

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Ninth Session  
April 14, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 2:13 p.m. on Friday, April 14, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/App/NELIS/REL/79th2017](http://www.leg.state.nv.us/App/NELIS/REL/79th2017).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Tyrone Thompson, Chairman  
Assemblywoman Amber Joiner, Vice Chair  
Assemblyman Elliot T. Anderson  
Assemblywoman Olivia Diaz  
Assemblyman Chris Edwards  
Assemblyman Edgar Flores  
Assemblyman Ozzie Fumo  
Assemblywoman Lisa Krasner  
Assemblyman William McCurdy II  
Assemblywoman Brittney Miller  
Assemblyman Keith Pickard  
Assemblywoman Heidi Swank  
Assemblywoman Jill Tolles  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None



**STAFF MEMBERS PRESENT:**

Amelie Welden, Committee Policy Analyst  
Karly O'Krent, Committee Counsel  
Sharon McCallen, Committee Secretary  
Trinity Thom, Committee Assistant

**OTHERS PRESENT:**

None

**Chairman Thompson:**

[Roll was called. Rules and protocol were explained.] Today we are here for a work session only for the committee passage deadline. I want to start off our meeting by acknowledging the hard work, expertise, high level of professionalism, patience, and dedication of our committee manager, policy analyst, legal team, and secretarial team. They keep us whole. I wanted to make that public acknowledgment.

I want to remind everyone as we go into the work session that we have already had the hearings. I do not intend to have mini hearings. If you have a technical question or something that you need clarified, that is fine. Otherwise, we will do this work session the way we normally do. We will start with Assembly Bill 49.

**Assembly Bill 49: Makes various changes relating to charter schools. (BDR 34-255)**

**Amelie Welden, Committee Policy Analyst:**

I am here with the Legislative Counsel Bureau as nonpartisan staff. As nonpartisan staff, I do not advocate for or against any legislation. Assembly Bill 49 was sponsored by the Committee on behalf of the State Public Charter School Authority (SPCSA) in the Department of Education. It establishes additional eligibility criteria for charter schools to be rated using the alternative performance framework. The measure also prohibits assignment or transfer of a charter contract, delegation of duties, or use of a charter contract as loan security. The confidentiality of certain documents relating to an educational management organization is clarified.

Assembly Bill 49 provides for filing, investigating, and resolving complaints regarding charter schools. The Department of Education must satisfy various requirements as part of a grant application that may result in a distribution of funds to a charter school or a charter school sponsor. With respect to the Commission on Professional Standards in Education, certain charter schools or charter management organizations may request expedited review of requests to be qualified providers of an alternate route to a teacher licensure program, and sponsors may request a waiver of other requirements not prohibited by law.

The Executive Director of SPCSA shall be appointed by the Governor instead of the SPCSA and serves at the Governor's pleasure, must meet certain qualifications, and may exercise additional authority. Members of the SPCSA are prohibited from having financial conflicts involving charter schools. Finally, the bill clarifies what actions of charter school sponsors are subject to the Nevada Administrative Procedure Act (APA) and that the SPCSA is not subject to the contested case provisions of the APA. That is the bill as written.

There are some fairly substantial amendments in the mock-up ([Exhibit C](#)). I will go over some of those. These are in consultation with other parties, including Patrick Gavin of SPCSA, who has proposed the changes included here. Among other provisions, changes include:

- Revising conditions under which a charter school is eligible to be rated using an alternative performance framework (page 2);
- Revising language regarding the prohibition against assigning or delegating a charter (page 3);
- Revising language regarding the confidentiality of certain information provided to a charter school or charter school sponsor (page 4);
- Specifying that certain provisions related to complaints and subsequent investigations apply only to schools sponsored by the SPCSA (pages 4–8);
- Specifying who may make certain complaints regarding a charter school (pages 4–5);
- Providing that certain complaints must be based on evidence held by a complainant (page 5);
- Removing language regarding contracting with an investigator (pages 6-7);
- Allowing the SPCSA to petition a court for reimbursement of investigation costs if a violation has occurred (page 7);
- Adding language regarding requiring a charter school to perform actions necessary to transition to the alternative performance framework in certain instances (pages 8–9);
- Adding a requirement for a charter school to notify parents and guardians, post notice online, and revise its marketing materials in certain instances such as graduation rates below 67 percent, low school ratings, relocation or closure of a campus, and other circumstances (pages 9–10);

