

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
May 2, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:38 p.m. on Tuesday, May 2, 2017, in Room 2134 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 Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Scott Hammond
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblyman Edgar Flores, Assembly District No. 28

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Chris Daly, Nevada State Education Association
Craig M. Stevens, Clark County School District
Justin Harrison, Las Vegas Metro Chamber of Commerce
Jessica Ferrato, Nevada Association of School Boards
Ricky Gourrier, Communities in Schools Nevada

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Constance Brooks, Vice Chancellor, Government and Community Affairs,
Nevada System of Higher Education
Michael Flores, College of Southern Nevada, Las Vegas
Ed Gonzalez, Clark County Education Association
Mary Pierczynski, Nevada Association of School Superintendents; Nevada
Association of School Administrators
Kent Ervin, Nevada Faculty Alliance
Christopher Roys, Student Body President, University of Nevada, Las Vegas
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Ray Bacon, Nevada Manufacturers Association
Megan Rauch, Director of Education Policy; Director of Policy Outreach, Guinn
Center for Policy Priorities
Brett Barley, Deputy Superintendent for Student Achievement, Department of
Education
Will Jensen, Director, Office of Special Education, Department of Education
Bailey Bortolin, Legal Aid Center of Southern Nevada; Washoe Legal Services
Erik Jimenez, United Cerebral Palsy of Nevada; High Sierra Industries
Dena Durish, Deputy Superintendent, Educator Effectiveness and Family
Engagement, Department of Education
Ruben Murillo, Jr., President, Nevada State Education Association
Nicole Rourke, Associate Superintendent, Community and Government
Relations, Clark County School District
Brad Keating, Clark County School District

CHAIR DENIS:

We will begin the meeting with Assembly Bill (A.B.) 117.

ASSEMBLY BILL 117 (1st Reprint): Requires certain educational personnel to take certain actions to review the academic plan of certain pupils in grades 9, 10, 11 and 12 in public high schools to ensure that the pupils are college and career ready. (BDR 34-292)

ASSEMBLYMAN EDGAR FLORES (Assembly District No. 28):

I am Assemblyman Edgar Flores representing Assembly District No. 28 in northeast Las Vegas, and I am here to present A.B. 117.

To the students of Desert Pines, Valley High School, Clark High School and many other high schools students I have had the privilege to speak with, this bill is for all of you. I call this the road map bill.

When I speak with high school students, I ask them. "What is your end goal?" Many students want to go on to higher education, go to a trade school, or start a business. There is an end objective for them to achieve.

I then follow with the question. "Do you know the steps to take to reach your goal?" I then get a blank stare. The ambition, the goal and sentiment are real for each of them, and yet the pathway is not clear to them.

I suggest they reach out to their teachers, educational personnel and counselors, to let the educators know what each of them wants to achieve. I want a student to make a road map on paper to his or her objective.

Section 1, subsection 1 reads as follows:

Except as otherwise provided in this subsection, the board of trustees of each school district shall adopt a policy for each public high school in the school district to ensure that a counselor, administrator or other licensed educational personnel from the public high school meets individually at least once each school year with each pupil enrolled in grades 9, 10, 11 and 12 in the public high school to review with the pupil the academic plan developed for the pupil pursuant to NRS 388.205. The parent or guardian of a pupil may elect to waive the requirements of this subsection on behalf of the pupil.

I made sure the bill stated "a counselor, administrator or other licensed educational personnel." We want this objective to be met and recognize counselors are overwhelmed. Each individual high school will have the opportunity to select who is best to provide the one-on-one sit down.

Secondly, we are having the once a year meeting beginning in the ninth grade. It is important that the student's road map follow the student each academic year and begins as soon as possible.

On page 2, in line 10 of the revised bill *Nevada Revised Statutes* (NRS) 388.205 is referenced. This is not an unfunded mandate; schools are supposed to be meeting with students every year, and the academic plan is already part of the NRS. The intent of this bill is to help guide that plan and add information we

want to talk about. During that one-on-one meeting, I want the student to create a road map to his or her objective/goal.

At the once a year one-on-one meeting, section 1, subsection 2 requires that the results of the college and career readiness tests, other test scores and results be used, if they are available. This will give the student a realistic framework in his or her road map goal.

The purpose of the yearly meeting is to review academic strengths and weaknesses and to discuss where additional work is needed in subject areas to prepare the pupil for college and career success without the need for remediation.

Section 1, subsection 3, is instrumental in the student's success. If a pupil requires remediation, the counselor, administrator or other licensed educational personnel must coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure he or she is prepared for college and career success before he or she graduates.

This is a collaborative effort. The student is empowered with his or her goal. The parents become aware of what is involved in their child's objective and the counselor, administrator or licensed educational personnel have conducted the required one-on-one meeting.

Each year, the meeting would help assess whether the student's end goal/objective is feasible or attainable. No matter the grade the student is in, he or she will know if his or her goal/objective is realistic.

