

EXHIBIT HH

EXHIBIT HH

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

**Seventy-Ninth Session
March 1, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:17 p.m. on Wednesday, March 1, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4404B 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 384



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Craig M. Stevens, Director, Intergovernmental Relations, Government Affairs,
Community and Government Relations, Clark County School District
Anna Slighting, representing Honoring Our Public Education, Las Vegas, Nevada
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Chris Daly, Deputy Executive Director of Government Relations, Nevada State
Education Association
Jessica Ferrato, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Superintendent; and
Nevada Association of School Administrators
Ed Gonzalez, representing Clark County Education Association
John Hawk, Chief Operations Officer, Nevada State High School, Las Vegas, Nevada
Ryan Reeves, Chief Operating Officer, Academica Nevada, Las Vegas, Nevada
Jonathan P. Leleu, representing Charter School Association of Nevada
Lorne Malkiewich, representing K-12, Inc., Herndon, Virginia
Melissa Mackedon, Principal and Executive Director, Oasis Academy, Fallon,
Nevada
Jay Schuler, Private Citizen, Reno, Nevada
Patrick Gavin, Executive Director, State Public Charter School Authority
Brett Barley, Deputy Superintendent for Student Achievement, Department of
Education
Kathleen Conaboy, Private Citizen, Reno, Nevada
Eve Breir, Principal, Imagine Schools at Mountain View, Las Vegas, Nevada
Jeanette Belz, representing Friends of ACE Charter High School, Reno, Nevada
Paul Klein, representing Nevada Connections Academy, Reno, Nevada
Laura Granier, representing Nevada Connections Academy, Reno, Nevada
Rachelle Hulet, Administrative Director, American Preparatory Academy, Las Vegas,
Nevada
Andrea Damore, Curriculum Coordinator, Beacon Academy of Nevada, Las Vegas,
Nevada
Tambre Tondryk, Principal, Beacon Academy of Nevada, Las Vegas, Nevada

Chairman Thompson:

[Roll was taken. Committee protocol and rules were explained.] Today, we will hear Assembly Bill 49 and Assembly Bill 78. We will start out with A.B. 78.

statute, existing regulation, or the policies that we are required by statute to adopt, as either under a state agency role as a sponsor or under our federal LEA role which is where civil rights come up.

This is a different type of contract procurement than going out to buy pencils or computers. The state needs a certain number of pencils, copier toner, and computers every year. Whatever the vendor may be, that award is predicated on the fact that there is a specific and explicit need for that product. Let us be candid here, we need high-quality schools, but that is a very different level of business need. Our best alternative to a negotiated agreement, in the event we cannot come to terms, is to simply say, It has been nice talking to you, but we need to move on to other providers for our needs.

Slide 2 ([Exhibit J](#)) refers to the other section on contracts incorporated in sections 4, 19, and 23 of [A.B. 49](#). We are striking "negotiate" and replacing it with "develop" a contract.

Slide 13 ([Exhibit J](#)), is the Every Student Succeeds Act (ESSA) passed in December 2015. It is the newest iteration of the Elementary and Secondary Education Act of 1965 that was most recently reauthorized as the No Child Left Behind Act (NCLB) of 2001. There were some elements of ESSA that now override elements of what is in our statute. First and foremost, section 13 of [A.B. 49](#) is providing, particularly in the area of charter school accountability policy, that we collaborate with the Department of Education to ensure there is no misalignment in what is currently in our law, versus what ends up in the statewide plan. There have been points in time when people have argued there is ambiguity between what is required under our law versus what was actually in the NCLB waiver which was approved by the federal government in 2012.

The key areas are in section 24 of [A.B. 49](#), which essentially updates the accountability provisions of [Senate Bill 509 of the 78th Session](#) in a couple of ways. The most important is it updates, under federal law, the cutoff for determining whether a school is a low-performing school and has moved the graduation rate requirement from 60 percent to 67 percent. I do not believe this would materially change the number of schools in the state portfolio that are currently subject to potential sanction, but it is important that we comply with the letter of federal law on this.

You will see conforming changes in a couple of other places in the document as well. This was language we had actually talked through extensively in this Committee in 2015, but it was not included in the final adopted language. There is a material difference in whether a school "is" an elementary, middle, high, or vocational school or whether it "operates" as one. We have schools that might operate as all four. That creates some ambiguity as to whether these provisions apply to them. Under state law, NRS 388.020 makes it very clear that a charter school is a public school that is created in accordance with the charter school law [slide 15, ([Exhibit J](#))]. It does not distinguish in any way between grade levels. It is one single body corporate and is accountable for the performance, either good, bad, or mediocre, of any level of program that it operates. It was critical that we made sure that was clear.

out a list of high-performing, high-poverty schools. We call that the Shining Stars list. We also put out a list of underperforming schools. The underperforming schools list, now named the Rising Stars Schools list, includes both charter and traditional public schools. In my division of the Department, the Student Achievement Division, we provide support in consultation to all schools regardless of school type. As we think about how best to support those schools' strong authorizing practices, both at the district level and the SPCSA level, there are things we want to try to help foster in the state.

Assemblyman Elliot T. Anderson:

I thought bringing A.B. 49 forward was in consultation with the Governor's Office.

Brett Barley:

As we are sitting here watching the proceedings, we thought it would be valuable to come up and share some comment as neutral based on what the conversation was. There was a lot of talk at the Committee level about the appropriate role, due process, and oversight.

Assemblyman Elliot T. Anderson:

Fair enough.

Patrick Gavin:

This has been a really important and fruitful discussion, and I want to thank all of you individually for the thoughtful feedback you have given. Despite some of the opposition, there is a lot of consensus on many of the elements, and I think we can work together to make this a stronger bill that addresses many, if not all, of those concerns.

Chairman Thompson:

We will close the hearing on A.B. 49, and we will open public comment. Would anyone like to come forward in Las Vegas? [There was no one.] Is there anyone in Carson City? [There was no one.] The meeting is adjourned [at 6:55 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____