

Legislative Committee on Education



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LEGISLATIVE COMMITTEE ON EDUCATION

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SUMMARY OF RECOMMENDATIONS

LEGISLATIVE COMMITTEE ON EDUCATION

Nevada Revised Statutes 218E.605

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE) at the August 16, 2012, meeting. The following bill draft requests (BDRs) will be submitted to the 77th Nevada Legislature.

PROPOSALS RELATING TO FEDERAL EDUCATION PROGRAMS

1. Amend the statutes to remove the accountability provisions contained in Chapter 385, “State Administrative Organization,” of the *Nevada Revised Statutes* (NRS) and require Nevada’s Department of Education (NDE) to establish a single statewide system of accountability for all public schools and school districts, regardless of Title I status, which is consistent with the requirements of the federal Elementary and Secondary Education Act (ESEA) Waiver for the duration of the Waiver. After the Waiver has expired, the single statewide system of accountability must comply with the applicable requirements of federal law. **(BDR 34–195)**
2. Include a transitory provision requiring the Superintendent of Public Instruction to monitor the impact of the elimination of the mandate to offer supplemental services and school choice to parents as approved through Nevada’s ESEA Waiver and report back to the LCE during the 2013–2014 Interim. **(BDR 34–195)**

PROPOSALS RELATING TO NEVADA’S SYSTEM OF EXAMINATIONS

3. Amend the statutes to reflect that the assessment system in Nevada is now unified as a standards-based system. The merge incorporates all examinations, without exception, including the State’s writing examination. **(BDR 34–196)**
4. Send a letter from the LCE to the Office of the Governor and the Superintendent of Public Instruction requesting NDE to hold an “Assessment Summit.” All key stakeholders in education shall be invited to the Summit, including, at a minimum, the Chair and Vice Chair of the LCE. A report of findings from the Summit shall be submitted on or before February 1, 2013, to the LCE and the Director of the Legislative Counsel Bureau (LCB) for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

The topics to be discussed in the Summit should include, at a minimum:

- The effectiveness of the continued use of Nevada’s High School Proficiency Examination (HSPE) versus the potential effectiveness of replacing the HSPE with end of course examinations.
- The continued efficiency and effectiveness of the alternative HSPE assessments for the writing and science portions of the HSPE, pursuant to NRS 389.015 and NRS 389.805.
- The statewide administration of academic plan and advising instruments in middle school and for college entrance examinations in high school.
- Opportunities to assess students in a more organic fashion where student knowledge and capabilities are built into the educator’s lesson plan, not in a formal assessment, which would include, at a minimum, a learning portfolio.

PROPOSALS RELATED TO EDUCATIONAL-RELATED REPORTS

5. Amend the statutes to remove the requirement for certain education-related programs and reports found to be outdated or duplicative, as identified below:
 - Repeal NRS 386.700 through NRS 386.780, related to the State’s Empowerment Schools Program.
 - Repeal the requirement pursuant to NRS 392.129 relating to an annual report of the disposition of incidences involving the truancy of pupils.
 - Repeal the requirement pursuant to NRS 385.3789(2) relating to an annual report by the Commission on Educational Excellence of the progress of the schools that received an allocation of money from the Account for improving the achievement of pupils.
 - Repeal the State-level summary report of accountability required pursuant to NRS 385.34692.
 - Repeal subsections 3, 4, and 5 of NRS 392.4644 relating to reports of school level plans for the progressive discipline of pupils.
 - Repeal subsection 4 of NRS 389.017 and NRS 389.560 requiring the school districts to report annually to NDE the description, purpose, and costs associated with examinations administered in the school district.

- Repeal subsections 2 and 3 of NRS 386.600 requiring the Superintendent of Public Instruction to compile the reports made by each governing body of a charter school in Nevada concerning the financial status of each charter school and its progress in achieving the mission and goals of the charter school.
 - Repeal NRS 389.012, which requires the State Board of Education to review, analyze, and compare the performance of Nevada’s pupils on the National Assessment of Educational Progress (NAEP), the State’s Criterion Referenced Tests (CRTs), and the HSPE.
 - Repeal NRS 389.570, which requires the Council to Establish Academic Standards in Public Schools to review the results of the CRTs to determine if improvement in performance was made by students. The review is also required to determine if the academic standards are of a similar difficulty level as required by other non-standards-based examinations. **(BDR 34–196)**
6. Send a letter from the LCE to Dr. Keith Rheault, former Superintendent of Public Instruction, relaying the action of the LCE in regard to the proposals concerning education reports.

PROPOSALS RELATING TO NEVADA’S SYSTEM OF ACCOUNTABILITY

7. Include a transitory provision requiring staff of NDE to analyze the data contained in the Automated System of Accountability Information for Nevada (SAIN) as it relates to the reports of incidents of bullying, cyber-bullying, harassment, or intimidation to ensure reliability of the data. A report of findings from the analysis shall be presented to the LCE during the 2013–2014 Interim. **(BDR 34–196)**
8. Send a letter from the Committee to NDE and all Nevada school districts that stipulates when funding is provided for peer mediation or alternative programs for disruptive pupils; any school that receives the funding shall include the goals of the program in its school improvement plan and monitor the success of the program.

PROPOSALS RELATING TO EDUCATIONAL PERSONNEL

9. Amend the statutes to revise the budget submission process for the Regional Training Programs for the Professional Development of Teachers and Administrators (RPDPs) to mirror the recommendations specified in Sections 38 and 47 of Senate Bill 197, as introduced during the 2011 Session. The RPDPs would be required to submit proposed budgets to the State Board of Education for review and possible inclusion in the budget of NDE. Once the budgets for the RPDPs are approved through the legislative process, revisions to the budgets would follow the same process other State agencies adhere to pursuant to Chapter 353, "State Financial Administration," of NRS. **(BDR 34-197)**
10. Amend the statutes to require the RPDPs to provide professional development for persons conducting teacher/administrator evaluations. This training program must be developed in cooperation with the Teachers and Leaders Council. In addition, require the RPDPs to provide targeted professional development based on teacher/administrator evaluation results. **(BDR 34-197)**
11. Amend the statutes to require the evaluation of the RPDPs by the governing body to include the data points described below:
 - The number of teachers, if any, who received training through the program in methods to engage parents and families.
 - The number of teachers/administrators, if any, who received training through the program concerning how to conduct an evaluation.
 - The number of teachers/administrators, if any, who received targeted professional development based on evaluation results. **(BDR 34-197)**
12. Send a letter from the LCE to the governing body of each RPDP requesting they consider the need for an identified trainer with expertise in parent and family engagement. Report back to the LCE on whether such a position was hired during the 2013-2014 Interim.
13. Include a statement in the final report urging NDE and school districts to create a system that allows for an equal number of educators and administrators, trained to evaluate teachers and principals, to provide career advice, professional development, and mentorship for new educators or those struggling in the classroom.
14. Include a statement in the final report urging school districts to work with recognized employee organizations to include the requirements specified under NRS 391.160 on the career ladder. Such a review should examine whether enhanced compensation must be in addition to the single salary schedule and designed through collective bargaining.

