

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
May 1, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:13 p.m. on Wednesday, May 1, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E 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 Dallas Harris
Senator Marcia Washington
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

Jen Sturm, Committee Policy Analyst
Risa Lang, Committee Counsel
Shelley Kyle, Committee Secretary

OTHERS PRESENT:

Rebecca Feiden, Executive Director, State Public Charter School Authority,
Nevada Department of Education
Jhone Ebert, Superintendent of Public Instruction, Nevada Department of
Education
Sarah Nick, Management Analyst, Legislative Liaison, Nevada Department of
Education
Ryan Herrick, General Counsel, State Public Charter School Authority

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Sarah Adler, Charter School Association of Nevada
Brad Keating, Clark County School District
Chris Daly, Nevada State Education Association
Melissa Mackedon, Principal, Oasis Academy, Board Member; State Public
Charter School Authority
Jason Guinasso, Chair, State Public Charter School Authority
Renee Fairless, Lead Principal, Mater Academy
Natalie Lopez, Mater Academy
Lindsay Anderson, Washoe County School District
Jenny Hunt, Director, Mariposa Academy
Shamika Abbott
Susan Nielsen
Alexander Marks, Nevada State Education Association
Matthew Walker, Opportunity 180
John Hawk, Chief Operations Officer, Nevada State High School

CHAIR DENIS:

I will open the hearing on Assembly Bill (A.B.) 78.

ASSEMBLY BILL 78 (1st Reprint): Revises provisions governing charter schools.
(BDR 34-339)

REBECCA FEIDEN (Executive Director, State Public Charter School Authority,
Nevada Department of Education):

We are discussing A.B. 78. The original bill was approximately 90 pages and was drafted by my predecessor in late 2018 and early 2019. The State Public Charter School Authority (SPCSA) and the Nevada Department of Education (NDE) worked to identify a few specific high-impact items. The first hearing on A.B. 78 proposed to discard this bill as introduced and start over with a focus on five key issues.

Assembly Bill 78 has evolved through the legislative process, but the five key issues initially identified have persisted. I will review each of these key issues and point to the sections of this bill where these issues are addressed.

The first priority is the status of the SPCSA as a local educational agency (LEA). This can be found in section 35 of the bill. An LEA is a term defined in federal laws. From the federal government's perspective, each state has one state

education agency. This is the NDE in our State. There are then multiple LEAs below the state education agency.

In the case of a traditional school district, the school district is the LEA. In the case of charter schools, states have treated this situation differently. In some states, the sponsor serves as the LEA, and in other cases, the charter schools themselves serve as the LEA.

In Nevada, the statute previously defined the SPCSA as an LEA for certain functions but was silent on other functions. This bill would clarify that the SPCSA is, in fact, the LEA for the schools that it sponsors. Ultimately this clarifies the roles and responsibilities of the SPCSA, the schools and the NDE about key issues within federal laws which include special education, federal programs and grants.

I want it to be clear that being an LEA does not mean the SPCSA is a school district. It means only the SPCSA is responsible for certain duties outlined in federal laws that will fall under our purview. I also want to make clear this change will have no impact on our role as an accountability body for our schools. That role is dictated explicitly in our State laws. Again, this bill will clarify the SPCSA is an LEA and that information is found in section 35.

The second priority is related to equitable enrollment and admissions for students. This can be found in section 60. First, this bill clarifies that charter schools must honor any prioritized enrollment provisions for students in certain at-risk categories, such as homeless students as defined in federal law. For example, the federal McKinney-Vento Homeless Assistance Act of 1987 requires that homeless students not face any barriers to enrollment and that schools immediately enroll those homeless students. In section 60, subsection 2, language has been added to clarify that these federal provisions do apply to charter schools.

Subsection 8 of section 60 has been removed from the bill. Removing subsection 8 of section 60 clarifies that charter schools must serve all students regardless of disability. To be clear, our schools are already aware of this responsibility. Removing subsection 8 ensures there is no room for confusion.

The third priority is oversight of charter school sponsors. We often talk about oversight of schools. This is not what is being discussed here. We are

discussing oversight of sponsors, such as the SPCSA and other district sponsors. Section 34, subsection 1, increases the number of board members of the SPCSA from 7 to 9 members. Section 34, subsection 1, paragraph (d) states these two members are to be appointed by the State Board of Education. The goal is to strengthen the connection and alignment between the SPCSA and the NDE.

Section 25 codifies in the *Nevada Revised Statutes* (NRS) 388A current regulations which require the NDE to conduct a comprehensive review of charter school sponsors every three years. This is the NDE reviewing the performance of the SPCSA and other charter school sponsors.

Section 59.5 clarifies the annual reporting requirements related to reports that sponsors such as the SPCSA must provide to the NDE, and requires those reports be reviewed by the State Board of Education.

The fourth priority regards rule-making authority. Currently, the NDE has rule-making authority over all of the education code and the SPCSA has a small grab bag of regulatory powers. One example is around our application process. Section 39 of A.B. 78 would give the SPCSA rule-making authority over the schools that it sponsors. Like other regulations, these would be subject to passage by the Legislative Commission. To be clear, the NDE would maintain plenary regulatory authority. This would be full, wholesale regulatory authority over the entire education code including all schools, traditional and charter. The SPCSA would only be able to pass regulations related to the schools that it sponsors. The SPCSA would not be able to pass a regulation that impacted schools sponsored by the Clark County School District (CCSD) or the Washoe County School District (WCSD).

The SPCSA is a relatively young agency. Over the past few years, we have established some regulations pertaining to the narrow sections that we have rule-making authority for. The NDE has passed some regulations regarding charter schools. To enable us to establish consistent policies around contracts, oversight, applications, charter school renewals, charter school terminations and other important functions of our work, additional regulations continue to be necessary in order to accomplish consistency.

We are seeking limited rule-making authority over the schools under our purview. We are also aware the NDE has raised some questions about this

provision, specifically with regard to ensuring strong collaboration and coordination. Following this hearing, we fully intend to work together to come to a consensus with regard to this issue.

Finally, A.B. 78 is similar to S.B. 321 and would roll up the Achievement School District (ASD) and move existing ASD schools into the SPCSA.

SENATE BILL 321 (1st Reprint): Abolishes the Achievement School District.
(BDR 34-682)

Section 80.9 would repeal NRS 388B, which is the section of statute that covers the ASD. Throughout A.B. 78 in a number of sections, there is substantial cleanup of the education code and removal of other references to the ASD.

Finally, section 80.75 transfers the ASD schools to the SPCSA. On passage, the SPCSA will serve as the sponsor and the schools will have until July 1, 2020 to enter into new contracts.

I know this body has had substantial conversation about this topic. I want to highlight for the Committee that our understanding of this language is the four existing schools would be transferred to the SPCSA. There are two schools that have been approved that are not yet open. This, too, has been a topic of conversation in the Senate Committee on Education. Our reading is that those two schools are not contemplated within A.B. 78; they are not transferred to the SPCSA.

The SPCSA is glad to bring the ASD schools under our sponsorship. We are committed to making this transition as seamless as possible and ultimately work to mitigate any impact on students served.

With the Chair's permission, I would like to invite the NDE to add any comments they may have regarding the regulatory component that I mentioned earlier.

JHONE EBERT (Superintendent of Public Instruction, Nevada Department of Education):

I would like to congratulate Executive Director Rebecca Feiden on her role at the SPCSA. I look forward to enhancing the collaboration between our two agencies so they will be sister agencies serving the students of Nevada.

As amended, and as Ms. Feiden has introduced, the NDE does oppose section 39 as currently written. However, we want to move forward in conversation and talk about how we can amend this section so that both agencies will be satisfied with what is written. There has been a positive historical relationship between the SPCSA and the NDE. We want to write regulations in collaboration so the State Board is involved in all of this work for all of the students of Nevada.

At this time, offering regulatory authority to two agencies runs the risk of writing conflicting regulations at the same time, or unintentionally undoing other agencies' regulatory work. The NDE looks forward to working with the SPCSA to draft an amendment to resolve section 39 of A.B. 78.

SARAH NICK (Management Analyst, Legislative Liaison, Nevada Department of Education):

I am here to answer any questions about what the collaboration may look like regarding an amendment during this 80th Session or during the Interim collaboration.

