

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
February 18, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 1:40 p.m. on Monday, February 18, 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

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16

STAFF MEMBERS PRESENT:

Jen Sturm, Policy Analyst
Risa Lang, Committee Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Chris Daly, Nevada State Education Association
Natha C. Anderson, President, Washoe Education Association
Annie Polak
Autumn Tampa
Jana Pleggenkuhle
Jasper Isenberg

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Mary Owens
Andrea DeMichieli
Susan Kaiser
Caryn Neidhold
Aaron Grossman, Washoe County School District
Torrey Palmer, Director, The New Teacher Project
Kate Crist, Senior English Language Arts/Literacy Specialist, Student Achievement Partners
Lindsay Anderson, Washoe County School District, Nevada Association of School Superintendents
Tyson Falk, Legacy Traditional Schools
Pat Hickey, Charter School Association of Nevada
Jessica Ferrato, Nevada Association of School Boards
Meredith Smith, Director of Policy, Nevada Succeeds
Alex Bybee, Nevada State Director, Teach Plus
Jen Loescher, Regional Math Trainer, Southern Nevada Regional Professional Development Program; Teaching Policy Fellow, Teach Plus
Daniel Liles, Teaching Policy Fellow, Teach Plus Nevada
Emily Bassier, Teaching Policy Fellow, Teach Plus
Richard Knoepfel, Teaching Policy Fellow, Teach Plus Nevada
Dawrin Mota
David Dazlich, Las Vegas Metro Chamber of Commerce
Bryan Wachter, Retail Association of Nevada
Nicolette Smith, President, Learning Forward Nevada
Mary Pierczynski, Nevada Association of School Superintendents; Nevada Association of School Administrators
Vikki Courtney, President, Clark County Education Association
Brenda Pearson, Director of Professional Learning, Clark County Education Association

CHAIR DENIS:

Today is Wear Red for Ed day and we welcome all the teachers. One of my favorite quotes about teachers is, "The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires." I appreciate the teachers who have inspired me in my life and I appreciate the kids you teachers are inspiring today.

We will start with public comment.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association and the Washoe Education Association (WEA) sponsor Red for Ed day in Nevada, along with Education Support Professionals in Washoe County and the Uniserv Council of Nevada which represents educators in the rural schools. The Red for Ed movement began in West Virginia with the National Education Association, which put this video together.

The video shows teachers saying what Red for Ed means to educators in the U.S. The movement advocates for students and the public education system, uniting educators, students standing together for what is right and for education advocates speaking louder together than they could on their own. The video shows thousands of educators, students, parents and community allies marching nationwide for education.

NATHA C. ANDERSON (President, Washoe Education Association):

The WEA represents teachers, counselors, school nurses and school librarians and other education professionals. Today, one of our nurses who was planning to testify had to go home, so I will read Jocelyn Jackson's testimony ([Exhibit C](#)).

ANNIE POLAK:

I am a 6th grade teacher in the Washoe County School District (WCSD) and a member of the WEA. I am here to speak on the harsh realities of the effects that large class sizes have on our children. The national student-to-teacher ratio average is 15.96 students per one teacher. According to the National Education Association Ranking of the States for the 2017 school year, Nevada has the highest student-to-teacher ratio with nearly 26 students per one teacher. I have submitted my written testimony ([Exhibit D](#)).

AUTUMN TAMPA:

I am an education support professional and Zoom School tutor for the Clark County School District (CCSD), having worked in the District since 1998. I have been in 160 schools, mostly high-risk, and taught every subject in every grade level. When I first saw the inequities and dysfunction of CCSD, I thought surely, when higher-ups know what is going on, they will make the necessary changes. What I have seen is a hodge-podge of different ideas, hostility against unions, unfunded mandates that are only bandages and a lot of really ineffective

laws being presented that have done, or will do very little, to fix the problems in Nevada education. I have submitted my written testimony ([Exhibit E](#)).

JANA PLEGGENKUHLE:

I am a 27-year veteran teacher in CCSD and a member of the Clark County Education Association (CCEA). My children and I are proud products of the CCSD and my goal for this Legislative Session is school funding. We all know that education in Nevada has never been appropriately funded. Now is the time to make a difference. I applaud everything the previous testifier said [Exhibit E](#). I hope that as you go through this Session, you will be cautious of unfunded mandates and that you will speak up for appropriate funding. It is not acceptable that the national average of per-pupil funding is \$12,000 annually, and in Nevada we do not even get \$8,000. Yet, we are expected to be above average. I want my students to be above average. Everything relies on appropriately funding education in Nevada. Please do the right thing this Legislative Session.

JASPER ISENBERG:

I am a WCSD science teacher and a board member of WEA. I teach at a Career Technical Education (CTE) public high school that allows students the opportunity to explore careers while in high school. The funding is different for CTE schools than other schools, but the bottom line is that we need to have less overcrowding and underfunding in our Nevada schools. I have submitted my written testimony ([Exhibit F](#)).

MARY OWENS:

I come from two different perspectives as a teacher for the Gifted and Talented Education Department at WCSD and also as the parent of a special education student. I am concerned about class size, teacher hiring and retention, and standardized testing. I have submitted my written testimony ([Exhibit G](#)).

ANDREA DEMICHELII:

I wear red today for school counselors, because we help make our students productive members of society. I am a WCSD counselor at Depoali Middle School and I am a member of WEA. Depoali is lucky to have four counselors, but my caseload is still 450 students since I am assigned to the 8th grade class. We work with the administration, teachers, students and parents, and we are often the communication bridge between these groups.