PROPOSALS RELATING TO THE P-16 ADVISORY COUNCIL

15. Amend the statutes to require the Governor to appoint a representative of early childhood in this State as one of the five voting members appointed to the P-16 Advisory Council. In addition, expand the list of representatives the Majority Leader of the Senate and the Speaker of the Assembly may choose from to include a representative of early childhood in this State on the P-16 Advisory Council. **(BDR 34-198)**
16. Amend the statutes to require the P-16 Advisory Council to address the extent to which beginning teachers know and are able to teach the Common Core State Standards. **(BDR 34-198)**

PROPOSALS RELATING TO EARLY CHILDHOOD EDUCATION

17. Amend the statutes to require the Director of Nevada's Department of Health and Human Services (DHHS) to establish the Early Childhood Advisory Council within the Department. The membership of the Council, at a minimum, shall include a representative of NDE and two representatives of nonprofit entities, one representing the northern portion of the State and one representing the southern portion of the State. The representatives of nonprofit entities and all other members shall be appointed by the Director as determined appropriate.

The Council may accept gifts and grants to assist in meeting its duties. The Council shall, at a minimum, have the duties described below:

- A. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State. In so doing, the Council shall work closely with NDE and the State Board of Education in carrying out its duties.
- B. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and State-funded early childhood programs.
- C. Develop recommendations for:
 - (1) Increasing the overall participation of children in existing federal, State, and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;
 - (2) Increasing family engagement in child care and early childhood education;

- (3) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;
 - (4) A statewide professional development system for teachers engaged in early childhood education;
 - (5) The establishment of statewide standards for early childhood education in this State; and
 - (6) The establishment of a statewide definition of school readiness, which, at a minimum, must be based upon national school readiness indicators, as available. In addition, the definition must, at a minimum, reference the following five domains:
 - Physical Development and Health;
 - Social and Emotional Development;
 - Approaches to Learning;
 - Language and Early Literacy Development; and
 - Cognition and General Knowledge.
- D. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.
- E. Report progress made by the Council to the LCE during the 2013–2014 Interim and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education of the 78th Session of the Nevada Legislature.
- F. Perform such other duties relating to early childhood education and programs as designated by the Director. **(BDR –199)**

PROPOSALS RELATING TO EDUCATIONAL TECHNOLOGY

18. Amend the statutes to require submission of the results of the needs assessment of educational technology to the LCE and the Director of the LCB on or before May 1 instead of June 1 in even-numbered years. In addition, add the Office of the Governor and the Department of Administration’s Budget Division to the entities that receive the results of the needs assessment.

Add a transitory section that would require the 2014 needs assessment of educational technology to include an assessment of the extent to which all school districts in Nevada have broadband access for teaching, learning, and school operations. This would include having: (a) an external Internet connection to the Internet service provider (ISP); and (b) internal wide area network (WAN) connections from the district to each school and among schools within the district. **(BDR 34–196)**

PROPOSALS RELATING TO CHARTER SCHOOLS

19. Amend the statutes to provide for the execution of performance-based charter school contracts. In so doing, require the sponsor of a charter school to develop performance frameworks to objectively measure charter school performance in operation compliance, fiscal health, and academic outcomes. Finally, define the process for renewal, nonrenewal, and revocation of charter school performance-based contracts. **(BDR 34-200)**
20. Amend the statutes to extend enrollment preferences to all charter schools, instead of only those that are dedicated to providing educational programs and opportunities to pupils who are at risk. In so doing, expand the authority of a charter school to enroll certain children first, as identified below:
 - A child of a person employed by the charter school, regardless of full-time or part-time status (currently the NRS requires full-time status);
 - A child of a member of the committee to form the charter school; and
 - A child of a member of the school's governing body. **(BDR 34-200)**
21. Send a letter to the staff of the LCE and the Director of the State Public Charter School Authority (SPCSA) asking that options for facility funding of charter schools be considered and submitted on or before February 1, 2013, to the LCE and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

PROPOSALS RELATING TO THE NEVADA SYSTEM OF HIGHER EDUCATION

22. Adopt a Joint Resolution that would amend the *Nevada Constitution* to provide for a voting student member of the Board of Regents of the University of Nevada. The Board of Regents shall select the student member from a list of names submitted by each Nevada System of Higher Education (NSHE) institution. Each institution of the NSHE may submit up to three names, as decided by each institution. **(BDR C-201)**

PROPOSALS RELATING TO FUNDING OF EDUCATION

23. Include a statement in the final report supporting the creation of an Education “Rainy Day Fund.”
24. Amend the statutes as reflected by the provisions of Assembly Bill 241 from the 2011 Legislative Session to establish the K-12 Public Education Stabilization Account. Funding that reverts back to the State Distributive School Account (DSA) at the end of odd-numbered years would be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. **(BDR 31-202)**

PROPOSALS RELATING TO MISCELLANEOUS MATTERS IN EDUCATION

25. Include a statement in the final report recognizing that fine arts programs may be associated with academic gains in the core subject areas, including mathematics and English Language Arts. In addition, these programs are also often linked to improvement in student motivation, concentration, confidence, and teamwork. Based upon these research findings, encourage school districts to consider these findings when reviewing education programs to continue in these difficult economic times. When implementing fine arts programs, particularly in elementary schools, school districts are also encouraged to utilize teachers who are licensed to teach in the areas of fine arts.
26. Amend the statutes to authorize a teacher’s aide to monitor student technical laboratories instead of the requirement for a licensed teacher. **(BDR 34-197)**
27. Amend the statutes by repealing NRS 393.092, NRS 393.095, NRS 393.096, and NRS 393.097, relating to school construction. The requirement for an oversight panel for school facilities in school districts whose population is 100,000 or more would be removed. In addition, all school districts, regardless of size, would no longer be required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities. **(BDR 34-203)**
28. Amend the statutes to authorize attendance officers to write habitual truancy citations in addition to police officers. **(BDR 34-197)**
29. Include a statement in the final report noting the Committee’s continued support of the work of Communities in Schools (CIS).
30. Include a statement in the final report noting the Committee’s continued support of the work of Save the Children.

31. Amend the statutes to authorize the board of trustees of a school district to donate surplus personal property to another school district within the State of Nevada. Currently, NRS 332.185 limits the authority of a school district to donate surplus personal property to a charter school located within the school district. **(BDR 34-203)**

32. Amend the statutes to require the health academic standards to include components related to instruction of cardiopulmonary resuscitation (CPR) at grades 7 through 12. The standards shall include the elements of an instruction program established by the American Heart Association or the American Red Cross or another program, which is nationally recognized. In addition, the standards shall reflect the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporate psychomotor skills development into the standards-based instruction. Finally, the standards shall include the use of an automated external defibrillator. **(BDR 34-204)**

**REPORT TO THE 77TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMITTEE ON EDUCATION**

I. INTRODUCTION

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature. The creation of the LCE, its membership, general powers, and duties are codified in *Nevada Revised Statutes* (NRS) 218E.600 through NRS 218E.620. (See Appendix A for a copy of these statutes.) Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act (NERA), the LCE reviews and monitors the condition of public elementary and secondary education. It may recommend legislation in a number of areas, including statewide programs in accountability, student performance, teacher preparation, compliance with federal requirements, the statewide student information system, class-size reduction, and any other fiscal or policy concerns associated with public education.