This is not a conversation that needs to be done only with counselors. We are opening it up so administrators and other educational personnel can do this. This gives schools the flexibility to do what they think is best for the students.

There are no requirements regarding when this yearly meeting is done nor does it specify the length of the one-on-one meeting. All of this is discretionary with the schools.

SENATOR HARRIS:

I have questions about some of the language in section 1, subsection 2, where it addresses identifying a student's strengths and weaknesses and identifying

areas where additional work in subject areas that are tested is necessary to help prepare a pupil.

Do you anticipate standards will be set? How do we determine whether a child is ready for college?

ASSEMBLYMAN FLORES:

When I talk about looking at the standards of weaknesses or strengths or whether the Preliminary Scholastic Aptitude Test is a good reflection of that, I am comparing it to the student's end goal. If a student's goal is going to Harvard and he or she is not performing well in math and science, the student knows he or she must raise his or her math grades or consider another goal such as a career or trade school. In my conversations with schools, often test scores are not available.

SENATOR HARRIS:

Section 1, subsection 3 talks about remediation. For example, let us say a student requires remediation and his or her goal is Harvard but the student is in college algebra when he or she should be in calculus. Will we be remediating the student in math so he or she can be in an advanced placement calculus class to give him or her a better opportunity for success at Harvard?

ASSEMBLYMAN FLORES:

No. Remediation in that scenario would mean the student would need to take more difficult course work. It will become important by tenth grade. In tenth grade, a student would be shown what course work is needed in the following years to reach his or her objective/goal. It would allow a parent to take a more active part in the student's education process.

SENATOR HARRIS:

Do you envision schools would offer after-school programs? It is one thing for a parent of means to be able to enroll their child in tutoring and additional after-school classes. What kind of resources are available to help low-income kids or families that might struggle to do that?

ASSEMBLYMAN FLORES:

The answer is no. I do not envision schools having to go out of the way to do more than the resources they have available to them. Most schools do have some helpful programs. Honestly, the answer is for the student to ask his or her

math teacher for additional help. I know our teachers are overwhelmed, but I also know teachers are staying after school hours to speak with their students, or they are meeting at lunch with their students.

SENATOR SPEARMAN:

There are a lot of faith-based organizations that have after-school programs. If there are some of those organizations in the school's area, perhaps there could be a list of those resources and locations available to the parents or whoever was trying to help the student. Is it possible to put something in the bill to indicate schools should have a list of resources available?

ASSEMBLYMAN FLORES:

I do not think that is necessary because in section 1, subsection 3, on page two, lines 26 through 29 it states,

If it is determined that the pupil requires remediation, the counselor, administrator or other licensed educational personnel must coordinate with the pupil and the pupil's parent or legal guardian to revise the academic plan for the pupil to ensure that... .

"Revise the academic plan" is purposely very broad because the intent is for the school to look at the resources available in the community. The school would find what is accessible to the child, the resources the school can offer him or her and give this information to the child and the parent or legal guardian.

For some schools, that might be a flyer with information. In other schools, it might be a message that the student could stay after school for a school-sponsored program. In another school, a student might be encouraged to join the math club or he or she might be encouraged to come in early every day to meet with his or her math teacher.

I want the schools to have the flexibility to find what is best for the student. The resources are very different in a school on the east side as opposed to a school in the Summerlin area. The DNA makeup of families of students from each of those areas is very different. The level of engagement and help will be different. I want the bill to be broad enough so that schools have that flexibility.

SENATOR HAMMOND:

I will be blunt when I say this: the schools do this. I do not know what this bill will do other than every school needs to do a minimum. You say it gives the schools flexibility; I think that it takes it away.

There are some students who may not need the extra time and other students who do need extra time with a counselor or administrator. Perhaps some of the students you have talked to have stated they never get to talk to their counselor. That is not the experience I have had in any school.

What happens if a counselor sits down with a student and the student's goal is to attend Harvard but he or she does not get accepted to Harvard? Because this is a State mandate, would the parents and/or the student be able to return to the school to complain that not enough time had been spent with the student to meet his or her goal?

We now have individuals upset with the school and the program and upset with the State law. Perhaps the educator did not spend enough time with the student and broke the law. Should that educator be in trouble?

I understand your emphasis on testing. Test scores are not the only factors to consider when discussing a student's plan or his or her goals. Attendance is a factor in a student's success. As Senator Harris asked, "What is college and career ready?" Many postsecondary schools are not necessarily looking at only test scores; they are also looking at attendance records of students. Attendance shows a futuristic view of a student's success in becoming a college graduate.

Teachers will take a student aside and ask what are his or her plans and make suggestions to the student. This is what teachers do all the time. My view is if a student is not getting that from the school, perhaps the student needs to attend another school.

