

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
February 11, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:35 p.m. on Monday, February 11, 2019, 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 Marilyn Dondero Loop
Senator Dallas Harris
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Chad W. Buckendahl, Ph.D., Partner, ACS Ventures
Myisha Y. Williams, President and Managing Member, MYS Project Management
Jonathan P. Moore, Ed.D., Acting Superintendent of Public Instruction, Nevada
Department of Education
Sarah Nick, Management Analyst, Office of the Superintendent, Nevada
Department of Education
Christy McGill, Director, Office of Safe and Respectful Learning, Nevada
Department of Education

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Jason E. Dietrich, Interim Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Nevada Department of Education
Michael Arakawa, Acting Director of Educator Licensure, Nevada Department of Education
Chris Daly, Nevada State Education Association
Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators
Brad Keating, Clark County School District
Lindsay Anderson, Washoe County School District
Meredith Smith, Director of Policy, Nevada Succeeds
Mercedes Krause, Member, Superintendent's Teacher Advisory Cabinet

CHAIR DENIS:

I am pleased to introduce a group of special guests attending today's meeting. The group represents the Superintendent's Teacher Advisory Cabinet (STAC). Each of you represents some of the best and brightest teachers in Nevada and we appreciate your desire to be involved with education. Your chosen profession to teach the children of our State makes a difference in their future.

We have three bill draft requests (BDRs) for introduction.

BILL DRAFT REQUEST 34-384: Creates a state-funded grant program for university students. (Later introduced as [Senate Bill 145.](#))

SENATOR WOODHOUSE MOVED TO INTRODUCE BDR 34-384.

SENATOR DONDERO LOOP SECONDED THE MOTION.

SENATOR PICKARD:

Is there a way to look at the language in this BDR?

CHAIR DENIS:

That information will be available when the BDR is introduced. We are only moving to introduce the BDR.

THE MOTION PASSED UNANIMOUSLY.

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BILL DRAFT REQUEST 34-385: Revises the eligibility requirements for the Silver State Opportunity Grant. (Later introduced as [Senate Bill 146](#).)

SENATOR DONDERO LOOP MOVED TO INTRODUCE BDR 34-385.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR PICKARD VOTED NO.)

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BILL DRAFT REQUEST 34-394: Provides flexibility to school districts to award credit for coursework completed by pupils experiencing homelessness or in foster care. (Later introduced as [Senate Bill 147](#)).

SENATOR WOODHOUSE MOVED TO INTRODUCE BDR 34-394.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DENIS:

Nevada External Outcomes Evaluation ([Exhibit C](#)) will be our first presentation today and we each have received a copy of this evaluation report.

CHAD W. BUCKENDAHL, PH.D. (Partner, ACS Ventures):

Two years ago, we were here to discuss the initial implementation of the following programs: Zoom Schools, Victory Schools, Social Workers in Schools, Read by Grade 3, Underperforming Schools Turnaround, Nevada Ready 21 (NR21) and Great Teaching and Leading Fund (GTLF). At that presentation, we mentioned it takes time to gather data to look at the external outcomes these programs were intended to produce. You each have received a copy of our report, Nevada External Outcomes Evaluation, which Myisha and I will go over today.

As evaluators we are here as researchers or essentially auditors of a program. We are not advocates for or against any of the programs in the report. We look

at these programs to ascertain the intent of why they were introduced and funded. We also determine if the programs are performing with the results intended by the Legislature. We look for evidence to support the continued use of the programs as part of education support or education reform within the State. Our role is not to comment if the policies are good or bad. This is your role as policymakers.

In the initial implementation of the programs two years ago, we discovered the theory of action for many of these programs were unique to Nevada and we think these programs should be carried forward. I work in a number of states across the country and many of the education reform programs focus mainly on curriculum, instruction and assessment as part of the core academic or educational triangle.

Like some states, Nevada has chosen to look at additional factors that influence the academic performance of students. Some programs within this bundle of funded initiatives include activities that are designed for social and emotional supports. These programs look at the whole child, which includes involvement of parents and community, rather than what occurs within the context of an academic setting.

This is an important element of which to be reminded when looking at the outcomes. The results cannot easily be distilled by looking at the Smarter Balanced assessment the State is currently using for its achievement testing or some of the academic indicators. You also need to look at school climate information, the participants' contributions and feedback on how the programs are being implemented. This gives a more comprehensive picture of how the programs are performing.

From the evidence we have, we are seeing positive feelings about the programs. In terms of a challenge, one of the common themes is the amount of time associated with implementation. Time and money is a limitation constraint on many of these programs. Knowing this is a challenge, is the time to implement overwhelming the value of the implementation? Currently, the evidence suggests people are interested in the programs and in the support.

The Victory Schools and Social Workers in Schools are two programs involving systemic change. These programs are more than just modifying a curriculum or changing instructional practices. In some ways, these programs are changing

the culture within schools and communities in order to support the foundations bracket and its success.

I want to talk about the terms of the level of disaggregation of data. Members of this Committee from last Session may remember we talked about different levels of data. We can look at this data at the State level, district level or individual school level. This level of disaggregation means you can do more or less with the interpretations of the data.

The level of support for this evaluation suggests the State level. We worked together with former Superintendent of Public Instruction, Steve Canavero, in terms of structuring the design to look largely at the State level information.

This works well when you are evaluating State level programs. The challenge is if you are trying to make a conclusion about individual schools or individual district level performance, some of the data becomes coarse in nature. It is more difficult to make strong conclusions that would generalize statewide if you are looking at the lower levels of data.

We are starting to see some intended effect in the individual programs of the academic performance for students in Victory Schools, and particularly in Zoom Schools and Read by 3. The specific targeted funding appears to be contributing to increases in performance.

Part of the challenge in doing an evaluation like this within education is we are not blessed with a luxury of having a true experimental design. I cannot have a control group that does not receive the treatment if I think the treatment is going to be valuable. There are not true comparison groups. Some of the analyses looked at the rate of change. If students within these programs are achieving at a rate greater than the State average or greater than a reasonable comparison group, this is called regression discontinuity.