Members of the LCE during the 2011–2012 Interim included the following legislators:

Assemblyman David P. Bobzien, Chair
Senator Moises (Mo) Denis, Vice Chair
Senator Shirley A. Breeden
Senator Donald Gary Gustavson
Senator Mark A. Manendo
Assemblywoman Marilyn Dondero Loop
Assemblyman Harvey J. Munford
Assemblyman Lynn D. Stewart

Legislative Counsel Bureau (LCB) staff services were provided by:

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Colleen Platt, Senior Deputy Legislative Counsel, Legal Division
Wayne Thorley, Program Analyst, Fiscal Analysis Division
Nita Barnes, Senior Research Secretary, Research Division

II. COMMITTEE ACTIVITIES

The LCE held seven meetings, including a work session, during the 2011–2012 Interim. Pursuant to the Committee's charge as provided in NRS 218E.615, the LCE considered

a number of topics relating to early childhood education, elementary and secondary education, and higher education.

Based upon the actions of the 2011 Legislature in approving Senate Bill 211 (Chapter 428, *Statutes of Nevada*), the LCE was also charged with conducting a study concerning the implementation of the Common Core State Standards (CCSS) in Nevada's public schools. The Committee conducted the study at its first meeting. While conducting the study, the Committee received testimony from a representative of the National Conference of State Legislatures (NCSL) concerning other states' progress in implementing the CCSS. Representatives of Nevada's Department of Education (NDE) presented testimony on the status of the transition to using the CCSS in Nevada's schools, and representatives of the Nevada Association of School Superintendents (NASS) provided testimony concerning the needs of the school districts in making the transition. Through the study, future LCE agenda items were developed and recommendations were considered during the work session for the Committee.

Finally, as had been done in previous interims, the Committee approved work plans and budgets for two entities created by NERA: (a) the Council to Establish Academic Standards for Public Schools; and (b) the Commission on Educational Technology. However, in approving the budgets for the 2011–2012 Interim, members also approved a letter be sent to the Office of the Governor asking that future funding requests for the two entities follow the normal budgeting process through NDE's budget accounts instead of the Committee's budget. (See Appendix B for a copy of the letter.)

At its work session on August 16, 2012, the Committee approved 21 proposals for drafting legislation and another 11 proposals for sending letters or including statements in the final report. For a listing of bill draft requests (BDRs) recommended by the LCE for consideration by the 2013 Legislature, please see Appendix D.

III. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS FOR THE STATE OF NEVADA

Several topics were reviewed and discussed at the meetings of the LCE. This section provides background information and discusses only those issues for which the LCE made recommendations. These issues relate to:

- A. Federal Education Programs;
- B. System of Examinations;
- C. Outdated or Duplicative Education-Related Reports;
- D. System of Accountability;
- E. Educational Personnel;
- F. P-16 Advisory Council;
- G. Early Childhood Education;

- H. Educational Technology;
- I. Charter Schools;
- J. Nevada System of Higher Education;
- K. Funding of Education; and
- L. Miscellaneous Matters in Education.

A. Federal Education Programs

In 2011, the United States Department of Education (USDOE) invited State Education Agencies (SEAs) to request flexibility regarding specific requirements of the federal No Child Left Behind Act of 2001 (NCLB), also known as the federal Elementary and Secondary Education Act (ESEA) flexibility. If a state was approved, flexibility would be authorized in exchange for rigorous and comprehensive state-developed plans designed to improve educational outcomes for all students, close achievement gaps, increase equity, and improve the quality of instruction.

Nevada's Department of Education submitted an application for flexibility in February 2012; the application was not approved. Based upon input from the federal government, NDE revised its application and resubmitted it in July 2012; the application was approved by the USDOE on August 8, 2012.

Due to the potential impact of such flexibility on Nevada's current systems of accountability and examinations, the LCE spent considerable time throughout the interim on topics related to Nevada's request for flexibility. At the January 2012 meeting, Dr. Keith Rheault, former Superintendent of Public Instruction, NDE, noted that if the request for flexibility was approved by the federal government, statutory changes affecting the classification of schools and provisions relating to adequate yearly progress would be needed. At the March 2012 meeting, discussion continued, focusing on the specific components of Nevada's application for flexibility. The elimination of school choice and supplemental education services was of particular interest to Committee members. Through the discussion, it was noted that as many as 1,800 students could lose school choice options and 11,400 students could lose access to supplemental education services should the request for flexibility be approved.

Based upon the testimony received and Committee discussion concerning the impact of ESEA flexibility in Nevada, the LCE agreed to:

Amend the statutes to remove the accountability provisions contained in Chapter 385, "State Administrative Organization," of the *Nevada Revised Statutes* (NRS) and require Nevada's Department of Education (NDE) to establish a single statewide system of accountability for all public schools and school districts, regardless of Title I status, which is consistent with the requirements of the federal Elementary and Secondary Education Act (ESEA) Waiver for the duration of the Waiver. After the Waiver has expired, the single statewide

system of accountability must comply with the applicable requirements of federal law. (BDR 34–195)

AND

Include a transitory provision requiring the Superintendent of Public Instruction to monitor the impact of the elimination of the mandate to offer supplemental services and school choice to parents as approved through Nevada’s ESEA Waiver and report back to the LCE during the 2013–2014 Interim. (BDR 34–195)

B. System of Examinations

1. Impact of the Common Core State Standards on Nevada’s Assessment System: The State of Nevada’s assessment system under the NERA was built upon a norm-referenced assessment system (i.e., a type of system that compares a person’s score against the scores of people who have already taken the same exam, called a norming group). In 2009, the National Governors Association Center for Best Practices and the Council of Chief State School Officers coordinated a state-led initiative to develop and enforce the CCSS. The CCSS were adopted for use in Nevada in 2009 and a movement toward a standards-based assessment system, instead of a norm-referenced assessment system, was started.

During the interim, the LCE received testimony from NDE recommending the statutes relating to Nevada’s assessment system be consolidated to reflect that the system is now a standards-based system instead of the norm-referenced assessment system. Based upon this information, the LCE agreed to:

Amend the statutes to reflect that the assessment system in Nevada is now unified as a standards-based system. The merge incorporates all examinations, without exception, including the State’s writing examination. (BDR 34–196)

2. High School Exit Examinations and End of Course Examinations: The 1977 Legislature enacted Assembly Bill 400 (Chapter 273, *Statutes of Nevada*) to require a student to pass the High School Proficiency Examination (HSPE) to receive a standard diploma. Since that time, the Legislature has monitored the continued efficiency and effectiveness of the HSPE. During the 2011–2012 Interim, the Committee reviewed the movement of other states toward a system of end of course examinations and away from exit examinations, such as the HSPE. In addition, the continued efficiency and effectiveness of the alternative HSPE assessments for the writing and science portions of the examination was reviewed. This included a discussion of the use of nonformal assessments to measure proficiency, including learning portfolios.

