

**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session  
May 18, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 3:43 p.m. on Thursday, May 18, 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 James Ohrenschall, Assembly District No. 12

**STAFF MEMBERS PRESENT:**

Todd Butterworth, Policy Analyst  
Asher Killian, Counsel  
Linda Hiller, Committee Secretary

**OTHERS PRESENT:**

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement Division, Department of Education  
Craig M. Stevens, Clark County School District  
Ricky Gourrier, Communities in Schools

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CHAIR DENIS:

I will open the meeting of the Senate Committee on Education with a work session on Senate Bill (S.B.) 178.

**SENATE BILL 178**: Revises provisions relating to the funding formula for K-12 public education. (BDR 34-792)

TODD BUTTERWORTH (Policy Analyst):

This bill was heard yesterday, May 17, in a joint meeting with the Assembly Committee on Education, and it relates to implementing a weighted student funding formula. I have submitted the work session document ([Exhibit C](#)) which includes the proposed conceptual amendment from yesterday's joint meeting.

The revised proposed conceptual amendment ([Exhibit D](#)), based on input from yesterday's meeting, has the following changes. The first change is on the bottom of page 1 with the addition of the very last sentence, "Require the school to develop a plan for the use of money from the Account and the goals to be achieved by such use and consult with parents or legal guardians and the school organizational team, if any, on the plan."

The next change is on page 3, under authorized services, the second bullet point where it says, "90 percent or more of money," which was increased from 70 percent on the original conceptual amendment.

Under that bullet point and the second subbullet point, there are some references to the U.S. code, which is to ensure that evidence-based services are provided in response to the Every Student Succeeds Act of 2015.

Under the subbullet point at the bottom of page 3, the first clause is new language and reads, "Only in addition to one or more of the preceding services and to the extent determined by the school to be necessary to adequately support such services." Additionally, that section was previously part of the 30 percent section on page 4, which is now reduced to 10 percent.

In that bullet point on page 4, there is a reference to evidence-based services and the U.S. code. Most of the language in that section is new.

CHAIR DENIS:

These changes were based on some of the discussion we had at the joint meeting yesterday. We also had some recommendations on ensuring that parents and parent groups have input in the school community. The section on page 4 has a piece that allows for training. One of the big trainings for English language learners comes from a program called ELAD, which stands for English Language Acquisition and Development. This would make it possible to train teachers in this program.

SENATOR SPEARMAN:

We heard a lot of testimony yesterday about all things being equal, but it struck me that this is about equity. Research talks about schools attending to children with different learning styles and socioeconomic situations, and the key word is different. As I understand S.B. 178, it is not about equality as much as it is about equity. If people start at the tenth row, in order to get to the front, they have to do a little bit more than those who are already in the front row. This bill gives schools the opportunity for schools to evaluate where they are, where their students are, and to make realistic goals using the resources they have to reach those goals.

CHAIR DENIS:

Yes, we are trying to help the lowest achieving students move up, and at the same time, give choices to schools with services that have to be evidence-based. Also, in section 1 of the proposed conceptual amendment, [Exhibit D](#), where it talks about the money, that could change, because this will go to the Senate Committee on Finance.

SENATOR GUSTAVSON:

I will have to vote no, but I will reserve my right to change my vote.

SENATOR SEGERBLOM MOVED TO AMEND AND RE-REFER S.B. 178 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on S.B. 390.

**SENATE BILL 390**: Extending and revising the Zoom schools program for the 2017-2019 biennium. (BDR S-788)

MR. BUTTERWORTH:

This bill was heard in this Committee on May 11. It extends the Zoom schools program for the 2017-2019 biennium. There is one conceptual amendment included in the work session document ([Exhibit E](#)).

SENATOR SEGERBLOM:

I was not sure about the kindergarten part.

CHAIR DENIS:

That is because we are already covering all kindergarten now.

