

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
March 31, 2015**

The Senate Committee on Education was called to order by Chair Becky Harris at 3:31 p.m. on Tuesday, March 31, 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
Senator Tick Segerblom

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Jan Brase, Committee Secretary

OTHERS PRESENT:

Lindsay Anderson, Washoe County School District
Craig Stevens, Clark County School District
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Mark Newburn
David Vallett, Ph.D., Assistant Professor, Department of Teaching and Learning,
College of Education, University of Nevada, Las Vegas
Stephen Augspurger, Executive Director, Clark County Association of School
Administrators and Professional-Technical Employees
Lynn Chapman, State Vice President, Nevada Families for Freedom
Paul J. Anderson, Nevada Interscholastic Activities Association

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Lauren Hulse, Executive Director, Charter School Association of Nevada
Rochelle Tisdale, Administrator, Oasis Academy
Dalton Kaady
Paige Thorn
Mike Richards II

Chair Harris:

I will open the hearing with Senate Bill (S.B.) 295.

SENATE BILL 295: Revises provisions relating to education. (BDR 34-789)

Senator Joyce Woodhouse (Senatorial District No. 5):

I have submitted my testimony in support of S.B. 295 ([Exhibit C](#)). The bill strengthens Science, Technology, Engineering and Mathematics (STEM) education in Nevada and expands the availability of professional development for our teachers and administrators with a focus on STEM and Nevada Academic Content Standards. We may hear from some who are concerned about the timing and logistics required to implement provisions of this bill. I look forward to working with those who are interested in submitting amendments.

Senator Hammond:

Section 5 addresses access to high-quality, ongoing professional development. Does this refer to all teachers, or only to teachers in the fields of STEM?

Senator Woodhouse:

We definitely concentrate on STEM teachers, but also expect to focus on the Nevada Academic Content Standards. This would require professional development for English language arts teachers and specialists such as teachers of physical education, arts and music. It is important to provide training for administrators who will be observing and writing evaluations. Details could be developed with the Department of Education (NDE) and the school districts.

Senator Hammond:

How does S.B. 295 relate to other bills addressing professional development?

Senator Woodhouse:

I am aware of some duplication of efforts, particularly regarding STEM professionals. I am committed to working to find compromise and efficiency in this important work.

Senator Denis:

How are the allocations determined?

Senator Woodhouse:

I have had discussions with the Clark County School District (CCSD) to estimate the cost of two additional professional development days and the required materials and resources. Our estimates may be conservative. There may not be adequate funding for the Regional Professional Development Programs (RPDP) and charter schools.

Chair Harris:

Senate Bill 295 requires students in high school to complete at least 1/2 unit of credit in computer science. Can you offer details concerning what is meant by computer science?

Senator Woodhouse:

School districts are offering a computer literacy class. A computer science course is a more detailed and broad-based study. There is some concern there are too few well-trained teachers in this field, thus the request for additional professional training. This course is meant to replace the computer literacy class and would not add credits to students' curriculum.

Lindsay Anderson (Washoe County School District):

The Washoe County School District supports S.B. 295. The legislation modernizes the computer literacy classes to include more computer science and programming. We want to ensure the Council to Establish Academic Standards for Public Schools creates standards so teachers will know what is to be accomplished in the computer science classes. The sponsor has offered to work with the WCSD concerning the deadline for implementation. We do not want to negatively impact students who are currently enrolled and have taken computer literacy courses. Delaying the deadline will also allow districts to recruit and train qualified teachers. Senator Woodhouse's cost estimate of \$3.6 million per professional development day is accurate. The WCSD appreciates the appropriation in the bill.

Craig Stevens (Clark County School District):

The Clark County School District supports S.B. 295. Computer science should be taught in a standard manner across Nevada. Studies show that professional development is most effective when it is offered for 3 years. It is important to

track the usefulness of professional development in the classroom. Have teachers learned and delivered the intended lessons? Beyond the initial appropriation, teachers should be supported, observed and evaluated following their training.

Mary Pierczynski, Ed.D. (Nevada Association of School Superintendents):
The Nevada Association of School Superintendents supports S.B. 295.

