

**MINUTES OF THE MEETING OF THE
SENATE COMMITTEE ON FINANCE
AND
ASSEMBLY COMMITTEE ON WAYS AND MEANS
SUBCOMMITTEES ON K-12/HIGHER EDUCATION/CIP**

**Eightieth Session
April 30, 2019**

The joint meeting of the Subcommittees on K-12/Higher Education/CIP of the Senate Committee on Finance and the Assembly Committee on Ways and Means was called to order by Chair Joyce Woodhouse at 8:20 a.m. on Tuesday, April 30, 2019, in Room 3137 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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.

SENATE SUBCOMMITTEE MEMBERS PRESENT:

Senator Joyce Woodhouse, Chair
Senator Moises Denis
Senator Chris Brooks
Senator James A. Settelmeyer
Senator Ben Kieckhefer

ASSEMBLY SUBCOMMITTEE MEMBERS PRESENT:

Assemblywoman Maggie Carlton, Chair
Assemblywoman Ellen B. Spiegel, Vice Chair
Assemblywoman Teresa Benitez-Thompson
Assemblyman Jason Frierson
Assemblywoman Heidi Swank
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman John Hambrick (Excused)

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STAFF MEMBERS PRESENT:

Alex Haartz, Principal Deputy Fiscal Analyst
Sarah Coffman, Principal Deputy Fiscal Analyst
Julie Waller, Senior Program Analyst
Jaimarie Ortega, Program Analyst
Vicki Kemp, Committee Secretary
Michael Keever, Committee Secretary

OTHERS PRESENT:

Jennifer Bauer, Director, Finance and Operations, State Public Charter School Authority, Nevada Department of Education
Rebecca Feiden, Executive Director, State Public Charter School Authority, Nevada Department of Education

CHAIR WOODHOUSE:

Today, we will hear budget accounts for the Nevada Department of Education (NDE).

JULIE WALLER (Senior Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Budget account (B/A) 101-2614 begins on page 2 of the closing list ([Exhibit C](#)). This budget is funded by year-end transfer of the unredeemed or uncharged value of expired or abandoned gift certificates held by the Abandoned Property Trust Account.

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NDE - Educational Trust Account — Budget Page K-12 EDUCATION-40
(Volume I)
Budget Account 101-2614

There is one major closing issue for B/A 101-2614. This issue is the continuation of the Educator in Residence Program. The Governor recommends continuation of this program for the 2019-2021 biennium. During the

2017-2019 biennium, the NDE contracted with two fellowship positions and one Educator in Residence Position to assist the NDE with engaging in its business. The fellowship positions assisted the NDE with risk assessment protocols and various educational policies. At the same time, the educator in residence position was a contracted teacher from the Clark County School District. This position assisted the NDE by acting as a liaison between the NDE and licensed teachers Statewide, created resources in support of NDE initiatives, shared information with other teachers and was an important factor in creating the Superintendent's Teacher Advisory Cabinet.

The recommendation of the Governor's budget does not contemplate funding contract graduate assistant or fellowship positions. During the budget hearing on March 6, 2019, the NDE testified that it had reconsidered that position and did not wish to discontinue the use of the graduate assistant and fellowship positions. The NDE requests funding for these types of positions to be restored for the 2019-2021 biennium. Based upon information provided by the NDE, an additional \$11,800 in each fiscal year (FY) of the 2019-2021 biennium would be needed to restore a contract graduate assistant or fellowship position in each year. The Governor's Office of Finance concurs with this recommended technical adjustment.

The NDE provided Fiscal staff with an updated cost for the educator in residence contract position. The initial cost was based on using the estimated salary and benefit cost of a new teacher. The Educator in Residence position would typically be an experienced teacher and would result in a higher cost. During the budget hearing, the Subcommittees had concerns about having an educator in residence. Having this position would result in pulling a teacher out of the classroom while there is a continued Statewide teacher shortage. In order to mitigate this issue, the NDE would offer the "teacher of the year" the opportunity to be the educator in residence thereby eliminating and removing the teacher from the classroom.

On the bottom of page 4 of [Exhibit C](#), there is a table showing the increased additional cost for the technical adjustments proposed. This would result in an additional \$32,053 over the 2019-2021 biennium for a change in the salary for the educator in residence and \$11,800 in each year or \$23,600 over the 2019-2021 biennium to restore funding for the graduate assistant and

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fellowship positions. Do the Subcommittees wish to approve the continuation of the Educator in Residence and Graduate Assistant or Fellowship Program, as recommended by the Governor with the additional funding requested by the NDE funded with reserve reductions of \$105,119 in each year of the 2019-2021 biennium?

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE CONTINUATION OF THE EDUCATOR IN RESIDENCE AND GRADUATE ASSISTANT OR FELLOWSHIP PROGRAM AS RECOMMENDED BY THE GOVERNOR WITH THE ADDITIONAL FUNDING REQUESTED BY THE NDE FUNDED WITH RESERVE REDUCTIONS OF \$105,119 IN EACH YEAR OF THE 2019-2021 BIENNIUM.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. WALLER:

There is one other closing item for B/A 101-2614 found on page 5 of [Exhibit C](#). Fiscal staff recommends a technical adjustment to transfer the expenditures of the Parental Involvement Summit to B/A 101-2706 to align expenditures with the appropriate budget. The Educational Trust Account will continue to support these expenditures through a transfer of \$10,000 in the second year of each biennium to B/A 101-2706.

NDE - Parental Involvement and Family Engagement — Budget Page K-12
EDUCATION-100 (Volume I)
Budget Account 101-2706

The NDE concurs with this technical adjustment. Under the informational item for B/A 101-2614 on page 5 of [Exhibit C](#), line item 4 in the base budget for various operating costs would be included in the motion. Fiscal staff recommends the other closing item and the informational item be approved with

the noted technical adjustment, with authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEM AND THE INFORMATIONAL ITEM WITH THE NOTED TECHNICAL ADJUSTMENT AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. WALLER:

Beginning on page 6 of [Exhibit C](#) is B/A 101-2675. The Subcommittees have previously not heard this budget, and Fiscal staff is responsible for developing closing recommendations.

NDE - Standards and Instructional Support — Budget Page K-12 EDUCATION-64
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Budget Account 101-2675

Budget account 101-2675 supports the positions that coordinate the monitoring and technical support of school district and regional training program implementation of standards. It is also funded with federal grants and General Fund (GF) appropriations. These federal grants are scheduled to expire, and B/A 101-2675 is budgeted for the 2019-2021 biennium to be funded through GF appropriations. There are five other closing items described on page 7 of [Exhibit C](#). The first other closing item is a recommendation for in-State travel funding. The Governor recommends \$20,288 in each year of the 2019-2021 biennium to provide in-State travel for the director and 7 education programs professional positions to monitor and support the implementation of the Nevada State standards.

In the 2017-2019 biennium, this travel was funded with a federal math and science partnership grant as well as funding from the regional professional development programs. This funding is not expected to be ongoing. This recommendation would provide funding for the director and seven education programs professional positions to travel in-State twice each fiscal year. Since prior sources of funding supporting in-State travel are no longer available and B/A 101-2675 does not have other sources of funding to support an in-State travel budget, this recommendation appears reasonable. Fiscal staff recommends approving other closing items 1 through 4 as recommended by the Governor and other closing item 5 based on the Subcommittees' decision in B/A 101-2673. Fiscal staff requests authority to make other technical adjustments, as necessary.