Essentially, you are looking at correlations between performance and whether the slopes of the regression lines or rates of change are increasing at a higher level for students who are in the programs receiving funding, rather than in programs not receiving funding.

Highlighting Zoom Schools and Victory Schools in particular, we are starting to see in Zoom Schools some increases in both linguistic acquisition and academic

achievement. In order to succeed in the English language performance of academics, English is a necessary precursor for English as a Second Language students.

With acquisition of language, whether it is English or a foreign language, better rates of gain are seen within the first three to four years, or a spike in performance that then starts to level as text becomes more complex or the expansion of vocabulary allows for the additional acquisition of skills within the particular language.

In terms of performance within the Zoom Schools program, is the combination of how the program is functioning and what we know broadly about language acquisition. Victory Schools are similar. We are starting to see the data on these schools are not as consistent. We see a handful of the grade level showing rates of improvement greater than the State average and some are equal to or some lagging a bit.

Some additional elements of the Victory Schools program are the wraparound services accompanying the academic supports to target foundational characteristics. These characteristics provide the capacity for students to succeed, not just the pure academic achievement we would expect if the program was focused only on curriculum and instruction. This concludes my remarks. Ms. Williams will speak on a few of the other programs.

MYISHA Y. WILLIAMS (President and Managing Member, MYS Project Management):

I am the Program Manager of the evaluation. Our team helped to organize a team of evaluators from ACS Ventures and the University of Nevada, Las Vegas Career Department. The results presented today are a summation of the work done by these evaluators.

First, I will present some points that came out of the Social Workers in Schools program. It is important for you to know we must look at these programs evaluating the investment in the short-term versus the long-term. The media evidence we are seeing is social and emotional support more than the academic growth that we expect to see over time.

The guidance documents have become a centralized mechanism for the program partnerships and service delivery; however, implementation is still varying

across schools and grades. We are seeing in the quantitative outcomes we have gathered a decline in transiency and habitual truancy in schools that have implemented the program. There continues to be an increase of violence and bullying; however, that is in alignment with the State averages.

Collected data have provided concrete examples of positive impact within schools that have implemented the Social Workers in Schools program. The lack of a statewide climate survey makes it difficult to draw conclusions across the State. Presently, we are not clear if the program is having impact primarily on students in the most critical need or if the program is having improvement for all students across the board.

Implementation of the NR21 program is in 27 percent of Nevada middle schools. There have been positive survey results on this program. Ninety percent of teachers are reporting positive observed changes in class behavior. Increased motivation in students has been reported. Students are having more control over their learning, which leaves more time for individualized instruction by the educators. Efficiency has increased.

Although these changes are leaning in a positive direction, we are not seeing direct impact on achievement. We are looking at this as tools to gain achievement. As with all the programs, we expect over more time to draw longer term conclusions.

We have observed a positive shift in alignment with the students' learning environment to the real world. Integration of the NR21 program in middle school does not always funnel into the high schools that the students will be attending. If the NR21 program continues, we recommend Nevada look at expanding and continuing the learning environment so the students will become comfortable with the technology they have learned.

DR. BUCKENDAHL:

Nevada Ready 21 is similar to the underlying theories of action associated with the GTLF program. Not only is it the immediate investment, there are long-term residual outcomes that have a longer opportunity to see value. Introducing technology to students earlier in their academic career sets them up for real world opportunities.

The GTLF program has expanded over the last two years. We have learned from years of research and experience, providing good training and effective professional development for teachers, both pre-service and in-service, shows there are 25 to 30 years of value.

SENATOR HAMMOND:

Is the increase in bullying, because the term bullying has been redefined over the past few years and we are trying to determine what is and what is not bullying?

DR. BUCKENDAHL:

Yes, some of it. We have to speculate on this subject. The rates of increase are consistent with the State average. It may be a greater awareness of bullying, because recognizing bullying happens more than in the past. People may be becoming more courageous to speak up and talk about the subject.

SENATOR HAMMOND:

In regard to the NR21 program, I have been in high schools where students came from middle schools using the NR21 program. When they arrive in high school, the program is not available to them. Are we losing value without the expansion into high schools?

DR. BUCKENDAHL:

Continuity of tools is extremely important. Student growth opportunities are stunted when there is no program between middle school and high school. It puts students behind in the expectations of postsecondary academic endeavors and workforce or career pathways.

SENATOR HAMMOND:

Do you make any recommendations in funding for this area?

DR. BUCKENDAHL:

Part of our charge was to recommend whether the programs were doing what their intent was and then pass along formative feedback. Feedback from participants in the program shared your same concerns. They believed expansion into the secondary level would be a valuable continuation of support not only for students, but also for teachers, in order to have continuity of the digital expectations we now have of students.

CHAIR DENIS:

What was the percentage of schools with the NR21 program?

Ms. WILLIAMS:

Approximately 27 percent of Nevada middle schools.

CHAIR DENIS:

My counterpart in the Assembly and I discuss the schools that have the NR21 programs. Are there other schools that have similar programs not funded through NR21? Do you keep track of those schools? Is there a full picture of the number of students who are receiving similar types of instruction?

DR. BUCKENDAHL:

No, we do not have that data. If you would like to make comparisons, the information is easily available from the State. We did not receive this information in our analysis. We could find this information and forward it to you.

CHAIR DENIS:

Schools must apply for the NR21 program. In my district, there are one or two schools that have the one-to-one and are not receiving NR21 funds. In our discussion, it is important to know this information.

Increased achievement was mentioned in the Zoom Schools program. Is the increase from the previous year or the previous period you evaluated? Do you know if the increase is because some students have been in the program since Pre-K and have always been in a Zoom Schools program?

DR. BUCKENDAHL:

Yes. The Zoom Schools program is the longest of the programs implemented in the State. We had more data for the Zoom Schools program than the other programs. In terms of academic achievement, there are two categories we looked at. We looked at results from two tests given to students in terms of academic achievement.

The first is language acquisition as measured by the World-Class Instructional Design and Assessment Access Assessment. This assessment is specifically for English Language Learners (ELL). The second is the State academic achievement test, which is the Smarter Balanced assessment for English Language Arts (ELA) and mathematics. When students have more instruction and opportunity to learn

within these programs, the greater the rate of opportunity to see success in the programs.

