

MINUTES OF THE MEETING OF THE LEGISLATIVE COMMITTEE ON EDUCATION

A meeting of the Legislative Committee on Education (created as a result of Senate Bill 482), was held at 9:40 a.m. on March 26, 1998, at the Legislative Building, 401 South Carson Street, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT:

Senator William J. Raggio, Chairman

Senator Raymond D. Rawson

Senator Jack Regan

Senator Maurice Washington

Assemblywoman Marcia deBraga

Assemblyman Pat Hickey

COMMITTEE MEMBERS ABSENT:

Assemblyman Richard Perkins
(Excused)

Assemblyman Wendell Williams
(Excused)

GUESTS IN ATTENDANCE:

Eugene T. Paslov, President, Education Management Consultants, Inc.

Dorothy Dermody, Board Trustee, Washoe County School District

Bob Dickens, Governmental Relations, University of Nevada, Reno

Dr. Alan Morgan, Executive Vice-President, Voyager Expanded Learning

Holly Walton-Buchanan, Nevada Department of Education

Henry Etchemendy, Nevada Association of School Boards

Debbie Cahill, Nevada State Education Association

Stephen Rock, College of Education, University of Nevada, Reno

Doug Thunder, Deputy Superintendent, Nevada Department of Education

Keith Rheault, Deputy Superintendent, Nevada Department of Education

Michael Kinnaird, Chairman, Commission on Educational Technology

Pat Boyd, Associate Superintendent, Lyon County School District

Dotty Merrill, Testing Director, Washoe County School District

Teresa Jordan, College of Education, University of Nevada, Las Vegas

Alice Dallimore, Clark County School District

Brad Reitz, Clark County School District

Pendery A. Clark, Superintendent, Douglas County School District

Brandon Swain, Member, Council to Establish Academic Standards

Anne Loring, Board Trustee, Washoe County School District

Ron Beck, Nevada Department of Education

Roy Casey, Nevada Department of Education

Gloria Dopf, Nevada Department of Education

Larry Spitler, Clark County School District

Neena Laxalt, Rose-Glenn Associates

Myrna Matranga, College of Education, University of Nevada, Reno

Carole Gribble, Washoe County School District

Neil G. Stevens, Superintendent, Eureka County School District

Jo Ashe, R&R Advertising

Ray Bacon, Nevada Manufacturers Association

Jim Parry, Superintendent, Carson City School District

Exhibits:

Exhibit A - Notice of Meeting and Agenda

Exhibit B - Attendance Roster

Exhibit C - Meeting Packet

Exhibit D - Proposed Final List of Effective Remedial Programs, provided by Mindy Braun, Legislative Counsel Bureau

Exhibit E - Comments provided by Anne Loring, Washoe County School District Board of Trustee

Exhibit F - Handout provided by Julie O'Brian, Education Commission of the States

Exhibit G - The Public Policy Institute Memorandum and Report, provided by Ray Bacon, Nevada Manufacturer's Association.

Exhibit H - Report on Regional Workshops on Teaching to Higher Academic Standards, provided by Jeanne Botts, Legislative Counsel Bureau

Note: All exhibits are on file at the Fiscal Analysis Division of the Legislative Counsel Bureau.

I. Roll call.

The meeting commenced in Room 2134 at 9:40 a.m. Chairman Raggio noted a quorum was present, and asked that Assemblyman Perkins be excused.

II. Approval of Minutes.

Chairman Raggio indicated that if the Committee had reviewed the minutes from the January 13, 1998, and February 23, 1998, meetings, (Meeting Packet, Tab 2, Exhibit C) he would accept a motion for approval.

SENATOR RAWSON MOVED TO APPROVE THE MINUTES FROM

THE JANUARY 13, 1998, MEETING AND THE FEBRUARY 13, 1998,

MEETING OF THE COMMITTEE.

SENATOR REGAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

SENATOR WASHINGTON WAS NOT PRESENT FOR THE VOTE.

III. Adoption of the Final List of Recommended Remedial Programs.

Jeanne L. Botts, Senior Program Analyst, Legislative Counsel Bureau, Fiscal Analysis Division, reminded the Committee that they had adopted a preliminary list of approved remedial programs, in October, 1997. That list included remedial programs that had strong evidence showing the programs were effective. That list was adopted in October, 1997, in order to give guidance to school districts and the Nevada Department of Education to request funding from the \$3 million appropriation for remediation which becomes available on July 1, 1998, under the Nevada Education Reform Act of 1997 (NERA), Senate Bill 482.

Senate Bill 482, section 60, specifies that the money be distributed among schools that have been designated as demonstrating inadequate achievement pursuant to the Act. Further, in section 10 of Senate Bill 482, the Department of Education is required to adopt programs of remedial study for subjects tested on the proficiency examinations. In so adopting the programs, the Department shall consider the Committee's recommendations of remedial programs that have been proven to be successful in improving academic achievement of pupils. Under section 39 of Senate Bill 482, the Committee is charged with recommending a list of remedial programs by April 1, 1998.

Mindy Braun, Education Program Analyst, Legislative Counsel Bureau, Fiscal Analysis Division, stated that the Proposed Final List of Effective Remedial Programs was provided in her report, Exhibit D. Ms. Braun said the list was completed using a team approach with the assistance of Dr. Eugene Paslov, former State Superintendent of Public Instruction, and the Nevada Department of Education. She explained that the Department formed focus groups, and with the aid of experts, provided information. In addition, the school districts provided her with information on programs.

Ms. Braun said she began by reviewing the preliminary list approved by the Committee in October, 1997. The criteria used for selection were:

Audience - They needed to make sure the intended audience was appropriate. In other words, the list had to include programs for all grades (K-12), not just elementary grades. It was difficult to get programs for middle school and high school, but through continued research, they were able to do so.

Description of the Program - The descriptions vary between programs because some are curricular reform programs, while others are comprehensive reform programs. Comprehensive programs focus more on the governance of a school system, including policies and procedures; whereas, a curriculum reform program aims specifically at writing, math or science. It was the desire of the group to have both areas represented in a program to include it on the final list.

Evidence of Effectiveness - Ms. Braun stated this area was the key to her research because she wanted to make sure that the programs were effective and showed improvement in students' achievement scores. The evidence had to be objective such as improved test scores. Although, evidence showing improvement in areas such as family involvement, or viewing science in a better light was positive, it was subjective and did not meet the primary objective of making sure the remedial program was effective in showing improvement in academic achievement.

Requirements for Implementation - This area was reviewed primarily see if the program had a staff development aspect. If so, what was the basis for that program? Were materials for teachers available and easy to use? This research was necessary to ensure that the requirements of the program are realistic.

Cost - This criteria was the most difficult part of the research. First, the cost had to be realistic. Ms. Braun stated obtaining the exact cost of the programs was a problem; however, it is hoped that the costs reflected for each program in her report (Exhibit D) represented an accurate representation of the costs.

Ms. Braun reiterated that the approved list from October, 1997, was reviewed first. From that list, five programs were deleted. The reasons those programs were deleted are as follows:

Illinois Mathematics Consortium - This program stemmed from the Chicago Mathematics Project, and the consortium has numerous programs (20-30), including *Everyday Mathematics*. So in actuality the **Illinois Mathematics Consortium** was not deleted from the program; rather, a specific program was identified.

Investigations in Number, Data and Space - Ms. Braun said that when she discussed this program with representatives, they informed her that it was not designed to be a remedial program. Although it could ultimately become a remedial program, the program was so new that the research did not yet support it as an effective remedial program.

Math Trailblazers - Again, discussions with representatives of this program revealed that the program was too new to have any research supporting it as an effective remedial program. In addition, Ms. Braun related that she recently attended an "Effective Practices" conference in Las Vegas, in which **Math Trailblazers** was asked to participate, but they failed to show up.

New Standards - Ms. Braun stated Dr. Eugene Paslov was involved with this program and he informed her that it was not designed as a remedial program, and it is costly.

Renaissance Mathematics - No information was made available on this program and, therefore, it was deleted from the list.

Senator Regan asked if any proprietary relationship existed with the programs listed in the report (Exhibit D). Ms. Braun replied that she was unaware of any such relationship. Dr. Eugene Paslov interjected that although some of them were proprietary programs, a school district will negotiate with the individual operators of the program for a fee.

Continuing, Ms. Braun stated that once the preliminary list was reviewed, they researched information on other programs. One of the prime sources of the names of remedial programs was the school districts. The districts submitted programs that had not been included on the preliminary list that they wanted to be reviewed. These programs were submitted to the Department of Education and reviewed against a list of criteria for effective remedial programs. Subsequently, three additional programs were reviewed and selected:

Computer Curriculum Corporation (CCC) - Clark County School District submitted this program. It is used in grades K-12 and incorporates all subject areas, although it is specifically designed for science.

Responding to Senator Raggio's inquiry, Ms. Braun replied that CCC was currently in use in Clark County.

High Scope Approach to Education - Douglas County School District submitted this program. It is a comprehensive reform program and has been approved by other states.

Reading Renaissance - Originally, there was little information available on this program. However, the Reno Gazette Journal published an article featuring Hug High School using the **Reading Renaissance** program. Ms. Braun called staff at Hug High School to obtain information from representatives in this program, and it was subsequently placed on the list of approved programs.

Ms. Braun noted that it was difficult to obtain science programs. In that regard, she commented, *Prime Science* was a program submitted by the school districts as an effective program in the United Kingdom, with substantial research indicating its effectiveness. However, the program was brought to the United States only eight months ago, and it was not placed on the list because research revealed that once the program came to the United States, it was radically changed, making earlier research on the program no longer reliable. She mentioned that *Prime Science* may be a program the Committee revisits.

Besides using information provided by the school districts, the review team wanted to have support from outside, national sources, namely:

The Kentucky Method - Ms. Braun explained that the State of Kentucky recently reviewed effective remedial programs for school improvement efforts. She reviewed their report in comparison with what was being contemplated in Nevada. The end result was that ten of our programs are supported by the Kentucky approval.

The National Diffusion Network - Any program listed with the National Diffusion Network has to be found effective by research. That is done by using a Program Effectiveness Panel (PEP), through the United States Department of Education, and they have developed a publication, *Programs that Work*. From that source, nine of Nevada's programs were supported.

Ten Promising Programs for Educating All Children - This publication researches many programs, including tutorial and after-school programs, which could be programs worth reviewing in the future. Two of Nevada's remedial programs, *Success for All* and *Reading Recovery* were supported by this publication.

Ms. Braun noted there were six programs out of the 21 on the Proposed Final List of Effective Remedial Programs (Exhibit D), that did not fall within one of the publications, making Nevada's list unique. She explained that word traveled quickly that Nevada was developing its own list of proven remedial programs, which precipitated in representatives of programs contacting her directly and provide her with a wealth of information. One such program was *Accelerated Schools*. Ms. Braun stated she had a "hands-on" view of that program when she visited the Clark County School District recently, specifically at the John S. Park school. She related that particular school had determined, through research, that they would be on the "inadequate" list for school achievement. The school had used the *Accelerated Schools* program for some time, and that enabled them to avoid being placed in the "inadequate" status. This program is a comprehensive reform package, and through that program, a participant is eligible to purchase other programs.

Senator Washington asked whether the *Accelerated Schools* program was structured by the school, or if the students worked at their own pace. Ms. Braun responded that the representatives of *Accelerated Schools* initially come in and take a look at how the school runs. They work with the educators and administrators (at least 90 percent must be involved) to develop goals and ways to achieve those goals. So, the program's representatives do not provide schools with a specific curriculum, but with guidance toward reaching goals that lead to improved student achievement.