NDE - Office of the Superintendent — Budget Page K-12 EDUCATION-45
(Volume I)
Budget Account 101-2673

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1 THROUGH 4 AS RECOMMENDED BY THE GOVERNOR, APPROVE OTHER CLOSING ITEM 5 BASED ON THE SUBCOMMITTEES' DECISION IN B/A 101-2673 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. WALLER:

Beginning on page 8 of [Exhibit C](#) is B/A 101-2713. This is a Staff close budget, and the Subcommittees have not previously reviewed it. Budget account 101-2713 provides resources to administer the State's Read by Grade Three program and is funded with GF appropriations. There are no major closing issues

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with this budget, and there are two other closing items. Fiscal staff recommends B/A 101-2713 be closed as recommended by the Governor and requests authority to make technical adjustments, as necessary.

NDE - Literacy Programs — Budget Page K-12 EDUCATION-129 (Volume I)
Budget Account 101-2713

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE B/A 101-2713 AS RECOMMENDED BY THE GOVERNOR AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. WALLER:

Beginning on page 10 of [Exhibit C](#) is B/A 101-2715. Fiscal staff is responsible for developing closing recommendations for this budget. The Subcommittees have not previously reviewed this budget.

NDE - Individuals With Disabilities Education Act — Budget Page K-12
EDUCATION-145 (Volume I)
Budget Account 101-2715

Budget account 101-2715 includes federal Individuals with Disabilities Education Act (IDEA) funding. This funding is provided through formula grants to states to increase performance of students with disabilities on statewide assessments. There is one major closing issue concerning a recommended increase to fund out-of-State travel. The Governor recommends federal IDEA grant funding of \$8,445 in each year of the 2019-2021 biennium to increase the number of staff attending existing out-of-State conferences for training and professional development.

The Office of Special Education (OSE) expended a total of \$31,891 for out-of-State travel in FY 2017-2018 which is recommended for continuation in the base budget for the 2019-2021 biennium. Of the \$31,891, \$1,441 was GF appropriation. Inclusive of the enhancement, the Executive Budget recommends a total of \$40,336 in each year of the 2019-2021 biennium for out-of-State travel. The table on page 11 of [Exhibit C](#) details the conferences that NDE staff will attend for training and professional development, location durations, staff members who are projected to attend, costs for each year of the 2019-2021 biennium and a ranking of priority by the NDE.

While the OSE often utilizes the “train the trainer” model for the majority of professional development that involves travel, having only one person attend a conference to stay abreast of the changing landscape of special education and the laws associated with its implementation is not always feasible. The NDE advises that staff members of the OSE are experts in different subject areas of special education. When multiple staff members attend the same conference, they typically attend meetings related to topics that are specific to their job and expertise.

In FY 2017-2018, 10 staff members attended a total of 18 out-of-State conferences, with 1 staff member attending 13 conferences and 2 staff members attending 5 conferences. This resulted in a total of 105 days in out-of-State travel status for these staff members. Inclusive of the enhancement, the Governor recommends funding for 10 staff members to attend a total of 18 out-of-State conferences with 1 staff member attending 10 conferences, 2 staff members attending 5 conferences, 3 staff members attending 2 conferences and 4 staff members attending 1 conference for a total of 136 days in out-of-State travel status. The first table on page 12 of [Exhibit C](#) summarizes this information.

The NDE confirmed that it would not significantly impact operations if only priorities 1 through 3 were funded. Fiscal staff recommends a technical adjustment to fund the OSE’s first three priorities. This would reduce the number of increased staff members from 7 to 4 resulting in a total of 127 days in out-of-State travel status. The enhancement for out-of-State travel would be reduced from \$8,445 to \$4,837 in each year of the 2019-2021 biennium. The

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OSE continues to maintain the discretion of determining the number of staff to send and the number of out-of-State conferences to attend in each fiscal year.

Do the Subcommittees wish to approve the Governor's recommendation to fund additional out-of-State travel in FY 2019-2020 and FY 2020-2021 with the technical adjustment noted by Fiscal staff to reduce the recommended funding in each fiscal year by \$3,608 with authority for Fiscal staff to make technical adjustments as necessary?

SENATOR KIECKHEFER:

Referring to the chart on page 11 of [Exhibit C](#), are the first 2 conferences 6 days long or do these durations account for multiple people attending a 3-day conference?

MS. WALLER:

These durations include travel time to the conference and attendance at the conference. They are lengthy conferences.

ASSEMBLYWOMAN CARLTON:

Regarding other discussions the Subcommittees have had about out-of-State travel, we want people to travel throughout the State and be present at different meetings. I am comfortable with the travel funding that is included in the base budget and 136 days out of the office for conferences. The NDE has the flexibility within the base budget for out-of-State travel. If they want to, the NDE can make some adjustments on the different conferences and the number of staff who will attend. I am not sure if increasing this item fits with the general theme that we have been operating under when it comes to out-of-State travel with other budgets.

CHAIR WOODHOUSE:

I agree with Assemblywoman Carlton. Referring to page 11 of [Exhibit C](#), what do the priorities for each conference mean in relationship to the Governor's recommendation?

MS. WALLER:

The table on the bottom of page 12 of [Exhibit C](#) reflects what the technical adjustment to only fund priorities 1 through 3 would mean. The number of

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conferences remains at 18 which is funded in the base budget. This would change the number of days of out-of-office status from 136 to 127, as opposed to 105 days which are included in the base budget.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO NOT APPROVE THE GOVERNOR'S RECOMMENDATION TO FUND ADDITIONAL OUT-OF-STATE TRAVEL IN FY 2019-2020 AND FY 2020-2021 WITH THE TECHNICAL ADJUSTMENT NOTED BY FISCAL STAFF TO REDUCE THE RECOMMENDED FUNDING IN EACH FISCAL YEAR BY \$3,608 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

SENATOR DENIS:

If we do not approve this, there are still travel funds in the base budget, and we are not cutting the NDE off from being trained and getting the help they need.

CHAIR WOODHOUSE:

If this passes, will the 105 days in the base budget remain?

Ms. WALLER:

Yes. Currently the base budget funds \$31,891, and the 105 days are included in that.

ASSEMBLYWOMAN SPIEGEL:

Will they have the flexibility to allocate those days between their priorities?

Ms. WALLER:

Yes. The OSE determines which conferences are attended and how many staff members attend them.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEMS 1 AND 2 WITH THE NOTED TECHNICAL ADJUSTMENTS, APPROVE OTHER CLOSING ITEMS 3 AND 4 AS RECOMMENDED BY THE GOVERNOR AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS BASED ON THE SUBCOMMITTEES' DECISION REGARDING RENT ALLOCATIONS IN THE B/A 101-2673 CLOSING AND AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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JAIMARIE ORTEGA (Program Analyst, Fiscal Analysis Division, Legislative Counsel Bureau):

Beginning on page 15 of [Exhibit C](#) is B/A 101-2673. There are two major closing issues for this budget. The first major closing issue concerns a budget amendment submitted by Governor's Office of Finance to establish a new, unclassified chief strategy officer position that will be located at the NDE's Las Vegas office. This position was not included in the Executive Budget since the superintendent of public instruction who was recently hired has determined there is a need for this position. The NDE indicates this position would act as the chief assistant to the superintendent, would coordinate the NDE's executive team to implement the superintendent's vision, delegate projects among the NDE's various divisions and coordinate initiatives across the NDE to ensure all relevant program areas and stakeholders are engaged and project timelines are met.

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(Volume I)
Budget Account 101-2673

The proposed duties of the new chief strategy officer position are partly performed by the existing deputy superintendent positions. However, the NDE is understaffed, has human capital strains and has staff working in silos. The addition of the new chief strategy officer position would reduce duplication of efforts, promote best practices across the NDE and build agency structures and processes. Do the Subcommittees wish to approve one new unclassified chief strategy officer position, increasing GF appropriations by \$354,912 over the 2019-2021 biennium as recommended in Budget Amendment No. A193572673? Budget Amendment No. A193572673 can be found in ([Exhibit D](#)).