ASSEMBLYMAN FLORES:

Your first remark was the teachers already do this. The answer is no. I visit schools every single year. West Prep, Clark High School, Valley High School, Desert Pines, Durango High School and I am sure I am missing seven more that I have visited in the Interim. Just recently I have had the opportunity to visit Carson High School and Pioneer in Carson City.

I personally walk into the classroom and speak to the student and ask, "What is your objective and how are you going to get there?" The student is not going to say the counselors, the administrators and the educational personnel do not care. That is not the truth. Educational personnel, administrators and counselors are doing everything they can. We are putting many responsibilities on them. Sometimes a counselor is a hall monitor because unfortunately, we, as a State, are not giving schools enough resources.

We have people performing so many other things in our schools that unfortunately, these conversations are not happening. Often the conversation happens in very broad terms. I have had conversations where the students are sitting in a room and are asked the question, "How many want to go to college? Raise your hand." Those students raise their hands. Then the reply will be, "Great! You should do that. It is important. Make sure you graduate from high school." That is the level of engagement we have.

Unfortunately, meetings are not happening, which is the reason why I want the students to sit down with someone, talk about objectives, write down his or her objectives and make sure the student understands his or her objectives. I call it mentoring. I make the argument that most high school students do not know the steps to take to reach his or her objectives/goals.

The remark was made that parents may get angry about their child not being accepted to a particular college or university. That is a bizarre remark because parents could make that argument now. I do not know how to address it any other way. Parents already might have an issue with the fact their kids are not getting where we want them. That is without this plan.

I do agree with you that a lot of the conversations we have are in regard to students' attendance records. Are kids showing up to school hungry? Are they at school on time? Are they constantly late or constantly missing? I make the argument A.B. 117 addresses that because part of remediation would address that. In fact, I think remediation would put the parents on notice.

I think the bill would have the opposite effect. Even if it is attendance to be addressed, it will be addressed at the remediation sit-down.

SENATOR HAMMOND:

Have you sat in on a meeting with a counselor and student when the student's schedule is discussed for the year? Have you sat in when a counselor says, "Let us talk about your attendance?"

I am beginning to think having a conversation with just the student may only give you half of the picture. For example, I go to basketball camp and sit around with the students. All of a sudden, the 6-foot-5-inch or the 6-foot-7-inch star for the university team comes in and shows my student athletes how to play defense. Later on, my student athlete comes to me and says, "I never knew that. Why did you not tell us that?" I look at my assistant coaches and with fire in my eyes reply to the student, "Really? I have never told you that before?" Every parent out there knows exactly what I am talking about. I am beginning to think that is the picture I am hearing right now.

When you come in to talk to students, I am not sure you are getting the full story. I am sure that you will tell me otherwise. Remediation happens a lot. We call it Response to Instruction. We discuss how the student is going to get through the school year, how he or she will get through his or her classes and other things. When a student is not passing certain subjects, we are mandated by the State to figure out how to get the student through school.

We did the Read by Three program. These are all things to help educators get the student to reach his or her goal of graduating and being college and career ready.

I just do not see that putting this bill in State statute will give further help to what is already being done. Again, if the school is not putting enough resources toward this, perhaps the School Organizational Team will have to sit down and determine what needs to be done. I would like to give schools the flexibility to decide the program they want to use to get their kids to graduate and be college and career ready. I do not want every single school to do something that perhaps, they do not need to do. This is where I am coming from.

ASSEMBLYMAN FLORES:

I appreciate your remarks. I will go back to where your conversation began with the line that every parent will echo. "I have already told you that once." The child will not remember having heard it.

In the yearly one-on-one meeting, the actual road map will be powerful and will emphasize to the student his or her progress during the past year toward his or her goals.

We do have schools in Nevada where students know exactly what needs to be done to meet their objectives and goals. I applaud those schools and students. Unfortunately, in a lot of the schools I visit this is not happening.

You mentioned Read by Three, which reinforces my position on this bill, because we recognize that we constantly have to go back and revisit something.

In the case of this bill, we will stop tracking students after high school. These are the last four years for us to help get a student on a pathway to success per his or her road map. Sometimes, because educators are so overwhelmed, they do not allow themselves to ask what the students' objectives are. Educators know their own objective is to get a student through graduation.

CHAIR DENIS:

We will hear from those in support.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association (NSEA) supports A.B. 117.

CRAIG M. STEVENS (Clark County School District):

The Clark County School District (CCSD) is in full support of this bill. We are in support specifically to section 1, subsection 2 where it refers to using test results in meetings with students and educators. Testing should be used as a tool in planning. Test results are not just to tell us if a student is doing well or not.

When the first iteration of this bill was coming forward, it referred to just the American College Testing program results. We asked the sponsor if the PSAT could also be included. This would allow us to get scores earlier and begin the planning earlier. He accepted and agreed. We appreciate working with him on the bill and think this is a good bill.