- Restoring existing language regarding the SPCSA's purpose of fostering a climate in which charter schools can flourish, with a clarification referencing "high quality" charter schools (page 11);
- Providing that not more than two members of the SPCSA may be teachers or administrators who are employed by a charter school or charter management organization, and making certain provisions regarding such members (pages 12–13);
- Deleting sections 17 and 18 of the bill regarding transferring certain powers and duties from the SPCSA to the Executive Director of the SPCSA (pages 14–16);
- Deleting section 22 of the bill relating to changes regarding an appeal of a determination of the SPCSA with respect to an application to form a charter school in certain circumstances (page 24);
- Revising requirements for full-time teachers at a charter school that specializes in construction or another building industry (page 29); and
- Deleting sections 27 and 28 relating to the APA, thereby reinstating current applicability of that Act to the SPCSA (pages 31–33).

There has been one additional amendment offered subsequent to the mock-up for section 16 of the bill, regarding the appointment of the Executive Director. That amendment changes this section back to the original language. The Executive Director would be appointed by the SPCSA rather than the Governor.

**Assemblyman Pickard:**

I appreciate the inclusion of that last-minute conceptual amendment regarding section 16. We were okay with section 16, subsection 2. If the Committee would desire to leave that portion in, we were okay with that. Obviously we can live without it as well.

**Chairman Thompson:**

We will be removing section 16, subsection 1 only. We will go back to the original language in that section. Is that correct?

**Amelie Welden:**

Yes. Under section 16, subsection 1, there are some of the same specifications in section 16, subsection 2, Assemblyman Pickard. That subsection ensures the Executive Director has a demonstrated understanding.

**Assemblyman Pickard:**

I beg your pardon; I do see that. It is correct as stated. My apologies.

**Amelie Welden:**

The requirement that the Executive Director be at least 21 years old would not be in there.

**Assemblyman Pickard:**

That was not really the concern. The concern was with understanding of charter schools.

**Assemblyman Elliot T. Anderson:**

I just wanted to compliment everyone who has worked on this. I think it looks a lot better than during the hearing. I am not sure if it is perfect yet, but I think we have moved the bill forward, and I will be supporting this bill.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 49.

ASSEMBLYMAN PICKARD MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 49.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Pickard will take this floor statement. Next we will open the work session for Assembly Bill 186.

**Assembly Bill 186: Revises provisions relating to education. (BDR 34-868)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 186 requires each school district to establish, equip, and maintain a prekindergarten education program in each elementary school or school attendance area in the district. The bill also lowers the age of compulsory school attendance from 7 years old to 5 years old. Pursuant to the bill, a child who is 5 years old on or before September 30 of a school year must be admitted to kindergarten at the beginning of that school year. A child who is 4 years old on or before September 30 of a school year may be admitted to a prekindergarten program at the beginning of that school year.

Assemblywoman Diaz, as the sponsor of this measure, has proposed changes specified in the mock-up ([Exhibit D](#)). In addition to that, she has proposed changing the age for compulsory school attendance to 6 years of age.

**Assemblywoman Diaz:**

I wanted to comment that I heard everyone's concerns, and I have tried to work my bill to the middle of the road where everyone feels comfortable with it. I did go back to the data, and the majority of states have their attendance age set at 6 years of age. I thought that would be a good start. As far as the prekindergarten, I want to clarify that the bill never intended to make prekindergarten mandatory. It was seeking to expand our prekindergarten services in our public schools. We do not have the money, space, or teachers to expand the services. I wanted to acknowledge the hard work of Patti Oya from the Department of Education, who helped me with the conceptual amendment.

There is federal funding we can utilize to ensure we are looking at how to expand prekindergarten services to the four-year-olds in our state. We created this conceptual amendment due to the space, pipeline, and teacher shortage issues. I hope that we can all support the measure because now we are looking at how to ramp up prekindergarten programming in our state that is so needed by our children.

**Assemblywoman Woodbury:**

I really appreciate Assemblywoman Diaz and all the work she did on this bill and getting it to where there is a lot of agreement on it. I do like most of the conceptual amendment. I have not had time to digest changing the age to six because I know I was against five, so I will vote yes out of Committee. I want to see how the amendment comes out and have time to discuss the age six further. However, I am very appreciative of all the work, thank you.

