

# **EXHIBIT 3**

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**MINUTES OF THE  
SENATE COMMITTEE ON EDUCATION**

**Seventy-Eighth Session  
April 3, 2015**

The Senate Committee on Education was called to order by Vice Chair Scott Hammond at 4:09 p.m. on Friday, April 3, 2015, in Room 2149 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Becky Harris, Chair  
Senator Scott Hammond, Vice Chair  
Senator Don Gustavson  
Senator Mark Lipparelli  
Senator Joyce Woodhouse  
Senator Moises (Mo) Denis  
Senator Tick Segerblom

**STAFF MEMBERS PRESENT:**

Todd Butterworth, Policy Analyst  
Risa Lang, Counsel  
Jan Brase, Committee Secretary

**OTHERS PRESENT:**

Kathleen Vokits, President elect, Nevada State Association of School Nurses  
Deborah Pontius, Nevada State Association of School Nurses  
Virginia Williamson  
Sheila Story  
Mary-Sarah Kinner, Las Vegas Sands  
Leslie Pittman, American Federation for Children  
Michael Chartier, The Friedman Foundation for Educational Choice  
Jennifer Hammond, Advocates for Choice in Education of Nevada  
Rebecca Franks, Advocates for Choice in Education of Nevada  
Tiecha Ashcroft

**Ms. Durish:**

A cohesive plan is meant to address statewide initiatives and allow for a wide range of providers. Any plan would be aligned with statewide goals to ensure teachers and leaders who are most in need of professional development are guaranteed opportunities.

**Chair Harris:**

I will close the hearing on S.B. 474.

**Senator Hammond:**

I will open the hearing on S.B. 460.

**SENATE BILL 460**: Revises provisions related to the statewide system of accountability for public schools. (BDR 34-1108)

**Senator Becky Harris (Senatorial District No. 9):**

Senate Bill 460 addresses an alternative school performance framework and can be considered a companion bill to S.B. 461, which proposes individual graduation plans. Many charter schools have expressed concerns about their charter contracts. The contracts may be automatically revoked as provided by statute. While I believe this automatic-closure provision is an important safeguard to ensure we have high quality charter schools in Nevada, it is evident this policy does not account for the big picture in all circumstances.

**SENATE BILL 461**: Provides for an individual graduation plan to allow certain pupils enrolled in a public high school to remain enrolled in high school for an additional period to work towards graduation. (BDR 34-1091)

**Senator Harris:**

The NDE and others are aware of the plight of schools serving at-risk children. In fact, this past year the NDE convened a work group to examine the issue and make policy recommendations. As I understand it, the work group has recommended the creation of an alternative framework to measure the performance of schools serving at-risk kids. However, it is limiting their definition of these schools to very specific entities. They are adjudicated youth schools, credit recovery schools, and behavior continuation schools. While I agree that all these schools should be considered at-risk, I believe the door should be opened for the inclusion of additional, but narrowly defined, public schools. For example, there are charter schools specifically targeting their

services to students who have washed out of the local school district. These are students who have dropped out, been expelled, been declared habitual disciplinary problems or others with similarly difficult situations. Reaching out to and embracing these kids is critical. It is tough; it is often unsuccessful, but it sometimes works. Moreover, when it does work, lives are changed.

The problem for these schools is that the Nevada School Performance Framework and the charter school automatic-closure provision do not recognize the circumstances of these students adequately. If a high school has a student population made up entirely of students who have washed out of the school district and if that high school is able to get a third of its students through to graduation, even if it takes an extra year or two, should we close that school, or should we celebrate its good work?

At the very least, the work should be given a further look, and the measuring stick we use to assess these schools should consider the larger circumstances of their students and missions.

Language on page 2, section 2 of S.B. 460 requires the State Board of Education to adopt regulations prescribing an alternative performance framework for the evaluation of schools serving certain populations, as well as the manner in which those schools will be included in the statewide accountability system. Section 3 requires a public school wishing to be rated under the alternative framework to work with the local school board, or the charter school sponsor, to apply to the State Board for approval. Section 3 also prescribes eligibility requirements for the applicant schools. In short, 75 percent of the school's students must fall into one of five at-risk categories.

It is important to note these categories do not include students we traditionally think of as at-risk, English Language Learners, special education students and those living in poverty. To be considered at-risk for the purpose of changing a school's performance framework, a student must have been expelled, formally deemed a habitual disciplinary problem, an adjudicated delinquent, held back at least twice or subject to other very serious issues.

Section 4 amends the automatic-closure provision. Currently, a charter school is automatically closed if it receives three consecutive annual ratings at the lowest possible level. Senate Bill 460 changes this to any 3 years during the 6-year term of a charter contract. However, the school's sponsor may take other

action if the school has shown ongoing improvement. These actions could include extending the period of evaluation, creating or continuing a plan for improvement, or changing terms of the charter contract. Section 4 also authorizes an underperforming charter school to request assistance from its sponsor and requires the sponsor to provide such assistance.

Section 5 is responsive to a recommendation made by the NDE work group on the alternative framework. Because of the implementation of new criterion-referenced tests this school year, it prohibits the NDE from considering a school's rating for the 2014-2015 school year only.

Rather than punish, we need to encourage schools that take on our most difficult-to-educate students. This will not happen as long as our school performance framework provides no consideration to schools drawing three-quarters of their student bodies from the ranks of those who could not be educated elsewhere.

**Senator Denis:**

How many schools would fit these criteria?

**Steve Canavero, Ph.D. (Deputy Superintendent for Student Achievement, Department of Education):**

It would be difficult to provide a definite number, approximately 20 schools would immediately qualify, based on students' behavioral profiles.

**Senator Harris:**

We are in discussions with groups who have concerns about section 4 of S.B. 460, and we will hear from some of them today.

**Dr. Canavero:**

The NDE can create, through regulation if necessary, a flexible graduation rate requirement.

**Senator Hammond:**

One of the strengths of the American education system is the ability to give students many opportunities to succeed.