We help to educate the whole child through social and emotional learning (SEL), multi-tiered systems of support and career and college readiness. For example, we ensure students receive the right interventions through responsible scheduling. We also teach classroom lessons on sexual harassment, drug and alcohol awareness and peer pressure. Finally, we help student with their academic planning so they understand their grades, credits and test scores to be ready for the next level of education.

Counselors also provide assistance for student mental health and well-being. From peer conflict to self-harm, counselors are frequently the first line of support. We get information about these issues from the students and/or their friends. Sometimes they want to remain anonymous, while other times they need an immediate response. This is where SafeVoice has been a useful tool. Depoali Middle School has had 294 tips through that tool so far; the most in WCSD. The largest percent of tips are about a student's depression, self-harm, bullying or even suicidal ideation.

If a tip is received during a school day, counselors and administrators can investigate the situation immediately. However, when a tip is made after school hours, outside agencies are informed and will go to the student's house for a welfare check. We follow up with these individuals the next day. SafeVoice has helped some students get the support they need and may have even saved a life or two. The system is not perfect, but now that the students understand that it is not a tattle tool, it gives me peace of mind to know we have this tool to help our students.

SUSAN KAISER:

I am a WCSD science teacher at Pine Middle School in my 24th year of teaching. A school year equals 180 days of instruction. That is all the time I have to get to know my 160 students' strengths and weaknesses and help them navigate a challenging curriculum in earth, life and physical sciences. I engage them through experimentation so they can collect their own data and use their growing understanding of science to interpret their findings.

To ensure that all my students can experience success, I modify instructional material and differentiate lessons for special education, English Language Learners (ELL) and those who are low readers. These are just some of the tasks educators must complete to implement effective instruction.

However, this is only the tip of the iceberg of what is expected of me as a classroom teacher. As a middle school science teacher, I am also responsible for delivering the sex education curriculum to our 7th graders. Each week, I teach a SEL lesson to help the students foster healthy peer interactions, while at the same time monitoring my students for potential bullying.

I also track student attendance seven periods a day, and once a week I spend time reconciling any absences with completed assignments to document who is in school and who is learning. This is a new mandate for me this year. My school had an overall performance on the Smarter Balanced Assessment Consortium test that would rank us as a 5-Star school; however, because several student subsets, primarily the ELL and special education students, have lower growth, we were awarded a 3-Star status. This ranking has triggered additional staff trainings in professional development for targeted improvements. Our time is spread thin and yet the mandates keep coming.

I serve on the Governor's Nevada Model Code of Educator Ethics, which resulted from A.B. No. 124 of the 79th Session. We are reviewing options for all educators on how to respond to these situations. Clearly we do not have enough time to do what we need to do in the classroom.

CARYN NEIDHOLD:

It is time for our State to buckle down and fund our schools appropriately however we can do it. I am an orchestra teacher at a middle school in Reno. Here is a real-life example at my school as a result of the budget cuts our District had to make last year. Our class sizes have increased. As an orchestra teacher, I am happy to put another chair in my room for the orchestra to grow, but the math and Spanish teachers at my school have almost 40 students per class.

With no place to put students, most of our 8th graders are an aide for at least one period, but we have some students at our school who are aides for three periods. I wonder how they will score on their tests in high school. Our librarian has had to teach two classes, but that makes our library unavailable for those two periods.

You might think that school districts should simply cut their administrative costs, but besides being an orchestra teacher, I am also pretty good at math. I went to the budget meetings last year and saw the math. Cutting out the

administrative costs completely from our district would not solve our budget problems; it is that small of a percentage of the total budget.

Public education is not free. Students at our school typically pay more than \$100 in fees, leaving teachers responsible to fundraise to cover students who cannot afford those fees. It is time for Nevada Legislators to make major changes in the funding formula.

CHAIR DENIS:

I will close public comment and open the hearing on Senate Bill (S.B.) 106.

SENATE BILL 106: Revises provisions relating to required expenditures by schools on certain school supplies. (BDR 34-243)

SENATOR BEN KIECKHEFER (Senatorial District No. 16):

I would like to thank Senator Woodhouse for agreeing to waive our Senate Standing Rule No. 40, and move S.B. 106 into this Committee for its first hearing rather than the Senate Committee on Finance. I asked for this waiver and to bring this bill to you today, because it serves multiple purposes, both financial and policy.

Ultimately, we need to settle the question of policy, because without a decision on that front, the fiscal issue is moot. To that end, the policy decision before us today is whether we, as a State, should encourage local school districts to embrace and utilize Open Educational Resources (OER), which are open-source, free materials that can be used as a complement to, or in lieu of, more traditional textbooks and classroom materials. The movement behind OER has been going for more than a decade, and currently, high quality, standard-aligned OER are available to our schools and districts.

This bill provides a fiscal incentive for school districts to adopt and use OER. Mechanically, S.B.106 will allow school districts to get a year-by-year waiver for a part of their minimum expenditure requirement for textbooks and supplies for using OER. That waiver would be commensurate with the amount of money they would otherwise have had to spend on materials that were not open sourced. This amount would be verified and approved by the Department of Education (NDE).

For the current fiscal year, the State requires school districts to spend more than \$120 per pupil on textbooks and supplies. That means we appropriate more than \$80 million annually for these materials. This bill would allow school districts to get a waiver from some of the mandate that a portion of those dollars be used on textbooks. It would then allow districts to invest those monies in technology, additional supplies or other one-time expenses.

