

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Eightieth Session
April 3, 2019**

The Senate Committee on Education was called to order by Chair Moises Denis at 12:38 p.m. on Wednesday, April 3, 2019, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Dallas Harris
Senator Marcia Washington
Senator Scott Hammond
Senator Ira Hansen
Senator Keith F. Pickard

GUEST LEGISLATORS PRESENT:

Senator Heidi Seevers Gansert, Senatorial District No. 15
Senator Marilyn Dondero Loop, Senatorial District No. 8
Assemblyman Tyrone Thompson, Assembly District No. 17

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Hugh Gourgeon, CEO, Challenger School
Susan Fisher, Challenger School Foundation
Elizabeth Justice
Lorena Portelli

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Jared Busker, Children's Advocacy Alliance
Jayne Malorni, Educational Programs Professional, Department of Education
Meredith Smith, Director of Policy, Nevada Succeeds
Sarah Nick, Management Analyst, Office of the Superintendent, Department of Education
Ryan Herrick, General Counsel, State Public Charter School Authority, Department of Education
Russ Simnick, National Alliance for Public Charter Schools
Sarah Adler, Charter School Association of Nevada
Hugh Anderson, Las Vegas Metro Chamber of Commerce
Chris Daly, Nevada State Education Association
Pam Salazar, Ph.D., Chair, Teachers and Leaders Council
Jordana McCudden, Teaching Policy Fellow, Teach Plus Nevada
Linda Jones, Political Field Coordinator, Clark County Education Association
Theodore Small, Vice President, Clark County Education Association
Mary Pierczynski, Nevada Association of School Superintendents
Brad Keating, Clark County School District
Alex Bybee, Nevada State Director, Teach Plus Nevada
Vikki Courtney, President, Clark County Education Association
Lindsay Anderson, Washoe County School District
Mike Paul, Ed.D., Executive Director, Human Resources, Washoe County School District
Felicia Ortiz
Holli Ratliff, Ph.D.
Brian Rippet
Phillip Kaiser
Clinton Toledo
Susan Kaiser
Dawn Miller
John Guedry, CEO, Bank of Nevada
Natha C. Anderson, Nevada State Education Association
Ruben Murillo, Jr., President, Nevada State Education Association
Robert Munson
Suzann Bennett
Fran McGregor, Vice President, Washoe Education Association
Kathleen Watty
Dana Galvin
Alexander Marks, Nevada State Education Association
Lisa Guzmán, Assistant Executive Director, Nevada State Education Association

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Zhan Okuda-Lim, Director of Policy and Analytical Leadership, Public Education Foundation; Resident Fellow, Leadership Institute of Nevada

CHAIR DENIS:

I will open the meeting of the Senate Committee on Education. I will be presenting my bill.

VICE CHAIR WOODHOUSE:

I will open the hearing on Senate Bill (S.B.) 468.

SENATE BILL 468: Exempts private schools that provide a program of early childhood education from requirements relating to certain child care facilities. (BDR 38-815)

SENATOR MOISES DENIS (Senatorial District No. 2):

Under Nevada law, preschools are governed by child care facility statutes and are subject to regulation by the Division of Welfare and Supportive Services of the Department of Health and Human Services as well as other local government requirements. In some cases, this type of governance structure has created unintentional barriers.

For example, at the Challenger School, which currently has four campuses in southern Nevada, a teacher who is licensed to teach other grades would be required to obtain an additional license from the Division to teach preschool while they shadow a licensed preschool instructor.

We have heard time and again about the grave shortage of teachers. This type of scenario is another example of current practices that hinder our efforts to streamline licensing processes and supply our public and private schools with quality teachers. In addition, a preschool is subject to certain inspection requirements that can be duplicative. These inefficiencies consume both time and money and do not enhance the educational experience.

Senate Bill 468 seeks to eliminate some of these inefficiencies, including the dual licensing requirement for private educational facilities. The bill exempts a private school that provides an early childhood education program, including pre-kindergarten (Pre-K), from the requirement that such a school be licensed as a child care facility and any other requirements for such facilities.

A friendly amendment ([Exhibit C](#)) has been proposed which clarifies that the statute is applicable only to educational facilities in Nevada that do not receive any public funding. The amended language is in section 1, subsection 2, paragraph (g), where it adds, "and does not receive public funds." The reason for this amendment is to limit the scope of the statute to just the handful of schools in Nevada that have a "feeder" Pre-K program or a Pre-K that feeds students directly into kindergarten and beyond within the same school.

HUGH GOURGEON (CEO, Challenger School):

Our teachers face challenges when they try to do their jobs and train others. Challenger School has been in business for 56 years and we have learned that there is very little difference between a 3-year-old and a 13-year-old in terms of the quality and method of teaching required. We start all our teachers in preschool. The current regulations in preschool make this difficult in Nevada. We have 26 campuses in 5 states and Nevada is the only state that presents this challenge for us.

SENATOR HARRIS:

Can you explain how the amendment ensures that we are only looking at feeder schools? I understand that is the purpose of the amendment. Is it because we currently know there are no private schools that do not receive public funding and also do not have feeder programs? How does this get at that question?

SUSAN FISHER (Challenger School Foundation):

I do not know if there are private schools that do receive funding. My guess is that they do not because I do not think they can, at least not under our current statutes. Are you talking about the amendment as presented today?

SENATOR HARRIS:

Yes, with the new language, "and does not receive public funds"; I believe Senator Denis said that was to ensure that it is only for schools with a feeder program. But I am not sure how that gets at the goal.

Ms. FISHER:

Yes, section 1, subsection 2, paragraph (g) is where it mentions the private school with the early childhood education program. The new language is in green and underlined on the amendment, [Exhibit C](#), where it says, "and does not receive public funds". That is not where the bill references the feeder system; that is in the original portion of the bill.

SENATOR HARRIS:

Am I to understand that the bill, as amended, does not only apply to private schools that have a feeder program, but instead applies to all private schools?

MS. FISHER:

No, the bill as amended or unamended would apply to private schools that provide the early childhood education program. It is a private school as defined in *Nevada Revised Statutes* (NRS) 394.103.

SENATOR HARRIS:

I think I have a little bit of clarification—the fact that we are only talking about private schools that have Pre-K instruction—I get it.

SENATOR PICKARD:

I understand that the amended language clarifies these are private schools.

MS. FISHER:

That do not receive private funds.

SENATOR PICKARD:

Right. My question is, many of these private schools get grants and other focused funds for particular purposes. Does this intend to exclude them? So we would be talking about only those schools with no public funding? If so, why?

MR. GOURGEON:

You are correct. The amendment is only targeted to exclude private schools that have an elementary program whose success is based on the preliminary work done in the preschool years, so it is one curriculum. The reason for the statement about no public funds is because to be eligible for block grants in early childhood, Nevada has worked for years to enact regulations that were consistent with the federal requirements.

If we do not put that clause in the bill, I am concerned that it will give the appearance to the federal regulators that the State is taking the money for the block grants, but then is skirting the regulations by placing the early childhood children into the Department of Education (NDE). By putting no public funds in the amendment, what you are guaranteeing is that no federal or State funds are going to early education toward the operation of these schools.

SENATOR PICKARD:

Do we know if there are any schools that are getting public funds either from the State or federal government?

MR. GOURGEON:

It is my understanding that many private schools do receive various funds that originate from public funds through various programs for child assistance or ones that are income based or need based. Challenger School is one of the few schools that does not.

SENATOR PICKARD:

Who are we excluding that is a private school with early childhood education programs and these feeder programs with dual licensing problems?

MS. FISHER:

I do not have names of schools being excluded, but it would be private schools with feeder programs with preschool that do receive public funds, whether it is State or federal block grants.

SENATOR PICKARD:

If we protect them, do we risk noncompliance with federal rules?

MR. GOURGEON:

That is my concern. When I lived in Nevada, I worked with groups for many years and from that experience, I know that there are requirements from Washington D.C. that the State is trying to live up to. My concern is that if you open the gate too much and there is an exodus of preschool children going into the NDE, the federal government may perceive that we are spending money without meeting their requirements.

SENATOR PICKARD:

But there is no example of that indication coming from the federal government up to this point. Is it just a concern?

MR. GOURGEON:

My opinion is based on my work with preschool licensing when I was appointed to work on that issue. If daycare facilities, just by having a kindergarten, get to move on their own to the NDE, they may not be able to meet those requirements.

SENATOR DENIS:

We have people here from NDE who may be able to speak on this issue. I had a tour of Challenge School where they start the kids at two years and nine months of age. They basically start school and go through school from there, which is different than the Pre-K schools with a distinct program. The way the State law is set up, the Pre-K programs have to be inspected separately. What we want to do here is to allow it all to be done as if it was all a kindergarten through 12th grade (K-12) system.