Mark Newburn:

I am chair of the University of Nevada, Las Vegas (UNLV) Computer Science Advisory Board. I am a computer scientist and small business owner. I am also an elected member of the State Board of Education and State Board for Career and Technical Education. Brookings Institution's 2014 report, *Cracking the Code on STEM, A People Strategy for Nevada's Economy*, lays out the central role STEM education will play in the diversification of our economy. Science, Technology, Engineering and Mathematics jobs are projected to be the fastest growing sector in the economy. Within the STEM field, the segment in most demand will be computer science. By 2020, nearly one-half of STEM jobs are expected to be computer-related. Computers are ubiquitous. They are in our phones and in our watches. Cars are becoming computers on wheels and planes are becoming computers in the sky. Unfortunately, we are producing fewer computer science graduates now than we were 10 years ago. Nationally, by 2020, there are projected to be 1.4 million new jobs in computer science, but we will only be able to fill 400,000 of those jobs. Women, who once accounted for one-third of computer science graduates now account for 13 percent. African Americans and Hispanics account for 8 percent of the computer science workforce.

We need students to be more than technology consumers. They need to learn to be technology creators. The Brookings Institution recommended Nevada change the 1/2 credit computer literacy requirement to a 1/2 credit computer science requirement. I have seen computer literacy courses offered as college classes, then as high school classes, and now, as a class requirement satisfied in middle school. It is possible to satisfy a high school graduation requirement in middle school. Clearly, the requirement is obsolete in its current form. Offering computer science as an elective does not attract underrepresented populations such as girls and children of color. They never see computer science as a career possibility.

There is also an academic reason to require computer science, beyond economic and equity reasons. We require mathematics to teach students how to solve problems mathematically. We require science to teach students how to solve problems scientifically. In the twenty-first century, we solve problems computationally using computers for problems from engineering to science to medicine. To be twenty-first century problem solvers, we must teach our children to think computationally, through education in computer science.

David Vallett, Ph.D. (Assistant Professor, Department of Teaching and Learning, College of Education, University of Nevada, Las Vegas):

I support S.B. 295 and have submitted written testimony ([Exhibit D](#)). I have concerns regarding section 3, subsection 3, paragraph (b), and section 4, subsection 1, paragraph (a), subparagraph (6) relating to the computer science course requirement. There is a shortage of qualified instructors in Nevada.

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

The Clark County Association of School Administrators and Professional Technical Employees supports S.B. 295.

Lynne Chapman (State Vice President, Nevada Families for Freedom):

The Nevada Families for Freedom supports S.B. 295, but we have concerns relating to section 5, subsection 1. The Next Generation Science Standards have been reviewed by nine scientists and mathematicians for content, rigor and clarity. The Thomas B. Fordham Institute gave the Standards an overall grade of C. Factors contributing to the score were: no explicit requirement of content in early grades which have been assumed in subsequent standards; an attempt to place a ceiling on content and skills which would be measured at each grade; failure to include essential mathematics content that is critical to science learning, particularly in physics and chemistry; and a confused presentation of standards with vague and poorly worded expectations.

Science standards may prepare students for an undergraduate general science class, but they will not prepare them for further study in STEM subjects. According to the Thomas B. Fordham Institute analysis, there is so little advanced content in the Next Generation Science Standards it would be impossible to prepare for a high school physics or chemistry course. The content would limit students' ability to compete in college level classes once they leave high school.

Senator Woodhouse:

Senate Bill 295 represents an important investment in students' future. I look forward to working to advance this measure.

Chair Harris:

I will close the hearing on S.B. 295 and open the hearing on S.B. 330.

SENATE BILL 330: Revises provisions relating to education. (BDR 34-724)

Senator Mark Lipparelli (Senatorial District No. 6):

Senate Bill 330 addresses the issue of high school athletes' eligibility to participate or practice in a sport at the high school to which the pupil transfers. The bill attempts to give flexibility to parents and students who participate in high school athletics, while providing well-delineated guidelines. Section 6, subsection 2, outlines the timing of eligibility for participation. Parents of student athletes in middle school may not know they are making decisions that will impact eligibility in high school. This bill will permit students to participate in sports at the schools of their choosing.

Section 6, subsection 1, allows students in Grade 9 through Grade 12 immediate eligibility to participate in a sport following a transfer. This provision is granted one time during a student's high school enrollment. A proposed amendment clarifies the provision. Students could not transfer within the same season in the same sport. This bill addresses the many reasons students may need to change schools and does not penalize them for moving.

Current law allows student athletes to move from one public school to another without penalty. However, a move from a private school to a public school would result in a 1-year lockout from sports participation. When students are ineligible for a full year in their sophomore or junior year, the result can be debilitating in terms of developing as athletes. The bill presumes that competition and inclusion are important, and would give every student the ability to move one time during high school without penalty.