SENATOR SEGERBLOM MOVED TO AMEND AND RE-REFER S.B. 390 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on Assembly Bill (A.B.) 77.

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

MR. BUTTERWORTH:

This bill was heard in Committee on May 2. There is one conceptual amendment proposed by the Department of Education (NDE) that is included in the work session document ([Exhibit F](#)).

CHAIR DENIS:

I would like to have someone from the NDE come up to talk about the report part of the amendment.

MR. BUTTERWORTH:

In the sample language in the amendment, it eliminated the contents of the report. We want to get on the record how the contents of the report would be dictated in the future.

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

There were two different reports based on recommendations from the Committee. Currently in statute, the regional professional development programs (RPDP) submit a full report of everything they did throughout the preceding year. Each school district also submits a similar report. The recommendation from this Committee was to consolidate those reports. The language was that the RPDPs would submit one annual report of all the activities as a whole, and that data would be disaggregated by district. This only covers the professional development provided by the regional training centers.

The professional development task force also asked districts to give a report on how much was spent on professional development throughout the year and what that money was spent on. They were not able to do that. The second reference to the report for districts would be all sources of funding and all professional development training, not just the RPDP trainings. This serves to disaggregate that data a little bit more.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS A.B. 77.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on 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)

MR. BUTTERWORTH:

This bill was heard in Committee on May 2, and it requires that each public high school student meets with a staff member to review the student's academic plan to make sure he or she is college and career ready. There are no amendments included in the work session document ([Exhibit G](#)).

SENATOR HAMMOND:

I am still not convinced this is totally necessary and that we are not already doing this. I will vote no now and may change my mind later.

SENATOR HARRIS:

I echo that sentiment.

SENATOR SEGERBLOM MOVED TO DO PASS A.B. 117

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

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CHAIR DENIS:

I will now open the work session on A.B. 196.

**ASSEMBLY BILL 196 (1st Reprint)**: Provides for an endorsement that a teacher, administrator or other educational personnel may obtain in cultural competency. (BDR 34-659)

MR. BUTTERWORTH:

This bill was heard in Committee on May 9 and requires a teacher, administrator or other educator to obtain an endorsement in cultural competency on his or her license. There are no amendments in the work session document ([Exhibit H](#)).

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 196

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on A.B. 275.

**ASSEMBLY BILL 275 (1st Reprint)**: Requires the establishment of a statewide framework for providing integrated student supports for certain pupils and their families. (BDR 34-920)

MR. BUTTERWORTH:

This bill was heard in Committee on May 9. It requires the NDE to establish statewide supports for public school students and families. I have submitted the work session document ([Exhibit I](#)) which has no amendments.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 275

SENATOR SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on A.B. 292.

**ASSEMBLY BILL 292 (1st Reprint)**: Revises provisions relating to bullying and cyberbullying in public schools. (BDR 34-916)

MR. BUTTERWORTH:

This bill was heard in Committee on May 11, and it pertains to parent notification about bullying and cyberbullying in public schools. There is one amendment included in the work session document ([Exhibit J](#)) that removes

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section 1, subsection 3 requiring the parental notification to precede any related student interviews.

CHAIR DENIS:

The amendment was in response to some of our discussion during the hearing on A.B. 292.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 292.

SENATOR SEGERBLOM SECONDED THE MOTION.

SENATOR GUSTAVSON:

Originally, I was opposed to this bill, but because of the amendment, I will now support it.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

I will now open the work session on A.B. 312.

**ASSEMBLY BILL 312 (1st Reprint)**: Requires the State Board of Education to develop recommendations for pupil-teacher ratios in certain public schools. (BDR 34-960)

MR. BUTTERWORTH:

This bill was heard in Committee on May 11. It requires the State Board of Education to adopt nonbinding pupil-teacher ratios. There are no amendments included in the work session document ([Exhibit K](#)).

SENATOR HAMMOND:

I still do not feel like this rose to the level where we need to take action. It ought to be something the school organizational team could look at. For that reason, I will vote no.