AARON GROSSMAN (Washoe County School District):

I am a third grade teacher in the Washoe County School District (WCSD). Senate Bill (S.B.) 106 is an opportunity to modernize the minimum expenditure requirement (MER) for school districts. First, a little background in my presentation ([Exhibit H](#)). The U.S. government reauthorizes the Elementary and Secondary Education Act of 1965 (ESEA) from time to time. In 1994, it was reauthorized, requiring states to set standards and have some accountability or assessments to match those standards.

As that implementation process manifested, it became clear that although we knew generally how students were performing, there was some concern we did not know how subgroups, including ELL students, those with an Individualized Education Plan, students receiving Free and Reduced Price Lunch and low income or minority students were doing on their state standards. That evolved into the No Child Left Behind Act of 2001, which added renewed accountability.

In 2003, educators came to the Nevada Legislature and basically said, "If we are going to ask school kids to be accountable to a set of standards and if we are going to hold these school buildings to these standards, we need materials to make all this come to life." That became MER, which is *Nevada Revised Statutes* 387.206. Currently, MER is \$121.27 per student. In 2003, things were different and school expenses were different, so this bill intends to change with that difference from 16 years ago.

What S.B. 106 would do is provide greater flexibility at the school district level, using the protocols that are already in place, [Exhibit H](#), page 5. If a school district identifies an open educational resource as being the best fit for their classrooms, the district can get a waiver from MER which would be a one-time, year-to-year experience. That money could be reprioritized based on the biggest needs within the school district.

One important element of this process is the utilization of OER, which are educational materials that are in the public domain or have been released under a license that allows the materials to be used for free. In many instances, OER are highly aligned with the Nevada Academic Content Standards (NACS) and are of the highest quality. They allow teachers to access a much larger ecosystem, giving us a greater resource bank to draw from. Traditionally, when we deal with a publisher, it is a closed system where we are limited by the conditions from the publisher. The OER offers free professional learning.

For example, the Core Knowledge Foundation has a free OER curriculum that I used this school year for my 3rd grade students in a unit on ancient Roman civilization. Through their site, [Exhibit H](#), page 9, I was able to hone in on my class level, then on ancient Rome, and then I found a teacher anthology and the materials in Portable Document Format for my unit and my students. Core Knowledge also has a Vimeo channel where I can download content and access that content later when I need it.

The New York State Education Department has adopted Core Knowledge, providing it to students who may not otherwise be able to access the general education curriculum in that state, offering these students an assessment and remediation guide, [Exhibit H](#), page 12. With this tool, teachers can find a tool to get all students in their classrooms access to grade level content.

Hundreds of teachers in WCSD are using Core Knowledge. I curate a website called 63000 Resources where teachers share teaching tools like vocabulary cards for ELL students, graphic organizers to get kids into the writing prompts, and rubrics to evaluate how students are performing against our NACS. Because this site is an OER, there is no limitation on me from taking those resources and posting them on my website for anyone to access.

One key qualifier to implementing this bill is that the NDE is still the arbiter of what ends up in our classroom. That remains firmly in place. School districts employ specialists to develop vendor product reviews (VPR) for identifying what resources will land in a classroom. That also remains unchanged. Finally, stakeholders, including parents, administrators, teachers, union members and other affected departments will still have a voice and must be consulted. Those are what we call guardrails to ensure that if a school district is interested in OER, it still has to follow state and district policy.

TORREY PALMER (Director, The New Teacher Project):

I am a director of The New Teacher Project, a nonprofit helping our partners, school districts and departments of education put all of the elements of great teaching into the classroom so more students graduate ready for success in college and career. We are working in more than 27 states. In Nevada, we are supporting teacher and leader pipeline work, early childhood and/or school transformation across five school districts.

Nationally, we have supported a number of partners with curriculum selection, adoption and implementation. We do not endorse a single program, but work with school districts to refine or overhaul the adoption processes to ensure that students have access to the highest quality content. We support school districts in developing rubrics and training review teams, but we leave it to districts to make decisions on materials. We also support school districts in curriculum implementation since selection of curriculum is only the first step, and impacting student learning requires smart, sustained, curriculum-specific professional learning.

We have seen the landscape of OER expand significantly in the last eight years. There are now a variety of programs in English Language Arts (ELA), including Core Knowledge, Expeditionary Learning, Bookworms, Match Fishtank and others. Available OER math programs include Illustrative Mathematics and Eureka Math. There are a variety of OER vendors: Open Up Resources, LearnZillion and Guidebooks, to name a few. In January, McGraw-Hill Education, one of the big three in the publishing industry, announced they are expanding their strategy to include open source materials, tapping into Illustrative mathematics, because they see OER as the future and recognize that the onus is on them to add value to the market through other means.

In Duval County, Florida, educators took advantage of the OER market. They were able to adopt two comprehensive programs for K-5 math and K-5 ELA over a two-year period, providing a significant cost savings. In 2017, Duval County topped the list of urban school districts in student achievement on the National Assessment of Educational Progress.

Additionally, a network of districts in Tennessee put together three OER curricula in K-2. With those materials in place, they have been able to use their resources to network and collaborate on effective professional learning to bring

those materials to life in their classrooms. We are seeing the same thing in Detroit.

Senate Bill 106 would create the space for Nevada school districts to tap into the OER market and allow districts to appropriately prioritize spending.

