goal is to move that funding into the weighted funding formula category so that we are providing and allowing the dollars to follow the students where there is the most need in our struggling schools.

Dr. Noonan:

The next category is prioritizing professional learning. The baby boomers have dominated the education career for their adult lifetime. As they move out of the profession, we are going to have many openings in education. That is not something that is on the horizon; it is here. That is true today in Clark County. As our workforce retires, we need to do the right things to attract, recruit, retain and support a talented workforce that will stay in this profession and do everything we know that needs to be done for our children.

The long-term goal by the year 2020 is that we would like to see the funding provided to extend the teachers' contract year. If we could continue to extend the school year, especially for our professionals, that provides paid work time for us to be able to collaborate and provide the training. The initiative that has our new teacher evaluation system takes good quality thinking time when you are not running off to class to be able to be a good student of that area and provide better service to children. That has a price tag attached to it.

Our short-term goal would be to add an additional contract day, one this year and one in the second year of the biennium.

Our last category ensures we have access to the appropriate resources we need. The long-term goal for this is to make sure we have the textbooks, the technology, the assessment and the infrastructure that we need. Here again, we see the price tag. What would be an appropriate short-term goal for this Session?

The short-term goal is a non-cost item: revisit the Minimum Expenditure Requirement by district, look at the language and see what is more appropriate at this point.

The system-wide category is at the end. Funding the base has been in iNVEST since we began in the early 2000s. The concept is that certain amounts of resources need to be available to manage the system.

There are wonderful proposals this Session that we are excited to see. However, they are tagged for certain projects, and there are still needs to run the system overall. Having gone through these recent years of the recession, I may be stopped from buying school buses in my district and that may be where I would need to be caught up. In other districts, the needs would be different.

If the base is not sufficient for this adequacy component, it becomes difficult to return to a minimum level of services and safety that we are providing. In the long term, we ask you to look at a goal to get us to an average on a national scale. The short-term goal would be to begin as though our goal, in 10 years, would be at the national average. For this Session, we estimate it would take a budget increase of \$203 per student.

Mr. Skorkowsky:

The NASS was pleased the revision of the funding formula came forward in Governor Sandoval's State of the State Address. With the implementation over time, it goes along with our short-term recommendations.

To review the recommendations that were made to the Legislative Committee on Education and to be able to move forward and change the funding formula that was established in 1967, it is time for us to look at things differently. Nevada is a different state than it was in 1967.

In 1967, all the counties were approximately equal in size, and that is not the case now. We are funding in a format that was based on a Nevada that we have not seen for several decades.

It is important for us to move forward with this funding formula and to be able to implement the weight, over time, to ensure that we are being successful. As we go forward, we request that we give some serious consideration to this funding formula and to the weights that are encouraged. It is for the children.

One of my favorite quotes is by James Baldwin. "For these are our children, we will profit by our pay for whatever they become." If we do not make some bold steps in this Legislative Session to change the path of our students, then we will pay for whatever they become.

Mr. Zander:

Like a rainy day fund, the creation of an education stabilization fund is related to the past recession. In 2009, there were issues with cash flow in the State's General Fund. As a result, per pupil allocations were reduced to individual school districts to balance the State's budget.

Unfortunately, for school districts, they are tied to contracts and to fixed costs that they cannot adjust mid-year. They had to adjust programming, defer programming, defer maintenance and other items, in order to maintain cash flows and survive the fiscal year.

The intent of the short-term recommendation is that reversion funds remain in an education rainy day fund until the funds accumulate 10 percent of the annual Distributive School Account (DSA) revenues. Those funds could be used to alleviate mid-year cuts within school district budgets.

When the Nevada Plan is determined by the Legislature, a per-pupil allocation is given to each school district and then the local school support payments and one-third of the ad valorem payments are subtracted. Those are based on estimates that take place in the spring.

At the end of every fiscal year, an adjustment is made. If revenues have been overstated, the monies from the school districts are reverted into the State's General Fund. If monies are understated, that usually comes up with a special appropriation bill back to the Legislature to fund education. Applied analysis provides an in-depth look at the formula over the past 35 years, and since then, \$765 million of funding generated by taxpayers for education reverted to the State General Fund.

It is the intent of NASS to develop a rainy day fund to set aside 10 percent of the annual DSA revenues to moderate future economic recessionary issues that affect school budgets.

Dr. Noonan:

To conclude, our concerns are around capital improvement needs. It is fitting, the Session has already made a big impact to our concerns. We know that you care about students, too, and want the best for their future.

Senator Woodhouse:

Almost all the items in your iNVEST document have been either addressed in the Governor's budget or are in bill drafts. If there are concerns that may not already be offered in a bill draft, we can look at those.

Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 4:26 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE:

| EXHIBIT SUMMARY | | | | |
|-----------------|---------|----|-------------------|--------------------|
| Bill | Exhibit | | Witness or Agency | Description |
| | A | 1 | | Agenda |
| | B | 2 | | Attendance Roster |
| S.B. 205 | C | 2 | Senator Woodhouse | Written Testimony |
| S.B. 205 | D | 16 | Lisa Noonan | Handout |
| S.B. 205 | E | 17 | Lisa Noonan | Slide Presentation |