CHAIR WOODHOUSE:

Since pre-Session budget hearings, we have all been frustrated about how things were working at the NDE. There have been problems with monitoring and evaluations. I support the approval of this new position to address the needs of the NDE. We want to make sure the NDE is accomplishing the things that students need in our State.

SENATOR KIECKHEFER:

There has been a lot of turnover at the NDE. The lack of continuity has been a primary frustrating factor. This is the first time I am hearing about this proposal, and I am not prepared to support this today.

ASSEMBLYWOMAN CARLTON:

I understand Senator Kieckhefer's perspective on this. This issue occurred in the past before changes were made. During the 79th Session, we had many discussions. Despite issues the NDE was facing, things were as stable as they could be at that time. We need a new person to look at how everything is working. We also need someone to find out why things are disjointed and how we can better serve the parents and kids in this State.

Out of respect for the new superintendent, we need to give them the resources they need to get the job done. Hopefully, this will be a two-year project and not

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a ten-year project. If we do not give the superintendent the people needed to get the work done, we can not expect accountability on these issues during the 81st Session. I support this new position.

ASSEMBLYMAN FRIERSON:

During my time here, there have been instances of the right hand not knowing what the left hand is doing. We have been unable to connect the dots within the NDE. This is a huge undertaking in the middle of the 80th Session; we would be doing the NDE and the State a disservice by not giving the NDE the tools they need to accomplish our goals and change the way we look at education.

ASSEMBLYWOMAN SPIEGEL:

Given the number of students in Las Vegas and throughout the State, it is important for there to be a member of the senior leadership team down in Las Vegas. Having enhanced communications and the ability of the NDE to have a larger presence in southern Nevada will be helpful for students Statewide. I support this new position.

SENATOR DENIS:

There is a lot of stuff we are doing on education. Having someone who can help strategize is important if we are going to have success on these educational issues. We have done a lot over the last few years, and it is important to keep the momentum going. This new position will help with that.

ASSEMBLYMAN THOMPSON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ONE NEW UNCLASSIFIED CHIEF STRATEGY OFFICER POSITION INCREASING GF APPROPRIATIONS BY \$354,912 OVER THE 2019-2021 BIENNIUM AS RECOMMENDED IN BUDGET AMENDMENT NO. A193572673.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN WHEELER VOTED NO.)

SENATE: THE MOTION CARRIED. (SENATOR SETTELMAYER AND
SENATOR KIECKHEFER VOTED NO.)

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Ms. ORTEGA:

The second major closing item for B/A 101-2673 can be found on page 17 of [Exhibit C](#). The Governor recommends new audio and video equipment for the NDE's Carson City and Las Vegas Board of Education meeting rooms. According to the NDE, the existing equipment was purchased in the summer 2009 and is beyond its useful life. The existing equipment overheats, has broken microphones and has cameras that do not track speakers. The Governor's recommendation also includes a new software license to provide live streaming over the Internet. During the budget hearing, the NDE testified that the recommendation for this software license is a duplicate request with the Governor's recommended budget for B/A 101-2720. Fiscal staff recommends a technical adjustment to eliminate the Lifesize Live Stream software which would reduce GF appropriations by \$28,555 in FY 2019-2020.

NDE - Department Support Services — Budget Page K-12 EDUCATION-56
(Volume I)
Budget Account 101-2720

Do the Subcommittees wish to approve the Governor's recommendation to replace the audio and video equipment at the Carson City and Las Vegas Board of Education meeting rooms funded with GF appropriations of \$159,779 which includes a technical adjustment to eliminate the duplicate funding for the Lifesize Live Stream software noted by Fiscal staff?

SENATOR DENIS:

Is the NDE currently using Lifesize Live Stream? Would this be an upgrade of other equipment and software?

Ms. ORTEGA:

Yes.

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SENATOR DENIS:

I agree with this recommendation. If they have had this for ten years, the technology has changed a lot on audio and video components. I support this recommendation.

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE THE GOVERNOR'S RECOMMENDATION TO REPLACE THE AUDIO AND VIDEO EQUIPMENT AT THE CARSON CITY AND LAS VEGAS BOARD OF EDUCATION MEETING ROOMS FUNDED WITH GF APPROPRIATIONS OF \$159,779 WHICH INCLUDES A TECHNICAL ADJUSTMENT TO ELIMINATE THE DUPLICATE FUNDING FOR THE LIFESIZE LIVE STREAM SOFTWARE NOTED BY FISCAL STAFF.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

CHAIR WOODHOUSE:

I have chaired meetings from both the Carson City and Las Vegas offices using existing equipment. The experience was terrible. I can not imagine how staff and the Board of Education has managed to conduct business with that system.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. ORTEGA:

Beginning on page 18 of [Exhibit C](#), there are 4 other closing items for B/A 101-2673. Under other closing item 1, Fiscal staff recommends a technical adjustment, which is included on the first page of this closing document, to include contract services which was inadvertently not included in the Governor's recommended budget. This resulted in additional GF appropriations of \$1,723 in each year of the 2019-2021 biennium. Under other closing item 3, Fiscal staff recommends a technical adjustment, which is included on the first page of this closing document, to remove one computer replacement in FY 2019-2020.

The NDE indicated this is no longer needed and will reduce GF appropriations by \$2,044 in FY 2019-2020. Under other closing item 4, Fiscal staff recommends technical adjustments to the NDE rent schedule. This will result in a GF reduction of \$624,527 over the 2019-2021 biennium. Fiscal staff recommends other closing item 2 be approved as recommended by the Governor with the technical adjustments noted in other closing items 1, 3 and 4, and authority for Fiscal staff to make technical adjustments as necessary.

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE OTHER CLOSING ITEM 2 AS RECOMMENDED BY THE GOVERNOR WITH THE TECHNICAL ADJUSTMENTS NOTED IN OTHER CLOSING ITEMS 1, 3 AND 4 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 22 of [Exhibit C](#) is B/A 101-2719. There is one major closing issue in this budget. The Governor recommends the addition of three new positions including one grants and projects analyst position, one auditor position, one management analyst position and upgrading an existing accounting assistant position from part-time to full-time.

NDE - District Support Services — Budget Page K-12 EDUCATION-50 (Volume I)
Budget Account 101-2719

The table on the top of page 23 of [Exhibit C](#) provides the existing State full-time approved positions and recommended new positions for the District Support Services. These recommendations are due to federal and Governor's Office of Finance and Division of Internal Audits findings in FY 2017-2018. These findings recommend the NDE improve the efficiency and effectiveness of its

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grants management process by developing a Departmentwide risk assessment for grant management, developing a Departmentwide recipient monitoring policy and improving fiscal monitoring.

Additional monitoring is needed to ensure that requirements of the federal Every Student Succeeds Act are followed for entities that receive federal grant awards. The Governor recommends one new grants projects analyst position to provide support for the State grant monitoring function. The NDE indicated one existing grants project analyst position is responsible for the State grant application process with approximately 450 subawards. The NDE is currently unable to process on time. The NDE processed approximately 97 stale claims totaling \$18 million in FY 2017-2018 partly due to delays in processing payments.

The addition of one grants and projects analyst would provide additional support to manage existing workload, ensure compliance of State grant requirements and ensure timely payments are provided to school districts and charter schools. Do the Subcommittees wish to approve GF appropriations totaling \$164,891 over the 2019-2021 biennium to fund one new grants and projects analyst position?

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE GF APPROPRIATIONS TOTALING \$164,891 OVER THE 2019-2021 BIENNIUM TO FUND ONE NEW GRANTS AND PROJECTS ANALYST POSITION.

SENATOR KIECKHEFER SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

The next position being recommended by the Governor is one auditor position discussed on page 24 of [Exhibit C](#). This recommendation is due to an increase

in audit activity related to increased workload resulting from the change in counting student enrollment from a single count day to quarterly average daily enrollment pursuant to *Nevada Revised Statutes* (NRS) 387.1223. Additionally, the recommendation is due to the addition of new grant risk assessments, monitoring requirements and increased charter school enrollment.