SENATOR DONDERO LOOP:

We have public and charter schools involved in the NR21 program. Where are the remaining 73 percent? Can you give me background on this remaining percentage?

DR. BUCKENDAHL:

The 27 percent are the schools participating in the NR21 program. There are an additional percentage of schools with technology programs within their school that receive funding or support from other sources. This funding can be local or from other grant funds or resources. I do not know the total percentage. We would need to look for that information.

Perhaps some of the applications are driven by schools and districts, since the process to receive funding is a competitive application. Why the other schools may not be applying may be an awareness question. At this point, we are speculating why a greater percentage of schools are not participating.

SENATOR DONDERO LOOP:

The 27 percent within the NR21 program with one-to-one devices; are there stipulations on the kind of curriculum that can be used? Or is it left up to the schools?

DR. BUCKENDAHL:

I believe there are some local control opportunities in defining how the program is run. There are specific professional development activities for teachers around the devices and helping to adapt curriculum and instructional activities to incorporate the devices. The teacher uses his or her classroom management skills and instructional strategies to adapt around the additional tool.

SENATOR DONDERO LOOP:

This returns us to professional development.

CHAIR DENIS:

We will have our second presentation concerning the Annual Report of the State of Public Education.

JONATHAN P. MOORE, ED.D. (Acting Superintendent of Public Instruction, Nevada Department of Education):

The Nevada Department of Education is presenting its Annual Report of the State of Public Education ([Exhibit D](#)) as required by *Nevada Revised Statutes* (NRS) 385.230. You each have received a copy of the report which we will now go over.

The Department's vision and mission statements are shown on pages 1 and 2. Our goal is to become the fastest improving state in the nation (FISN) by 2020. This is the overarching goal of our five-year strategic plan to be achieved by 2020.

We use eight indicators to judge the Department's progress to become the FISN reflected on page 4. We will go into greater detail on the indicators during today's presentation. The blue vertical line represents the current year and the blue arrows represent our current data points. You can see we have surpassed our goals and demonstrated significant progress in the area of the graduation rate, quality rated early childhood programs and Career and Technical Education (CTE) completers.

We have 6 goals set forth by the State Board of Education (SBE) reflected on page 5. Page 6 shows the 12 objectives of our State Improvement Plan (STIP) in alignment to the 6 SBE goals. The STIP is updated annually and is considered a one-year fraction building up to our five-year strategic plan. Examples of our goals and strategies in action can be seen on page 6.

A high-quality Pre-K contributes to all students obtaining proficiency and reading by Grade 3. Efficient and effective use of public funds is the Department's goal and responsibility to provide guidance and support to districts and schools to ensure 100 percent of funds reach each student.

Career and Technical Education funding and enrollment is reflected on page 7 with a breakdown of our CTE outcomes.

On the right hand side of page 8, you will see student success in CTE completers one of our FISN indicators and also students enrolled in CTE have higher graduation rates compared to the Statewide average.

Access to high-skilled, high-demand career pathways is crucial for student success. The Department is working to close high-skill, high-demand deserts until all students have access. The graph on page 9 highlights areas of over representation and in red where underrepresentation occurs.

The Department is working to address equity concerns through the addition of new programming and the implementation of Perkins V funding.

SARAH NICK (Management Analyst, Office of the Superintendent, Nevada Department of Education):

As required by NRS 385.230, the Department is required to share any changes in the way data is collected on students. Our updates related to data include the best technology and security solutions available. Page 10 reflects all of the updates made in the past year.

Page 11 speaks to student data, starting with enrollment which has seen positive growth year after year. The dotted line on this page reflects when kindergarten counted as a full day enrollment within the Distributive School Account.

On page 12 is a breakout of the graduation rates by race/ethnicity with attention to the different levels of achievement our subpopulations experience. When read from left to right, this graph tells a positive story in which all subpopulations are graduating at higher rates over time. However, when read from top to bottom, not everyone is improving at the same rate to close gaps in achievement.

This signals to the Department how important it is to work with our stakeholders to close the achievement gaps seen here and what the value of a high school diploma means for a student. Graduating from high school is not the end of a student's learning career, but rather the beginning. It is a student's right to be equipped with college and career readiness made possible with the College and Career Ready (CCR) High School Diploma made possible by A.B. No. 7 of the 79th Session.

Page 13 looks at a breakdown of our enrollment. It is important to note Nevada is a majority minority state with a notable increase in our Hispanic population and a decrease in our white population year after year. This data unveils an

opportunity for the State to disrupt old systems built for a different student population and adapt to the needs of our students.

At the bottom of page 14, the blue trend line shows the enrollment in Nevada for students with an Individualized Education Plan (IEP). Nevada students identified with an IEP is 12 percent compared to the national average of 13 percent of students. If we compare this nationally, about 13 percent of students in the United States are served with an IEP.

The red and orange lines reflect the State populations for ELL and Free and Reduced Lunch (FRL), respectively. For comparison, there are about 9.5 percent of students nationally identified as ELL and 52 percent nationally for FRL.

Page 15 looks at student achievement within the State. The Smarter Balanced assessment is administered to Grades 3 through 8 in ELA and mathematics. Students who achieve a level three or four (out of four) have passed the assessment and are considered proficient. All Nevada Grades 3 through 8 improved the number of students considered proficient according to the Smarter Balanced math assessment results from last year.

All students are required to participate in the American College Test (ACT) as a CCR assessment which means 100 percent of Nevada students have access to a college entrance exam. Our State believes every student, regardless of zip code, deserves a high quality education.

Page 16 shows for the first time since taking the ACT became a high school graduation requirement 4 years ago, Nevada's average composite scores rose in mathematics, reading and English, reflecting an increase in our combined score from 17.4 percent in 2017 to 17.5 percent in 2018.

The college ready benchmark increased 1 point from last year to 11 percent. While this is cause for celebration, page 16 still reflects the State has work to do. We have to catch up and keep up with increasingly rigorous standards and with other states that continue to improve over time.

