

**MINUTES OF THE MEETING
OF THE
LEGISLATIVE COMMITTEE ON EDUCATION
(*Nevada Revised Statutes 218.5352*)
November 13, 2000
Carson City, Nevada**

The thirteenth meeting of the Legislative Committee on Education (*Nevada Revised Statutes* [NRS] 218.5352) for the 1999-2000 interim was held on Monday, November 13, 2000, commencing at 9:30 a.m. The meeting was held in Room 4100 of the Legislative Building, 401 South Carson Street, Carson City, Nevada, and videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Pages 2 and 3 contain the "Meeting Notice and Agenda."

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Assemblyman Wendell P. Williams, Chairman
Senator William J. Raggio, Vice Chairman
Senator Raymond D. Rawson
Senator Bernice Mathews
Senator Maurice E. Washington
Assemblyman Marcia de Braga
Assemblyman Mark A. Manendo
Assemblywoman Barbara K. Cegavske

LEGISLATIVE COUNSEL BUREAU STAFF PRESENT:

H. Pepper Sturm, Chief Principal Research Analyst, Research Division
Susan Scholley, Senior Research Analyst, Research Division
Kristin C. Roberts, Senior Deputy Legislative Counsel, Legal Division
Mindy Braun, Education Program Analyst for the Legislative Bureau of Educational
Accountability and Program Evaluation, Fiscal Analysis Division
Lu Chen, Education Research Statistician for the Legislative Bureau of Educational
and Program Evaluation, Fiscal Analysis Division
Kennedy, Senior Research Secretary, Research Division

Accountability

MEETING NOTICE AND AGENDA

Name of Organization: Legislative Committee on Education
(*Nevada Revised Statutes 218.5352*)

Date and Time of Meeting: Monday, November 13, 2000
9:30 a.m.

Place of Meeting: Legislative Building
Room 3138
401 South Carson Street
Carson City, Nevada

Note: Some members of the Committee may be attending the meeting and other persons may observe the meeting and provide testimony, through a simultaneous videoconference conducted at the following location:

Grant Sawyer State Office Building
Room 4401
555 East Washington Avenue
Las Vegas, Nevada

If you cannot attend the meeting, you can listen to it live over the Internet. The address for the legislative web site is <http://www.leg.state.nv.us>. For audio broadcasts, click on the link "Listen to Meetings Live on the Internet."

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A G E N D A

- I. Opening Remarks
Assemblyman Wendell P. Williams, Chairman
- *II. Presentation on Statewide Testing Issues – Updates on Test Security for State Examinations, Determinations of Exemptions from Testing, Forms of the High School Proficiency Examination, and Statewide Test Results of Selected Student Subgroups
Paul LaMarca, Nevada Department of Education
- *III. Presentation on Status of Nevada Department of Education Review of Alleged Test Irregularities Concerning Statewide Proficiency Tests
Staff, Nevada Department of Education
- *IV. Presentation on Status of Clark County School District Investigation of Test Security Irregularities
Judith S. Costa, Test Director, Clark County School District
- V. Allegations Concerning Test Security Irregularities
- *VI. Discussion Regarding Testing Issues Including Recommendations to Improve Test Security
Assemblyman Wendell P. Williams, Chairman
- VII. Public Comment
- VIII. Adjournment

*Denotes items on which the Committee may take action.

Note: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the Research Division of the Legislative Counsel Bureau, in writing, at the Legislative Building, 401 South Carson Street, Carson City, Nevada 89701-4747, or call Kennedy, at (775) 684-6825, as soon as possible.

Notice of this meeting was posted in the following Carson City, Nevada, locations: Blasdel Building, 209 East Musser Street; Capitol Press Corps, Basement, Capitol Building; City Hall, 201 North Carson Street; Legislative Building, 401 South Carson Street; and Nevada State Library, 100 Stewart Street. Notice of this meeting was faxed for posting to the following Las Vegas, Nevada, locations: Clark County Office, 500 South Grand Central Parkway; and Grant Sawyer State Office Building, 555 East Washington Avenue.