VICE CHAIR WOODHOUSE:

I will take testimony in support of S.B. 468.

ELIZABETH JUSTICE:

I am a middle school teacher at Challenger School in Las Vegas. I have been working there since 2011 right after I graduated from college with a degree in history and sociology. I was originally hired as an elementary teacher, but in order to learn the curriculum, I had to go back to preschool teaching because the curriculum is so fluid at Challenger School. I had to learn how to deliver that curriculum properly and I had to get extra training. It would be less time consuming for me as a teacher and more effective for me as a teacher if I could stay with elementary school licensing while working inside the preschool program and learning that material.

LORENA PORTELLI:

I have two children in the Challenger School; both starting at two years, nine months of age. One of my children is a junior in high school and the other is in eighth grade. As a parent, we did not notice any difference transitioning from the preschool all the way up to eighth grade. It would only benefit our preschool students to have the interaction with the middle school, second grade or kindergarten teachers to come and teach, interact or just observe without having to go through the licensing process.

VICE CHAIR WOODHOUSE:

I will take testimony in opposition or neutral on the bill.

JARED BUSKER (Children's Advocacy Alliance):

The Children's Advocacy Alliance is in overall support of S.B. 468, but we have a slight concern with the bill and the amendment, [Exhibit C](#). We would like to see that there are standards and regulations in place relating to these

preschools, specifically in the private school statutes, NRS 394, or wherever the Committee deems appropriate. Our concern is that if we exempt these preschools, then there is no oversight provided to them.

SENATOR DENIS:

The issue of the oversight is something we are working with the NDE to create an amendment to address that issue. Currently, those schools are overseen by Pre-K personnel, because there is not a way for the K-12 system to oversee the preschools. We will be able to come up with a solution with NDE.

VICE CHAIR WOODHOUSE:

I will close the hearing on S.B. 468.

CHAIR DENIS:

I will open work session with S.B. 41.

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

JEN STURM (Committee Policy Analyst):

Senate Bill 41 was heard on February 11 in Committee and makes numerous changes to educator licenses, eliminates the specific qualifications license and creates a separate category to licensure for paraprofessionals. There are two proposed amendments included in the work session documents ([Exhibit D](#)).

CHAIR DENIS:

I believe the issues that came up in Committee have been addressed through the amendments.

SENATOR PICKARD MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 41.

SENATOR WASHINGTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Ms. STURM:

The next bill in work session is S.B. 57 from the Office of the Attorney General. It was heard at the joint meeting with the Assembly Committee on Education on March 4.

SENATE BILL 57: Revises provisions relating to school property. (BDR 34-415)

Ms. STURM:

This bill is related to school safety. It issues a current blueprint or school layout to a public safety agency and restricts disclosure of those documents in some cases. There were two amendments I have included in the work session documents ([Exhibit E](#)).

SENATOR PICKARD:

I am concerned about this because many schools are designed with a standard design, in part for ease of maintenance and consistency. The genie is out of the bottle in many cases because those maps have been distributed to those attending parent-teacher night at the schools, so I do not see this as being workable. I will be voting no on practical grounds.

SENATOR WOODHOUSE:

I believe this measure is part of the Statewide School Safety Task Force effort.

CHAIR DENIS:

Yes, it is part of the Attorney General's summit that came out of the School Safety Task Force.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 57.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED (SENATOR PICKARD VOTED NO).

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Ms. STURM:

The next work session bill is S.B. 185 which was heard in Committee on February 25. It pertains to school safety regarding background checks and

fingerprinting for school volunteers who have regular, supervised contact with students. There is one amendment from the bill's sponsor, Senator Heidi Seevers Gansert, that is included in the work session documents I have submitted ([Exhibit F](#)).

SENATE BILL 185: Revises provisions relating to background checks required to become a volunteer at a school. (BDR 34-14)

SENATOR HEIDI SEEVERS GANSERT (Senatorial District No. 15):

We worked on the unsupervised contact language in the proposed amendment, page 2, [Exhibit F](#), specifying that the volunteer would be in the same room as the pupil or have line of sight of the pupil. We put some language in about "incidental unsupervised contact", recognizing that now and then there will be situations where a volunteer is not directly supervised, like on a field trip. We also added the option where a person could get their fingerprints checked outside the school district because some districts did not have the bandwidth to get all fingerprints checked. The Office of the Attorney General has a fund where individuals can get a grant to have their fingerprints done. The background checks through private entities can also be less expensive, so hopefully that will help.

SENATOR HAMMOND:

To confirm your intent, if someone is volunteering during regular school hours and they go on a field trip where there are teachers on the trip, they would not have to get a background check. But if they were volunteering after school hours or overnight, then they would?

SENATOR SEEVERS GANSERT:

It does not matter if they are in the school or not; if they are unsupervised where no one had visual eye contact with the volunteer, they would have to get the background check. We tightened up the language around "unsupervised".

CHAIR DENIS:

Currently, school districts have certain interpretations they use, so it is limited for the number of volunteers. Will this open it up so there can be more volunteers in the schools?

SENATOR SEEVERS GANSERT:

Last time, we were looking at regular volunteers, and there was a variety of interpretations of what "regular" meant. The NDE came up with a definition of regular, even though there was a definition, but it varied from school to school. We hope this clarification of language helps.

SENATOR HAMMOND MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 185.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY

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Ms. STURM:

The next bill on work session is S.B. 267, heard in Committee on March 27.

SENATE BILL 267: Makes revisions concerning the effect of social and environmental factors on education. (BDR 34-578)

Ms. STURM:

This bill requires the State Board of Education (SBE) to identify social and environment factors in public schools and charter schools. There was one amendment included in the work session documents ([Exhibit G](#)).

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS
AMENDED S.B. 267.

SENATOR WASHINGTON SECONDED THE MOTION.

SENATOR HAMMOND:

I think I understand the intent of the bill. As teachers, we are always trying to figure out what is going on with our students. I think the sponsor of this bill has something different in mind, and there is merit to that. I do not believe in cookie-cutter stuff. The intent here is allowing someone to come up with a fully developed plan. Hopefully, a little more developed than what goes on right now and I am OK with that. If a school community really feels the need to have a more detailed plan, then the students are better off. I will be a "yes" on this

today, but I wanted to make sure that each school evaluates what is going on in their school with their students. To that end, I think this does have some merit.

THE MOTION CARRIED UNANIMOUSLY

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MS. STURM:

The next bill on work session is S.B. 314, heard in Committee on March 27. It requires certain boards of trustees of a school district to include business and marketing education including financial literacy as part of its career and technical education program. There is one amendment included in the work session documents ([Exhibit H](#)).

SENATE BILL 314: Revises provisions relating to education. (BDR 34-730)

SENATOR WOODHOUSE:

Following the hearing on this bill, we did a lot of work with individuals involved in providing financial literacy coursework to teachers and to students. On the second page of the work session document, [Exhibit H](#), I have reduced the appropriation as well as provided recommended funding for the areas of the program that we identified as needing to be funded.

SENATOR HAMMOND:

In the conceptual amendment, page 2, [Exhibit H](#), where it revises section 4, subsection 2, paragraph (a) going from four credits to three credits, what is the reason for that change?

JAYNE MALORNI (Educational Programs Professional, Department of Education):

The discussion came about because originally it was four credits required for the financial literacy seal. However, in the State it is not required to have four credits in high school where financial literacy would be offered, so all students would not potentially be up for the seal because four credits are not required in high school. Bringing it back to three credits gave more students the opportunity to receive the seal.

SENATOR HAMMOND:

Is there an opportunity to then take a class and double dip? Take a regular core class that also counts toward the seal? Or are they talking about three completely different classes?

MS. MALORNI:

The intent is three credits, but it could be up for discussion for double dipping, as you called it.

SENATOR WASHINGTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 314.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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MS. STURM:

The next bill in work session is S.B. 320, heard in Committee on March 27. It requires the SBE to adopt regulations to identify students for placement in advanced coursework. There was one proposed amendment that is included in the work session documents ([Exhibit I](#)).

SENATE BILL 320: Makes various changes concerning the placement of pupils in certain more rigorous courses. (BDR 34-681)

SENATOR PICKARD:

Did we resolve the unfunded mandate?

MEREDITH SMITH (Director of Policy, Nevada Succeeds):

I have not spoken to Senator Dondero Loop on any financial implications for the bill. Can you expand on what you are referring to?

SENATOR PICKARD:

In the caption of the work session document, [Exhibit I](#), there is an unfunded mandate where it says "May have Fiscal Impact". I am assuming that is in section 1, subsection 3. As I recall, there was a question at the hearing as to whether it really constituted an unfunded mandate.