Ms. Braun informed the committee that she visited Bartlett School in Clark County, which is using the *Voyager Expanded Learning* program. That program has been placed on Nevada's list as well. She noted that through her discussions with many different people in the education field, the concept of "extended learning" was becoming a popular means of improving student achievement. That concept includes after-school and summer programs, or any

other means of extending the learning time for a child. Ms. Braun announced that Dr. Alan Morgan would be presenting information on the *Voyager Expanded Learning* program.

Senator Raggio commended Ms. Braun for her presentation and the format of the report. (Exhibit D) He found the report was easy to follow, showed the applicable grades, and the cost of each program, and he appreciated the manner in which the material was being presented to the Committee.

Senator Rawson concurred with Senator Raggio on the organization of the presentation and the report on remedial programs. He said, with regard to the *Great Books* program and some of the others, he would like to have some "hands-on" experience and actually attend one of the programs. Further, he inquired whether there was any basic information to detail the programs. Ms. Braun responded that she had information on each program, including those implemented in Nevada. Senator Raggio stated it would be helpful to have a list containing the program and the names of the schools using programs in the state so that anyone could visit the site and see how the program is working. Senator Rawson concurred, adding that he would like to see the list of books used in the *Great Books* program. Ms. Braun replied that she could modify her report to include that information.

Turning to her report, Exhibit D, Ms. Braun announced that 21 programs have been proposed. The report contains a Table of Contents and brief summaries of each program. Thereafter, a table is presented to outline the Program Features. She said the format of her report was modeled from the Kentucky method. Ms. Braun noted that the contact persons listed in her report may differ from names on other related literature for the program; however, the persons she listed represent those people with whom she actually spoke. In addition, many of the programs have helpful websites which are easy to access.

In response to Senator Regan's question, Ms. Braun agreed that most of the programs are designed for the younger grades and the "earlier the better." Further, pre-kindergarten through third grade was the most affected area. She added that the elementary school programs were plentiful, having 18 from which to. Whereas, she located 11 programs attributable to the middle school grades, and only seven programs were found for high school grades.

Ms. Braun introduced Dr. Alan Morgan, Executive Vice-President, Voyager Expanded Learning. She stated that Dr. Morgan was the former State Superintendent of Public Instruction for the State of New Mexico. Dr. Morgan acknowledged the helpful assistance he received from Jeanne Botts and Mindy Braun of the Legislative Counsel Bureau, the Nevada Department of Education personnel, and others that have assisted him. Secondly, his two friends, Dr. Eugene Paslov, former State Superintendent of Public Instruction, and Dr. Myrna Matranga, University of Nevada, Reno, who acted as his advisor during his Master's program, have been helpful to him as well.

Dr. Morgan showed a 7-minute video detailing the Voyager Expanded Learning program, a national initiative (This video is on file at the Legislative Counsel Bureau, Fiscal Analysis Division).

Dr. Morgan explained that the Voyager program started approximately three years ago. The first summer, the program serviced approximately 2,000 youngsters covering two states. Last summer, the program serviced approximately 35,000 youngsters in 22 states. This summer, well over 100,000 youngsters are scheduled for the program in 44 states. He said the focus was in finding ways to use more time for student learning and to use that time differently. Dr. Morgan said the mission of Voyager Expanded Learning is:

- Youngsters learn better if they are actively engaged in their own learning, rather than being lectured to.
- The curriculum should be high-standards; oriented toward standards in science and math, and the standards should expect more from students than has been previously expected.
- Professional Development of teachers is essential. Every week teachers should be trained to assist them in what they will be working with in the classroom.
- Parents should have a role. Although not every parent can be drawn into the education enterprise, it should be expected that most parents will participate if materials are suitable for them to use in the process.
- Efforts must be evaluated. In order to be accountable for good learning, there must be some measurement of

the process along the way. Achievement is the expectation.

Dr. Morgan stated that approximately five months ago, *Time Magazine* published an article on what made for good schools in America. According to the article, those factors are:

1. Teacher Preparation

2. Class-size

3. Technology

4. Good After-school Programs

Dr. Morgan stressed that the number one lesson learned on how to improve schools was the importance of good after-school programs. He quoted, "Good after-school programs are those that engage the interest of both students and staff, and can bring dazzling results." Other key principles outlined in the article:

5. Research-Based

Dr. Morgan related that the United States Congress, in November, 1997, adopted a federal law entitled "The Comprehensive School Reform Act." That Act followed Nevada's example of saying that resources are limited and must be focused on those programs that have a proven track record, and for which there is evidence showing the improvement of achievement in youngsters. He stated that was a \$150 million federal program and suggests that the \$8 billion in Title I funds in the future of this country will likely follow suit.

6. Alignment with National and State Standards

7. Teacher Support

Dr. Morgan stated that teacher support brings the effort to full circle and must be done.

8. Assessments

He stated that assessment and evaluation was mandatory. He informed the Committee that the Voyager Expanded Learning Program has strategic alliances included in the program. A recent survey suggested that the singular, most-credible agency of the federal government was the Smithsonian Institute. The Voyager program is the only program that has a permanent relationship with the Smithsonian Institute to produce "Ice Age" which will begin the Summer of 1998. Further, their alliance with the National Aeronautics and Space Administration (NASA) and the Discovery Channel is beneficial.

9. Systemic School Improving

Dr. Morgan pointed out that the Voyager Expanded Learning program is not an "add-on" program. If it is not a part of the school effort and is not "owned" by the school, then it will not be successful.

10. Active Engagement of Parents/Community

He stated the data reveal that the involvement of parents and the community can have a positive impact upon students.

In conclusion, Dr. Morgan stated that Voyager Expanded Learning is a fairly new program, but they believe it meets a new niche--to extend the learning day and the learning year for youngsters.

Senator Raggio said he had briefly reviewed the report and compare the 21 programs listed therein (Exhibit D). He noted that the cost for the Voyager Expanded Learning program is listed at \$500 per student, and the other programs appear to be much less expensive. He asked why there was a "per student" cost in this program when most often the cost is based on a "unit" price.

Ms. Braun responded that she originally wanted to have the "per student" cost reflected for each program in the report and she was able to obtain that information since she was working closely with Dr. Morgan. However, most of the other programs provided catalogs with just a base approximation of cost and it was difficult to obtain a "per pupil" cost from those representatives.

Senator Raggio commented that most of the programs in the report (Exhibit D) did not equate to that high of a cost per student. He added that Voyager appeared to be an interesting program, but he was concerned with the cost. Dr. Morgan clarified that Voyager was an "after-school" program from 3:00 to 6:00 p.m. In response to Senator Raggio's inquiry, Dr. Morgan replied the teacher training component is included in the price quoted, as is the cost of materials and evaluation, and the price of the materials for parents. He said that equates to less than \$.90 per hour, per child, in the classroom in a Voyager program. In that sense, the program is competitively priced. For instance, if there is a 180-day school year, three hours per day, every day. The cost per child for Voyager is \$488 for the entire school year for that child--equating to less than \$.90 per hour.

Responding to Senator Raggio's further inquiry, Dr. Morgan stated the Voyager program was designed to be a full-year, after-school program. Also, parents needed after-school options every day while the child is in school so the program is designed from the first day of school to the last day of school, three hours per day; although, a school may chose to design the program for two hours per day. The materials for the Voyager program are prepared for groups consisting of 18 students.

Senator Raggio asked why the cost could not be figured per unit, rather than "per student." Dr. Morgan replied that at the request of the staff of the Legislative Counsel Bureau, he extracted a per student charge to provide a unit of cost for the 21 programs listed. Specifically, if the school system engaged the Voyager program, the 18 students, which can be set up as one, two, or three groups of 18, and include varying age groups, depending upon parent interest, can be set up a variety of ways. Therefore, the price includes the program for one year. Calculating that cost over a year's time for 18 students results in approximately \$8,700 for the full year of programming. Chairman Raggio reminded that cost did not include the cost of the teachers. Dr. Morgan replied that Voyager works with the school system to use a variety of other resources. The most frequently used resource is federal Title I funds which covers the cost of the teaching staff and any transportation costs. Dr. Morgan stated another option that was available was to institute a fee paid by parents, which is permissible under Title I regulations and under the procedures of Voyager, and is being done in other states.

Senator Regan asked how additional rent was paid, and how parental involvement was accomplished. Dr. Morgan replied, with regard to the cost of staffing, a variety of models were available with the most common being the use of Title I funds to cover all the costs associated with the teacher beyond the regular school day. With regard to rent, the Voyager program must be owned by the school system and must be seen as a partnership with the school.

Regarding the issue of parental involvement, Dr. Morgan alluded that he has not found the perfect means of being able to include parents. However, too often the school community does not make the extraordinary effort to bring the child's parents into the educational process. One reason is because it takes an additional amount of effort, and most classroom teachers simply do not have that kind of time. Secondly, including parents in a "celebration" of their child's success most often solicits a more active involvement from a parent. However, so often the school community only calls the parents into the school when there is a problem. It would be nice if parents were brought into school more often to show how great their kids are doing. In Voyager Expanded Learning, they call that a "celebration" or "wow" factors, whereby the parents are brought into school to view what great strides their children are making--emphasizing the positive relationship with the parents. Thus far, engaging parents on a positive basis is the aim of Voyager.

Senator Regan asked whether using Title I funds included any federally mandated situations that could affect the school district. Dr. Morgan concurred that there were federal mandates. In fact he met last week with Mary Jean Laton, the National Director of Title I, to make sure the rules were being met in terms of engaging Title I funds in Voyager programs. He stated that Voyager people will get together with the school system and encourage them to only use resources they can legally and properly use in the process. This applies to Title II funds and Goals 2000 money as well. Dr. Morgan commented that many people in the school community are afraid to use federal money,

but that attitude is changing, and more flexibility in that area is being seen.

Assemblyman Hickey mentioned that the video on Voyager Expanded Learning shown to the Committee indicated the program was designed for gifted and talented students. He asked what students have typically been involved in the Voyager Expanded Learning programs--noting the Committee was concerned with "at-risk" students, not just those that are gifted. Dr. Morgan responded that the focus of the program originally was on at-risk youngsters and the first programs were used in economically depressed areas of Dallas, Texas. He said that it has always been just the gifted and talented students who were able to participate in fun activities, but Voyager's philosophy is that **all** students should be entitled to enjoy learning and students at risk need the opportunity to engage in student learning, regardless of their level of intelligence.

Assemblyman Hickey asked whether the methods used in the Voyager program could be applied toward the regular curriculum during the six-hour school day. Dr. Morgan replied that the program initially began as after-school, summer school, or inter-session programs for year-round schools. However, in the past 18 months, school systems that have implemented the program during those times have been requesting an in-school reading remediation program. In response to that need, Voyager has prepared such a program that should be available in the fall of 1998. Dr. Morgan stated the in-school issue is developing into a market for which there is a real need but it was not the original focus of the program.

Ms. Braun informed the committee that she had experienced the Voyager Expanded Learning program in action at Bartlett School in Las Vegas. She observed that at 5:15 p.m., when the youngsters were scheduled to go home, none of them wanted to leave.

Senator Raggio asked if anyone else had any input on the recommended remedial programs. There being none, Senator Raggio thanked Ms. Braun for the manner in which she presented the report and indicated he would take a motion to adopt the list, or if the committee wished to delete any programs or add any programs, that could be done as well.

Senator Regan commended the work done in researching all the national programs.

SENATOR REGAN MOVED TO ADOPT THE 21 PROGRAMS OUTLINED
IN THE LIST OF THE REPORT (EXHIBIT D) AND RECOMMENDED ALL
21 PROGRAMS TO THE SCHOOL DISTRICTS ALLOWING THEM TO PICK
AND CHOOSE AS TO THEIR NEEDS AND DESIRES AND ACCOUNTABILITY
AND FINANCE.