JUSTIN HARRISON (Las Vegas Metro Chamber of Commerce):

We also are in support of this bill. We do see and support the current process that does take place and appreciate the comments from Senator Hammond in regards to teachers, counselors and administrators.

We believe making this a standard procedure will help students to find the career path they need to take. By 2025, Nevada projects 60 percent of all jobs in our State will need some type of postsecondary credential. This bill helps students to one day fill those jobs the State will have available.

JESSICA FERRATO (Nevada Association of School Boards):

I am representing the Nevada Association of School Boards (NASB) and would like to echo Mr. Stevens' comments about the flexibility the sponsor has had in working with us on this bill. The language that speaks specifically about educational personnel gives us some room in the rules where we have hiring challenges. We support this bill.

RICKY GOURRIER (Communities in Schools Nevada):

We are in support of the bill. This is one of the elements of the programs that Communities in Schools, Nevada offers. To Assemblyman Flores' point, there are schools in parts of the valley and across the State that actually do not do this. They do not approach it from the standpoint of the children's aspirations.

We do in our program. We buy out a teacher's preparation period and provide this type of college and career readiness with the student's objectives in mind, because sometimes the parents are not there to push the student. It is the personal will of the student we take into account. We are in full support of this bill.

CONSTANCE BROOKS (Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education):

The Nevada System of Higher Education (NSHE) is in full support of this bill. We appreciate Assemblyman Flores' desire to want to help students early in their high school careers. We feel this is an excellent mechanism to help our students become more college and career ready.

There is a high number of students needing remediation once they enter the NSHE and this legislation will be helpful in trying to diminish those numbers. It will help our students become more successful as they reach the NSHE's doors.

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MICHAEL FLORES (College of Southern Nevada):

The College of Southern Nevada (CSN) thanks Assemblyman Flores for this bill. We are in full support of preparing students to be college and career ready.

ED GONZALEZ (Clark County Education Association):

The Clark County Education Association supported this bill in the Assembly and we continue to support the bill in the Senate. I echo the comments of support others have given for the bill.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):

One thing this bill does differently, than what is in statute now, is that it brings in other educational personnel and administrators. This section of NRS talks primarily of counselors. This bill may open it up a bit and ease the job of counselors.

It may also help kids to have a connection in school with others rather than just their counselor. There may be another teacher who is watching out for them as well, because they have had to go speak with them about an academic plan. I see that as one advantage to this bill. We support this bill.

KENT ERVIN (Nevada Faculty Alliance):

I represent faculty at all eight NSHE institutions. I echo the comments of Dr. Brooks. We really want students ready when they come to us.

CHRISTOPHER ROYS (Student Body President, University of Nevada, Las Vegas):

I am a graduate of the CCSD and Student Body President at the University of Nevada, Las Vegas (UNLV). I strongly support A.B. 117 because it does engage students and their parents. In Nevada, it is a big issue to get parents involved. I support the fact students will be mentored and will have programs tailored to their needs. We need to move forward with this bill in order to advance Nevada's education system. This is a beneficial bill.

LINDSAY ANDERSON (Director, Government Affairs, Washoe County School District):

The Washoe County School District (WCSD) supports this bill, and I echo the support comments ahead of me.

CHAIR DENIS:

Is there testimony in opposition to A.B. 117? Seeing none, is there neutral testimony?

RAY BACON (Nevada Manufacturers Association):

We have been working on this issue for quite some time. We partially funded a program called Dream It, Do It – Nevada which is a career exploration and planning system designed especially for students. It is a nonprofit engine leading Nevadans to competitive careers in industry. The Website has comprehensive information on 900 occupations in the database that include videos, certifications, and paths to many careers.

It is out there with no advertising and no budget fundamentally. The last time I looked at the Website it had 12,000 hits. When I get kids hooked on it, they can spend about four hours because when they dig in they find careers they did not know existed.

If this tool is combined with what Assemblyman Flores is talking about, now there really is a path. This is a national database. This not only looks at the national jobs, but it shows jobs in categories that are available in Nevada.

MEGAN RAUCH (Director of Education Policy, Director of Policy Outreach, Guinn Center for Policy Priorities):

I want to begin by stating that the Guinn Center supports interventions that address and improve the educational journey of the student, his or her access to a high-quality education, and that improves the alignment of K-12 and postsecondary opportunities. Many of these findings are included in our March 2017 report, "Stepping Stones: Revisiting High School Graduation Requirements in Nevada." I will read from my written testimony ([Exhibit C](#)).

CHAIR DENIS:

Is there further neutral testimony?

ASSEMBLYMAN FLORES:

I agree these are baby steps, but it is a start to a long conversation.

CHAIR DENIS:

I will close the hearing on A.B. 117 and open the hearing on A.B. 64.