The topic of academic plan and advising instruments in middle school and for college entrance examinations in high schools was also studied by the LCE. In 2011, the Board of Regents of the Nevada System of Higher Education (NSHE) approved a resolution urging the State of Nevada and school districts to adopt a statewide administration of the ACT test for all high school students in their junior year. (See Appendix C for a copy of the resolution.) Based upon this action, the LCE accepted testimony concerning the usefulness of administering academic plan and advising instruments statewide. Examples of such examinations are those published by The College Board, such as the PSAT and the SAT, as well as those published by ACT, Inc., such as EXPLORE, PLAN, and ACT.

Based upon this information, the LCE agreed to:

Send a letter from the LCE to the Office of the Governor and the Superintendent of Public Instruction requesting NDE to hold an “Assessment Summit.” All key stakeholders in education shall be invited to the Summit, including, at a minimum, the Chair and Vice Chair of the LCE. A report of findings from the Summit shall be submitted on or before February 1, 2013, to the LCE and the Director of the Legislative Counsel Bureau (LCB) for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

The topics to be discussed in the Summit should include, at a minimum:

- **The effectiveness of the continued use of Nevada’s High School Proficiency Examination (HSPE) versus the potential effectiveness of replacing the HSPE with end of course examinations.**
- **The continued efficiency and effectiveness of the alternative HSPE assessments for the writing and science portions of the HSPE, pursuant to NRS 389.015 and NRS 389.805.**
- **The statewide administration of academic plan and advising instruments in middle school and for college entrance examinations in high school.**
- **Opportunities to assess students in a more organic fashion where student knowledge and capabilities are built into the educator’s lesson plan, not in a formal assessment, which would include, at a minimum, a learning portfolio.**

C. Outdated or Duplicative Education-Related Reports

During the interim, Dr. Keith Rheault, former Superintendent of Public Instruction, retired. Before leaving, Dr. Rheault made recommendations to remove from statute the requirement for certain education-related programs and reports found to be outdated or duplicative. Following deliberation on this issue, the LCE approved the following action:

Amend the statutes to remove the requirement for certain education-related programs and reports found to be outdated or duplicative, as identified below:

- **Repeal NRS 386.700 through NRS 386.780, related to the State's Empowerment Schools Program.**
- **Repeal the requirement pursuant to NRS 392.129 relating to an annual report of the disposition of incidences involving the truancy of pupils.**
- **Repeal the requirement pursuant to NRS 385.3789(2) relating to an annual report by the Commission on Educational Excellence of the progress of the schools that received an allocation of money from the Account for improving the achievement of pupils.**
- **Repeal the State-level summary report of accountability required pursuant to NRS 385.34692.**
- **Repeal subsections 3, 4, and 5 of NRS 392.4644 relating to reports of school level plans for the progressive discipline of pupils.**
- **Repeal subsection 4 of NRS 389.017 and NRS 389.560 requiring the school districts to report annually to NDE the description, purpose, and costs associated with examinations administered in the school district.**
- **Repeal subsections 2 and 3 of NRS 386.600 requiring the Superintendent of Public Instruction to compile the reports made by each governing body of a charter school in Nevada concerning the financial status of each charter school and its progress in achieving the mission and goals of the charter school.**
- **Repeal NRS 389.012, which requires the State Board of Education to review, analyze, and compare the performance of Nevada's pupils on the National Assessment of Educational Progress (NAEP), the State's Criterion Referenced Tests (CRTs), and the HSPE.**
- **Repeal NRS 389.570, which requires the Council to Establish Academic Standards in Public Schools to review the results of the CRTs to determine if improvement in performance was made by students. The review is**

also required to determine if the academic standards are of a similar difficulty level as required by other non-standards-based examinations. (BDR 34-196)

AND

Send a letter from the LCE to Dr. Keith Rheault, former Superintendent of Public Instruction, relaying the action of the LCE in regard to the proposals concerning education reports.

D. System of Accountability

1. Incidents of Bullying, Cyber-Bullying, Harassment, and Intimidation: Nevada's Department of Education's Automated System of Accountability Information for Nevada (SAIN) contains the data required to be reviewed by schools in developing academic plans for improvement (NRS 385.357). During the Interim, the LCE received testimony that the data collected concerning incidents of bullying, cyber-bullying, harassment, and intimidation may not be comparable across school districts due to different classification triggers. It was noted that classification training may be needed. Based upon the information presented, the LCE agreed to:

Include a transitory provision requiring staff of NDE to analyze the data contained in the Automated System of Accountability Information for Nevada (SAIN) as it relates to the reports of incidents of bullying, cyber-bullying, harassment, or intimidation to ensure reliability of the data. A report of findings from the analysis shall be presented to the LCE during the 2013-2014 Interim. (BDR 34-196)

2. Peer Mediation/Alternative Programs for Disruptive Pupils: Since Fiscal Year 2000, the Legislature has approved funds for peer mediation; for the 2011-2013 Biennium, the Legislature approved \$26,674 in each fiscal year. In addition, the 1999 Legislature, through approval of Assembly Bill 521 (Chapter 591, *Statutes of Nevada*), appropriated \$1 million over the biennium for the establishment of pilot alternative programs of education for disruptive pupils. During the interim, the LCE received testimony regarding the need for school districts to monitor the success of these programs through the school level academic plans for improvement. Following discussion on this issue, the LCE members recommended the following:

Send a letter from the Committee to NDE and all Nevada school districts that stipulates when funding is provided for peer mediation or alternative programs for disruptive pupils; any school that receives the funding shall include the goals of the program in its school improvement plan and monitor the success of the program.

E. Educational Personnel

1. Professional Development of Educational Personnel—Funding: In response to a series of regional workshops conducted by the LCE during the 1997–1998 Interim, teachers, administrators, and others proposed a regional professional development model to help educators to teach the new State academic standards. Today, this model is named the Regional Training Programs for the Professional Development of Teachers and Administrators (RPDPs).

Funding to support the RPDPs has historically been an allocation of State General Funds to certain school districts that have agreed to serve as the fiscal agent for each respective RPDP. This funding has not been required to be approved through the normal budget process followed by State agencies. Because of this, the budget requests from the RPDPs do not provide the same level of detail as those submitted by State agencies; this was noted as a concern by members of the LCE. Following deliberations on this issue, the LCE agreed to:

Amend the statutes to revise the budget submission process for the Regional Training Programs for the Professional Development of Teachers and Administrators (RPDPs) to mirror the recommendations specified in Sections 38 and 47 of Senate Bill 197, as introduced during the 2011 Session. The RPDPs would be required to submit proposed budgets to the State Board of Education for review and possible inclusion in the budget of NDE. Once the budgets for the RPDPs are approved through the legislative process, revisions to the budgets would follow the same process other State agencies adhere to pursuant to Chapter 353, “State Financial Administration,” of NRS. (BDR 34–197)

2. Expansion of Duties of the Regional Training Programs for the Professional Development of Teachers and Administrators: The 2011 Legislature, through the passage of Assembly Bill 224 (Chapter 351, *Statutes of Nevada*), required NDE to create an Office of Parental Involvement and Family Engagement within the Department. In so doing, the measure requires the RPDPs, in cooperation with the Office, to establish a statewide training program for teachers, paraprofessionals, and administrators concerning effective parental involvement and family engagement. During the interim, the LCE received testimony that current funding to provide such training would end in June 2012 and it was anticipated that the RPDPs would assume the training program at that time.