The workload related to the quarterly enrollment which the NDE utilizes to perform student enrollment counts quadrupled resulting in staff dedicating a majority of their time to conduct pupil enrollment audits and performing grant audits on an emergency basis only. Do the Subcommittees wish to approve GF appropriations totaling \$80,481 and cost allocation reimbursements totaling \$80,494 over the 2019-2021 biennium to fund one new auditor position?

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE GF APPROPRIATIONS TOTALING \$80,481 AND COST ALLOCATION REIMBURSEMENTS TOTALING \$80,494 OVER THE 2019-2021 BIENNIUM TO FUND ONE NEW AUDITOR POSITION.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

The next position recommended by the Governor for B/A 101-2719 is one management analyst position described on page 25 of [Exhibit C](#). This position is intended to comply with federal and internal audit recommendations of a new risk assessment monitoring tool and procedure. The NDE indicated the new management analyst position would conduct annual risk assessments, develop monitoring schedules based on a subrecipient risk level, conduct subrecipient fiscal monitoring and maintain a compliance-monitoring tool to ensure subrecipient internal controls and processes are in place. Do the Subcommittees

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wish to approve GF appropriations totaling \$165,221 over the 2019-2021 biennium to fund one new management analyst position?

ASSEMBLYWOMAN SPIEGEL MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE GF APPROPRIATIONS TOTALING \$165,221 OVER THE 2019-2021 BIENNIUM TO FUND ONE NEW MANAGEMENT ANALYST POSITION.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Ms. ORTEGA:

The governor also recommends upgrading one accounting assistant position from part-time to full-time. This position would track school calendar revisions, compile average daily enrollment data, compile financial reports and process class size reduction (CSR) and special education payments which are currently performed by the existing management analyst positions. Do the Subcommittees wish to approve GF appropriations totaling \$48,974 over the 2019-2021 biennium to fund increasing an existing accounting assistant position from part-time to full-time? Fiscal staff requests authority to enter any necessary technical adjustments to the decision units related to the new positions recommended, as well as the position upgrade.

ASSEMBLYWOMAN SPIEGEL MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE GF APPROPRIATIONS TOTALING \$48,974 OVER THE 2019-2021 BIENNIUM TO FUND INCREASING AN EXISTING ACCOUNTING ASSISTANT POSITION FROM PART-TIME TO FULL-TIME AND PROVIDE FISCAL STAFF AUTHORITY TO ENTER ANY NECESSARY TECHNICAL ADJUSTMENTS TO THE DECISION UNITS RELATED TO THE NEW POSITIONS RECOMMENDED, AS WELL AS THE POSITION UPGRADE.

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SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 26 of [Exhibit C](#) there are 3 other closing items for B/A 101-2719. Under other closing item 1, the Department of Administration Division of Human Resource Management (DHRM) is currently reviewing the reclassification of a management analyst 1 position to a management analyst 4 position which would result in an increase in GF appropriations of \$42,949 over the 2019-2021 biennium. This recommendation appears reasonable with the DHRM having final approval on this position reclassification.

If the DHRM does not approve the position reclassification, the Subcommittees may wish to direct the NDE to revert their GF appropriations associated with the position reclassification. Fiscal staff recommends other closing item 2 be closed as recommended by the Governor, other closing item 1 be closed as recommended by the NDE and contingent upon the final recommendations made by the DHRM and other closing item 3 be closed based on the Subcommittees' decisions made in B/A 101-2673. Fiscal staff seeks authority to make other technical adjustments as necessary.

SENATOR KIECKHEFER:

Regarding the position reclassification, did the NDE hire someone as a management analyst 1 and assign them responsibilities of a management analyst 4?

Ms. ORTEGA:

Currently, there is a management analyst 1 performing management analyst 4 responsibilities. The DHRM has not made its final recommendation, and this recommendation would only provide the funding needed. The DHRM will still need to make a final decision on whether that position is currently at a level of a management analyst 4.

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SENATOR KIECKHEFER:

Did the NDE hire them and immediately start having them perform those higher level duties, or was this position hired at a level 1 five years ago, and they have slowly grown into a level 4?

Ms. ORTEGA:

The position was hired 5 years ago and has slowly grown into a level 4. There was a recent turnover in a deputy superintendent position, and this person is currently preparing and updating the Distributive School Account (DSA) equity allocation model, CSR program and special education.

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE OTHER CLOSING ITEM 2 AS RECOMMENDED BY THE GOVERNOR, CLOSE OTHER CLOSING ITEM 1 AS RECOMMENDED BY THE NDE AND CONTINGENT UPON THE FINAL RECOMMENDATIONS MADE BY THE DHRM, CLOSE OTHER CLOSING ITEM 3 BASED ON THE SUBCOMMITTEES' DECISIONS MADE IN B/A 101-2673 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

ASSEMBLYWOMAN CARLTON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 28 of [Exhibit C](#) is B/A 101-2720. There are three major closing issues for this budget.

NDE - Department Support Services — Budget Page K-12 EDUCATION-56
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Budget Account 101-2720

Found on page 28 of [Exhibit C](#) is the first major closing issue for B/A 101-2720. This is the Governor's recommendation for two new budget analyst positions and the reclassification of a management analyst position to a budget analyst position. The recommendation is due to additional budget oversight and increased federal grant reporting requirements. Reclassifying one management analyst position to a budget analyst position would align the duties of the position with the appropriate position title and provide more opportunities for career progression within the NDE. Additional information on the position's duties can be found on page 29 of [Exhibit C](#).

The table on page 30 of [Exhibit C](#) provides the existing number of State and federal programs or budgets each position oversees and the proposed reallocation of workload, if the Governor's recommendations are approved. The NDE indicated it incurred \$42,840 for overtime in FY 2017-2018 and projects to expend \$55,853 for overtime in FY 2018-2019. The majority of the overtime is due to biennial budget preparations, year-end budget closing documents and single audit reporting forms.

Referring to the table on page 30 of [Exhibit C](#), each existing budget analyst position is currently responsible for approximately 20 NDE budgets or programs. If the Governor's recommendation is approved, they would each be responsible for 13 NDE budgets or programs, a reduction of approximately 35 percent. While it appears the recommendation for one new position would help decrease overtime costs, the workload for two additional budget analyst positions does not appear to be justified. Additionally, the recommendation for 1 new budget analyst 1 position which would only be responsible for 7 NDE budgets or programs does not appear to have sufficient workload for a full-time position.

The Subcommittees may wish to consider approving one new budget analyst position and reclassifying one management analyst position to a budget analyst position. This option would eliminate the budget analyst 1 position which would be assigned less complex budgets that could be assigned to other staff members. Fiscal staff recommends a technical adjustment to correct the contribution plan for the existing management analyst position. This would result in an increase in reserve of \$5,213 over the 2019-2021 biennium.

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There are two options for the Subcommittees to consider. Option A is to approve the Governor's recommendation for two new budget analyst positions and the reclassification of one management analyst position to a budget analyst position, reducing reserves by \$375,042 over the 2019-2021 biennium. Option B is to approve one budget analyst 2 position and the reclassification of one management analyst position to a budget analyst position reducing reserves by \$212,482 over the 2019-2021 biennium. Fiscal staff requests authority to enter any necessary technical adjustments, including correcting errors related to retirement codes for the positions.