KATE CRIST (Senior English Language Arts/Literacy Specialist, Student Achievement Partners)

I am a Senior English Language Arts/Literacy Specialist for Student Achievement Partners (SAP), which is a nonprofit dedicated to improving student achievement. Our central priority is to significantly impact literacy and mathematics outcomes for K-12 students nationally. We serve as an advisor to educators around the nation as they align content and instruction to academic standards in literacy and mathematics. We focus on increasing the availability of standards-aligned instructional resources, increasing awareness and selection of those resources by educators and building the capacity of educators to align instruction for all students to challenging standards. As part of my role at SAP and over the previous seven years as an educator working for WCSD, Achieve, EdReports, and other education organizations, I have reviewed numerous curricula and instructional materials and provided feedback to authors and publishers on their alignment.

It is crucial that all Nevada students have access to good quality instructional materials that are highly aligned to NACS so students can acquire the education and skills necessary to be successful in college and careers.

Over the last eight years, we have seen a variety of resources become available for publishers and educators to guide the creation and selection of aligned College and Career Ready (CCR) instructional materials. Notable is a foundational document, the Publisher's Criteria, written by the Council of Great City Schools, that clearly identifies the expectations for aligned ELA and mathematics instructional materials. A variety of resources to vet and rank curricular materials have become widely available. These alignment rubrics reflect the letter and the spirit of CCR standards that were developed by nonprofit organizations such as SAP, Achieve and EdReports.

States including New York and Louisiana have also engaged in the effort to review, rank, and create OER materials. These resources that include the Publisher's Criteria, alignment rubrics and states' departments of education

efforts, have been used to ensure that OER publishers create high-quality and highly-aligned instructional materials that educators select.

It is these checks on alignment, by both the publisher and by educators in the field, that provide confidence for Nevada schools and districts to select and use OER that are both high quality and highly aligned. Currently, such instructional materials are available in ELA: Core Knowledge, Expeditionary Learning, Bookworms and Match Fishtank. Available OER math instruction materials include Illustrative Mathematics and Eureka Math. Senate Bill 106 would create the possibility for Nevada school districts to use these OER materials to support all students in meeting our State's rigorous academic standards, while at the same time prioritizing local spending.

CHAIR DENIS:

What incentive is there for a school to go with an OER so they can use the money for something else?

MR. GROSSMAN:

That is what the guardrails are there for. The State has the ultimate authority for what can be approved for Nevada classrooms. There is a better product review process in place. Each district is a little different, but they always include stakeholders like parents, administrators, union members, etc. These are blind activities, so the reviewers do not know what is free and what costs money; they are just identifying what is best for Nevada kids.

CHAIR DENIS:

So when the district is using an OER system that works and they want to use the money saved by doing that for something else, are there guardrails on what that money can be used for?

MR. GROSSMAN:

Yes, they can reprioritize the money. If they have met the conditions of the identified quality resources for their classrooms, they can appeal to the State, get the waiver, and the school district will have the latitude to prioritize however it chooses.

CHAIR DENIS:

Do we put limits on what they can do so we know what they are spending the money on and not just using it for something that may not improve student achievement?

MR. GROSSMAN:

I think we have to assume best intent. We have a series of protocols in place, including a board of trustees which has to approve spending. A number of stakeholders would be consulted before the money could be reprioritized or spent.

CHAIR DENIS:

Sometimes it is just a trust issue. We have seen situations before where we give money to do a certain thing and then we find out something else was done instead. We just want to ensure the money would be used appropriately.

SENATOR DONDERO LOOP:

Any curriculum a school district uses is reviewed by the State. Could the OER just be reviewed by the State, as well and be included as standard curriculum that teachers can use while not reducing the money going to the school?

Does this curriculum go into high school? I thought it only went to 8th grade.

MR. GROSSMAN:

It depends on the curriculum you are talking about. Many mathematics programs, for example, go to 12th grade.

SENATOR DONDERO LOOP:

What about Core Knowledge?

MR. GROSSMAN:

That is just K-8.

SENATOR DONDERO LOOP:

That means we are differentiating money for K-8, but now we have high school teachers who may want to do something different. Why not have the NDE review it through a request for proposal (RFP) like it does everything else, even with McGraw-Hill's free product, and then just put it on the list? If people in a school choose to use that and it is a good product, why not just do it that way?

MR. GROSSMAN:

A core adoption gets into a myriad of State laws, including the fact that a classroom teacher or a building does not have the discretion to simply download a curriculum and start using it. Core adoptions are done at the district level. As a classroom teacher, even if the State approved Eureka Math, I do not have the latitude to begin using that curriculum in my classroom. At the district level, core adoptions describe what all teachers need to be using.

SENATOR DONDERO LOOP:

I understand. However, we have 17 different school districts in the State. In Clark County, we have a supplemental list, which I am sure this would fall under, even if they are calling it a base curriculum. All RFPs and core curriculum have to be identified through certain identifiers through the NDE and the district. Why not just put this on the standard supplemental list and use it like you do other supplemental programs?

MR. GROSSMAN:

Supplements still have to go through a school district VPR. Although a state can identify that a certain curriculum is a good resource for its school districts, it is ultimately the districts that have the discretion about which core programs and supplements land in the classrooms. That is an important safeguard, and these guardrails need to be firmly in place so it does not become the Wild West with people just downloading stuff and beginning to implement it into their classrooms. This bill does not change the guardrails.

SENATOR DONDERO LOOP:

I appreciate what you are saying because I taught for 30 years and I also worked as a trainer. But why would we need to back up the money if a school uses an OER? A school already has some discretionary say on funds. When I was a school librarian, if I had \$5,000 on the library line item budget, I had that money to spend. I could also differentiate. If a certain classroom needed a set of novels, there were some things I could do with those line items.

