

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

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

The Senate Committee on Education was called to order by Chair Becky Harris at 3:47 p.m. on Tuesday, April 7, 2015, in Room 2135 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

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

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Risa Lang, Counsel
Lynn Hendricks, Committee Secretary

OTHERS PRESENT:

Jim R. Barbee, Director, State Department of Agriculture
Kathleen Sandoval, First Lady
Donnell Barton, Administrator, Food and Nutrition Division, State Department of Agriculture
Tom Nelson, President, Share Our Strength
Brian Burton, President and CEO, Three Square
Jodi Tyson, Food Bank Program, Three Square
Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Victoria Carreon, Guinn Center for Policy Priorities

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Nicole Rourke, Clark County School District
Lindsay Anderson, Washoe County School District
Jessica Ferrato, Nevada Association of School Boards
Mary Pierczynski, Ed.D., Nevada Association of School Superintendents
Rose McKinney-James, Food Bank Program, Three Square
Mary Laura Bragg, Vice President of Advocacy, Excellence in Education National
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education
Michael Vannozzi, Las Vegas Global Economic Alliance
Sylvia Lazos, Latino Leadership Council
Brent Husson, President, Nevada Succeeds
Craig Stevens, Clark County School District
Ray Bacon, Nevada Manufacturers Association
Karen Barsell, CEO and President, United Way of Northern Nevada and the
Sierra
Justin Harrison, Las Vegas Metro Chamber of Commerce
Patrick Gavin, Director, State Public Charter School Authority, Department of
Education
Todd Mason, Wynn Resorts
Mike McLamore, Nevada State Education Association
Joyce Haldeman, Clark County School District
Danielle Miller, Assistant Superintendent, Instructional Design and Professional
Learning Division, Clark County School District

Chair Harris:

I will open the hearing on Senate Bill (S.B.) 503.

SENATE BILL 503: Provides for the creation and implementation of the
Breakfast After the Bell Program. (BDR 34-1200)

Jim R. Barbee (Director, State Department of Agriculture):

We have submitted amendments to this bill ([Exhibit C](#)). I have a presentation describing the goals of S.B. 503 and describing the Breakfast After the Bell Program ([Exhibit D](#)).

Page 4 of [Exhibit D](#) identifies the student enrollment in the schools that would be eligible to participate in the Breakfast After the Bell Program. Page 5 of [Exhibit D](#) shows the number of students who would potentially benefit from this bill, with federal funding that could come in at just over \$15 million. In reality,

all eligible students will not participate every day, so that number will vary. However, the existing data gives us an idea of what to expect. For example, Empire Elementary School had about 24 percent participation in their Free and Reduced Price School Meals program. When they changed to the Breakfast After the Bell Program, participation was 84 percent. This increased participation brings more federal funds to the program. It also improves our children's health and improves their ability to learn at school, and that is the main reason we are here today.

To clarify, for every student who pays for a school breakfast, we are currently reimbursed 28 cents by the federal government through the Free and Reduced Price School Meals Program. For students who receive reduced-price meals, we are reimbursed at \$1.63 each. For students who receive a free meal, we are reimbursed at \$1.93 each. The cost of school breakfast ranges from \$2.75 to 75 cents in Esmeralda County. The average across Nevada is \$1.50. As the Breakfast After the Bell Program is implemented and the number of children participating increases, reimbursements will grow to support the program. The State General Fund allocation noted in the bill is intended to be start-up funds only.

I have provided a brief review of each section of the amended bill ([Exhibit E](#)). One of the more important provisions is in section 6 of [Exhibit C](#), which gives school districts flexibility to determine how the program is implemented. Breakfast could be served in the school's cafeteria or in the individual classrooms. This provision gives a school the opportunity to implement the program in a way that fits its specific needs.

Section 7 stipulates that the State Department of Agriculture must provide a list of eligible schools by July 10, 2015. We have provided a preliminary list of Nevada schools with greater than 70 percent participation in the Free and Reduced Price School Meals program ([Exhibit F](#)).

Kathleen Sandoval (First Lady):

I am the director of Operations for the Children's Cabinet, a nonprofit organization in Reno. I am honored to be asked to talk about my support for [S.B. 503](#). I see the need for the Breakfast After the Bell Program day in and day out in my work with the Children's Cabinet and other nonprofit organizations. As First Lady, I have had the privilege of serving as the chair of the Governor's Council on Food Security. We have been working with Share Our Strength/No

Kid Hungry to determine what areas the Council should focus on to make a difference in food security in Nevada. One of the areas that was identified was providing breakfast to children throughout the State.

According to the U.S. Department of Agriculture, research shows that eating breakfast has a positive effect on learning, test scores and health. Students who eat breakfast also have better attendance, higher graduation rates and fewer behavioral problems.

One of the concerns about this bill is how it will affect instructional time. If a child is hungry and cannot focus, the amount of instructional time will not matter; that child will be worrying about being hungry and will not be able to learn. The Children's Cabinet runs a school in which we have the children help cook their own breakfasts. The majority of the students are not able to have breakfast before they arrive.

For many families, providing their children with a healthy breakfast before going to school can be a challenge. Despite the official end of the recession, many Nevada families still have tight budgets and are struggling to make ends meet. As a result, 186,380 children in Nevada suffer from food insecurity. One of the biggest eye-openers I have seen at the Children's Cabinet is the number of parents who never thought they would need to access our food pantry but had to during the recession and are still trying to get their feet back on the ground.

Often, there is little time in the morning for working families to get younger children off to school. I am sure I am not the only mother who has had to shove a waffle into my child's mouth on the way to school. The Breakfast After the Bell Program will help with that situation as well.

The school districts have made great progress in recent years increasing participation in school breakfast programs. We currently have 103 elementary schools, 1 high school and 1 middle school with breakfast programs in place. These include schools in Carson City, Churchill County, Clark County, Lincoln County, Lyon County, Washoe County and White Pine County. However, we have a lot more work to do. Currently, less than half of Nevada children eligible for the Free and Reduced Price School Meals program participate in a school breakfast program. Some students do not have the option to participate, as their schools currently do not serve breakfast. For those who do attend participating schools, breakfast is often served before the bell. This

means that students who arrive just before the start of school, either by bus or by carpool, miss the chance to eat and must go hungry. We also have children who do not want to be seen by others as needing a free or reduced-price breakfast.

Breakfast After the Bell is good public policy that is being implemented across the Country. Seven other state legislatures are currently considering similar legislation to S.B. 503. Nine states passed similar legislation last year. The Governor and I are working with other governors and first ladies across the Country, in conjunction with Share Our Strength, to promote the Breakfast After the Bell concept. States and districts that have implemented Breakfast After the Bell Programs have seen significant increases in participation and corresponding positive outcomes.

Working for the Children's Cabinet, I have seen the devastating impact hunger can have on children and families. The worst thing I have ever seen is children on the steps of the Children's Cabinet with their faces just torn up because they were so hungry. It is our responsibility to take care of our children. No child should go hungry. I urge your support for this bill.

Senator Hammond:

How much classroom time will the Breakfast After the Bell Program take each day? Instructional time is important to teachers. Every moment you have with your children is another moment you might be able to get across a thought or concept.

Mr. Barbee:

In schools where this program has been implemented, breakfast takes about 15 to 20 minutes, depending on the model of the program the school chooses to use. At one school in Las Vegas, breakfast was served in the cafeteria during the time devoted to announcements and other morning business. In other schools, carts go to the classrooms and the children eat breakfast at their desks while the teacher takes roll. It does not appear to take up a large amount of instructional time. In some schools, they have a "grab and go" program set up.

We have left the details of the program up to the individual school district. We do not want to cloud creativity; if there is a better way to do it, we want schools to try that. The important thing is to give children the opportunity to participate. On any given day, an individual child may choose not to participate

for some reason. We still want to give children the opportunity to get some nutrition and be prepared for the day.

Senator Hammond:

Are you saying that from your observation of classrooms, taking attendance and making announcements takes about 15 minutes?

Mr. Barbee:

As a former high school teacher, yes, that was my observation.

Senator Woodhouse:

I agree that providing breakfast is one of the most important things we can do for our children to give them a good start to the day and enhance their ability to learn. I also agree with Senator Hammond that instructional time is a concern.

My other concern is where the Breakfast After the Bell Program takes place. If it happens in the multipurpose room or cafeteria, a custodian can be there to clean up after the meal. If it happens in the classroom, cleaning up could be a problem. I taught first grade for 17 years and was an elementary school principal. When we had rainy days and the children ate lunch in the classroom, we had to deal with the odor of food as well as wrappers, crumbs and so on. If the leftovers were not cleaned up well, we would have ants the next morning. Have you thought about how schools will handle the extra cleanup? I suspect that many elementary schools still have only one custodian who cannot get around to 35 classrooms to clean up after breakfast, whereas one custodian can easily clean up a multipurpose room where everyone eats.

I do want students to have breakfast, but I am concerned about instructional time and cleaning up afterwards so classes can start.

Mr. Barbee:

You as a principal would have the option to utilize your multipurpose room and structure the program in a way that you were comfortable. You as the leader of the school would be given that flexibility in S.B. 503.

First Lady Sandoval:

When we toured the schools, we spoke to the superintendents about this proposal, and one of their concerns was that it required breakfast to be served in classrooms. That is why we specifically took that out of the bill and made it

Breakfast After the Bell so each school could choose where to serve breakfast. Some principals said breakfast in classrooms would be better, and others said they preferred to have it in the cafeteria. We took that mandate out of the bill so we could give schools the ability to decide for themselves.

With regard to instructional time, one of the schools we toured used the Breakfast After the Bell Program as instructional time for health issues. While the children ate, the teacher talked about the importance of eating right, the food pyramid and similar topics. Some teachers may use the time to take roll and give updates for the day, and some may use it as instructional time. At the Children's Cabinet school, we use it to teach math by measuring food items, as well as discussing good nutrition versus bad nutrition.

Senator Denis:

The school where my wife teaches first grade offers breakfast in the classrooms, and cleanup was an issue at first. It is automatic now—after the bell rings, the kids go in and grab their food on their way to their classrooms. Garbage cans are placed outside the classrooms, and after they eat, the children put their trash in the cans. The custodians then go around and take away the trash. The school does announcements during this breakfast time. It has become standard, and from what I have seen, it works well for them. I like the flexibility in the bill.

Chair Harris:

How many schools in Nevada currently provide breakfast?

First Lady Sandoval:

Currently, 103 elementary schools, 1 high school and 1 middle school provide breakfast. This shows that the program is successful. We saw it working when we went to Empire Elementary School. Some of the teachers told me that initially they were against it; in fact, they hated the idea. Once they saw it in action, they thought it was great. They have seen a difference in how the children act. One teacher whose child attends that school said it reduces family stress because she knows her child will get a nutritious breakfast and not have a waffle shoved in her mouth on the way to school. Once the program got started, the teachers were happy with how it worked.

Chair Harris:

What types of food are served as part of the breakfast program?

Donnell Barton (Administrator, Food and Nutrition Division, State Department of Agriculture):

For breakfast, we have a new meal pattern, which requires whole grains, fruits and milk. The districts can do something called "Offer Versus Serve," in which they can present four items and let the children choose three of those items, which we hope will address the waste issue. The menu can be a variety of things. When we were over at Fred W. Traner Middle School to do the school breakfast week, they had little half-dollar pancakes, orange juice, apple slices and milk. That is a typical breakfast. Other selections might be whole grain cereal bars and canned or fresh fruit.

Senator Hammond:

You mentioned that schools would be eligible for Breakfast After the Bell if 70 percent or more of their students are eligible for Free and Reduced Price School Meals. However, those who participate are not just the eligible children. You are trying to make it so that any child who wants breakfast can have some, and no one can identify who is paying and who is receiving a free or reduced-price meal.

Mr. Barbee:

Yes. Some schools have systems worked out where every child has an ID card, and their payment status is identified on that card. It removes any issues of embarrassment because no one can tell if your meal was free, reduced price or full price. Everyone looks the same.