**Assemblyman Edwards:**

I appreciate the work that went into trying to make this a better bill. I am also concerned about the dropping of the age down from seven. The other concern is that we really do not have the money to do this full-scale. We do not have the capacity, the room, et cetera. It seems as though we are trying to bite off more than we can chew on this one. The other problem is that as we build capacity, we also include a lot more cost. Even if it starts out at \$1.5 or \$1.7 million, ultimately this will cost us tens of millions. I think if parents want to send their kids to prekindergarten, they should have some private resource to do it on their own rather than having the taxpayers pay for this bill too. They are not required to go to school at that age. I think we need to give the taxpayers a break on this.

**Assemblyman Elliot T. Anderson:**

I also want to applaud Assemblywoman Diaz for moving this forward with bipartisan support. To be consistent with the policies the Legislature has created over the past few years, we have to get kids in school sooner to get them into intensive interventions if they need help reading. That is what this comes down to for me. We have full-day kindergarten that is now fully funded. I think this is the time to bring kids in earlier to get reading help. For those who do not want to do it, they can homeschool their children. That is what it comes down to. If we are going to say they need to read by third grade, we need to get them in reading by third grade.

**Assemblywoman Tolles:**

Thank you, Assemblywoman Diaz. I appreciate how much you have worked on this. In the hearing, there was testimony from the school districts about the implementation. I think a lot of my questions are very logistical. Can you speak to where we are on that? I do not see that in the amendments.

**Assemblywoman Diaz:**

There are no logistical issues based on the conceptual amendment. We are not expanding prekindergarten services because we have identified that we have barriers in terms of space. Where are we going to house prekindergarten programming? We have barriers in terms of personnel. We want highly-qualified educators teaching these classes.

So this bill has been converted. Now it is more about how to create more avenues. We may be able to amplify existing prekindergarten programs. We may look at how to utilize more public-private partnerships and create the space. There is nothing defined. This is something that the Department of Education's Nevada Early Childhood Advisory Council would continue to work on to put the pieces together so access can be created for our children.

**Chairman Thompson:**

I am looking for a motion to amend and do pass A.B. 186.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 186.

ASSEMBLYMAN McCURDY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, KRASNER,  
AND PICKARD VOTED NO.)

Assemblywoman Diaz will take the floor statement. We will move to Assembly Bill 188.

**Assembly Bill 188: Revises provisions governing the eligibility requirements for grants awarded under the Silver State Opportunity Grant Program. (BDR 34-869)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 188 reduces, from 15 to 9, the number of credit hours in which a student must enroll in order to be eligible for the Silver State Opportunity Grant (SSOG). At the bill hearing, Assemblywoman Diaz, as the sponsor of the bill, presented an amendment ([Exhibit E](#)) to:

- Change to 12 the number of credit hours in which a student must enroll in order to be eligible for the SSOG;
- Extend SSOG eligibility to students who are enrolled in fewer than 12 credit hours during their final semester of study in a program;
- Allow a student to request a waiver from the credit-hour requirement in cases of hardship, and provide that the student's college determines whether circumstances warrant such a waiver;
- Allow a student who has lost SSOG eligibility due to the credit-hour requirement to regain eligibility if he or she satisfies that requirement in a subsequent semester while not receiving the grant. If a student who has lost eligibility due to the credit-hour requirement fails to meet the requirement the second time, he or she is no longer eligible for the grant; and

- Provide that money allocated to a college for the SSOG program does not revert, and any remaining amount must be carried forward to provide future grants for students under the SSOG program.

**Assemblyman Pickard:**

I was under the impression this would be moving to a 12-12-6 paradigm. It would be dropped to 12 credits in the two regular semesters and 6 credits for the summer. I do not see that. Am I missing that?

**Amelie Welden:**

That is not included in this mock-up.

**Assemblywoman Diaz:**

I approached Senator Kieckhefer. We are in conversations about the SSOG. We are talking through it. We will continue the conversations after the bill is out of here. I still am not completely convinced that doing the 12-12-6 will help our nontraditional student populations that attend a community college. I just need to see more data about where the students with the most need sit. If someone has an expected family contribution that is lower than someone who is receiving the money at 15 credits, I think that is a bit unfair. We are trying to work through the data and look at other options.

**Chairman Thompson:**

I am looking for a motion to amend and do pass A.B. 188.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND  
DO PASS ASSEMBLY BILL 188.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

**Assemblyman Edwards:**

I appreciate the work that was done. I am disappointed we could not get it back up to 15 credits. I think there has been a lost understanding about the SSOG. Taking it down from 15 credits to 12 credits undermines the very purpose of it. This was not intended for everyone. It was intended for those who were close to being able to do 15 credits, but needed the extra financial help. This bill undermines a great program that has been proving to work for all the hardworking kids in college. Unfortunately, I have to vote no on this. I appreciate the effort that was made.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, KRASNER,  
PICKARD, TOLLES, AND WOODBURY VOTED NO.)