ASSEMBLYWOMAN CARLTON:
Option B would be an appropriate choice.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE ONE BUDGET ANALYST 2 POSITION, RECLASSIFY ONE MANAGEMENT ANALYST POSITION TO A BUDGET ANALYST POSITION REDUCING RESERVES BY \$212,482 OVER THE 2019-21 BIENNIUM AND PROVIDE FISCAL STAFF AUTHORITY TO ENTER ANY NECESSARY TECHNICAL ADJUSTMENTS INCLUDING CORRECTING ERRORS RELATED TO RETIREMENT CODES FOR THE POSITIONS.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN SWANK WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

The next major closing issue for B/A 101-2720 is a recommendation for one new information technology (IT) technician position for the NDE's Las Vegas office. This can be found on page 31 of [Exhibit C](#). The NDE is currently authorized for three IT professional positions and one IT technician position which are all located in the Carson City office. This recommendation would

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reduce the workload of existing IT staff in the Carson City office and would allow an IT staff member to be dedicated to the daily IT support for approximately 51 NDE employees in the Las Vegas office. Do the Subcommittees wish to approve reserve reductions of \$126,459 over the 2019-2021 biennium to support one IT technician position for the NDE's Las Vegas office?

SENATOR DENIS:

There are 51 people in the Las Vegas office who are dependent on technology, and the person who is going to help them fix a computer is located in Carson City. The Las Vegas office needs to have this position, especially with all of today's technology. Some technical issues can be handled over the phone, and the NDE could hire temporary technician positions. This is a needed position. I support this.

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS OF \$126,459 OVER THE 2019-2021 BIENNIUM TO SUPPORT ONE IT TECHNICIAN POSITION FOR THE NDE'S LAS VEGAS OFFICE.

ASSEMBLYWOMAN SPIEGEL SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYWOMAN SWANK WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED. (SENATOR BROOKS WAS ABSENT FOR THE VOTE.)

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MS. ORTEGA:

The last major closing item for B/A 101-2720 is a position reclassification of an accounting assistant 2 position to an accounting assistant 3 position found on page 31 of [Exhibit C](#). This reclassification will align the duties of the position with the appropriate position title and provide more opportunities for progression within the NDE. This position is responsible for payroll oversight and higher-level responsibilities. The DHRM has not performed a desk audit to determine if

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reclassification of this position is warranted. The NDE plans to submit a request for a desk audit from the DHRM once the position reclassification is approved.

If this is approved by the Subcommittees, only the funding for the reclassification would be approved with DHRM having ultimate approval on the reclassification based on the desk audit of the position. Do the Subcommittees wish to approve reserve reductions of \$15,554 over the 2019-2021 biennium to provide funding for the reclassification of one accounting assistant 2 position to an accounting assistant 3 position, contingent upon the DHRM's approval of the reclassification?

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS OF \$15,554 OVER THE 2019-2021 BIENNIUM TO PROVIDE FUNDING FOR THE RECLASSIFICATION OF ONE ACCOUNTING ASSISTANT 2 POSITION TO AN ACCOUNTING ASSISTANT 3 POSITION CONTINGENT UPON THE DHRM'S APPROVAL OF THE RECLASSIFICATION.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED. (SENATOR BROOKS WAS ABSENT FOR THE VOTE.)

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Ms. ORTEGA:

There are four other closing items for B/A 101-2720 beginning on page 32 of [Exhibit C](#). Under other closing item 4, the Executive Budget contained an incorrect calculation for the cost allocation reimbursement. On April 19, 2019, the NDE and the Governor's Office of Finance provided a revised cost allocation worksheet which includes total cost allocation reimbursements of \$5.1 million in each year of the 2019-2021 biennium. This represents an increase of \$1.5 million in each year of the 2019-2021 biennium.

This recommendation appears reasonable based upon the revised cost allocation information provided. Fiscal staff recommends other closing items 1, 2 and 4 be closed as recommended by the Governor with authority for Fiscal staff to make technical adjustments to other closing item 3 based on the Subcommittees' decision regarding rent allocations in the B/A 101-2673 closing and other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE OTHER CLOSING ITEMS 1, 2 AND 4 AS RECOMMENDED BY THE GOVERNOR, PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS TO OTHER CLOSING ITEM 3 BASED ON THE SUBCOMMITTEES' DECISION REGARDING RENT ALLOCATIONS IN THE B/A 101-2673 CLOSING AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 35 of [Exhibit C](#) is B/A 101-2705. There are two major closing issues with this budget.

NDE - Educator Licensure — Budget Page K-12 EDUCATION-83 (Volume I)
Budget Account 101-2705

The first major closing issue for B/A 101-2705 can be found on page 36 of [Exhibit C](#). This is a recommendation for one program officer position to manage the daily operations of the educator licensure program at the Las Vegas office. The new program officer position would focus on customer service which is currently performed by multiple staff and the administration of the Online Portal for Application and Licensure System (OPAL), which is a new system that was

implemented in April 2018. This new position is recommended to centralize these duties and would allow the NDE to have a single point-of-contact to deal with customer complaints. This would provide a streamlined uniform process and faster resolution of customer issues.

If the recommendation is approved, the new program officer position would relieve the educator licensure director of the supervision of five administrative assistant positions and direct management of the daily operations of the office. However, the educator licensure director position would continue to directly supervise nine positions in the Las Vegas office and focus more on higher level duties. Since the NDE experiences its highest workload during the summer months, the NDE requests to change the start date of the new program officer position from October 1, 2019 to July 1, 2019. This would require additional reserve reductions of \$23,150 over the 2019-2021 biennium.

Do the Subcommittees wish to approve reserve reductions of \$172,931 over the 2019-2021 biennium to fund one new program officer position? If the Subcommittees approve funding for the program officer position, does it also wish to approve reserve reductions of \$23,150 over the 2019-2021 biennium to fund the additional personnel costs associated with changing the start date of this position to July 1, 2019?

SENATOR KIECKHEFER:

On page 36 of [Exhibit C](#), it says 70 percent of the position's duties would be as the administrator of the online portal. Does this make the position more of a technical position?

Ms. ORTEGA:

When the new online system was approved by the Interim Finance Committee (IFC), the NDE testified that it needs a business process analyst position. However, based on their current analysis of requirements the NDE now determines that a business process analyst position is not needed and that a program officer would be appropriate to handle the OPAL system implementation.

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CHAIR WOODHOUSE:

In reviewing what this position would do, it seems obvious that the position needs to start on July 1, 2019 to take care of the needs of the summer months. The heavy part of input activity would be taking place during the summer months.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS OF \$172,931 OVER THE 2019-2021 BIENNIUM TO FUND ONE NEW PROGRAM OFFICER POSITION AND APPROVE RESERVE REDUCTIONS OF \$23,150 OVER THE 2019-2021 BIENNIUM TO FUND THE ADDITIONAL PERSONNEL COSTS ASSOCIATED WITH CHANGING THE START DATE OF THIS POSITION TO JULY 1, 2019.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

The second major closing issue for B/A 101-2705 can be found on page 37 of [Exhibit C](#). This is a recommendation for one compliance investigator position to process background investigations. The duties of the new compliance investigator position are currently performed by a program officer position and an administrative assistant position. The existing program officer position oversees approximately 12,000 background investigations each year. Of these investigations, approximately 10 percent require additional investigations for which this new compliance investigator position will assist in completing.

A new compliance investigator position is also needed due to the increased workload that resulted from statutory changes during the 79th Session that expanded the scope of background investigations. The NDE has also begun exercising a statutory authority to revoke or suspend educator licenses for unprofessional conduct and criminal convictions resulting in increased workload

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for existing staff. Since the NDE experiences its heaviest workload during the summer months, the NDE requests to change the start date of this position to July 1, 2019. This would result in additional reserve reductions of \$20,537 over the 2019-2021 biennium.

Do the Subcommittees wish to approve reserve reductions of \$155,545 over the 2019-2021 biennium to fund one new compliance investigator position? If the Subcommittees approve the new compliance investigator position, does it also wish to approve reserve reductions of \$20,537 over the 2019-2021 biennium to fund the additional personnel costs associated with changing the start date of this position to July 1, 2019?