OPENING REMARKS

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Chairman Williams called the meeting to order at 9:57 a.m. and directed the secretary to call roll. He said the purpose and scope of this special meeting of the Legislative Committee on Education is to hear testimony regarding testing issues from: (1) the Nevada Department of Education; (2) the Clark County School District (CCSD); and (3) public testimony including allegations of testing improprieties. He explained that the Committee is not a court of law, nor does it act in a quasi-judicial manner, however, testimony is allowed that may not be admissible in a court of law. He urged Committee members to independently decide the credibility of the testimony presented at the meeting.

Continuing, Chairman Williams stated that the Committee was created to evaluate and review education in Nevada, and to make recommendations to the Legislature for the improvement of public education. While the Committee has the authority to conduct investigations, the purpose of such is ultimately to make recommendations to change laws affecting education. Based on testimony, the Committee will consider possible recommendations for action at the next work session.

Chairman Williams said the Committee is not charged with the enforcement of the law because there are other agencies that investigate criminal or civil wrongdoings. The scope of the Committee's authority is not to prosecute or grant immunity. He then gave directions to staff regarding documents delivered to the meeting under subpoena. The findings will be reviewed at the January 9, 2001, meeting of the Legislative Committee on Education.

Responding to a request by Senator Raggio, Chairman Williams stated that while it is inherent that all witnesses that testify before the Committee are under oath, a more formal swearing is in effect for the duration of the meeting.

Ben Graham, Deputy District Attorney, Clark County District Attorney's Office, Las Vegas, Nevada, was sworn in and stated that the District Attorney's Office made an offer of immunity in the spirit of finding the truth, and it is extended to parents, students, or teachers who disclose cases of cheating or irregularities in the testing process. He clarified the offer of immunity to exclude the category of individuals involved in perjury, adult crime, or incidences of profiteering.

PRESENTATION OF STATEWIDE TESTING ISSUES – UPDATES ON TEST SECURITY FOR STATE EXAMINATIONS, DETERMINATIONS OF EXEMPTIONS FROM TESTING, FORMS OF THE HIGH SCHOOL PROFICIENCY EXAMINATION, AND STATEWIDE TEST RESULTS OF SELECTED STUDENT SUBGROUPS

Mary L. Peterson

Mary L. Peterson, Superintendent of Public Instruction, Nevada Department of Education, Carson City, Nevada, introduced Dawn Church, Liaison, CTB-McGraw Hill Publisher, Monterey, California, and Paul LaMarca, Ph.D., Testing Leader, Nevada Department of Education, Carson City, said that the presentation combines agenda items II and III. She said studies indicate an unacceptable gap in student performance between minority and Caucasian/Asian populations, and stressed the importance of ensuring that all children have equal opportunities to learn to higher levels.

PRESENTATION OF STATUS OF NEVADA DEPARTMENT OF EDUCATION REVIEW OF ALLEGED TEST IRREGULARITIES CONCERNING STATEWIDE PROFICIENTLY TESTS

Paul LaMarca, Ph.D.

Dr. Paul LaMarca, Team Leader for Standards, Curricula, and Assessments, Nevada Department of Education, Carson City, gave a slide show presentation (Exhibit A), highlighting the following:

- Testing results disaggregated by ethnicity show that average test scores for Black, Native American, and Hispanic students are consistently below the state standards in language, mathematics, reading, and science, while average test scores for Asian and Caucasian students are typically above that mark. Test directors conducted an informal survey to determine the reason students do not graduate. Contrary to testing "backlash" by parents, the survey data indicates insufficient credits as the reason why the majority of students do not graduate. Disparities in performance occur frequently within the Black student population. The primary obstacle for all students is the mathematics test.
- There are no High School Proficiency Examination (HSPE) exemptions for any students seeking a standard high school diploma and all sections of the HSPE must be passed. There are *TerraNova* exemptions at grades 4, 8 and 10, for students with disabilities and Limited English Proficiency (LEP). Certain disabled students are required to participate in the State Computerized Alternate Assessment for Nevada Students (SCAANS),

described as a type of electronic portfolio, if the exemption is based on an individual education plan (IEP). The SCAANS assessment is appropriate for students with the most severe disabilities. Exemptions for LEP students are based on performance on the Language Acquisition Scales (LAS), described as a proficiency English test.