**Chairman Thompson:**

Assemblywoman Diaz will take the floor statement. Next is Assembly Bill 292.

**Assembly Bill 292: Revises provisions relating to bullying and cyber-bullying in public schools. (BDR 34-916)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 292 requires that a principal or his or her designee must, upon receiving a report of bullying or cyber-bullying, report the violation to the board of trustees of the school district in which the school is located as soon as practicable, but not later than one school day after the report is received. The bill further requires notification of the parents or guardians of a student before any interview of the student is conducted in relation to an investigation of the report.

Assemblyman Carrillo has offered a conceptual amendment. It would change the language regarding principal reporting to the board of trustees and instead require the principal to submit a monthly report on bullying to the principal's supervisor. The reports would also be submitted quarterly to the Office on Safe and Respectful Learning in the Department of Education.

The second conceptual amendment would add new language to the *Nevada Revised Statutes* to provide that any pupil who has been bullied and has proof of such bullying documented by the school that the pupil currently attends may be administratively assigned to another school by the school district if requested by the parent or legal guardian. The school district will assign the school placement in consultation with the parent or legal guardian ([Exhibit F](#)).

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 292.

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 292.

ASSEMBLYMAN FUMO SECONDED THE MOTION.

**Assemblywoman Woodbury:**

I am 100 percent for parental notification as already in statute and parental involvement, especially in these types of cases. However, I am worried about the feasibility of the notice going before an interview. I am worried about what might be constituted as an interview. Is breaking up a fight and talking to a child while walking them down to the office considered an interview? That might be done before they had a chance to notify the parents half an hour later. I am worried about lawsuits that might be brought up by that. I love the amendment. I will vote no at this time because of those concerns.

**Assemblyman Pickard:**

Ditto.

THE MOTION PASSED. (ASSEMBLYMEN PICKARD AND  
WOODBURY VOTED NO.)

**Chairman Thompson:**

Assemblyman Carrillo will take the floor statement. We will move to Assembly Bill 320.

**Assembly Bill 320: Revises provisions relating to the statewide performance evaluation system. (BDR 34-1016)**

**Amelie Welden, Committee Policy Analyst:**

For Assembly Bill 320, I will speak to the conceptual amendment rather than the bill as originally written. I think that will be a bit more clear. There is a conceptual amendment in the document ([Exhibit G](#)). Some of the provisions are that the bill would:

- Revise relevant provisions in Chapter 391 of *Nevada Revised Statutes* (NRS) to provide that an administrator who provides direct supervision of the principal of a school who also serves as the superintendent of schools of the school district is not required to be evaluated using the statewide performance evaluation system. This is intended to address the circumstance that may occur in certain small school districts whereby an administrator who provides direct supervision of the principal of a school also serves as the superintendent of schools of the school district. Because the superintendent of schools of such a school district is held accountable by the board of trustees of the school district, it is the intent of the committee that he or she not be evaluated using two different systems.
- Replace references to designation under the statewide system of accountability as "minimally effective" with reference to designation as "developing."
- Require pupil achievement data to account for 20 percent of the evaluation of an employee's performance. Require such data to be generated from a school or school district in which a teacher or administrator was employed during the period covered by the evaluation and used by the school or district to measure a "student learning goal." Prohibit the use of statewide pupil achievement data in evaluating an employee's performance.
- Require the statewide performance evaluation system to include a process for peer observations of teachers by qualified educational personnel, rather than "evaluations" of teachers by such personnel.
- Require that a postprobationary teacher or administrator who receives an evaluation designating his or her overall performance as highly effective for two consecutive years must receive one evaluation in the next two school years, rather than five school years.

- Add one member to the Teachers and Leaders Council of Nevada established pursuant to NRS 391.455. Require this additional member to be a person who is employed as a counselor, librarian, or other licensed educational personnel appointed by the Governor from a list of nominees submitted by the Nevada State Educational Association.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 320.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 320.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYWOMEN KRASNER AND  
WOODBURY VOTED NO.)

Assemblyman Fumo will take that floor statement. We will move to Assembly Bill 312.