CHAIR DENIS:

What concerns me and others, is the limited rule-making for SPCSA and the NDE making rules for the NDE-sponsored charter schools. This creates a bifurcated situation to the rule-making process. We definitely do not want to see this happen.

RYAN HERRICK (General Counsel, State Public Charter School Authority):

Giving the SPCSA rule-making authority and the way the language in the bill is currently drafted is limited to Chapter 388A, which is the SPCSA chapter, as well as for the districts and university-sponsored charter schools. It also speaks only to the powers and duties we have which only relate to our schools. Conceivably, you could end up with a bifurcated system between the other charter schools and the SPCSA charter schools.

However, the thought process on this was we would collaborate with the NDE and the districts in terms of what we were thinking and where we were going with the regulations. These entities are also subject to the notice, workshop and hearing procedure where those concerns could be vetted. We certainly understand the NDE concerns and are happy to work with them to find a solution.

CHAIR DENIS:

I wanted my concern and others' concerns about the rule-making on the record. This Committee has concerns about the rule-making aspect and want both the SPCSA and the NDE to be aware of this fact as you have your discussions.

Regarding the ASD repeal, I understood that four of the current charter schools in the ASD will be transferred seamlessly to the SPCSA. However, the two schools that have been approved for the SPCSA and are not yet open, will not be brought into the SPCSA.

In past discussions in this Committee pertaining to abolishing the ASD, we have discussed giving those two schools that are not yet open the opportunity to seamlessly transfer into the SPCSA. Can you further clarify this concern to the Committee?

MS. FEIDEN:

We recognize this Committee may make certain decisions about which schools are captured for the transfer to the SPCSA. The SPCSA wanted to bring to your attention that our reading of the bill language is as I stated earlier. Our reading of the bill is the two schools not yet open that have been approved, are not contemplated in A.B. 78. If others have a different understanding, we are glad to hear from them.

As the bill is currently written, only the four schools that are currently open would be captured. The two schools that are approved, but not yet open would need to go through a full application process with the SPCSA. We are not sure of the intent and want to clarify that is our understanding of A.B. 78 as it is currently written.

CHAIR DENIS:

We will look at this matter and make certain the intent we were discussing is addressed.

SENATOR PICKARD:

I would suggest we look at the bifurcated system under the Department of Business and Industry. There is the Real Estate Division and other divisions that have regulatory authority within their scope. Also, the Department of Health and Human Services and Division of Welfare and Supportive Services has regulatory capabilities or authority. There is still vertical integration that exists because

they tend to be subject matter experts. Rule-making is pretty much left to them. These entities go through the federal Administrative Procedure Act process which was enacted June 11, 1946. I suggest we look at those models that exist in statute.

There are several effects I like about the bill. I have a question with respect to the abolishment of the ASD. Can we point to any other significant structural change that has been made that has been scrapped in two years or less in Nevada?

MS. FEIDEN:

I do not have the tenure to answer your question. Perhaps others can point to an example or examples.

SENATOR PICKARD:

This was brought up in the prior bill. I thought someone might have an answer if two years is a reasonable amount of time to see if something works or not. We have not submitted anyone else to that kind of scrutiny within the education department over the last 50 years.

The ASD was designed to mitigate the difficulties for the most disadvantaged and the most needy of students. By deleting all of the ASD language from statute, this would require us to rebuild the ASD in the future. Is that correct?

MS. FEIDEN:

That is my understanding.

SENATOR WOODHOUSE:

I have more of a comment than a question. The other bill regarding the ASD that we have been discussing is S.B. 321. We had a lengthy conversation and our Legal Counsel was assisting us. I want this on the record of what we talked about yesterday in my office.

The language is in A.B. 78 and also in S.B. 321 regarding these four charter schools that are presently in the ASD. I am not going to dispute the fact the other two schools that are not yet open are not in A.B. 78; however, I know when this Committee was discussing S.B. 321, it was the understanding of the majority of this Committee that the two charter schools in the pipeline were to come into the SPCSA. One of the terms used in that hearing was we want the

SPCSA to put its arms around these six schools and help them navigate into the SPCSA. This is really important. These two new schools in the pipeline are addressing a certain population of students. We do not want the two schools to fall through the cracks or to allow the schools and their students to miss deadlines.

It is important that we keep in touch with these two schools and with the SPCSA. We want to make certain the two schools can transition smoothly to the SPCSA when the schools are ready to open.

MR. HERRICK:

The way the SPCSA reads the language in A.B. 78, the language is about the governing bodies of charter schools. Those four charter schools currently open have governing bodies. The two new approved schools in the pipeline that are not yet open do not have governing bodies. I believe this is a drafting issue. I am happy to work with the Legal Department and your Committee Counsel if it is the intention to bring the two approved charter schools that are not yet open under the SPCSA as well.

CHAIR DENIS:

I will ask our Committee Counsel to remind us what was discussed and what her response was.

RISA LANG (Committee Counsel):

It was definitely the intent of the Committee in the discussions to include the two charter schools in the pipeline that are approved and not yet open. I will be happy to revise the language, if amended, to make this clear in A.B. 78.

CHAIR DENIS:

One of the issues we have with the ASD is that several things that were done were not in the legislation. These issues that came to our attention were interpretations made by the NDE. The Legislature would have had to fix those errors if we were to continue with the ASD. Regardless of what is done, we will have to start over in either circumstance.

Pertaining to the topic of bifurcation and using the business model is not quite the same as in this case. We have charter schools that are sponsored by the school districts and charter schools sponsored by the SPCSA. With business, there is each individual department and then the general division. There is a

slight difference. Does the NDE and the SPCSA understand the Committee's concern on the bifurcated system? I know you will have those discussions as you get together.

Can you talk more about the LEA topic you mentioned? Currently, the SPCSA has some ability and you want to expand your ability, but that it is not a complete expansion. Am I correct?

MS. FEIDEN:

The current language states specific duties related to the grant component. That said, because the other pieces are not clearly defined, it is likely that we are already acting as the LEA. We think clarification will help to make certain we can completely fulfill that responsibility. The duties we see as major ticket items that fall under this topic would include special education, oversight, monitoring and support. Federal grants and programs are the two that are passed through from the federal government down to the LEAs.

SARAH ADLER (Charter School Association of Nevada):

As a former teacher and an LEA grants administrator, success in education is about passion, focus and alignment. The Charter School Association of Nevada (CSAN) appreciates the significant work that has been done by the governing board and staff of the SPCSA, along with the Education Committees of the Assembly and Senate and the Legislative Counsel Bureau to arrive at an amended A.B. 78. The Charter School Association of Nevada is in support of A.B. 78 as amended and welcomes Rebecca Feiden to the SPCSA.

Ms. Feiden's passion is to offer quality education to children and youth who need it most. Her laser-like focus on public charter school effectiveness will make the provisions of A.B. 78 a success together with the skills and commitment of the Board, the SPCSA staff and the partnership with the NDE.

The provisions in A.B. 78 will bring the SPCSA authorities into alignment with its responsibilities. Importantly, the Legislative Commission retains oversight of any rules that may be promulgated as a result of these authorities. The Interim and permanent education committees are also important actors in this space.

The CSAN submitted an Introduction to Public Charter Schools ([Exhibit C](#)) that shows the SPCSA is currently doing a solidly good job in holding low-performing schools accountable. The SPCSA schools are educating an increasingly diverse

population of students and its schools are providing growth in seats in 4-Star and 5-Star schools at a remarkable rate.

The CSAN believes that A.B. 78 is an important framework for improving the partnership in public education among public charter schools, the SPCSA as an authorizer, the NDE and the Legislature. As amended, A.B. 78 is supported by CSAN.

BRAD KEATING (Clark County School District):

The CCSD supports A.B. 78 in abolishing the ASD that has existed since 2015 and has been a failed experiment. Since that time, the State has allocated up to \$10 million to bring high-quality charter operators into Nevada and the ASD failed to bring those charter operators to Nevada to take over our 1-Star and our low-performing schools.

The CCSD has a plan we have proposed to the NDE prior to the current Legislative Session, and we are working with the NDE to ensure those low-performing schools are held accountable. The CCSD is increasing those low-performing schools' success in student achievement. We support A.B. 78 and we look forward to seeing the amendment that will be brought forward to ensure all schools are treated equally and regulations are fair across the board for every school in Nevada.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association (NSEA) has serious policy concerns with A.B. 78 regarding the SPCSA. We oppose expansion of its authority as an LEA and granting it the ability to adopt any of its own regulations until we are sure that the SPCSA can hold charter schools appropriately accountable. We have submitted our written testimony ([Exhibit D](#)).