Responding to questions by Senator Mathews, Dr. LaMarca said test ratings reflect LAS scores used in place of proficiency scores for exempted students. Mathematics and science are not measured. The statistical analysis of ethnicity, nonparticipation, and exempt students by grade indicates that there are twice as many nonexempt Black and Hispanic students not participating in the testing program. This conclusion is based on attendance reports. Senator Mathews asked for follow-up on why some Black students stay home on test days.

Ms. Peterson stated there is no evidence of deliberate absences on test days based on average daily attendance rates. She said the Nevada Department of Education does not typically receive explanations from absentee students, but agreed that information would be useful.

Responding to a question by Chairman Williams, Ms. Peterson said a request will be made to school districts regarding the ethnic breakdown of absentee rates on test days as compared to the average daily attendance report. Dr. LaMarca added that there is a disproportionate number of Black, Hispanic, and Native American students receiving free and/or reduced lunches and greater transient rates among economically compromised populations. He said further investigation is needed to determine a correlation between the daily attendance rate and these disproportionate figures.

Ms. Peterson said that the disparity in attendance rates for these student populations (Black, Hispanic, and Native American) in early elementary grades may serve as an indicator for increased remediation and other programs.

Responding to a comment by Chairman Williams, Dr. LaMarca stated that Nevada does not accept proficiency test scores from transfer students. Each student seeking a standard high school diploma is required to pass each section of Nevada's HSPE. He said it is his opinion that transient rates undermine remediation efforts, and expressed caution regarding plans to increase similar programs.

Dr. LaMarca continued his presentation with the following slides and discussion:

- Test Forms are reviewed extensively prior to being administered to high school students. The review panels represent a diverse population that is vigilant in its efforts to eliminate any form of bias. Test versions vary from eight unique mathematical and reading forms. The reuse of test forms typically occurs during summer school and is dependent upon frequency of use. Reused test forms are rotated to maintain uniqueness.
- An update on state-level test security included six reports of compromise in reference to the combined testing programs of the HSPE and *TerraNova*, and one complaint regarding the 8th grade writing test. These incidences are currently under review and investigation, specifically:
 1. Ten security breaches since 1996 on the *TerraNova* test, not including seven incidents of test irregularity.
 2. Twenty-nine breaches in security with the HSPE, not including two incidents of test irregularity.
 3. Several reports of compromise pertaining to the administration of the Nevada proficiency examinations were received and include: (1) four reports received in reference to the HSPE program; and (2) two reports received in reference to the *TerraNova* test.
 4. Student cheating is taken seriously. If it is identified at the state level, the test is invalidated and the District is responsible to take appropriate disciplinary actions based on its rules and practice. Cheating is not encompassed in security breaches or test irregularities.

Dr. LaMarca's concluding recommendations and comments included:

- Test security should be viewed through its proper context. Based on an initial presentation to the Committee on August 29, 2000, and current figures, test breaches and irregularities are occurring infrequently. Additionally, test scores vary indiscernibly and consistent disparities in performance indicate the absence of widespread cheating in Nevada. Usually, cheating is manifested by increased performance trends and greater pass rates on the HSPE. This is not to minimize the occurrence of isolated incidences of cheating.
- The primary focus should be on disparities in test performance and challenging all students to meet Nevada's academic expectations. These disparities in test performance will be examined as well as curricula and instructional issues. The Nevada Department of Education will apply for the Federal Reading Excellence Act Grant and requests letters of support from the Legislature. Previous attempts to procure this grant have been unsuccessful.
- Improvement in the school accountability system is needed and can be accomplished by building on the foundation set through use of norm-referenced testing (NRT). There is a correlation between performance on the NRT and results on the HSPE. The NRTs are designed to align with national standards and provide broad content coverage without specifics to the State of Nevada. Elements from the relatively new criterion-referenced tests (CRT) need to be combined with data from the NRT.
- Recognize that these critical debates are part of the standards-based reform process. Other states are facing significant challenges in education, and there is overwhelming community support for standards-based reform.