ASSEMBLY BILL 64 (1st Reprint): Revises requirements for receipt of a high school diploma for pupils with disabilities. (BDR 34-251)

BRETT BARLEY (Deputy Superintendent for Student Achievement, Department of Education):

I am joined today by Mr. Will Jensen, Director of the Office of Special Education who has been diligently working on this bill for months. The amount of stakeholder engagement that has gone into this bill has been perhaps more than I have seen this Legislative Session. The issue demands it. You all have been given a copy of a study done by The Guinn Center for Policy Priorities entitled "Pathways to Nowhere: Post-Secondary Transitions for Students with Disabilities in Nevada." This study includes some startling facts about our students with disabilities across our State. We have a 29 percent graduation rate for these students. This bill will address a lot of the challenges we see in this area.

WILL JENSEN (Director, Office of Special Education, Department of Education):

I am representing the Office of Special Education, Department of Education (NDE). I will address the bill by the points for brevity. Assembly Bill 64 makes two changes to high school graduation as it pertains to students with disabilities.

The first change is the addition of the alternative diploma for students with significant cognitive disabilities. This became available to states through the Every Student Succeeds Act of 2015 (ESSA). This is a significant change for us nationally, and it could be a change for us in the State if A.B. 64 is passed.

Currently, the adjusted diploma counts as a "completer non-graduate" which is not included in our cohort graduation rate. Approximately 30 percent of students who receive an adjusted diploma are counted as completer non-graduates. The benefit of being able to issue alternative diplomas for these students is they would count in our cohort graduation rate which would increase it substantially.

As long as we align classes and align assessment accountability measures with respect to the alternate assessment, these students can receive an alternative diploma. They will receive a diploma with much less stigma attached than our own adjusted diploma.

The second change is broadening the pathway by which a student with disabilities can achieve a standard diploma. Specifically, students with disabilities would have an opportunity to display mastery of the assessed content standards through a portfolio of work.

We know that in some ways we do very specialized education for students with disabilities with a great deal of accommodation. We tailor a student's education to his or her individual's needs based on his or her disability. In some ways, standardized assessment falls a little bit short for these students. We push students through an individualized path and then expect the purely standardized result. That does not fully respect the disabilities we see in the students we are serving.

Through a portfolio system, we could have the students show us what they know and what they can do just like their typically-developing peers. We could maintain rigor while offering this accommodation for their disabilities. They will know and be able to do much of the same things as their peers, and we will have evidence of that through a created rubric that would be developed by our current vendor's of end of course exams.

The vendor has experience creating such a rubric for portfolios and has done it in the past for other states. They tell us they would be able to do this for Nevada.

The assessment would be the only area affected by the bill. Classes, college and career readiness assessments are already in place. This is not a new system for Nevada. When we had the high school proficiency examinations, it was possible for students to turn in a portfolio of work for the writing assessment that is similar than what I am discussing here. Of course, this would be broader than that.

With a change of this magnitude, there was a great deal of stakeholder input. We wanted to make sure people knew and understood what we were talking about. We wanted to know the thoughts of those in the classrooms, administrators and superintendents who are actually issuing diplomas on whether this was a good idea. We asked for their input.

One thing we heard resoundingly was the concern about the kids that are stranded between the ages of 18 and 22 years old with one or more high school

proficiency exams (HSPE) to pass. If this is good enough for the Class of 2018, what about the classes in years past?

There is a special provision in the bill. On the record, I give special thanks to Karly O’Krent for her work with us to make sure we had a sound amendment that captured that this is retroactive for all students who have been identified with disabilities who meet all of the other criteria for graduation and are under the age of 22.

We can throw a lifeline, through A.B. 64, to some students who are out there with maybe a writing HSPE to pass and have already have given it 11 or 12 attempts. We can help them.

Sections 1 through 5 add the “alternative diploma” and set up the language for what is taking place in section 6. Section 6 is what I am talking about today.

Section 6 describes the condition under which students with disabilities may receive either an alternative diploma, a standard diploma or an adjusted diploma.

CHAIR HAMMOND:

Is every individualized education plan student eligible for this bill? Is this a student’s passport into NSHE or other higher education institutions?

MR. JENSEN:

All students with disabilities would be eligible for one of the three diplomas: a standard high school diploma, an alternative diploma or an adjusted diploma. We see some discrimination against students with the adjusted diploma. I know that is a bold statement, and I stand by it. This bill aims to correct some of the discrimination we see. There is still an opportunity to offer adjusted diplomas to students. We are opening a path for a majority of students with disabilities to receive a standard diploma.

We do not see any discrimination against a standard diploma when the student is showing the same level of mastery of content standards.

SENATOR HAMMOND:

Are you saying the diploma contemplated here may not get a student into a university? You are looking at a student’s portfolio and determining the type of diploma the student would receive. Their portfolio would be equivalent to what

they may have taken as a test. Are you saying we are trying to get them a standard diploma? That is something a counselor will have to eventually assess when they sit with the student and discuss a pathway. That is not being done now.