MS. SMITH:

I do not have that context for you today. I believe the way Senator Dondero Loop and I worked to structure the bill is that there would not be a financial burden to a school district or charter school in establishing more rigorous coursework where there was a need, or where there were enough students to justify that. We had a conversation at the last hearing on what a substantial number of students would be to establish another class of rigorous coursework.

CHAIR DENIS:

One thing it says in the comments on the work session document [Exhibit I](#), is that, "If financial resources are available, S.B. 320 requires the board of trustees of a school district or the governing body of a charter school to establish certain advanced courses".

SENATOR PICKARD:

I remember there being some discussion about the trigger point and would that force their hand. It is just an open question I wanted to follow up on.

SENATOR HAMMOND:

I have gotten several emails about this and I am sure other members of the Committee have too, especially relating to forced test taking. I want to put on the record that for those who are worried that their child will now be forced to take the Smarter Balanced Assessment Consortium (SBAC) at the end of every year, this bill does not remove any districts that put in waivers for parents who do not want their kids to take the test. No one is going to be forced to take a test.

If you look at the way things are right now, if you do take the SBAC, data received from that does not come back to schools until the fall. We educators would like to see it earlier, but it does not. We are looking at our other tests that are required by federal mandates or because some schools prefer to take certain tests.

With the amendment, schools would be allowed to take norm reference exams and use that data to decide or show when students should be in a higher class than they want. Parents still have the ability to have their child not take an advanced placement (AP) class, for example, if they so choose. This way, parents still have a say in their student's education. It brings parents to the

table a bit more often. I do not think this bill is going to force anybody into taking a test.

CHAIR DENIS:

Senator Dondero Loop, we had a question earlier about the unfunded mandate.

SENATOR MARILYN DONDERO LOOP (Senatorial District No. 8):

I have had numerous conversations with NDE about other things, and part of the reason we get the test results back so late is because of the late date that we do testing, and then it takes two months to do hand scoring. Sometimes that is the reason the data is not back until August 15 or September 15. I do not have that answer for you right now.

CHAIR DENIS:

I want to make sure I understand the question on the unfunded mandate. Is it because more kids would take AP classes?

SENATOR PICKARD:

I think that is where it came from.

SENATOR DONDERO LOOP:

As noted in the testimony, Washoe County School District (WCSD) already does testing with students in second grade, so there would be no additional funding for testing. As for students taking additional classes, I cannot imagine that the increase would be so rapid at the beginning that we would need more classes where it would become a funded mandate. I think it would probably work out.

CHAIR DENIS:

It is just like any other class; if you decide you are going to have more kids in one class or another class, I do not see it as an unfunded mandate.

RISA LANG (Committee Counsel):

We have unfunded mandate language anytime we believe there could be an additional expense to local government. In this particular case, because it requires the placement of kids into a class if it is available, I think the thought was that it would potentially have that additional cost. As you noted, section 1, subsection 4 states, "The provisions of this section must not be construed to require a school district or charter school to establish a course for which sufficient financial resources are not available". It does not require them to do it

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if they do not have the money, but it could potentially have a cost. That is why the notation was placed on the bill.

SENATOR DONDERO LOOP:

I do remember that. I would be remiss if I did not say this would be a great problem to have.

CHAIR DENIS:

I would hope that if a school had more kids who had to take AP math classes, they would just offer less of the regular math classes so it would balance out.

SENATOR WOODHOUSE MOVED TO AMEND AND DO PASS AS AMENDED S.B. 320.

SENATOR HAMMOND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

The next bill on work session is S.B. 376.

SENATE BILL 376: Revises provisions relating to the Nevada Institute on Teaching and Educator Preparation. (BDR 34-732)

Ms. STURM:

This last bill was heard in Committee on March 29. It requires the Nevada Institute on Teaching and Educator Preparation to adhere to specifications listed in the work session documents I have submitted ([Exhibit J](#)). There were no amendments and no testimony in opposition.

SENATOR WASHINGTON MOVED TO DO PASS S.B. 376.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR DENIS:

I will open S.B. 451.

SENATE BILL 451: Authorizes variable-length renewal of charter contracts.
(BDR 34-391)

SENATOR DALLAS HARRIS (Senatorial District No. 11):

The 2017-2018 Interim Legislative Committee on Education received a recommendation from NDE concerning charter school term length. Authorizers currently have two options at the end of a charter contract. They can either renew for six years or decide to not renew and close the school.

There is a wide range for charter school performance, and renewal terms should mirror performance rather than be a one-size-fits-all approach. The closure requirement ensures that strong schools are operating, and clear legal language already exists in the event a school must be closed for performance.

The Committee voted unanimously to provide charter school authorizers some discretion with regard to the term of renewal contracts between three and ten years, retaining a six-year term for the initial license. This would allow some flexibility to address significant performance, financial, legal or other issues already set forth in charter school law.

CHAIR DENIS:

This will give some flexibility. If a charter school is doing well, it could have a longer contract. If it is struggling, there could be a shorter contract. There are still other things in place, so if the school is not doing well, the contract could be halted. Is that correct?

SENATOR HARRIS:

That is my understanding. If the school was doing great and they authorized it for ten years, but the next year there were some criminal complaints or other issues, the authority to close that school would be in place as needed.

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

We brought this issue to the Interim Committee in August, 2018. This was recommended in partnership with our sister agency, the State Public Charter School Authority (SPCSA).

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

Currently, the statute mandates a six-year term. Many states have variable-length terms, particularly regarding renewal. Under S.B. 451, the initial term of the contract would be six years, but on renewal there would be an allowance for variable lengths. From staff's position, it would be a rare circumstance where we would recommend a term over 6 years, but I could envision a scenario where you have a school with multiple years of 5-Star ratings that could get a longer contract between 6 and 10 years.

This bill gives us more options than just a six-year term or nothing. We may want to give a marginal school a shorter term. At the end of the term, if the school did not meet certain benchmarks, we could terminate the contract and close the school, or grade levels could be eliminated. The bill still leaves all the accountability statutes in place. No matter what the term of the contract is, it could still be terminated during the term for academic, organizational or financial underperformance.

SENATOR PICKARD:

This makes sense; we do this in the private sector all the time. Do we have a set of standards in statute that deal with the renewal process?

MR. HERRICK:

Currently, our SPCSA Board is afforded wide discretion to grant or deny renewal. However, under Assembly Bill (A.B.) 78, we have asked for regulatory authority to adopt regulations on our own behalf. Things like variable length renewal will be where we want to put regulations in place to get both our schools and our boards some guidance.

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

SENATOR PICKARD:

This is a question for Legal Counsel. Should we be adding language to require that regulatory function, or is that just assumed?

MS. LANG:

I think you could do it either way. You could leave it and they can adopt regulations under their general authority, or you could require them to do it here.

SENATOR PICKARD:

I do not believe in mandating things that are not necessary. I am fine with it if that is the intent. I want to avoid the lack of standards that then open up questions of propriety later.

CHAIR DENIS:

From what I heard, they have wide discretion, so this would actually lessen that.

SENATOR PICKARD:

Arguably, it would increase it because now we are giving them more discretion to go wider. My concern is that I want to close off avenues for litigation, if we can. Where we have standards, it usually helps resolve those questions.

SENATOR HARRIS:

I would suggest that it does not expand the range of their discretion, but allows some intermittent steps.

SENATOR PICKARD:

I do not disagree with that. It is just that with a lack of standards for making those determinations, it opens up questions.

RUSS SIMNICK (National Alliance for Public Charter Schools):

We manage and write the national model charter school law and this bill aligns perfectly with that. We support higher performers having longer terms of renewal. This can even have the effect of helping them secure the stability to get longer-term financing. It also gives the authorizers a great tool for holding those borderline schools more accountable. We support S.B. 451.

SARAH ADLER (Charter School Association of Nevada):

The Charter School Association of Nevada (CSAN) supports S.B. 451. The one-size-fits-all model is not the way to accountability or quality. This bill provides appropriate flexibility; something we call "active accountability" at CSAN. Of the 13 1-Star schools sponsored by the SPCSA, 3 are already closed or are closing. This is the same for 2-Star schools under our active accountability. We think those schools could benefit in education overall from a shorter-term contract. Conversely, 39 percent of the SPCSA schools are 5-Star schools, so it may be appropriate and efficient in terms of agency resources to consider longer term contracts for them.

Every contract has benchmarks for review. As an authorizer, WCSD has 56 performance measures. Their schools are under active accountability. This bill could be very successfully implemented.

HUGH ANDERSON (Las Vegas Metro Chamber of Commerce):

We support S.B. 451, because we are committed to anything that supports the education of our school children. Currently, charter schools educate 10 percent of our population and are vital to the system. This bill allows for high-performance schools to lengthen their tenure and plan for the future, while shorter tenures for the less-performing schools puts them on notice that they need to improve.

CHAIR DENIS:

I will take testimony in opposition or neutral to S.B. 451.