Responding to questions by Assemblywoman Cegavske, Ms. Peterson said that federal funding and the Title I program is not compromised when cheating or test security breaches occur. In terms of consequences at the state level, the Office of the Attorney General investigates in tandem with the Nevada Department of Education to issue suspensions or revoke teacher licenses.

Dr. LaMarca addressed a question by Chairman Williams by explaining that students failing the HSPE are informed as to which sections need improvement, but not specific test questions. He cautioned that reporting item-by-item results diminishes the uniqueness of a test over time, and therefore it is wiser for students to concentrate on concept learning.

Dawn Church

Dawn Church, Liaison, CTB-McGraw Hill Publisher, Monterey, California, commented on national trends in testing. She said a consistent pattern in test performance appears with multiple measures. When trends are established, the next step is to provide adequate opportunity and resources to the students.

Continuing her comparison of Nevada to the nation, Ms. Church said CTB-McGraw Publishing works with 28 other states and many are experiencing significant challenges in standards-based reform. Recent polls by the Association of Test Publishers indicate that the majority of parents and teachers support testing, which contradicts the "backlash" theory. Nevada's efforts to address test security issues parallel the national trends with increased incidents on high stakes tests. Schools are responding by incorporating greater accountability policies.

Assemblywoman Cegavske expressed concern for the time it takes to receive test results and asked for the panel's comments. Dr. LaMarca responded that on November 20, 2000, school districts will receive test results from the HSPE, which was administered in October 2000. This is appropriate and in keeping with the contracted 28-day deadline.

Assemblywoman Cegavske commented on Dr. LaMarca's testimony saying that since Clark County School District has the largest number of students in the state, it is unfair to wait for the other districts to compile test data.

Dr. LaMarca explained to Assemblywoman Cegavske that test reports cannot be made on a district-by-district basis due to the use of unique forms. These forms require a statistical study of the equivalents between different examinations, and the study must be based on a representative sample of the State, meaning more than one county. He agreed that Clark County represents 65 percent or more of Nevada's student population, however, there are three

other school districts included in the study as well. If CCSD wants meaningful data, then it must wait until the other participants in the study are finished. He pointed out that sophisticated analysis requires time and CTB-McGraw-Hill Publishers are in compliance with the contract deadline.

Chairman Williams asked Ms. Church for recommendations based on her national experience. Ms. Church responded that all solutions would have associated costs, and suggested: (1) present a new test each time it is administered; (2) exercise more control over testing environments; (3) delay test booklet delivery until just before testing occurs; (4) bar-code test booklets for improved identification and tracking; and (5) eliminate the need for cheating by using tests which match classroom curricula. She said it is challenging for rural Nevada schools to transport students to a central test location. Although the majority of cheating and test security issues are occurring in Clark County, it remains a statewide issue and the solutions should be comprehensive.

Responding to a comment by Senator Mathews, Ms. Church explained that the cost to reconfigure a test is considerable. The HSPE incorporates “scrambling test questions,” which assists in creating a semi-unique format. The NRT is not scrambled or rewritten each year because the process including assessment, construction, development, field test, and review for bias, can last years.

Ms. Peterson explained that NRTs, for example the *TerraNova* Test, are “loosely aligned” with the course of study in Nevada. The CRTs are more closely related to state standards because of the input by local educators. She suggested the creation of a test that combines both CRT and NRT, that would be aligned with federal and state standards.

Assemblywoman Cegavske requested information regarding a 4th grade *TerraNova* Test question, and the extent to which Egypt is taught as a subject. Additionally, she suggested that a “testing lab” be considered as an alternative method. Ms. Peterson acknowledged that a few states have a pilot for that approach, but the cost of developing that technology and providing security is prohibitive.