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CHAIR DENIS:

Personally, I think being able to have that information available, for us, especially, will be good as we move forward.

SENATOR SPEARMAN:

I see the words “nonbinding recommendations,” which, to me, means that at least these are recommendations we and the school boards can take into consideration. We have irrefutable data showing that pupil-teacher ratios really impact learning. Along with S.B. 178, when we are talking about addressing the needs of some of our students who need more help, this bill provides another tool that will help identify where the squeaky wheels are. Look at most of the advertisements for private schools. Smaller class sizes is one of the benefits they tout.

CHAIR DENIS:

We have heard that a lot in public comment—parents wanting their kids in smaller classes.

SENATOR WOODHOUSE MOVED TO DO PASS A.B. 312

SENATOR SPEARMAN SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GUSTAVSON, HAMMOND AND HARRIS VOTED NO.)

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CHAIR DENIS:

I will now open the work session on A.B. 320.

**[ASSEMBLY BILL 320 \(1st Reprint\)](#)**: Revises provisions relating to the statewide performance evaluation system. (BDR 34-1016)

MR. BUTTERWORTH:

This bill was heard in Committee on May 4, requiring changes in teacher evaluations. There are two conceptual amendments from the Teachers and Leaders Council included in the work session document ([Exhibit L](#)).

SENATOR SPEARMAN:

I have issues tying teacher evaluations with student performance when we have not provided the educators all the tools they need. We know some students will need more help than others, as exemplified in the goal of S.B. 178. If there is any chance some of these requirements might be mitigated to take into consideration different communities and what teachers have to work with, 20 percent is probably fine for a school where teachers are not worked 12 hours a day with a class of 40 pupils. I am having a little bit of a difficult time with this. You do not give world-class surgeons can openers and send them into surgery, and then be disappointed with the results. Likewise, until we provide all the tools our educators need, you cannot hold them accountable.

SENATOR HAMMOND:

There were a lot of people involved in this bill, A.B. 320. My hat is off to Superintendent Steve Canavero for all the work he has done with the compromises and also to the Teachers and Leaders Council (TLC), principally Ms. Salazar. This bill has been walked into my office by several individuals dealing with this issue because we were trying to find out what is fair and what teachers should be evaluated on. Having been in the classroom for 16 years, I understand one side asking for more accountability and I also understand the other side saying they do not mind being accountable. Just let us look at what you are going to be judging us on.

This bill struck a compromise. The hardest point to get to was the percentage of the evaluation being based on the Student Learning Goals (SLG). Even though it says we are going from 20 percent evaluation on the SLG, it is important to note that currently the teachers would be evaluated on 20 percent next year and then 40 percent the following year, so we have not changed that much. What we have done is remove the testing portion from the evaluation, which, I think, is a good thing. I happened to be in a classroom where that testing would never have affected me personally. Of course, I have an effect on the whole school because I have students coming into my class that make up part of the community at that school. I just think this is a much better system.

I am happy to support this bill. We have a lot of work to do because now we have to develop really tough and rigorous SLGs going forward so we can evaluate. It will not be only on observations; it will be on other metrics as well, and that is important.

SENATOR WOODHOUSE:

This issue has been debated here in the Legislature for years. Thank you to Dr. Canavero and the teacher's associations and administrators who worked on trying to find something fairer than the 40 percent on student assessments. I spent a morning with teachers in Washoe County hearing the issues they face, which are also felt around the State, on how these evaluations affect the jobs they do. I am pleased with this bill and the amendments and I accept the compromise. The TLC has been working on this for years. Under the circumstances, this is probably the best that can be done at this point. I have concerns and reservations but I will be supporting this because we can pay attention to what the ramifications are on teachers, administrators and schools, because that affects Nevada's children. I think it is very positive that we are using student growth as part of the decisions on teacher evaluations.