[Ms.](#) FEIDEN:

We look forward to working with the Department on the issue of regulatory authority.

CHAIR DENIS:

I will close the hearing on A.B. 78. I will open the hearing on A.B. 462 and welcome Assemblyman Tyrone Thompson today.

ASSEMBLY BILL 462 (1st Reprint): Revises provisions relating to charter schools. (BDR 34-1090)

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

I am representing Assembly District No. 17 in the growing city of North Las Vegas, the city in which I was born and raised. I am introducing A.B. 462, which I consider creates a laser-focused process to address charter school expansion in our State.

I believe this bill provides the opportunity for us to have the conversation on how to best plan for sustainable student success in charter schools. I am pleased this bill was voted out of the Assembly with bipartisan support.

There has been a significant increase in the number of charter school campuses, enrollment and demand since 2012. The SPCSA has authorized 31 charters, including 53 campuses and a total of 83 Star ratings of elementary, middle and high schools combined.

The Star rating categories range from 1-Star to 5-Star schools. A 1-Star school is the lowest rating, meaning the school or campus needs major improvements and is considered an underperforming school. At the other end of the spectrum is the 5-Star school which is doing extremely well.

A few months ago, the Star ratings for these 83 charter schools are as follows: 8 schools are 1-Star, 12 schools are 2-Star, 19 schools are 3-Star, 15 schools are 4-Star and 29 schools are 5-Star.

As you may or may not know, we are a citizen Legislature and per our State Constitution we meet biennially in the odd number years for a total of 120 days. Today, we are at day 87. I want to state that Interim work occurs post-session. Many of our citizens in Nevada think our service is just a part-time gig. However, each of us go all-in for the communities we serve and our work is continual.

In most of the Interim education committee meetings and several community forums, the discussion and questions concerning charter school regulations continually persist. Let us remember that per NRS 388A.150, charter schools are directed to be high-quality and expand opportunities for pupils in our State,

including students who are at risk. It takes mindful planning and oversight to ensure charter schools are meeting those charges.

As Legislators, it should be our goal to ensure that educational systems are successful and sustainable for our youth. The intent of A.B. 462 is to engage in smart planning and assessment of charter school growth.

I will explain the main tenets of the bill and walk you through my conceptual amendment to A.B. 462. This conceptual amendment has been developed in collaboration with the SPCSA, the CCSD, the WCSD, representation from the rural school districts and our Legal Counsel.

Section 3 requires the SPCSA to prepare a 5-year growth management plan. It specifies the contents of the plan and requires the plan to be reviewed biennially.

Section 6 directs the SPCSA to complete outstanding site evaluations of charter school campuses, identify deficiencies and develop plans for improvement.

Section 7 requires the SPCSA to submit its initial charter school growth management plan to the Director of the Legislative Counsel Bureau (LCB) for transmittal to the Legislative Committee on Education by January 1, 2020. The Interim Committee will hold a special meeting to have the plan presented and vetted.

Section 8, subsections 1 and 2 state each sponsor of a charter school shall complete and prepare a site evaluation and submit the site evaluation report of each charter school it sponsors to the Director of the LCB for transmittal to the Legislative Committee on Education no later than June 30, 2020.

Section 9 states the sponsor of a charter school shall conduct the evaluation required pursuant to NRS 388A.220 as amended by section 5 of this bill, for any school which it sponsors by not later than January 1, 2020.

I would like to move to the proposed conceptual amendment ([Exhibit E](#)) and speak more on some of the sections. All of the partners in the collaboration process wanted section 3 in the original bill to have more depth.

We wanted to be able to evaluate, review and comment on the growth plan. We did not want the SPCSA to just submit a plan. We did not want this strategic plan to become a "shelved plan". We want this 5-year growth plan to be an "actionable" plan. We want the bill to require that when the plan is presented, the Interim education committee can give input. The bill requires that our main stakeholder in the State, which is the NDE, be able to give some recommendations and response to the growth plan.

In section 5, we want to be able to talk about the duty to conduct geographic evaluations for sponsors other than the SPCSA. Therefore, the school districts and a college or university will be required to conduct such evaluations only for any future charter schools. Section 5 also requires the SPCSA to prepare evaluations before soliciting any applications for new charter schools. I use the term Request for Proposal (RFP) for this next item. The SPCSA needs to specify some of the geographic concerns of the community where a prospective school would be located and give specific timelines about the geographic concerns.

We further amend to require the sponsor of a charter school, before approving an application to form a charter school, to evaluate and assess the extent to which the applicant fulfills the needs identified in the geographical area. In our community, sometimes there will be two or three convenience stores at one intersection. We need to do a better job with our urban planning. We need to do the same when planning our school system. Schools need to be compatible with each other. Most important, schools need to meet the need for high-quality education and meet the needs of our at-risk populations in certain areas. This is so important.

Next in the amendment shows the neighborhood services part in me and my life's work. We need to get input from the direct communities. There needs to be some type of public meeting that is held. Many times that is already in the work of jurisdictions. I did not want to miss that opportunity in this bill. I am open for any questions the Committee may have.

SENATOR PICKARD:

Will the "actionable" plan act to limit growth for charters if the SPCSA plan is on five charters and then a sixth comes in? Does the sixth charter get excluded?

ASSEMBLYMAN THOMPSON:

Your question is an excellent one. First, we need to see the plan. There are some very specific areas. I want to state this plan is not only on the shoulders of the SPCSA. The school districts and the NDE will work with them. Once the plan is presented to the Interim education committee some of those questions you are asking could be addressed.

SENATOR PICKARD:

You are suggesting there will not be a limit on growth. To take this to an extreme, if the sixth school is the best charter school that could possibly be started, the school would not be summarily denied. This would be something discussed within the group or is the intent to say the plan is the plan, and you will stick to the plan? If the sixth school comes in; the school will have to wait.

ASSEMBLYMAN THOMPSON:

There are many questions in your one question. First is the situation with the sixth school. In the school district that the sixth school location would pertain, there would be a discussion about the prospective sixth school's alignment within the particular community. Does the school align with the community? Some may say a school would be great, but for the community the school may not be a good fit. This is important to consider in the alignment.

Second, it is too premature for me to say because we have to get the plan. I admit there is a lot of work to do. I do not want to see a check-the-box type of plan and plug in stuff here and there. This will take a lot of work to talk to all of the potential charter schools and operators who want to come into our State. We will do our best to estimate how many charter schools we will bring on line in 2021, 2022 and forward.

This is why I said it is so important that we give the flexibility for the Interim education committee to make those decisions. I did not want us to accept a report from the SPCSA and wait until the Legislative Session of 2021 to act on any of the things you just mentioned.

SENATOR PICKARD:

I appreciate your remarks. With respect to your conceptual amendment referring to subsection 5. Do I understand you correctly the SPCSA will no longer be doing the evaluations, but the school districts will do those? Particularly the site evaluations and that sort of thing?

ASSEMBLYMAN THOMPSON:

No. The SPCSA is an LEA and a school district. Currently, they are responsible to conduct evaluations. That is why the bill states the SPCSA needs to complete those evaluations. I mentioned earlier the Star ratings. The Star ratings are one thing, but we need to always evaluate our campuses. The SPCSA is outstanding on those evaluations. There are school districts that do have charter schools. This would apply to those school districts as well. There may be some evaluations that need to be done in those school districts. The SPCSA has the greatest number of charter schools.

SENATOR PICKARD:

I appreciate your comment although we just heard testimony that an LEA was not a school district. We do not need to go down that rabbit hole.

ASSEMBLYMAN THOMPSON:

That is the terminology that I use.

SENATOR PICKARD:

Prior to you walking into this meeting room, we had heard testimony from the school district and from one of the associations that are quite hostile toward charter schools. I would not want to put the fox in charge of the hen house. You bring up a great point with respect to convenience stores. When we are doing development and master planning, developing transportation corridors, it is frequently advantageous to put all of the retail in one area. It is common to see those pads developed into the convenience stores, because they are convenient to traffic, infrastructure is there and there will be plenty of people who need those services.