Another measure of college readiness is Nevada's Advanced Placement (AP) exam performance. Recently, it was announced that 24.8 percent of Nevada's class of 2018 public school students scored 3 or higher on AP exams, which qualifies them to earn college credit, placement or both, at nearly every college

across the country. When compared to the 23.5 percent of the nation's class of 2018 public school students who earned 3 or higher, Nevada is a percentage point ahead of our national peers.

Over the past decade, Nevada students have been graduating college ready, which has resulted in a 10 percent improvement rate. However, there is still work to be done until all of Nevada's students are college and career ready.

On pages 17 and 18 we see where Nevada ranks nationally when we compare our SBAC scores to those of the other states participating in the exam. The blue bar represents where Nevada compares in ELA and mathematics. If you look at page 18, the columns for Grades 6, 7 and 8 show that Nevada students rank last when compared nationally to their peers. This graph supports the Department's prioritization of fixing the math problem facing our middle school students.

Pages 19 and 20 show reading graph assessments for Grades 4 and 8 done by the National Assessment on Educational Progress (NAEP). Reflective of our demographics, a sampling of Nevada students are used for the results. When compared nationally, Nevada reflects the national trend of little to flat growth.

The Department is working with our schools to close the achievement gap in reading scores in Grade 4. Grade 8 reading data reflects a similar statement; however, year after year our students identified as ELLs have achieved notable progress according to NAEP.

The Urban Institute created a report on national performance in the NAEP. Page 21 accounts for the characteristics of students which have an impact on student achievement. Here is our same NAEP reading performance data from 2017 with controls for age, race/ethnicity, frequency of English spoken at home, special education status, FRL eligibility and ELL status.

The yellow dot on the left represents our unadjusted score as reported on page 19. The blue dot represents our ranking after adjustment, reflecting the work our teachers, principals and schools do to support our students in reaching proficiency. When the yellow and blue dots are ordered left to right, students achieved considerable rates of proficiency. According to this graph, Nevada joins Texas, Mississippi, Louisiana and New Mexico as states known for being progressive in reaching their students.

CHRISTY MCGILL (Director, Office of Safe and Respectful Learning, Nevada Department of Education):

We have some trends to highlight for you today. We want to recognize the sharp increase in the incidents resulting in the suspensions and expulsions of our students, which is shown on page 22. The trend is moving upward. It was important the School Safety Task Force got together to address some of the trends that are occurring throughout Nevada.

Pages 23 and 24 show you two samples from our school climate survey. What you want to pull out in this example is most of our high schools are meeting the standards around emotional safety. I want to point out that not all demographics experience school climate the same. This becomes important when we look at school safety plans to determine where we can focus to determine which students are feeling safe and which students may not be.

This is the same for physical safety. Again, not all students experience school safety the same. It is important to differentiate in our school safety plans those differences.

Page 25 shows the social and emotional competencies example from one of our high schools. This is different because it is not the perception of what the students feel about the school, but their perception of how they feel about themselves. This is important because it shows not all demographics feel the same about having the social and emotional competencies. This is another area to focus on.

Ms. Nick:

The annual report requires we share the Nevada Educator Performance Framework (NEPF) data. The data on page 26 show how our students rate according to the NEPF.

The 3 programs the State is currently using to recruit and retain effective educators are listed on page 27. These programs are: GTLF, Peer Assistance and Review, and the National Board Certification Reimbursement.

The Department is required to report on the progress of the lowest performing quartile of schools. These examples on pages 28, 29 and 30 detail the star rating changes over time for the lowest 25 percent of schools rated in 2014 on the left of each page, and the star rating change, if any, in 2018 on

the right of each page. Based on feedback from our Every Student Succeeds Act of 2015 advisory group and the SBE, the star rating system for schools has also changed in the last 3 years.

A school maintaining a 2-star status may have also experienced measures of improvement in the last 3 years. These pages for elementary, middle and high schools celebrate the growth of many Nevada schools, especially the 31 Shining Stars Schools that achieved 4-star or 5-star status while also serving a high percentage of students in poverty. However, this data calls for the Department to be committed to its 3-stars in 3-years goal.

DR. MOORE:

The State considers the following Department programs to be innovative, as corroborated by an independent evaluation by ACS Ventures, which also recommends continued funding for the programs listed on page 31. Each of you have received a copy of this report as [Exhibit C](#).

Finally, the Department provides services for nearly 60,000 students who receive special education services. Page 32 details the goals of the Office of Special Education and the Department's commitment to increase inclusion rates for students with disabilities. We are available for questions.

SENATOR HARRIS:

My question is regarding the emotional safety, physical safety and social and emotional competencies. Is there a way to get to the underlying why behind the numbers? The Black/African American students have a large disparity in all three of these categories.

Without understanding the cause of the problem, it is hard to solve the problem even though you may be able to visualize it. I think there is a next step to the solution. Is there information about what is being done about this?

MS. MCGILL:

These numbers represent the students' voice. To make it more clear, we could provide you with the questions the students themselves are commenting on. Perhaps this would give the insight about the whys. Also, what is really important is when schools take this data to the students themselves and empower the students to talk about the whys.

We have witnessed in several districts where this has been done. We can uncover some of the climate issues occurring between students to students, or students to teachers, and broaden the information. Talking to the students themselves is extremely important when talking about school improvement.

CHAIR DENIS:

On page 31 the last item listed is the forthcoming At-Risk Weight evaluation. Is this because S.B. No. 178 of the 79th Session is so recent and there is not enough data?

DR. MOORE:

Yes. Currently there is an evaluation being conducted.

SENATOR HAMMOND:

When talking about the number of students who are passing and not passing in ELA and mathematics, my concern is the more we concentrate on these two areas, schools are making adjustments. Is the Department collecting data in this area?

More often, the adjustment I keep hearing is schools are spending more time on mathematics and ELA and less time on other subject matters. Those subject matters seem to be getting less and less attention. I am concerned about what I am hearing. Is the data being collected?

DR. MOORE:

I cannot speak specifically to your question. I can certainly find out. As a former teacher who taught social studies, especially in the era of No Child Left Behind, I share the sentiment of certain subjects getting left behind in the wake of ELA and mathematics.