Senator Raggio clarified that the State Board of Education, under law, is going to make the final recommendation. Quoting from the law:

For the purposes set forth in Section 10 of the Act, the committee shall recommend to the Department of Education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

Senator Raggio said the motion is appropriate to recommend the list that has been presented. He asked for a second to the motion.

SENATOR WASHINGTON SECONDED THE MOTION.

Senator Washington asked if the Motion included the Voyager Expanded Learning program. Senator Raggio confirmed that was included as was the entire list of programs contained in the report under the program abstracts (Exhibit D). He reminded that many of the programs are in use throughout the state. Senator Raggio announced the 21 programs on the list:

1. Accelerated Schools
2. Books and Beyond
3. Comprehensive School Math Program
4. Computer Curriculum Corporation
5. Connected Mathematics Project
6. Contemporary Mathematics Project
7. Core Knowledge
8. Direct Instruction
9. Everyday Mathematics
10. Full Option Science System
11. Great Books
12. High/Scope Approach to Education
13. Help One Student to Succeed (HOST)
14. Image-Making Within the Writing Process
15. Lightspan
16. Math Thematics
17. On the Way to SUCCESS in Reading and Writing
18. Reading Recovery
19. Reading Renaissance
20. Success for All
21. Voyager

There being no further discussion, Chairman Raggio brought the motion back to the Committee for a vote.

THE MOTION CARRIED UNANIMOUSLY.

Jeanne Botts announced that based on the Committee's action, the list will be finalized to include school sites where programs are in existence in the state to provide guidance to talk to persons and observe programs. Also, information on the history and procedure used in getting programs on the list will be contained in the finalized report.

She stated it was the intent of the Legislative Bureau on Educational Accountability and Program Evaluation to update the report annually, or more often if it became the desire of the committee. The finalized report will be provided to the Department of Education and will be widely distributed among the school districts.

In response to Senator Regan's request, Ms. Botts related that a list of the schools in which the programs are being used be provided, including the name of the schools, the addresses, and the person to contact so committee members can call the principal or teachers involved and visit those sites. Senator Raggio commented that would be a good idea for all the members of the Committee.

IV. Selection of Contractor to Review the School Accountability Program.

H. Pepper Sturm, Chief Principal Research Analyst, Research Division, Legislative Counsel Bureau, stated this item on the agenda related to Section 19 of Senate Bill 482. Under that section, the Legislative Bureau of Educational Accountability and Program Evaluation is required to contract with an outside entity to conduct an evaluation of the school districts' level accountability reports. The contractor is further required to consult with each school district about using the data for school improvement and about improving the accuracy of these reports.

He reminded the Committee that a Request for Proposals was circulated for this function beginning February 27, 1998, with a March 20, 1998, closing date. Three proposals were received. One from School Match, one from Pacific Research Associates, and one from Education Management Consultants, Inc (EMC). Copies of these proposals were provided to the Committee in a separate mailing as an informational item for review.

Mr. Sturm indicated that staff reviewed the three proposals and is recommending the selection of EMC, Inc., for the contract, because EMC provided an excellent understanding of our statewide program of accountability and the price and budget appeared both reasonable and realistic. In addition, EMC, Inc., proposed site visits with the districts, budgeted at three visits, upon the request of the districts.

Mr. Sturm went on to state that the staff and evaluators set forth in the EMC proposal are all well-qualified individuals and have specific experience with Nevada's accountability program.

Senator Raggio commented that all three proposals are from vendors that are all eminently qualified to review the accountability programs. Noting the diversity in cost, Senator Raggio stated the costs projected for Education Management Consultants, Inc., was nearly \$20,000; Pacific Research Associates was \$52,000; and the SchoolMatch proposal was approximately \$2,000,000.

Senator Raggio asked if there were any Committee members that wished to adopt any other recommendation. Otherwise, he would accept a motion for approval for hiring Education Management Consultants, Inc. Dr. Eugene Paslov, in response to Senator Raggio's inquiry, indicated the cost for his proposal was correctly represented in the discussion.

SENATOR RAWSON MOVED TO ACCEPT THE PROPOSAL BY

EMC, INC., AS CONTRACTOR TO REVIEW SCHOOL DISTRICT

ACCOUNTABILITY REPORTS, PURSUANT TO SB 482, SECTION 10.

SENATOR REGAN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Senator Raggio asked Dr. Eugene Paslov, President of EMC, Inc., if he had any comments. Dr. Paslov thanked the committee for accepting his proposal.

V. Testing Issues.

Senator Raggio stated nothing has caused more discussion than testing issues. He said the Committee has heard from self-styled experts on the assessment of student performance, both in and out of the education community. Noting Julie O'Brian, Education Commissioner of the State, was not yet present, Senator Raggio asked if David Smith, Education Consultant, Department of Education, was available for comment.

Since Dr. Smith was also not present, the Committee heard the issue of the spring versus fall testing, and invited Anne Loring, Washoe County School Board of Trustee, to come forward and present her views on the issue.

Providing background information, Senator Raggio stated that the State Board of Education set the time of year for the Terra Nova norm-referenced tests to be given in grades 4, 8 and 10. The Legislature has mandated that all districts must test at the same time of year. However, the Legislature did not mandate that the test be given in either the fall or the spring, as that decision was made by the State Board of Education.

Previously, Clark County was testing in the fall and all other school districts were testing in the spring. Senator Raggio said he was informed that one of the reasons Clark County changed to the fall was due to a "cheating scandal." He mentioned there had been other incidents of a similar nature that have occurred in the Washoe County School District, within just the past few days, which has raised the ire of the Chairman, and although that was an ancillary matter, he would like to get to the bottom of it. He stressed that if dissemination of the tests was done surreptitiously, then testing could commence the day before school. He stressed that cheating is non-professional and should be sanctioned.

Senator Raggio commended Ms. Loring for her time and analysis of the spring versus fall testing issue and invited her comments. That analysis is contained at Tab 3 of the meeting packet ([Exhibit C](#)).

Anne Loring, Vice-President, Board of Trustees, Washoe County School District, stated

she would be happy to address the material in the meeting packet at the conclusion of her comments. She introduced Dr. Dotty Merrill, Testing Director, Washoe County School District, who was present to help discuss the Terra Nova test and the time of year in which it is administered.

Ms. Loring said the State of Nevada currently administers CTB-McGraw Hill's *Terra Nova* test to students in grades 4, 8 and 10, for the purpose of accountability, and to identify schools as "Inadequate," "Adequate," and "High-Achieving." CTB-McGraw-Hill, the publisher of the test, says that *Terra Nova* is designed specifically for students who have completed grades 4, 8 and 10. Nevada currently administers *Terra Nova* in the Fall.

Ms. Loring asserted that if the state is concerned about accountability for student achievement, then testing should be administered in the spring, after the students have had an opportunity to study the material upon which they are tested. Ms. Loring posed a hypothetical situation in which the entire room was a senior class enrolled in calculus. The class is about to take an exam which has been developed by a national test company, and is based on calculus curricula for high school seniors all around the country. The test is designed for students who have completed calculus. Continuing, Ms. Loring said the test is nationally-normed, which means the results will not reflect the number of correct answers, but rather, the results will show how the class compares to other students in the country. In order to separate the top-end of the class from the low end of the class, there will be questions on the test relating to differential equations, and on trig functions and logs which were studied in our class last year as juniors, but it is October now, of the senior year. Looking at the test, the students wonder what a second derivative is and what a differential equation is. The students are sweating because they are viewing material in a test that they have never seen in the classroom. The teacher has warned the students not to worry, because the scores will be nationally normed against other kids who are also taking the test in October, not kids who have taken the test at the end of the year.

Ms. Loring said that some students may come home from taking that test and inform their parents that they just took a test containing information they did not know. This will immediately lower the credibility of the test. The reaction from teachers and principals will be that the test will hold little credibility because everyone knows the material has not been taught yet, and by the end of the year the students will have the information. So what?

Ms. Loring said the problem with fall testing is that results of those tests are used to identify and label schools as inadequate, adequate, or high-achieving. Further, those test results will be used to distribute \$3 million in remediation funds this year.

Ms. Loring informed the Committee that in 1995 the State Board of Education changed the administration of statewide, nationally-normed reference testing in grades 4 and 8 from the spring to the fall. In 1996, the State Board of Education selected *Terra Nova* as the nationally-normed test to use for assessments. The big difference occurred in 1997 when the Legislature mandated the statewide assessment be used in grades 4, 8 and 10 for school accountability to identify schools as inadequate, adequate, and high-achieving and for providing remedial funds and further intervention, if necessary. Ms. Loring opined that the legislative mandate changed the intent of the nationally-normed test, making timing a crucial issue.

Ms. Loring went on to discuss the pros and cons of spring testing versus fall testing using *Terra Nova*.

SPRING TESTING

PROS

- Test publisher designed the test for students who have completed the grade level tested (4, 8 or 10).
- The results can be used to identify specific areas, not only in the curriculum, but details in that curriculum that need improvement.
- Students, parents, teachers, administrators, and the public accept the credibility of spring testing material.
- Remediation funds can be directed to specific subjects and curricula objectives to which the test shows students need improvement.
- The test is a strong tool for accountability.

CONS

- The test is perceived as "high stakes."
- Pressure is on teachers and principals to produce high test scores that could result in breaches of test security.
- Teachers are concerned that test results will be used incorrectly for their professional evaluations.

FALL TESTING

PROS

- Test results cannot be attributed to that year's teacher, resulting in a diminished perception of "high stakes."
- Reduced pressure on teachers and administrators, potentially resulting in fewer breaches of test security.
- No concern among teachers that the results will be used for professional evaluation because test results cannot be attributed to that teacher.

CONS

- Fall testing only measures what students need to know by the end of the grade, rather than measuring actual student achievement on material taught in grades 4, 8 and 10.
- Fall testing cannot be used to identify specific areas of the curriculum in which students need improvement

since most of the questions relate to material that is not expected to be covered until later in the year.

- Low credibility among teachers, principals, administrators, and parents.

Ms. Loring stated people have asked her: "What can I personally do to get *Terra Nova* testing from the fall to the spring?" She tells them to talk to the Legislature.

- Increased frustrations for students when seeing material on the test that has not yet been covered in the class.
- Fall testing is a poor measure for accountability. In what classroom is improvement needed? Students taking the test in the fall have come from various teachers and schools. How can we maximize the use of remediation funds on tests where the results cannot be used to identify the problem?

Ms. Loring suggested that *Terra Nova* testing be moved to the spring in grades 4, 8 and 10. The security issue that has been discussed cannot be taken lightly, and problems are occurring statewide. Nevertheless, the security issue can be dealt with. The college board, ACTs, SATs and Advanced Placement (AP) exams are high stakes tests for students, although not so for districts, and are administered under tight security.

Ms. Loring suggested that in addition to moving the *Terra Nova* test to the spring, funding and guidelines for increasing test security should be implemented. One possible solution is to administer multiple forms of the *Terra Nova* in alternating years.

Ms. Loring indicated that everyone needed to work together at the state, district and school level to promote positive and constructive analysis and uses of test results because improper use of test results is a valid concern to teachers.

In conclusion, Ms. Loring commended the Legislature for the strides made in the law under [Senate Bill 482](#). The impact in the Washoe County School District has been dramatic and encouraging. She noted that the Committee has commented in the last several months, negatively about the foot-draggers and the nay-sayers. However, Ms. Loring said the work done by the Committee has focused attention on improving student achievement in the state's schools, and that is good for the children of this state.

Ms. Loring assured the Committee that as a member of the math writing team for the Council to Establish Academic Standards for Public Schools, the "bar will be raised." The development of criterion-referenced tests tied to the new standards may provide for better measurement of student achievement than the *Terra Nova* test. Ms. Loring urged the Committee to address the issue of moving the *Terra Nova* test to the spring, thereby allowing for a credible measure of pupil achievement for accountability purposes.