It makes sense to put three convenience stores at the same intersection. Given the infrastructure in the communities, it might make sense to put two schools next to each other. There are two elementary schools in Henderson that are literally next door to each other. It was a matter of siting based on the master plan. I would hate to exclude a charter, a public school or traditional public school simply because it is close to another. This is background for my next question.

Is it the intent for the SPCSA to do the plan with input from the school districts, colleges, universities and any other stakeholders, who have the ultimate say

whether the plan gets approved? Is it the SPCSA? Do the other stakeholders have veto power? How do you envision that process working?

ASSEMBLYMAN THOMPSON:

It would be the SPCSA. However, currently what needs to happen has not been happening. There needs to be communication. It would be the SPCSA as we know with legislation. Especially, with something as large as this, we have to continue to build on this. I am excited that Dr. Ebert is on board at NDE. She has done a lot of charter work when she was in New York. I am confident and excited she is going to be at the table with all of this.

All schools being together does not mean it is still good. Returning to the NRS, it is the composition. What is inside of the school and who is going into the school is one of the most important factors. Quality is important in these schools when it comes to students, kids and educators.

Our communities are growing and I want to give a shout out to Hayden Elementary and Ruby Duncan Elementary in my district. Their campuses are next to each other and the composition of the schools are alike and are still different. There is Legacy High School across the street from these two elementary schools. We need to get better with planning our schools.

SENATOR PICKARD:

I agree. Communication is absolutely key to all of this. Putting too many schools in one area can be a detriment. That happened in my neighborhood where a private school wanted to go in next to Del E. Webb Middle School and it is already congested. We did not have the infrastructure to support this. Planning is the best approach. I appreciate the bill.

SENATOR WASHINGTON:

I am curious about the language to establish a plan to manage the growth of charter schools. Why? These schools are helping a lot of minority students' progress. We have many schools in the CCSD that are totally failing. Who is making these failing schools accountable?

ASSEMBLYMAN THOMPSON:

My previous presentation had a different flavor. I stated in my opening comments that I was not trying to pit one school district against another. Today, we are not talking about those school districts. I want to specifically and

only talk about charter schools. There is a lot of work to be done in some of our school districts.

I want to discuss charter schools. If we do not take the time to look at our charter school community, it will grow. We will have the non-performance of students and all of the issues we have in the traditional schools. I would be cautious to make the statement that charter schools are meeting the needs of kids of color.

SENATOR WASHINGTON:

I said minority. That is different.

ASSEMBLYMAN THOMPSON:

I am going to use the term "kids of color" because if we were to look at the Star system, the high-performing schools have very few students of color in them. That is a problem.

Senator Pickard stated how important it is to communicate with one another. If a charter school is wanting to be a high-quality school, it cannot always pick the lowest hanging fruit in a community. I commend charter schools. A school must be willing to go into the community where there is a need. This is the reason why evaluations and geographical studies all need to be done. There needs to be an RFP to show there is a need in a particular pocket of the community. Who wants to take on the challenge of this need and who has the credentials to serve that pocket of need? We do not want our babies going to schools just because they are a charter school. We know what is happening. A lot of students are leaving the charter schools and returning to the other side.

This is the whole purpose of A.B. 462. You all know me. I am a neighborhood services guy; it is a part of my life's work and all the work that I have done. I am not a certified urban planner, but I am. These are the things we must look at. If Nevada does not look at this in 2019, our State will really be crying in 2021, 2023 and moving forward.

CHAIR DENIS:

When you and Senator Washington were having that dialogue, it reminded me of 20 years ago when the 3 of us were together on the Community Development Block Grants for the City of Las Vegas. We know each other and I

do not think we can take offense with one another. We worked together for several years.

SENATOR HANSEN:

You mentioned the Star ratings at the beginning of your presentation. Can you repeat that again? You have 29 schools that are 5-Star. What is the total number of charter schools?

ASSEMBLYMAN THOMPSON:

It is tricky and I am trying to learn it all. There are 31 charters and 53 campuses. There are 83 Star ratings, because on those campuses there are elementary, middle and high schools. I hope this adds up to 83. I know you are going to try to get me on that.

SENATOR HANSEN:

No, I am not.

ASSEMBLYMAN THOMPSON:

You are going to say that is only 81. I know you; we used to serve together.

CHAIR DENIS:

The record is not going to be very clear here if you guys keep talking to each other.

ASSEMBLYMAN THOMPSON:

Eight are 1-Star, 12 are 2-Star, 19 are 3-Star, 15 are 4-Star and 29 are 5-Star.

SENATOR HANSEN:

If the same evaluation was done five years ago, is the trend for charter school performances on an upward or downward trend from five years ago? Are the Star ratings determined the same way in both the public and charter schools?

What are the trends? Which direction are the ratings going in the total number of traditional public schools? Up or down? Are charter schools showing an overall growth trend? In my mind, everyone who is involved in charter schools seems to love these schools. In previous testimony, we had parents and students testify how much they love the charter schools. If charter schools are growing, there must be a demand for them. There seems to be a level of

happiness with the overall type of charter schools we have. What is it looking like? Good or bad?

ASSEMBLYMAN THOMPSON:

Being in the second half of the 80th Session, I did not want to bring a presentation before the Committee. I do have in front of me a presentation that was given to the Assembly Ways and Means Committee from the Nevada State Public Charter School Authority. In this report, it shows in fiscal year 2012, charter school enrollment in our State was 10,500 students. Looking at the graph provided in this report, in the year 2021, Nevada will be approaching over 50,000 charter school students.

SENATOR HANSEN:

That is by choice and indicates there is a lot of public support for charter schools.

ASSEMBLYMAN THOMPSON:

I will let you make your statement. Data can be swayed to show what one wants it to show. I respect what you are saying, Senator Hansen. First of all, let us just look at the trend. We see a trend in charter schools in our State. It is incumbent for us to plan for the growth of charter schools. Let me share with you that when I worked for Clark County, the County was actually looking at doing a moratorium on people coming into the County. Our County was not planning accordingly. We were receiving 5,000 to 6,000 people moving to Clark County every month. This growth was straining systems. How do we manage this?

SENATOR HANSEN:

I am not disputing that.

ASSEMBLYMAN THOMPSON:

I am trying to give Clark County's previous monthly growth as an example. The charter schools topic is the same. We are the education committees. It is incumbent for us to look at the trending and prepare for the trending. We are not saying whether charter schools are good or bad; I have never said that on the record. I think charter schools meet a purpose, but I also want to be sure as a Legislator that charter schools meet the need of the statute. They must be of high quality and they must meet the needs of at-risk student populations. Some

charter schools are doing that; some are not. A.B. 462 is providing that opportunity.

SENATOR HANSEN:

I am fine with that. I agree and think it is a good idea. My fear is that we can regulate things to death. There are people who would like the charter school system to die completely and that is my fear.

Are you including Asian kids in the kids of color? Nevada System of Higher Education did a presentation where Asian kids in our school systems are outperforming the white kids. I am wondering what groups of students are we talking about?

ASSEMBLYMAN THOMPSON:

Yes, that is included. The term that I will use since you are going there is "at-risk kids of color". That will be when I was a young boy. I am talking about young black boys, young black girls, young Latino girls and young Latino boys. That is the at-risk base we are talking about.

Not only are we looking at ethnic at-risk, we are looking at special education students, students with learning disabilities. We are looking at all the space when we say "at-risk". It is not just an ethnic thing. It encompasses all of that.

SENATOR HANSEN:

I think your goal and our Committee's goal are the same in the sense you want a carefully regulated growth curve, not trying to eliminate charter schools, but also recognizing that the trend clearly indicates there will be 50,000 charter school students in 2021. You are planning for future growth and I like that concept.

My fear is there are definitely elements that do not like charter schools "period" and they would like to regulate charter schools out of existence. The growth curve seems to indicate that charter schools are very, very popular including at-risk populations.

CHAIR DENIS:

Earlier in this Session when we had presentations, one was on charters. If not, during the interim, we definitely had a presentation by charter schools. One of the things charter schools are doing is they acknowledged that perhaps they do

not currently mirror the community where their schools are located. I have seen that charter schools are trying to work on that issue. Chairman Thompson and I have been shown maps where the schools are located. There is a donut, and in the middle, there are very few schools. It happens to be in Assemblyman Thompson and my districts.

Assemblyman Thompson, I appreciate that when you are looking at growth, it is not just the number of kids we can put in seats. You are looking at how many kids who really need the help can we help. I appreciate the opportunity to have this discussion on how do we help the kids?

