

2019 SESSION



Legislative Summary

80th LEGISLATIVE SESSION REVIEW

Overview

The 80th Legislative Session ended, Sine Die, just before midnight on Monday, June 3rd. NSEA had a strong, regular presence at the legislature from the Governor's State of the State address in mid-January all the way through June 3rd. Members of NSEA's ground team tracked nearly 200 bills, with 58 of 77 supported bills passing and 12 of the 13 bills we opposed failing. NSEA ground and member leaders [testified at the table](#) over 100 distinct times, submitting [exhibits](#) on about 50 unique bills. Listed below are just a few of the Legislative bills and issues. For a complete list of NSEA positions, testimony and exhibits please visit the Legislative Update page on NSEA's website. (<http://www.nsea-nv.org/home/232.htm>).

K12 Public Education Funding

In February and May of 2019, hundreds of educators from across Nevada rallied under the banner of Red for Ed to draw attention to chronic underfunding of public education. NSEA strongly pointed out Nevada continues to rank near the bottom of states in most metrics. In the 2018 Quality Counts report from Education Week, Nevada ranked 47th in per-pupil funding and dead last in both class size and overall education quality.

Nevada started the legislative session not only ranking near the bottom in education funding, but also faced with a structurally deficient tax structure. Even though the ceiling on funding was set at the State of the State address when the Governor made a "no new taxes" pledge, school funding dominated the session from start to finish. Much of the impetus around the activity to deliver more for education was the promise to make a 3% increase to educator pay. The biggest story of this session was the significant redirection of money into the K12 education budget. Between the monies redistributed in the K12 Budget bill, \$120M in marijuana money to the DSA, and the extension of the modified business tax—year-over-year education funding increased by hundreds of millions of dollars. This was one of the largest year-over-year increases in the history of the state.

Nevada is still a long way from full adequacy in education funding, but without raising taxes, the K12 Budget contains more movement than many thought possible this Legislative Session.

Three Percent Raises?

So, does this mean educators across the state will be receiving three percent raises? We know Governor Sisolak introduced three percent raises along with two percent "roll-ups" (advancement on the salary schedule) for ALL educators in his budget introduction during his State of the State address. It was clear to NSEA at the start of the session, however, the money included in the budget was not enough to cover the cost of these raises without making cuts to other parts of school district budgets. Much of the effort during the session to move money to public education was related to finding enough money to cover these raises without hurting other important educational services and programs. With a flurry of activity near Sine Die, the legislature got very close to moving enough money to cover these raises. At the end of the session the Clark County School District, the largest school district in the state, announced their intention to move forward with these raises for all educators.

“My intention is to work with Trustees through our collective bargaining process to develop a plan to distribute those funds to all our employees,” Jara said. “Thanks to Governor Sisolak and legislative leaders, we look forward to providing our hardworking employees with an average of a five percent raise.”

For all bargaining units, raises will need to be negotiated through the collective bargaining process. Units with open contracts should move proposals to capture the raises included in the state budget. Units that are not open should contact their district about reopening their contracts to capture these raises.

K12 Budget Related Bills

(SB555) Throughout the session, NSEA engaged the money committees, leadership, and individual legislators to appropriate more dollars for public education. The legislature responded in part with SB555, the K12 education funding bill. The dollars in the new school budget represent significant movement over last year’s expenditures.

The K-12 Education Budget would deliver a total average of \$10,277 per pupil next year with base funding of \$6,218 (representing average statewide education spending per pupil with school districts receiving adjusted amounts through the Nevada Plan). Compared to current year projected spending, base funding increases by \$166 per-pupil, or 4.2%, and total funding increases by nearly \$900 per-pupil or 9.5%. Some other notable items: the proposed DSA budget also includes \$327.2 million for class size reduction over the next two years, \$45.5 million in school safety appropriations and consideration of inflation for the first time since 2007. These items are priorities for educators across the state. There is a lot more work to do, and we’re far from full adequacy, but this is a big step in the right direction.

(SB551) One of the controversial partisan fights of the 80th Legislative Session was over the extension of the modified business tax worth just under \$100M for the biennium. Democrats earmarked this funding for public education. In the end, the legislation passed on a party-line vote with just under \$72M going as general support to school districts to help offset the cost of educator raises; nearly \$17M in additional funding to implement school safety recommendations; and about \$9.5M in funds directed to Opportunity Scholarships. While NSEA has opposed Opportunity Scholarships as a back-door voucher scheme, we are appreciative of language in the bill that will phase out this dollar-for-dollar tax break over time. Also, SB551 includes the repeal of the Education Savings Account language that we have fought for the last 4 years.

(SB545) This bill deposits marijuana excise tax proceeds where they were originally intended—to fund public education. SB545 moves an additional \$120M to education for the biennium. Redirecting this money for public education has been a priority of NSEA for the past two sessions.