This is not about making kids have breakfast; it is about giving them the opportunity to have breakfast. We can see the need for the Breakfast After the Bell Program by comparing participation rates between schools that serve breakfast before the bell and those that serve breakfast after the bell.

Senator Lipparelli:

You mentioned that there are 103 schools already serving breakfast. Does S.B. 503 expand that program, or is it an alternative?

Mr. Barbee:

This bill would expand the Breakfast After the Bell Program to include all the schools in Nevada.

Senator Lipparelli:

Section 11 of the bill talks about a report on “the implementation and effectiveness of the Program in this State.” What will you be reporting? What is the intention of the report?

Ms. Barton:

We would be reporting on the participation rate among students eligible for free, reduced-price and paid meals. This would enable us to show increases in participation by all three groups. We anticipate the largest increase among the children eligible for free and reduced-price meals. Nevada currently ranks forty-fifth in the Nation for breakfast participation, and our statewide average is about 20 percent. The national average is 27 percent. We would like to raise our numbers and give children the opportunity to participate in breakfast.

Senator Lipparelli:

So just to be clear, the Department of Agriculture is going to be reporting only on the implementation of the program and the number of students who participate, but nothing related to academic improvements or attendance rates. That will be left to the Department of Education (NDE).

Ms. Barton:

Correct. We will also report on how much additional federal funding has come in. We can also report those participation rates by school, or if the Committee prefers to see that by district, we can do that.

Chair Harris:

What do you do with food left over from these meals?

Ms. Barton:

In some cases, leftover food is donated to a food bank. If the food is prepackaged, some schools put the food on a share table. Lyon County adds leftover food to compost.

Tom Nelson (President, Share Our Strength):

I support S.B. 503. I have written testimony describing my support for the Breakfast After the Bell Program and explaining the powerful impact it can have for Nevada children ([Exhibit G](#)). We are grateful for the leadership of First Lady Sandoval in this effort; she has knowledge, expertise and a powerful commitment to solving this problem.

I would like to address some of the questions that were asked. Through our work throughout the United States, we have seen the effect of switching more schools to breakfast in the classroom. As Mr. Barbee said, teachers tell us that eating breakfast in the classroom takes about 15 minutes. They report to us that they use that time constructively. Some report that they have actually gained instructional time due to fewer disruptions such as visits to the school nurse, tardiness and absenteeism. They have also found that eating breakfast has a calming effect and sets a more positive learning atmosphere for the day.

I appreciated the questions about trash. It has been reported to us—not just by teachers and principals, but also by custodial staff—that any mess or trash issues can be overcome relatively quickly by having the students themselves do the cleanup. It creates a powerful sense of classroom community and lessens the social stigma faced by children from low-income families.

We encourage your support for S.B. 503.

Brian Burton (President and CEO, Three Square):

Three Square supports this bill. The Three Square Food Bank program provides more than 25 million meals each year to Nevada's four southern counties. Most of our food resources are concentrated in the urban and suburban neighborhoods of Clark County, where 70 percent of the State's population resides. Clark County also holds over 70 percent of Nevada's food-insecure individuals who struggle to get an adequate supply of healthy, nutritious food for themselves and their children. We have seen the growth in food lines during the recession. We have seen the numbers of people in the Supplemental Nutrition Assistance Program (SNAP) and children in the Free and Reduced Price School Meals Program rise. I moved to Nevada 4 years ago from north Texas, and I was startled to see that a large percentage of the people in those food lines used to be in the middle class. This is unlike any other community I have worked in. The face of hunger in Nevada looks like you and me. However, Nevada's participation rate, the ratio between children who are eligible for the Free and Reduced Price School Meals Program and those who participate, did not dramatically grow the way food pantries did.

The solution is partnerships. Three Square partners with the faith community and community-based nonprofits to increase access to charitable food. We infuse new ideas, new energy and creative collaboration, and the result is increased participation. Likewise, when State and local agencies partner with

food banks, we infuse old models of public assistance applications and food and meal distribution with new ideas and new energy. The result will be improved participation.

Three Square is committed to the improvement of Nevada's participation rate in federal nutrition programs, and we are devoting resources to achieving our mutual goals. We are raising private funds to support SNAP and childhood nutrition programs. We are investing high-level staff time on the Governor's Council on Food Security, and we are devoting program staff time to increasing access and participation in federal nutrition programs. We are engaging members of the Three Square board of directors like Rose McKinney-James, Sam McMullen, Judy Stokey and others in policy development and government partnerships to end hunger in southern Nevada.

Jodi Tyson (Food Bank Program Three Square):

I have provided written testimony explaining our support for S.B. 503, detailing the benefits of a Breakfast After the Bell Program ([Exhibit H](#)) and explaining why the initial start-up funds from the State are needed to enable long-term returns.

I would like to share our experience in expanding our federal nutrition programs through partnerships to help cover the initial costs. Three Square provides what we call a Child and Adult Care Food Program, which is like the Free and Reduced Price School Meals Program. The Child and Adult Care Food Program is a supper meal provided to children in after-school programs when a school has 50 percent or more of its students enrolled in the Free and Reduced Price School Meals Program. We provide those meals through a program we call Kids' Café.

A couple of years ago, Three Square had after-school programs in 36 schools. When we came into a partnership with the Clark County School District (CCSD) and Share Our Strength, we expanded this program from 36 schools to 148 schools. That rapid expansion took 2 years, and during that time, we had to buy supplies such as milk coolers and cleaning supplies for those schools. Sometimes it takes 60, 90 or 120 days to get reimbursements from the federal government, so we had to spend a lot of money up-front and wait for reimbursement. We serve 7,500 meals a day. Clark County, which is the fifth largest school district in the Country, serves over 100,000 meals a day. We support initial funding because of the outlay needed in order to see the long-term benefits of federal funds. It takes time to build those programs.

With regard to the overproduction of meals, our schools tell us on the first day how many meals they think they will need, and we produce that number of meals. A school might anticipate needing 100 meals; if only 30 children show up, they will only be reimbursed for the 30 meals they actually served. Programs like Share Our Strength gave us a financial safety net by covering the expense of those non-reimbursable meals until the numbers plateaued. After about 3 weeks, we can anticipate the ebbs and flows of the meal counts and run a tight margin. We actually made a little money on that program, which allowed us to expand the following year.

The same is true with the national Free and Reduced Price School Meals Program. The initial costs are true financial risks for the school districts, but in the long run, they can turn around some of those funds and help create access for other schools. They can also use some of those funds to enhance and update the cafeterias. These are great investments to make.

I would also like to say that having the right people in the right place at the right time makes a big difference. In Clark County, Superintendent Pat Skorkowsky, Associate Superintendent Jeremy Hauser and Operational Service Division Director Carlos Morales have committed to Three Square that they will work with us to help implement S.B. 503.

Three Square is already involved with 148 of the 155 qualified schools. We can provide some technical assistance about best practices and help put together a school breakfast conference. We can help the school district make sure this is a successful program. Through Share Our Strength, we have some pending grants, so we can dedicate more of our staff time to be out in the schools and working in partnership with them.

With regard to the waste issue, Ms. Barton mentioned an effort among food banks to collect some of the leftover packaged items that were not taken by the children. We have that ability because we are in those 148 schools delivering the after-school meal every day. Children can donate food items they did not eat, and we collect them the following day and bring them back to the food bank. When we first implemented the program, we collected a few thousand pounds of food. In the first semester of this year, when we asked kids to get involved, be engaged and decorate the bins, we collected 9,500 pounds of donated food. The children now know that breakfast is important, and that if

they are not going to eat it all, someone else will now have the opportunity to have breakfast because they shared. Some schools do not have any leftovers.

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

I support S.B. 503. I serve as the kindergarten through Grade 12 representative on the Governor's Council on Food Security. Some of these same issues have been brought to me on the Council this last year, so let me address two of those points.

Senator Lipparelli mentioned the issue of academic reporting. There is another measure in the Legislature this Session to require the NDE to report school level participation in the Free and Reduced Price School Meals Program in aggregate. Today, we report free and reduced-price lunch statistics, and that is how we measure the achievement gap. As the Council examined this issue, one of its requests of me was to increase the reporting at the school level for breakfast and lunch to enable us to see if there are academic gains when children are not hungry. There is an effort to put the other side of accountability into statute.

With regard to instructional time, there are two sides to that question. One is the practical—the amount of time breakfast takes—and the other is the regulatory or statutory requirement for instructional time. In the *Nevada Administrative Code*, I believe the regulation refers to it as “school in session.” Time that is used for school in session excludes recess and lunch, but includes other time. According to that regulation, time used for breakfast would be included in school in session time. One of my commitments to the Council has been that the State Board of Education will take up that regulation as we further roll out this program so we can see whether we should change that regulation if this program is successful.

Senator Hammond:

I would be remiss if I did not mention my hesitation about the Breakfast After the Bell Program. The mention of poverty and the face of poverty today is an important discussion. We understand that it is not just that children are not eating in the morning; it is that families have a hard time providing the meal. My hesitation is with government providing the solution to the problem and administering that solution. I love the Three Square Food Bank program; it is a private organization that is always trying to find solutions and then find ways to get all the pieces of the puzzle into one area, but I worry about the message we

are sending home. I cannot argue with the idea of breakfast being important or with the fact that when children eat, they learn better—they are ready to hear and participate. I have seen it. I grew up in poverty. When I grew up, I also saw that parents have a certain amount of pride as parents. They want to be able to supply food to their children.

I keep thinking that we are missing something here in the part before the children get to school. Maybe we should be teaching parents how important it is to supply breakfast to their children. I have seen programs where parents are taught how to play with their children. I have seen private and public partnerships where parents are taught how to raise their children. The goal is to break the cycle of children growing up in households where parents are not providing support that they should be, and those children grow up to raise their own children badly.

This is a worthy program that plans to feed children in the morning. We have all seen children who cannot concentrate on their schoolwork because they are hungry. However, I have not heard too many solutions about how to teach parents about their responsibilities. That is my hesitation. I would love to see more outreach there so the \$2 million we are putting into this program does not have to continue in perpetuity, and then we must add to it year after year. I understand that we have slowly crept out of some tough times, and parents are having a hard time. However, I would love to give that money or that food to the parents and then teach the parents to feed their children before they go to school. That also gives the parents a sense of accomplishment: "I sent my kid off to school with a good meal." Are there any programs in place now that do that?

Ms. Tyson:

At Three Square, we are passionate about nutrition education. My background is in public health, and nutrition education is an important aspect of what public health does for the future for the health and well-being of all.

The issue for an organization like a food bank is that we see 137,000 people a month through all of our nutrition programs. The best nutrition outreach programs might reach 500 parents a month or maybe 1,000 if you have a lot of staff. Those are worthwhile efforts, and organizations like Share Our Strength have pending grants that include teaching nutrition information. It is one of their requirements because they too see the importance of it. The Women, Infants

and Children (WIC) programs also require nutrition education. How do you use SNAP dollars and WIC dollars to make them stretch further? Policy tends to make the biggest impact, of course, but outreach and nutrition education have an equal place in there, too.

We do not do a lot of nutrition education for parents right now. We do some nutrition education for children in the after-school program, but it is hard to reach parents. As a teacher, you know this. At our parent involvement nights, we send staff to talk to parents about applying for benefits they may be eligible for and help them stretch those dollars further. We have a YouTube video used by our agencies that talks about how to take food that comes from the Food Pantry and from SNAP and use it to make healthier meals. Those are tools available to our agencies.

We value the work done through the food banks and through our partners in nutrition education and financial literacy. There are quite a few Share Our Strength partners throughout the Country who are looking to do financial literacy programs as a part of that. We will be looking to see how those programs work in the next few years and how we can adopt them.

Victoria Carreon (Guinn Center for Policy Priorities):

The Guinn Center for Policy Priorities supports S.B. 503. I have written testimony describing the impact of the Breakfast After the Bell Program ([Exhibit I](#)). The fiscal impact on schools should be noted. Large school districts might be able to make money on this program, but that might not be the case for the smaller, rural districts that do not have the same purchasing power. We suggest that the rural districts might want to work together to pool their purchasing power and share resources.