In addition, the 2011 Legislature, through approval of Assembly Bill 222 (Chapter 487, *Statutes of Nevada*), created the Teachers and Leaders Council of Nevada to establish a statewide performance evaluation system of teachers and administrators. During the interim, the LCE received updates from the Council on progress in developing the evaluation system. Through the reports, the Council noted the following responsibilities for the RPDPs:

- Assist teachers to understand the CCSS;
- Assist administrators to help teachers implement the CCSS; and
- Train evaluators to prepare teacher evaluations in a consistent, accurate, and reliable manner.

Based upon the information presented, the LCE agreed to:

Amend the statutes to require the RPDPs to provide professional development for persons conducting teacher/administrator evaluations. This training program must be developed in cooperation with the Teachers and Leaders Council. In addition, require the RPDPs to provide targeted professional development based on teacher/administrator evaluation results. (BDR 34–197)

AND

Amend the statutes to require the evaluation of the RPDPs by the governing body to include the data points described below:

- **The number of teachers, if any, who received training through the program in methods to engage parents and families.**
- **The number of teachers/administrators, if any, who received training through the program concerning how to conduct an evaluation.**
- **The number of teachers/administrators, if any, who received targeted professional development based on evaluation results. (BDR 34–197)**

AND

Send a letter from the LCE to the governing body of each RPDP requesting they consider the need for an identified trainer with expertise in parent and family engagement. Report back to the LCE on whether such a position was hired during the 2013–2014 Interim.

3. Peer Review and Career Ladders for Educational Personnel: The LCE received testimony concerning the effectiveness of utilizing peer review as a means of providing professional development to teachers. In addition, the Committee learned about professional development and its link to career ladders and enhanced compensation. Based upon the information presented and Committee discussion, the members agreed to:

Include a statement in the final report urging NDE and school districts to create a system that allows for an equal number of educators and

administrators, trained to evaluate teachers and principals, to provide career advice, professional development, and mentorship for new educators or those struggling in the classroom.

AND

Include a statement in the final report urging school districts to work with recognized employee organizations to include the requirements specified under NRS 391.160 on the career ladder. Such a review should examine whether enhanced compensation must be in addition to the single salary schedule and designed through collective bargaining.

F. P-16 Advisory Council

1. Composition of Nevada's P-16 Advisory Council: The State of Nevada's P-16 Advisory Council was officially created by the 2007 Legislature's approval of Senate Bill 239 (Chapter 522, *Statutes of Nevada*). Through testimony to the LCE, it was noted that the membership of the Council does not formally include a representative of early childhood, or the "P" in P-16. Based upon this finding, the LCE agreed to:

Amend the statutes to require the Governor to appoint a representative of early childhood in this State as one of the five voting members appointed to the P-16 Advisory Council. In addition, expand the list of representatives the Majority Leader of the Senate and the Speaker of the Assembly may choose from to include a representative of early childhood in this State on the P-16 Advisory Council. (BDR 34-198)

2. Duties of Nevada's P-16 Advisory Council: Pursuant to NRS 400.040, the duties of the Council are to address:
 - Methods to increase the enrollment of students in the NSHE to become teachers.
 - Methods to ensure the successful transition of pupils from elementary school to postsecondary education.
 - Methods to ensure that the data information system for pupils is linked from K-12 public education to postsecondary education in the NSHE.
 - Methods to ensure that the course work in secondary schools is aligned with the workload expected of students at the postsecondary level.
 - Methods to ensure collaboration among the business community, academic community, and political leaders in developing strategies for the growth and diversification of Nevada's economy.

- Policies relating to workforce development and employment needs in the State of Nevada.

The LCE reviewed the duties of the Council and noted that with implementation of the CCSS, it would be beneficial to know how well new teachers (i.e., recent graduates from the NSHE) know, and are able to teach, the CCSS. Based upon this finding, the LCE agreed to:

Amend the statutes to require the P-16 Advisory Council to address the extent to which beginning teachers know and are able to teach the Common Core State Standards. (BDR 34-198)

G. Early Childhood Education

The 2011 Legislature approved Assembly Bill 546, which required that two traditionally separate learning systems, early childhood care and education, be more closely coordinated or better aligned to promote an effective educational system. The measure required additional training for all persons who are employed in early childhood care in the pre-kindergarten content standards. This measure was ultimately vetoed by the Governor due to concerns about its impact upon small businesses.

Based upon the veto, the LCE received several presentations from representatives of the Nevada Early Childhood Advisory Council concerning possible modifications of A.B. 546 to minimize concerns for small businesses. In addition, the LCE was interested in what other states are doing in early childhood education to better coordinate services and education to children 0 to 4 years of age.

Based upon the testimony received, the LCE members recommended the following:

Amend the statutes to require the Director of Nevada's Department of Health and Human Services (DHHS) to establish the Early Childhood Advisory Council within the Department. The membership of the Council, at a minimum, shall include a representative of NDE and two representatives of nonprofit entities, one representing the northern portion of the State and one representing the southern portion of the State. The representatives of nonprofit entities and all other members shall be appointed by the Director as determined appropriate.

The Council may accept gifts and grants to assist in meeting its duties.

The Council shall, at a minimum, have the duties described below:

- A. Work to strengthen state-level coordination and collaboration among the various sectors and settings of early childhood programs in this State. In so**

doing, the Council shall work closely with NDE and the State Board of Education in carrying out its duties.

- B. Conduct periodic statewide assessments of needs relating to the quality and availability of programs and services for children who are in early childhood and identify opportunities for and barriers to coordination and collaboration among existing federally-funded and State-funded early childhood programs.**
- C. Develop recommendations for:**
- (1) Increasing the overall participation of children in existing federal, State, and local programs for child care and early childhood education, including, without limitation, providing information on such programs to underrepresented and special populations;**
 - (2) Increasing family engagement in child care and early childhood education;**
 - (3) The establishment or improvement of core elements of the early childhood system in this State, including, without limitation, a statewide unified system for collecting data relating to early childhood programs;**
 - (4) A statewide professional development system for teachers engaged in early childhood education;**
 - (5) The establishment of statewide standards for early childhood education in this State; and**
 - (6) The establishment of a statewide definition of school readiness, which, at a minimum, must be based upon national school readiness indicators, as available. In addition, the definition must, at a minimum, reference the following five domains:**
 - Physical Development and Health;**
 - Social and Emotional Development;**
 - Approaches to Learning;**
 - Language and Early Literacy Development; and**
 - Cognition and General Knowledge.**
- D. Assess the capacity and effectiveness of institutions of higher education in this State in developing teachers in the field of early childhood education.**
- E. Report progress made by the Council to the LCE during the 2013-2014 Interim and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education of the 78th Session of the Nevada Legislature.**
- F. Perform such other duties relating to early childhood education and programs as designated by the Director. (BDR -199)**