Section 5 provides for an independent hearings officer for the grievance process. The hearings officer would be required to demonstrate independence from the Nevada Interscholastic Activities Association (NIAA) so the petitioning party has a level of confidence the person hearing the case is neutral. The

proposed language may be more restrictive than intended. I am open to discussion and amendments.

The second portion of S.B. 330 relates to school nursing and will be addressed at a later time.

Senator Denis:

Would students be allowed to play football at one school and baseball at another in the same year?

Senator Lipparelli:

Yes.

Chair Harris:

Would this constitute the one transfer? If students transferred again, would they be penalized?

Senator Lipparelli:

Yes, students could transfer again, but could not transfer without penalty.

Senator Segerblom:

Are there any residential restrictions?

Senator Lipparelli:

My understanding is the determination would be subject to the school district's variance rules.

Chair Harris:

Section 6, subsection 2, paragraph (a), states that a pupil who enrolls in Grade 9 at a public school at the time of enrollment is immediately eligible to participate in a sanctioned sport. The language of the bill would subject students to the attendance zone. In the event students move, they would be able to apply for a variance.

Who do you expect would serve as hearing officers? Do we have a list of potential candidates? How can we be assured they are qualified?

Senator Lipparelli:

The Department of Administration has hearings officers who are empaneled on various administrative hearings. This would be one approach. The bill contemplates ensuring any hearings officer would demonstrate independence from the governing body.

Chair Harris:

What standard would be used to demonstrate independence?

Senator Lipparelli:

I would recommend the hearing officer not be paid from the budget of the governing body.

Paul J. Anderson (Nevada Interscholastic Activities Association):

I have had extensive conversations with the sponsor of the bill. The NIAA is, technically, neutral on S.B. 330.

Nevada Administrative Code (NAC) 386.779 states a public school student has full eligibility at their zone of attendance school. For example, high school freshmen who attended a middle school in their current zone of attendance would be eligible at a full varsity level. If these freshmen choose to attend another high school or a private school, they would be eligible at a sub-varsity level. They could not play at the varsity level for 1 year. This rule was established to discourage recruiting of student athletes, which continues to be a problem. The NIAA Board is expecting to repeal this section of the NAC. Senate Bill 330 addresses this issue.

Section 5 of S.B. 330 provides for any pupil or school aggrieved by a final decision of the executive director of the NIAA, to file a written appeal with the director of the Department of Administration. The NIAA has concerns with this provision. The NIAA offers levels of appeal when a student disagrees with its decision. At the first level, a student submits a packet of information to the school athletic department before trying out for a team. If the student is suspected of ineligibility at this point, the determination is made by the school district. The student can then appeal to the NIAA, and the case is reviewed by a hearings officer. *Nevada Administrative Code* 386.855 addresses administrative procedure for hearings. Under that regulation, the hearing is scheduled, and within 14 days a decision is issued. We are confident that our hearings officer delivers fair and equitable decisions. He or she is able to make decisions based

on understanding of the complex rules. It is understandable that there may be some who question the neutrality of the process. We can demonstrate we do not win every case.

If, as the bill provides, the Department of Administration hears cases, we are concerned about the knowledge level of the hearing officers. Training and education will be time-consuming.

The timelines outlined in S.B. 330 are also a concern. The process may be so lengthy students will miss the opportunity to play for an entire season, regardless of the final determination of the case. Students have 10 days to appeal the initial determination of the NIAA. The Department of Administration has 10 days to appoint an officer, and 30 days are allotted before the hearing. A decision cannot be expected immediately following the hearing.

Chair Harris:

Can you outline current timelines and processes?

Mr. Anderson:

We work to assure a convenience of calendars for all parties concerned.

Chair Harris:

How many days, typically, follow the initial determination of ineligibility and the scheduling of a hearing and decision on the matter?

Mr. Anderson:

Many factors contribute to this timeline such as how quickly the school delivers the information to the NIAA office. Clearance occurs a week before tryouts. If students are found to be ineligible, a determination is made at the school district level.

Chair Harris:

All students are determined to be eligible or ineligible a week before tryouts. Is this correct?

Mr. Anderson:

Yes, this is correct, at the school level.

Chair Harris:

If a parent disputes the decision, how much time passes before the case is heard.

Mr. Anderson:

The first-level decision is generally made within 1 or 2 weeks. The next level review by the NIAA takes place as soon as schedules of all concerned can be organized.

Chair Harris:

There is flexibility. There is nothing in administrative code or in statute requiring a firm timeline. Is this correct?