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS OF \$155,545 OVER THE 2019-2021 BIENNIUM TO FUND ONE NEW COMPLIANCE INVESTIGATOR POSITION AND APPROVE RESERVE REDUCTIONS OF \$20,537 OVER THE 2019-2021 BIENNIUM TO FUND THE ADDITIONAL PERSONNEL COSTS ASSOCIATED WITH CHANGING THE START DATE OF THIS POSITION TO JULY 1, 2019.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

There are 5 other closing items for B/A 101-2720 beginning on page 39 of [Exhibit C](#). Under other closing item 2, Fiscal staff recommends a technical adjustment to eliminate GF appropriations of \$100 in each year of the 2019-2021 biennium. Since this budget appears to be financially stable, it does not need the \$100 GF appropriation to access the IFC Contingency Account.

This was concurred by the NDE and the Governor's Office of Finance. Fiscal staff recommends other closing items 1, 3 and 4 be closed as recommended by

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the Governor, other closing item 2 be closed with the technical adjustments noted by Fiscal staff and other closing item 5 be closed based on the Subcommittees' decisions made in B/A 101-2673. Fiscal staff seeks authority to make other technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE OTHER CLOSING ITEMS 1, 3 AND 4 AS RECOMMENDED BY THE GOVERNOR, CLOSE OTHER CLOSING ITEM 2 WITH THE TECHNICAL ADJUSTMENTS NOTED BY FISCAL STAFF, CLOSE OTHER CLOSING ITEM 5 BASED ON THE SUBCOMMITTEES' DECISIONS MADE IN B/A 101-2673 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE OTHER TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 42 of [Exhibit C](#) is B/A 101-2674. There is one major closing issue with this budget.

NDE - Achievement School District — Budget Page K-12 EDUCATION-157
(Volume I)
Budget Account 101-2674

The major closing issue regarding elimination of the achievement school district (ASD) can be found on page 43 of [Exhibit C](#). The 78th Session created the ASD within the NDE and established the timeline and criteria for the annual conversion of up to six persistently underperforming public schools to achievement charter schools (ACS). To date, the NDE has not converted eligible underperforming schools to ACS under the ASD as outlined in NRS 388B and

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Regulation R108-15. Instead, it has created alternative approaches not provided for in NRS for inclusion in the ASD.

The NDE approved one charter operator to provide an "opt-in option" and approved five schools for a "neighborhood option." To fund the ASD, the Executive Budget recommended each ACS campus be assessed a fee of 2 percent of the per-pupil funding with no fee assessed on the first 50 students at each campus. Assembly Bill (A.B.) 35 was submitted by the NDE to implement this funding change. However, no action was taken on this bill prior to the first committee passage deadline. Pursuant to Joint Standing Rule No. 14.3.1 of the 80th Session, no additional action can be taken on this bill.

ASSEMBLY BILL 35: Revises provisions governing achievement charter schools.
(BDR 34-334)

Since no further action can be taken on A.B. 35 that would implement this budget, the Subcommittees may wish to consider not approving the funding in B/A 101-2674 as recommended by the Governor. Do the Subcommittees wish to not approve funding B/A 101-2674, since no further action can be taken on legislation proposed to enable the ASD to be funded with charter school sponsorship fees?

SENATOR DENIS MOVED TO RECOMMEND TO THE FULL COMMITTEES TO NOT APPROVE FUNDING B/A 101-2674 SINCE NO FURTHER ACTION CAN BE TAKEN ON LEGISLATION PROPOSED TO ENABLE THE ASD TO BE FUNDED WITH CHARTER SCHOOL SPONSORSHIP FEES.

ASSEMBLYMAN THOMPSON SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN WHEELER VOTED NO.)

SENATE: THE MOTION CARRIED. (SENATOR SETTELMAYER AND SENATOR KIECKHEFER VOTED NO.)

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Ms. ORTEGA:

There are 2 other closing items for B/A 101-2674 beginning on page 44 of [Exhibit C](#). Fiscal staff recommends the Subcommittees not approve the other closing items since no further action can be taken on the legislation proposed to enable the ASD to be funded with Charter School Sponsorship fees.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO NOT APPROVE THE OTHER CLOSING ITEMS SINCE NO FURTHER ACTION CAN BE TAKEN ON LEGISLATION PROPOSED TO ENABLE THE ASD TO BE FUNDED WITH CHARTER SCHOOL SPONSORSHIP FEES.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 45 of [Exhibit C](#) is B/A 101-2711. There are three major closing issues with this budget.

State Public Charter School Authority — Budget Page CHARTER SCHOOL-5
(Volume I)
Budget Account 101-2711

The first major closing issue for B/A 101-2711 can be found on page 46 of [Exhibit C](#). This is the Governor's recommendation for three new full-time positions. These positions include one education and information officer position, one education programs professional position and one administrative assistant position. The State Public Charter School Authority (SPCSA) indicated it currently does not have the capacity to perform the increased responsibilities associated with the growing number of sponsored charter schools. The table on the bottom of page 46 of [Exhibit C](#) shows actual student enrollment from

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FY 2011-2012 through FY 2017-2018 and projected student enrollment from FY 2018-2019 through FY 2020-2021.

The first position recommended is an education and information officer to act as a public information officer and to increase transparency, accountability and facilitate an understanding of the SPCSA's programs and goals. The new education and information officer position would be dedicated to disseminate information to SPCSA sponsored charter schools and other stakeholders related to State and federal laws, regulations or other mandates. It would also disseminate deadlines for testing requirements, data requirements of the Nevada School Performance Framework (NSPF), special education requirements, instructional design and school safety information. Do the Subcommittees wish to approve reserve reductions totaling \$182,496 over the 2019-2021 biennium to fund one education information officer position?

ASSEMBLYMAN THOMPSON:

I am unsure about this position. A lot of transition has occurred within the NDE and the SPCSA. Referring to the bullet points on page 47 of [Exhibit C](#), I think there is plenty of communication out there. There are certain bills that people have engaged with. It is important to conduct staff training and make professional development better. We want the SPCSA to be successful in managing and monitoring their programs for education. Bullet points A, B and D on page 47 can come at a later point or be covered by an intern. I do not think we need this full position.

ASSEMBLYWOMAN CARLTON:

I have some of the same concerns. I am not sure this position is needed for the amount of reserve reductions that are proposed. I am always apprehensive about public information officer positions. There is a lot going on, but I believe that between the NDE and the SPCSA there are resources available to handle public information tasks. I am not comfortable moving forward with this position.

CHAIR WOODHOUSE:

Would it be the pleasure of the Subcommittees to not approve this proposal or consider it at a later time?

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ASSEMBLYWOMAN SPIEGEL:

I agree with what has been said. We should not approve the position at this time.

SENATOR DENIS:

Are we expecting the NDE to not provide any public information, or are we expecting them to do this with other funds?

CHAIR WOODHOUSE:

They would do this in-house as they previously have been.

ASSEMBLYMAN THOMPSON:

I think the NDE needs an education officer. They are building a foundation. All of the informational tasks can happen in other ways. I am hesitant to not fund this because there is a lot of foundational help SPCSA needs. If we are going to make them successful without having two systems experiencing challenges, I think this position could be significant.

ASSEMBLYWOMAN CARLTON:

The NDE is calling this position an educational and informational officer to be located in Carson City. This position is intended to act as a public information officer to establish rapport with the media, increase transparency and accountability. All of these things are currently being done. With the title of "education and information" I do not see how this is split out.

If the position is going to conduct community outreach, it is a public information officer. Managing educational programs and monitoring courses is another duty that falls under a different position. We are seeing two different functions within the same position. If an educational and informational officer position is needed for the educational side of things, I support that despite concerns with the SPCSA over the last few years. I am not sure I support the public information officer aspects of this position. If there is additional information that can be provided, I am willing to look at that.

