

EXHIBIT 5

EXHIBIT 5

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Eighth Session
May 27, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:22 p.m. on Wednesday, May 27, 2015, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)

Minutes ID: 1369



If the school were not penalized for taking credit-deficient students, the graduation rate would be in the high 80 percent. It has dropped significantly when you do not properly disaggregate the data to account for the students who come in credit deficient and, therefore, do not graduate in the traditional four years.

The point is that we all want these students to get back engaged in the system and to graduate. I think we all agree that we want policy that encourages that. We think that is what is intended in everything that is going on. We think that is intended and clear in the performance framework that is allowed under this statute under existing law. It is set forth in the charter contracts. That provides the appropriate guidance and discretion for the regulator to work with the school and make sure there is absolute accountability, but it also ensures that you are encouraging, not discouraging, schools from reengaging these credit-deficient students and making sure they do graduate as quickly as possible.

The reference in section 27, subsection 1, paragraph (e), mentions having below a 60 percent graduation rate for the preceding year. My understanding from discussions with Director Gavin and Chair Conaboy of the Authority is that should be a reliable, valid number, meaning it would, in fact, take into account data that demonstrates the fact that there is student growth; the school is performing as expected, required, and negotiated under the performance framework set forth under the charter contract, but it would not create circumstances where a school would be closed simply because it is serving credit-deficient students and that data has not been disaggregated so the graduation rate is not necessarily reliable.

Assemblyman Elliot T. Anderson:

I have a question for legal counsel. Section 47 contains a definition of highly qualified. It cites to 20 U.S.C. § 7801. The highly qualified term has a statement that basically cites back to our public charter school law to look for the definition. I think there is a *renvoi* problem, which means that it is sending it back unopened. It is a French term for a conflict that goes into a circular fashion. What is the definition of highly qualified, since we are using it? It cites back to our law, but we are citing back to the federal law. It is confusing to me.

Karly O'Krent:

You are correct—it does cite back to the state law. In this circumstance, if you think it would benefit the bill to specify the federal definition of highly qualified in existing statute, we can do that, rather than referring to the federal law.

Assemblyman Elliot T. Anderson:

I would appreciate that. I am not clear what it means. I think you are creating a great research project for a judge's law clerk if we leave it this way. It would be good to spell it out.

Chair Woodbury:

Is there anyone else who would like to testify as neutral to S.B. 508 (R2)?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I suggest in any of these situations that you, as a Legislature, define in legislation that you bring home the boards and commissions over which you have no control and not answerable to as an elected body or elected individuals, and that you bring back the boards and commissions that set all sorts of standards, including what highly qualified was. As a teacher for 35 years, when highly qualified came into play, it was left up to Washoe County to define highly qualified. At that point in time, highly qualified meant that you had met certain standards in order to teach at the at-risk or impoverished schools. It was dissected and bisected and trisected more down to the level of local control. They let the locals determine what they needed as a highly qualified teacher. You should have one standard definition for all the things.

One of the things that took place is that we had boards and commissions setting standards for students and for teachers. In 2007, my friend was going to have to relinquish her teaching license to the state. She was a highly qualified teacher at that time, but the highly qualified definition had changed to passing the Praxis test. I still think it is incumbent on the State of Nevada to investigate the Praxis company for fraud and for damages because of what they did by having a separated test—knowledge on one side, which teachers were passing right and left for a secondary education license. The second part of the test is where the Praxis testing company made money. My friend failed this by two to six points. After 12 attempts, she was to relinquish her license. On the thirteenth attempt two weeks later, after I suggested investigating and suing the Praxis company, she miraculously was able to pass the Praxis test by 45 points, the same section she had failed by 2 to 6 points. It turned out that the president of the Praxis company was sitting in the back of the room when I suggested to the board that the company be investigated. I never said her name but said that she had failed 12 times. Please keep Nevada under the control of your legislative body and under the control of an elected board, such as the State Board of Education, and no other body.

Chair Woodbury:

Is there anyone else who would like to testify as neutral? [There was no one.]
Are there any closing remarks?

Patrick Gavin:

I want to thank this body for your indulgence in this conversation. I appreciate the thoughtful questions and feedback. We think this is a really strong bill. I want to emphasize that Senate Bill 460 deals with the question of how to hold a school that is serving a large alternative population accountable. We have taken pains in working with sponsor of that bill, Senator Harris, Chair of the Senate Committee on Education, to ensure that these elements are aligned. To the degree that we did have a school that was serving an alternative population, they would not be subject to an arbitrary catch-22 situation. We do not want to do that; we want to make sure that we are making thoughtful and judicious decisions. To that end, we have also endeavored to make sure that anything above that "three strikes and you are out" level is discretionary on the part of the Authority or sponsor board so that we can take into account those kinds of nuances. I would submit, however, that in cases where a school has a 27 or a 37 percent graduation rate and is not classified as an alternative school, that is the kind of thing I think we would all agree is not acceptable and that we need to ensure that we are looking very carefully at why that is and if there is some kind of compelling explanation, certainly taking that into account, but also holding any school that is at that level accountable.

Chair Woodbury:

I will close the hearing on S.B. 509 (R2). Is there anyone here for public comment?

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

From yesterday's *Reno Gazette-Journal*, this is a letter to the editor that was titled "Tax drama over schools not warranted." It is from David Barrett of Reno.

What is all this hoopla about Nevada's education being among the worst in the nation? Not so, says the "Report Card on American Education, 19th Edition" published by the American Legislative Exchange Council, dated 2014. Have we all been misled? So what is all this drama about raising taxes because Nevada is supposedly among the worst in education in the nation? Nevada is ranked number 12.

In 2011, you all worked very hard to create a better situation than you had found. You gave all sorts of direction. Yesterday during testimony we heard that the Washoe County School District only has one school that is a one-star school left in its entire system. Let the corrections you have made come to fruition in their complexity. If you want to have public charter schools play a more definitive role, please keep them in terms of being embraced by the school districts that want to embrace them to give additional schools with