MR. JENSEN:

That is correct. The alternative diploma may or may not include a college-bound plan or a postsecondary plan. This diploma is for students with significant disabilities, although we are seeing many of these kids go to college also.

The idea is to broaden the criteria. By broadening the criteria, we are respecting the various disability categories we have in our State. We want to embrace those differences and allow those students to show what they can do when we accommodate just a little bit.

CHAIR DENIS:

We will now hear from those in support of A.B. 64.

MS. ANDERSON:

The WCSD supports A.B. 64. Our superintendent, Tracy Davis is passionate about special education students across our State. This is a bill that will impact those students.

A lot of work will need to be done in a short time to determine the portfolio standards and the personnel needed to review the portfolios to determine whether or not students meet those standards. We look forward to doing this important work.

MR. STEVENS:

The CCSD appreciates this bill and we agree with the support comments stated earlier.

BAILEY BORTOLIN (Legal Aid Center of Southern Nevada; Washoe Legal Services):
We represent children with disabilities specifically in one department in our Las Vegas office. Children in foster care have many disabilities. We support this bill and agree with previous testimony.

ERIK JIMENEZ (United Cerebral Palsy of Nevada; High Sierra Industries):

I represent United Cerebral Palsy of Nevada and High Sierra Industries which are two disability nonprofits that are focused on getting people competitive integrated employment. We love this bill.

MR. FLORES:

The CSN supports this bill. We are big fans of this bill. Many of these students are coming to CSN and are unable to apply for financial aid because the diplomas are not recognized at this time. Hopefully, the alternative diploma will help these students. It will open the doors for the students who are coming our way. We appreciate Mr. Jensen's passion.

MS. PIERCZYNSKI:

You have heard the reasons why this is a good bill. The Nevada Association of School Superintendents (NASS) and the Nevada Association of School Administrators (NASA) support this bill.

MS. RAUCH:

I am representing the Guinn Center for Policy Priorities. One fact I would like to share is that in 2015-2016, 883 students with disabilities in Nevada received a standard diploma which is a graduation rate of 21.5 percent. This underscores the need for reform. I have submitted written testimony ([Exhibit D](#)), and I encourage you to read our report that you all have been given ([Exhibit E](#)), that shares alarming statistics about what is currently happening with students who have disabilities in the our State.

CHAIR DENIS:

Is there further testimony in support of A.B. 64? Seeing none, is there opposition to hear? Anyone wishing to speak in neutral?

MR. BARLEY:

I want to thank the stakeholders for their engagement we have had on this work. It was exciting to see the community come together and rally behind this issue. We have an opportunity to stop leaving kids behind. Our current system is walling off access for many students to graduate, to receive a meaningful diploma, to access financial aid, to enter into a trade union and more. Those are some of the examples of opportunities that are not on the table for these kids. The bill gives us an opportunity to allow these kids to demonstrate proficiency

and move on to adulthood with the skills needed and the evidence they need to be successful.

SENATOR HAMMOND:

What is the reason for capping the age at 22? I know there will be students who will return and say they could have a diploma or a better job.

MR. JENSEN:

The age 22 was selected because we serve students with disabilities in Nevada to their twenty-second birthday. My closing comment is that I echo the words of Mr. Barley in his closing statement.

CHAIR DENIS:

I will close the hearing on A.B. 64 and open the hearing on A.B. 77.

ASSEMBLY BILL 77 (1st Reprint): Revises provisions related to teachers and other educational personnel. (BDR 34-253)

DENA DURISH (Deputy Superintendent, Educator Effectiveness and Family Engagement, Department of Education):

I am a Deputy Superintendent for the NDE. Assembly Bill 77 is a large bill. You have copies of my presentation on A.B. 77 ([Exhibit F](#)). Since there are many sections to the bill, I felt it was best to go through the bill by categories.

Page 2 shows the five major categories the bill addresses. This bill is a result of not only a lot of work prior to the initial draft being filed, but since that time, various sources have helped with the context of the bill. I thought this is important information to share.

Page 3 addresses the Commission on Professional Standards in Education. The membership is changed both in number and in members. We feel it is a better representation of those who are applying for licenses and better represents the role of the Commission.

The substantive change is in the amendments. The new information added is the highlighted text in blue. These additions are the result of the amendment process and are in A.B. 77. One of the biggest changes is a recommendation from a work group of stakeholders from across the State to align our preparation program approval process. The sections that are added bring the

programs in alignment and requires that the Commission on Professional Standards has the responsibility of approving all educator preparation programs.

Page 4 talks about additional councils. The first bullet in blue is a result of several recommendations regarding the English Mastery Council. The law requires teachers serving on the Council to have a master's degree in Teaching English as a Second Language (TESL).