CHAIR DENIS:

We cannot always get things exactly right. My biggest concern is that we would evaluate on something they did not have an effect on, which is how we do this now. We heard the message from teachers, that they want to be evaluated fairly. This gets us closer to that. We want to help our teachers be the best they can be because that affects our kids' education.

SENATOR SPEARMAN:

I will support it but we need to always remember that we still have to fund public education in the manner that it should be funded. This is a start. It is okay to hold teachers accountable, but at some point, we have to be held accountable, too.

CHAIR DENIS:

I agree. We want to hold teachers accountable, but we have to give them the tools they need to be successful.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED  
A.B. 320.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR GUSTAVSON VOTED NO.)

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CHAIR DENIS:

I will now open the work session on A.B. 372.

**ASSEMBLY BILL 372 (2nd Reprint)**: Enacts the Revised Uniform Athlete Agents Act. (BDR 34-952)

MR. BUTTERWORTH:

This bill was heard in Committee on May 16. It repeals the Uniform Athletes' Agent Act and enacts the Revised Uniform Athlete Agent Act. There is one proposed conceptual amendment included in the work session document ([Exhibit M](#)).

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 372

SENATOR HARRIS SECONDED THE MOTION.

ASSEMBLYMAN JAMES OHRENSCHALL (Assembly District No. 12):

Assemblywoman Shannon Bilbray-Axelrod sponsored a personal floor amendment deleting the words, "crimes of moral turpitude." We looked for substitute language with the Office of the Secretary of State and the chair of the drafting committee from the National Conference of Commissioners on Uniform State Laws. Senator Harris actually caught something we had missed, and we talked to our legal counsel. That brought us back to restoring the term "crimes of moral turpitude" because it brings uniformity with other states in preventing bad actors from becoming athlete agents if they have committed crimes of moral turpitude. The U.S. Supreme Court ruled in *Lawrence v. Texas* in 2003 that certain criminal statutes that had been on books are unconstitutional. It is not my intent that the term, "crimes of moral turpitude," refer to any of those now-unconstitutional criminal statutes.

THE MOTION PASSED UNANIMOUSLY

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CHAIR DENIS:

I will now open public comment.

CRAIG M. STEVENS (Clark County School District):

As part of the celebration of teacher appreciation week, the Clark County School District (CCSD) surprised seven first-year teachers in their classrooms the first week of May as New Educators of the Year. The awards were a surprise to the seven teachers. More than 1,000 first-year hires were eligible for the honor, and CCSD is proud of each one of them for their dedication to our kids.

RICKY GOURRIER (Communities in Schools):

I want to make one clarification from yesterday's joint meeting on S.B. 178, which is that integrated student supports are wraparound services, but it is an evidence-based program, hence the reason A.B. 275 came forward. Wraparound services can be a multitude of programs, so with the amendment to S.B. 178, I would ask that you consider entering integrated student supports into the bill.

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CHAIR DENIS:

Seeing no one else wanting to make public comment, I adjourn the meeting of the Senate Committee on Education at 4:35 p.m.

RESPECTFULLY SUBMITTED:

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Linda Hiller,  
Committee Secretary

APPROVED BY:

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Senator Moises Denis, Chair

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

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	4		Attendance Roster
S.B. 178	C	5	Todd Butterworth	Work Session Document
S.B. 178	D	4	Todd Butterworth	Proposed Conceptual Amendment for Senate Bill No.178
S.B. 390	E	2	Todd Butterworth	Work Session Document
A.B. 77	F	6	Todd Butterworth	Work Session Document
A.B. 117	G	1	Todd Butterworth	Work Session Document
A.B. 196	H	1	Todd Butterworth	Work Session Document
A.B. 275	I	1	Todd Butterworth	Work Session Document
A.B. 292	J	1	Todd Butterworth	Work Session Document
A.B. 312	K	1	Todd Butterworth	Work Session Document
A.B. 320	L	4	Todd Butterworth	Work Session Document
A.B. 372	M	2	Todd Butterworth	Work Session Document