At the end of the day, we want to increase student achievement in Nevada. The kids who need it the most are the kids in the bottom quartile. We need to find ways those kids are represented in the charter schools and in all the other educational things we are doing.

SENATOR HAMMOND:

Assembly Bill (A.B.) 462 is completely different than when it was originally introduced. I like what you are asking for. You are asking us to take a look and evaluate. I do like that. I started a charter school and was on a campus that was well represented by different minorities and represented the area.

I agree that five years ago a charter school campus did not mirror the neighborhoods they were in. Now five years later we are getting closer and closer to that image.

When you begin to receive the information, you will receive this information. Many charters have a difficult time because of the money situation. If the schools take Individualized Education Program (IEP) students, will they receive money to educate these IEP students? Will there be money for facilities, capital improvements and such? It costs more money for kids who are having a harder time learning. Hopefully, we can have that discussion and can balance that out. There should be more money for not only the charter schools, but other areas too.

ASSEMBLYMAN THOMPSON:

I hear what you have said and that topic is not addressed in this bill. I am looking out for my bill. I am being serious about this fact. The previous bill mentioned everything you are talking about. For an LEA, there is a list of

responsibilities and we have been in many discussions with the SPCSA. I am glad you bring up this topic. We want to make sure we are strong enough and have the capacity. It is about capacity, too. We need to make sure the SPCSA is going to be successful.

When there is a skeleton crew of the SPCSA and you keep building and building schools, the authority is not going to get evaluations. The authority is just trying to keep up with the minimal things to make things happen. At the end of the day that will be detrimental, because the performance is going to slip. So many things are going to slip.

SENATOR HAMMOND:

I agree. Currently, charter schools do not have enough staff to handle the special education needs if they are going to be an LEA. Earlier when you were talking about the growth of Las Vegas, was that around 1997?

ASSEMBLYMAN THOMPSON:

It was when I worked for Clark County government. I worked in the Neighborhood Services Department and there was a serious discussion about how Clark County would manage the monthly growth of 5,000 to 6,000 people who were moving into our area. We did not have the infrastructure.

I was using that as an analogy to the future growth of charter school enrollment in our State. We need to be as proactive as we can now to prevent future mishaps in our system. There are many case studies of other states that are bleeding, because the charter school system has gotten out of hand in the sense of performance and key qualities that parents are attracted to and value for their children, such as classroom size. When there is not a close watch on these qualities, it can be combat.

SENATOR HAMMOND:

In the next 10 to 15 years, we will need approximately 250,000 seats for children in the State and most of that will be needed in Clark County. I echo what Senator Hansen was saying. I know there are many people who do not like charter schools. I like your idea because you want to evaluate charter schools. I do not want to take any steps that would start eliminating schools based on peoples' perception of charter schools because they do not like them. I want to be sure if we are not going to have a charter, it is because we cannot

have it here or the infrastructure is not there. I like the bill because it is a collaborative effort.

ASSEMBLYMAN THOMPSON:

That is the reason I cannot wait for January 2020 when the true discussions will begin in the education committees with whomever else is on these committees. I want to see this plan. This bill begins the framework of it all. I am excited the communication is going to be happening. Many of those 250,000 students will be in traditional public education facilities as well. It is a balance. On the macro level, we must look at it all. I am excited about this and I am confident with all the players who are going to be working on this 5-year growth management plan.

Originally, I had put the words "for success" on the bill; legally we could not put that in the bill. I wanted to have a positive twist to the bill because I think everybody thinks this is like "Debby Downer" type of stuff. No, it is not. This is exciting stuff for our community, so I really wanted to call it and put it into statute that it would be the 5-year growth management plan for success for charter schools. I had to leave off the "for success" piece. I lost the battle with Legal so ... [laughter].

SENATOR WASHINGTON:

Assemblyman Thompson, you said we need oversight to observe the SPCSA to make certain they are doing their job. Is that the NDE that will oversee SPCSA?

ASSEMBLYMAN THOMPSON:

Can we go to Committee Counsel to answer Senator Washington's question?

CHAIR DENIS:

Let me start. You do have the NDE that oversees all education in our State. There would be some of that. I guess we could ask our Committee Counsel if there is anything specific. I think that there would be because there is the State Board of Education, Superintendent of Public Instruction that has oversight over education. I would think there is at least that. Is that correct?

MS. LANG:

Yes, that is correct. The NDE has the general oversight for education for the State. The SPCSA has authority over the school that they sponsor.

SENATOR WASHINGTON:

The NDE has a responsibility to follow up on all the other schools they might be getting. If the SPCSA is not doing what it is supposed to do, then the NDE is supposed to step in and hold the SPCSA accountable. I want to make sure that is being done.

CHAIR DENIS:

Senator Hansen, it was on February 27, 2019, when we had the presentation from the Charter School Association of Nevada which showed charts and data on how the kids and schools were doing.

When charter schools were brought on board, I was doing Parent Teacher Association work. I remember that charter schools were supposed to be the innovators that would bring ways to do things differently to improve student achievement. The at-risk population was going to be their focus. I would hope that in any planning that we do, we will continue to look at the at-risk population. I do not view charter schools as a way to only fill seats. We can accomplish that by constructing more schools and hiring more teachers. I view charter schools as trying to create opportunities and work with kids in a different way that traditional schools cannot. Perhaps the traditional schools can learn new ways from the charter schools to help kids and be able to apply some of this knowledge in their schools.

I would hope in all of our future planning we will keep these thoughts in mind. I hope school districts and others will be willing to see the successes charter schools have had and incorporate those successes in their traditional schools. The SPCSA is looking for schools that are innovative and will provide success to the students of our State. If those qualifications are not there, that particular school is not needed in our State. We do not need a place to fill seats; we need a place where there is student success. I appreciate you bringing A.B. 462 forward, Assemblyman Thompson.

MS. ADLER:

What has been presented by Chairman Thompson is a really good bill. The Charter School Association of Nevada firmly supports A.B. 462. We are glad and proud this bill passed the Assembly with an overwhelmingly bipartisan vote. We are proud of the partnership among Chairman Thompson, the Assembly Committee on Education members, the SPCSA and the public charter school community that produced this result.

Assembly Bill 462 has 4 key components and each will improve public education in Nevada. The first key is analysis. Who, in terms of characteristics of students and where they live, are public charter schools serving? Conversely, what type of students may need more access to public charter schools in order to find that fit that is so important between the student and his or her school?

The second key is the 5-year strategic growth plan that has been discussed in depth and it will be highly beneficial to all stakeholders, families and kids in Nevada.

The third key is the completion of the comprehensive school evaluations. At the levels of the schools, the governing board, the SPCSA and the legislative level we all know what is working, what might be leveraged and shared and what needs improvement.

The fourth key is critically important. There must be communication with school districts about, among other items, anticipated public charter school development in terms of type of school, grades offered and locations. Let us save each other headaches and money by communicating.

Chairman Thompson's amendment was received today by the CSAN and has not been reviewed by the CSAN policy task force. There are many things I like about this amendment. One is the collaboration among the Legislative Committee on Education and the NDE.

To address Senator Hansen's question about our seats improving, you received a data memorandum ([Exhibit F](#)) that shows on page 9, the increase in quality seats in the charter school community. [Exhibit F](#) gives you data relative to questions that have been asked during this meeting. On NELIS is the CSAN presentation [Exhibit C](#), from the February 27, 2019 meeting which Chairman Denis referred to. With the ASD schools joining the SPCSA our diversity will zoom as shown on page 1 of the ASD data document ([Exhibit G](#)) and that will be beneficial for all.

SENATOR HANSEN:

For the Committee, as far as academic performance, the actual growth curve for charter schools is clearly increasing.

MS. ADLER:

That is absolutely true for the SPCSA sponsored charter schools which are the majority of the charter schools. The WCSD charter schools are in good condition. The CCSD sponsored charter schools highest bar is 2-Star schools.

SENATOR HANSEN:

Overall, the trend is very good.

MS. ADLER:

Yes.

MELISSA MACKEDON (Principal, Oasis Academy; Board Member, State Public Charter School Authority):

I am in support of A.B. 462. I am in a unique position that allows me to speak on public charter school governance, public charter school management, public charter school accountability and as a public charter school parent. I am the Principal of Oasis Academy, which is a 5-Star rural charter in Fallon, Nevada with a 100 percent graduation rate, and I am on the Board of the SPCSA.