Why would we need a bill that would say money does not need to be spent on a certain curriculum? With all the reorganizations and pieces we are going through with education, I would think we could just do the RFP or do the supplemental screening and put this on a list and use it. You are right; we do not want to go back to the Wild West. There may be a brand new teacher who needs more coaching on how to discern curriculum products. That was me as a

new teacher. Or, a school may have differentiation within their school because of the needs of its student population.

I am just struggling with why we need to back up the money, because I feel like we are going backward on money, and right now we are trying to go forward on money. That is what I am struggling with.

MS. PALMER:

Another way to think about this is that when a district adopts an OER resource, the materials and software to get those materials up and running can cost quite a bit less than if they were purchased from a traditional vendor. So the district is instead able to use that saved funding to support implementation of those materials or additional curricular resources. Too often, we see the selection of new materials as the end game, but materials adoption should be viewed as a starting point, and resources must be invested in successful implementation to impact student learning. Utilizing OER allow districts to reprioritize money from the materials themselves and redirect to other needs.

SENATOR HARRIS:

The OER sound great and I am all about incentivizing the use of them. Can you explain a little bit about why the fact that they are free cannot be enough of an incentive? Also, can you explain why we are not here trying to get the MER to do more if we now have free resources, instead of taking away the minimum amount that would basically do the same? It seems that if we have minimum dollars and now we have all these extra free resources, we could then do more with that MER. Why is that not the better approach? Why not make OER a public policy of the State, or have some other incentive for educators to use them in the classroom?

MR. GROSSMAN:

We cannot do that because of the way MER is written, directing that \$121.27 per student must be spent on textbooks and software. While a school district may have greater priorities, such as in WCSD where we saw the elimination of positions serving ELL students and increases in bus zones, we still have to spend a minimum amount on textbooks and software. Even where a school district might identify a free OER as the best tool for a classroom, the district would incur penalties and potentially lose their MER money altogether unless that money is being spent on textbooks and software. This bill would give

school districts more latitude if they chose to use an OER so they could then reprioritize their MER money.

SENATOR HARRIS:

Are any school districts having trouble spending this MER figure? From what I hear, most people are sharing textbooks because there are shortages of them in the classroom.

MR. GROSSMAN:

No one is saying the MER is too much money. Rather, school districts are contending with many challenges and it is counterintuitive to think we are buying materials at a time when class sizes are increasing and we are not providing the kind of professional development our workforce deserves. In that context, the fact that we are buying textbooks feels like the wrong priority when there are available resources through OER that benefit all of our community and the electorate.

CHAIR DENIS:

I am not sure the money is not being spent, but in the past, we have seen them spend the money so as not to be penalized. Sometimes, an educator or school may not want to necessarily use the money for textbooks but for something else, so this would give them the option without getting penalized. That has always been an issue for me with educational funding; that we tell educators they have to spend the allocated money a certain way or else get penalized.

SENATOR PICKARD:

My concern is informed from my experience as a drafting teacher. We wanted to create a system where we could go out into industry to find out what the minimum competencies were so we could teach to that. We ran into issues because it was not part of the approved curriculum, even though that curriculum had been written 20 years prior to that time. At that time, with the advent of computer-aided drafting, which was not contemplated when the curriculum was developed, it was a real challenge to get that through the system. It took two years to get approval, and we had graduated two sets of students who were not ultimately qualified at the basic entry level position.

I am concerned with the timeline. Are we still looking at the long wait for curriculum to be approved before we can implement it? As technology continues to advance, old programs become obsolete faster and faster.

MR. GROSSMAN:

One of the key advantages of OER is how adaptable it is. For example, Eureka Math is a curricula resource used in 4 school districts in Nevada, starting with version 1.0 in 2012. Over the years, there were challenges and issues, and now we are using version 3.5, which is still free to download by districts. It is very likely that in the next few years we may change components of the NACS, but we are locked into relationships with publishers that normally last seven years.

If our standards change, we do not have the adaptability to suddenly have a resource that matches our standards like we could with an OER. For example, if we wanted to include cursive writing in an ELA curriculum, with an OER we can quickly get that information and materials at no expense.

SENATOR PICKARD:

If an educator discovered an OER and wanted to implement it, what is the timeline for approval?

MR. GROSSMAN:

Each school district has its own VPR where the school district will assemble a team with all the stakeholders. The timelines are set by the district. For example in the WCSD, we do K-5 ELA, then secondary ELA, then math, then secondary math. We look at a different product each year rather than examining everything simultaneously.

SENATOR PICKARD:

I want to ensure that as we adopt this, we are actually gaining something. Otherwise, we are just recreating the same problem we already have. I encourage quick adoption.

SENATOR DONDERO LOOP:

I am not advocating for textbook companies, but I can tell you that a lot of times textbooks that are part of a RFP are also accompanied by many teacher materials and online materials that are updated constantly. I know that firsthand. This appears to be a knowledge-based learning product which sounds more like low-level memorization to me, rather than collaboration. All of our children learn differently, some are visual learners, some listen and learn, which is why there need to be different resources, not just online.

I am still not sure why we need to back up the money. Some of those are line item budgets, and when we back that money up, it does not then go to professional development or to basketballs or whatever we think we need. My concern is that we are trying to increase funding in education and by backing up money, we are clearly saying we do not need that. Well, you might not, but some other county, some other school, some other child or facility might need that funding.