Nicole Rourke (Clark County School District):

The CCSD is here today to support S.B. 503. We appreciate the bill's flexibility on delivery models. Currently, each school site determines how meals will be delivered based on their systems that are in place. According to our estimates, this bill will impact 158 schools in Clark County, and 130,000 students will receive breakfast every day. We project that we will serve between 10.5 million and 17.5 million breakfasts over the course of a year, depending on participation rates.

We always consider instructional time because every minute of teaching time counts. We will be looking at procedures. We have not done breakfast at a high school before, so we will have to look at that. We look forward to working with our partners. We appreciate the grant that is involved because items like trays and milk coolers may be needed to make the program work effectively.

Senator Hammond:

We heard earlier that 103 schools were participating in Breakfast After the Bell Programs. How many more schools will this bill impact in Clark County?

Ms. Rourke:

Currently, 76 of the 103 schools participating in the Breakfast After the Bell Program are in Clark County. We think that number will more than double with the passage of this bill.

Lindsay Anderson (Washoe County School District):

The Washoe County School District supports S.B. 503. In Washoe County, we hold a taste test for students so they can help us determine what they like so we can reduce waste in our classrooms. We only serve food they will actually eat.

Jessica Ferrato (Nevada Association of School Boards):

The Nevada Association of School Boards supports S.B. 503, and we echo the previous comments. We appreciate the flexibility in the amendment in [Exhibit C](#). Everyone does things differently, and giving us the flexibility to implement the program so our families and students can most benefit from the program is appreciated. We are speaking on behalf of many of the rural school districts. I have spoken with some of our board members from the rural districts, and they reported seeing a difference in students in the schools that are participating in the Breakfast After the Bell Program. The idea that students cannot learn until they are fed is an important one to bring forward.

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

The Nevada Association of School Superintendents supports this bill. We also appreciate the flexibility so schools can determine how they can best implement the Breakfast After the Bell Program.

Rose McKinney-James (Food Bank Program Three Square):

I am a member of the board of directors of Three Square, and I support this measure. A measure like this can make such a difference in our community. The Breakfast After the Bell Program has tremendous merit. The most significant aspect of the work Three Square does is to leverage additional resources.

First Lady Sandoval:

Senator Hammond, you asked about how we educate parents. At the Children's Cabinet, we require families to receive case management services when they access our food pantry. Part of that process is to educate them on how to develop a budget and manage their funds, as well as understanding nutrition. We see that as the biggest problem with our families: that they have not been taught how to manage their money and how to prioritize. We also work with them to see what types of skills they have, with the hope that we can get them into jobs that pay more, as well as looking at ways to help them get health insurance. It is a wraparound model to educate parents so they do not have to rely on food pantries or the Free and Reduced Price School Meals Program.

Chair Harris:

I will close the hearing on S.B. 503 and open the hearing on S.B. 391.

SENATE BILL 391: Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

Senator Becky Harris (Senatorial District No. 9):

I would like to start by expressing my lifelong love of reading. I have always had a wonderful relationship with books. In my family, we read to our children on a regular basis, and I have come to love these books as much as my children have. We have always fostered in our children a love for learning and reading. One day, when I was making dinner, I heard giggling from the couch. Much to my delight, I discovered that my 6-year-old daughter was lying on the couch reading a Junie B. Jones book that she had brought home from school. I cannot tell you what it did to my heart to see my daughter so thoroughly engrossed in a book and reading for her own enjoyment.

That experience gave me great insight as a mother. I want every child to have the opportunity to read for pure pleasure, whatever it is he or she is interested in and enjoys. It is hard for me to understand that for some children, this pleasure that I enjoy so much is hard for them, something they do not get to

experience. I have always been interested in literacy. My husband and I have been active in the community in helping to provide resources to children with regard to literacy. It was something that I wanted to be involved in once I won my Senate race. Imagine my delight on Christmas Eve when Mr. Erquiaga called to tell me, "Merry Christmas, Senator Harris; Governor Sandoval has just given you \$30 million for Read By Three."

We all know that poverty can have a substantial impact on a child's success in school. A 2011 study on early literacy, however, found that poverty is no match for literacy. Specifically, it found that poor children who are reading at grade level in third grade have an 89 percent on-time graduation rate. I know that to be true. My husband was raised in poverty. All his mother could give her children was a belief that if they could get an education, they could be anything they wanted. How prophetic she was. Her three children are all well-educated, have all been able to rise above the socioeconomic situation they were born into and have become people of great influence who have done much good.

We learned from that 2011 study that it does not matter that children are poor. What matters is whether they can read. Think about what this research is telling us. If we want to raise our graduation rate to 90 percent, early literacy is the key. Governor Sandoval is evidently aware of this research because his budget for the biennium includes five initiatives that will have a material impact on early literacy:

- Governor Sandoval has secured a federal preschool grant that will provide up to \$46 million in resources to prepare our children to learn when they enter kindergarten.
- Full-day kindergarten will be available at all elementary schools.
- The Zoom schools program will be expanded and focused on getting our English Language Learning (ELL) students to grade-level literacy.
- The new Victory Schools program will be a companion to the Zoom schools program, but designed for low-income students and targeted to Nevada's 35 poorest schools.
- The Read By Three program proposed in S.B. 391 will support schools that present a compelling plan to improve the literacy of students in kindergarten through Grade 3 (K-3).

Third grade seems to be an inflection point in literacy instruction. Until that age, children are learning to read. After third grade, they are reading to learn. As a result, remediation becomes much more challenging after Grade 3. In fact, research shows that even extensive literacy intervention in Grades 4 through 12 has little positive impact. Therefore, we need to focus our efforts on the early grades.

Let us talk about how S.B. 391 will accomplish this. This bill requires the principal of every public elementary school, including charter schools, to designate a teacher who will serve as a learning strategist to train and assist other teachers in helping students who are struggling to read. The measure also requires parents be notified if their children are behind in reading in K-3.

Schools receiving a Read By Three grant will be equipped to provide supplemental reading instruction. Funded resources may include costs of hiring or training learning strategists; the purchase of textbooks, computer software or other materials; professional development for school personnel; before- and after-school and intersession programs; and other evidence-based literacy initiatives.

Students found to have difficulty with reading will have their proficiency assessed at the end of each school year to determine a plan of action for the following year. Senate Bill 391 also requires that if a student's score on the Criterion Referenced Test and a subsequent alternative exam indicates that student is not reading at grade level, the student must be retained in Grade 3. To ensure each student's particular circumstances can be fully considered, the bill provides a process for good-cause exemptions.

Students who are held back must then receive intensive reading instruction and have their progress monitored by the school principal. The intensive instruction provided will be determined by the local school board or charter school governing body and may include small group or reduced class-size instruction; tutoring or mentoring; an extension of the school day, week or year; summer school; or frequent monitoring of student progress.

The services must be provided by a teacher who is both rated as highly effective and different from the teacher who taught the student in the previous school year. The parents may also choose to add additional support, including

supplemental tutoring, home-based reading programs or mentors for their children.

Senate Bill 391 appropriates \$4.9 million in the first year of the new biennium and \$22.3 million in the second year. These funds will be made available to school districts and charter schools through competitive grants. Therefore, schools receiving funds will demonstrate the initiative to develop comprehensive plans of action and will document their specific goals and objectives for improving literacy.

Finally, to ensure accountability, the bill provides a variety of reporting requirements and further requires the NDE, to the extent funding is available, to hire an independent consultant to evaluate programs funded under the bill.

With the passage and approval of S.B. 391, Nevada will join 36 states that require a reading assessment in the early grades, 33 states that provide intervention for struggling early readers and 16 states that retain students in Grade 3 to help them get back on track with the cornerstone skill of reading.

Senator Woodhouse:

With regard to competitive grants, I do not worry about Clark and Washoe Counties, but what about the rural counties? Since the grants are competitive, how can we assist the rural counties in applying for some of these grants? Some of them do not have grant writers on staff. They have to assign it to a teacher or a principal to do on top of other duties. What can we do to make sure the rural counties have an opportunity to be a part of this program?

Senator Harris:

I appreciate your sensitivity with regard to the rural counties, which may not possess the skill set or expertise in grant-writing required to win these grants. Literacy is something we need to focus on no matter where we reside in the State.

Mr. Erquiaga:

The competitive nature of these grants is qualified. The bill allows us to target the schools with the greatest need based on their performance on the Grade 3 reading assessment. In addition, staff have begun working on what the federal government calls a consolidated application. We are working through the process to allow us to use the online Electronic Plans, Applications, Grants, and

Expenditures system. Districts will not be filling out too many forms with us, but we will still get the requisite information for accountability.

As Senator Harris noted, literacy is a longstanding interest of Governor Sandoval. When he came to office 4 years ago, a measure similar to this was on his agenda. Due to the financial circumstances of the time, that unfunded bill did not survive the Legislative Session, and the same thing happened in 2013. This Session, the Governor has adjusted his approach, and this bill contains funding. It is also a much more comprehensive bill that addresses K-3 literacy.

Senate Bill 391 also comes at a time when the NDE has two other major initiatives in the works. The NDE is now completing over a year's worth of work on the State literacy plan, which we presented to the State Board of Education at its April meeting. That literacy plan is based on grade bands. It is early learners, then slightly older elementary kids, middle school kids, high school kids and adults. You can pull out a section of the plan at a time depending on what grade band you are working in. That effort is meant to build on our experience with the Striving Readers Comprehensive Literacy grant, a successful federal program that the NDE has administered. Literacy has become an increasing focus at the NDE as we tool accountability measures around the Grade 3 benchmark.

With regard to the second initiative, we have just submitted a plan for approval to the federal government within our special education area. Modeling work being done in Clark County, we have chosen the Grade 3 demarcation for literacy skills, recognizing, as Senator Harris said, what an important skill that is. If children have literacy skills by the end of Grade 3, they then go on to read to learn.

Senate Bill 391 does not stand alone. It is a comprehensive measure that will work in tandem with the literacy plan and special education. Those efforts are both built out of work initiated by Mr. Skorkowsky last year. He put down a marker about reading by Grade 3 and has been working with his schools in that regard. Nevada has joined the national conversation on literacy.

In Nevada, on our criterion-referenced test, we report that about 61 percent of third graders are proficient in reading. This means that about 40 percent of our third graders are not reading at grade level. When you look at our results from

the National Assessment of Educational Progress (NAEP), the numbers in fourth grade are worse than that. The NAEP test is considered the national report card; it is also considered a more rigorous benchmark. The new assessment we will use to replace the current criterion-referenced test, the new Smarter Balanced Assessment Test, is going to look more like NAEP. It is a more rigorous, more college-ready preparatory program than a basic proficiency measurement. For this reason, we know that our data will give us a baseline this year that will be somewhat worse than where we were, and where we were is not good. This program comes at an opportune time.

One of the wise components of this plan is when the retention begins. At Senator Harris's urging, the Governor agreed with her recommendation that retention not begin until all the measures have been put in place for a class of students. Retention begins some years out, so that we have a full grade of children who have had the benefit of all the interventions in this bill.

Mary Laura Bragg (Vice President of Advocacy, Excellence in Education National):

I am excited to share my experience implementing Florida's law on this topic in 2002, as well as working with states committed to ensuring that children are reading by the third grade. I was a high school history teacher, and I know firsthand the impact of children who have been passed on to high school who are not going to be successful because they cannot read. It is hard to teach history and expect children to be able to read primary sources or even understand a political cartoon when they cannot access the text.

In 2011, the Annie E. Casey Foundation published a study showing that high school dropouts can be predicted by third-grade reading scores. Eight out of ten high school dropouts were struggling readers in Grade 3. In my experience in Florida and in the ten other states I have been working with for the past 4 years, in order to be successful and ensure students leave Grade 3 prepared to be successful in Grade 4 and beyond, states need to do the following things:

- Start the program in kindergarten. The road to college and career readiness begins in kindergarten.
- Identify children with problems early and notify parents immediately. Create an intervention plan for students to get them the instruction they need, and keep parents involved all along the way.