Senator Raggio pointed out that geography is a subject and Egypt is presented within that course.

PRESENTATION ON STATUS OF CLARK COUNTY SCHOOL DISTRICT INVESTIGATION OF TEST SECURITY IRREGULARITIES

Judith S. Costa

Judith S. Costa, Director of Testing and Evaluation Department, Clark County School District (CCSD), Las Vegas, was sworn under oath and presented a document with the results of a CCSD internal investigation (Exhibit B), including:

- A summary of 22 test security breaches that occurred between 1995 and 1996;
- The elements involved in a typical breach of test security including: (1) loss of one or more test booklets; (2) student copying; and (3) deliberate or unintentional copying of a test booklet and subsequent dissemination of its contents. The most common infractions with regard to the *TerraNova* test are: (1) use of “practice” materials that are actually the real test; (2) loss of one or more booklets; and (3) violation of standardization conditions.
- Actions taken by the CCSD to address breaches of test security may include: (1) investigation by principal; (2) consultation with the School Test Coordinator and the Test Director; (3) filing a document titled “Report of Compromise of Nevada Proficiency Examination Materials” with the Nevada Department of Education; and (4) the Nevada Department of Education may ask the Attorney General’s Office to assist in the investigation.
- A preliminary report of the most recent investigation involving the Robert E. Lake Elementary School in Las Vegas included the following methodology: (1) a joint investigation was conducted by the Elementary Education and Curriculum Division and the Testing and Evaluation Department, in consultation with the Legal Office; (2) interviews were conducted; (3) the CCSD’s procedures for handling test booklets was reviewed; and (4) CBAP and *Terra Nova* test scores from the school in question were analyzed. Among the 12 findings, the investigation showed no evidence of: (1) inappropriate test preparation; (2) cheating or the existence of a “cheating scheme”; and (3) administrator harassment of the teacher in question.

- The CCSD’s efforts to reduce breaches in test security include: (1) production of a booklet titled “Testing for Teachers and Administrators: Rules and Regulations” (Exhibit C); (2) implementation of a site-based storage security system for *TerraNova* test booklets; (3) assignment of a numbering system for test booklets; (4) on-site monitoring of booklet inventory and documentation of booklet movement to be conducted periodically by both Testing and Evaluation and by Nevada Department of Education representatives; and (5) mandatory in-service training for each building administrator and/or test coordinator with regard to the *TerraNova* test and the HSPE. Information from the in-services are presented in turn to teachers and other relevant staff.
- An analysis of all the variables involving testing reveals that breaches in test security for CCSD are categorized as “minimal.”
- Examples of how the CCSD responds to allegations of cheating from within or outside of the school district include: (1) each allegation is responded to in a timely manner; and (2) allegations may be made anonymously, in writing, in person (staff), from parents, or from students.
- The procedure to address staff and student involvement with breached test security incorporate instruction, in-service, and the possible revision of procedures at the school-site.

Concluding, Dr. Costa stated that CCSD will not tolerate cheating of any sort, either by staff members or students, and will continue to pursue and discipline any person who deliberately acts in any manner that makes test results invalid. She said the greatest priority is high student achievement.

Responding to questions from Senator Mathews, Dr. Costa said that disciplinary action depends on intention or motivation.

Chairman Williams pointed out that the Committee is seeking improvements to the testing system, not punitive action. He said the Legislative Committee on Education has heard a considerable amount of testimony since 1997 on breaches in test security, and now requests detail on the Robert E. Lake Elementary School investigation.

Dr. Costa said CCSD’s investigation found no inappropriate test preparation for the *TerraNova* test. Teachers were interviewed and their answers were in line with individuals unaware of such allegations. The students’ *TerraNova* test scores did not disproportionately improve during the next test cycle.

Marsha Irving

Marsha Irving, Area Superintendent, Elementary Education and Curriculum, Las Vegas, was sworn under oath and responded to a question by Assemblywoman Cegavske that the IEP process is designed to be conducted with parents present, and it includes information sharing with regard to testing. Parental participation is voluntary, not mandatory.