Assembly Bill 462 that passed out of the Assembly represents the culmination of a great joint effort between Chairman Thompson, the public charter school community and the legislators on both sides of the aisle in the Assembly Committee on Education.

This bill is a refreshing example of common sense; bipartisan leadership. It enhances some accountability safeguards and specifically mandates deliberate, planned out and smart growth in the charter sector. That is something we all support and abide by.

I want to leave this main point with you today. We are all on the same team. We are all part of public education. Our goal and our focus are the same. We all want to provide a quality public education to all the children in Nevada. I am proud to support A.B. 462.

JASON GUINASSO (Chair, State Public Charter School Authority):

I support A.B. 462 as passed out of the Assembly. The bill represents the hard work and leadership of Assemblyman Thompson who listened to all stakeholders and asked some very tough questions. He built a consensus on charter policy that will make public charter schools stronger. We are grateful for

his leadership and his support. I believe it is good to put into statute the work we have started, because all stakeholders share a set of commitments to shared goals and expectations with regard to public charter schools. The bipartisan consensus represented by this bill will help make Nevada charters a national model for delivering equitable access to high-quality public education.

We are serving all students from every demographic category well, and as was mentioned earlier, there is room for improvement, particularly with respect to Free and Reduced Price Lunch (FRL) student population. Currently, our entire public system is failing. We all have work to do in the FRL area.

The SPCSA is excited about the work that is represented in A.B. 462. At our last SPCSA meeting, we began the work that is outlined in this bill before it passed. That is how committed we are to some of the provisions that Assemblyman Thompson has shepherded. The SPCSA staff will work with Chair Thompson to come to a consensus on some of the amendments he discussed.

The strategic growth plan, the needs assessment, communication and collaboration with key stakeholders which are the key provisions of A.B. 462, provide ingredients to responsible growth and mindful planning that is good for our students we serve now and will serve in the future.

RENEE FAIRLESS (Lead Principal, Mater Academy):

I have been an educator for 35 years; 28 years in the CCSD and currently serving as a Lead Principal for Mater Academy of Las Vegas.

Mater Academy is one of those schools so often referred to today. Our school sits on the east side of Las Vegas. We serve over 1,700 students on 2 campuses. My campus has 1,000 students; 100 of those students are Pre-K students. Mater Academy is a 100 percent Title I school and over 60 percent English Language Learner (ELL). Proudly, I will add that we are half a point from being a 5-Star school, as well as a 3-Star elementary school.

I want to share that two of the 1-Star schools that have been mentioned today are in their first year of operation, are over 100 percent FRL and are 60 percent ELL. I promise you these schools will not keep that 1-Star status. I am the Lead Principal working with those schools; we are on fire on the east side of Las Vegas and are making a difference.

We are in support of A.B. 462 as the bill is currently written. We believe it only makes charter schools stronger and the bill allows us to continue growth in a responsible manner, and allows us to serve the students who most need us at this current time. We want to see Nevada continue to be the fastest improving state in education. Charter schools not only help to collaborate with their district schools but to lead the way. I am proud to be serving the east side of Las Vegas and I am proud to be a charter school leader. I have been on both sides of public education and working together makes us all stronger.

Thank you, Chairman Thompson, for creating a bill that is truly bipartisan and by listening to so many of us. We appreciate all of your efforts and we hope the Senate members can see the merit behind all of this hard work.

NATALIE LOPEZ (Mater Academy):

I am a scholar with brown skin at Mater Academy. I want to thank you for letting me express my point of view regarding A.B. 462. It is great knowing the scholars in my neighborhood like me are getting a better education at Mater Academy of Nevada. I want to thank Chairman Thompson for not putting a stop on building new public charter schools, because I am on fire.

LINDSAY ANDERSON (Washoe County School District):

The WCSD was asked to participate in drafting the amendment for A.B. 462 and we are here in support of A.B. 462. We appreciate being invited to participate in this conversation. For the first time in about 15 years, the WCSD will be opening new schools this year. As the WCSD looks to acquire land and sites to deliver on our promise to voters from the Washoe County School District Question No. 1 ballot proposal, it is important there will be a direct line of communication with the SPCSA. This bill will set us up for success as we look to build schools in Washoe County.

MR. KEATING:

The CCSD supports A.B. 462. We appreciate being a part of the conversation and working closely with the SPCSA. We have had a number of conversations with Ryan Herrick, Legal Counsel for the SPCSA, and Rebecca Feiden, the Executive Director of SPCSA, to make sure this bill is amenable to everyone.

One reason A.B. 462 is important to the CCSD is because a few years ago, we had two schools, Eva M. Wolfe and Addeliar D. Guy III Elementary Schools, that were built next to each other. In the middle of the school year, we found out

that there was another charter school being built. We are not here to oppose charters in any way, but that charter school was built in the middle of the Smarter Balanced Assessment Consortium testing.

Imagine in the middle of testing, students were having to test while jackhammering and other construction noises were happening around those two elementary schools. School buses were unable to pull in front of the school and the Las Vegas Metropolitan Police Department had to be on site each school day to direct traffic for the school buses. This line of communication between the CCSD and the SPCSA will help.

A law was passed in 2015 that stated prior to allowing a charter school to be opened in Nevada, the SPCSA was required to conduct an evaluation to consider the academic needs of the students in the area the prospective charter school was to serve. To date, this has not been done. In hopes those evaluations would be done by the SPCSA, A.B. No. 78 of the 78th Session was brought forward.

The CCSD appreciates that A.B. 462 brings forward again our concern to ensure the SPCSA evaluations be completed. As we increase charters and these schools are located within areas throughout our communities, the CCSD has the opportunity to collaborate with SPCSA and NDE to ensure students are being served every day.

SENATOR PICKARD:

Mr. Keating, can you give us the current Star rating percentages for the CCSD schools?

MR. KEATING:

I will need to pull the information specifically to have each category number. I have the 2018 Star ratings. I have quickly pulled this information. We had 94 schools that were ranked at a 4-Star or 5-Star level and 44 elementary and middle schools increased their Star ratings. I would like to mention that the Guinn Center did a report ([Exhibit H](#)) that showed district schools and State public charter schools. It was mentioned today the CCSD have charter schools that are only 2-Star. It is important to look at the race and ethnicity of the student population in those schools. The Guinn Center report in the previous year showed the State of Nevada public schools served 58.3 percent of FRL children, while charter schools only served 21 percent of FRL children.

Also mentioned was the number of Asian students outperforming other students. State public charters have more students in every other category: Native American, Alaskan Native, Latino, Black, White, Pacific Islander, two or more races, IEP, ELL and FRL. Nevada public schools have more students. There are more at-risk students coming to our area. We appreciate what Ms. Feiden and Mr. Herrick have said about bringing more at-risk students into the SPCSA schools.

CHAIR DENIS:

I do not want this to turn into a hearing about whether public schools are better than charter schools or vice versa. We know there are challenges in education and we are here today to talk about charter schools and how we can make them better. To succeed, charter schools have an extra mandate that public schools do not have. I believe that all charter schools should be 5-Star schools. All public schools should be 5-Star, too, if we were to fund them adequately. As long as this discussion is not going to turn into a public school versus charter school debate, I will grant you time.

SENATOR HANSEN:

Mr. Keating, you mentioned that you would like to see an evaluation done in an area, and if that area is a high-risk population area with a 1-Star or 2-Star rated school, would the CCSD want to encourage a charter school in that area? The bottom line is if public schools have consistently failed to perform in that area, would that be an area where the CCSD evaluation process has determined the CCSD has tried and failed; let us try another route?

MR. KEATING:

In the conversations the CCSD has had with the SPCSA, the CCSD is in no way opposed to charter school operators or charter schools. We have our own charter schools that are under the CCSD that our district watches closely every day. If there is a high-quality operator that can come into whatever area it may be, we would welcome them in. This allows the CCSD to participate in an evaluation to make sure that both the CCSD and the SPCSA know exactly where each other is going and that we can support each other to benefit students in our State.

SENATOR HANSEN:

Great. I am all for that. We have those high-risk areas and public schools are basically doing a lousy job and you will evaluate that and come to a conclusion. It would seem you would want to encourage some alternate forms of education.