- Monitor students' progress. In Grade 3, give students multiple opportunities to demonstrate reading skills so you do not depend on one test on one day to decide whether a child will be promoted or retained.
- Provide good-cause exemptions to recognize special circumstances for students with disabilities or ELL students who have not had the time to master language acquisition skills.
- Require retention for students who, after 4 years of the best the school has to offer, are still severely below grade level.
- Provide more intensive interventions for the small population of students who are retained.
- Do not give retained students the same course of instruction they just had in Grade 3. If it did not work the first time, it is not going to work the second time. This is not your father's or grandfather's retention; this is retention with a purpose.

The good news is that S.B. 391 does all those things. It is one of the strongest pieces of legislation on early literacy that I have seen in my 10 years of working on these policies in state legislatures. As I said, I was responsible for implementing a similar law in Florida, and this bill is stronger than that bill.

In the 6 years I worked on implementation in Florida, I saw a sea change in adult behavior. Principals and teachers organized their elementary schools around the singular purpose of reading. Parents were engaged. All parents wanted to do was help, and they asked, "What can I do at home to help what is happening in the classroom?" Teachers thanked us for this law because they knew children who would not be successful, but they did not have the ability to say, "Here's what the school will be able to do for you, and the law requires we give your child an extra year." I saw more children reading at grade level, and minority students benefited the most. In Florida, we were able to cut in half the number of students referred to special education in Grades 1, 2 and 3. This was in 300 of our Title 1 elementary schools; these schools had the most referrals to special education not because of the fault of the teachers, but because they had not been trained how to teach children how to read.

We saw amazing results in Florida. Before this law was implemented, Florida scored among the bottom states on NAEP. After a decade of implementing this

policy, in 2013, Florida's African-American Grade 4 readers outperformed their peers in other states by more than half a grade level. Florida's Hispanic Grade 4 readers outperformed their peers by almost two full grade levels. Our low-income Grade 4 readers outperformed their peers by one grade level. Our Grade 4 students with disabilities outperformed their peers by two full grade levels. Our children were better prepared in Grade 4 because of the work that went into instruction in K-3.

From my personal experience as a high school teacher, there is nothing more heartbreaking than the vacant stare of a tenth grade student who is called on by the teacher to read something out of a textbook. That person wants to be invisible. He or she does not know how to read and certainly does not want to read out loud. What happens is that student goes from being invisible to dropping out of school and becoming truly invisible.

I am thrilled to see that this policy is so robust. The right pieces are in place. The time line will allow you to get this done in a way that can have a tremendous impact on student learning. The success of these children in high school and in their careers will have a tremendous impact on the economy of the State.

Senator Hammond:

I am concerned about the retention provision in S.B. 391. I am always concerned about punitive measures and some of the research that has been done by the Brookings Institution, among others.

My daughter's birthday is at the end of the calendar year, so she is almost a full year younger than her cohorts. You have provisions for ELL students and disabled students. Should we put in something for parents to have some discussion with administrators with regard to age group?

Ms. Bragg:

One of the strengths of this policy as written is that it gives a student multiple opportunities to demonstrate reading skills, whether through the Grade 3 tests, a portfolio of student work or the opportunity to take a different assessment. During the summer after the Grade 3 year, there are multiple ways that the child could move on. That is one way your concern could be addressed. That is not a conversation I have had in the other states I have worked in. Conversations with parents are critical all along the way, and parents could bring that up. If

the child shows a reading deficiency at any time between kindergarten and Grade 3, the parent has to be brought into the conversation.

Senator Gustavson:

I have always supported the idea that children have to be able to read by the third grade or they should not be promoted to the fourth grade. If students cannot read, they are not going to succeed. Why have the school districts promoted students who could not read?

Ms. Bragg:

In my experience, the argument is that we do not want to hurt children's self-esteem. Holding back students when they are 9 years old while the rest of their classmates move on is an unfair thing to do to children. However, as a high school teacher, I see the impact on self-esteem when children drop out of school. To me, that is a much larger impact on the student than being held back in the third grade. Under S.B. 391, students could also be held back in the first or second grade. There is nothing in the policy that would prohibit an earlier retention. In Florida, a sense of urgency was created, and schools began to make those decisions. The thinking was that if children were not successful in the first grade, perhaps we should give them extra time in kindergarten. You could make the case that Grade 3 is too late. If you are only going to pay attention to reading in Grade 3, you have missed teaching opportunities in kindergarten through Grade 2.

Senator Gustavson:

Students learn at their own levels. Which is more important, hurting children's self-esteem or teaching them how to read and be successful in life?

Ms. Bragg:

I agree. Learning to read is the most important thing you can do.

Senator Denis:

How did retention work when you implemented this policy in Florida? We had a school here that did something like this, and the biggest challenge was in the first or second year of the program. When you first start, a child entering the third grade has to be reading at grade level by the end of the year, and that does not always happen. There will be challenges. How did that work in Florida?

Ms. Bragg:

Florida did something that I advise every other state to avoid. The legislature passed the bill in May, and the first group subject to retention was students entering Grade 3 in the fall of that same year. We did not give schools the opportunity to build. There was a little infrastructure in place, but there was also a sense of urgency. The first year of implementation was messy because the Florida Department of Education did not have much time to organize, provide support, administer funds and so on. We now tell other states to make sure they have the infrastructure in place. That first year in Florida was a tough year. It will be a tough year regardless of when you implement it. However, having the time to build the infrastructure as S.B. 391 does will make a huge difference, as will the commitment from the NDE and the Office of the Governor to stay on this and ensure it is implemented correctly. The goal is to avoid as much of that first-year mess as possible, and you have done that with this bill by building in time.

Senator Denis:

Do you think the bill gives us enough time?

Ms. Bragg:

Yes.

Senator Woodhouse:

I am impressed with this bill. It has put in place all the steps necessary for our students to be successful. I am pleased that this Session we have a bill we can move on.

I want to share my experiences with retention. In my 17 years as a first-grade teacher, I probably had at least one or two students every year who needed to be retained. Sometimes there was opposition from the parents. I was always in a school in which my principal supported my decision, and through the year we worked with the parents. We identified the children with problems early in the school year, say November or December, so we could determine if there were special education or maturity issues. When March or April came around, the principal and I would sit with the parents and discuss why we were going to recommend retention. Sometimes there was pushback; sometimes there were tears. But every time, because we had kept the parents involved, if our recommendation was retention, the parents agreed.

We also made sure parents had the opportunity to say, "I want my child to stay in your classroom" or "I want my child to go to a different teacher." The mother of one child fought us the entire year. However, at the end of the first year, she decided that she wanted her child to be in my room again. At the end of the child's second year in first grade, the mother came to me in happy tears and said, "That was the best decision you made me make."

The bottom line is that it is a progression. We have to take a look at what each child needs, and we have to involve parents and school administrators in making those decisions. I never had a bad experience with retention. I was probably lucky with that, but the young people we held back are now successful.

With regard to the self-esteem effects of retention, none of my students had that experience. The other students went on without them, but the retained students had another whole classroom of students that they became friends with. It was always very positive.

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

I will walk you through S.B. 391. I will also point out any changes requested in our proposed amendment ([Exhibit J](#)).

Let me start first with the time lines. Section 16, subsection 2 of the bill provides that the retention decision applies to Grade 3 students in the 2019-2020 school year. That means students who enter kindergarten in the 2016-2017 school year will be the first group eligible for retention in the third grade. This ensures that students have the full benefit of all the State programs we are contemplating. We hope that group of students will have access to full-day kindergarten, reading programs and other initiatives coalescing under this statewide focus on third-grade literacy.

Going back to the beginning of S.B. 391, sections 1 and 2 deal with reporting. We report retention and other figures on the NevadaReportCard Website. This adds the number of pupils retained pursuant to this act to the existing reporting requirements.

Section 3 of the bill requires the governing bodies of charter schools to establish a policy for promotion and requires that a report of retention be filed every year

by September 1. Section 13 of the bill has the same requirement for local school districts.

Section 5 of the bill establishes the plan at the district level. It requires boards of trustees of school districts and governing bodies of charter schools to prepare plans to improve literacy for K-3. It includes programs for intensive instruction for students identified as having a deficiency in reading. The plan must include regularly scheduled reading sessions in small groups, special instruction in phonological and phonemic awareness, decoding skills and reading fluency. The plan must also include procedures for assessing students. Section 5, subsection 1, paragraph (b) of [Exhibit J](#) requires that those procedures use “valid and reliable assessments that have been approved by the State Board.” Those assessments are required within the first 30 days of enrollment in kindergarten or upon enrollment thereafter.

Section 5 also includes specific requirements for ELL students and procedures for collaboration between classroom teachers and “learning strategists,” which will be defined in section 6. The plan is submitted to the NDE before the date prescribed by the NDE, and there is an opportunity for approval and revisions as necessary.

Section 6 of the bill defines “learning strategist” as a licensed teacher designated by the principal to train and assist teachers at that school to provide intensive instruction to pupils identified as deficient in reading. Each teacher in K-3 shall complete professional development provided by the learning strategist.

Section 8 of [S.B. 391](#) includes notice to parents. When students in K-3 exhibit reading deficiencies by assessment or through teacher observation, the principal must provide written notice to parents or legal guardians. [Exhibit J](#) requires that notice to be made within 30 days. Section 8, subsections 1 through 5 list the items that notice must include.

Section 9 of the bill talks about ongoing monitoring for students with a reading deficiency. [Exhibit J](#) amends this section to say that within 30 days of notifying the parent or guardian, the school must develop a plan to monitor the pupil’s progress in reading. The plan must be established by the teacher and other personnel and approved by the principal and the parent or guardian. The plan must include intervention services and intensive reading instruction as approved

by the school district or the charter school's governing body. The pupil must be assessed annually at the beginning of the school year.

Section 10 of the bill covers retention and good-cause exemptions. Section 10, subsection 1 states that the State Board of Education is to establish a passing score on the criterion-referenced test. When pupils achieve scores below that, they must be retained. [Exhibit J](#) states that the superintendent of the district or the governing body of the charter school may authorize a pupil who does not achieve a passing score to be promoted to Grade 4 if the pupil has a good-cause exemption. A list of good-cause exemptions is included in section 10, subsection 3, paragraphs (a) through (f).

In [Exhibit J](#), section 10, subsection 4 states that when determining whether a pupil is eligible for a good-cause exemption, the principal considers documentation provided by the teacher consistent with the exemption being sought. This change was made to ensure that parents did not need to request a good-cause exemption and that these exemptions are available to all pupils. If the principal determines that promotion to Grade 4 is appropriate, he or she submits a written recommendation to the superintendent or governing body, and they ultimately make that decision. The principal notifies the parent or guardian of the decision. If students receive good-cause exemptions, they must continue to receive intensive instructional support.

Section 10, subsection 6 of [Exhibit J](#) states that the State Board of Education must prescribe regulations in a couple of areas.

Section 11 of the bill lays out the requirements of the school if a pupil is retained in Grade 3. Subsection 4 of section 11 states that trustees or the governing body must establish a policy for midyear promotion if a student demonstrates adequate reading performance. The policy must include specific criteria, and if the pupil is promoted after November 1, he or she must demonstrate reading at a level prescribed by the State Board of Education.

Transitional instructional settings can be developed between the parent or guardian and principal when a pupil meets fourth grade standards in areas other than reading. Students can continue to receive remediation and intensive instructional services in reading, and they can then be promoted during the year when they develop reading proficiency and meet the criterion for promotion.

Section 12 of S.B. 391 covers services offered to parents.

Section 14 of the bill clarifies existing statute regarding retention to accommodate the provisions of the bill.

Section 15 discusses the State General Fund appropriation for this program. [Exhibit J](#) clarifies that funds may be used for the purchase of reading assessments.

Section 15 also describes some of the reporting requirements, accountability provisions with regard to the board of trustees, establishing measurable objectives and reporting to the NDE. The NDE then prepares and distributes a report to the Legislative Counsel Bureau and the Governor.

Section 16, as I mentioned, lays out the time lines for the program.