CHAIR WOODHOUSE:

Once this is adjusted, the Subcommittees could choose to not take action on this and bring it back to the full Committees for consideration. This could give

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us more time to talk with the SPCSA and determine what is necessary. The Subcommittees support the education aspects of this position and not the public information officer aspects.

SENATOR DENIS:

I think it is important to get information out there. I am not opposed to the public information officer aspects, and I would like to know what the SPCSA is doing to fulfill these tasks. If they are not able to share what is being done, how will we know if they are doing good things or bad things? The public information officer aspects will get information out so people know what is going on. We need to clarify the education and information aspects of the position.

ASSEMBLYMAN THOMPSON:

The information aspects of this position are for outreach rather than internal reporting to the Legislature. I think that it is incumbent upon us for the SPCSA to report back to us. I do not think that is what this position will do. This position will conduct outreach and possibly recruitment. I do not think this is something we need right now.

ASSEMBLYWOMAN SPIEGEL:

During the previous hearing on this budget, the SPCSA testified that media releases, newsletters, responses to media inquiries and dissemination of information to sponsored charter schools are currently being performed by the executive director, the staff attorney, the education programs director position, the administrative services officer and two educational programs professionals. Things are getting out and disseminated. I support not taking action so we can have additional discussions.

CHAIR WOODHOUSE:

We will not take action on this item today. We request the SPCSA to review their positions. We want to make sure they are supported properly to deliver services to students and schools. The Subcommittees need clarification on what the needs are.

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MS. ORTEGA:

Found on page 47 of [Exhibit C](#) is the Governor's recommendation for one new education programs professional position to act as a testing coordination. This position would monitor, coordinate and analyze Statewide assessments, tests and other accountability measures to ensure timely and compliant execution of student assessments at SPCSA sponsored schools. The SPCSA currently has two education programs professionals that oversee the testing and data collection of sponsored charter schools.

The SPCSA does not have a testing coordinator that would assist charter schools and perform data validation to maintain testing integrity. Recently, the NDE assigned additional data collection and data management associated with the NSPF to the SPCSA which created additional responsibilities for the two existing education programs professionals. Do the Subcommittees wish to approve reserve reductions totaling \$224,983 over the 2019-2021 biennium to fund one education programs professional position?

ASSEMBLYWOMAN CARLTON:

I enjoy doing administrative assistant positions because they are the beginning of the career ladder. This is where we get good people.

ASSEMBLYWOMAN BENITEZ-THOMPSON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS TOTALING \$224,983 OVER THE 2019-2021 BIENNIUM TO FUND ONE EDUCATION PROGRAMS PROFESSIONAL POSITION.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. ORTEGA:

The last new position for B/A 101-2711 recommended by the Governor is an administrative assistant position. This position would monitor and provide

technical support to schools to ensure timely, accurate and reliable submission of student data. According to the SPCSA, it does not have a position currently performing these functions and has relied on charter schools to take full responsibility for the accuracy and integrity of their data.

The administrative assistant position would provide support, data entry, data compilation and would be supervised by the recommended new education programs professional position which the Subcommittees previously approved. Do the Subcommittees wish to approve reserve reductions totaling \$131,978 over the 2019-2021 biennium to fund one administrative assistant position? Fiscal staff requests authority to enter any necessary technical adjustments.

ASSEMBLYWOMAN CARLTON:

As I stated previously, I like these kinds of positions because these are our front line, career-ladder positions.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS TOTALING \$131,978 OVER THE 2019-2021 BIENNIUM TO FUND ONE ADMINISTRATIVE ASSISTANT POSITION AND PROVIDE FISCAL STAFF AUTHORITY TO ENTER ANY NECESSARY TECHNICAL ADJUSTMENTS.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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MS. ORTEGA:

The second major closing issue for B/A 101-2711 can be found on page 48 of [Exhibit C](#). The Governor recommends converting one contract position to a full-time administrative assistant position for the Carson City office. This position would act as an executive assistant and would provide high-level administrative support for the executive director, the staff attorney and the SPCSA Board. If the recommendation is approved, the SPCSA would allow

existing staff currently performing these duties to focus on their required duties. This would increase the overall effectiveness of the Agency. Do the Subcommittees wish to approve reserve reductions totaling \$45,461 over the 2019-2021 biennium to fund one new administrative assistant position?

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE RESERVE REDUCTIONS TOTALING \$45,461 OVER THE 2019-21 BIENNIUM TO FUND ONE NEW ADMINISTRATIVE ASSISTANT POSITION.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

The last major closing issue for B/A 101-2711 can be found on page 49 of [Exhibit C](#). This issue is related to reserve and charter school fees. The Governor recommends reserves of \$6.3 million in FY 2020-2021 which represents a 136-day level of reserve. The SPCSA provides State and federal grant funds received from the NDE up-front to its sponsored-charter schools and requests for reimbursement from the NDE which may take up to 45 days to process. The SPCSA provided an updated projected enrollment growth which reduces projected student enrollment growth to 11.4 percent in FY 2019-2020 and 3.3 percent in FY 2020-2021.

Additionally, this includes rates for contract services associated with the student information system and emergency notification system which overstated expenditures by \$29,884 over the 2019-2021 biennium. Fiscal staff recommends technical adjustments to include the updated enrollment projections. This will reduce revenue by \$125,710 and correct the rates for the contract services which reduces expenditures by \$29,884 of the 2019-2021 biennium.

During the budget hearing, the Subcommittees expressed concerns regarding the high level of reserves in B/A 101-2711. To address the Subcommittees' concerns regarding the level of reserve for this budget, the SPCSA provided the option of reducing the sponsorship fee from its current rate of 1.5 percent to 1.25 percent which is permissive pursuant to NRS 388A.414. However, the SPCSA requests the ability to readjust the sponsorship fee in the event it determines B/A 101-2711 would not have sufficient reserves to continue its operation and if additional resources would be required due to pending legislation affecting the SPCSA. The reduction of the sponsorship rate from 1.5 percent to 1.25 percent would reduce total revenues by \$1.7 million over the 2019-21 biennium.

If this reduction and all noted technical adjustments in this closing document were approved by the Subcommittees, Fiscal staff estimates B/A 101-2711 reserves would total \$4.4 million in FY 2019-2020 and \$4.5 million in FY 2020-2021, representing a 94-day and a 97-day level of reserve in each year of the 2019-2021 biennium, respectively. Do the Subcommittees wish to approve projected revenues for the SPCSA sponsorship fees to reflect the amount that would be generated if the fee were reduced to 1.25 percent from 1.5 percent and the technical adjustments noted by Fiscal staff regarding updated enrollment projections?

SENATOR KIECKHEFER:
Does the SPCSA Board set the fee allocation?

MS. ORTEGA:
No. It is at the SPCSA's discretion.

JENNIFER BAUER (Director, Finance and Operations, State Public Charter School Authority, Nevada Department of Education):
The authority that lies with the executive director in NRS is for administrative oversight. This includes the budget process. Setting a sponsorship fee as a level of revenue for our operating budget would be part of the budget process.

SENATOR KIECKHEFER:
Is that determined on an annual basis?

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MS. BAUER:

It is determined biannually and has not been revisited until today. Historically, it has been set at 1.5 percent. We can determine this, as needed, pursuant to NRS because it is capped at 2 percent.

SENATOR KIECKHEFER:

The SPCSA is looking for recognition that the rate may need to be adjusted based on legislation that may come through the 80th Session. The Subcommittees closed the SPCSA at anticipated revenue of 1.25 percent. When would a potential decision be made to adjust this? Would the adjustment be a midyear calculation based on workload? When is that authority vested to change that rate?