**Assembly Bill 312: Revises provisions relating to the statewide performance evaluation system for certain educational personnel. (BDR 34-960)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 312 provides that any teacher who teaches in a classroom in which the student-to-teacher ratio exceeds the maximum applicable ratio must receive the highest score possible on his or her evaluation in certain areas. The bill also requires the State Board of Education to prescribe by regulation the maximum student-to-teacher ratio for each grade for which no such ratio is otherwise applicable.

Assemblywoman Miller, as the sponsor of the measure, has proposed an amendment to remove the provisions regarding teacher evaluations; in other words, delete section 1 of the bill. The amendment would also revise section 2, subsection 5 of the bill to delete the bill's currently proposed language and add language that requires the State Board of Education to establish recommendations for student-to-teacher ratios per grade level for elementary grades and for a classroom in each subject area for middle, junior high, and high schools. It provides that such recommendations are not required for band, orchestra, choir, or any other music class, and it provides that the recommendations must be based on applicable national standards and must take into consideration the unique needs of certain pupils, including, without limitation, English language learners ([Exhibit H](#)).

**Assemblywoman Woodbury:**

There is no mock-up, so I want to be clear about what the amendment does. All of section 1 is deleted, and all of the new language in section 2 is deleted and replaced. Is that correct?

**Amelie Welden:**

Yes. That is correct.

**Assemblyman Pickard:**

I want to clarify, when we talk about the ratios, are we still saying we will give them the highest score possible because of those ratios?

**Chairman Thompson:**

No. Just ratios. I will allow Assemblywoman Miller to clarify.

**Assemblywoman Miller:**

All of the language involving the evaluation has been completely removed. The only thing the bill will do is require that the State Board of Education make recommendations for what teacher-to-pupil class sizes should be. There are recommendations now for kindergarten through third grade, but there are no recommendations for fourth through twelfth grade. Music classes will be exempt because of their nature. They need as many students as possible. It also takes into consideration students with special needs and understanding the differences between secondary subjects per elementary school grade levels.

**Chairman Thompson:**

I will accept a motion to amend and do pass A.B. 312.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 312.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will give the floor statement to Assemblywoman Miller. Next is Assembly Bill 348.

**Assembly Bill 348: Revises provisions governing courses of instruction in sex education. (BDR 34-285)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 348 revises provisions related to sex education. Among other provisions, the bill requires the course of sex education that is established by the board of trustees of a school district to comply with certain standards, be age appropriate, and include evidence-based and medically accurate information on certain topics. The bill also makes changes to the makeup of the advisory committees that advise district boards of trustees concerning sex education and revises provisions regarding who may teach a course in sex education.

Further, the bill requires the Council to Establish Academic Standards for Public Schools to establish standards of content and performance for a course of instruction in sex education as part of a course of study in health. Assembly Bill 348 requires that when notice of a sex education course is provided to parents, they must also receive a form allowing them to opt their child out of the course.

Several of those provisions will be changed with the proposed conceptual amendment, which was provided by Assemblywoman Joiner ([Exhibit I](#)). That amendment would:

- Remove the revisions to membership of the advisory committees;
- Remove the opt-out provision and restore the opt-in process, adding additional processes that must be followed if a permission form is not returned and making other specifications regarding that process;
- Clarify that an instructor who is not a teacher, professional educator, or school nurse may be approved to teach sex education only if the relevant board of trustees can demonstrate there is not a sufficient number of qualified instructors in a school or that the board does not have sufficient funds to hire such instructors;
- Revise the definition of "evidence-based;" and,
- Add a requirement that school districts must annually prepare and submit to the Legislative Counsel Bureau a report regarding the status of sex education in their districts.

**Chairman Thompson:**

I will accept a motion to amend and do pass A.B. 348.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO AMEND AND  
DO PASS ASSEMBLY BILL 348.

ASSEMBLYMAN FLORES SECONDED THE MOTION.

**Assemblyman Edwards:**

I appreciate the improvements that were made; however, listening to a lot of the calls I received and with the emails, this still does not satisfy my constituents. They are very concerned about the appropriate level of information provided and, frankly, after I went through the entire curriculum provided to me, I do not find that it is instructive. It seems as though they are in a conference where they are facilitating a meeting where the kids are supposed to tell others what they know. To me, it does not meet the requirements and the needs of how to actually teach sex education properly. The methodology is all wrong. I think the entire curriculum needs improvement, so I have to be a no on this one.

**Assemblywoman Tolles:**

I want to thank the sponsor for working on this. I still have some concerns, so I will be a no, but I really appreciate her intent and the work she did to fix some of the concerns.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, KRASNER, PICKARD, TOLLES, AND WOODBURY VOTED NO.)