H. Educational Technology

1. Technology Needs Assessment—Budget: *Nevada Revised Statutes* 388.795 requires the Commission on Educational Technology to conduct a needs assessment of technology in public schools. The budget to support the needs assessment has historically been included in the budget for the LCE. In approving the funds to support the needs assessment for the 2011–2012 Interim, the LCE recommended that any future requests for funds follow the normal budgeting process through NDE’s budget accounts for two reasons:
 - (a) To expedite access to the funds. The timing of the approval of funds is particularly important for the educational technology needs assessment, as the assessment is required to be conducted during the spring semester of each even-numbered school year (NRS 388.795). Because the first meeting of the LCE is not authorized to be scheduled until November 1 or later in even-numbered years, it is very difficult, if not impossible, for the funds to be approved, select a consultant to complete the assessment, and submit a final written report to the LCE by May 1 of each even-numbered year.
 - (b) To reduce the occurrence of duplicative funding. Testimony before the LCE indicated that when funds for an entity are contained in separate agency budget accounts, it becomes more difficult to assure duplicative funding will not occur.

Based upon the information presented, the LCE agreed to:

Amend the statutes to require submission of the results of the needs assessment of educational technology to the LCE and the Director of the LCB on or before May 1 instead of June 1 in even-numbered years. In addition, add the Office of the Governor and the Department of Administration’s Budget Division to the entities that receive the results of the needs assessment. (BDR 34–196)

2. Technology Needs Assessment—Components: The LCE received a report from Nevada’s Commission on Educational Technology and school districts about the progress made in meeting the goals of State- and district-level technology plans. Through the deliberations, it was noted that the extent to which school districts in Nevada have broadband access has not been formally researched. Based upon this finding, the LCE agreed to:

Add a transitory section that would require the 2014 needs assessment of educational technology to include an assessment of the extent to which all school districts in Nevada have broadband access for teaching, learning, and school operations. This would include having: (a) an external Internet connection to the Internet service provider (ISP); and (b) internal wide area

network (WAN) connections from the district to each school and among schools within the district. (BDR 34–196)

I. Charter Schools

The 2011 Legislature, through the passage of Senate Bill 212 (Chapter 381, *Statutes of Nevada*), created a seven-member State Public Charter School Authority (SPCSA) to sponsor certain charter schools in Nevada. Among other duties, the SPCSA serves as a model of best practices for all State charter schools and their authorizers.

During the interim, the LCE received reports from the SPCSA on progress made concerning charter schools in this State, as well as new programs and policies of charter schools in other states. Major topics of discussion included:

- Enrollment policies;
- Performance management of charter schools;
- Financing charter school facilities; and
- Educational Management Organizations.

Based upon the presentations, the LCE considered several recommendations concerning charter schools. Through the deliberations, the LCE agreed to the following:

Amend the statutes to provide for the execution of performance-based charter school contracts. In so doing, require the sponsor of a charter school to develop performance frameworks to objectively measure charter school performance in operation compliance, fiscal health, and academic outcomes. Finally, define the process for renewal, nonrenewal, and revocation of charter school performance-based contracts. (BDR 34–200)

AND

Amend the statutes to extend enrollment preferences to all charter schools, instead of only those that are dedicated to providing educational programs and opportunities to pupils who are at risk. In so doing, expand the authority of a charter school to enroll certain children first, as identified below:

- A child of a person employed by the charter school, regardless of full-time or part-time status (currently the NRS requires full-time status);
- A child of a member of the committee to form the charter school; and
- A child of a member of the school’s governing body. (BDR 34–200)

AND

Send a letter to the staff of the LCE and the Director of the State Public Charter School Authority (SPCSA) asking that options for facility funding of charter schools be considered and submitted on or before February 1, 2013, to the LCE and the Director of the LCB for distribution to the Chairs of the legislative standing policy committees on education and the money committees of the 77th Session of the Nevada Legislature.

J. Nevada System of Higher Education

During the interim, the LCE received testimony indicating that Nevada is 1 of only 11 states without student representation on its Board of Regents. Through the discussion, it was noted that Article 11, Section 7, of *The Constitution of the State of Nevada* provides for election of members to the Board of Regents and that an amendment would be needed to appoint a student representative as a member. Based upon the discussion, the LCE agreed to:

Adopt a Joint Resolution that would amend the *Nevada Constitution* to provide for a voting student member of the Board of Regents of the University of Nevada. The Board of Regents shall select the student member from a list of names submitted by each Nevada System of Higher Education (NSHE) institution. Each institution of the NSHE may submit up to three names, as decided by each institution. (BDR C-201)

K. Funding of Education

The LCE received presentations concerning policies related to the funding of education. Based upon the information received, the LCE agreed to:

Include a statement in the final report supporting the creation of an Education “Rainy Day Fund.”

AND

Amend the statutes as reflected by the provisions of Assembly Bill 241 from the 2011 Legislative Session to establish the K-12 Public Education Stabilization Account. Funding that reverts back to the State Distributive School Account (DSA) at the end of odd-numbered years would be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. (BDR 31-202)

L. Miscellaneous Matters in Education

1. Arts Education in Public School: During the interim, the LCE received testimony from a Nevada teacher recognizing research that suggests that fine arts programs may be associated with academic gains in the core subject areas, including mathematics and English Language Arts. In addition, these programs are also linked to improvement in student motivation, concentration, confidence, and teamwork. Based upon this information, the LCE agreed to:

Include a statement in the final report recognizing that fine arts programs may be associated with academic gains in the core subject areas, including mathematics and English Language Arts. In addition, these programs are also often linked to improvement in student motivation, concentration, confidence, and teamwork. Based upon these research findings, encourage school districts to consider these findings when reviewing education programs to continue in these difficult economic times. When implementing fine arts programs, particularly in elementary schools, school districts are also encouraged to utilize teachers who are licensed to teach in the areas of fine arts.

2. Proficiency-Based Graduation: During the interim, the LCE received testimony concerning steps necessary for the State of Nevada to begin to move toward a proficiency-based graduation system from a seat-time-based graduation system. Through the discussions, the LCE agreed to:

Amend the statutes to authorize a teacher's aide to monitor student technical laboratories instead of the requirement for a licensed teacher. (BDR 34-197)

3. School Construction: Pursuant to NRS 393.092 through NRS 393.097, an oversight panel for school facilities is required in school districts whose population is 100,000 or more (i.e., Clark and Washoe County School Districts). The oversight panel is responsible for the review and approval/disapproval of the recommendations of the board of trustees of a school district for the issuance of general obligation bonds. In addition, all school districts, regardless of size, are required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities.