CHAIR DENIS:

I do not want to leave this bill on the last comment that public schools are doing a lousy job, because that is not true. There are some areas where there could be improvement and in other areas we have 5-Star schools in at-risk areas in the traditional schools.

JENNY HUNT (Director, Mariposa Academy):

I am a 20-year educator, a teacher, a school building leader and currently am joining the charter world. I am the Director of Mariposa Academy in Reno. We are a very diverse population. One hundred percent of our student population is on the FRL, 80 percent are ELL and 13 percent of our students are accessing their education through an IEP. As a local charter school, we see ourselves as a part of the community support for all learners. As Nevada grows we must be ready to offer educational opportunities to meet diverse learners and their families who are moving into our communities. Chairman Thompson drove home this vision as he worked with all community members and all stakeholders to move forward on a common sense bipartisan bill to truly support all kids in Nevada. We thank Assemblyman Thompson for his hard work.

The fastest improving state will get to this goal if we continue to support all learners who are currently in our State and moving into our State. We thank you for your support and look forward to working together to meet all learners' needs in being successful.

SHAMIKA ABBOTT:

I am a mother of a student at Mater Academy. I have come and listened to many of these different bills that are being presented during the 80th Session. It is always interesting to hear each individual testimony on each of the bills. I am in support A.B. 462.

Over the past five years, I have watched my twin daughters blossom and grow. Five years ago, Principal Fairless promised us that she would work her hardest to get a high school in our area. Where I currently live, I do not care for the high school and I do not want my daughters to attend that high school. When my

girls became teenagers they applied to different magnet schools. Each of them attends a different magnet school.

I am in support of A.B. 462. I would like the support to keep collaborating and bring a charter high school located on the east side of town where I live. The east side of Las Vegas does not have the same opportunities that are in other areas. I want my third daughter, who is entering middle school, to have the opportunity to attend a charter high school on our side of town rather than being bused out of our area.

CHAIR DENIS:

I will put a shout out for Equipo Academy, which is a charter high school on the east side. It is probably not as far south as Ms. Abbott resides.

SUSAN NIELSEN:

I am a citizen lobbyist for education and against A.B. 462 and A.B. 78. Prior to the start of the 2017 Legislature I have been interested in the concept of the public charter school system in Nevada and began to attend board meetings with regularity. The meetings were rough then, and the open meeting law was seldom observed. The board struggled to perform their charter and members changed hands frequently. It soon became apparent they were all in new territory with very few maps.

New charters were established without clear guidance and failures were already showing up. There were successes to be sure, but the board faced hard decisions in dealing with unsuccessful schools. An obvious lack of standards and measurements seem to be the key. Great credit is owed to the Interim joint education committees for acknowledging this need and tasking the SPCSA to develop much needed concepts and documents which are slow to complete.

Site visits were deemed mandatory, but are slow to begin. Problems of attendance, parent participation and discipline often go unanswered and new requirements rightfully levied by the Legislature will create new challenges.

At this juncture, it is essential to address the reasons for success and failure and to separate the wheat from the chaff. It is time to stop the mostly random acquisition of new charter schools until the SPCSA can gain insight and the expertise to frame clear qualifications to properly assess candidates and more

rigidly deal with the many 1-Star and 2-Star charter schools which are failing our kids and diminishing available funding.

With continued attendance at SPCSA Board meetings and review of countless reports, statistics and promises, I have serious concerns that the SPCSA and its governing Board are lacking in scope, comprehension and appropriately targeted staff to cope with the change effort essential for these new and just requirements.

ALEXANDER MARKS (Nevada State Education Association):

The Nevada State Education Association supported A.B. 462 as introduced, to give Nevada the time and space to implement appropriate controls and accountability of Nevada charter schools. However, this language was replaced by language requiring the SPCSA to prepare a five-year growth management plan to be submitted to the Legislative Committee on Education. The NSEA now proposes an amendment to A.B. 462 ([Exhibit I](#)) and strongly encourages the Senate Committee on Education to enact stronger controls on charter school expansion.

MR. DALY:

I am representing the NSEA and we are here in the neutral position. While we support the direction A.B. 462 is headed, we have specific language on capping charter school expansion that we would like to see included in the legislation and that language has not been accepted by the sponsor.

I want to review what the NSEA proposed amendments are for A.B. 462. We would like to see Nevada join the 21 other states that do have caps on charter school expansion. Those proposed amendments from the NSEA on A.B. 462 can be found on page 2 of [Exhibit I](#).

First, cap the total number of new charter school applications that may be approved by the SPCSA at 10 per year with no more than 5,000 new students per year on top of that to limit the increased enrollment of any individual charter school to 5 percent per year.

Second, prohibit any charter operator in an existing school with a 1-Star rating from expanding or opening a new charter school site to cap the number of allowed online virtual charter schools at the current number of schools and current student enrollment.

Third, require that any school district in which a proposed charter school would be located, whether authorized by the district or the SPCSA, to make a finding of whether the proposed model of the charter school can be accomplished within the school district structure of public schools and whether the charter school would have any negative financial, academic or facilities impact on existing public schools or the school district. If the district could operate that proposed model of school or if the proposed charter school would have a negative financial, academic or facilities impact on existing public schools or the school district, the application for the new charter school shall be denied.

Basically, we are asking for amendments to provide more teeth and, ultimately, if they are not included in this legislation, we hope these recommendations will be taken under consideration in the development of the growth management plan.

CHAIR DENIS:

To be clear, in your beginning statement, the NSEA is in a neutral position on A.B. 462 in its current format. With this amendment, you are asking for some additional things. Am I correct?

MR. DALY:

The NSEA is in a strange second house territory where we supported the original bill as introduced. Amendments happened that changed the content of the bill. We think the direction A.B. 462 is going in the right direction, but we have specific, additional language that we provided to the sponsor that we feel would strengthen the bill. The sponsor has not accepted this language as friendly. We are here at the neutral table.

I could see giving this testimony at any one of the three tables; this table seemed to be the one in the middle.

SENATOR PICKARD:

I think under our Standing Rules if the testimony is not supportive and they are proposing an amendment that is not considered friendly, that is opposition testimony.

CHAIR DENIS:

I interpret that differently, and as the Chair, I am going to allow it. I know that Mr. Daly is asking for additional things which are not accepted by the sponsor

of A.B. 462. Mr. Daly, what I heard in your testimony is that you like the way the bill is going as far as creating a 5-year plan and you do not think the bill goes far enough.

MR. DALY:
Yes, sir.

MATTHEW WALKER (Opportunity 180):

Chairman Denis, while you are feeling flexible, Opportunity 180 is in the neutral position and in appreciation of all the hard work of Assemblyman Thompson and the vast improvements in the bill. This bill will lead to great discussions in the Interim Committee and beyond.

On behalf of Opportunity 180, I would like to express our hope that either the bill or the conversation in the Interim Committee takes up several measurable targets. There have been many charter school conversations during this Session and in previous legislative sessions. There can be areas where groups do not see eye to eye. Opportunity 180 is hoping there will be more objective measurable targets everyone can appreciate. Examples would be charter school performances or charter school populations resembling the general student population of the communities where they are operating. Opportunity 180 is hoping the growth plan will take these measurable targets as key components that lead to objective measureable targets instead of the number of schools that should be placed in a particular area.

Numbers do not necessarily have a tieback to those key components we all understand are the bedrock, which are great quality charters and service to students who really need the support. Opportunity 180 is hoping that part of the conversation is local government. When we are talking about growth and planning either through direct input into the plan or through conversation, again with the Interim Committee level, the stakeholders are brought into the loop in a meaningful way.

This is what Opportunity 180 is hoping to add to the conversation, whether it is through A.B. 462 or through the conversations of the Interim Committee. Opportunity 180 appreciates all the efforts that have gone into A.B. 462.

CHAIR DENIS:

I appreciate the comments. These comments can be taken into consideration as we move forward and go through the Interim period.

JOHN HAWK (Chief Operations Officer, Nevada State High School):

I am here in neutral to A.B. 462. I appreciate Assemblyman Thompson's work on the bill and the collaboration that he has had. The reason for me coming to the table is I was a little confused. I do appreciate the conversation about the amendment.

I am confused about some of the financial oversight that was mentioned and the facility that was mentioned. If a school is not in compliance that would be a key finding by the SPCSA and the school would be unable to operate. There are procedures the SPCSA would use to shut school doors if that was to happen.