**Chairman Thompson:**

I will assign the floor statement to Assemblywoman Joiner. Next is Assembly Bill 400.

**Assembly Bill 400: Revises provisions relating to instructional materials. (BDR 34-446)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 400 requires Nevada's Department of Education to establish a database of instructional materials or tools created by employees of Nevada school districts and charter schools. The database must be accessible to any employee of a Nevada school district or charter school upon request. The bill also requires school districts and charter schools to transfer to an employee the copyright for any instructional materials or tools created by the employee.

Many of those provisions have been changed in the attached mock-up that was proposed by Assemblywoman Neal as the sponsor of the measure ([Exhibit J](#)). The mock-up:

- Adds a preamble to the bill;
- Removes the phrase "or tools" from various provisions of the bill so that those provisions apply to "instructional materials" only;
- Limits the provision regarding copyright transfers to include only instructional materials created by employees outside the scope of his or her employment. It also requires the school district or charter school to otherwise relinquish any claim to the copyright for such materials;
- Revises specifications regarding a contract that the Department of Education may enter into with an employee regarding inclusion of materials in the database;
- Adds provisions regarding identification of materials and allowing searches for certain materials in the database;
- Specifies that the term "instructional materials" does not include tests, quizzes, homework problems, or lesson plans; and
- Revises statutory definitions of "basic textbook," "textbook," and "supplemental textbook."

**Assemblyman Pickard:**

I was thinking that this was all permissive language. Are there mandates in this?

**Amelie Welden:**

In section 1, subsection 2 it says the department "shall" establish a database of instructional materials. That would mean that it is mandatory.

**Assemblyman Pickard:**

Would this be restricted to materials developed as a course of conduct of their employees, or would this capture materials developed outside the scope of employment? I want clarity.

**Karly O'Krent, Committee Counsel:**

Section 1, subsection 2 of the bill prescribes the materials that must be included. It does not specifically limit it to materials prepared in the scope of their employment.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 400.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 400.

ASSEMBLYMAN FLORES SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN PICKARD AND TOLLES  
VOTED NO.)

I will give this floor statement to Assemblywoman Neal. Next is Assembly Bill 407.

**Assembly Bill 407: Makes various changes relating to cooperative extension programs.  
(BDR 49-1162)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 407 establishes northern and southern regions of Nevada and provides that the budgets and expenditures of cooperative extension programs must be approved and directed in the respective regions by the president (or his or her designee) of the University of Nevada, Reno (UNR), in the northern region and the University of Nevada, Las Vegas (UNLV), in the southern region. Assemblywoman Diaz, as the sponsor of the measure, has proposed changes contained in the attached mock-up ([Exhibit K](#)). Among other changes, the amendment:

- Specifies that the State land grant institutions of the University of Nevada are UNLV, UNR, and the Desert Research Institute;

- Reverses language concerning the individuals designated by a university president in section 1, subsections 3 and 4 of the bill, and provides those individuals with certain powers and duties in the remainder of the bill;
- Requires the creation of an Advisory Board on Cooperative Extension Education for each county that enters into a cooperative extension memorandum of understanding or relevant agreement;
- Requires, rather than allows, certain cooperative agreements and activities referenced in section 2 of the bill; and
- Provides that certain tax proceeds must be paid out as directed by the appropriate memorandum of understanding or agreement.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 407.

ASSEMBLYMAN FLORES MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 407.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

**Assemblywoman Joiner:**

When we first heard this bill, I had serious concerns about it. I think our extension program does amazing work, and I am concerned about some of the programs being affected. I appreciate the effort made on the amendment, and I will vote for it today.

I just wanted to express my concern and state that I may not be able to vote for it on the floor. I need more time to figure out what the implications of this are since we just received the amendment. I see the spirit of it as being one that is looking for fairness, so I support it for now.

**Assemblyman Edwards:**

I have been visited by some people who have said they have been working with these programs. They said if we break it up, it will hurt the ability to deliver services and work with people. Although I am obviously representing the people from the south and would like to have more services down there, I do not think this is the right way to do it. I think we need to work through the Nevada System of Higher Education to make the program work better that way. I think this is a bit of an overreach.

THE MOTION PASSED. (ASSEMBLYMEN EDWARDS, KRASNER,  
PICKARD, TOLLES, AND WOODBURY VOTED NO.)

