



2011 Legislative Report Card

*Did Nevada's Lawmakers
Make the Grade?*



The 2011 Nevada State Education Association Legislative Report Card evaluates the performance of legislators during the 2011 Legislative Session on policies that specifically address education, educator salaries, benefits and collective bargaining.

Education is one of the most critical areas facing Nevada's future. Even during some of the most difficult economic periods in the state's history, polls draw out that education is still a huge priority to Nevada's voters. The looming budget deficit, so many first-time legislators, and the polarization between political parties made the 2011 session one of the most difficult ever and put education in the political cross hairs.

It was NSEA's hope that Nevada's education system, most specifically its students and educators, could remain above the fray of political gamesmanship that has become the culture of Carson City while the legislature is in session. With so many critical issues facing Nevada's students, doing what was best for the kids should have been the desired outcome of many in the legislative building and the Governor's mansion. While there were some elected officials who viewed education policy in this light the majority of politicians, especially the leadership of both parties, used education as leverage for their own political gain. NSEA is extremely disappointed in many of these legislators, especially when hard-earned dues dollars were spent on many of them in order to get them elected.

Education should never have been held hostage like it was during the 2011 Legislative Session. There were a myriad of reasons why education was the 2011 political football. Some were looking to brand themselves as education reformers, others were seeking a different political office, a few others held it up in order to shed some of their own building construction liabilities while on the job when the legislature isn't in session. Regardless of the reason, so much was

at stake but not enough was done because for many, education was simply a tool to play party politics. All of this added to the detriment of the 400,000 students across the state. NSEA believes this unfortunate outcome lies at the feet of the leadership in both parties, along with Governor Sandoval.

Education Reform

Taking away educators' rights is not education reform, it's union-busting.

As leaders in the education reform debate, NSEA believes the legislature truly missed the mark when it came to the much-needed changes that should be made within our public schools. You cannot have proper reform unless the proper funding is in accompaniment. In this regard, the 2011 Legislature came up woefully short.

Now, some may scoff at the idea that a teacher's union is calling themselves reformers. However, NSEA's record speaks for itself. The Nevada State Education Association was pleased to participate in nearly every single meeting, conference, and brainstorming event that occurred on the topic during the interim before the session began. It is a fact that the Association stood behind the majority of reforms as put forward by the Nevada Blue Ribbon Commission. Moreover, with a few minor changes to the reform bills AB 225, AB 222, and AB 229, NSEA could have supported the reform efforts put forward by the majority party in the Assembly from the beginning.

Areas of reform that NSEA supports include but are not limited to:

- Alternative route to licensure
- Reformation of the governance structure of the Department of Education
- Pay for performance
- Reliance on quality data systems
- The end of social promotion
- Streamlining the due process procedures for educators

However, from the beginning of the session, NSEA was made to look like it was opposed to the reform movement. This was promulgated not just by those who oppose public employee unions but by NSEA-endorsed candidates as well. Throughout the legislative session, nearly every single education group was given an opportunity to make a presentation and put forward its legislative agenda in the public eye. Parents, administration, local businesses, superintendents, and students all had the opportunity in their own specific hearings in front of the Joint Education Committee to put their agendas on the record. Teachers and support professionals were the only group not given a similar type hearing. Even though we asked both the Assembly and Senate Chairs for an opportunity to do so, we were denied.

Regardless, the Nevada State Education Association is proud of its record on reform. The organization helped create Empowerment Schools which are now a national model of reform success around the country. NSEA supported a pay-for-performance model when most education unions across the country were in opposition to the idea. NSEA believes itself to be an innovative and supportive organization for public education and will always fight for member rights, benefits, and adequate pay.

The crux of the education reform debate, for NSEA, surrounded good reform policy that would not take away the due process rights for educators. It is unfortunate, but there is legitimate concern that some administrators in our public schools attempt to discipline educators based on personal grudges rather than performance. Just as there are a few poor educators, there are equally as many poor administrators. The new education reform measures had to not only identify our best and our brightest but also protect against any abuse by those who might use the system to their own advantage. Again, this goes for both educator and administrator alike.

Unfortunately, those running the reform debate did not feel the same. NSEA understands the political pressure in making sure every student has an excellent teacher, but giving the administration complete control over the process is not how to accomplish this kind of reform. Instead, the Legislature went away from a system where employees are equal partners and moved towards one that weakens unions and educators' rights to defend themselves.

Education Funding

Nevada is inadequate in so many ways—how it funds education, its support for educators and students, and the programs that have been cut over the last five years. All of this adds up to an under-performing school system.

Nevada's budget faced another structural deficit going into the 2011 session. Fixing this problem will never be easy and will take putting political agendas aside and working towards a Nevada budget that is structurally sound. Once again, the Legislature simply kicked the can down the road, as it has done time and time again. Reports indicate the 2013 Legislative Session will once again begin in deficit.