CHRIS DALY (Nevada State Education Association):

The Nevada State Education Association (NSEA) does not have a position on this bill, but we think giving flexibility around the timeframes of renewals makes sense. Given some issue around accountability, it may be wise for the Legislature to give the authorizers some guidance about when to potentially have the longer terms and when to have the shorter terms.

CHAIR DENIS:

I will close the hearing on S.B. 451 and open S.B. 475.

SENATE BILL 475: Revises provisions relating to the evaluation of educational employees and makes various other changes to provisions relating to education. (BDR 34-816)

SENATOR HARRIS:

Educational employee evaluations can be used by states and districts to support and develop an exceptional workforce. Accurate evaluations based on quality data can help differentiate performance, deliver feedback, improve professional development, provide opportunities for pay increases, advancement and provide rationales for dismissals.

It is important to create and implement an evaluation system that meaningfully differentiates performance and provides personnel with opportunities for tailored support, development and advancement. Under the Every Student Succeeds Act

of 2015, federal law now allows states greater flexibility to revise and reform certain evaluation systems.

Before I go through the bill, I want to bring to your attention the amendment I have submitted ([Exhibit K](#)). Section 1 of S.B. 475 requires the Department of Education (NDE) to develop an electronic tool for providing documents used in evaluations to certain educational employees. The tool must allow such documents to be immediately shared with the employee who is evaluated and allow an administrator who conducts the evaluation to provide recommended professional development.

While current law authorizes the SBE to provide for evaluations of counselors, librarians, and other licensed educational personnel except for teachers and administrators, section 6 of this bill requires such personnel to be evaluated annually.

As you may recall, A.B. No. 320 of the 79th Session required that student growth on learning goals account for 20 percent of an educator's performance evaluation in the 2017–2018 school year and 40 percent thereafter. Section 4 of S.B. 475 modifies the amount certain metrics count towards such an employee's overall evaluation score. This bill changes the student growth metric from 40 to 20 percent of the total weight in an evaluation. Further, 60 percent of the evaluation will reflect instructional practices, and 20 percent will reflect professional responsibilities.

Section 7 of the bill removes the authorization that a district may not renew a contract of a probationary teacher or certain administrators who are designated as "developing", however a district would retain the authorization for such personnel who are designated as "ineffective". The bill further removes the requirement that such personnel who are designated as developing for two consecutive years serve an additional probationary period.

Finally, section 9 requires NDE to study the impact and validity of the Statewide performance evaluation system and report the findings to the Interim Legislative Committee on Education.

ASSEMBLYMAN TYRONE THOMPSON (Assembly District No. 17):

My Assembly Committee on Education heard a similar bill A.B. 460, this Session, but it had a few differences.

ASSEMBLY BILL 460: Revises provisions relating to the statewide performance evaluation system. (BDR 34-796)

I want to state on the record how proud I am to be sitting here today because we were able to get key stakeholders together on this bill. It is hard to compromise sometimes when it is your profession and your expertise. I am glad we were able to come to compromises on a bill that starts the conversation. We did let A.B. 460 fade away in the Assembly and we are now having the conversation on S.B. 475.

This bill makes me recall being a first grader in the early 1970s in the Clark County School District (CCSD) at Laura Dearing Elementary School where Miss Connie Davis, a tall, thin African American woman with a slightly salt and pepper afro, was my teacher. She pushed me to be the best I could be and she always encouraged me to dream. Thirty years later, I received a phone call from her where she asked me to be one of the people to escort her at her retirement party. That day, I learned that my first grade class was actually her first year of teaching. I loved Miss Davis and I know there are some Mr. Davis's in our State also. I hope this evaluation system will be something that allows teachers to truly focus on the students, just like I know Miss Davis focused on me.

PAM SALAZAR, PH.D. (Chair, Teachers and Leaders Council):

The Teachers and Leaders Council (TLC) has recommendations that are reflected in S.B. 475. In 2011, A.B. No. 222 of the 76th Session created the Nevada Teachers and Leaders Council and tasked it to establish a Statewide performance evaluation system for educators, the Nevada Educator Performance Framework (NEPF). That system is currently being implemented across the State.

Additionally, the TLC is responsible for the ongoing monitoring of the NEPF for quality, reliability, validity, fairness, consistency and objectivity. It also provides recommendations to continuously improve the system. We had many educators make presentations to the TLC with thoughts, concerns and suggestions for improvement of the NEPF. In particular, the educators who serve on the Public Education Foundation's NEPF Task Force gave us a comprehensive set of recommendations to the TLC, many of which are in S.B. 475.

One of the recommendations is developing a Statewide electronic platform, which is key to the implementation of the NEPF, especially in a Statewide

manner that builds consistency. This system would be a web-based interactive data management system, not only for observations, but also for aligned professional development. The system would manage the data collection process so schools can focus on effective teaching and learning. Additionally, the aggregated data that could be collected from the system could be used for decision-making by both schools and districts.

The second recommendation pertains to weight of student outcomes. We came to the Legislature in 2017 with a recommendation for 20 percent of educator evaluations to be based on student performance, but that was not accepted, so the student component is currently 40 percent. This recommendation with S.B. 475 reduces the student component to 20 percent for the 2019-2020 school year and 15 percent in the 2020-2021 school year and thereafter.

We at TLC have discussed this for an enormous amount of time. I can say that there is no "right" weight for the student outcome component. The Student Learning Goal (SLG) process is still new and the idea of looking at student outcomes and evaluation systems has been around for a while, but the way we measure that student outcome piece does not have a strong body of empirical data behind it.

One reason TLC recommended 20 percent is because we thought it would bring stability to the system. That is a 100 percent reduction in what it was in 2017. The 20 percent also represents the national landscape and what we see in other states, where the range of the student component is somewhere between 15 percent to 45 percent, with most states landing between 20 percent to 30 percent. That is how we landed on 20 percent.

In terms of the 15 percent component we are recommending for the 2020-2021 school year, I will take that to the TLC and we will schedule a meeting and a vote on that option. At that time, we can make recommendations regarding the redistribution in the weightings of the educational practice components that will now have to be shifted for the 15 percent versus the 20 percent student outcome weights. I believe TLC will support the compromise if that is where the bill lands.

In terms of the SLG as a measure of student outcomes, this is the area that is being the most studied across the Country. In early studies, we are seeing that

the SLG is a very powerful process for teachers; one that engages them in reflection on their practice and leads to greater student achievement. That is a reason for us to continue to look at SLGs and student outcomes as a key component of the evaluation system.

The recommendation for removing the "developing" category from probationary teachers is critical. We have looked at the distribution of "highly effective", "effective", "developing" and "ineffective" over the last couple of years and we have not seen many educators being identified in the developing phase. The reason for this seems to be that those last two categories—developing and ineffective—merge together, making it a bifurcated system with effective and highly effective versus developing and ineffective. Because there was required language saying a teacher might face dismissal of his or her job, we do not want to take our novice educators and apply that developing label which would put them in jeopardy of losing their job.

Finally, one of the recommendations that came from a study by the Center on Great Teachers and Leaders (GTL) which was released two weeks ago is that it is important for these systems to be continually reviewed as an impact study. From TLC, we recommended continued support of the Regional Professional Development Programs (RPDP), as they are the key in the implementation of the NEPF.

SENATOR HAMMOND:

We are trying to fine tune this. It has been an ongoing process with a lot of moving parts over the last few years. We want to get this right and not punish teachers, but we also want to reflect on what they are doing in the classroom. I have received emails about this bill and this issue, some from teachers who do not want any student outcomes to be part of their evaluation.

I understand the importance of reducing the percentage of student outcome from evaluations from 40 percent to 20 percent. Practically, what does this mean to an educator? What we hear from educators in our emails is that students are unpredictable and they can sometimes have a bad day and that is not in the control of a teacher. I get that part.

Why is student outcome so important as part of the evaluation? What will the dropping from 40 percent to 20 percent mean to teachers? How badly will they

be pinged with the smaller percentage, even if they have a few students they cannot control?

DR. SALAZAR:

Part of the challenge is understanding what the SLG is. Over recent years, it has evolved and been mischaracterized as being about testing and preassessment and postassessment. That is not the SLG process. The State protocol, which can be found on the NDE website, is about teacher practice, student impact and using multiple data points around their own students regarding what is most important for them to learn throughout the year. It is about growth. What it really reflects is where did the teacher start with their students and how can they demonstrate impact on the students by the end of the school year, using the measures and multiple assessments that give them the best picture of that process.

In that sense, my role as an educator is to impact learning. The SLG process, as defined in the State protocol, is for me to know what kind of impact I am making on my students while having different data points to show I am making an impact. That is what I do as a teacher.