In discussing these statutes, representatives of the Clark County School District testified that the requirement for the oversight panels is unnecessary now that most of the bonds for the construction of schools are completed. In addition, representatives of the Washoe County School District testified that the duties of the oversight panels, as opposed to those of the school district board of trustees, are overlapping and confusing. With regard to the submission of annual written reports of recommendations concerning

school construction, testimony indicated the reports contained very similar information year to year and were therefore unnecessary. Based upon this deliberation, the LCE agreed to:

Amend the statutes by repealing NRS 393.092, NRS 393.095, NRS 393.096, and NRS 393.097, relating to school construction. The requirement for an oversight panel for school facilities in school districts whose population is 100,000 or more would be removed. In addition, all school districts, regardless of size, would no longer be required to submit an annual report containing written recommendations for financing the costs of new construction, design, maintenance, and repair of school facilities. (BDR 34-203)

4. Habitual Truancy Citations: The LCE received testimony that NRS 392.149 limits authority to write citations for habitual truancy offenders to police officers. It was noted that school district attendance officers complete home visits to locate truant students every day. It was also pointed out that police officers spend 75 percent of their time investigating the location of truant students. Based upon the discussion, the LCE agreed to:

Amend the statutes to authorize attendance officers to write habitual truancy citations in addition to police officers. (BDR 34-197)

5. Communities in Schools: The LCE received a report from representatives of Communities in Schools (CIS), which is a national dropout prevention organization. The report indicates that CIS has served 22,000 students, teachers, administrators, and parents in 37 schools in Nevada. Of the students that were provided case management services, 95 percent were promoted to the next grade level and 90 percent of seniors who received services graduated. Based upon this information, the LCE agreed to:

Include a statement in the final report noting the Committee's continued support of the work of Communities in Schools (CIS).

6. Save the Children: The LCE received a presentation from representatives of Save the Children, which is a national program to help children succeed in all aspects of life. With regard to education, Save the Children supports literacy and early intervention by: (a) training teachers; (b) upgrading school libraries; (c) buying licenses and computer programs; (d) tutoring; and (e) offering after school programs and six-week summer school programs. Based upon this information, the LCE agreed to:

Include a statement in the final report noting the Committee's continued support of the work of Save the Children.

7. Surplus School Equipment: Pursuant to NRS 332.185, a school district is authorized to donate surplus personal property only to charter schools located within the

school district. Testimony noted that other entities may also be in need of the surplus personal property. Based upon this finding, the LCE agreed to:

Amend the statutes to authorize the board of trustees of a school district to donate surplus personal property to another school district within the State of Nevada. Currently, NRS 332.185 limits the authority of a school district to donate surplus personal property to a charter school located within the school district. (BDR 34–203)

8. Cardiopulmonary Resuscitation in Public Schools: Representatives of the American Heart Association and the American Stroke Association presented information supporting the need for students to receive training in cardiopulmonary resuscitation (CPR) before graduation. It was noted that students do not necessarily need to be CPR certified, but should receive hands-on training.

Through the discussions, concerns were expressed by school districts of the potential costs associated with purchasing the necessary equipment to provide the training, as well as the increased requirements for students to graduate. It was suggested that including the requirements in the academic standards, instead of the graduation requirements, and clarifying that CPR certification is not a necessary outcome, may be more efficient and just as effective.

Following deliberations, the LCE approved the following action:

Amend the statutes to require the health academic standards to include components related to instruction of cardiopulmonary resuscitation (CPR) at grades 7 through 12. The standards shall include the elements of an instruction program established by the American Heart Association or the American Red Cross or another program, which is nationally recognized. In addition, the standards shall reflect the most current national evidence-based Emergency Cardiovascular Care guidelines and incorporate psychomotor skills development into the standards-based instruction. Finally, the standards shall include the use of an automated external defibrillator. (BDR 34–204)

IV. CONCLUSION

This report presents a summary of the bill drafts requested by the LCE members for discussion before the 2013 Nevada Legislature. In addition, this document provides information identifying certain other issues that were addressed during the 2011–2012 Interim. Persons wishing to have more specific information concerning these issues may find it useful to review the Summary Minutes and related exhibits for each of the LCE meetings at: <http://www.leg.state.nv.us/Interim/76th2011/Committee/StatCom/Education/?ID=26>.

V. APPENDICES

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APPENDIX A

Nevada Revised Statutes 218E.600 through 218E.620

Nevada Revised Statutes 218E.600 through 218E.620

NRS 218E.600 “Committee” defined. As used in [NRS 218E.600](#) to [218E.625](#), inclusive, unless the context otherwise requires, “Committee” means the Legislative Committee on Education.

(Added to NRS by [1997, 1775](#))—(Substituted in revision for NRS 218.5351)

NRS 218E.605 Creation; membership; budget; officers; terms; vacancies.

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the Speaker of the Assembly, at least one of whom must be a member of the minority political party.

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [1997, 1775](#); A [2009, 1150, 1560; 2011, 3230](#))—(Substituted in revision for NRS 218.5352)

NRS 218E.610 Meetings; quorum; compensation, allowances and expenses of members.

1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or the Director’s designee shall act as the nonvoting recording Secretary of the Committee.

3. Five members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to [NRS 218A.655](#).

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

(Added to NRS by [1997, 1775](#); A [2009, 1150](#); [2011, 3230](#))—(Substituted in revision for NRS 218.5353)

NRS 218E.615 General powers and duties.

1. The Committee may:

(a) Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to [NRS 385.361](#);

(4) Methods of financing public education;

(5) The condition of public education in the elementary and secondary schools;

(6) The program to reduce the ratio of pupils per class per licensed teacher prescribed in [NRS 388.700](#), [388.710](#) and [388.720](#);

(7) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(8) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

(d) Make recommendations to the Legislature concerning the manner in which public education may be improved.

2. The Committee shall:

(a) In addition to any standards prescribed by the Department of Education, prescribe standards for the review and evaluation of the reports of the State Board of Education, State Public Charter School Authority, school districts and public schools pursuant to paragraph (a) of subsection 1 of [NRS 385.359](#).

(b) For the purposes set forth in [NRS 385.389](#), recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to [NRS 389.015](#). In recommending these programs of remedial study, the Committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to [NRS 385.384](#). In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in [NRS 385.3785](#), recommend to the Commission on Educational Excellence created by [NRS 385.3784](#) programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils. (Added to NRS by [1997, 1776](#); A [2003, 19th Special Session, 82](#); [2005, 1982](#); [2011, 2378](#))—(Substituted in revision for NRS 218.5354)

NRS 218E.620 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.

1. If the Committee conducts investigations or holds hearings pursuant to paragraph (b) of subsection 1 of [NRS 218E.615](#):

(a) The Secretary of the Committee or, in the Secretary's absence, a member designated by the Committee may administer oaths.

(b) The Secretary or Chair of the Committee may cause the deposition of witnesses, residing either within or without the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The Chair of the Committee may issue subpoenas to compel the attendance and testimony of witnesses and the production of books, papers, accounts, department records and other documents.

2. If any witness fails or refuses to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena, the Chair of the Committee may report the failure or refusal to the district court by a petition which:

(a) Sets forth that:

(1) Due notice has been given of the time and place of the attendance of the witness or the production of the required books, papers, accounts, department records or other documents;

(2) The witness has been subpoenaed by the Committee pursuant to this section; and

(3) The witness has failed or refused to attend or testify or to produce the books, papers, accounts, department records or other documents required by the subpoena before the Committee named in the subpoena; and

(b) Asks for an order of the court compelling the witness to attend and testify or to produce the required books, papers, accounts, department records or other documents before the Committee.