I think this is a really dangerous proposition because every one of those companies that are out there, and there are hundreds besides Core Knowledge, update their online materials and their book materials. Even when it is a seven year adoption, the companies have an online piece that is updated all the time.

I struggle with backing up on money. I do not see any reason for us to do that. I would put this in a supplemental arena and let schools choose that and make those decisions based on their students and how they are teaching.

CHAIR DENIS:

I will take testimony from those who support S.B. 106.

LINDSAY ANDERSON (Washoe County School District, Nevada Association of School Superintendents):

We support this bill because it is enabling to school districts, allowing them to consider some alternative options instead of mandates. Something that may have been lost in this discussion is that MER is not a separate, additional, categorical fund. It is not in addition to the per-pupil money; it is part of the General Fund. It is saying that a district has to spend a certain amount of that allocated money, the MER, on materials.

I think we could find a lot of ways to spend money we saved on using OER that would benefit students such as teachers, librarians, nurses and all the other things we use General Fund resources for, especially if we were able to find a source of educational materials that did not cost money, like OER. When we are competing for General Fund resources, this option is something that districts across the State can support.

TYSON FALK (Legacy Traditional Schools):

Legacy Traditional Schools is a public charter school with two campuses in southern Nevada. We support S.B. 106.

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PAT HICKEY (Charter School Association of Nevada):
We support S.B. 106.

JESSICA FERRATO (Nevada Association of School Boards):
We also support this bill. Allowing each school district to have flexibility to meet their differing needs enables us to use our resources most efficiently.

CHAIR DENIS:

Not seeing anyone wanting to testify in opposition or neutral on S.B. 106, I will close that hearing and open a bill draft request (BDR) committee introduction for BDR 34-382.

BILL DRAFT REQUEST 34-382: Committee to Conduct a Study Concerning the Cost and Affordability of Higher Education. (Later introduced as [Senate Bill 214](#).)

SENATOR WOODHOUSE MOVED TO INTRODUCE BDR 34-382.

SENATOR DONDERO LOOP SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

VICE CHAIR WOODHOUSE:

I will open the hearing on S.B. 99.

SENATE BILL 99: Creates a task force to study certain issues relating to the profession of teaching. (BDR 34-389)

SENATOR MOISES DENIS (Senatorial District No. 2):

Let me begin by referencing a publication of the National Conference for State Legislatures (NCSL), "No Time to Lose, How to Build a World-Class Education State by State." You may remember Todd Butterworth's presentation of this report at our meeting last week. This publication was also presented to our Interim Education Committee at our first meeting and became a major driving force of the topics and direction of that Interim Committee.

This publication was developed out of a review of what is working worldwide to create a successful education system. The common elements of world-class education systems include a strong early education system, a reimagined and professionalized teacher workforce, robust career and technical education programs and a comprehensive, aligned system of education.

The legislation before you today creates the Task Force on the Creation of a Career Pathway for Teachers, an inclusive Task Force of practicing teachers, persons with expertise in systems design, and representatives of the Department of Education (NDE), the Nevada System of Higher Education (NSHE), the Office of Workforce Innovation within the Office of the Governor and a collective bargaining unit.

This Task Force will make recommendations to the Commission on Professional Standards in Education to carry out the recommendations and build a tiered career pathway for educators. In making recommendations, the Task Force will review multiple issue areas, including the impact of separate tiers of licenses or endorsements on the profession of teaching and the educational performance of students and the current system of professional growth for educators, including the kinds of licenses and endorsements currently issued. The Task Force will also review the impact training in research methodology, as part of the system of licensure, would have on the teaching profession, student educational performance and the current programs of student teaching.

MEREDITH SMITH (Director of Policy, Nevada Succeeds):

Work on S.B. 99 has been a collaborative effort between Nevada Succeeds, Teach Plus and the Clark County Education Association (CCEA), specifically the Director of Professional Learning, Brenda Pearson.

For the last few years, Nevada Succeeds has been studying what high-performing education systems look like and how they support and develop teachers and the education profession. A consistent element across those high-performing systems is having an elevated teaching profession that includes opportunities for educator advancement, which allows educators to remain in the classroom while still expanding their impact and influence. This is one of the elements of the NCSL report that Chair Denis just referenced.

Some opportunity for educators to expand influence and grow expertise exists in Nevada, but what we hear from educators across the State and the country, and what we see in examining career pathway models in other jurisdictions, is that growth opportunities are not necessarily consistent or transferrable between and among schools, districts and states.

As Nevada Succeeds pursued our work over the last few years, several other organizations were also looking at how to build a world-class teaching profession in Nevada. Nevada Succeeds began partnering with Teach Plus and CCEA in the 2017-2018 Interim, and we jointly presented recommendations in response to Chair Denis's solicitation for recommendations that were in alignment to the NCSL report.

Senate Bill 99 is aligned to one of the four key themes in the NCSL report: "A world-class teaching profession supports a world-class instructional system where every student has access to highly effective teachers and is expected to succeed." Elements of a highly professional teaching force include preparation, compensation and as this bill addresses, support and advancement.

We have worked with Chair Denis and Vice Chair Woodhouse to create some conceptual amendments to S.B. 99. Section 2 as drafted creates the Task Force on the Creation of a Career Pathway for Teachers and defines the entities represented on the Task Force and the responsible nominating parties.

As part of a conceptual amendment we recommend changing "task force" to "study committee".

Additionally, in the bill's currently drafted form, there would be eight representatives on the Task Force. We propose a conceptual amendment to include key stakeholders not represented in the drafted language, who would be needed for the interim study committee to be representative of who it would be studying.