Most states look to Massachusetts, because it is the highest performing state in the U.S. It was one of the Race to the Top states from the U.S. Department of Education, receiving funding to implement educator effectiveness and to evaluate the impact. One of the big findings from Massachusetts was that when they first started out, they used 50 percent in their evaluations based on state tests, just like we did in Nevada. Then they moved to a variety of standardized assessments.

The new model right now in Massachusetts is just like the one we are proposing here. They have moved to a model where student growth is examined from the standpoint of taking students where they are to where we want them to be around an important goal and examining the various ways throughout the year that we can continue to look at that improvement and growth. That is the system Massachusetts' education system has deemed the most effective because it parallels and reinforces growth teaching practice, which is looking at the data, setting goals and continually monitoring where students are at and revising as you go along to see a greater impact.

As envisioned by the TLC and referenced in the State protocol, the SLG is about that kind of a process. When picking a percentage for student performance in evaluations, the number that is most important to each individual teacher is the "right" percentage for that teacher. It is not universal. Mathematically, 20 percent or 15 percent will have very little effect on the final rating. It is more about reminding teachers that it is not only about their teaching; it is about their impact on students and student achievement.

SENATOR HAMMOND:
What is the makeup of the TLC?

DR. SALAZAR:
There are 15 members which consist of 4 teachers, 2 administrators, a representative from higher education, a representative from other licensed educational personnel, some policy folks; all representing the various stakeholders in the State. This is why the TLC was created in the first place; to provide our best expertise, technical assistance and GTL and other experts to provide us some thinking around accountability and student outcomes.

SENATOR HAMMOND:
Some of those folks are going to be teachers in the classroom who will be affected by this.

DR. SALAZAR:
Absolutely.

SENATOR PICKARD:
My emails have not been one way or another, but at the core there is a notion that student outcome is the purpose of school and we should not be looking at anything else. Looking at section 4 in the amendment, [Exhibit K](#), moving from 20 percent to 15 percent, we also delete the balance of the language. It says 15 percent based on pupil growth, then I do not see any replacement. The math does not make sense. Can you clarify?

DR. SALAZAR:
In previous years, when we have made these recommendations regarding percentages, the role of the TLC was to make a recommendation for the regulation that supports implementation. The 20 percent for the next school year would reflect 80 percent on educational practice. In previous years, that

piece has been left to the TLC to discuss, make a recommendation in terms of instructional practice, professional responsibilities and leadership practice. That has never been in a bill before. It was more of a correction.

SENATOR PICKARD:

Will the SBE, through its regulatory process, fill in the gap?

DR. SALAZAR:

In the previous bill, A.B. No. 320 of the 79th Session, the statement above that language stated that the requirement of the TLC is to make recommendations to the SBE, which then makes those decisions that end up going into regulation. In the past, that is how it has been handled. We did not reference what the other half was, meaning the other 60 percent or 80 percent of the evaluation.

CHAIR DENIS:

I will take testimony in support of S.B. 475.

JORDANA MCCUDDEN (Teaching Policy Fellow, Teach Plus Nevada):

Teachers want to improve their practice. The intention of teacher evaluations is to support teachers, but there are problems with the current system. If passed, S.B. 475 will go a long way to improve student outcomes through improved teaching practices. I support the bill and have submitted my written testimony ([Exhibit L](#)).

LINDA JONES (Political Field Coordinator, Clark County Education Association):

I am reading a letter of support for S.B. 475 from a Clark County Education Association (CCEA) member and National Board certified teacher, Diane Ortiz. I have submitted her letter and two other letters of support from Andrea Jydstrup-McKinney and Corrine Blake ([Exhibit M](#)).

THEODORE SMALL (Vice President, Clark County Education Association):

I sit on the TLC as a stakeholder to make sure this system is supporting educators. This evaluation system is based upon the focus on continuous improvement of educators' practice. It is about growth. We support S.B. 475 because it addresses important issues including the need to evaluate the implementation of our system and its impact on student success, and the need to enhance the observation and feedback process. Our RPDPs are in charge of that process in CCSD. The bill also directly links evaluation results to inform the professional development and support of our practice. That is the most

important part in that it addresses what a professional educator needs to do based on a third-party person coming in and watching a teaching lesson. As a teacher, that informs my instruction and helps me grow as a professional.

In the end, it is about the people—the professionals in our school system—and the need to give them what they need to succeed. I have submitted my letter of support from CCEA ([Exhibit N](#)).

MARY PIERCZYNSKI (Nevada Association of School Superintendents):

We support S.B. 475. One of the most important things our superintendents have noticed is the category of developing and putting more emphasis on that so our new teachers who are not rated highly effective or effective their first year out know they are doing well even though they get a developing designation.

BRAD KEATING (Clark County School District):

We support S.B. 475 and appreciate the work the sponsor has done in making the bill something every school district in the State can live with as it ensures that our teachers are held accountable.

ALEX BYBEE (Nevada State Director, Teach Plus Nevada):

I am reading a support letter from Kenny Belknap, who is a Teaching Policy Fellow at Teach Plus Nevada and a teacher at Del Sol Academy for the Performing Arts. I have submitted Mr. Belknap's letter as well as letters of support from Deanne Hicks and Connie Thompson ([Exhibit O](#)).

VIKKI COURTNEY (President, Clark County Education Association):

I am reading a letter of support for S.B. 475 from a CCEA member, Elizabeth Campbell, a National Board certified teacher ([Exhibit P](#)).

LINDSAY ANDERSON (Washoe County School District):

We support S.B. 475. The WCSD was an early adopter of using student test scores as part of teacher evaluations through a federal program called the Teacher Incentive Fund before this was even part of State law. In some cases, it is a good thing, but in others, it has made it more challenging for us to plug into a system running on a parallel path. We have a close working relationship with the TLC. We have an online electronic tool called "My PGS" which stands for professional growth system. That tool links teachers with their evaluations to professional development and allows principals to give immediate feedback.

We have invested our own General Fund dollars into this system and we want to be able to continue using that tool. We know this bill is a compromise and not everybody may end up happy in a compromise, but we think parts of this legislation are important and should be approved.

MIKE PAUL, ED.D. (Executive Director, Human Resources, Washoe County School District):

As Lindsay said, several years before SLGs became Statewide, we were working with them for a couple of years. At that time, student outcomes were 15 percent of evaluations for a group of our schools. What we found was that there was not much anxiety among the teachers because they were all about developing rich conversations around instruction. They were also focused on how to work with our standards and assessments that were used at that time to determine growth for our students. There was not much discussion about how the student outcome percentage would impact evaluations.

The main part of my job is to work with evaluations and the SLGs. Over time, we have found that as the percentage increased, especially this year up to 40 percent, the conversation has shifted away from student growth, teaching and instruction to a high level of anxiety of just getting it done and making sure it is good enough so my evaluation is not negatively impacted. That is disappointing, given the progress we were making with instruction betterment as the focus to now just making sure the SLG gets done and is good enough so the evaluation is not dinged. We see this conversation over and over with teachers and principals. This bill will bring the percentage down to a level where it is still important, but the anxiety can come back down. We need to ensure that teachers and principals can understand what SLGs are all about. We support S.B. 475.

FELICIA ORTIZ:

I am a member of the SBE representing myself today because this has been one of my hot button topics. We are required to review the results of the NEPF as part of our responsibility on the SBE. Over the last couple of years, when we get those results, we shook our heads in denial because we did not think they were accurate. We pushed hard for the TLC to go back to the drawing board and come up with changes that would make this process easier for the team as well as more effective and more accurate. We have accountability to the taxpayers and we want to be spending tax dollars properly and one way to do

that is to ensure we are actually providing outcomes for students. I support S.B. 475 with the changes that have been made.

Ms. SMITH:

I also sit on the TLC as a representative with expertise in public policy and I support S.B. 475. As an education policy organization that focuses on how best to align Nevada's policy infrastructure with what we see in high-performing systems, we at Nevada Succeeds believe this bill strikes a balance between the need to acknowledge the impact teachers have on students while providing the additional structures around the evaluation system to ensure that system is also able to function as a professional development tool.

The provisions in the bill of both establishing an electronic system for implementation of the NEPF as well as the provision to study the impact and validity of the Statewide performance evaluation system, are both critical to ensuring that the NEPF is accomplishing its charge. The time saved through an electronic evaluation system could be reinvested into conversations in collaboration between and among teachers, administrators and other professional educators for ongoing growth for educators.

Additionally, S.B. 475 would address the need for accountability given that the public education profession is both a profession and a public good, while also acknowledging that the best research in national practice we have currently shows that teacher and school factors support a 20 percent student learning goal. The NEPF and the other national efforts around this type of evaluation system come out of an era in education policy that we are in some ways moving away from or learning from. The accountability movement borne out of the No Child Left Behind Act of 2001 and continued under Race to the Top was well-intentioned but somewhat misplaced in terms of how best to achieve the outcomes we all desire for our students.