Senator Hammond:

In 2002 or 2003, we received money from the federal government for the No Child Left Behind Act of 2001 (NCLB), and it included reading programs. What reading programs that we implemented back then might be similar to some of the suggestions we are making here? Is there any overlap? What kind of successes did we get out of NCLB? Did it actually help? The funding went away in 2009, but maybe we have remnants of some of those programs still in place.

Mr. Canavero:

The State received funds to work with early literacy from the Reading First grant project. We now have the Striving Readers Comprehensive Literacy grant, which replaces Reading First. This bill discusses scientifically based research on these strategies, which are implemented in our existing reading grant. The school districts can give you more information.

Senator Hammond:

When you refer to reading strategies that are based in some sort of literature, is this peer-reviewed literature? What makes it good research?

Mr. Canavero:

Literacy and instruction to improve reading proficiency are some of the best researched areas in education. The rigorous, empirical evaluations of different instructional strategies are very well vetted. The phonological and phonemic

awareness, decoding skills and reading fluency described in the district plan have decades of research behind them, showing how teachers can structure instruction to help students include sounds in words, identify alphabetic principles and develop relationships between sounds and letters. There is a bank of solid research in this area.

Senator Hammond:

I agree that there has been a lot of research. I had a principal who started every conversation by saying, "Let me tell you about the latest research." However, I stumped her once in a while by saying, "With all the research and all the new things showing us how to best educate children, why are we having a harder and harder time getting them to read by Grade 3 and write the way my grandmother did?" My great-grandmother did not finish the eighth grade, and yet her journals are beautiful pieces of literature.

Senator Denis:

Some of these strategies are similar to those we have seen in the Zoom schools, and they have been working. In the past, we have established reading programs and started to see some success, and then funding was cut and the successes stopped. This bill does not include specific strategies to be used to teach reading, but instead sets out a pattern for schools to follow.

Mr. Canavero:

That is one of the strengths of this bill. It talks about the continuum and 4 years of working with children on sound, research-based instruction principles, not necessarily programs that are purchased.

Michael Vannozzi (Las Vegas Global Economic Alliance):

The Las Vegas Global Economic Alliance supports S.B. 391. I have come to this Committee before to bemoan the fact that many of the businesses who consider moving to Nevada do not approve of our education system. That directly relates to the amount of literacy we see.

Sylvia Lazos (Latino Leadership Council):

The Latino Leadership Council supports this bill and commend the hard work of the bill's sponsor. This is a well-thought-out bill. It has the ability to make sure we have proper planning in place and proper personnel.

Brent Husson (President, Nevada Succeeds):

Nevada Succeeds supports S.B. 391. I have written testimony describing the positive impact the Read By Three program will have in Nevada ([Exhibit K](#)).

With regard to Senator Woodhouse's comments, I would venture to say that the success of her students was probably due to her wonderful instincts as a teacher and her ability to communicate with parents. I would like to emphasize how critical it is, not only in this policy but in all policy related to education, that we support teachers in implementing that policy. Many people have said, "We can create policy that makes people do things, but we can't create policy that makes them do it well." The support the teachers need to implement these policies effectively cannot be overemphasized.

Craig Stevens (Clark County School District):

Clark County School District supports this bill. We appreciate how smartly it is crafted. It is well thought out and reinforces programs that we know can be effective for students.

Ray Bacon (Nevada Manufacturers Association):

The Nevada Manufacturers Association supports S.B. 391. I have written testimony regarding our support for this bill ([Exhibit L](#)).

I had the distinct pleasure in 2003 or 2004 of having dinner with Dr. G. Reid Lyon and Frank Brogan, who was the commissioner of education in Florida when they started on their task of reading by third grade. They were thoroughly convinced it was going to work. It was not a painless task; in fact, Mr. Brogan said that the first year of the literacy campaign was one of the most painful years of his life. Something like 17,000 children were held back the first year. Their execution of the program was not clean. Senate Bill 391 has been structured very carefully to solve a lot of the problems Florida had.

One of the statistics Ms. Bragg did not mention is that 98 percent of children who were held back were never held back again. When you fix the problem early on, it does not come back. It is a process that changes students' lives forever. If students never learn to read or their reading skills are dramatically behind, it limits their job and life opportunities. If you fix that problem early on, you open the door to math, science and everything.

This bill is our fifth attempt to get this thing done. We have to get it this time.

Ms. Anderson:

The WCSD is here in support of S.B. 391. We think this is well structured. We appreciate the delay in implementation to make sure our district is prepared and to make sure these students have every opportunity to succeed.

In my district, we have taken a special interest in the social and emotional needs of children, and we know that retention has a huge social and emotional impact on children. We like to see that work done earlier, in kindergarten and first grade, as Senator Woodhouse mentioned. The sooner we can do it, the better. But we want to make sure we are not ignoring the social and emotional needs of the children who are retained. Perhaps, as an educational culture, we can address the stigma attached to being retained and somehow find a way between now and the time children are actually retained so that does not have such a negative connotation and we do not have negative social and emotional impact from that policy.

Karen Barsell (CEO and President, United Way of Northern Nevada and the Sierra):

Our board of directors has instructed me to appear in support of S.B. 391.

Justin Harrison (Las Vegas Metro Chamber of Commerce):

The Las Vegas Metro Chamber of Commerce is in support of S.B. 391 as well as the funding to support the program. It is our belief that the money directed at literacy will greatly improve reading levels throughout Nevada by Grade 3.

Patrick Gavin (Director, State Public Charter School Authority, Department of Education):

The State Public Charter School Authority is in support of this bill and are excited by the opportunity to redirect more resources and policy priorities toward this critical initiative.

Dr. Pierczynski:

Speaking primarily for the rural districts, we appreciate the Governor's interest in all the education issues this Session, particularly S.B. 391. I would also like to thank Senator Woodhouse for asking about the rural counties. One concern we have had throughout all this legislation is the competitive grant process. The consolidated grant application will help the rural counties considerably. Another issue is the same one everyone has: retention. It is hard to talk about retention, but this bill has the good-cause exemptions and lots of help for students before

getting to the point of retention. That eases some of our concerns there. In the rural counties, especially the most isolated, getting the right personnel to carry out legislation is always a concern.

All of that being said, the time lines in this bill are helpful in planning and giving kids an opportunity. The children who have full-day kindergarten will be the first to hit Grade 3 with the possibility of retention. That is a critical piece in this legislation. In a previous Legislative Session, we passed legislation on full-day kindergarten and expected our graduation rate to increase in 1 year. We are not doing that here; this bill is well planned out.

Ms. Ferrato:

The Nevada Association of School Boards supports this bill, and I would like to echo Dr. Pierczynski's comments.

Todd Mason (Wynn Resorts):

The Wynn Resorts support S.B. 391. We see this as an important piece of legislation, critical to overall education reform and building that better-prepared workforce we have spoken about so much.

On a personal note, this is an exciting bill for me. Before I joined Wynn Resorts, I served as deputy associate superintendent in the Arizona Department of Education. Arizona was one of the more recent states to take on a similar program that we referred to as Move On When Reading. One of my duties was to support Arizona's State Board of Education in its implementation of this. The statute was passed in 2010, and the 2014-2015 school year was the first year when potential retention was to take place. I will echo what others have said: the first year of implementation is critical and messy, and there will be setbacks. But I know from firsthand experience that it can be overcome, and implementation can be successful.

I want to commend the thought that went into allowing flexibility for districts, charters, individual schools and principals when deciding on the type of intervention to be used. We found that to be particularly important in Arizona. I also commend the idea of using various assessments. In Arizona, there was one make-or-break assessment at the end of the year. That presented a number of problems, not the least of which was getting accurate figures on which students should be retained. Arizona has recently changed its end-of-year

assessment, which presents even more delays in implementing the legislation. I commend the authors of this legislation for taking that into account.

We found that more important than the appropriation, which in Arizona was approximately \$40 million every year, was the focus that it placed on the importance of early literacy. This allowed districts, charter schools and individual school sites to coalesce around various funding sources, all with a goal of reading proficiency by Grade 3.

Ms. Lazos:

We are recommending two small amendments to S.B. 391 ([Exhibit M](#)). The first is to let parents know where their children are in terms of English language development in section 8 of the bill. This is closely linked to literacy. You cannot comprehend what you read if you do not understand English well. We have long advocated that parents be educated as to what English language development means and how it might be related to literacy.

The second amendment may be controversial, but we think it is common sense. We recently did a survey of the Zoom schools to find out what kind of problems we are having in attracting high-quality teaching talent to Zoom schools and Title I schools. This is a chronic and high-level problem in Clark County, and it is also a national problem. If we are going to be successful in Read By Three, we have to make sure we have teaching talent, both in terms of highly effective teachers and also in terms of literacy specialists who are able to help children who are struggling. We suggest the bill provide the ability for district superintendents to offer special incentive pay, in the form of either stipends or bonuses, if there are shortages in attracting highly qualified teachers and literacy specialists. We do not want to be limping along with substitute teachers when that certainly will not do in these kinds of situations.

Ms. Carreon:

The Guinn Center for Policy Priorities is neutral on S.B. 391. We have written testimony containing our comprehensive analysis of the Governor's education proposals and looking at their impact on student achievement ([Exhibit N](#)).

This bill has many positive aspects. The early identification and intervention provisions are well documented in research as being successful for improving student outcomes. We applaud the emphasis on flexibility for the types of

interventions, as long as they are evidence-based strategies grounded in research.

We also like the emphasis on professional development. The bill includes a learning strategist at each school. We would like to call your attention to the fact that schools currently use Title I funds for learning strategists. For that reason, schools will have to be careful in looking at whether this new mandate conflicts with the "Supplement, Not Supplant" policy of Title I.

The parental involvement provisions of S.B. 391 are very important.

Research has shown mixed results on the efficacy of student retention. Some studies show that retention in Grade 1 or Grade 2 is more beneficial than retention in Grade 3. Some research shows that retention is not good for students. Our opinion is that it is good to have some flexibility in that area. Perhaps the retention provision does not need to be in this bill, seeing as existing law and teacher and parental discretion already cover that issue.

Lastly, we like the idea of a consolidated application for all of these grants. We also think there should be a consolidated grant for all similar programs. Read By Three, Zoom schools and Victory Schools are very similar programs with a lot of overlapping goals serving duplicative student populations. Given that they are closely interrelated, we think it makes good sense to have one grant program that can do all of these things with the flexibility to provide evidence-based strategies.

Mike McLamore (Nevada State Education Association):

The Nevada State Education Association is supportive of S.B. 391. I have written testimony ([Exhibit O](#)) and a suggested amendment regarding retention in kindergarten ([Exhibit P](#)).

We are concerned about younger children at the early portion of this endeavor, the 5-year-olds who are just registering for kindergarten. Substantial research shows that younger children are five times more likely to be retained in kindergarten. Additional research shows that younger children have struggles with language and literacy tests during kindergarten. Our members affirmed these research concerns by voting unanimously that something has to be done for children who enter kindergarten at a younger age. [Exhibit P](#) says that the assessment to be given to those enrolled in K-3 should also be done for

5-year-olds who are registering for kindergarten. If the assessment shows they do not have the abilities to enter into kindergarten, we suggest that some other route be taken for them for an additional year, whether it be early childhood education programs or strategies at home, as are described in sections 8 and 9 of S.B. 391.

These are the suggestions we have regarding very young children moving into the academic rigors of K-3. The Common Core standards, or academic content standards based on Common Core, have elevated the rigor in kindergarten instruction, so we see some challenges for those younger kindergartners.

Mr. Stevens:

The CCSD has a proposed amendment to offer that addresses section 11, subsection 3, paragraph (a) of S.B. 391 ([Exhibit Q](#)). This provision states that students who are retained cannot have the same teacher again. We ask for some leeway for students with special education needs. We have a shortage of special education teachers, so getting teachers trained and making sure they understand the needs of their students is important. I would also suggest that in the rural counties, finding special education teachers can be a challenge. We are asking for leeway for special education students so we can still serve their needs without putting them in situations that are harmful to them.

Mr. Erquiaga:

This bill is one of the most critical pieces of Governor Sandoval's education agenda. The comments from the school districts and educators in this room affirm that. Ms. Bragg told me that she has never seen so much support for this type of measure in any state she has been in, so we can be proud as Nevadans.