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

We anticipate that the 1.25 percent is reasonable over the 2019-2021 biennium. I plan on reviewing the SPCSA's work over the 2019-2021 biennium and coming back to the 81st Session with robust data to inform a future financial model that reflects ongoing operations. If I find that there are gaps that need to be filled during that review, I will come back to the IFC and request use of reserves. We have substantial reserves; I believe that would be sufficient to cover any immediate gaps that are identified.

SENATOR KIECKHEFER:

I want to make sure the SPCSA has flexibility going forward, if needed, based on what happens. Are you talking about a potential adjustment in a future biennium level and not midsession?

MS. FEIDEN:

We would wait until the 2021-2023 biennium to make a change.

ASSEMBLYWOMAN CARLTON:

The SPCSA will stick with the 1.25 percent rate. If they need to use anything in reserve, they will come back and talk with us. Per NRS, the SPCSA has authority to change the rate, and there is not much the Subcommittees can do about that. Does the SPCSA commit to sticking with the 1.25 percent rate?

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Ms. BAUER:

We would have to come back to the Subcommittees. If we were to tap into reserves, there would need to be a work program that would have to come back to the IFC.

ASSEMBLYWOMAN CARLTON:

On the 1.25 percent rate, the SPCSA could adjust that without coming to IFC per NRS. This allows the rate to be adjusted up to 2 percent. Next year when the SPCSA develops a budget, the rate can be increased, and there is nothing the Subcommittees can do about it.

Ms. BAUER:

If we were to augment the rate with our revenue authority, a work program would be triggered. Raising a sponsorship fee would increase our revenue authority which would warrant a work program.

ASSEMBLYWOMAN CARLTON:

We have had many discussions with the SPCSA about what is in NRS and what is not in NRS to determine what they can do and what they can not do. I want it on record that we are on the same page, and there is no confusion in interpreting NRS. The funds that go to the SPCSA comes out of the classroom. The money is set down through the formula to the charter schools, and the charter schools pay it to the SPCSA.

If the SPCSA does not use the funds, this means more funds in the classroom for the kids; this is our goal. I would like to make sure that we are all on the same page and know what the plan is. I have heard many times that the SPCSA plans on coming back to IFC. This makes me comfortable moving forward.

Ms. FEIDEN:

We are comfortable with the 90-to 100-day reserve. We agree that we should only charge schools the amount that we need to run our operations. This aligns with a key principle with charter schools which is localized decision making. We want to ensure that as much money as possible gets down to the schools. We are on the same page. In regard to fees, transparency is important, and we do not anticipate this to change over the 2019-2021 biennium. We will come back to IFC if there is a need to leverage some of our existing reserves.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO APPROVE PROJECTED REVENUES FOR THE SPCSA SPONSORSHIP FEES TO REFLECT THE AMOUNT THAT WOULD BE GENERATED IF THE FEE WERE REDUCED TO 1.25 PERCENT FROM 1.5 PERCENT AND THE TECHNICAL ADJUSTMENTS NOTED BY FISCAL STAFF REGARDING UPDATED ENROLLMENT PROJECTIONS.

SENATOR DENIS SECONDED THE MOTION.

ASSEMBLY: THE MOTION CARRIED UNANIMOUSLY.

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

There are 3 other closing items for B/A 101-2711 found on page 50 of [Exhibit C](#). Under other closing item 3, an increase in charter school fees is included to fund the cost allocation. This is inconsistent with other enhancement decisions in B/A 101-2711 that are offset by reserve. Fiscal staff recommends a technical adjustment which is included in this closing document to eliminate the increase in charter school fees and reduce reserves by \$162,374 over the 2019-2021 biennium. Fiscal staff recommends other closing items 1 and 2 be closed as recommended by the Governor with the technical adjustments noted in other closing item number 3 with authority for Fiscal staff to make technical adjustments as necessary.

ASSEMBLYWOMAN CARLTON MOVED TO RECOMMEND TO THE FULL COMMITTEES TO CLOSE OTHER CLOSING ITEMS 1 AND 2 AS RECOMMENDED BY THE GOVERNOR WITH THE TECHNICAL ADJUSTMENTS NOTED IN OTHER CLOSING ITEM NUMBER 3 AND PROVIDE FISCAL STAFF AUTHORITY TO MAKE TECHNICAL ADJUSTMENTS AS NECESSARY.

SENATOR DENIS SECONDED THE MOTION.

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ASSEMBLY: THE MOTION CARRIED. (ASSEMBLYMAN WHEELER WAS ABSENT FOR THE VOTE.)

SENATE: THE MOTION CARRIED UNANIMOUSLY.

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Ms. ORTEGA:

Beginning on page 52 of [Exhibit C](#) is B/A 101-2708. There are no major closing issues. There is one other closing item. Fiscal staff recommends this budget be closed as recommended by the Governor with authority for Fiscal staff to make technical adjustments as necessary.

Public Charter School Loan Program — Budget Page CHARTER SCHOOL-13
(Volume I)
Budget Account 101-2708

ASSEMBLYWOMAN CARLTON:

There are no current applications for a loan from this fund. Is this correct?

Ms. ORTEGA:

There are two pending applications that will be brought forward to the SPCSA on May 31, 2019.

ASSEMBLYWOMAN CARLTON:

Is it for the money out of the loan program? I have concerns about this. The SPCSA has had a difficult time handling their work. We had charter schools approved through a loan program of the ASD that were not supposed to be approved. I would like the SPCSA to take a year and address all of the issues they have in front of them and concerns the chair has brought forward regarding information on assessments and tests. It was my impression that those two schools were not applying for the loan and that they were past that process. I do not want to set up two more schools to fail. I am not convinced that this is successful.

I would like to hold off on any action for B/A 101-2708. I need more information on the two schools, since I originally thought there was no

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information. There have been significant discussions about issues in rectifying the problems that are out there. Kids will suffer if we do not do this right.

CHAIR WOODHOUSE:
I agree with Assemblywoman Carlton.

ASSEMBLYMAN THOMPSON:
There is proposed legislation out there, and it looks like ASD is going to be dismantled. In other legislation, it looks like the four schools in ASD will have seamless movement under the SPCSA. Do these funds help make this seamless or is this different?

MS. ORTEGA:
This is different. These funds were utilized on the first year of operation to help them recruit teachers and students.

ASSEMBLYWOMAN CARLTON:
Because we have those four schools converting over night, I still have concerns about them. In order to not penalize students for mistakes that have happened in the past, the SPCSA will need to handle those four schools next year. My concern lies with adding two more schools. It may work out, and we may all get comfortable with it. I do not think I can support this.

SENATOR DENIS:
There are six schools total; two additional schools are in the pipeline and four schools are currently operating. I support the decision to not take action on this item and to wait for more information. I have been following the Futuro Academy Public Charter School in Las Vegas, and they are doing amazing things there. They started very small with kindergarten and have added more classes.

CHAIR WOODHOUSE:
Nevada Rise Academy and Nevada Prep Charter School are in the pipeline to go into the SPCSA. Originally, they were thought to be going to the ASD. The SPCSA will have six schools that will need to be handled for success as they move into the SPCSA. We will not take action on B/A 101-2708 and bring it back to the full Committees for consideration. The Subcommittees request that

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the SPCSA reach out to our members and provide additional information on this issues and others.

CHAIR WOODHOUSE:

There being no further business, this meeting is adjourned at 10:00 a.m.

RESPECTFULLY SUBMITTED:

Michael Keever,
Committee Secretary

APPROVED BY:

Senator Joyce Woodhouse, Chair

DATE: _____

Assemblywoman Maggie Carlton, Chair

DATE: _____

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EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	4		Attendance Roster
	C	53	Alex Haartz/ Fiscal Division	Closing Packet
	D	6	Alex Haartz/ Fiscal Division	Budget Amendment