HOLLI RATLIFF, PH.D.:

I am the CCSD franchise principal of both C.T. Sewell Elementary School and Josh Stevens Elementary School. I am also an alumni of the Public Education Foundation Executive Leadership Academy. Through that organization, I joined in developing improvements to the NEPF as part of our capstone project. I have since joined the NEPF Task Force developing recommendations to incorporate in the TLC's recommendations and ultimately S.B. 475.

The TLC and SBE recently approved a revised NEPF tool that reduces duplication. With these revisions, we have already noted significant changes for our teachers and administrators. At my two schools, teachers have been extremely receptive to the shortened document, saying it is less intimidating and overwhelming. As the administrator, I have spent less time transferring observation data and more time with teachers, having conversations about instruction.

In continuing the work of refining the evaluation process, there is a need for an electronic tool for administrators to use district-wide. An electronic tool will provide efficient means of collecting and organizing observation data, and will further decrease the time administrators spend on managerial and paperwork tasks and increase the time that can be spent in classrooms and meeting with teachers to provide quality feedback and coaching opportunities.

The proposed SLG weight will provide meaningful balance to the evaluation and should be a reflection of the teaching and learning that is occurring in the classroom. The weight is significant enough that teachers will feel a direct investment into their evaluation and will take ownership of the academic gains of their students.

Establishing greater distance between a "developing" rating and dismissal will result in a shift from the stigma that developing teachers are underperforming and in jeopardy of nonrenewal and will create a culture where it is acceptable to be developing and improving. This will allow for continued focus on improvement and increasing the quality of instruction. I support S.B. 475.

DR. SALAZAR:

I am reading a letter of support from Dr. Kirsten Gleisner on behalf of three RPDPs. She states that the northwest, northeast and southern regional RPDP programs support S.B. 475 and the recommendations of the TLC.

CHAIR DENIS:

I will take testimony in opposition to S.B. 475.

BRIAN RIPPET:

I am a member of the TLC but I am not speaking on behalf of it today. The TLC supported most of the language in S.B. 475. As Dr. Salazar mentioned, there was a lot of discussion around the percentage of the SLG in the evaluations.

Because of that 20 percent decision, I am not in support of the bill. My question is, why would we stop at 20 percent when there also seems to be broad consensus that there are a lot of mitigating factors in the success of students? It seems to be a number we settled on because it is halfway between 0 and 40. All the TLC members who are currently in the classroom voted to reduce the percentage to 10 percent. There were a lot of discussions and a lot of the people in the middle were not sure how to vote or how it would play politically and were reticent to bring the number to 10 percent. The people who supported the 20 percent portion were all people who were not in the classroom.

The intent of the SLG is great. It is to codify a process that all teachers do to have rich dialog between administrators about the learning and goings on in the classroom. As Dr. Salazar said, the SLG is not about test scores; it is about stuff we do every day. The problem has been in the implementation and the forced use of a third-party test to do the measurement. Even though we have multiple measures in a lot of places, if they do not get a score on that third-party test, then none of the other measures matter.

In the 2017-2018 school year, when I was first on the TLC, there was a school that reported they were told by their administrator that they had to do the SLG on math and they had to use the Measures of Academic Progress (MAP) test.

In the NEPF 2018-2019 School Administrator and Teacher Protocols publication by the NDE, on page 24, there is a diagram, Figure 6, which misrepresents the process of choosing an assessment. On the top it says "If available and appropriate"; the first priority lists selecting third-party tests and the third priority then directs teachers to actually do the work of creating their own test. In the September 27, 2017, meeting of the TLC, Dr. Salazar explained how that diagram is upside-down and that we really want people to create their own assessments. My point is, the implementation is making the weight of even 20 percent too high and it is still a threat. It is the number one issue teachers express about their worries in the classroom.

PHILLIP KAISER:

I am a WCSD high school teacher, a member of Washoe Education Association (WEA), NSEA and I am also a National Board certified teacher. The purpose of student assessments should be to find out what a student has learned and then to remediate, adjust, reteach or enrich. It should not be to judge how good a

teacher is. Most of the factors in a student's life—poverty, hunger and domestic violence at home—are beyond a teacher's control.

It is virtually impossible to isolate what I do from what other teachers do and what students do on their own to learn. I have a given class for 49 minutes a day and my Student Learning Objective (SLO) baseline had them read from *The Federalist Papers* and determine in written form whether factions represent the basis of democracy or the bane of democracy. Six to eight weeks later, from *The Selling of the President 1968*, they write a brief essay on whether issues or image are the key parts of whether someone gets elected or not. But students have also had six to eight weeks of English, six to eight weeks of science and six to eight weeks of experiences in other classrooms and their own experience. How do you isolate what I do from what other teachers do in teaching them these skills in writing and thinking? My assessments seek to promote deep thinking about core concepts of democracy, but six to eight weeks may not be enough to measure whether they learned that.

When student outcomes are a high percentage of an evaluation, a teacher may choose a simpler objective with a hard baseline and an easier final to ensure that every student shows growth. When student outcomes are a low percentage of a teacher's evaluation, a teacher might try a more ambitious objective or a more creative project without worrying that his or her career might be in jeopardy if students do not show their required growth. Please reduce significantly the percentage of evaluations based on student performance from 40 percent to no more than 15 percent.

MR. ANDERSON:

The Las Vegas Metro Chamber of Commerce is a long-standing supporter of quality education because it is vital to workforce development and the economy of the State. Quality teachers are vital to this. In 2015, we supported the original version of this legislation, which included the 50 percent pupil growth provision. In 2017, we endorsed the compromise lowering it to 40 percent. We recognize that each student is unique, but we do not support lowering the percentage if it is to remain a meaningful measurement of student growth. It should stay at or near the current 40 percent. We do not support S.B. 475.

CLINTON TOLEDO:

I am a special education teacher at Hug High School in the WCSD. My concern with the current SLO/SLG weights is that I do not believe it is an authentic

representation of what I can do. The WCSD has adopted a coteaching model for special education classrooms, which means that whatever score I receive on my SLO/SLG is not just my own; it is based on what my coteacher can and cannot do. As a result, based on who I am paired with is a factor in what I can do and potentially deems me effective or not with my students as a result.

SUSAN KAISER:

I am a National Board certified teacher in my 24th year in the classroom, a member of WEA and NSEA. This year I have 175 students and I have completed an SLO. Teachers are a dedicated group of people and every day they are prepared to spend an entire day with a room full of children, helping them to learn and practice new skills, model how to interact positively with others and managing what happens when they do not. Every day, teachers fulfill the roles of nurse, mental health provider, referee, problem solver and cheerleader for success for every student on their roster. None of the roles are measured in the current SLO process, yet they are prerequisites for successful student learning.

The belief that any teacher's competence can be measured by an SLO, developed and implemented with a single class of 30 students as a fair and meaningful measure is misguided. Educators are doing so much more that cannot be quantified, and SLO is a snapshot of an educator's impact on student learning providing only a fraction of the larger picture. Therefore, the SLO should be a smaller percentage of a teacher's evaluation. This year it was 40 percent, which is significantly too high. The value of an SLO should be no more than 15 percent.

DAWN MILLER:

I am in my 25th year as a music teacher in WCSD. I am a supporter of SLOs. I was actually at one of the pilot schools seven years ago. When the SLOs came out, they were to help us with the instruction of our students and to help make the conversation with our administrators meaningful. As a music teacher, my administrator would come and see notes on the wall, but not know what I was doing and yet as we wrote the SLO, the administrator understood what my process was. It became a meaningful evaluation.

I sit here today as a teacher who's SLO has been deemed "failing" because my students did not make enough growth. Yet, my students made amazing growth—between 30 percent to 70 percent growth—but that was not high enough to deem the slowest student successful. I, on the other hand, see those

students as very successful today. I knew the student outcome portion was 40 percent when I wrote my SLO, but I still chose to challenge my students and myself to a higher standard. This evaluation news should be where the conversation starts with my administrator, but it is where we close it down because it is 40 percent of my evaluation.

So, the results are in and my evaluation is done. I only found out today that I will be at the base of "effective". That is the first time in my 25 years of teaching that I have not been high effective or highly effective; and I was almost in the developing category.

I encourage the Committee to return to 10 percent so the SLOs can return to a level where dialog continues and teachers feel it is OK to take those risks to challenge ourselves and our students. I am submitting my results and my evaluation because I am proud of it ([Exhibit Q](#)).

MR. TOLEDO:

I am on the same page; I would like to see the percentage drop to 10 percent or 15 percent.

JOHN GUEDRY (CEO, Bank of Nevada):

I am an education advocate and I find the description of the bill a bit confusing. It seems contradictory to say that lowering a standard and how you measure a teacher's performance to the student's outcome actually enhances the student outcome.