In discussions we have had with NSEA, Clark County Education Association (CCEA) and Washoe Education Association we found the master's degree in TESL limits the group. It was asked that we propose to allow an endorsement in what was previously the TESL endorsement and now is the English Language Acquisition and Development endorsement. Teachers are still required to have a master's degree, but not in TESL.

The next bullet lists four councils, and it is the same change for all of those councils. One of the things we have found challenging in the four councils is the difficulty to have a quorum. We know it is important for the classroom teacher to be in the school each and every day. Principals are often reluctant to approve absences for budgetary purposes, and/or teachers are reluctant to be out of their buildings. The addition to the bill asks that districts not only support in a leadership role for their teachers to be out of the building, but also that they provide the substitute teacher compensation. While there is per diem funding typically, there is not funding from us to provide additional fees for substitutes. That is what this section addresses.

On page 5 is the biggest area of changes. The changes are related to review, reciprocity, testing and fees. Language from S.B. 104 was merged into this bill through conversations with the sponsor, Senator Joyce Woodhouse.

SENATE BILL 104: Revises provisions relating to teachers and other educational personnel. (BDR 34-329)

This often reflects what you would hear quoted as "true reciprocity." We struggled with that. Reciprocity has been in conversations for many years. These changes are intended to assist with our educator workforce.

This first bullet allows us to evaluate candidates' transcripts, course work and other qualifications prior to moving here from another state without charging the

applicant a fingerprinting fee. It provides us with a pre-qualification fee which we have been unable to do in the past.

The second and third bullets reference what we call reciprocity. The second bullet allows for content-area course work. Section 19 allows for the passage of competency-based course work in a secondary subject area that can be added as an endorsement to a license. This is not for an initial license, but for those wanting to expand their repertoire of teaching.

The third bullet allows for reciprocity. As the law exists now, those coming from other states must have comparable exams or they are given a provisional license. Currently, this is the only thing we can do under the law. A year ago, with the Governor's help, we were able to pass an emergency regulation to give provisional licenses and then candidates have a year to remove them. The third bullet would waive those requirements, altogether, for those educators who already have attained full licensure in another state.

The fourth bullet allows us to be a veteran-friendly State and allows NDE to waive initial/renewal fees for veterans, active duty military and military spouses.

Page 6 is related to reporting and is in conjunction with A.B. 7 to align us with ESSA requirements.

ASSEMBLY BILL 7 : Revises provisions related to education. (BDR 34-126)

There is no longer the federal designation of "the highly qualified teacher" as a result of ESSA. We now have full State certification. This particular section of A.B. 77 would allow NDE, as we do today, to collect salary and assignment data and also to collect effectiveness data for educators. We are required by ESSA to report disparity in schools to the extent that we have effective, experienced educators teaching within their fields.

Section 28 has a few additions. The ask is to maintain the original NRS language for districts to submit an annual report of unfilled positions to the Superintendent of Public Instruction by September 1 and the State Board of Education (SBE) would review the report. Our underperforming schools are the hardest schools to staff and often these schools have out-of-field teachers. Current practice has been for those teachers to be at schools for up to three

years versus two years and this was added to the amendment process. Again, the understanding is this information would be reported on an annual basis.

Page 7 appears to have a lot of information. Charter school teachers and administrators do not have the same licensing requirements nor the same NRS requirements as public school teachers and administrators regarding background clearance. The first bullet with the five topics below aligns non-licensed charter school teachers and administrators with existing requirements for licensed personnel. This provides matching language in all of the five topics pertaining to section 3 through section 9.

Bullet 2 allows us to notify districts/charters within 15 days of current employee licensure renewal denial due to the background clearance process, without disclosing a specific reason. Bullet 3 allows districts to terminate the employee if that is the case.

Page 8 details cleanup from the licensure study where areas of NRS needed consistency. With the help of Karly O’Krent, we were able to match those.

Section 20 does not remove Nevada School Law, the Nevada Constitution and the United States Constitution which was the ask of S.B. 20.

SENATE BILL 20: Revises provisions relating to educational personnel. (BDR 34-342)

It provides the Commission on Professional Standards (COPS) to allow testing exemptions. Allowing the early childhood licensure is something we have been doing for the past 16 years and was not in statute. We limited middle school to Grades 7 and 8 and removed Grade 9, which was still included in the definition of middle school.

The second bullet raises the minimum of our licensure fee. Our current fees are \$161 for an initial license and \$131 for a renewal. Please note this section of statute does not change those fee amounts. The bill changes only the minimum fee from \$65 to \$100. We have not had a license fee of \$65 for 25 years. This only changes the floor of the minimum amount.

Bullet 3 cleans up language regarding personnel transfers. Bullet 4 is in regards to the Statewide Council for the Coordination of the Regional Training Programs

allowing stipends if and when there is funding. Bullet 5 repeals language that has been replaced by ESSA on page 6.

SENATOR HARRIS:

The cost of an initial license in Nevada will increase from \$65 to \$100. Is that correct?