I have a few other questions. Mr. Daly mentioned that 21 other states have caps on their charter schools. Is this a good thing or a bad thing? I am not certain. There is more information that I need in order to support or oppose. I also need to know whether the Committee is going to consider the amendment. I appreciate Assemblyman Thompson's work and energy to work with the charter school community to get us to the place we are today.

SENATOR HAMMOND:

Section 3, subsection 4 states, "The Authority shall collaborate with the Department and each board of trustees of a school district in this State in developing the plan pursuant to subsection 1."

My concern is with the word "shall". A lot of pressure is being placed on the SPCSA to make sure they collaborate. What happens if the SPCSA seeks an avenue to collaborate and it is not reciprocated? What if other entities are slow to come to the table or do not come to the table? All the pressure is on the SPCSA. If they are not successful to bring all entities together, the penalty will be on the SPCSA. Can the language be modified so all stakeholders come to the table?

ASSEMBLYMAN THOMPSON:

I appreciate your question. I do not think this would be a problem. If there was a problem, I think it is incumbent for the SPCSA to do their due diligence to show they did their best to reach out to all stakeholders. I do not want to get

into documenting various stakeholders did not do this or that. In the past, this communication has been very scarce.

I am using terms that I have heard today. I have listened carefully and this puts a little bit more meat to all who will be involved in this process. The narrative around charter schools is interesting. Everyone has different ears and different ways in which they have been receiving information about charter schools. Through my ears I have heard different things. Some of the language that I have heard is charter schools are not doing their part. They are not communicating. This bill adds a little bit more.

I hear what you are saying, Senator Hammond. You are more of a veteran than I am. If this seems problematic, when we return to the table in future Legislative sessions we can make the bill tighter. We have to go with something for now and keep things moving.

SENATOR HAMMOND:

I agree with that. I am worried because your ultimate goal is to reach 2020 and begin this plan. I want to make sure that happens. Again, I think "shall" is completely on the SPCSA. I am hoping you are correct that everyone will be anxious and want to sit down to talk at the table. However, it would be nice to have language that stated all stakeholders need to be at the table. The goal is that they do that and do not find a way to be excused from this process, and the SPCSA would be holding the bag.

CHAIR DENIS:

We could send a letter of intent to all the stakeholders.

ASSEMBLYMAN THOMPSON:

That is what the bill basically states is to provide written notice which would be a letter of intent. Personally, it needs to go beyond that. We do not want it to be a letter of intent that requires only boxes to be checkmarked. The letter of intent needs to happen, and most importantly, we need to sit down, discuss and plan. This is the big part of the intent. I understand your remarks; you may come with some suggested language for the amendment if you like.

SENATOR HAMMOND:

Yes, we are on the same page. We want to make sure the stakeholders sit down, discuss and plan. You said some are anxious to do this. I want to make sure all stakeholders are legally bound in the same way.

I want to ask something about section 6, subsection 2, paragraph (f), subparagraph (2) that states, "A strategic plan for the oversight and provision of technical support to charter schools that are sponsored by the sponsor in the areas of academic, fiscal and organizational performance; and ...".

It always costs money to do these things. Are you providing a budget in this bill to do this or are you expecting the SPCSA to have the money?

ASSEMBLYMAN THOMPSON:

I believe that is existing.

SENATOR HAMMOND:

Right. It is existing.

ASSEMBLYMAN THOMPSON

That is not from my bill and framework. This has been here for a while.

SENATOR HAMMOND:

I get that. It is already in the bill. Now you are asking them to put resources toward a plan. Is section 6, subsection 2, paragraph (f), subparagraph (2) addresses resources for this? Will you apply this now to make sure that they have the resources to put this strategic plan together.

ASSEMBLYMAN THOMPSON:

I am just going to keep this real. If there was this plan already; we do not see it.

SENATOR HAMMOND:

Alright. Thank you.

ASSEMBLYMAN THOMPSON:

This reaffirms why I am here today. It is not being done. This is serious business. This has to be done. It needs to be done in a way that it cannot become a "shelved" product. Everybody is supposed to have a strategic plan;

yet, when you ask the people in the organization what their mission is, they do not know.

In our communities we need to know the direction of charter schools throughout our State. The SPCSA does not have this information. If they do have the information, since I have been sitting at the table, I have not received it in order to look at growth. If there is trending where there is substantial growth, there needs to be a plan.

In closing, Tyrone Thompson for the record, I want to say I really enjoyed the conversation and I really listened. I think this verifies the reason why we need to enact A.B. 462.

First, I want to note the statement Principal Fairless made about one of her schools being a 1-Star school and that they are getting better. It goes back to the statement from Mr. Walker representing Opportunity 180. What is the plan to make you better? We must start to be intentional about the driver to make a school better.

With the work I have been doing with the SPCSA, those measures are not necessarily happening. It may be happening in some spaces, but it is not happening in all spaces. It needs to happen in all spaces. This is evidenced in not having the evaluations done. Once evaluations are done, the charter school must have a plan.

Another thing I hope we pay attention to is the request made by Ms. Abbott, the mother of three daughters, who talked about the need for a charter high school in her community. This is what Senator Hammond and Senator Pickard are talking about. This is where talk comes into action. We need to make sure we have a high-quality operator and plan the action where it is needed the most. Just to build brick and mortar in a community, open the building and claim that it is a high school with the label of a charter school, does not mean the school will be successful for that student population. This is really important.

Last, I am encouraged that we are headed in the right direction because the SPCSA is at the table and they want to do the right thing. They are also going to be joined in collaboration with the NDE and working with the school districts. I feel encouraged that we are moving in the right direction.

I want to end with the brown student, Natalie Lopez. I love her, I love how she did that when she said she is "on fire". Regardless of the school system, that is what we need to be shooting for; our students to be "on fire" and we encourage that within our institutions. Thank you so much. I hope that I can gain your support for Assembly Bill 462.

CHAIR DENIS:

Chairman Thompson, thank you for bringing this bill and for being here with us today. I will close the hearing on A.B. 462. We will go to public comment.

MS. ANDERSON:

I am here with a good news minute from the WCSD. A national report issued by the *U.S. News and World Report* ranked 10 WCSD high schools among the top 30 high schools in Nevada. The WCSD top performing high school is Coral Academy of Science, which is a charter school. Other WCSD high schools ranked in the top 30 are: Incline High, Academy of Art Careers and Technology, Reno High, Galena High, McQueen High, Damonte Ranch High, Wooster High, TMCC Magnet High, Reed High and Spanish Springs High. We are proud of our high schools.

MR. KEATING:

The CCSD good news minute also is from the national report just issued by the *U.S. News and World Report*. The CCSD had schools in the Nevada top 30 high schools as well. On the list is No. 8 Southwest Career and Technical Academy, No. 6 is Veterans Tribute Career and Technical Academy, No. 5 is Northwest Career and Technical Academy, No. 3 is Las Vegas Academy, No. 2 is West Career and Technical Academy and the No. 1 high school in our State is Advanced Technologies Academy (A-Tech).

U.S. News and World Report ranked 17,000 high schools across the Country and A-Tech finished number 1 in the State and number 120 nationally. We are proud of the work these schools do and all of our high schools in the CCSD.

MS. ADLER:

The CSAN congratulates Coral Academy of Science in Las Vegas, which is number 7 in the Nevada high schools list. We are proud of their rankings. Great accomplishments were stated by Ms. Anderson and Mr. Keating on their top performing schools which are magnet schools. Those schools have selected entrance criteria, which is different than charter schools.

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CHAIR DENIS:

There being no further business, the Senate Committee on Education meeting is adjourned at 3:27 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	6		Attendance Roster
A.B. 78 A.B. 462	C	14	Sarah Adler / Charter School Association of Nevada	Introduction to Public Charter Schools
A.B. 78	D	1	Chris Daly / Nevada State Education Association	Written Testimony
A.B. 462	E	2	Assemblyman Tyrone Thompson	Proposed Conceptual Amendment
A.B. 462	F	9	Sarah Adler, Charter School Association of Nevada	Data Memorandum
A.B. 462	G	2	Sarah Adler, Charter School Association of Nevada	Nevada School District Data
A.B. 462	H	1	Brad Keating / The Clark County School District	Guinn Center Public Charter Schools Performance
A.B. 462	I	2	Alexander Marks / Nevada State Education Association	Proposed Amendment