I found a study online completed by the Center on Enhancing Early Learning Outcomes where 15 states are at 50 percent or higher for their SLO percentage and 7 states are at 20 percent or lower; the lowest being West Virginia at 15 percent. It appears the issue seems to be more centered on what is measured in student outcome. Is it student growth? Is it performance via test scores? To me, it seems to make more sense to focus on those issues and try to address what is a fair and practical evaluation process.

I agree with doing it electronically and streamlining that process, but I do not agree that lowering the standard raises the bar for students. I think that is ultimately what this is about; how do teachers increase the performance of students. I would like to see us address the issues the teachers raised here

today of how they are measured as opposed to what the weighted measurement is.

MR. DALY:

The NSEA opposes S.B. 475 because of the continued unfair use of SLGs or SLOs in teacher evaluations. Instead, we ask that a teacher be evaluated on their instructional practice, leadership and other professional responsibilities. I have submitted our letter of opposition ([Exhibit R](#)). We also have 630 emails from teachers in the classroom who do not want the use of SLOs or SLGs in their evaluations.

Over the last few weeks, we did a survey of teachers across the State with more than 3,500 respondents ([Exhibit S](#)). More than 90 percent said the current evaluation system is unfair and more than two-thirds of the respondents thought that either zero or 10 percent was the most appropriate percentage of SLOs or SLGs to use in a teacher evaluation. Interestingly, the CCEA also did a survey where the majority of their members also believed that zero or 10 percent was the fairest percentage ([Exhibit T](#)).

If you ask those who are in the classroom, whose professional practice is most impacted by this bill, they will tell you that the percentage of SLOs or SLGs should be zero to 10 percent, which makes sense. Even Dr. Salazar, one of the national experts, says there is no "right" weight. This is a political number and really, the only number that can be justified is zero.

If you want to compare us to Massachusetts, double the amount of money you are spending per pupil, keep the SLOs and SLGs, and then compare Nevada to Massachusetts. Or, compare us to the 11 states that do not use student growth in their evaluations, including 3 southern states and Indiana that have moved away from the use of student growth in teacher evaluations over the last 2 years.

NATHA C. ANDERSON (Nevada State Education Association):

I will read a letter from Pilar Biller, the 2018 Teacher of the Year for WCSD. She opposes the use of SLOs and SLGs in teacher evaluations and thinks they should be based entirely on what teachers do in their classrooms and at their schools with a focus on instructional practice, leadership and professional responsibilities. I also have a letter from Tammalin Baumgart of CCSD who is opposed to S.B. 475. I am submitting them both ([Exhibit U](#)).

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

We are hearing concerns with SLOs and SLGs from both sides. When it comes to teacher evaluations, we want to be evaluated and we want it done fairly. We want to use the tools that are effective not only for our evaluation, but for the education of our students. For us to fairly evaluate a teacher, we need to ensure that they have the tools necessary to support them in the classroom before we go to the extent of evaluating them when they do not have the necessary resources to teach our children.

I will read two letters. One is from CCEA member Dolly Rowan who says that 20 percent of the evaluation based on SLOs/SLGs is neither a fair nor a valid measure of the complex demands of the teaching profession. There is no significant evidence that SLOs and SLGs in teacher evaluations need to include instruction or better overall student outcomes. I also have a letter from a high school science teacher in Elko who also opposes S.B. 475 because, in practice, the student outcome percentage fails in what it intends to accomplish.

ROBERT MUNSON:

I am a member of WEA and NSEA. I will read a letter from Malinda Riemersma, who is the President of the Humboldt County Education Association. She supports evaluations based on instructional practice, leadership and professional responsibilities. I am submitting her letter ([Exhibit V](#)).

SUZANN BENNETT:

I am a retired WCSD educator, reading a letter of opposition to S.B. 475 from Courtney Hurlbert, a WCSD teacher who could not be here today. She asks that we end the use of student data in teacher evaluations and says that 40 percent is far too high. I have submitted her letter ([Exhibit W](#)).

FRAN MCGREGOR (Vice President, Washoe Education Association):

I am a teacher in the WCSD, reading a letter of opposition ([Exhibit X](#)) from a WCSD special education teacher, Yvonne Williams, who could not be here. She, too, wants to see the end of student data used in teacher evaluations.

KATHLEEN WATTY:

I am a retired WCSD educator and principal, here to read a letter of opposition from Agnes Francis in Lyon County who cannot be here today. She says the current evaluation system is not realistic and she asks for the end of the use of student data in teacher evaluations. I have submitted her letter ([Exhibit Y](#)).

DANA GALVIN:

I am a member of WEA and NSEA, reading a letter on behalf of a Carson High School teacher, Patrick Mobley, who could not be here today ([Exhibit Z](#)). He echoes the other teachers in opposition to using student data in teacher evaluations and says that they do not accurately reflect a teacher's ability in the classroom or a student's actual knowledge.

ALEXANDER MARKS (Nevada State Education Association):

I am reading a letter of opposition from Kelly Ehrenfeuchter of Ormsby County ([Exhibit AA](#)). She supports the use of data from standardized testing being used to measure growth and improve her practice as an educator, but she does not support the current "almost HALF" of her evaluation being determined by a single goal based on her students' achievement. She asks for the end of the use of student data in teacher evaluations.

LISA GUZMÁN (Assistant Executive Director, Nevada State Education Association):

I have two letters of opposition I would like to read ([Exhibit BB](#)). The first is from Tracy Shephard, a WCSD special education teacher who says the SLG is a waste of time because the data can be skewed based on the different populations of kids each teacher works with. The second letter is from Janine Luciani, also from WCSD, who says that if you want to keep excellent teachers at high-needs schools, or frankly, teachers teaching at all, please end this unfair ranking on teacher evaluations.

CHAIR DENIS:

I will take testimony in neutral to S.B. 475.

ZHAN OKUDA-LIM (Director of Policy and Analytical Leadership, Public Education Foundation; Resident Fellow, Leadership Institute of Nevada):

I am a member of the TLC; testifying today in neutral on S.B. 475 because the Public Education Foundation that I also belong to does not take positions on legislation. Instead, I am testifying to thank policymakers and decision-makers, including the Committee, for critically engaging with educators on improving the NEPF.

In addition, I would like to recognize, for the record, the members of the NEPF Task Force, which includes alumni from the Public Education Foundation's

Leadership Institute of Nevada and partners from Teach Plus Nevada, for their deep thinking and critical contributions to improving the NEPF.

Since August 2018, the Foundation has convened the Task Force with alumni from two core programs under the Leadership Institute of Nevada, the Executive Leadership Academy and the Teacher Leader Academy who developed NEPF improvements as part of their capstone projects. The Task Force also includes Teaching Policy Fellows with Teach Plus Nevada and staff support from each organization. The purpose of the Task Force has been to bring together teachers and administrators to develop recommendations, informed by both research and experience from the field, for policymakers to improve the NEPF.

As you have heard in earlier testimony today, the Task Force has collaborated closely with the TLC and the NDE to provide critical feedback and recommendations to improve the NEPF. In its work, the Task Force has been guided by three key ideas, the first of which is educators' trust in the system. Bolstering educators' trust in the NEPF can encourage teachers and principals to be more honest in using the system, accepting feedback and changing their practice. Furthermore, greater trust can open sustainable opportunities for expanding coaching and development programs for educators.

The second key idea from the Task Force is emphasis on coaching and development. By shifting the NEPF's emphasis more towards coaching and development, teachers can connect with individualized attention and supports to improve their practice, better serve students and foster improved student outcomes. In addition, this shift in emphasis can help bolster greater trust in the system with more accurate ratings and it also addresses the stigma that is often associated with low ratings from evaluations.

The third key idea is accurate appraisal of educator performance. If evaluators are encouraged to give honest ratings of teachers, then teachers would receive more accurate appraisals of their performance. Furthermore, accurate differentiation between teachers' performance would be reflected in more accurate distributions of ratings, which education leaders and policymakers could use to make more informed decisions about directing supports for educator practice.

The Foundation appreciates the Task Force members for their critical engagement in improving the NEPF to support educator effectiveness and

student achievement. In addition, the Foundation thanks the TLC, the NDE, school district and education partners, and the Legislature for engaging educators in this work.

Looking ahead, alumni of the Leadership Institute of Nevada and the Public Education Foundation stand ready to contribute to the improvement and implementation of the NEPF, so Nevada's educators can hone their craft and best serve our State's students. I am submitting a written statement by Debbie Brockett, a regional superintendent for CCSD who could not be here today ([Exhibit CC](#)).