(AB309) One of the vehicles designed to funnel money appropriated by the legislature into educator salaries was Speaker Frierson’s bill AB309. This bill requires school districts to set aside any monies necessary to cover negotiated raises. It also allows counties to raise funds for schools and other services by passing a sales tax. Finally, it combines certain categories of education funding into a block grant.

(AB196) Another Speaker’s bill provides \$5M in incentives for teachers who are currently employed to teach at a Title I school or a school designated as underperforming. NSEA worked with the Speaker since the 2017 session on this program to expand to existing Title I teachers.

(SB324) Monies for the School Supply Reimbursement fund were doubled in Governor Sisolak's budget. SB324 streamlines the process for accessing these funds, which will mean more teachers are able to take advantage of the program.

(SB543) NSEA has been advocating for many sessions to update the Nevada Plan, but SB543 was problematic from the very beginning. NSEA opposed SB543, and its passage was one of the only serious losses for NSEA during the legislative session. NSEA brought forward numerous issues with the bill, including: the lack of adequate funding included; the rural freeze and squeeze; a multi-million-dollar giveaway to unaccountable charter schools; only one weighted funding area per pupil, an anti-union end fund balance provision; and the watering down of successful Zoom and Victory School programs. Unfortunately, none of these issues were effectively addressed during the legislative process, which was tainted from the beginning. Not introduced until the 99th day of the session, SB543 only received a single public hearing, just two weeks before the end of Session. Even though educators and other stakeholders had been shut out from providing meaningful input on the bill, NSEA took a solutions-oriented approach, offering numerous amendments to remedy flaws in the bill. Ultimately, the process that blocked the insight and perspective of key stakeholders resulted in legislation with too many policy flaws and political liabilities to be successful. At 10 PM on the 120th day of Session, the bill finally made its way to the Assembly Committee on Ways and Means. The bill was flawed because the process was flawed.

Moving forward, NSEA looks forward to working with the Department of Education on improving this plan while also demanding political accountability to ensure educators are never shut out again. This includes engaging the 81st Legislative Session to ensure problems with the formula are fixed before final implementation.

Improving the Education Profession

The shortage of education funding isn't the only serious issue facing Nevada educators. Increased expectations on classroom teachers, other licensed education personnel and education support professionals continues to create stress and concern in our profession. Issues like unfair teacher evaluations based on student data, the student retention requirement passed in 2015 Read by 3 legislation, and ballooning class sizes and ratios for other education professionals have compromised the education profession and the quality of education.

We know the shortages of educators, including classroom teachers, bus drivers and other essential personnel plague school districts across the state. NSEA believes attracting and retaining qualified employees in every area of the school district is critical for all Nevadans. Meanwhile, it is also important to provide our educators, licensed employees and education support professionals, with appropriate professional development opportunities to improve the knowledge and skills important to their positions and job performance.

Education Policy Related Bills

(SB475) NSEA won a hard-fought victory to lower the use of student data in teacher evaluations from 40% to 15%. We launched an aggressive member campaign that resulted in over 1200 emails to legislators calling for the use of student data to be lowered. This led to the amendment of the Nevada Educator Performance Framework (NEPF), so teacher evaluations are based more on instructional practice, leadership, and professional responsibilities.

NSEA conducted a survey of 3765 teachers across the state regarding teacher evaluations in late March. Over 90% of teachers surveyed thought that the previous teacher evaluation structure was not a fair

and valid measure of a teacher's performance. More than 2/3 of respondents thought 0 or 10% was the most appropriate percentage of Student Learning Objectives or Goals (SLO/SLG's) to use in a teacher's evaluation, with only 27% at 20% and 3% at 40%.

According to the Department of Education, SLO/SLG's are intended to encourage a collaborative process, providing opportunities for teachers to work with other teachers in professional learning communities and with their evaluators to set meaningful academic goals for their students. However, the use of SLO/SLG's for such a high percentage of a teacher's evaluation has made the system punitive, negating much of the benefit. While we still believe the strongest policy argument is for an exclusion of student data in teacher evaluations, given the response of teachers to our survey, 15% was a healthy compromise on this issue. An amendment, proposed by Assemblymember Brittney Miller, successfully amended the language to require administrators to consider/make notation of class size in evaluations.

*(AB289) Learning to read by the third grade is critical. When students are unable to read by the third grade, they risk falling further behind their peers. As highlighted by the National Conference of State Legislatures, third grade "marks the time when the focus is placed on *reading to learn* instead of *learning to read*."*

In 2015, Read by 3 was passed into law through SB391. The legislation contained a provision that students must be held back if they cannot read at the end of third grade. Since that time, NSEA expressed concerns regarding the retention provision which would be triggered at the end of the 2019-2020 school year. There are far better ways to solve this issue without having a mass retention of over 10,000 Nevada students (according to testimony provided during the hearing). With the passage of AB289, student retention becomes more flexible and includes parental input. Additional resources for literacy in the early grades will benefit students without penalizing them.