Chair Harris:

I will close the hearing on S.B. 391 and open the work session on S.B. 504.

SENATE BILL 504: Amends provisions relating to a safe and respectful learning environment in public schools. (BDR 34-1201)

Todd Butterworth (Policy Analyst):

I have a work session document summarizing S.B. 504 and describing an amendment offered by the Office of the Governor ([Exhibit R](#)). A mock-up of the bill with the amendment in place is attached, along with the bill's fiscal notes.

SENATOR LIPPARELLI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 504.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

* * * * *

Chair Harris:

I will open the work session on S.B. 432.

SENATE BILL 432: Makes an appropriation to be distributed to certain public schools designated as Victory schools. (BDR S-1187)

Mr. Butterworth:

I have a work session document summarizing S.B. 432 and describing an amendment offered by the NDE (Exhibit S). A mock-up of the bill with the amendment in place is attached, along with the bill's fiscal note.

Senator Woodhouse:

I would like to suggest an additional amendment. In section 2, subsection 12 of the bill, when we have the oversight report going from the NDE to the State Board of Education on school performance and pupil achievement, that report should also go to the Legislative Committee on Education (LCE). This will ensure there is another body beyond the NDE and the State Board of Education that sees what is happening, so we can make sure we are putting our dollars where we need to.

Senator Lipparelli:

I have a related comment about this bill and several others. The Victory Schools commitment is a large one, and my overarching concern about several of these bills incorporates what Senator Woodhouse just brought up. There is some discussion going on about the possibility of setting up some oversight mechanism. I will certainly defer to my colleagues who have a better insight as to what would be the right mechanism for oversight. However, while I have generalized support for the Governor's initiatives in this area, I also want there to be a mechanism for the Legislature to receive some independent evidence as to whether there is a return on the investments we are making. These are

serious dollars, and we have a right to expect serious returns from the investments.

Chair Harris:

Senator Woodhouse, are you suggesting the report should be sent to the LCE instead of the State Board of Education?

Senator Woodhouse:

No. School performance and pupil achievement should go to the State Board of Education and to the LCE. That is a body outside of the NDE and the State Board of Education, and it is comprised of elected officials.

Senator Lipparelli:

That probably addresses my concerns, but there was discussion about where that oversight should exist.

Chair Harris:

I understand that having the LCE in the loop in addition to the NDE and the State Board of Education would be great oversight.

Senator Hammond:

Senator Woodhouse, are you suggesting that the LCE should act upon the information it receives in these reports?

Senator Woodhouse:

Yes. I will admit that this would add to the fiscal note. Currently, the LCE only meets in the even years to prepare legislation for the upcoming Legislative Session, and this change would mean it would need to meet every year. It also takes us back to what the LCE should bring to the next Legislative Session. The LCE would use these reports to advise us about any additional changes needed in the Victory Schools. I think it is appropriate.

Senator Denis:

There is a provision in the bill that if programs do not perform in the first year, they will not get the money for the second year. Would we have the LCE weigh in on that part of it?

Senator Woodhouse:

That is a good question. I would not have a problem with that. Mr. Erquiaga, what are your thoughts on that?

Mr. Erquiaga:

I support the idea of the report that goes to the State Board of Education also going to the LCE for Victory Schools. I think you would be best served to add language that the LCE would provide advice to the State Board of Education. I do not want language that requires consultation; I do not want to try to have a joint meeting of the two bodies comprised of elected officials to make that kind of decision. That is my only concern. The decision on continuing funding is the State Board of Education's, but the LCE should give advice and counsel in that decision. The LCE sends letters to the State Board of Education and asks it to do other things, just as it makes recommendations to the Legislature.

Senator Woodhouse:

I agree; that is exactly what we should do. I believe we need the oversight of an outside body like the LCE, but I do not know that the LCE should be the one making the decision to cut funding. It is the purview of the State Board of Education to make these decisions, with the recommendations of the LCE.

Senator Lipparelli:

I am pondering how that would work. The plans would be implemented, and a report would be sent to the State Board of Education. The report would concurrently go to the LCE, and the two bodies would evaluate the relative merits of these programs. It would seem to me at that point that the interpretation of the LCE of the relative merit of these programs would then be the subject of the subsequent Legislative Session. The LCE would say, "These are the views of the LCE on this program based on the reports we received." Those future Legislators could then react to that any way they chose. Do I have that right?

Mr. Erquiaga:

Yes. There are two steps. There is the interim step, where monies would be released in a subsequent year, so the LCE would have the opportunity to opine in that instance. Then the second step is when the Executive Budget is submitted for legislative consideration in the odd years. The LCE would have informed the full body that the program should or should not be continued.

Senator Hammond:

You raise another question. Where does the State Board of Education now fit in? The LCE opines on the information it receives in preparation for the next Legislative Session, but then some of its recommendations go to the State Board of Education as well, and the State Board of Education makes a decision on releasing money the second year. Is that right?

Mr. Erquiaga:

There is a trigger in the bill that if schools are not making progress, the NDE—though the proposed amendment shifts that to the State Board of Education—could ask that those funds not be released. The advice from the LCE would influence that trigger. The drafting of legislation would remain with the Legislature. The Board does not typically send legislation to the Legislature.

Senator Denis:

If the recommendation came from the State Board of Education to discontinue funding, would a report be made to the LCE, or would the Board look at it again?

Mr. Erquiaga:

That section of the bill says that individual schools may or may not be funded in that second year. Imagine we have 30 schools, of which 28 are making progress and 2 are not. The LCE and the State Board of Education would simultaneously receive a report saying that two schools are not making progress. The LCE might then send a letter to the State Board of Education, and the State Board of Education would pull the funding for those two schools. I do not think you should set up a back-and-forth revision because the LCE does not meet that often, and we do not want to leave those schools on the hook as the fiscal year begins. We have enough hurdles now with this level of oversight. As the secretary to the State Board of Education, I would be uncomfortable scheduling those meetings.

Senator Denis:

I agree. I am not suggesting a back-and-forth conversation. It reminds me of running a public library—the budget is approved by a local library board and then goes to the city, and if the city does not like the budget, it goes back to the board to make changes. Rarely do the two bodies reverse each other, but having two groups looking at one budget complicates the process.

Mr. Erquiaga:

This amendment contemplates the reports at the end of the school year, and there are also plans at the beginning of the school year that are sent to the NDE and the Board. There is no problem in my mind with those plans going to the LCE as well. The LCE would then see both pieces, the beginning and the end. The State Board of Education makes the decision about continuing funding for each school for the second year. The LCE recommends to the Legislature whether to continue the whole program.

Senator Gustavson:

I know this is not the Senate Committee on Finance, but I have to look at this as public policy. In my opinion, we have thrown enough money at our education system, and we are not getting the results for the money we are putting into it. I see this program as just another way of throwing money at the problem. It is not going to be very cost-effective in the way we are spending dollars we do not have to begin with. For that reason, I will not be supporting S.B. 432.

Chair Harris:

It appears we are not ready to take action on S.B. 432 at this point. I will close the work session on S.B. 432 and open the work session on S.B. 460.

SENATE BILL 460: Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

Mr. Butterworth:

I have a work session document summarizing S.B. 460 and describing an amendment offered by the NDE addressing concerns put forward by the State Public Charter School Authority ([Exhibit T](#)). A mock-up of the bill with the amendment in place is included, along with the fiscal notes.

Chair Harris:

We had a lot of input from a variety of stakeholders on this bill. The amendment has the joint support of the Charter School Authority and the NDE. We have worked hard to make sure we are going to maintain integrity in our charter schools and make sure we have high standards, while providing some flexibility for those schools that help with at-risk populations who have nowhere else to go to find education that will work for them.

Senator Denis:

With regard to the 3 years mentioned in section 4 of the bill and [Exhibit T](#), is that 3 consecutive years or just any 3 years in that 5-year period?

Chair Harris:

It would be any 3 years in a 5-year period. That is arguably more difficult to achieve than failing 3 consecutive years because it is a rolling 5-year period. But it is still within that initial charter authorization, so they would have to demonstrate that they have the ability to be successful before a charter could be renewed.

Senator Denis:

This is legislation that is needed. As was pointed in the bill's hearing, some schools want to work with a difficult population that is having a hard time succeeding. We do not want a school to fail because it decided to work with those students who need the most help. This will provide the framework for that. The amendments that came through make the bill even better.

Senator Gustavson:

I had some concerns about this bill, but with the amendment, I am happy with it now. It is a good bill.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
[S.B. 460](#).

SENATOR DENIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Harris:

I will open the work session on [S.B. 461](#).

[SENATE BILL 461](#): Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. (BDR 34-1091)

Mr. Butterworth:

I have a work session document summarizing S.B. 461 ([Exhibit U](#)). The bill's fiscal notes are attached.

Chair Harris:

This bill is a companion bill to S.B. 460.

SENATOR SEGERBLOM MOVED TO DO PASS S.B. 461.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Harris:

I will open the work session on S.B. 474.

SENATE BILL 474: Creates the Great Teaching and Leading Fund. (BDR 34-1183)

Mr. Butterworth:

I have a work session document summarizing S.B. 474 and describing amendments offered by the NDE and Nevada Succeeds ([Exhibit V](#)). The bill's fiscal note is attached.

Senator Hammond:

I believe in the intent of this bill. It is important to start educating teachers and getting them prepared to teach in the classroom. Any time we can get more teacher development in there, it is important. However, some of the members of the Regional Professional Development Programs (RPDPs) talked about how they function as the Legislature's go-to area. I have heard from some superintendents that they like the system we have in place now. I would prefer to have the RPDPs separate from this and fund both programs. My comfort level is not there yet. For that reason, I will be voting no on this measure.

Chair Harris:

Would it be helpful to have Mr. Erquiaga answer your questions?

Senator Hammond:

I have spoken to several people before. I want the RPDPs to be separate and still fund them and also find money for this program.

Mr. Erquiaga:

The RPDPs remain separate entities. This bill does not change that. This bill allocates \$10 million in new money that is not currently being spent on professional development, the teacher pipeline, leadership development or any of those categories. The Executive Budget has about \$16 million over the biennium for RPDPs. That is a separate consideration. In the second year of the biennium, the Executive Budget contemplates pulling some of the money from the RPDPs into the Great Teaching and Leading Fund. However, that is a budgetary decision not contemplated in this bill. One could vote for this bill, add \$10 million to the overall system and then address the concern of whether that money should be moved from the RPDPs in the second year. They are separate measures. The RPDPs are not members of the Legislative Branch; they are regional governments created by the Legislature, and they have their own local governing boards.

Senator Hammond:

Thank you for that clarification. I might vote no in Committee and then vote yes on the floor once I am comfortable on this issue.

Senator Woodhouse:

I was going to bring up the RPDP question as well. We have all been receiving a lot of email regarding the RPDPs, but it is important that we move forward with S.B. 474 because it does two things. It puts a strong emphasis on quality professional development, and it addresses the teacher pipeline, which is important. Also, the amendment that states grants would be awarded for more than 1 year, subject to available funds, answers one of the questions regarding RPDPs. As Mr. Erquiaga indicated, this is a budget issue that will be reviewed in the Senate Committee on Finance, assuming the bill is moved out of this Committee.

I also wanted to address the issue of the smaller counties having the ability to apply for these grant programs. I wanted to put that back on the record again regarding this bill. It is a positive bill, and it is one we should move forward on, but we also have to remember that we need to find a way for our rural counties to be able to take advantage of all these grant opportunities.

I strongly support this bill.

Senator Gustavson:

This is just another program that we are throwing money into. I know a lot of it is grant money, but it is not all grant money. I do not think hiring more people will help, and where are these people going to come from? We do not have enough teachers right now and cannot find qualified teachers, let alone teachers period. I support professional development, but I do not think right now is the time to be adding to that.