Ms. Loring stated the intent of her letter to Jeanne Botts, contained in the Meeting Packet at Tab 3 ([Exhibit C](#)), was to detail a data-oriented argument for moving the testing to the spring, based on work performed in the Washoe County School District. However, she stated the fundamental issue is that the test was designed, by its makers, for students who had completed grades 4, 8 and 10. It is in fact, normed for students who have taken it as early as the sixth month of the third grade and as late as the second month of the fifth grade so that districts, for whatever reason, give it at other times of the year, can still receive valid data. She opined that *Terra Nova* is to be used as an achievement test to determine accountability for our schools, students, districts, and the state.

Mrs. deBraga thanked Ms. Loring for her testimony and said the state needed to do whatever they could to ensure what is learned from testing is what is needed to make education better. She repeatedly hears from teachers that tests need to be tied to the curriculum. Mrs. deBraga asked whether there was anything in the testing that shows how a student improves from one year to the next, as opposed to how he compares to another student.

Dr. Dotty Merrill interjected and replied that was difficult to answer when the accountability grade levels are 4, 8 and 10. In other words, the test may show how "Johnny" performs as a fourth grader, then later on as an eighth grader, and later again as a tenth grader. However, within school districts, such as in Washoe County, where additional testing is conducted at third, fifth, sixth and seventh grades, they can provide to parents, as well as to teachers and administrators, a clear picture of what "Johnny" is doing from year to year.

Ms. Loring added that when her son was in early elementary grades, the Washoe County School District administered a nationally-normed test, the predecessor to *Terra Nova*, CTBS or the SAT, and additionally the district administered a criterion-referenced test. As a parent, Ms. Loring shared, her son's scores on the nationally-normed test would be 98 or 96 and that was the percentile of how he compared to other students in the country. This was frustrating because she was not provided the information on the areas her child was deficient. Whereas, the criterion-referenced test outlined approximately 15-18 reading objectives, mathematic objectives and reports on whether the objective had been mastered, and in what areas the child needed improvement.

She reminded that results from the Third International Math and Science Study (TIMSS) study revealed how poorly the nation is doing, particularly in mathematics.

Assemblywoman deBraga asked, in consideration of the transient population in the state, whether the same children are tested in grades 4, 8 and 10. Ms. Loring replied that was a good question, and not likely in many cases.

Senator Raggio stated there was no argument with Ms. Loring's concerns and the Legislature has heard about testing for a long time. He recalled that there was a time in the state when nobody wanted norm-referenced tests because teachers wanted to design their own criteria and only be measured against their own classroom. That mind set was not beneficial because when children of this state graduate, they are not competing with only those who grew up with them in their own class but, rather, are competing with other students on a statewide, nationwide basis. He mentioned that it is common knowledge where the United States education system ranks compared to other nations. In addition, a graph was presented just this morning showing the limited amount of time students are taught, compared to other countries that rank much higher in achievement.

Senator Raggio stated that Nevada was one of the last states to get started on setting standards--not because the Legislature has not asked for it, but simply because nobody has done it for years. We know we have to raise the standards and improve the assessment capability to know how well our students are doing. He stressed that whether the *Terra Nova* exam was given in the spring or the fall, and whether students have received items in the test to study or not, they are still measured against those who are in similar situations. He said the "norm" is those states that give the exam in the fall for that reference. If the exam was given in the spring, it would then be measured against those states where the norm is established by those schools giving the exam in the spring.

Concurring with Ms. Loring, Senator Raggio stated that nothing prevents the use of criterion testing for other purposes. However, it is necessary to compare "apples-to-apples" in determining the performance level of the school, and it is not going to change much whether the test is administered in the fall or the spring. Continuing, he said that an analysis he reviewed on the issue of spring v. fall testing showed that changing it probably would not make much of a difference. He acknowledged it was a concern to the teachers who believe it is wrong to test students on matter they have not been taught. However, if it is the same for everyone, then the argument fails.

Senator Raggio acknowledged that spring versus fall testing was a problem, especially with regard to test security. It has been assumed that everyone involved in the testing process is highly professional and ethical. Apparently, that is not true since breaches have occurred three to five times now.

Senator Raggio said he recently heard that in just the last couple of days someone in Washoe County disseminated the test to all the teachers. With that kind of situation going on, how is security going to be enforced? He opined that the test should be given so everybody has the same opportunity and advantage of taking the test. That has been the problem and apparently that is why the State Board of Education made the determination to move *Terra Nova* testing from the spring to the fall. He reminded that although the Committee was interested in the issue, it is the State Board of Education that makes that determination.

Dr. Dotty Merrill, Testing Director, Washoe County School District, addressed the Committee and concurred with Senator Raggio's comments that breaches of test security are "uncalled for, unprofessional, and should be sanctioned." She reiterated that the Washoe County School District has put into effect a number of measures that, hopefully, would lead to fewer instances of test compromise or breaches of test security. In that regard, she believes they have gone beyond what other districts have done.

In response to Senator Raggio's inquiry, Dr. Merrill confirmed that the recent breach occurred after the Washoe County School District implemented new measures to handle test security breaches. Senator Raggio commented that teachers in Washoe County can now prepare students to take the test and have an advantage over every other school district in the state. Dr. Merrill answered that their investigation into the matter was still underway. She pointed out that this was an occurrence "apparently" or "allegedly" at one school and did not involve all of the teachers at that school. It is not true that photocopies of the test were distributed to all of the teachers in the school. The district is still investigating this matter and will be recommending sanctions that will involve the breaches of test security for fifth and sixth grade. Fourth grade is covered under the Nevada Administrative Code, and at the conclusion of their investigation, when the report is provided to the Department of Education, a review will take place and a recommendation will occur as to whether or not the case should go to the Attorney General's office.

Senator Raggio acknowledged to Dr. Merrill that the district was doing all they could, but the longer the test is out there, the more danger there is that a breach in test security can occur. If the people who are responsible for administering the test are cheating, even if that involves only one out of ten who act unprofessionally and unethically, that ultimately drives legislative decisions. Dr. Merrill agreed. Senator Raggio stressed it was unfair to the state, the taxpayers, and the educators to let that happen. Notwithstanding everything the district has done in implementing test security practices, there is still someone who wants to cheat, and whether or not that person is a professional, it is someone who has access to the test. He concluded that was the height of unprofessional conduct and disservice to the educational community and the individual ought to be fired without a hearing.

Dr. Merrill noted that during her last presentation before the Committee, there were several members who indicated difficulty in the past in receiving test results from school districts about statewide assessment issues. In response to that observation, the district provided to all the Washoe County legislators copies of the *Terra Nova* booklet which provides test results for grades 4, 8 and 10. She indicated that booklet was sent to each Committee member from Washoe County and she would be happy to provide that report to those legislators not from Washoe County.

Senator Raggio restated that he knows the Washoe County School District is doing everything right. However, in response to Ms. Loring's suggestions and others, that is the kind of thing that has driven the problem. Dr. Merrill acknowledged she understood and asked if she could continue. She stated she would like to provide the Committee with Washoe County School District's college entrance exam and advance placement results in hopes that the Committee would find that material useful.

Senator Raggio recalled that one of the reasons the State Board of Education moved testing from the spring to the fall was that the teachers did not want the tests to be used for evaluation purposes. He asked if that was true. Dr. Merrill responded that at the time the decision was made, that was correct. However, in Washoe County School District, because of the decisions made during the 1997 legislative session regarding increased accountability, teachers are in the position of wanting to be able to provide as much classroom instruction as possible so that the scores actually represent what is being taught in their classrooms. He stated that was understandable but if it is norm-referenced and everybody is in the same situation, then everyone is measured the same, and there should not be much difference.

Ms. Loring interjected that the problem was that the tests can be used to identify areas of weakness in instruction. For instance, it could be noted that students are not doing well in measurement in mathematics, but they are doing fine in computation. However, with fall testing, instruction cannot be improved because the items on the test are not expected to be covered yet so it is not a measure of what was covered in the classroom. Yes, the scores can be normed, but they are being based on a very small percentage of the questions on the test that are aimed at the lower-end performing students that actually applied to earlier grades. So, the test results do not improve instruction.

Ms. Loring stated the Washoe County School District would like to use the *Terra Nova* as a criterion-referenced test and give it in the spring in the off-grades because there is powerful information on the test on what is happening in the classroom in the individual strands of each topic which can be used to improve instruction. However, that information is only useful in the spring when the material has been covered and it can be determined if the material was covered effectively. In the fall, using the test for any meaningful improvement, renders the data meaningless.

Senator Raggio said he agreed and he could argue both sides of the issue. He concluded it was a decision to be

made by the State Board of Education, and the law presently states that testing must be uniform. He indicated it was an issue that could be considered but the Committee could not make those changes today.

Ms. Loring and Dr. Merrill thanked the Committee for their consideration. Ms. Loring's comments are attached as [Exhibit E](#).

Noting that Julie O'Brian, Education Commission of the States, was now present, Senator Raggio introduced Ms. O'Brian as a State System Coordinator for the Education Commission of the States, to which Nevada is a member. She works with state policy makers in various states to develop and implement effective education policies. Her experience includes policy research, analysis, implementation in education systems, and while serving in the urban institute, she evaluated the United States Department of Education's technical assistance to states and school districts. Ms. O'Brian has designed an evaluation of the National Science Foundation's Urban Systematic Initiative, and served as an education policy advisor to the Governor in Colorado. She is a policy consultant with the National Association Goals Panel. Ms. O'Brian has a Master's Degree from Georgetown University, and a Bachelor's degree from the University at Colorado.

Senator Raggio retracted his earlier comments regarding breaches in test security. He clarified that he did not want someone to be terminated from employment without a hearing, but the hearing should be brief.

Ms. O'Brian stated she was asked to present information to the committee on how to use assessment results for accountability purposes. Ms. O'Brian opined that the state's recent education reform act, development of new standards, and provisions to the assessment and accountability system all revolve around improving student learning and the efficiency of a state school system. She indicated there are many ways assessment results can be made a part of that reform effort.

Ms. O'Brian provided the Committee with a handout containing the information she would be discussing ([Exhibit F](#)). She discussed the Uses of Assessment Results:

- **Improve individual student achievement**
- **Hold students accountable--promotion, endorsing diploma, graduation**
- **Improve curriculum and instruction--aligned with standards**
- **Hold schools accountable**
- **Monitor system progress over time--measure student performance against that of other states and nations**
- **Allocate resources within the state**
- **Evaluate effectiveness of schooling or reforms**

Ms. O'Brian stated promotion varied dramatically throughout the states. Some states have outlawed the use of assessment results for promotion and retention. Approximately seven states use assessment results as part of promotion decisions. As of 1995-96, only five states have reported using state assessment results for promotion purposes. Other states are taking the approach of requiring remediation for students who fail to meet a certain score on an assessment. States that use this approach include Ohio, New York, Indiana, and Virginia. The State of Colorado passed a law last year requiring districts to assess students' reading in first, second and third grades and, if they find students lacking in reading skills in any of those grades, they must not only provide remediation, but must provide specific plans and require involvement of the parents in developing the plan.

Ms. O'Brian commented that some states are looking at new ways of using their Title I funds which are attached to their state standards and assessments. Congress recently extended Title I dollars, specifically allocating \$50,000 increments to schools for whole school reform design. Therefore, rather than remediation for individual students, it was directed more towards whole schools. She stated there were opportunities now available to use Title I funds

and other federal funds differently along the lines of attaching promotion and remediation to assessment results.

Ms. O'Brian stated there was just a few states using assessment results to give students an endorsed diploma. More states are using assessment results for graduation. As of last session, 22 states required students to pass a test with a minimum score before they would be able to graduate. She mentioned that it was important to note that most of those graduation tests were not aligned with the state standards, and most of those states were requiring students to pass minimum competency tests. Due to legal and public opinion, it has been difficult for states to have high stakes attached to a high standards examination for graduation.