**Chairman Thompson:**

The floor statement will go to Assemblywoman Diaz. Next is Assembly Bill 409.

**Assembly Bill 409: Revises provisions relating to the subject area of reading.  
(BDR 34-988)**

**Amelie Welden, Committee Policy Analyst:**

Among other provisions, [Assembly Bill 409](#):

- Requires the governing bodies of school districts and charter schools to include grades 4 and 5 in their plans to improve student literacy, and revises requirements for the program of intensive instruction that must be included in such plans;
- Removes a requirement set to become effective in 2019 that a student in grade 3 must be retained rather than promoted if he or she does not obtain a score prescribed by the State Board of Education on a criterion-referenced examination in reading;
- Requires public elementary schools (including charter schools) to prepare a report containing certain information concerning pupils who received educational programs or services in the subject area of reading;
- Requires that the notice provided to a parent or guardian of a student who exhibits a deficiency in the subject area of reading must include certain information regarding monitoring the student's progress and making adjustments to the programs and services the student is receiving;
- Requires a principal to offer certain options to the parent or guardian of a student who exhibits a deficiency in the subject area of reading;
- Provides that a plan to monitor the progress of a pupil in the subject area of reading must be established by a licensed teacher, and requires a school to frequently assess the progress of a student for whom such a plan has been established;
- Specifies that certain grants received by schools must be used for literacy programs for students in kindergarten through grade 5 and to support school-based efforts to ensure that all students are performing at a level considered to be within the average range for students enrolled in each grade level; and,
- Specifies that only licensed teachers who teach in kindergarten through grade 5 are required to complete professional development in the subject area of reading and may receive additional compensation if their performance is determined to be highly effective.

There is a conceptual amendment offered on this bill from the Nevada Association of School Psychologists. This amendment would:

- Reinstatement a retention provision, but shift the final determination of the retention decision to a collaborative, team-based model that includes the parent or legal guardian as a team member who makes the final determination regarding whether a student is retained in grade 3;
- Replace language referencing kindergarten through grade 5 with language referencing "elementary grades;" and,
- Make conforming changes. ([Exhibit L](#))

**Chairman Thompson:**

I will accept a motion to amend and do pass A.B. 409.

ASSEMBLYWOMAN JOINER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 409.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

**Assemblyman Edwards:**

We have talked about how we need to give programs an opportunity to work before we try to tinker with them. This is tinkering with a program that shows some really positive results already. I am afraid that if we tinker with it this way, we will help to destroy it and the results will be lost forever. Our kids need better. I understand that retaining kids is a harsh approach to some, but the fact is that parents will get involved more often if they know that is the harsh approach they could face. If we want parents involved, then we want to enforce the standards and give a program the opportunity to work. We have to leave it as it is and not pass A.B. 409.

**Assemblywoman Tolles:**

Thank you for putting so much effort into this. There is so much about this that I like, but there is still that piece from last session about retaining students that I want to see move forward. I will vote no, but I will reserve my right to keep thinking about it.

**Assemblyman Elliot T. Anderson:**

It is not easy to say this. I have to respectfully dissent on this one. I feel strongly about this one, having worked on it. I am sorry that I cannot get there. I have to stay with my position on this one.

THE MOTION PASSED. (ASSEMBLYMEN ELLIOT T. ANDERSON,  
EDWARDS, KRASNER, PICKARD, TOLLES, AND WOODBURY  
VOTED NO.)

**Chairman Thompson:**

I will hold the floor statement. Next is Assembly Bill 434.

**Assembly Bill 434: Makes appropriations for incentives for new teachers and teachers at Title I and underperforming schools. (BDR S-1033)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 434 appropriates \$2.5 million from the State General Fund to Nevada's Department of Education to provide incentives for the hiring of new teachers. The bill also appropriates \$2.5 million from the State General Fund to the Department of Education to provide incentives for teachers who are employed to teach at Title I or underperforming schools.

Assemblyman Frierson, as the sponsor of the measure, has proposed an amendment (Exhibit M). It would revise section 1, subsection 1 of the bill to appropriate \$2.5 million from the State General Fund to the Department of Education to provide incentives for the hiring of new teachers at Title I schools or schools that are designated as underperforming pursuant to the statewide system of accountability for public schools. It would also appropriate \$2.5 million from the State General Fund to the Department of Education to provide incentives for teachers who are currently employed by a public school in Nevada and who transfer to a Title I school or a school that is designated as underperforming pursuant to the statewide system of accountability for public schools.