Senator Denis:

That is what I like about the bill. It provides an opportunity to work on the pipeline issue. We need more teachers. I have brought this up many times. Many people talk about using evaluations to get rid of bad teachers, but there is no guarantee that if a teacher decides to leave, the replacement is going to be any better. We need to have these kinds of tools to make our teachers better and to be able to recruit new ones. This is important. I have the same questions about the RPDPs, but we must decide when we do the budget what we want to do with them at that point. With the amendments worked out, this bill is a good thing for us to help all of our teachers be better and to be able to get good teachers coming forward.

Chair Harris:

I echo your comments. It would be unimaginable for doctors or lawyers to not have continuing education in their professions. It is important that we recognize teachers for the professionals they are and recognize that they need support. They need to have opportunities to grow professionally and learn about different techniques, different learning behaviors and all of the things that go into professional development. We want to help them, support them professionally and help them understand that they have the support of the people of Nevada as we embark on this great challenge to improve education. For that reason, I, too, strongly support the bill.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 474.

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS GUSTAVSON AND HAMMOND
VOTED NO.)

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Chair Harris:

I will open the work session on S.B. 295.

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

Mr. Butterworth:

I have a work session document summarizing S.B. 295 and describing an amendment offered by Senator Woodhouse (Exhibit W). The bill has a fiscal note.

SENATOR DENIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 295.

SENATOR SEGERBLOM SECONDED THE MOTION.

Senator Gustavson:

For the same reasons as on the last bill, I support professional development, but I think we are creating more issues here. This is something I do not support right now.

THE MOTION CARRIED. (SENATOR GUSTAVSON VOTED NO.)

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Chair Harris:

I will open the hearing on S.B. 405 and S.B. 430.

SENATE BILL 405: Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-887)

SENATE BILL 430: Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-1186)

Senator Moises (Mo) Denis (Senatorial District No. 2):

I came before this Committee 2 years ago to introduce S.B. No. 504 of the 77th Session, which enacted the Zoom schools program. Building upon the success resulting from that legislation, it is my honor and pleasure to present S.B. 405, which expands the Zoom schools program and the supports available to our ELL students.

This is a subject that is important to me. I did not speak English when I started kindergarten. There were not a lot of ELL programs then, and it took me a while to learn to read English. It did not take long to learn to speak English; you can watch television and learn to speak English. That does not help you to learn to read English, though. I know how important it is to give our children help to get going sooner.

Over the last 2 years, I have appreciated the opportunity to visit Zoom schools in Clark and Washoe Counties and see the great things they are doing. I have seen many of the programs we will be talking about in these bills, including the Reading Development Centers, the summer program and the Zoom school classrooms. I have seen some great things. Just walking into the schools, you can feel the difference.

You have heard many facts concerning ELL students in our schools, but some of them bear repeating. In Nevada, 19 percent of our students are ELL students, and 70 percent are enrolled in the CCSD. Close to 90 percent of Nevada's ELL population is Latino and Spanish-speaking. According to a study by the University of Nevada, Las Vegas, Latinos are Nevada's fastest growing demographic under age 18 and now make up over half of our students in K-3. Until 18 months ago, we did not have a coherent statewide program to address the needs of these students. Many ELL children speak English well enough for daily interactions but not well enough to master academic English. According to experts, mastery of academic language requires anywhere from 2 to 6 years under normal circumstances.

The good news is that by all accounts, the Zoom school program has been an unmitigated success at bending the literacy learning curve. You will hear more today from school districts, but the LCE received the Zoom school report just 9 months into implementation, and the impact was impressive, to say the least. At Zoom schools, prekindergarten (preK) waiting lists were eliminated, which added an extra year of learning for over 1,200 of our youngest ELL students.

Full-day kindergarten was provided to over 2,500 students with a focus on literacy education. We also achieved class-size reduction in full-day kindergarten, with a ratio of 21 students to each teacher. That was an important part of all of this.

The summer academies added an extra month of learning for nearly 10,000 participating Zoom school students. While the focus was on prekindergarten through Grade 3 in a lot of these programs, the summer academy was for the whole school. Every student benefited.

Reading centers provided intensive intervention in 30-minute daily sessions. In just 7 months, 40 percent of the participating students were reading at grade level. That is amazing. In Clark County, when a student goes through the Reading Center, gets to grade level and graduates out of the program, they call it "zooming out." One of the children had zoomed out but purposely tried to fail the test so he could stay in the program because he appreciated the opportunity to learn. I am told that many of the children who zoom out go back to their classrooms and test higher than the children who did not go through the reading program. They learn other things as they go through that program.

Dr. Danielle Miller of the CCSD said that this is the most effective education initiative she has encountered in her 24-year career. I am excited that we are doubling up on this incredible program.

Senate Bill 405 appropriates just under \$50 million in each year of the biennium, which is approximately double the current commitment. This funding is included in the Executive Budget. Each year, \$39 million is earmarked for Clark County, \$6.7 million for Washoe County, and just over \$4 million for competitive grants to charter schools and school districts in the balance of the State. That distribution is based on how many ELL students there are in each district. The bill increases the number of schools that can be served and expands the program from elementary schools into middle schools and high schools. We started out with 14 schools in Clark County and 6 in Washoe County. Each county added another two schools this year.

The schools and students with the greatest need are specifically targeted. Those schools with the highest percentage of ELL students and the lowest academic performance will be the first to receive funding. Elementary level Zoom schools will be equipped to provide the following services:

- Prekindergarten programs free of charge
- Full-day kindergarten with 21:1 class size
- Reading skills center
- Special academies in the summer or between year-round sessions, including the necessary transportation
- Professional development for teachers
- Recruitment and retention incentives

One of the issues that has come up recently is the difficulty of keeping teachers. We learned that some of the highest concentrations of long-term substitute teachers are in some of the Zoom schools. We are looking for ways to reward those teachers who want to be there.

- Programs to get parents involved

We know how important it is for parents to understand what is going on with their kids and how they can help. We did not provide for that last time, and now we are.

The Clark County and Washoe County School Districts will also identify middle schools and high schools to operate as Zoom schools, two middle schools and two high schools in Clark County and one middle school and one high school in Washoe County. We want to reduce class sizes for targeted students, provide direct instructional intervention and extend the school day. We need to extend the school day because we do not want ELL students to take fewer classes. We want them to take other classes, but to also have that one class to work on literacy.

The charter schools and remaining school districts applying for Zoom school grants will have an opportunity to propose similar services for their locations. The funding made available to these entities will be based upon their enrollment counts.

Importantly, the bill also includes key accountability provisions. It requires the State Board of Education to prescribe statewide performance indicators to

measure the effectiveness of the program and requires the NDE to contract for an independent evaluation of the programs and services that are funded. All entities receiving Zoom school funds are required to report the outcomes of their efforts and are subject to potential legislative audits.

The plan is that these funds will ultimately transition from being categorical to being part of the special funding weights for ELL students under the Nevada Plan. We contemplated that in the interim as we looked at the Nevada Plan and the funding formula and how that could provide that funding.

To conclude, dollars spent now on ELL education, particularly in the early grades, are investments in Nevada's future. Economists have estimated that for every dollar invested in ELL education, Nevada will see a return of between \$1.15 and \$2.03 per pupil in saved expenditures and future revenue. Our goal is for all Nevada students to receive a high-quality education. For too long, we ignored our responsibility to address the academic needs of our ELL students. This bill is a continuing symbol of hope for these children.

Chair Harris:

I am particularly thankful for the transportation piece. It is something I talk about a lot when I am approached about different types of programs. If you cannot get there, you cannot participate, you cannot be included and you cannot grow and learn. For me, that transportation provision solves many difficulties that students are facing. It is just one more thing to help them be successful.

Senator Denis:

The school districts stepped up in this regard.

Mr. Erquiaga:

I echo Senator Denis's remarks. Governor Sandoval was pleased to sign S.B. No. 504 of the 77th Session. In addition to creating the Zoom school program, that bill created the English Mastery Council, which has been promulgating policies. Some go to the State Board of Education and some go to other entities to mirror the work being done in the Zoom school program.

Governor Sandoval was personally vested in doubling the size of the Zoom school program. His family members were English Language Learners, as were mine. He and I started school with English ability, but our parents did not.

These two bills are almost identical. There are five or six provisions in S.B. 430 that are not in S.B. 405, and I will point them out. If the Committee is in agreement, it would be Governor Sandoval's request that the Committee amend S.B. 405 and move that bill with those provisions from S.B. 430 you think worthy, in deference to the fact that the many sponsors of S.B. 405 have invested a great deal in this program.

In section 1, subsection 6, the two bills differ as to the number of new Zoom schools to be created. Senate Bill 405 stipulates two middle schools and two high schools in Clark County and one middle school and one high school in Washoe County. Senate Bill 430 has the same numbers, but states it as at least two middle schools and two high schools in Clark County and at least one middle school and one high school in Washoe County.

In section 1, subsection 7, S.B. 430 includes an additional intervention in paragraph (h). It is similar to language we used in the Victory Schools, and it requires programs designed to meet the needs of ELL students. We added that in the middle schools and high schools because working with long-term ELL students in middle school and high school is new for us. We have delineated those interventions we think are acceptable in paragraphs (a) through (g), but there is some latitude in paragraph (h). That language appears again in section 1, subsection 8, paragraph (b), subparagraph (7), in reference to the grants program. The grants program reaches rural schools and charter schools, and it can reach middle school and high schools as well.

Section 1, subsection 10 of S.B. 430 provides for a reporting mechanism. Based on the recent conversation on S.B. 432, we might want to modify this provision. On S.B. 430, it is contemplated that reports would come to the NDE from Clark and Washoe Counties. The NDE would create a report on grants, and it would send all three reports to the Interim Finance Committee (IFC). In section 1, subsection 8 of S.B. 405, Clark and Washoe Counties' reports go directly to the IFC, and the grants program report comes from my office at the NDE to the IFC. We think these three reports should be aggregated into one report. However, based on our previous conversation, perhaps that report ought to go to the State Board of Education and the LCE.

Section 1, subsection 1 of S.B. 430 is a new section recommended to us by stakeholders. Ms. Lazos recommended the NDE be given the ability to have Zoom schools report information about teaching personnel. Do we have

long-term substitutes? Do we have probationary teachers? This will let us aggregate that information by school, and it would be valuable as we assess quality of instruction. If the number of long-term substitutes or probationary teachers has an impact on student outcomes, it will show up here.

Section 2 of S.B. 430 does not exist in S.B. 405. Ms. Lazos has had many conversations with us about a need to better understand long-term limited English-proficient students, or long-term ELLs. We have students in our schools who have been in our schools for 8 years, and the programs may no longer be helping them. They may have been served and now are out, or they may still not be proficient in English. The State system of accountability has some information about long-term ELLs, but it is not standardized; I could not run a report for you today. The NDE agrees with Ms. Lazos that this is valuable information. We know it will be a different challenge working with these students, and we know that as we do more work in middle school and high school, we will have more long-term ELLs. For this reason, we would like to be able to set up a mechanism to keep track of their success.

Those are the only differences between S.B. 430 and S.B. 405.

Joyce Haldeman (Clark County School District):

You might have noticed that I “zoomed” to the table in support of these bills. I am so enthusiastic about the Zoom schools program that it is hard for me to contain my appreciation. Senate Bill No. 504 of the 77th Session made a difference for our children. We have wonderful results to report to you today.

Danielle Miller (Assistant Superintendent, Instructional Design and Professional Learning Division, Clark County School District):

Senate Bill No. 504 of the 77th Session came from the heart of where we need to be in education. This initiative has gone across the State, and Zoom is a household name now. I have a handout describing the work that has been done and the progress we have seen with the Zoom school program in Clark County ([Exhibit X](#)).

Pages 1 and 2 of [Exhibit X](#) give an overview of the Zoom school program in Clark County. This program gave us a place to start our students’ growth process. Our results were amazing, and parents actively participated in survey responses and were excited about being a part of Zoom. We presented our results at the National Association for Bilingual Education, and there were

parents in the audience who said, "My child is a reader because of Zoom." It is great to hear that about students from varied backgrounds.