Political wrangling is causing so much uncertainty across Nevada that, NSEA believes, it is stymieing growth and a stable infrastructure on which students can depend. Attracting the best and the brightest will prove difficult due to the roller coaster budgeting process that has now become so common in the Nevada Legislature. Due to the uncertainty of whether a school system will offer certain curriculum, or if jobs are even going to be available, the community Nevada is trying to attract will continue to stay away.

It certainly doesn't help that Nevada is currently ranked last in education spending. While some may say spending more does not assure a good education system, a school is an investment just as any other venture. You cut corners, you

deplete important remediation programs, and test scores will suffer. Unfortunately, this seems to be okay when it comes to Nevada legislative policy.

Specifically, the 2011 Legislature cut \$300 million from education over the previous budget. These cuts came mostly on the backs of educators. Overall, school employees were asked to take an almost 9% pay cut. No other public entity was asked to sacrifice this much. The Nevada Legislature specifically targeted educators' salaries and made unprecedented cuts while business, particularly mining and gaming, were spared.

What the Legislature has done to educators has been incredibly harmful to their ability to teach.

Final ACADEMIC MARKS						
1st Qtr	2nd Qtr	1st Sem	3rd Qtr	4th Qtr	Fnl Exm	Fnl Mrk
A	A		B+	B		B+
B+	C+		C+	C		C+
B+	B+		B+	B		B+
B	D+		C	C+		C
B+	C		C	C+		C+
B+	C		B+	B		B
B	B+		B+	A		B+
						B+

A closer look reveals the 2011 Legislature expectations of Nevada's educators:

- Larger class sizes
- Fewer teachers and support professionals
- Fewer education specialists
- Cutting of student support programs
- Increased education standards
- Fewer textbooks and classroom materials
- Shrinking rights
- More responsibility

They ask all of this of educators on 9% less pay and with limited professional development.

The predicament the 2011 Legislature has put Nevada's educators in is shameful.

Even more disheartening was the opportunity for this Legislature to pass a responsible tax reform plan. While Democratic leadership should be applauded for putting forward a plan that would have brought Nevada's tax code into alignment with its economy, the plan was abandoned as quickly as it was introduced. NSEA was extremely disappointed that the leadership was so willing to move away from a policy that Nevada desperately needs, to compromise on a budget that shortchanges education while giving up on many of their core beliefs in the process.

The Report Card

It is always difficult to rate the performance of legislators due to how much leadership and committee chairs control the agenda. Therefore, NSEA is issuing a report card based on a weighted system and includes other factors such as accessibility in order to make the grades more fair and accurate. It is important to note that all legislators are treated as equals in this report. NSEA does not factor in party, previous voting history, or endorsement while compiling the report card data. The results are simply based on voting records and the experience of the NSEA Lobby Team.

A major aspect of any piece of legislation is how it changes as it goes through the legislative process. NSEA may oppose a bill on one side of the process, get it fixed on the other, and then support the bill and ask for its passage. This was especially true with the education reform pieces. Thus NSEA will be rating the legislators on the version of the bill that was in front of them when they cast their votes.

Key Bills

AB 117

This bill allows for school districts to hold less than the mandatory 180 school days should the Interim Finance Committee declare a fiscal emergency. This bill would allow for up to 5 furlough days that only pertain to professional development days. Regardless of how many furlough days that may be agreed to, the PERS of the employee would not be affected. This bill will sunset in two years. NSEA was a major part of getting this bill passed and will continue to work with each school district during these poor economic times.

AB 222

This creates a council to develop the new educator evaluation that will be based on a 4-tier structure highly effective, effective, minimally effective, and ineffective. Another provision in the bill includes that 50% of an educator's evaluation will be based on student achievement data. NSEA is in complete support of the Teachers & Leaders Council and pushed hard to get this bill passed and signed by the Governor.

AB 225

As part of the education reform package, this bill mandates that any teacher or administrator who receives two consecutive years of unsatisfactory evaluations shall be placed back on probation. NSEA specifically opposed language in the bill which allowed no collective bargaining agreement to supersede the language of the bill, nor does the bill allow for any sort of due process for those educators facing demotion back to probation.

AB 229

This is another bill that was part of the education reform package. It did many things NSEA supported such as creating a pay-for-performance model, making changes to the probationary period, and making changes to the Reduction in Force procedure that is required for

each school district to follow. NSEA was opposed to the bill until mid-year when due process rights were restored for all school employees in the bill during the final days of the legislative session.

AB 393

This bill requires that upon renewal of an education license, every teacher must go through a criminal background check. NSEA supports that every educator should go through a thorough background check and they should be held to the highest standard possible. However, this particular bill passed the exorbitant cost of such a background check on to the educator. Because of the previous salary cuts and the 9% cut the current legislature proposed, NSEA could not support adding a larger licensing fee on top of that.