Ms. O'Brian indicated there was a desire to use assessment results to improve curriculum and instruction for diagnosing purposes with a school.

In holding schools accountable, Ms. O'Brian stated It is common for states to attach rewards and sanctions at the school level, less common than graduation tests. Ironically, sanctions are more common than rewards. Thirty-three states have some form of sanctions in place through statute or regulations, based on measures of student achievement; while only 14 states have rewards in place based on measures of student achievement.

Ms. O'Brian stated uses of assessment results are not necessarily compatible. In fact, it is difficult for one test to serve many uses at once, so some states have moved to multiple tests serving different uses instead of having a state assessment system in place with different components to meet the varied desires and uses of the assessment results.

Ms. O'Brian asserted that many choices needed to be made by the state about how assessment systems were to be implemented in order to avoid common "pitfalls." She stated there is one key characteristic of assessments--that is, the notion that any assessment of student achievement is just a sample of the skills and knowledge that you want youngsters to master. This sample is derived from a larger domain and is then generalized to an understanding of what students know and are able to know. The results of tests are only valuable if they can be legitimately generalized to the larger domain of knowledge and skills they represent. How well a test represents the full domain depends on many factors:

- 1) The size of the domain. Is the goal to assess all high school mathematics? Are you trying to assess whether a student has mastered algebra? Are you trying to assess if a student has an understanding of the distributive law of mathematics? The size makes a difference in how easily the test results can be generalized.
- 2) Some skills and knowledge are more difficult to measure than others. Problem-solving skills and writing skills are definitely more difficult to measure.
- 3) Some areas are more expensive to measure than others.

Ms. O'Brian concluded that the above items are relevant in determining what assessment is being measuring.

Turning to Important Assessment/Accountability Choices, Ms. O'Brian related that choices are determined by:

- **Norm-referenced versus criterion-referenced reporting.** Assessments can be reported in different ways. However, if the results of an assessment are criterion-referenced, that means that the outcomes are described in relationship to whether or not the student has achieved a certain set of skills and knowledge. If they are norm-referenced, the results are expressed in comparison to how well that student compared to other groups.

Senator Rawson asked whether results from a criterion-referenced exam could be normed. He said that would allow for the students' content knowledge to be assessed and related to everyone that has taken the examination. Ms.

O'Brian responded that could be done. However, most people do not use a norm-referenced test that has been previously criterion-referenced. Every test given has a certain criterion that it is measuring, but it may not be measuring the criteria of interest. That is the problem with using norm-referenced reporting for high-stakes examination because most often norm-referenced assessments have not been created to measure the full content covered in the state standards. Rather, the content is limited in order to have a larger group against which comparisons can be made. That is typically the weakness of norm-referenced tests.

Ms. O'Brian announced that many states are using a combination of NRTs and CRTs. In fact, 33 states use CRTs and 29 are using NRTs, and many of these states are overlapping by using both as part of their assessment system. In some instances, the state may be norming part of an exam, and part is criterion-referenced, and they have combined the two to make it into a system of reporting.

- **Selected versus constructed response.** Selected means multiple choice, true/false. The student is selecting from a group of answers and existing responses. In a constructed response, the student is asked a question and then has to construct their own answer to the question. Selective response is best used for basic knowledge recall, and basic application of knowledge. However, for problem-solving and writing skills, constructive responses are most effective. Ms. O'Brian informed the Committee that constructive response may also be referred to as "performance assessment," "alternative assessments," "authentic assessment," or "direct assessment." However, they all take the form of an extended written response. She stated that most states have had some form of constructive response assessment for some time, usually a writing test. In fact, 36 states have writing tests using extended written response items as part of the test. A number of schools are using tests with extended written items to assess other subjects, including math, science, social studies, and language arts. Only seven states have reported using selective response in their state assessment system. The leading states, California and Arizona, had almost entirely constructive response tests and they have now been modified. The State of Kentucky initiated an assessment that was entirely a constructive response, but in the last year they have added multiple choice items to the state assessment system as well. The State of Vermont is on the most extreme level of using constructive versus selective responses, with an almost entirely portfolio-driven assessment system.
- **Cross-sectional versus longitudinal data.** Texas is the only state that has longitudinal data in their state assessment system. If a state chooses to use cross-sectional data it means a "snapshot" is taken of student's performance at different grades within a year and another "snapshot" is taken at the same grade levels during the next year. Therefore, the state would have a record that "Johnny" had a certain score in grades 3, 4 and 5. The only state that has an assessment system that does that is Tennessee, and they have longitudinal data. There are weaknesses in using cross-sectional data for high stakes for students and schools, especially for schools. The estimates received from a cross-sectional test of a schools' test performance often vary over time, the test provides limited information, and the characteristics of the students in each grade during a given year in a school fluctuates. Often, the fluctuations are not randomly distributed across schools, which means the estimates are biased and that could cause trouble in how schools are classified. Also, Ms. O'Brian stated that certain types of schools often undergo dramatic changes in student populations, especially when an influx of immigrants occurs or boundary changes are made. In Dallas, Texas, they have done expected versus actual performance on their assessments for school accountability measures. Based on the characteristics of the students and the school, they estimate what they believe the school ought to achieve, and if they exceed that, then the school is adding value. If the school fails to exceed that, then they have not added value. That is in part how they identify schools for rewards and sanctions in Texas.
- **Custom-developed versus Customized "off-the-shelf" versus "off-the-shelf"** Ms. O'Brian stated that most states use contractors for some part of their assessment. In fact, 33 states use test publishers for some part of the development of their state assessments. Twenty-four states use a direct "off-the-shelf" test. Fifteen states use a custom-developed assessment, seven states use a customized "off-the-shelf" assessment, and two states use test bank items developed by a commercial test publisher and then they

put it into a state assessment. Many states use more than one method, and those states using an "off-the-shelf" test use it for part of their assessment system, then use part of their assessment system as a customized test.

- **Unit of Accountability.** Most states use the school as the unit of accountability for student achievement. She noted that many states now ask what items other parts of the system should be held accountable for and how. Other considerations are, figuring out what measures will be used, and what constitutes adequate progress. Many different measures can be used for school accountability. For instance, the average test score of the school or the average test score of sub-groups of students within the school can be used. She mentioned that the State of Texas has used this method quite extensively by requiring individual schools to report their adjusted average test scores and the average test scores of different school populations within each school. Ms. O'Brian stated many people were interested in the State of Texas presently because they have had the most dramatic change in their National Assessment of Education Process (NAEP) scores. Also, the State of Texas is in the top three states showing increases in NAEP scores for Hispanic students. The increases in these particular scores have been attributed to the accountability system which is directed toward increasing student learning in achievement of individual population groups.

Senator Regan asked if the increase in test scores seen in the State of Texas was as a result of "teaching to the test" or if those students were truly learning? Ms. O'Brian replied that the State of Kentucky also showed dramatic increases on their state assessments, but not the same increases on NAEP, SATs or ACTs. Whereas, Texas has shown dramatic increases on their state assessment and NAEP. Further, NAEP serves as an external monitor of how an assessment is doing because it is a test teachers cannot "teach" to because they do not have information about what is on the test beforehand. The NAEP test is not intended to change instruction specifically, but rather, it is intended to monitor progress and remain neutral as an assessment. She concluded it was a "kind of a miracle in Texas." She said the Kentucky legislature is presently evaluating what is being done with their state assessment system because they believe they have reached gains in the state assessment system, but have not seen similar gains from the external monitor system, which may indicate there is some "teaching to the test" occurring.

Senator Raggio noted the time remaining in the meeting and asked Ms. O'Brian to focus and highlight her comments on the following areas of her handout: Potential Pitfalls, Improving Scores Without the Corresponding Improvement in Student Achievement, Potential Grounds for Legal Challenge, Implementing a Strict Security Policy in Keeping the Test Secure, Using a Sample Administration Strategy, and Maintaining the External Monitor of Achievement to Evaluate the System.

Turning to Potential Pitfalls in the Uses of Assessment Results, Ms. O'Brian said inflated scores are of great concern. Test scores, in general, are highly susceptible to corruption. First, tests are samples from a large domain of skills and knowledge and if the sample is known, instruction can be directed specifically towards the content in the test at the expense of other content. Secondly, instruction can be directed towards test-taking skills rather than the content. Evidence suggests that states that have narrowed assessments to just reading and math, results in teachers simply stop teaching science and social studies, especially in elementary grades.

Regarding test preparation, Ms. O'Brian asserted that apart from focusing the content better to match the test, teachers also engage explicitly in activities to prepare students for tests. Lately, there has been a proliferation of materials distributed to aid teachers and students to prepare for exams, and many have questioned whether those materials "cross the line" and become "cheating."

Ms. O'Brian said there are ways students can be eliminated from testing. For example, students could be inappropriately retained in a grade before the grade that the test takes place. There could be a lax in truancy policies. Students could be explicitly excluded because of waivers or other requirements. This is not uncommon and is an accepted practice in many states. However, that falls under the notion of inflated scores and limiting instruction.

Ms. O'Brian discussed another topic--reliability and consistency over time. She said that if a state's accountability system is based on schools demonstrating improvement over time, it is vitally important that scores are reliable so

that the demonstrated change is a legitimate measure of school progress. When the selection is made on how to measure progress for a school, certain measures are going to be more reliable than others. The average test scores are not reliable measures because it can change over time for reasons other than the school is showing progress. If a school's average score is adjusted for student background measures, poverty, parent education level, etc., that helps but does not resolve the problem.

Ms. O'Brian said validity is closely related and involves the accurate classification of school teachers or students as not making adequate process or performing at a desirable level. She said it was almost impossible to ensure 100 percent accuracy in the classification of teachers, students and schools with one single test because the test is only a sample of what is being measured, and there is a natural variation when different samples are selected.

Ms. O'Brian directed the Committee to her hand-out "Avoiding the Pitfalls:"

- Use multiple indicators for classification purposes.
- Be clear on the purposes and match assessment design to data use.
- Implement a strict security policy and keep tests secure.
- Change items frequently.
- Use a sample administration strategy.
- Maintain an external monitor of achievement to evaluate the system.
- Use different types of items.
- Engage the public.

Ms. O'Brian announced that many states use multiple indicators when classifying schools. However, this does not solve the problem because there are things that affect measurement other than student learning. If assessment is about "high stakes for schools" or about identifying schools that are inadequate and then improving those schools, one way to get at the weakness is to use a sample administration of the test. Ms. O'Brian stressed the need to be clear on the purpose of the assessment and match the design of the assessment to the use.

Turning to legal considerations, Ms. O' Brian stated that many states are concerned with legal considerations in the assessment process. The precedent-setting case for legal challenge to a high stakes assessment for students is the 1979 Florida case of *Deborah P. v. Turlington*. That case set the legal precedent for most appeals on legal grounds to use a high stakes assessment for students. That case established two major requirements for using an assessment for graduation purposes: 1) Adequate notice; and 2) Curricular validity. She said that adequate notice required that students be told in advance what the graduation test will cover. This information needs to be disseminated several years before the test is implemented. The State of Florida, after having their assessment system thrown out and having to meet the legal requirement, advises students four years in advance of what will be on the graduation test.

Senator Raggio asked in what detail the information was provided to the students. Ms. O'Brian replied that Florida had a "top-down" system in that they mandate course descriptions. Florida has also recently implemented new state standards and a new state test, however, the new test, which has been aligned with the standards, has not been used, and they do not plan on using the new test for at least four to five years. In fact, they are still using the minimum competency test which has met all the legal requirements and has been adjudged appropriate. Under the *Turlington* case, the state is required to collect data to demonstrate that schools are teaching what is being tested. Ms. O'Brian related that the problem with the Florida case is that it is unclear what the State of Florida did in order to meet the legal requirements of the court case. Other states have also been challenged.