3. Upon such a petition, the court shall:

(a) Enter an order directing the witness:

(1) To appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order; and

(2) To show cause why the witness has not attended or testified or produced the required books, papers, accounts, department records or other documents before the Committee; and

(b) Serve a certified copy of the order upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the Committee, the court shall enter an order that the witness:

(a) Must appear before the Committee at the time and place fixed in the order;

(b) Must testify or produce the required books, papers, accounts, department records or other documents; and

(c) Upon failure to obey the order, must be dealt with as for contempt of court.

(Added to NRS by [1997, 1776](#); A [2011, 3231](#))—(Substituted in revision for NRS 218.5355)

APPENDIX B

Letter to the Office of the Governor Concerning Budget Requests
for the Council to Establish Academic Standards for
Public Schools and the Commission on
Educational Technology

DAVID P. BOBZIEN JR.

ASSEMBLYMAN
District No. 24

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Nevada Assembly

SEVENTY-SIXTH SESSION

May 9, 2012

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The Honorable Brian Sandoval
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State Capitol
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Dear Governor Sandoval:

This letter seeks your review of the process for budget requests that support some of the activities of the Council to Establish Academic Standards for Public Schools (*Nevada Revised Statute* [NRS] 389.510) and the Commission on Educational Technology (NRS 388.790).

Each interim, the Superintendent of Public Instruction submits a request to the Legislative Committee on Education (LCE) for funds to support the development, review, and revision of the K-12 academic standards in the State of Nevada. For the current biennium, the request was for \$10,560 in Fiscal Year (FY) 2012 and \$5,280 in FY 2013. In addition, the State Superintendent submits a similar request for funds to support the K-12 educational technology needs assessment, which is required through NRS 388.795. For the current biennium, the request was for \$10,000 in FY 2012. At the January 2012 meeting of the LCE, members approved the requested funds.

Historically, the budget for the Committee has been built with funds to support such requests. In addition to approving the funds for the current biennium, members voted to approve a letter asking for your consideration in transferring the funds for support of the Council and Commission from the budget account of the Committee to the appropriate budget accounts of Nevada's Department of Education (NDE). This recommendation was made based upon testimony from Dr. Keith Rheault, former State Superintendent of Public Instruction.

At the January meeting, Dr. Rheault noted that the current funding structure was established in 1997, when both the Commission and Council were first formed, and has continued to date. Dr. Rheault also explained that a request to transfer the funds to the appropriate budget account within NDE was not made through previous budget requests because the transfer would be considered an enhancement. Dr. Rheault testified that the funding requests should



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follow the normal budgeting process through NDE's budget accounts for two reasons: (1) to expedite access to the funds; the first meeting of the Committee cannot be scheduled until November 1st or later, so approval of the funds is later in the fiscal year; and (2) when funds for an entity are contained in separate agency budget accounts, it becomes more difficult to assure duplicative funding will not occur.

Based upon the testimony received by the Committee and its subsequent actions, I respectfully request that you and your staff work with the newly appointed Superintendent of Public Instruction and his staff to determine if the recommendations of the former State Superintendent should be considered in developing the 2013 Executive Budget.

If you or your staff has any questions concerning this letter, please do not hesitate to contact me or Committee staff, Mindy Martini. Ms. Martini may be reached at 775-684-6841 or via e-mail at mmartini@lcb.state.nv.us.

Sincerely,



Assemblyman David P. Bobzien, Chair
Legislative Committee on Education

cc: Members, Legislative Committee on Education

H. Pepper Sturm, Chief Deputy Director, Research Division, Legislative Counsel Bureau (LCB)

Mindy Martini, Senior Research Analyst, Research Division, LCB

James W. Guthrie, State Superintendent of Public Instruction

Judy Osgood, Policy Analyst and Agency Liaison, Office of the Governor

Dale Erquiaga, Senior Advisor to the Governor, Office of the Governor

Jeff Mohlenkamp, State Budget Director, Department of Administration, Budget Division

Stephanie Day, Deputy Budget Director, Department of Administration, Budget Division

APPENDIX C

Resolution of the Board of Regents of the Nevada System of
Higher Education Relating to the ACT Test



RESOLUTION

BOARD OF REGENTS' RESOLUTION – *Encouraging the State of Nevada and district school board trustees and superintendents of public K-12 instruction to adopt the statewide administration of the ACT test for all high school students in their junior year.*

WHEREAS, lacking adequate academic planning and preparation, many students in Nevada and across the nation do not see college as an option.

WHEREAS, in recent years in Nevada there has been an increased focus on the importance of preparing all students for college and the workplace.

WHEREAS, the ACT is a curriculum-based test that is aligned with the Common Core State Standards.

WHEREAS, statewide administration of the ACT provides all students, including those who have not previously considered college, with the opportunity to identify strengths and weaknesses, explore educational and career interests, set high standards for academic achievement, and prepare to meet their educational and career goals.

WHEREAS, the ACT is accepted by virtually all postsecondary institutions across the national for college admission and course placement, it provides students with a credential that they can use when they leave high school.

WHEREAS, several states including Colorado, Illinois, Kentucky, Louisiana, Michigan, Mississippi, Tennessee and Wyoming administer the ACT statewide to all public high school students.

WHEREAS, states administering the ACT statewide have seen increases in students' academic achievement and college readiness that parallel national trends.

WHEREAS, states administering the ACT statewide have seen increases in the numbers of students considering and enrolling in college.

RESOLVED BY THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, that the members of the Board of Regents urge that district superintendents of K-12 education adopt the statewide administration of the ACT test for all high school students in their junior year.

RESOLVED, that a copy of this resolution shall be transmitted to each district superintendent of the State of the Nevada and to Governor Bryan Sandoval.

RESOLVED, that this resolution is effective upon passage.

APPENDIX D

Suggested Legislation

The following bill draft requests (BDRs) will be available during the 2013 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/77th2013/BDRList/page.cfm?showAll=1>.

- BDR 34–195 Revises provisions governing the Statewide System of Accountability for Public Schools in accordance with the waiver from the Federal No Child Left Behind Act.
- BDR 34–196 Revises provisions relating to examinations, reports and data related to K-12 public education.
- BDR 34–197 Revises provisions governing personnel in public schools.
- BDR 34–198 Revises provisions governing the P–16 Advisory Council.
- BDR –199 Revises provisions governing early childhood education.
- BDR 34–200 Revises provisions governing charter schools.
- BDR C –201 JR: Proposes to amend the *Nevada Constitution* to add a member to the Board of Regents of the University of Nevada who is a student within the System.
- BDR 31–202 Creates the K–12 Public Education Stabilization Account.
- BDR 34–203 Revises provisions governing school construction and equipment.
- BDR 34–204 Requires instruction in cardiopulmonary resuscitation and the use of automated external defibrillators in public secondary schools.