School districts and administrators are empowered to a certain extent when it comes to their bell schedule. There is a required minimum number of minutes that need to be executed for every subject. It is disheartening to hear teachers in social studies, science or other subjects are feeling their content areas are not prioritized. I can conference with my team to find out if, or what, we are doing in order to collect this type of information.

SENATOR HAMMOND:

I appreciate your effort to get the information. I have taught the same subject matter and it seems these subjects are pushed aside in favor of ELA and mathematics. We are doing a disservice to many of the students who need the sciences, social studies and other subjects.

CHAIR DENIS:

We will open the hearing on Senate Bill (S.B.) 41. We will have the bill presentation and also there will be amendments proposed.

SENATE BILL 41: Revises provisions relating to the licensure of teachers and other educational personnel. (BDR 34-337)

JASON E. DIETRICH (Interim Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Nevada Department of Education): I will be presenting S.B. 41 as introduced. Mr. Arakawa will present the proposed amendments to S.B. 41 as approved by the Office of the Governor and forwarded to the Legislative Counsel Bureau Legal Division for addition to the bill on January 28, 2019. Your Committee has been given copies of these amendments today ([Exhibit E](#)).

As introduced, S.B. 41 proposes the following changes to existing law. Under sections 4 and 21, we request to move the authority to suspend or revoke an educator's license for cause, from the State Board of Education (SBE) to the Commission on Professional Standards (COPS) in Education. These sections also establish authority for the Department in cases involving criminal convictions for felonies or offenses involving moral turpitude, or for sexual offenses against child victims, to administratively suspend or revoke an educator's license without holding a hearing before COPS.

While the SBE is the State educational policy body, COPS consists primarily of licensed educators and would represent a jury of peers for an educator accused of misconduct, providing a more meaningful due process.

Section 5 of S.B. 41 eliminates the existing special qualifications license and adds language specifying the mentoring, coaching and school-based practical experience provided to students in an approved program for an alternative route to license must be provided in person. The special qualifications license is outdated and fulfills the same function as an Alternative Route to

Licensure (ARL), which provides for more structured pedagogy, training and coaching or mentoring support. The coaching and mentoring must be provided in person and serves to strengthen the quality and value of the ARL programs and ensure education graduates are well-prepared.

Sections 8 and 15 establish a license for paraprofessional educational personnel and move the responsibility for setting standards and qualifications to obtain such a license from the Department to the COPS. This change will help to establish an additional pipeline for paraprofessionals to become teachers. Since the COPS now performs the work for other licensed educators, it is the logical place to establish qualifications for paraprofessionals.

The Department has been engaged in conversation with Nevada Association of School Superintendents (NASS) in the licensing of paraprofessionals. In the near future, the Department anticipates presenting an amendment regarding paraprofessional licensing as it relates in S.B. 41.

Section 11 changes the required date for course work in multicultural education to be submitted to renew a license. This change reflects the recent passage of regulations establishing the requirements for this course work.

Section 13 removes the requirement that school districts send notification to educators whose licenses are about to expire and allows the Department to send such notifications. This will result in the notifications occurring with greater consistency and reliability.

Section 16 allows the Department to publish on its website certain information about the qualifications of licensed educators employed in public schools. Currently, this information must be provided to parents on request. Greater efficiency and transparency will be achieved by making it available online.

Sections 23 and 27 establish for governing boards of charter schools to have the same authority to recommend the revocation or suspension of an educator's license. This is currently held by the Superintendent of Public Instruction and the board of trustees of a school district.

Section 32 repeals NRS 391.027, which requires the SBE to approve regulations adopted by the COPS. This is a redundant step and creates a delay

in implementation since all regulations adopted by the COPS must be reviewed and approved by the Legislative Commission.

Other various sections within the bill contain conforming language changes to accompany what I have presented today.

MICHAEL ARAKAWA (Acting Director of Educator Licensure, Nevada Department of Education):

For the past four years I have managed the Department's background investigation program for the Office of Educator Licensure, which has allowed me the opportunity to interact with representatives from a number of states. I have seen what national best practices are being used and what might be beneficial to implement in Nevada.

Our Department has worked in consultation with the Office of the Attorney General to draft language I am proposing today for the proposed amendments pertaining to investigations within the Department.

The first change is to section 25 of S.B. 41 in its current form. This section refers to NRS 391.330. The only disciplinary action permitted by statute against an educator's license is either suspension or revocation. We are proposing to add the option for the COPS to issue a public reprimand to an educator in cases involving unprofessional conduct that may not be sufficiently egregious to rise to the level of suspension or revocation of the license; however, some form of a sanction would be merited. In many states, this is common practice.

Another change in section 25 would align immoral conduct as a grounds for suspension or revocation with the definition used in NRS 391.650 which deals with employment.

NRS 391.330 as currently written simply states immoral or unprofessional conduct would constitute a ground for suspension or revocation. Since there is an existing definition of immorality in NRS. 391.650, it is sensible to align these two statutes with the same definition of immoral conduct.

We would add to the grounds for suspension, revocation or reprimand a substantiated allegation of child abuse, neglect or endangerment as conveyed to the Department either by the investigative findings of a law enforcement agency

or a child welfare agency, by such a report received from Nevada's central registry or from a similar registry in another state.

We would add language requiring the Department to publicly post on its website a list of all educators who have had action against their licenses pursuant to this section. Again, this is a common practice in many states and other boards that issue licenses in other areas.

We would like to delineate the process by which a suspended educator license may be reinstated, because no such specificity currently exists within the statute. We want it made clear a revoked license is permanently revoked and may not be reinstated.

We propose to amend NRS 388A.515 which requires any unlicensed employee of a charter school to submit fingerprints to the charter school's governing board for a background check prior to employment. It exempts a licensed employee, because the Department performs this function when we issue a license. The leadership within the State Public Charter School Authority (SPCSA) requested we propose to move all background functions centrally within the Department for licensed and unlicensed charter school personnel.

Under this model, the Department would conduct the background check even though a person is not issued a license. Assuming a person passes the background check, the Department would issue some form of certificate eligibility indicating the applicant has met the criteria for employment and this form could be shown to a prospective employing charter school. There are other states that issue similar certificates to show background eligibility.