In response to Senator Raggio's question, Ms. O'Brian confirmed the test she was discussing was the graduation test, and legal challenges usually involved the graduation test, minimum competency, primarily. She informed the

committee that 22 states have minimum competency graduation tests which is part of the reason why it has been difficult for states to have graduation tests that involved high standards. To date, only the State of Massachusetts, in her opinion, has implemented a high standards tests. There are a couple of other states that indicate their test is at a tenth grade level and they are edging toward such implementation within the next five years.

Senator Regan asked where the New York State Regents test would be placed. Ms. O'Brian answered that test was below the tenth grade level of assessment. In response to Senator Regan's comment, Ms. O'Brian concurred that the average reading of a citizen of the United States is at the sixth grade level. The State of New York recently developed new state standards and acknowledged that the Regents Examination is not up to the level of their standards. They are currently in the process of re-evaluating the Regent's Examination to bring it up to the tenth grade standards. However, that has not been implemented statewide. She noted that it was not necessary to pass the Regent's Examination in order to graduate from high school. Further, legal challenges are usually based on the fact that the assessment must be passed in order to graduate; therefore, the stakes are not as high for the Regent's Examination in New York.

Ms. O'Brian went on to discuss possible grounds for legal challenges to graduation exit examinations:

- **Adverse impact.** An adverse impact occurs when substantially more disadvantaged students fail a graduation test than non-disadvantaged students. The courts have established that adverse impact is a necessary but insufficient condition for establishing intent to discriminate.
- **Due Process.** This involves the requirement of not less than two years of providing the information of what is going to be on the graduation examination to the students.
- **First Amendment Issues.** There have been legal challenges that assessments violate the first amendment because certain viewpoints are being proscribed. No assessment has been thrown out on the ground of due process, but there have been challenges.
- **Students with Disabilities.** The Americans with Disabilities Act, some of the requirements of that Act, and the newly-reauthorized version, could create grounds for challenges to graduate examinations.
- **Opportunity to Learn.** The state has to be able to demonstrate that students have had an opportunity to obtain the knowledge and skills that are included in the high school assessment. Ms. O'Brian stated that has not been well-defined, and although the State of Florida did much to demonstrate this, it is unclear what the minimum requirements are.

Ms. O'Brian returned to the subject of "Avoiding the Pitfalls" as set forth in her handout:

- **Implement a strict security policy and keep tests secure.** On one hand, the assessment should drive instruction. Yet, on the other hand, assessment should not drive instruction. This presents a difficult challenge because assessments should drive instruction in that it is desirable to have the teachers teach to the full content that will be assessed. However, assessments should not drive instruction in that the small sample of content placed on the individual assessment is driving instruction. This can be accommodated by replacing individual items or the entire test every year. The down side is, it is more expensive to produce new forms of the test each year. Also, if the tests are to be comparable over time, they must remain similar. The more similar they are, the less impact replacing them has on the inflation of the scores.
- **Maintain an external monitor of achievement to evaluate the system (NAEP, or other).** This has been important in states such as Maryland, Kentucky, and Texas, in determining if the increase in scores are real.
- **Use different types of items.** There has been much discussion among assessment experts about using performance-based or constructive response items as an answer to not narrowing instruction and not having inflated scores. There is evidence that performance assessments or constructive responses address the problem of narrowing instruction. Most performance tasks are more complex than a multiple

choice or true/false test and the scores tend to be more idiosyncratic based on the actual task, rather than based on the knowledge it was designed to measure. For that reason, they are less reliable. Also, performance tasks usually take longer so are used less. This results in a smaller sample of items to generalize from.

Ms. O'Brian concluded by discussing the resources needed:

- Time.
- Money.
- Staff.
- Attention to the use of results for improvement.

Ms. O'Brian said tests cost more to implement and tests that were valid and reliable and good for accountability purposes cost more to develop. Not only do they take more staff, but, also, tests take more attention to the use of results for improvement. For example, if the state wants educators to be able to react to the accountability mechanisms and change their instruction, they need to know how to interpret scores, and need staff development in the use of assessments to change their instruction. This is not typically part of the teacher education program. More attention should be provided so that teacher educators have the tools they need to make use of assessment results to improve student learning.

Senator Raggio stated the committee appreciated Ms. O'Brian's presentation and the material she provided.

Senator Raggio asked if Mr. Bacon was ready to discuss proposed levels of test scores.

Ray Bacon, Nevada Manufacturer's Association, addressed the committee with an item he believed should be brought forth. He provided the committee with a recent study performed by his "counterpart" in New York to focus on an issue they had--"Separate and Unequal," a study by the Public Policy Institute ([Exhibit G](#)). He pointed out a few areas in the report. He said "high minority content" is defined as over 80 percent of the students in an "at-risk" category. He noted that was a 30-35 percent differential.

Turning to page 7 of the report, Mr. Bacon noted the report defined the minimum score setting process. He stressed what he believed was important was that the Public Policy Institute set two levels of scores on all their standards tests. He commented that was an issue within the purview of the Committee or for the Council to Establish Academic Standards that two levels could be set--a minimum level and a mastery score. He opined that if there are two levels of scores, when the standards are brought to parents and the community, then students can be assessed at both ends of the spectrum.

Directing the committee to page 15 of the report ([Exhibit G](#)), Mr. Bacon said the Public Policy Institute elaborates on Ms. O'Brian's comments--that there is much more involved than just setting standards. The State of New York has been in the norm as far as NAEP scores go, with 13 states scoring higher than New York. This means they are substantially better off than Nevada, yet they are extremely concerned about how they measure up to other states.

Mr. Bacon pointed out the research-based section on page 18 of the report ([Exhibit G](#)) may be interesting reading and does point out that some level of phonics is needed. The real driving issue for setting two score levels can be seen at page 44 of the report, which discusses the individual results for individual schools. In that regard, there were three schools listed from Brooklyn that scored 100 percent at the minimum level. However, looking at the three schools, one scored 86 at the mastery level, the second school scored zero at the mastery level, and the third school had 74 at the mastery level. He pointed out that if only the minimum score was reported, the results would simply show that all those schools were doing fine. However, when the mastery score is inputted, you can clearly see one school, for whatever reason, is only teaching to the minimum. That is a complaint that could come out--are we only teaching to the minimum?. Including that second score is insignificant from a cost stand point. He said it is inexpensive, and whether it is mandated by the Committee or by the Council to Establish Academic Standards, it is clearly something that the state should do.

Assemblywoman deBraga asked whether there was an explanation as to why "at-risk" student scores were declining and why student scores remain flat at schools that are not at risk. In answering, Mr. Bacon replied that was the impetus behind the study. The data shows the education system cannot improve until the performance problem at high minority schools is addressed.

Senator Washington asked if the report indicated the number of minority students that were placed in special education. Mr. Bacon replied that the issue of special education is discussed in the report, but in this particular standards assessment, special education children are not tested.

Senator Washington asked if the reason special education students were not tested was due to disability reasons or discipline reasons. Mr. Bacon stated he did not recall and was uncertain if that was addressed in the summary report.

Senator Raggio thanked Mr. Bacon for providing the report to the committee and outlining the highlights of the summary report. Chairman Raggio announced a recess at 12:30 p.m., and the Committee reconvened at 1:20 p.m.

V. Testing Issues (continued)

Keith Rheault, Deputy Superintendent, Nevada Department of Education, stated he was present to prepare an update on test security issues. He indicated the one pending matter from Washoe County has been finalized, with a letter being sent from the Attorney General's Office. The findings resulted in no action being taken since there was no intent present, so nothing more needed to be done than the measures the school district had already taken against the individuals.

With regard to the two pending cases in Clark County, he informed the Committee that Deputy Attorney General, Melanie Crossley has indicated those cases were not yet finalized and were under negotiation. Dr. Rheault stated he would provide the Committee with something in writing to that effect. The only other case pending is the one that just occurred last week, to which the Department of Education has been verbally notified. He stated staff would work with that school district to follow-up on the preliminary investigation. Senator Raggio stated the committee was interested in the extent of that dissemination and how it occurred. Dr. Rheault replied that he did not have any of those facts with him at present. However, if it would be helpful, he would put together a written response within the week as to the details of that incident, in order to separate rumor from fact.

Senator Raggio opened the meeting for public discussion on testing issues and asked if anyone present wished to speak. There being none, the Chairman moved to the next agenda item.

VI. Status report on activities of the Council to Establish Academic Standards.

Brandon Swain, member, Council to Establish Academic Standards, stated Chairperson Debbie Smith extended her apologies for not being able to attend the Committee's meeting but she was in transit from Washington, D.C., where she has been attending the National Conference on Public Education.

Mr. Swain provided an update on the activities of the Council and stated in December 1997, a subcommittee established writing teams in the areas of math, science, and English language arts. The members of the writing teams were developed by using applications received by the Nevada Department of Education, incorporating views of parents, business persons, school board officials, teachers, and university professors. The writing teams worked for three days in January, one weekend in March and the English language arts writing team, they will meet again on March 30, 1998. The consultant, Council for Basic Education (CBE), facilitated the meetings and provided exemplary models from other states and other resources as directed by Senate Bill 482. Drafts standards were reviewed by team members, CBE staff and outside standards experts. Recommendations from these sources were made a part of the revision process in the subsequent writing meetings. CBE staff has indicated that the revised draft from the March writing team meetings should be ready for further scrutiny by the middle of April, 1998.

Mr. Swain expressed that there has been an extreme effort by the Nevada Department of Education staff, the CBE staff and the Council in keeping to the stringent time-line. He stated he admired and appreciated the members of the writing teams who have made personal sacrifices to volunteer their time, effort, and expertise to keep the endeavor progressing.

The Council to Establish Academic Standards has also retained the services of A+ Communications as its public engagement consultant. A+ has conducted focus groups throughout the state for the purpose of creating communication strategies to engage and inform the public as to the processes of review and release of the standards. Analysis of data from the focus groups will be provided for the Council at its April 9, 1998, meeting, along with the plan for public engagement.

Mr. Swain informed the Committee that the Council has refined its calendar to ensure that the state will receive the final version of the standards by September 1, 1998. In closing, Mr. Swain reiterated his appreciation for all the people involved in helping to develop the standards for the state. Because of the hard work of many people, the Council is on schedule to meet the deadline of preparing content and performance standards which are high, measurable, clear and specific language. Mr. Swain thanked the Legislative Committee on Education for its continued support.

In response to Senator Raggio's inquiry, Mr. Swain indicated the most recent draft of the standards should be available to staff by mid-April, 1998. Senator Raggio complimented the Council and members for meeting the deadlines and from shifting from the uncertain beginning, and the great commitment that the council members have shown, along with the writing teams. He commended everyone involved in the education process for their participation and service.

VII. Status report on activities of the Commission on Educational Technology.

Michael Kinnaird, Chairman, Commission on Educational Technology, addressed the committee met on March 4, 1998. At that meeting, the Commission reviewed the applications for the Section 61.2 funds that were submitted by ten school districts. The Commission determined that those applications could be approved. That determination was made based on the documents alone. However, before allocation of funds can be made to the school districts, there is a remaining element to the process--that is to review the applications along with the technology plans that the districts provided. Mr. Kinnaird informed the Committee that a subcommittee of the Commission has been given the task of going through the applications of those ten districts and, hopefully, if the technology plans are approved, then the funds will be allocated to those districts.