AB 405

This bill creates a study of the PERS system that will look into reforms which will help make the program more solvent. Under its final version, this is a bill NSEA could support. However, through much of the session the bill looked completely different. As introduced, the bill modified many aspects of the Public Employee Retirement System. NSEA was opposed to the original form of the bill as it was simply Democratic leadership's attempt to trade educator benefits for a band-aid on the budget.

AB 493

This bill allows school districts the flexibility to waive the minimum requirement of expenditures for textbooks and classroom materials. NSEA is adamantly opposed to removing classroom materials from Nevada's students. Due to the lack of political will by the Legislature to properly fund Nevada's schools, this bill was a must in order for school districts to cover their operating costs.

AB 579

This bill provides the funding for school districts over the next biennium. AB 579

authorized about \$300 million less than what was budgeted the previous legislative session. The bill also diverts IP1 money from the Supplemental School Support Fund to the Distributive School Account for two years that was supposed to go for educator salaries and increasing student achievement. This bill contained the exorbitant salary cuts for all public educators across the state. The cuts were unfair and will only lead to a weaker public education system.

SB 35

This bill allows for the removal of paraprofessionals and support professionals from the current system of accountability.

SB 98

This bill changes several provisions regarding NRS 288, Nevada's Collective Bargaining Law. The bill required that the mandatory re-opener of a contract during economic hardships shall be added to the list of mandatory subjects of bargaining. The bill also required any supervisor whose direct responsibilities include the hiring, firing, or bargaining of an employee's contract no longer be permitted to join a union. Unfortunately, this was another bill used by Democratic leadership to give away important collective bargaining rights for an inadequate budget.

SB 197

This bill reforms the Department of Education and the system of public education in Nevada. In particular, this bill changes the State Board of Education by having the Board be elected by congressional districts and three members appointed by the Governor, Senate, and Assembly. There will also be four members who sit on the Board who will not have voting power. The Superintendent of Schools will now be selected by the Governor from a list provided by the State Board. The Council on Professional Standards was kept intact; however, there were additional reporting requirements added to the Council to make them more accountable to the Legislature. NSEA has some genuine concerns

regarding SB 197, specifically the politicizing of the education process. Moreover, expecting candidates seeking a seat on the State Board of Education to run a congressional district-wide campaign is unrealistic.

SB 315

This bill follows the recommendation of Nevada's Promise to make it easier for people with certain business experience to become educators. The original version of this bill was one that NSEA opposed as it allowed educators to teach in classes without a license or credentials. However, through working with the sponsor, the bill was amended and true education reform was passed.

AB 86

This bill, also known as "The Educator Bill of Rights," would have codified every educator's Weingarten Rights. These rights specify when a school district is required to notify the employee they may receive representation from their union. NSEA is extremely disappointed the bill never received a hearing in front of the Assembly Education Committee.

AB 241

This bill creates the K-12 Public Education Stabilization Account within the Fund to Stabilize the Operation of the State Government and requires the State Controller to deposit any money reverted from the state Distributive School Account at the close of each odd-numbered fiscal year into that account and into the Account for Programs for Innovation and the Prevention of Remediation. Unfortunately, this bill never made it out of Committee.

2011 Nevada Legislature Final Grades

2011 Assembly	Grades
Kelvin Atkinson	A
Richard Carillo	A
Maggie Carlton	A
William Horne	A
Dina Neal	A
Peggy Pierce	A
Tick Segerblom	A
Lucy Flores	B
Joseph Hogan	B
Harvey Munford	B
Elliot Anderson	B-
Paul Aizley	C
Teresa Benitez-Thompson	C
Steven Brooks	C
Marcus Conklin	C
Jason Frierson	C
Marilyn Kirkpatrick	C
April Mastroluca	C
James Ohrenschall	C-
David Bobzien	D
Irene Bustamante Adams	D
Richard (Skip) Daly	D
Olivia Diaz	D
Marilyn Dondero Loop	D
John Ocegüera	D
Debbie Smith	D
John Ellison	F
Ed Goedhart	F
Pete Goicoechea	F
Tom Grady	F
John Hambrick	F
Scott Hammond	F
Ira Hansen	F
Crescent Hardy	F
Pat Hickey	F
Randy Kirner	F
Kelly Kite	F
Pete Livermore	F
Richard McArthur	F
Mark Sherwood	F
Lynn Stewart	F
Melissa Woodbury	F

2011 Senate	Grades
Shirley Breeden	A
Ruben Kihuen	A
Mark Manendo	A
David Parks	A-
Michael Schneider	A-
Steven Horsford	B
Sheila Leslie	B
Valerie Wiener	B
Allison Copening	B-
Mo Denis	B-
Greg Brower	F
Barbara Cegavske	F
Don Gustavson	F
Elizabeth Halseth	F
Joe Hardy	F
Ben Kieckhefer	F
John Lee	F
Mike McGinness	F
Dean Rhoads	F
Michael Roberson	F
James Settelmeyer	F



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