Carlos Garcia

Carlos Garcia, Superintendent, CCSD, Las Vegas, was sworn under oath and stated that the CCSD takes testing security breaches and cheating “extremely seriously” and investigates all allegations. He said it is his intention to send a powerful message that all aspects of wrongdoings are unacceptable in the high stakes testing, infractions will be investigated, and discipline will be forthcoming.

Continuing, Mr. Garcia said it is his opinion that all staff and students are feeling pressure and mistakes are inevitable. He said the CCSD will attempt to minimize mistakes through education and training; however, a larger issue is to examine the environment in which students feel compelled to cheat.

Mr. Garcia proposed a literacy project proposal, which retrains teachers as literacy experts in schools with the lowest test scores. Additionally, a new mathematics approach will retrain teachers to prepare students for 7th grade algebra. The CCSD is considering piloting “block schedules” where students get four extra classes per year in high school. This is to address students that are credit deficient and have no recourse to regain class time.

Chairman Williams said that prison officials report a 72 percent illiteracy rate among inmates. In a previous meeting, the Committee examined profile schools formerly categorized as “needing improvement” to determine methods of progress. He said that innovative reading programs are pivotal in a struggling school’s improvement.

Responding to a comment from Assemblyman Manendo that “block scheduling” is not new, Mr. Garcia said that the CCSD is willing to take responsibility for credit deficient students before increasing class schedules to four periods per day. He said this is part of CCSD’s commitment to higher education. Assemblyman Manendo commended Mr. Garcia for his innovative leadership and said the Committee also encourages all school districts to independently seek creative and entrepreneurial activities to generate funds.

ALLEGATIONS CONCERNING TEST SECURITY IRREGULARITIES

Chairman Williams read a letter received by the Legislative Counsel Bureau from the CCSD’s General Counsel on November 9, 2000 (Exhibit D):

Dear Ms. Erdoes, I am informed that the Legislative Committee on Education has expressed an interest in knowing whether the District would consider giving “immunity” to former students who might testify about their experiences regarding proficiency examination testing irregularities. Such testimony would be important to the district to assist in monitoring the fairness and integrity of the testing. Implicit in the Committee’s question, however, is the possibility that a former student might come forward and indicate that someone improperly received credit for passing the test. The district has no discretion to waive the state requirement that the successful completion of the proficiency test is a prerequisite to receive a high school diploma. Although it is not useful to speculate on how a myriad of potential “testing irregularity” scenarios might be addressed, the most important goal for the district is to ensure that students possess the skills they need to be successful. To that end, the district would certainly assist students to retake the state mandated test if it had not been successfully completed. Sincerely, C.W. Hoffman, Jr., General Counsel.

Continuing, Chairman Williams restated the Committee’s scope of authority with respect to immunity. He explained that because the Committee is not a prosecuting authority, it cannot grant immunity or give any assurance of immunity to anyone who chooses to testify.

Michelle Trusty-Murphy

Michelle Trusty-Murphy, parent, Minden, Nevada, expressed her concern for students who are not eligible for the Millennium Scholarships due to high stakes testing. She said it “speaks to a disenfranchisement of students and the State of Nevada’s liability for legal challenge by students who cannot pass the HSPE.” One test score cannot determine if students graduate or get the scholarship. She said that such high stakes would encourage cheating because one test cannot determine if a student demonstrates proficiency.

Continuing, Ms. Trusty-Murphy referred to *Nevada Revised Statutes* 389.017, which contains language “to exempt an LEP child or one with a specific IEP, from taking a standardized examination.” She said a standardized examination includes both the *TerraNova* and the HSPE. Ms. Trusty-Murphy indicated that the State Board of Education created “diploma options,” to disqualify disabled and LEP students from receiving a standard high school diploma. An “adjusted diploma” further disqualifies its bearer from careers in the military and consideration for the Millennium Scholarship.

Responding to a question by Assemblywoman Cegavske, Ms. Trusty-Murphy said she did not have specific incidences of cheating to report to the Committee.