SENATOR HARRIS:

I want to clarify that this bill does go down to 15 percent, which is mostly in response to a lot of the concerns we heard today. We do feel that puts the percentage at a level that is meaningful and appropriate for teacher development. A lot of what we heard is unrelated to SLGs themselves, but how they have been implemented. I know all the stakeholders are willing to continue to work on properly implementing what are supposed to be tools to help teachers become better teachers and to receive the feedback that will allow them to develop in the way we hope they will. A lot of work has gone into this bill and it is a very touchy subject as you can see.

DR. SALAZAR:

There are some mischaracterizations of what the SLG is and what it is not. We heard some statements regarding the use of some standardized tests or the SBAC in a SLG and that is not a SLG as defined in Nevada State protocol. There is still work to be done in terms of professional development and support so the SLGs are implemented in a way that can impact learning.

There is research from the School Reform Network that finds the SLGs show potential as an evaluation method to incorporate student growth in the evaluation process. In fact, they found that SLOs and SLGs that are rigorous and of high quality are associated with higher student achievement. There is also research suggesting that positive statistically significant associations exist between the attainment of SLGs using teacher developed measures and student achievement. That is the structure and design of the SLG in Nevada.

Finally, research has found that the SLG process is a promising approach to educator accountability because it supports teachers and leaders to articulate a

shared understanding of what student growth and mastery means for a subject, which can then help set consistently high expectations for both teachers and students. Many studies have found that well-designed SLGs can not only promote best practice in the classroom, they can also show strong correlations with statistical measures of student achievement.

SENATOR HARRIS:

There is almost unanimous support for lowering the percentage from 40 percent to 20 percent as we are doing in S.B. 475. I believe we only heard from one person who felt it should remain at 40 percent. So we are really just talking about how far in that direction we should go.

CHAIR DENIS:

It does seem like everybody agrees that we need to lower the percentage, but the disagreement is on the number. Is that accurate?

SENATOR HARRIS:

Yes, and I believe that most of the discussion is around the 20 percent to 15 percent, not the 15 percent to 0 issue. We are really only haggling over 5 percent, which is why we are recommending eventually dropping the percentage to 15 percent.

CHAIR DENIS:

I did an unofficial tally in my family of teachers and they like 10 percent. I appreciate everyone's passion about this issue and about education, no matter what your position is. This is what we need in Nevada if we are going to make education better for our kids—to have passion and to have discussions about these issues.

SENATOR HAMMOND:

I did not hear of any states that were above 40 percent. Is there research indicating that states are going in the opposite direction? You indicated that after Tennessee and Massachusetts received money for Race to the Top, there were states studying SLGs and SLOs in an effort to figure out the sweet spot for the percentage of student outcomes in teacher evaluations. Many of the states moved their percentages down, but someone said no states were higher than 40 percent. Is that true?

DR. SALAZAR:

There are still a couple of states at 50 percent, but they are in the process of refining that evaluation system during their own legislative sessions. There are also some states at zero since it is no longer required under the Elementary and Secondary Education Act of 1965 for districts to have a weighting in evaluations that includes student outcomes.

SENATOR HAMMOND:

Are there any states keeping their percentages or weights the same but yet looking at their evaluation tool instead?

DR. SALAZAR:

Tennessee has shifted the way they look at student outcomes. In the past, they were one of the front-moving states with the Value Added Measures system, going with the 50 percent designation. Now they are creating a student learning portfolio, which is a sampling of student data points that show evidence of learning. That is a component of Tennessee's evaluation system that includes an online portfolio submission system along with observation data plus the sampling that teachers select. In some sense, this reflects what the SLG process is about—providing evidence to let teachers know if they are making an impact on students.

SENATOR WASHINGTON:

Why is the SLG a requirement for teachers?

DR. SALAZAR:

In 2011, in response to Nevada's application for the Race to the Top funds, the requirement was that states had to have an evaluation system where 50 percent of the evaluation was student outcomes and it had to include state large-scale assessments. Even as we moved forward in 2015, we were able to slowly back out of the State assessments which occurred in the 2017 Session, still with the expectation that there should be something around student outcomes. In 2017, after looking at other states, the proposal from TLC was to implement student learning objectives, or SLOs. This was modeled after Washington State and it now parallels more where Massachusetts is going in terms of trying to provide an avenue for educators to demonstrate impact. That is really the SLG process.

SENATOR WASHINGTON:

I have a problem with the SLG. I hate to see us compare ourselves to other states that really invest in their teachers and students. For us to look at Massachusetts while we are ranked at 50th or 51st in the Nation, for me, that highlights the problem with the SLG objective in Nevada. For that reason, do not be surprised on how I vote on this bill.

SENATOR HARRIS:

I would suggest that what we need to do then is invest in our teachers.

CHAIR DENIS:

I will close the hearing on S.B. 475 and open public comment.

MR. DALY:

Yesterday, the NSEA released our 2018-2019 educator economic security survey with data from more than 3,000 educators on various financial issues. More than 75 percent of respondents were women; more than 60 percent had a graduate degree; nearly half of the respondents carried student debt and 25 percent of those respondents carry a debt of more than \$25,000. More than half of the respondents had postponed significant life events, like buying a home or getting married, due to their debt. Sixty-eight percent of the respondents earned less than \$60,000 per year and more than half of respondents said they were seriously considering leaving the education profession. Forty-three percent of teachers said they worked more than ten hours outside of contract time and nearly one-third said they had second jobs.

MS. ORTIZ:

We expect a lot of our educators without giving them nearly enough. We cannot keep expecting more and more from our teachers if we do not give them all the resources and support they need. You are all sitting in those chairs for a reason; because you were elected to do something different and better for our kids. The question is, are you? Are you going to help increase funding for our schools or not? We are going to keep coming here and asking you and pushing the issue until we see it happen, because our teachers and our students deserve that.

MR. RIPPET:

I wanted to clarify that most of the confusion and disgruntlement is about the implementation of the SLG. Many who submitted letters today talked about having to create and succeed in the SLGs, and about having standardized tests

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implemented, using MAP or SBAC. That is not the intent, but it is the practice in some districts. My opposition to the 20 percent to 15 percent designation is that I believe it should be lower unless and until we all get on the same page and do it correctly. If we were at 10 percent, it would still be taken seriously and not be threatening, rather than the haphazard way it is now with people doing different things in different ways.

CHAIR DENIS:

I adjourn the meeting of the Senate Committee on Education at 3:35 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	2		Agenda
	B	6		Attendance Roster
S.B. 468	C	2	Susan Fisher	Proposed Amendment
S.B. 41	D	23	Jen Sturm	Work Session Documents
S.B. 57	E	15	Jen Sturm	Work Session Documents
S.B. 185	F	4	Jen Sturm	Work Session Documents
S.B. 267	G	2	Jen Sturm	Work Session Documents
S.B. 314	H	2	Jen Sturm	Work Session Documents
S.B. 320	I	2	Jen Sturm	Work Session Documents
S.B. 376	J	1	Jen Sturm	Work Session Documents
S.B. 475	K	6	Senator Dallas Harris	Proposed Amendment
S.B. 475	L	3	Jordana McCudden / Teach Plus Nevada	Written Testimony
S.B. 475	M	4	Linda Jones / Clark County Education Association	Written Testimony and Letters of Support
S.B. 475	N	1	Theo Small / Clark County Education Association	Letter of Support
S.B. 475	O	10	Alex Bybee / Teach Plus Nevada	Written Testimony and Letters of Support
S.B. 475	P	1	Vikki Courtney / Clark County Education Association	Letter of Support from Elizabeth Campbell
S.B. 475	Q	15	Dawn Miller	Washoe County School District Teacher Evaluation
S.B. 475	R	2	Chris Daly / Nevada State Education Association	Letter of Opposition
S.B. 475	S	5	Chris Daly, Nevada State Education Association	Survey Nevada Teacher Evaluation Total Responses
S.B. 475	T	3	Chris Daly, Nevada State Education Association	Survey Nevada Teacher Evaluation CCEA Responses

S.B. 475	U	2	Natha Anderson / Nevada State Education Association	Letters of Opposition from Pilar Biller and Tammalin Baumgart
S.B. 475	V	1	Robert Munson	Letter of Opposition from Malinda Riemersma
S.B. 475	W	1	Suzann Bennett	Letter of Opposition from Courtney Hurlbert
S.B. 475	X	1	Fran McGregor / Washoe Education Association	Letter of Opposition from Yvonne Williams
S.B. 475	Y	1	Kathleen Watty	Letter of Opposition from Agnes Francis
S.B. 475	Z	1	Dana Galvin	Letter of Opposition from Patrick Mobley
S.B. 475	AA	1	Alexander Marks / Nevada State Education Association	Letter of Opposition from Kelly Ehrenfeuchter
S.B. 475	BB	2	Lisa Guzmán / Nevada State Education Association	Letters of Opposition from Tracy Shephard and Janine Luciani
S.B. 475	CC	1	Debbie Brockett / Clark County School District	Written Statement