When S.B. No. 287 of the 79th Session was passed, among other things, it empowered the Department to request information on applicants for licensure from a Nevada statewide central registry or equivalent agencies in other states, to determine if the person had ever had an allegation of child abuse, neglect or endangerment substantiated against them.

What S.B. No. 287 of the 79th Session did not do was give the Department or superintendent the authority to deny a license based on the substantiation of an allegation of child abuse. We would like this added to NRS 391.033 so the Department does have the authority should a circumstance arise.

We would also like to add language to NRS 391.035 which would give the Department statutory authority to conduct annual background checks on any of the Department staff who would have access to the confidential information contained in future licensing files.

Currently, no such authority exists and we feel it would be a prudent safeguard to have it in place to conduct background checks on an annual basis.

Finally, we propose to add a new section to NRS 391 which would give the Department authority to conduct its own independent investigations into complaints of misconduct by licensed educators.

There has been considerable discussion, confusion, misunderstanding and miscommunication about what we propose to do. This is not intended to infringe on the existing authority of school districts to conduct their own investigations into the conduct of their employees. This is a valuable function the school districts fulfill as essential to their continuance.

We do not want to take this over for the school districts or interfere in their investigations. School district to school district investigations are looking strictly at employment or collective bargaining issues and how an individual's conduct affects employment or collective bargaining.

We are coming at this from a different perspective which is licensure of a person as an educator. We would determine whether or not an act the person has committed would be sufficiently egregious to merit disciplinary action taken against the educator's license or right to be licensed as an educator.

As we look at this, there is a misconception of what an investigation entails. An investigation can cover a lot of ground. It can be from a full-blown investigation in which witnesses and principals are interviewed, evidence is collected, secured and eventually a finding is rendered to an investigation that looks at findings by another agency's investigation and determines if the information does or does not constitute grounds to take action against someone's license.

There is a lot of room for cooperation between the Department and other investigative agencies. The Department is not a law enforcement agency. We would not go behind a law enforcement agency's investigation and investigate the matter again. This is not our intent.

This proposed new section would direct the Department to create a formalized mechanism for receiving and processing complaints of educator misconduct from the general public. This action is in place in most states with which I have interacted.

The language in this proposed section would specifically direct the Department to forward any complaint alleging criminal activity to the appropriate law enforcement agency for investigation. This is not the Department's function and not what we intend to do. It would empower the Department to summon witnesses or compel the production of evidence via subpoena, if necessary, at administrative hearings.

There are two possible outcomes to an investigation. This section is informing about subpoena power. The first is the act or omission being alleged is upheld and a finding is made that a sanction is necessary. The second may exonerate the person about whom the allegation has been made. If this is the case, we want to be able to do that. We do not want any information withheld during the course of an investigation or during the course of a hearing that would prevent that from happening if that is what needs to happen.

MR. DIETRICH:

Mr. Arakawa undertook the work around these amendments due to complaints the Department was receiving. We had no mechanism in place to entertain such complaints. He was working in direct correlation with the school districts to address the complaints and concerns of the parents.

We felt it was important to speak with our Deputy Attorney General, Mr. David Gardner in Las Vegas, when drafting these proposed amendments. Specifically, the proposed addition of a new statute giving the Department the authority that was needed for some time, to proceed with some of these types of internal investigations. We will now take questions.

SENATOR HAMMOND:

I am pleased to see some of the amendments in S.B. 41, specifically in sections 21 and 25. In section 25, the topic of investigations is opened. I felt the substantiation portion was missing. This goes back when S.B. No. 287 of the 79th Session was passed dealing with teacher on student allegations.

Since that time, we have had 14 substantiations. I think those allegations should be part of the evaluation process if we are to clean up the profession and make sure those educators are removed. I am pleased the substantiation portion is in the amendment.

When looking at NRS 432B.290, the child welfare statute, there needs to be a mechanism in place to allow information coming from the Department of Health and Human Services (DHHS) to your Department. There needs to be an open door to hear some of the allegations coming from DHHS. This is something that needs to be addressed. I would like to hear your thoughts.

MR. DIETRICH:

The Department is in agreement with you. Mr. Arakawa will be reaching out through Deputy Attorney General Gardner to do a revision on that statute we currently do not have authority over.

SENATOR PICKARD:

I was not aware of the amendments until arriving at this meeting. There is a lot to digest. Most alarming to me is the scope and the breadth of the amendments suggesting S.B. 41 is not well thought out. More work needs to go into this bill.

Does your Department need authorization to inquire or investigate conduct that falls within the scope of your jurisdiction? If we do need the authorization, I am supportive of the authorization. Every step where litigation occurs, the Department should have the right and authority to investigate and protect the Department.

Why do we need a new profession and new license? I sit on the Sunset Subcommittee and we are trying to eliminate obstacles. An additional license for paraprofessionals is placing more obstacles for them. We already have a mechanism to allow them in our schools. I need clarification on this matter.

Why can we not add a private reprimand? Perhaps the investigations and penalties do not rise to the level that needs to be publicized. Can there be a private reprimand as we have in most other professions? Can you clarify my concerns?

MR. DIETRICH:

We are in consultation with the NASS in regard to removing the paraprofessional license. Should this bill pass and reach the Assembly side, our Department is willing to remove the paraprofessional license and would draft an additional amendment for its removal.

The Department believes some of the qualifications around paraprofessionals would be best suited with the COPS as we have requested in this bill.

SENATOR PICKARD:

Again, this bill has not been well thought out.

MR. DIETRICH:

As far as the private reprimand, the language was drafted initially as most states have a reprimand process and it is a transparent process. It is publicly generated. When reprimands are issued by these states, whether it be a board of education, a commission of standards or a department of education, the information is listed publicly on the agency's website. This is the reason the language was drafted in that matter. If it is Senator Pickard's wish we make the reprimand private, I am quite certain we could do that.

SENATOR PICKARD:

I am not suggesting either/or, I am suggesting an additional step. For example, in bar complaints, a private reprimand is listed as a private reprimand. In that way, it keeps the details somewhat private.

SENATOR WOODHOUSE:

My question is about the history of the COPS and the SBE. In the beginning of S.B. 41, you are moving this activity from the SBE to the COPS. Why would we want the SBE to no longer have oversight over this issue of licensure and revocation?