Pages 3 and 4 of [Exhibit X](#) talk about the preK program. Our biggest successes were because of teacher training provided through county funding. Teachers learned how to collaborate with each other to create interactive units. Under the direction of Zoom, we were able to create the thematic units they put in place. Students learned about their environment while improving their literacy; they got real-world experiences and were able to apply them. Parent involvement with that program was high; teachers met with parents every Friday.

Pages 5 and 6 of [Exhibit X](#) talk about the full-day kindergarten program. Our findings show the amazing progress our students made in language in a single year. Without that preK initiative, these students would have been at a loss at the beginning of kindergarten. When they walked into kindergarten this year, it was amazing to hear teachers say, "These kids came in as readers and writers." The progress that the kids made was not just because they were in full-day kindergarten, but because they were provided with support focusing on building language acquisition in a meaningful way. We walked through Zoom schools with Senator Denis, and he asked a teacher, "What did Zoom provide for you?" She said, "I never knew kindergartners could be such readers and writers," and she started to cry. This program has impacted teaching and learning in Clark County at an astronomical level, and we are excited about it.

Pages 7 and 8 of [Exhibit X](#) cover the reading centers. The students left kindergarten reading and writing, and at the beginning of the year, students who had been in Zoom preK came in as readers and writers. I brag about our reading centers because the students love to go there; they zoom in and they zoom out. Already this year, we have graduated 383 students from our Zoom centers, and we are hoping to graduate over 1,000 by the end of the year. We are excited about where we are and where our students are reading in those reading centers.

Pages 9 and 10 of [Exhibit X](#) deal with the Zoom Summer Academy. People asked what 17 extra days could do, and the results are on page 10. It provided the opportunity for students to return at the beginning of the school year without loss or regression of their skills, and some even came back higher. They did not lose language acquisition or literacy skills over the summer, which sometimes happens over those 3 months.

Our data shows there is success in the Zoom school program overall. Our goal is to have students who truly are readers and writers before third grade. We are excited about the Zoom school program. Most of all, when we look at what Zoom has done, we see that it has created a culture where we value what happens in the classroom, and students continue to be our number one priority in everything we do.

Ms. Haldeman:

Melding the two bills is a great idea. I liked Mr. Erquiaga's suggestion that the bills require us to open at least one middle school or one high school. It would be our preference to start with one high school. Once you get into high school, the percentage of ELL students is smaller. The intent is to develop a feeder pattern, so we will choose middle schools and high schools that the Zoom elementary schools feed into. During the last biennium, we started out with 14 Zoom schools and ended up with 16. If the funding is available and we find the program is something we can implement mid-year, we would likely expand it. But we like the "at least" language because it does not require us to have two if we need to stick with one.

Section 1, subsection 7, paragraph (h) of S.B. 430 is especially important for middle school and high school programs. Those are the areas in which we are breaking new ground. I am nervous about adding this component to elementary schools, however. We do not like to be prescriptive, but I believe this combination of factors has made a difference for our students. I do not want to see it watered down by saying, "You can try anything evidence-based." I like the prescription we have going. In Clark County, we will be sticking with the basic program.

The suggestions made by Ms. Lazos are important, and we agree with them. The notion of incentivizing teachers to work in the Zoom schools is wonderful. We had less turnover than we expected. There is a camaraderie at the Zoom schools and a sense of purpose. People know they are making a difference. Getting our best people at those schools will require some incentives, so this is a good provision.

Senator Hammond:

I know getting good teachers to stay has been a chronic problem. Ms. Lazos, could you repeat those suggestions? You mentioned financial incentives, but if you have other ideas for incentives, please share those as well.

Ms. Lazos:

They are included in [Exhibit M](#). The basic problem we have is the Zoom schools have far too many long-term substitutes—in one Zoom school, we have as many as 12 long-term substitutes—and up to 70 to 80 percent probationary teachers. We all know that our first year in any profession is full of errors. A lot of learning happens that first year. This means that we do not have our best talent in Zoom schools. We are not going to get the maximum return for our money. We need to pay attention to incentivizing and make sure we are able to attract the best teachers possible. Ms. Miller is a great leader, but we need to provide economic incentives for teachers in Zoom schools.

The second suggestion was in regard to the long-term ELL students. The vision was that we have done a great job in kindergarten through Grade 5 (K-5), breaking the mold, thinking outside of the paradigm, experimenting and having everyone work together in partnerships. That was the key to the success of the K-5 Zoom schools. We are looking at the results, and that is a consistent theme. Our next step is to go to the middle school and high school challenge, where two-thirds of that population are long-term ELL students. All the data show that these long-term ELL students are children who have been in ELL status for 6 years. They speak English, but it is McDonald's English. That is, it is not academic English that allows you to digest scientific text; it is the kind of English that allows you to work at McDonald's. To graduate from high school, you need to have academic English.

We need to develop different pedagogies and strategies to help these children. We have up to 600 long-term ELL students in Clark County. We will have to rethink how we teach these kids. We need to have the same kind of intensity Ms. Miller and Mr. Skorkowsky had when they turned things around in K-5. It will take that kind of focus and effort to do the same for middle schools and high schools. I am confident that once we do that, we will see a real change in the statistics in terms of high school graduations in Nevada because we will be breaking the mold yet again in middle schools and high schools.

Senator Gustavson:

From what I have heard, the Zoom program is an excellent one; it is working well, and I am excited to see that. You mentioned the difficulty of getting qualified teachers in there. Do you have a suggestion as to how we can bring more qualified teachers into the State to fill these positions?

Ms. Haldeman:

The challenge of bringing teachers to Nevada mirrors the challenges schools face across the Country. The notion of providing incentives so we can make sure qualified teachers go to the Zoom schools is an important one. In Clark County, we are in the middle of an ambitious recruiting program. We have recruiting posters at the McCarran International Airport, and we are doing a lot of things to recruit teachers. There are a lot of pieces that help make incentives to recruit teachers important, but that is a subject for another day.

Senator Gustavson:

I know there are many ways we can incentivize teachers to come here, but we do not seem to be doing as much as we can. I would like to see that happen.

Ms. Anderson:

The WCSD supports S.B. 405 and S.B. 430. As Mr. Erquiaga and Senator Denis mentioned, we started with six Zoom schools. In the Washoe County School District, we had already created an Acceleration Zone in which our Zoom schools were located, so they were going really fast in those schools. The Acceleration Zone program came first, but the Zoom schools came closely thereafter. They were already working together and creating a cohort of leadership that was focused on turning around those schools. For example, Roger Corbett Elementary School, one of the older schools in Reno, was one of our schools with only one star when we first started the school performance framework. It was in the Acceleration Zone program and it is a Zoom school, and I am proud to say that now it is a three-star school. It has an amazing principal and leader, and because of the support provided through Zoom and other district measures, it is taking off and moving very quickly.

We have had impressive results with the Zoom schools in Washoe County. Having the NDE set what the metrics will be for measuring success is critical, particularly because a lot of the Zoom investment is in our early grades, preschool and kindergarten. We do not have standardized testing until third grade, which may or may not capture a lot of the investment that is being done in the early grades. It is important that we compare apples to apples.

In the Washoe County School District, we have a modified calendar, so right now we are in the second week of spring break. We use the second week for intersession Zoom programs. There are children right now in Zoom schools

receiving additional instruction because the program allows not only summer school but also intersession work.

In terms of starting Zoom middle and high schools, we are open to the language of "at least one middle school or high school." In Washoe, if we are able to do two, we might do two middle schools instead of one middle school and one high school. If we were able to do two middle schools, that would capture all of the elementary schools, and the feeder pattern would be well-served, particularly if we have focus on our long-term ELL students.

In terms of incentives, financial incentives are certainly helpful. However, some of our teachers want to be at these schools because Zoom teachers have another teacher in the classrooms with them. Our reading centers are a little different than they are in Clark County. In our facilities, the teachers go into the traditional classrooms. It is an incentive to have additional support so teachers do not feel like they are trying to make this heavy lift alone. Providing those supports for our teachers is an incentive in itself.

The collaboration between the CCSD, the WCSD and the NDE has been wonderful. There have been several trips of CCSD people up to Washoe County and Washoe people down to Clark County to see what each school district is doing, what are the best practices and what model supports the students we are trying to serve. I am glad to see that connection between the two districts.

Ms. Ferrato:

The Nevada Association of School Boards supports these bills. I echo the comments by Clark and Washoe Counties. We support the recommendations they made in terms of the logistics for their districts.

Dr. Pierczynski:

The Nevada Association of School Superintendents supports these bills. You have heard from Clark and Washoe Counties where the Zoom schools are located, but there is over \$4 million in these bills for the other 15 districts and the Charter School Authority. They can apply for those monies to help with the programs, because there are ELL students throughout Nevada.

Mr. Gavin:

The State Public Charter Authority supports these bills strongly. We appreciate the inclusion of charter schools and the ELL students in charter schools in this vital piece of public policy.

Mr. Harrison:

The Las Vegas Metro Chamber of Commerce supports both S.B. 405 and S.B. 430 and the continuation and expansion of Zoom schools. This is a priority for the Las Vegas Metro Chamber of Commerce. We supported it last Session and will continue to do so.

Ms. Carreon:

The Guinn Center for Policy Priorities is neutral on S.B. 405 and S.B. 430. I have written testimony regarding these two bills and making recommendations regarding the Zoom school program ([Exhibit Y](#)).

Chair Harris:

I will close the hearing on S.B. 405 and S.B. 430. Is there any public comment?

Ms. Rourke:

I have the CCSD Good News Minute for today. The State Forensic Tournament was held at Silverado High School on March 13 and 14. Kudos to these small school winners: in first place was Advanced Technical Academy; in second place was Moapa Valley High School, and in third place was Virgin Valley High School. Congratulations to these large school winners: in first place was Green Valley High School (with the most State Champion titles in the State); in second place was Palo Verde High School, and in third place was Coronado High School.

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Chair Harris:

With no further business before the Committee, we are adjourned at 8:39 p.m.

RESPECTFULLY SUBMITTED:

Lynn Hendricks,
Committee Secretary

APPROVED BY:

Senator Becky Harris, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 503	C	9	Jim R. Barbee / State Department of Agriculture	Proposed Amendment
S.B. 503	D	6	Jim R. Barbee / State Department of Agriculture	Presentation on the Breakfast After the Bell Program
S.B. 503	E	2	Jim R. Barbee / State Department of Agriculture	Overview of S.B. 503 as amended
S.B. 503	F	4	Jim R. Barbee / State Department of Agriculture	Schools participation in breakfast programs >70% free and reduced
S.B. 503	G	2	Tom Nelson / No Kid Hungry/Share Our Strength	Written testimony
S.B. 503	H	8	Jodi Tyson / Three Square Food Bank	Written testimony
S.B. 503	I	2	Victoria Carreon / Guinn Center for Policy Priorities	Written testimony
S.B. 391	J	12	Steve Canavero / State Department of Education	Mock-up: Proposed Amendment 6288
S.B. 391	K	2	Brent Husson / Nevada Succeeds	Written testimony
S.B. 391	L	8	Ray Bacon / Nevada Manufacturers Association	Written testimony
S.B. 391	M	2	Sylvia Lazos / Latino Leadership Council	Suggested amendment
S.B. 391	N	2	Victoria Carreon / Guinn Center for Policy Priorities	Written testimony
S.B. 391	O	2	Mike McLamore / Nevada State Education Association	Written testimony
S.B. 391	P	2	Mike McLamore / Nevada State Education Association	Suggested amendment

S.B. 391	Q	1	Craig Stevens / Clark County School District	Proposed Conceptual Amendment
S.B. 504	R	29	Todd Butterworth	Work session document
S.B. 432	S	4	Todd Butterworth	Work session document
S.B. 460	T	15	Todd Butterworth	Work session document
S.B. 461	U	7	Todd Butterworth	Work session document
S.B. 474	V	2	Todd Butterworth	Work session document
S.B. 295	W	1	Todd Butterworth	Work session document
S.B. 405 S.B. 430	X	10	Danielle Miller / Clark County School District	CCSD Zoom schools handout
S.B. 405 S.B. 430	Y	2	Victoria Carreon / Guinn Center for Policy Priorities	Written testimony