Currently, the bill requires the authority to operationalize any of the Task Force recommendations that would go to the Commission on Professional Standards (COPS). We recommend a conceptual amendment that the bill be amended to allow whichever entity has jurisdiction over the recommendations to be the entity to implement the recommendations. If the study committee recommended to an entity other than COPS, it could do that.

The next conceptual amendment we recommend is to allow the study committee to apply for and accept grants, gifts, donations and contributions from any source for the purpose of carrying out its duties. This is similar to the way other study committees are structured in the State.

There is a provision that assigns the COPS to be the entity responsible for administrative support. The last conceptual amendment we recommend is that there be some other consideration besides COPS as the agency solely responsible for administrative support.

I truly believe that by first studying both formal and informal career pathways of all educators together as a State, we will be able to elevate the education profession, improve educator recruitment and retention and equitably meet the needs of Nevada's diverse learners.

ALEX BYBEE (Nevada State Director, Teach Plus):

Teach Plus is a nonprofit organization that aims to empower educators to take leadership over policy issues that affect their students' success. We have five teaching policy fellows who are part of a group looking at equitable access to effective educators. These teachers convened to discuss what solutions they could bring to the 2017-2018 Interim Legislative Committee on Education. The value of the work we do is amplifying the educator's voice, ensuring that teachers have a seat at the table to craft solutions that elevate the profession and improve outcomes for students.

JEN LOESCHER (Regional Math Trainer, Southern Nevada Regional Professional Development Program; Teaching Policy Fellow, Teach Plus):

I have worked within the CCSD for 19 years and I was raised in a family of educators. I support S.B. 99 because research shows that teachers are the number one school-based variable behind student achievement. However, my profession has maintained a generic and static career structure. The primary opportunity for a teacher's career advancement is leaving the classroom to become an administrator. To attract and retain effective educators, this must change.

When I entered the teaching profession, I accepted the fact that my entry point was also my ceiling. It was a condition of my passion to teach. On paper, day one of year one is exactly the same as day one of year ten. Eventually, I wanted to impact more than my 165 students each year, but all possible routes

led me away from the classroom. To answer this call, I had to choose to leave my students.

Coming from a family of educators, I witnessed firsthand that entering the profession was exactly the same upon exiting. Intuitively, I knew this was not appropriate for a career, but suited for a job. I actively sought a way to amplify my voice and efforts to restructure our profession. That began my policy advocacy journey with Teach Plus.

Teachers must develop a vast array of specialized skills and knowledge that meets the needs of a constantly diversifying student population, yet there is no formalized differentiation in licensure or advancement opportunities that enable teachers to chart their own professional destiny. This very structure does not lend itself to a future-oriented vision of teaching as a long-term career; instead it is a temporary job.

In my experience, teachers want to grow professionally to be better for their students and elevate the profession. While educators may be able to pursue micro-credentials or endorsements to their teaching license, there is no comprehensive professional advancement system for teachers to expand their impact on students in the classroom and beyond.

To do this, we need to reimagine how the teaching profession is structured and S.B. 99 is the first step. It addresses recruitment, retention and development of effective educators by establishing a legislative study committee to recommend how Nevada should implement differentiated pathways for educator career advancement integrated with a comprehensive talent management strategy that is responsive to Nevada's diverse student needs. The entry point should never be the ceiling in any profession.

SENATOR PICKARD:

I had a conversation about a year ago with then Superintendent of Public Instruction, Steve Canavero, about what the NDE does. If memory serves, we talked about all these things. What about this proposed Task Force would differ from what is currently being done?

MS. SMITH:

I do not want to speak on behalf of NDE, but we have reached out to them and discussed this bill several times. They have been open to this approach to look

at the education profession more generally. One thing addressed in S.B. 99 that is currently not being done is looking at licensure structure and certification, or the lack thereof, for paraprofessionals. The bill also looks at early childhood educators to see how that component of the profession is aligned or not aligned to the current K-12 system.

From my time facilitating focus groups of educators, I have found that there is a lack of understanding of what other professionals' scope of practice is. It makes it difficult to effectively leverage expertise in the school building. A lot of the structure referenced in this bill certainly exists because we needed to have something to draw a parallel to, but what we are really looking at is studying existing scopes of practice and trying to find out if we need to scale up where we have current job descriptions so there is continuity throughout the State. For example, we see that a "data strategist" can mean something different in different schools or districts. When you are looking at policy solutions and hoping to ensure that a school has a data strategist, if that means something different from school to school, it creates discontinuity in the profession.

SENATOR PICKARD:

If we are talking about making sure we are aligned, my concern is that if we create this Task Force they could come up with a report that contradicts something NDE might put forward. This could be based on the Task Force membership and their politics, because we know that everything we do in education has a political angle. That disparity could create misalignment and for us, it just adds to the confusion. How do we avoid that?

MR. BYBEE:

There would be a representative from the NDE on the Task Force to ensure that ideas and recommendations from the members would be rooted in what is currently being practiced in the State. It would measure against what is happening here in high-performing systems that have implemented educator career pathways, and then look at the gaps between what is being implemented in Nevada against what is happening elsewhere. The goal would be to discern what works best for the profession in our State.

Once we present the conceptual amendment and get more specific in the language, you will also see that there is hopefully representation from other sectors and professions so there is a different perspective on what is possible for the teaching profession. The diverse representation to contemplate educator

career pathways beyond what we are doing now is worthy of conversation. Certainly the NDE has been involved and offered enthusiasm toward the concept of looking at how we can modernize the teaching profession through opportunities for educators to advance.