Mr. Anderson:

Correct. Another issue of concern is funding. The NIAA receives no financial support from the State. We rely on corporate sponsorships and dues from member schools. We anticipate an increased cost if the appeal process is extended.

The one-time transfer rule has been tried in many places over the years. No state high school athletic association has adopted this rule because it promotes open recruiting. Every athlete who transfers assumes a place on a team which would have gone to a student already enrolled. There are limited opportunities in each school and on each team. This is an important consideration with respect to the one-time transfer rule. The NIAA has a responsibility to serve all students.

Chair Harris:

What happens when a school is so overcrowded there is very little opportunity for any of the students?

Mr. Anderson:

This is a difficult question to answer. The NIAA recognizes the issue of overcrowding and works with school districts to find solutions. The CCSD provides a form of open enrollment to assist students who find themselves in schools with too many students. In these cases, student athletes can transfer with fully eligibility.

Senator Hammond:

Regarding funding for independent hearing officers and the possibility of an increased caseload, do you have an estimate of potential costs to the NIAA?

Mr. Anderson:

We do not have details from the Department of Administration, and there are a number of unknown factors contributing to costs. We can continue to research and provide more information.

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

The Charter School Association of Nevada supports S.B. 330. We have submitted an amendment ([Exhibit E](#)) proposing to include charter schools in the language of the bill.

Rochelle Tisdale (Administrator, Oasis Academy):

The Oasis Academy supports S.B. 330. This fall, we will be opening the first rural Nevada charter high school. As a small rural school, we will never have the resources to develop a comprehensive athletic program fully. We have developed partnerships with local public schools and support their athletic programs in many ways. Our goal is to maintain the integrity of high school athletics. We have high standards and rigorous expectations for our student athletes. Unifying the resources of our small community is a top priority.

We ask you to make decisions making high school athletics accessible to all Nevada students. Our local school district has not been supportive. Our students have been told they would not be allowed to participate in sports programs if they choose to attend a charter school this fall. Every taxpayer in Churchill County supports the facilities of the school district. We have found the NIAA to be very supportive.

Dalton Kaady:

I am a sophomore in Churchill County. I have played football, basketball and golf. Next year, I plan to attend Oasis Academy, but am concerned about my ability to continue in high school athletic programs. I should not be penalized for my choice of school. I support S.B. 330.

Paige Thorn:

I am a three-sport athlete: volleyball, basketball and softball. In softball, I am an all-league and all-state player. Oasis Academy offers academic opportunities

unavailable in my public school. As the oldest of four children, college may be unaffordable to my family. I will be able to take college courses through the Oasis Academy. However, I have been approached by my coaches who tell me I will be unable to participate in high school sports programs if I decide to transfer. Other students have reported similar conversations. I am hoping my experience will demonstrate the dilemma student athletes face. I hope you will make a decision allowing students to continue playing sports while preparing for college and a career.

Mike Richards II:

I am a sophomore in Churchill County. I will be transferring into the College Jumpstart Program at Oasis Academy this fall. I play basketball and golf and should not lose the opportunity to compete in sports because I have chosen a different academic experience. As a charter school student in seventh and eighth grades, I tried out, but was not selected for the basketball team. No charter school students were selected that year. As a freshmen, I transferred to a district public school and was selected for the junior varsity team. There is an appearance of preference given to students in public schools. Students should not be required to choose between an academic future and a chance to participate in an athletic program. I support S.B. 330.

Senator Lipparelli:

I have submitted a proposed amendment ([Exhibit F](#)). I am willing to work with all interested parties in improving the bill. I do not anticipate an increased level of appeals as a result of this measure. The intent is to reduce the number of appeals to the NIAA substantially. In respect to the timing of the eligibility process, the one-time transfer provision of S.B. 330 would allow students to avoid the lengthy and expensive process with the understanding that another transfer would likely result in a period of ineligibility.

Chair Harris:

I will close the hearing on S.B. 330.

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Chair Harris:

There being no further comment or business before the Committee, the meeting is adjourned at 4:49 p.m.

RESPECTFULLY SUBMITTED:

Jan Brase,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	4		Attendance Roster
S.B. 295	C	3	Senator Joyce Woodhouse	Written Testimony
S.B. 295	D	1	David Vallett	Written Testimony
S.B. 330	E	4	Lauren Hulse	Proposed Amendment
S.B. 330	F	2	Senator Mark Lipparelli	Amendment No. 6040