Ms. DURISH:

No. Licensure fees are not established through statute. They are established through regulation. Our current fees are \$161 and \$131. We are a fee-funded entity. We do not have a general fund. We know we cannot operate efficiently if our licensure fee would go below the \$100 mark. No one will be impacted by these statutory fee changes.

SENATOR HARRIS:

Why the increase? Who will it affect?

Ms. DURISH:

The statute says COPS shall establish a licensure fee of no less than \$65. This raises the minimum that can be charged to \$100 rather than \$65.

SENATOR HARRIS:

If this is not going to impact people, why are we increasing the fee? There is a disconnect for me in why you are even increasing the fee.

Ms. DURISH:

I will check, but I do believe the last time section 24 was addressed was well over a decade ago. All this language does is change the minimum to a base operating expense so that at no time could COPS propose to change the minimum lower than \$65.

CHAIR DENIS:

We will now hear from those in support.

RUBEN MURILLO, JR. (President, Nevada State Education Association):

I am representing the NSEA in support of the amendments that were mentioned. The first is the English Mastery Council changing the qualifications. We believe that would open up the opportunity for a wide variety of qualified educators to serve on the Council.

We also are supportive of the amendment that requires the school district to give substitute time for teachers to participate in these Councils. Many times, educators have difficulty obtaining the release time from their principals because principals want to know who will pay for the substitute and the time. If our educators are asked to participate in these Councils and want to participate, they should be allowed to do so and not have to worry who will pay for the substitute.

NICOLE ROURKE (Associate Superintendent, Community and Government Relations, Clark County School District):

The CCSD is in support of A.B. 77. The reciprocity sections will benefit our district as we recruit over 1,000 new teachers every school year with the growth in our valley. Many of those teachers come from out of state. It has been our desire for a long time to look at reciprocity. We appreciate NDE moving this bill forward and the efforts of the Legislative Committee on Education that met during the Interim looking at those same issues.

MR. HARRISON:

I am representing the Las Vegas Metro Chamber of Commerce. I will note some specific provisions we are grateful to see in the bill. Regarding the changes to COPS with the addition in section 15, subsection 3, paragraph (e) of "One member who has expertise and experience in the operation of a business." We believe this perspective will bring a unique ability to the Commission. I echo the comments made regarding reciprocity. We know the difficulty the State and the CCSD has had regarding teacher shortage. Adding these measures will help in our recruitment of teachers.

MS. ANDERSON:

The WCSD supports A.B. 77 for all the reasons you have heard.

Ms. Pierczynski:

I am representing NASS and NASA. The reciprocity issue is a big issue and we appreciate the work that has been done on that. We are in support of the bill.

MS. FERRATO:

The NASB is in support of the bill for all of the reasons that have been stated.

CHAIR DENIS:

Is there further support? Is there opposition to A.B. 77? Anyone speaking in neutral?

MS. DURISH:

I want to thank this Committee for their time today and want to thank the Interim Committee for hearing some of these issues.

SENATOR WOODHOUSE:

I want to identify for the record, the portions of A.B. 77 that dealt with licensing and reciprocity were ones that were addressed by the Southern Nevada Forum and are included in its list of priorities. I thank you for all of the work everyone has done on this bill.

CHAIR DENIS:

You worked with a lot of folks to fix areas where there were concerns. I appreciate your work. Are there further comments? I will close the hearing on A.B. 77. I will ask for public comment.

BRAD KEATING (Clark County School District):

Brad Keating representing the CCSD and sharing a good news minute with you. There were two exciting things that happened in our district over the weekend.

The Heart of Education Awards was held at the Smith Center for the Performing Arts in Las Vegas honoring 20 teachers as finalists from a list of 910 outstanding teachers from the CCSD whose efforts everyday make our school district a better place. Each finalist was awarded a \$5,000 check and \$1,000 toward his or her classroom for supplies. We were honored to have Dr. Jill Biden speak to the group. It was a great evening.

That same evening, Mr. Myron Martin of the Smith Center announced that CCSD Superintendent Pat Skorkowsky received the Magnet Schools of America, Superintendent of the Year Award. It was a fun day on Saturday, April 29 for all of us, and we are happy to share this good news.

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CHAIR DENIS:

Is there further public comment? Seeing none and with no further business, the meeting is adjourned at 5:12 p.m.

RESPECTFULLY SUBMITTED:

Shelley Kyle,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
A.B. 117	C	3	Megan Rauch / Guinn Center for Policy Priorities	Written Testimony
A.B. 64	D	3	Megan Rauch / Guinn Center for Policy Priorities	Written Testimony
A.B. 64	E	58	Megan Rauch / Guinn Center for Policy Priorities	Policy Report / Pathways to Nowhere
A.B. 77	F	8	Dena Durish / Deputy Superintendent, Educator Effectiveness and Family Engagement Division, Department of Education	Presentation