SENATOR HARRIS:

I want to encourage all the stakeholders to get together and hopefully collaborate as we firm up these conceptual amendments. This bill seems like a great idea.

VICE CHAIR WOODHOUSE:

I will take testimony in support of S.B. 99.

DANIEL LILES (Teaching Policy Fellow, Teach Plus Nevada):

I support S.B. 99 and have submitted my written testimony ([Exhibit I](#)).

EMILY BASSIER (Teaching Policy Fellow, Teach Plus):

I support S.B. 99 and have submitted my written testimony ([Exhibit J](#)).

RICHARD KNOEPEL (Teaching Policy Fellow, Teach Plus Nevada):

I support S.B. 99 and have submitted my written testimony ([Exhibit K](#)).

DAWRIN MOTA:

I am a 5th grade teacher at Doris Reed Elementary School and an adjunct professor at the College of Southern Nevada. I support S.B. 99 which would create more teacher pathways. The CCSD is a microcosm of what America is, with its challenges and advantages. We are also fortunate to have teachers who are ready and willing to meet these challenges that our schools, students and families face.

We need a system that can manage the talents, skills and abilities in a way that benefits students, parents and the community as a whole. Some of these talents include data reading, parent engagement, creating homogenous and heterogeneous groups and high stakes testing. We need a system that encourages teachers to stay in the classroom while utilizing their skills to address education concerns in and out of the classroom. By having a system that better manages our human capital, we can build a better Nevada. You can see how strong a state or a nation is by how it educates and treats its most

vulnerable population. This would help Nevada best identify the true capabilities of its teachers.

MS. PLEGGENKUHLE:

I support S.B. 99 so we can work out the different tiers of licensure for educators. I am a 27-year veteran teacher, but on my license it looks like I am a first year teacher. There is a shortage of people entering the field of education right now, and education needs to be seen as a career, not just a job. I chose to stay in the classroom. I would like to ensure that the wording of the bill ensures that all Nevada educators are represented and that this study committee will put forth information that will attract, retain and develop good educators so we have a better future in Nevada.

DAVID DAZLICH (Las Vegas Metro Chamber of Commerce):

We support S.B. 99. The teacher shortage in CCSD mirrors the teacher shortage we are seeing statewide in Nevada. The shortage affects workforce and economic development, and employers and employees alike. We see this bill as a good step to address the shortage.

BRYAN WACHTER (Retail Association of Nevada):

We support S.B. 99.

NICOLETTE SMITH (President, Learning Forward Nevada):

I am president of Learning Forward Nevada, dedicated to elevating the teaching profession and ensuring equitable access to accomplished teachers for all Nevada students. Through teacher leadership opportunities and elevating teacher voice, Learning Forward Nevada continually endeavors to advocate for all students and teachers in Nevada.

We support the development of a study committee to look at career pathways in the State through S.B. 99. We believe the findings of this bill's committee will positively impact the new teacher pipeline, as well as teacher retention throughout innovative opportunities for accomplished teachers that keep them in the classroom. High-performing school systems that have implemented innovative structures for career pathways, differentiated licensure and professional autonomy report increased attraction, retention and satisfaction among K-12 educators. Our goal is to have an accomplished teacher in every classroom for every student every day.

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MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):
We support S.B. 99.

VICE-CHAIR WOODHOUSE:

Seeing no one wanting to testify in opposition, I will take testimony in neutral.

VIKKI COURTNEY (President, Clark County Education Association):

I am the president of the CCEA, which is the largest education union in Nevada. This bill as written disenfranchises the CCEA membership. Consider the submitted amendments that would address our issues.

BRENDA PEARSON (Director of Professional Learning, Clark County Education Association):

With strong mixed feelings, I speak in neutral on S.B. 99. I have been involved in the process developing this bill and working collaboratively with Nevada Succeeds and Teach Plus. In my role with CCEA, I implement a professional learning program, meeting the needs of more than 5,000 teachers annually. I believe in what this bill means, but as written, it disenfranchises CCEA and its members. Please consider the amendments that have been submitted.

SENATOR DENIS:

The teaching profession is so important. We need to ensure that our teachers are the best they can be. I think this bill does that. I urge your support of this important legislation, which provides for a Task Force to study issue areas and make recommendations concerning the development of a reimagined and professionalized educator workforce in Nevada.

VICE CHAIR WOODHOUSE:

I believe the individuals from Nevada Succeeds and Teach Plus have made the pledge that they will work with everyone to come to a resolution on this measure. This issue was previously heard in the 2017-2018 Interim in front of the Legislative Committee on Education, and the career pathways issue is one we really want to address. I encourage everyone to work together. I will close the hearing on S.B. 99.

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CHAIR DENIS:

We did public comment earlier, but I would open it up again if there is anyone who wants to make public comment. Seeing no one wishing to speak, I adjourn this meeting at 4:11 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	9		Attendance Roster
	C	2	Jocelyn Jackson, RN	Submitted Testimony
	D	1	Annie Polack	Written Testimony
	E	1	Autumn Tampa	Written Testimony
	F	3	Jasper Isenberg	Written Testimony
	G	3	Mary Owens	Written Testimony
S.B. 106	H	15	Aaron Grossman, Washoe County School District	Presentation
S.B. 99	I	1	Daniel Liles, Teach Plus Nevada	Written Testimony
S.B. 99	J	1	Emily Bassier, Teach Plus	Written Testimony
S.B. 99	K	3	Richard Knoeppel, Teach Plus Nevada	Written Testimony