Responding to a question by Assemblyman de Braga, Ms. Trusty-Murphy said the education system needs to redefine the assessment tool from one high stakes test to a portfolio approach that includes multiple factors. She said she suffered from “test anxiety” and dysgraphia (the inability to coordinate appropriate movement in the head and hand), and participation in assessments during her high school career was difficult. Had her educational career depended on one test, she would have never passed the one critical test or received her Ph.D., become teacher of the year, et cetera. She suggested an evaluation “toolbox” utilizing grades, testing, and proficiency career portfolios to

determine graduation, and said that assessment by any other means was like “committing a horrible moral outrage on [our] children.”

Chairman Williams announced that a report will be forthcoming prior to the 2001 Legislative Session on the details of Assembly Concurrent Resolution No. 16, which calls upon the Nevada Department of Education to review reasonable test accommodations for disabled students taking the HSPE. Additionally, he corrected Ms. Murphy’s testimony saying that the Legislature is not responsible for the decision to join the HSPE to the Millennium Scholarship.

Ms. Trusty-Murphy stated that the Board of Regents, University and Community College System of Nevada, is responsible for connecting the HSPE to the Millennium Scholarship and has possibly overstepped NRS guidelines.

Ramona Johnson

Ramona Johnson, former 4th grade teacher, Robert E. Lake Elementary School, Las Vegas, was sworn in and stated that she never revealed answers or questions from the *TerraNova* test booklet to the press.

Ms. Johnson alleged that testing irregularities were “a known fact” at Robert E. Lake Elementary because Principal Alma Vining pressured teachers to increase student performance on the 3rd grade Curriculum-Based Assessment Program (CBAP) and the 4th grade *TerraNova* test. She presented copies of CBAP test scores as evidence of test improprieties (Exhibit E), and pointed out that the scores are unusually high for a school ranked 68 percent for low socioeconomic families and 63 percent of Hispanic descent.

Continuing, Ms. Johnson alleged that colleagues Angie Zohovetz and Allison Finelli-Chenard created an environment encouraging her to cheat. Ms. Zohovetz allegedly gave Ms. Johnson the *TerraNova* test booklet, and Ms. Finelli-Chenard allegedly admitted she “taught students the test.” Additionally, she alleged that Mr. Lino, school counselor, assisted students during an examination by “writing answers on the board and walking [them] through the test.”

Additionally, Ms. Johnson said she resigned in June of 2000 as a result of pressure from school administrators in the form of excessive memorandas and interviewing her students. She explained the process by which she communicated with the *Las Vegas Sun* newspaper reporters and the Channel 8 television crew, including revealing a copy of the *TerraNova* test booklet for public display. According to Ms. Johnson, she was unable to receive timely responses from Marsha Irving and Brian Cram, and her frustration resulted in interviews with the media during a protest held in front of the Robert E. Lake Elementary School.

Concluding, Ms. Johnson requested a thorough investigation on testing issues by the CCSD.

Marsha Irving, previously identified in these minutes, responded that multiple attempts by the Clark County School District to contact Ms. Johnson were unproductive.

Patricia Cunningham

Patricia Cunningham, Alliance for Social Justice, Las Vegas, was sworn in, and said she does not have specific knowledge of cheating, only information conveyed by students. She stated that she is neither a district employee nor a student.

Continuing, Ms. Cunningham said she became aware of allegations of cheating approximately one year ago. During a town hall meeting, students from the Class of 1999 confessed to cheating on the HSPE. Bill Hanlon, Vice President, State Board of Education, was also in attendance at that town hall meeting. She said that students are ready to testify about cheating but are not in attendance at the meeting today due to the unresolved issue of immunity.

Concluding, Ms. Cunningham said she did not act on the allegations of cheating until she became aware of Ramona Johnson’s concerns. She said she encouraged Ms. Johnson to “do something about the situation,” and pointed out that it is illegal to possess a test booklet. Ms. Cunningham said she became actively involved when students confessed to receiving “payment” as test surrogates and rumors surfaced of CTB-McGraw Hill answer sheets being released to the general school population in the CCSD.