Mr. Kinnaird stated there was a presentation made to the Commission at the March 4, 1998, meeting by Kathleen Barfield, a representative of WestEd. He reminded the Committee that WestEd is the contractor hired to help the Commission develop the technology plan. In her presentation, Ms. Barfield provided details on procedures to be used on receiving input from school districts to enable the Commission to proceed with the technology plan for the state. Also, Ms. Barfield recommended that the Commission hold a 2-day retreat on April 23-24, 1998. The purpose of the retreat is to involve members in setting the tone and direction of the plan, as well as receiving input from the commission members. The retreat will also help to facilitate that the Commission members come together as to what their beliefs and goals are for the Commission and to best communicate that to the public.

Mr. Kinnaird continued that during the meeting of March 4, 1998, the members adopted a schedule of levels of educational technology in schools throughout the state. Mr. Kinnaird reminded the committee that his report and an outline of those levels was contained in the committee packet, at Tab 4 ([Exhibit C](#)). He said based on the level of state schools, the Commission has set what should be existing in schools at a Level I status. The levels were developed by a subcommittee of the Commission, chaired by Senator O'Donnell.

Continuing, Mr. Kinnaird stated the Commission next needed to look at guidelines for the allocation of the Section 61.1 funds. He explained those funds represent the "one-shot" money of \$27.5 million. He said the Commission considered using the Educational Technology Level I as the area that the Commission will focus on when districts request funds. He the deadline for submission of applications for the Section 61.1 funds is set for April 20, 1998, and then the districts will have an opportunity to make presentations to the Commission regarding their applications

on May 6, 1998.

Mr. Kinnaird informed the Committee that the forms for the application for the Section 61.1 funds were sent to the school districts on March 20, 1998. The Commission is continuing to work on the development of technical standards. Those standards are important to measure what the districts are doing as far as their infrastructure. There is a subcommittee working on assessments and determining how the Commission can evaluate programs that are funded by the technology funds in an effective way. In addition, the Commission will be looking at evaluating technology plans in conjunction with improving student achievement.

Mr. Kinnaird commented that as a school administrator of a school that deals strongly with technology, he realizes the importance of evaluation of the impact of technology on student achievement. He stated he is working toward efforts to bring technology into the schools, knowing that it will have a long-reaching effect on school districts and the quality of education and the quality of teaching.

Senator Raggio asked what involvement the Commission on Educational Technology had in the \$3.7 million. Mr. Kinnaird asked for clarification. Senator Raggio asked if those funds had been distributed. Mr. Kinnaird replied that the \$3.7 million had not been distributed as yet. However, the school districts know how much money is available to them, based on the allocation of distributive school accounts (DSA). They also know those funds will not be accessible to them until they go through all the steps in the process. The first step is to complete an application, the second step is developing the technology plan. He explained the \$3.7 million was important to allocate to the districts because it was money they needed for developing their technology plan, and part of that was allocated to them. The remaining money was to work on the upgrading of their technology, update computers, and implement wiring in the schools.

Senator Raggio reiterated his concern that the \$3.7 million was not to be distributed based on some sort of a formula. He said it was brought to his attention that the Lincoln County School District has been informed they will not get \$600 which they absolutely need to implement their technology plan. He asked for an explanation. In response, Deputy Superintendent, Nevada Department of Education, Doug Thunder, stated that during the December, 1997, meeting of the Commission on Educational Technology, the Commission set allocations for 80 percent of the \$3.7 million, withholding 20 percent for special projects. The 80 percent was allocated among the school districts and is based on the wealth factor in the distributive school account. The Commission decided that no formula would be used for the \$27.5 million, basing that distribution on the Level I achievement.

Senator Raggio emphasized that allocating those funds on a wealth factor distinctly flies in the face of what was discussed and did not take into consideration what the district might already have as far as technology and that was not the intent of the Legislature. Mr. Thunder said it was his understanding that the primary purpose of the \$3.7 million and the \$4.9 million funding was to maintain, upgrade and provide professional development for the equipment. Senator Raggio agreed that was part of it, of course. Mr. Thunder continued, using the numbers established by the Commission, if the districts needed money for planning, a schedule was set up, and depending on the size of the district, a certain amount was made available for planning purposes. In the case of the Lincoln County School District, when the allocation came out, it was not much more than they received from the allocation funds. Senator Raggio stated he did not know all the details but, apparently, an integral part of the plan required \$600 while other counties received \$10,000 for indirect costs. He asked that the Commission review those proposals and find \$600 to give to Lincoln County. Mr. Thunder said he was not made aware of that particular situation.

Jeanne Botts, Legislative Counsel Bureau, clarified that during the March 4, 1998, meeting of the Commission, due to the formula the Commission set up based on school size, when the review of the specific requests from the ten school districts occurred, Lincoln County only received a sum certain for planning. Therefore, the Commission directed that a letter be sent asking them to trim it by \$628.00. Ms. Botts said those letters were sent to Pepper Sturm, Research Division, Legislative Counsel Bureau, and at the end of the meeting, the person attending on behalf of Lincoln County School District, addressed the fact that they had been shorted by \$628.00. Yet, a letter was still sent requesting they trim their proposal by \$628.00. Ms. Botts emphasized that clearly showed one of the disadvantages of having a strict formula-type allocation, in that it can be difficult for the small school districts. In the case of indirect costs, for example, Clark County was allocated approximately \$36,000 for indirect costs. Senator

Raggio commented that perhaps Clark County could be given \$35,400 and the other \$600 could be sent to Lincoln County.

Mr. Thunder went on to explain the allocations were published ahead of time. Senator Raggio requested that the Commission remember that it was not the intent of the Legislature to allocate funds by use of a formula. If that had been the intent, it would have been accomplished on a per pupil basis. In addition, some school districts are ahead of the curve and have been able to implement plans, while others are still at the planning stages. He reiterated the funds were not intended to be distributed that way. Particularly, the \$27.5 million.

Mr. Kinnaird detailed that what the Commission has done with the allocation of the \$3.7 million, and he understood the Chairman's comments. However, for districts that feel they were shortchanged or did not get enough money to complete their technology plans, there is \$720,000 (20 percent) available for those districts to reapply for extra moneys, and that was the purpose of the process--to make sure that if districts felt they had been shortchanged or felt they could not fulfill their goal, they would have an opportunity to request more funds. He agreed that the needs of the districts must be reviewed. Senator Raggio restated the Legislature wanted to ensure that when the next session began, the Legislature would not hear that schools in the state not have computer labs. He stressed there was enough money available for each school in the state to complete or have a computer lab.

Senator Raggio pointed out that the Level I status (low tech, highest priority), indicates there should be access to a computer in the classroom. He said that did not mean a computer in every classroom, but rather the equivalent, so some schools may decide

they do not want a computer in every classroom but may configure it differently. He asked what the Commission did when a school is already at or above the Level I status during the initial application. Mr. Kinnaird replied that he envisioned the process would be that once the Commission established the standards, they would ensure that every school reached the Level I status. But, for those districts that are above of the Level I status, it may have to be specified for the computers in the classrooms. In other words, if they are looking to do networking or access to the Internet, there has to be enough memory in the computer. Once the standards are clear and have been communicated, the districts above Level I would have to apply for funds to upgrade their computers or change computers because they do not have the long range goals available.

Senator Raggio announced that the Committee wanted to make sure that every student in the state, no matter where he/she lives, has an equal opportunity toward technology. That may mean making sure that every school is at Level I. Mr. Kinnaird answered that was the Commission's first priority. Senator Raggio reminded that it was not a "politically expedient decision" and the purpose was to get all schools to the highest level utilizing the funds that are available. That is why the allocation of funds cannot be made on a formula basis. The purpose, again, is to make sure there are funds available for every school district and to reach Level I. He understood that some school districts may pass bond issues, but that was more for capital construction than for the consideration of the issue of technology and those districts will pay their own price for that. However, at this point, the state of Nevada is not in the school construction business.

Mr. Thunder commented that they support the goals of the Commission and the Legislature, and when they looked at using no formula at all, that was mindful of the \$27.5 million allocation of funds, realizing that was the major piece. Certainly, when the Commission starts to allocate the \$4.9 million, they will look at that more in terms of a no formula aspect.

Senator Raggio asked Mr. Kinnaird if there was anything he did not understand or disagreed with, or that he would like to suggest at this point. Mr. Kinnaird answered he had no questions or concerns presently. However, he said the difficult process for the Commission was in moving along to meet the demands and deadlines. Senator Raggio said the deadline put pressure on it but technology was not going to wait for Nevada's students to catch up, so it is imperative that the state act as expeditiously as possible. Senator Raggio asked that Chairman Kinnaird convey thanks to the Commission members for their efforts.

Senator Regan asked which seven school districts did not apply for funds. Mr. Thunder replied that several of the seven school districts that did not apply, the amount of money they had for planning money was higher than their

allocation and \$7,500 was the smallest amount for planning purposes, to which three districts received. He said the districts that did not apply were Storey, Churchill, White Pine, Esmeralda, Nye, and he could not recall the others, but he would provide a complete list.

Senator Washington asked with regard to the school districts that did apply, did the individual schools submit their applications to the districts, and then the districts compiled them and the assessment is based on that data? Mr. Thunder replied that surveys were conducted of all the schools in the districts, as required by the application process. Then the school district has their plans which will be reviewed next to make sure they coincide with the applications. In the combined district plan, they are to combine the needs of the schools.

Senator Washington asked if some of the schools will be applying for new hardware or software for individual classrooms, based on per student, or computer labs. Mr. Thunder responded that the Level I of technology designed by the Commission provides for the equivalent of a computer per classroom but it is left to the school's discretion as to how they want to configure that. In other words, if they have forty classrooms and they want to have a computer lab of 20 computers and place the other 20 computers in classrooms, that would be their decision.

Jeanne Botts, Legislative Counsel Bureau, asked whether a school with 40 classrooms could use the funds to buy a satellite dish and television, or equipment for their library. Mr. Thunder replied that at the present time, that probably would not be considered part of the Level I technology. Senator Raggio interjected that might be an item for discussion, to see whether that scenario would have an equivalency or not for purposes of allocating funds.

Mr. Kinnaird stated his philosophy in developing a plan on how funds will be used must include a focus on what will be done with the technology, and if technology is being looked at to impact learning and address student achievement needs. If a satellite dish can deliver that, then that would probably be permissible. However, the Commission felt that Level I was the starting point in building the infrastructure.

Ms. Botts concurred, and stated it was her understanding that Senate Bill 482 specifically added language to allow technology other than just computers in the classroom. Returning to the Lincoln County School District issue, Ms. Botts asked if her understanding was correct that under the formula used by the Commission on Educational Technology, based on the size of Lincoln County, the dollar amount was set for them at \$10,000 for a plan. Later, when they wanted to incorporate the Youth Training Facility (C. O. Bastian), they had to submit another application. Now, they have to come back with another application for the additional \$600 they need when the 20 percent funds are released. She asked if three applications were necessary to do one \$20,000 countywide plan? Mr. Thunder answered that the approximate \$682 they requested after their allocation was in excess of the allocation. However, with C.O. Bastian and the Elko Youth Center, both of those facilities are included in the Section 61.1 money, but not in the \$3.7 million or the \$4.9 million parcels of Section 61.2 money. Both of those facilities were in need of planning, so in both instances they worked with the school districts, who acted as their fiscal agents to take care of the financial reporting and to help them set up their plans.

Ms. Botts stated she was aware that both of the youth centers were allocated \$10,000 for planning. She stated her point was that Lincoln County School District, because of the formula allocating set dollar amounts, is now required to submit three applications to get their educational technology plan accomplished. Ms. Botts acknowledged that the issue could be discussed further at a later date.

Senator Raggio thanked both Mr. Kinnaird and Mr. Thunder for presenting information to the committee on the Commission for Educational Technology.

Senator Regan asked for a copy of the distribution of the \$3.7 million by county. Senator Raggio stated that could be provided.