MR. DIETRICH:

When looking at national boards during our research with other states and working with our colleagues in other states, our COPS is a rule-making body comprised primarily of educators placed on the Commission in varying roles. It seemed to be a better fit for the COPS body to continue the whole process from the beginning of licensure through the discipline process, and through the end

stage of a license. We do not want to imply the SBE is not handling the function sufficiently by requesting the statutory change.

At this time, the process seems disconnected from the SBE's current role. They do not institute regulations around licensing, and tend not to have any direct oversight or purview over licensing in general. This seems to be the component left with the SBE since the inception of the COPS from approximately the 1980s. It seemed more progressive to move forward with models other jurisdictions are using. This moves any disciplinary action to a body of their peers.

SENATOR HARRIS:

If this bill moves forward, is there a plan on the transition of the duties? Currently, the Department has staff who have done licensure in the past. How would the duty be handed over to the COPS since most of the expertise is currently within the Department?

MR. DIETRICH:

Are you referring to the discipline process?

SENATOR HARRIS:

The way I read the bill all the licensing will be moved.

MR. DIETRICH:

Not exactly. Licensing will remain at the Department level. The COPS is currently our advisory and regulatory rule-making body around licensure qualifications and standards. This will remain the same. The significant or substantive change within S.B. 41 would be to move authority to suspend or revoke an educator's license to the COPS from the SBE.

The other substantive change in relation to the SBE and the COPS is to remove the SBE's oversight as a final review over regulations the COPS enacts. Currently, this process goes from the COPS to the SBE on a consent agenda.

During my five-year history with the Department, the Department has not denied a single regulation during this time period. The review then moves to the Legislative Commission, which is a body of yourselves and your peers, who enact those regulations.

SENATOR HARRIS:

The same issue still exists. If the COPS is not currently in the practice of disciplining, there might need to be a plan to show how it is currently done. This would ensure continuity and develop a staff at the COPS to implement the statute.

MR. DIETRICH:

The current staff in the Office of Educator Licensure is working in consult with Deputy Attorney General Gardner and would remain. The staff who currently perform the functions around the request for suspension or revocation of an educator license would remain in place. This process is handled at the licensing office level. It would be a switch to the COPS.

Certainly, we would educate the COPS on the rules of order around a suspension or revocation of a license. The Deputy Attorney General would take part, as well as ourselves, to ensure the COPS has the proper processes in place.

On average, we do about 15 to 20 of these hearings per year in front of the SBE. These hearings will not be at every COPS meeting nor will there be a ramping up of this type of occurrence. We would provide support necessary for the COPS to handle this work.

SENATOR DONDERO LOOP:

Currently, the SBE has the authority. Why would the SBE need to relinquish the authority to the COPS? With 15 or 20 hearings each year, the COPS does not meet every week and the SBE does not meet every month. I am not connecting the two. Is the NASS okay with this plan?

MR. DIETRICH:

It was the Department's thought process in dealing with our peer states, that the COPS be recognized as such. The COPS is a body of licensed educators and the COPS understands the conduct, requirements, and what is necessary to be licensed personnel in our State and conduct themselves accordingly.

The NASS was concerned about a potential investigatory process which was placed in the amendment for today. Last week, my primary conversation with the NASS was in relation to paraprofessional licensing. As far as moving the

authority of the SBE to the COPS, it was not brought up to me as a concern by the NASS.

SENATOR DONDERO LOOP:

I thought you stated the NASS would support this.

MR. DIETRICH:

I do not believe I actually stated that for the record. I was stating the NASS wanted to have an amendment regarding the paraprofessional license.

CHAIR DENIS:

If a person would appeal the COPS decision, would the appeal go to the SBE?

MR. DIETRICH:

There is not an appeal process in place at this time. Once the SBE takes action on a license, this is the final and ultimate action. We are recommending the authority be transferred to the COPS. If it is better felt an appeal process would need to be in place from the COPS to the SBE, I would have to defer to our Deputy Attorney General in Las Vegas to provide some context in reference to your question.

MR. ARAKAWA:

To clarify the disciplinary process regarding a license, the due process piece occurs prior to the SBE hearing as it is structured now. Once an individual is noticed an action may be taken against their license, they have the opportunity to request an administrative hearing with a hearing officer in the Department of Administration. The hearing officer will recommend the appropriate action to follow. The recommendations of appropriate action could range from suspend, revoke, no action or whatever the finding would be. It then moves to the SBE.

CHAIR DENIS:

Would that continue in this instance?

MR. ARAKAWA:

It would. At this point, we have no plans to change this.

SENATOR PICKARD:

If we are discussing the standards of every district being exactly the same and the exact same qualifications are being looked for, it makes sense to have the

process in one place. I think each district has specific things they are looking for to fit their district's needs and the licensure has to meet specific criteria and can go beyond the criteria. I am concerned about moving from a decentralized control to centralized control unless there is a specific purpose. Can you speak to this?

MR. ARAKAWA:

Are you referring to the background process being moved to the Department?

SENATOR PICKARD:

Yes.

MR. ARAKAWA:

This was undertaken at the request of SPCSA leadership based on a conversation we had some months ago. The notion was it would relieve the individual schools and their governing bodies from separately undertaking all these processes.

The implementation of some form of a certificate of eligibility would also relieve these unlicensed individuals from the responsibility of having to submit fingerprints each and every time they move to a different school. Currently, a licensed educator must submit a fingerprint on their license renewal every five to ten years.

SENATOR PICKARD:

I thought part of the decentralization in A.B. No. 394 of the 78th Session, which was the Clark County School District (CCSD) reorganization bill, was to move some of these decisions down and require schools to do some of these things. I do not see the necessity and you have spoken to some of that.

CHAIR DENIS:

We will now hear testimony for support on S.B. 41. Seeing none, we will hear from those in opposition.

CHRIS DALY (Nevada State Education Association):

This morning the Nevada State Education Association (NSEA) submitted a letter ([Exhibit F](#)) to our new acting Superintendent of Public Instruction expressing our concerns about S.B. 41 as introduced. We are requesting a meeting to discuss provisions of the bill.