Assemblywoman Cegavske suggested the creation of a mandate requiring all students to produce identification cards

as a safeguard against surrogate test taking. In her opinion, school districts should voluntarily institute this suggestion.

Chairman Williams apologized for the absence of committee members during a student's testimony at the October 24, 2000, meeting in Las Vegas. He noted that Ms. Cunningham regularly hosts town hall meetings and he acknowledged her effort in the community in reference to education issues.

Ms. Cunningham added that she is concerned when Committee members speak of "test backlash," and anticipates that parental concern will be recognized. She said that the Nevada's test irregularities statistically appear to be minimal, but 65 percent occur in one county.

Responding to a question by Senator Mathews, Ms. Cunningham said she was employed as a counselor and social worker for 26 years. She is currently employed as a radio personality for a Las Vegas broadcasting station.

Judith S. Costa, previously identified in these minutes, urged members to review information intended to address allegations and refute Ms. Johnson's testimony.

DISCUSSION REGARDING TESTING ISSUES INCLUDING RECOMMENDATIONS TO IMPROVE TEST SECURITY

Chairman Williams announced the Committee's work session is scheduled for Tuesday, November 14, 2000. He asked that suggestions or recommendations regarding the test security issue be submitted to H. Pepper Sturm, Chief Principal Research Analyst, Research Division, LCB, Carson City.

PUBLIC COMMENT

Barbara Myers

Barbara Myers, Speech Therapist, Churchill County School District, Carson City, remarked that IEP children need special consideration with regard to high stakes testing and parents need to be updated as well. In her opinion, parents of graduating IEP students will object to the issuance of an "adjusted diploma." It is inferior to a standard diploma, because it fails to meet requirements needed for military careers and scholarship programs. She said this is a "high stake" issue that needs to be understood by both parents and IEP students entering high school. Test exemption or accommodation for IEP students could mean forfeiture of a standard diploma, and issuance of an "adjusted diploma" instead.

Concluding, Ms. Myers said she agreed with multiple measures as a performance tool to address students that do not test well. There needs to be a case-by-case examination of other indicators as well as an appeal process. She said that portfolio assessment is more effective as a performance indicator than testing.

ADJOURNMENT

There being no further business, the meeting was adjourned at 3:30 p.m. Exhibit F is the "Attendance Record" for this meeting.

Respectfully submitted,

Kennedy
Senior Research Secretary

H. Pepper Sturm
Chief Principal Research Analyst

APPROVED BY:

Assemblyman Wendell P. Williams, Chairman

Date: _____

LIST OF EXHIBITS

Exhibit A is a document titled “Legislative Committee on Education – November 13, 2000, Presentation on Statewide Testing Issues,” prepared by Dr. Paul M. LaMarca, Ph.D., Team Leader for Standards, Curricula, and Assessments, Nevada Department of Education, Carson City, Nevada.

Exhibit B is a copy of a presentation titled “Status of Clark County School District Investigation of Test Security Irregularities,” given by Judith S. Costa, Test Director, Clark County School District, Las Vegas, Nevada.

Exhibit C is a document titled “Testing for Teachers and Administrators: Rules and Regulations,” presented by Dr. Judith S. Costa, Test Director, Clark County School District, Las Vegas, Nevada.

Exhibit D is a letter dated November 9, 2000, to Brenda J. Erdoes, Esq., Legislative Counsel, Carson City, Nevada, from C.W. Hoffman, Jr., General Counsel, Clark County School District, Las Vegas, regarding immunity issues. Chairman Williams presented this letter.

Exhibit E is a document containing student test scores at Robert E. Lake Elementary School, Las Vegas, submitted by Ramona Johnson, former teacher.

Exhibit F is the “Attendance Record” for this meeting.

Copies of the materials distributed in the meeting are on file in the Research Library of the Legislative Counsel Bureau, Carson City, Nevada. You may contact the library at (775) 684-6827.