(AB 205) Professional development opportunities are important for all educators, including education support professionals. The National Education Association has partnered with the Integrated Pest Management Institute of North American who offers free online IPM training tailored for school employees and is also able to offer professional training in-person. Education support professionals engaged with pest control work will benefit greatly from this training. Integrated Pest Management is a best practice for managing pests using low-risk, preventative, and proactive methods. Practitioners work to identify and ameliorate conditions that are pest friendly, eliminating pest access to food, water and shelter by pest exclusion and improving cleanliness. By correcting the conditions that lead to pest problems and using pesticides only when necessary, IPM provides more effective pest control while reducing pesticide use. Applying IPM practices to schools make them healthier places with fewer pests and less toxic pesticides. A school environment with pest and pesticide hazards has significant negative effects on student and employee health. IPM in schools will reduce pesticide use, improving health and lowering the number of pest complaints.

(SB467) NSEA has continued our advocacy for greater equity in education, supporting the continuation of Zoom and Victory schools-- symbols of what is going right in Nevada's public schools.

Zoom schools have provided English Language Learners interventions such as extended school years, reading skills centers, family engagement, half-day pre-schools and professional development for teachers. This comprehensive package of programs and services have resulted in increases in English language proficiency as well as improved academic achievement.

Victory schools have provided a program of successful interventions for at-risk students, including prekindergarten programs, summer academies, professional development for teachers, reading skills centers, integrated student supports and wrap-around services, health care services to pupils and their families, parent engagement programs, and programs to improve school climate and culture.

(SB267) Poverty is prevalent across Nevada, as most Nevada students qualify for free and reduced lunch (statewide in 2017-2018 it was 57.75%) Schools in communities that are beset with economic, social and environmental issues often struggle despite the best efforts of very capable administrators, teachers and education support professionals, and students and their families. SB267 requires schools to identify social and environmental factors impacting the educational experience of students at every school site and to take these factors in consideration when making decisions on funding, providing student supports, staff evaluations and salaries, and student discipline.

Member Protection

(SB153) NSEA worked with other union stakeholders to strengthen collective provisions for public employees. SB153 addressed problems created in the 2015 session, making timelines more reasonable and restoring the evergreen provisions to expired contracts. This legislation will set a more level playing field for collective bargaining moving forward.

(SB111) NSEA worked closely with the Clark County Association of School Administrators to amend and pass SB111 which prohibits school districts from walling off funds from collective bargaining that were appropriated by the legislature for employee salaries and/or benefits.

(SB224) NSEA advocated for PERS confidentiality to protect the personal information of members of NV PERS. We know that many of our retired members are potential targets of identity theft, fraud, or some form of financial abuse. PERS members who have dedicated their working years to public service should have the type of retirement security to live the remainder of their lives with dignity and free from worry about intrusions into their personal life.

(SB321) NSEA was pleased the Achievement School District (ASD) was abolished, with existing ASD charter schools transferred to the jurisdiction of the state charter school authority. The ASD was a failed experiment and the wrong answer for our state's struggling schools. The concept of converting public schools to achievement charters was met with fierce community resistance over the last few years. Since 2015, NSEA has raised broad and detailed concerns about the ASD. The highly partisan ASD had a union-busting component, potentially putting union members in the position of having to choose between their school site or their collective bargaining agreement – if they are even offered the opportunity to stay.

Unfinished Business

There were some items which we were not successful in getting to the finish line.

- New revenues will be necessary to get school funding where it needs to be, and taxes were taken off the table for this session. A proposal to close the property tax loophole did not move forward this session.
- Nevada must take a serious look at our current tax structure, including property taxes and other revenue sources. Education cannot continue to be “pitted” against other Health and Human Services for an adequate budget. Health and Human Services provide essential services to our communities and our students’ families. Proposals to close the property tax loophole did not move forward this session.

- NSEA engaged heavily during the session on charter school accountability. While *AB462* was passed to require the State Public Charter School Authority to implement a 5-year growth plan for charter schools, NSEA's proposal to set a hard cap on the expansion of charter schools was not passed.
- *AB304* was passed into law addressing the issue of class size, but the strongest elements of the bill were removed, effectively punting the issue of class-size reduction to future sessions. The amended bill now has a requirement to have real numbers of teacher class ratios be reported, not the average when considering the entire staff.
- *SB191*, to require a certified librarian in every schools made it through the Senate Education Committee but did not make it through the Senate.
- Our attempts to get recognition for our School Nurses for completing National Board Certification got caught up in the time and budget crunch.
- Accountability related to student discipline continues to plague our profession – the difficulty is how to address it in state statute. The Restorative Justice bill (*AB168*) was amended to address NSEA's strongest concerns, but it does not include additional resources to properly implement the model or the trainings necessary to ensure its success.
- During the last interim and the early parts of this session, the former administration at NDE was able to delay and scuttle our efforts to reduce and streamline the amount of time and resources spent on testing.
- We are only making incremental progress on the issue of ensuring quality healthcare for every active and retired educator. Heavy lifting to advance this issue will be required in coming sessions.