We have not had the opportunity to review the proposed amendments and may have concerns regarding the amendments and the language related to investigations. We are encouraged by the Department's willingness to take a look at the paraprofessional language. We do not think this bill is ready to move forward.

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

I am representing the NASS. We saw these amendments a few minutes before this meeting and have not had an opportunity to discuss them with the Department. I agree with Senator Pickard; he stated these amendments have come forward and seem a bit rushed.

We have concerns about the amendments and are very concerned about the section where the Department will take public complaints and do investigations on our staff members. This is now a prerogative of the administration in our schools. We look forward to working with the Department on several aspects of the amendments.

BRAD KEATING (Clark County School District):

The CCSD is in opposition to this bill. We were not given enough time to review the amendments. We received this information 30 minutes prior to today's meeting and there are 7 pages to review.

At a NASS meeting last week, we were told by the Department we were going to receive the proposed amendments. That still has not occurred. We were told the Department wanted to move S.B. 41 forward in the 2017 Session, which did not happen. Prior to today's meeting, we were told the Department failed to put one of their bills forward and these 7 pages of amendments were added to S.B. 41.

We appreciate the Department's willingness to work with us with our paraprofessionals. However, they did not propose the amendment we were told would be submitted on these seven pages received today.

Again, we are adamantly opposed to this bill as written and are opposed for the Department to investigate our employees in any way. It is a violation of NRS 391.660.

We had a conversation today about the COPS and the SBE and believe this should be within the SBE's prerogative. The COPS is not the appropriate body to revoke or suspend an educator's license.

What is the definition of a public reprimand? We do not know this information.

On January 17, 2019, the NASS met with the Acting Superintendent, Dr. Moore, in the room to take notes of the concerns the superintendents had. There has been no conversation since this meeting on how we work together on the education bills.

If this is the way the Department is going to work with school districts over the next 112 days, CCSD will stand in opposition to each and every Department proposal including S.B. 41. The Department is not helping districts; they are overreaching and trying to dictate how the districts do their jobs.

We are here to support and to make certain our students are learning and becoming better every day. Nevada Department of Education should be doing the same.

LINDSAY ANDERSON (Washoe County School District):

At this time, the Washoe County School District (WCSD) is opposed to S.B. 41. I echo many of the comments my colleagues have mentioned. Part of our explanation of opposition around allowing the Department to do investigations of our employees is the difference between employment decisions and licensing decisions.

In general, educators' licenses dictate their employment within the district. If the Department's investigation found grounds to remove a classroom teacher's license and the WCSD investigation did not, there is conflict between the investigations' conclusions.

I did not hear any conflict resolutions in this bill. Licensing and employment are linked. The calls the Department receives are often from people who may not like the outcome of the investigation at the district level and these educators are wanting the same material reviewed by another party.

I want to reinforce what I heard from Senator Harris and Senator Pickard. Hiring paraprofessionals is an important function of our Office of Human Resources.

We want these people to be qualified to work with our students and we take this matter seriously.

These qualifications can be different from school to school. As a result of legislation from last Session, all of our unlicensed professionals, myself included, are background checked every five years as well as on employment.

MEREDITH SMITH (Director of Policy, Nevada Succeeds):

I have submitted my written testimony ([Exhibit G](#)) on Nevada Succeeds neutral position.

CHAIR DENIS:

We will now hear public comment.

MERCEDES KRAUSE (Member, Superintendent's Teacher Advisory Cabinet):

I teach at Robert E. Lake Elementary School and am a member of the Superintendent's Teacher Advisory Cabinet (STAC). I have one question and an observation to voice. On pages 19 and 20 of the Annual Report of the State of Public Education, [Exhibit D](#), the pages show the NAEP reading for Grades 4 and 8.

I noticed the statistics for American Indian and Alaska Natives are not present. Why does that information not appear on the report? On page 23 showing the results of Groups on Emotional Safety, the lowest number of 311 is connected to Native American Indians and Alaska Native students.

In my opinion, one of the causes for this low number is the fact we currently have incompetent instructional materials available to teachers in regard to Native American students.

There are many race-based mascots which have been shown according to the American Psychological Association, National Association for the Advancement of Colored People, National Indian Education Association and other source research and statistics-based information. These statistics and research show the harm related to these race-based issues.

In my opinion, this is directly related to the low rating and needs to be addressed.

CHAIR DENIS:

Ms. Krause, we do not answer questions in public comment. I want to mention the presenters of this information could answer your concerns, as well as some of us on this Committee

MR. KEATING:

February is National Magnet School Month. This is a huge month for all of our schools throughout the State. The CCSD has over 32,000 students participating in CTE and Magnet School programs. I want to thank the Education Committee for all you have done to allow our students to participate in these programs.

CHAIR DENIS:

There are great and positive things happening in education in our State.

SENATOR HAMMOND:

Ms. Krause, you were talking about reading and Alaskan Natives. I can speak for one Alaskan Native who resides in Las Vegas. She is seven years old and she is my daughter. She is now reading well and doing well in school. I read to her every night even when I am in Carson City. I wanted to share this positive moment with you.

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CHAIR DENIS:

The Committee has received a completed public comment form from a member of the STAC group in attendance today. This will be included in the minutes of this meeting as ([Exhibit H](#)). If there is no further business, the meeting is adjourned at 3:33 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	2		Agenda
	B	9		Attendance Roster
	C	93	Chad W. Buckendahl, Ph.D./ ACS Ventures	Presentation, Nevada External Outcomes Evaluation
	D	33	Jonathan P. Moore, Ed.D., Acting Superintendent of Public Instruction, Nevada Department of Education	Presentation, Annual Report of the State of Public Education, NRS 385.230
S.B. 41	E	8	Jason E. Dietrich, Interim Deputy Superintendent/ Nevada Department of Education	Proposed Amendments
S.B. 41	F	1	Chris Daly/ Nevada State Education Association	Letter
S.B. 41	G	2	Meredith Smith/ Nevada Succeeds	Written Testimony
	H	1	Sara Stewart-Lediard/ Superintendent's Teacher Advisory Cabinet	Public Comment