In addition to those amendments, the Department of Education has proposed a friendly amendment to require the State Board of Education to adopt regulations to administer the provisions of the bill.

**Assemblywoman Miller:**

I can see in the language that it did specify currently employed teachers in Nevada who wish to transfer to a Title I school, but is there any language specifically for teachers who are currently in those Title I schools?

**Amelie Welden:**

The way I am reading the language, no. That is not currently specified. Again, I will defer to legal counsel for a more definitive answer on that.

**Karly O'Krent, Committee Counsel:**

That is correct.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 434.

ASSEMBLYMAN PICKARD MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 434.

ASSEMBLYWOMAN JOINER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I will assign the floor statement to Assemblyman McCurdy. Last on the work session is Assembly Bill 491.

**Assembly Bill 491: Revises provisions relating to the education of children in foster care. (BDR 34-718)**

**Amelie Welden, Committee Policy Analyst:**

Assembly Bill 491 provides that when a child enters foster care, the agency that provides child welfare services to the child must determine whether it is in the child's best interest to remain in his or her school of origin. The child welfare agency must consider certain issues and consult with the relevant local education agency (LEA) when making its determination, but must not consider transportation costs.

If it is determined that the child should remain in his or her school of origin, the child welfare agency and the LEA must provide the child with transportation to that school while the child is in foster care and until the end of the school year during which the child leaves foster care. The child welfare agency and the LEA are jointly responsible for transportation costs unless they agree otherwise. If a dispute related to transportation arises between the agencies and is not resolved within five business days, the dispute must be resolved by court order.

If it is determined that the child should attend a public school other than the child's school of origin, the child welfare agency and the LEA must ensure that the child is immediately enrolled in that public school, and the school may not refuse enrollment based on the absence of certain documentation.

The bill further requires Nevada's Department of Education, each LEA, and each child welfare agency to designate a single point of contact for developing certain policies and procedures relating to children in foster care. Each LEA is required to submit to the Department of Education a report on children in foster care who attend a public school in the LEA's jurisdiction.

Finally, the bill repeals statutes pertaining to the Program of School Choice for Children in Foster Care and a statute regarding deeming as homeless certain children in the custody of a child welfare agency.

There are two proposed amendments on the bill. The first is from the Legal Aid Center of Southern Nevada. They have proposed an amendment to require that certain information related to the educational circumstances and background of a child must be included in the

report a custodial agency submits to a court or panel that is reviewing the placement of a child. The Court Improvement Program has proposed a second amendment ([Exhibit N](#)). If you have questions about them, I am happy to answer.

**Chairman Thompson:**

I will entertain a motion to amend and do pass A.B. 491.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 491.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Yeager will take the floor statement. We will close out our work session. Is there any public comment? [There was none.] We are going to recess just in case we need to come back. [The meeting was recessed at 3:08 p.m.]

[The Committee reconvened behind the bar of the Assembly at 5:25 p.m. Roll was taken and all members were present.]

**Chairman Thompson:**

After consultation, I want to entertain a motion to reconsider Assembly Bill 49.

ASSEMBLYMAN ELLIOT T. ANDERSON MOVED TO RECONSIDER  
ASSEMBLY BILL 49.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I want to entertain a motion to amend and do pass Assembly Bill 49 and remove the language suggested by the State Public Charter School Authority (SPCSA) regarding section 16 with the intent of keeping the original mock-up language providing that the Governor shall appoint the Executive Director of SPCSA.

ASSEMBLYMAN PICKARD MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 49.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The floor statement will stay with Assemblyman Pickard. The meeting adjourned  
[at 5:28 p.m.]

RESPECTFULLY SUBMITTED:

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Sharon McCallen  
Recording Secretary

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Isabel Youngs  
Transcribing Secretary

APPROVED BY:

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Assemblyman Tyrone Thompson, Chairman

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

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is the Work Session Document for [Assembly Bill 49](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit D](#) is the Work Session Document for [Assembly Bill 186](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit E](#) is the Work Session Document for [Assembly Bill 188](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit F](#) is the Work Session Document for [Assembly Bill 292](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit G](#) is the Work Session Document for [Assembly Bill 320](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit H](#) is the Work Session Document for [Assembly Bill 312](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit I](#) is the Work Session Document for [Assembly Bill 348](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit J](#) is the Work Session Document for [Assembly Bill 400](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit K](#) is the Work Session Document for [Assembly Bill 407](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 409](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 434](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 491](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.