Senator Washington asked whether the plans provided for service, and availability of upgrades, if necessary. Jeanne Botts replied that the \$3.7 million that was available during 1998, and the technology plans of the school districts should address that issue, but they can apply from the \$3.7 million for repair, maintenance, replacement, upgrades to software, teacher training, and contracting for technical support. The \$27.5 million is for hardware, software, wiring and other technologies for classroom use. Senator Washington asked whether reaching Level I was

included in the \$27.5 million. Ms. Botts answered the Commission has decided the \$27.5 million will be allocated first to schools that are not already at the Level I criteria that has been established.

Senator Raggio stated S.B. 482 authorized the Committee to review and comment upon issues relating to the methods of financing public education in the state. He asked the Superintendent of Eureka County School District, Neil Stevens, to appear before the committee. He noted that Eureka County was special because it had enough wealth and income to operate on its own. However, he wanted the committee to understand the impact Eureka County can have when there is a drop in the price of gold, the decline in the assessed valuation that results in the net proceeds drop in that county. He informed the Committee that the school district in Eureka County does not receive state aid, although, under the Nevada Plan, there are some special education units provided, but because it is revenue from the local property taxes, local school support taxes have been sufficient to provide amounts to the county so no state guarantee was necessary.

Senator Raggio invited Mr. Stevens to come forward to inform the committee of any steps the school district was taking to deal with the continuation of the downturn in revenues.

Upon request of Neil Stevens, Superintendent, Eureka County School District, this portion of the testimony has been transcribed verbatim:

Neil Stevens: "Yes. Thank you Senator Raggio and members of the Committee. Eureka County has been special. I believe it has been special since 1987. Previous to 1987, we were also special because we did receive state money and the amount of net proceeds of mines tax was about the same as other school districts are. And then, of course, the operations on the Carlin Trend became effective in the late 80's and the early 1990's and we have been doing very well. We are also proud of how we have used the money in Eureka County, and I would suppose that would be the topic of another time, that we could discuss that.

What the issue is for us right now is that we have, according to the projections given to us by the Department of Taxation, and in the final audit for the 96-97 school year which we took in November of last year, the projected revenue in Eureka County was down \$3.4 million over the last two fiscal years. In 1998 . . ."

Senator Raggio: "What's your total school budget?"

Stevens: "About \$6 million. In 1998, we're down, we think anywhere between \$1 and \$1.5 million. What really happens there is its . . . the way I explained this to our staff members and members of our public is that if I agreed to take a job for you and we came to terms and you were going to pay me \$1,000 net dollars per month and I agree to that, my wife and I would make financial changes in home budgeting session. We would decide how we were going to spend that money each month. The problem in Eureka County, and with the metaphor that I'm using here, is that my wife and I wouldn't know whether or not you had really deposited all \$1,000 per month, until 15 months later. That's what the issue is. And of course in the 'heyday' of Eureka County, if you will, the news 15 months later was always good news because we had received more than the employer said we would receive. But it is hard to set a budget on an unknown amount.

Now, I'm not here to talk about any kind of state involvement because we think we can manage our problem quite well, you know, at the local level. What I did want to talk to you here this afternoon is, NRS . . ."

Raggio: "You weren't going to suggest that we have those revenues come to the state?!"

Stevens: "That was not my intent, no." I wanted to draw your attention to NRS 354.6115 which the Legislature insightfully passed in 1995 which allows local agencies to create what is called a 'rainy day fund' also referred to technically as a revenue stabilization fund. There apparently is some disagreement over how much money can actually be placed into the fund. It was our original interpretation that we could put as much as ten percent of the previous years' expenditures in the fund and that we could do that year by year. The first year that it was passed, we put a half million dollars into the fund, and our auditor said that was fine. Last year, we were scheduled to transfer \$250,000 into the fund but when the price of gold began to fall, we decided to keep that in our general fund. We have crafted a local 'survival plan' if you will, that is really predicated upon the ability of the school district to create a cash fund, and you have already done that for us with NRS 354, but we would like to see a greater

flexibility in being able to put more money into that fund. We think, through our conversations with the mining companies, especially Barrick and Newmont, that they are going to be operating on the Carlin Trend for the next 15 to 20 years. They are also saying that those operations are some of the most profitable that they have in the world. So, we've got to believe that the Eureka County School District, while the formula remains the same for the financing of K-12 education, that we're going to be living on however well the price of gold does. We think that it will be absolutely necessary for us to have a cash fund from which we can draw, and I have talked to our school board and they are most interested in passing a policy which would require any withdrawals from our own fund to be repaid within a certain period of time, or we enter into the next series of budget cuts in order to get that once and for all balanced.

We have to trim for fiscal year 1999, we have to trim \$1.5 million from our 1998 general fund. In order to do that, we are going to lay off six employees. Although none of those are from the certified staff . . . "

Raggio: "You're talking strictly about the school districts?"

Stevens: "Yes."

Raggio: "Does the county have the same problem?"

Stevens: "Much of their net proceeds of mines tax goes into their capital construction fund. So, really, for counties what it means is that they don't buy new road graders or they don't upgrade buildings, or those types of things."

Raggio: "Have you have resistance to creating and maintaining a rainy day fund?"

Stevens: "No, no what we're hearing . . . and that's from a lot of folks, including our auditor, is that as we read NRS 354.6115, that we have put into the fund as much money as the law will allow us to. What we would like to do is to put more in there."

Raggio: "I don't know whether you . . . I know the committee members will recall, this is an issue that we had an absolute civil war in this Legislature about, between the Houses, between the parties, and I was one of the authors of trying to protect these kind of funds that were necessary to just deal with these kind of situations. And, for the most part, the public sector unions just absolutely thought it was hostile. They could not believe that there should be these kinds of funds and we just had a running battle with it. What you're telling me is exactly what we were trying to prepare for and we did draft some changes in the law that we thought met these concerns so that somebody could certify that it was appropriate and necessary to put these kind of funds into these rainy day funds, if you want to call them that, or they could be for other reasons, for capital construction or things of that kind. But, I guess the answer is . . . I don't know what interpretation you've been given or whether or not the interpretation is accurate, I guess that's for the attorneys who represent you to say. But we can take another look at it in the Legislature and you know there is a tug-of-war on public funding between those who want to use it for some other purpose. I understand what you're saying, but that is, that became the issue and it was a very volatile issue."

Stevens: "I understand that that is exactly what the issue is, and what we are facing for next year is the uncertainty of whether or not we will collect the revenue that we put in the budget."

Raggio: "And the alternative is that when you have that kind of a downturn, then you are going to have to lay off somebody or make other cuts in your expenditures."

Stevens: "And what we're trying to avoid there is a mid-year lay-off. If we could put, for instance, another half a million dollars into that fund and start Fiscal Year 1999 with a \$1 million reserve, I think that that would help us to avoid the potential of a mid-year lay-off because . . . "

Raggio: "Well, I guess the answer is, and I'm a lawyer giving you advice and you're not paying for it, so it's worth what you get . . . is go ahead and do it and let people challenge it, I guess."

Senator Regan: "That's forgiveness, not permission."

Senator Rawson: "I heard that."

Senator Regan: "You heard it from the Chair."

Raggio: "Well, I think there's a bigger issue here. I think everybody, including those that would oppose it for whatever reason, have a similar goal--and that is to see that the educational process continues at a level that is necessary."

Stevens: "It would be easier for me to look into the eyes of the employees who are low on the seniority list next April and that way, you know one year from now, and give them that three to five month period to find a new job, than it would be in December or January of next year because that's really what we face. Until we can . . ."

Raggio: "See, you have a special situation since you don't get a guarantee from the state. I, that's my advice."

Stevens: "If there's one last thing I could ask for . . . if there is anything that you could do to get the price of gold back up, we would certainly appreciate that."

Raggio: "I think Senator Townsend's helping isn't he?" Seriously, if there are some changes in the law that your advisors feel address this without doing serious damage to the counter-issues, let us know what they are and we'll take a look at them."

Stevens: "Certainly, and I appreciate your time, Senator."

Assemblywoman deBraga: "Thank you, Mr. Chairman. I just had one question. Have you experienced anything like White Pine County has that also is pre-dependent on mining, in real disparities or shortfalls in what was projected and how much of that was based on revisions in mining property values."

Stevens: "We certainly haven't experienced the shortfall part of your question. As I mentioned at the beginning, the audited number for 1997 was . . . I should say the actual number was \$3.4 million in the whole. This year, we're estimating that we didn't, that there we will not collect approximately \$1 to 1.5 million. Each time we got that information, we looked more deeply into the budget, took more things out. The way that we have described this locally through the creation of our budget crisis group, which is what we have formed there now, is that we have cut the most ugly fat, I guess that which everyone else is most envious of and should be, I wish everybody had that kind of money. And then the next most fat, and the next most fat, and now we are down into the muscle because it has been recommended that six employees are going to lose their job for 1999."

deBraga: "Have you had to reduce your per pupil standing, or your class size ratio?"

Stevens: "Well, in next year's budget, they certainly will be reduced, but those six employees are not certified staff. They are administrative staff and classified staff."

deBraga: "And has the county actually started receiving net proceeds from the new mine right there at Eureka?"

Stevens: "No. We estimate that will probably be three years down the road, and actually the EIS projected that we would lose money on that mine because we did employ two new teachers for them and probably will have to put on one more even as lean as we're getting."

deBraga: "Thank you."

Stevens: "Thank you."

Raggio: "Any other comments? Anything further before we go to item #8?"

VIII. Class-size reduction program

Jeanne Botts, Fiscal Analysis Division, Legislative Counsel Bureau, stated the class-size report provided behind Tab 5 of the packet (Exhibit C), is the annual report that she has prepared every year since the class size reduction

program started. Briefly, Ms. Botts stated the ratios in the current year are 23.2 to 1 in Kindergarten, down slightly from last year's 23.4. First grade has a ratio of 16.1 to 1 in first grade, the same ratio as last year, 15.7 to 1 in the second grade, down from 16 even the prior year, and 21.8 in third grade, down from 22.6 the prior year. So, the pupil/teacher ratio has not increased in any of the four grades for which data is collected this year, compared to last year.

Ms. Botts continued by stating that funding was provided by the 1995 legislative session to maintain ratios of 16.1 in first and second grades to continue 23.5 teachers hired to reduce the ratios in Kindergartens with large numbers of pupils considered at risk of failure. The 1997 Legislature continued 195 positions added in the prior year for third grade class size reduction or for alternative programs, such as Lyon and Washoe Counties' *Reading Recovery* programs. She concluded that the status quo was being held in third grade this year, and next year there would be another 220 teachers to come on line for third grade, and that was budgeted to be reduced to 19 to 1.

Ms. Botts pointed out that there were several charts attached to her report (Exhibit C) and those numbers have been maintained for the past eight years that the program has been in existence. She pointed out that they also tracked whether the configuration used by the district in the school was one teacher for 16 students, or two teachers for 30 students, and 65.2 percent of first grade classrooms, which is up from 59.4 percent last year, and 62.8 percent of second grade classrooms, which is also up from a little over 59 percent, are taught by one teacher alone in the classroom. So, up until this year, the percentage of self-contained first and second grades had been declining for four years, but this shows a favorable reversal of that trend.

Turning to the last page of her report, Exhibit C, Ms. Botts explained that those ratios would be without the class-size reduction teachers. She reminded the Committee that it was the intent of the Legislature that school districts be required to hire a sufficient number of regular teachers with their other funding, state and local funding, made available through the Nevada Plan, to maintain the ratios that existed in their districts before the class-size reduction program was implemented. Further, Ms. Botts related that there had been problems for several years with districts not maintaining ratios so language was added in Assembly Bill 659 of the 1997 Legislative Session, that school districts cannot receive funds unless they first demonstrate that from their other resources they have hired a sufficient number of class-size reduction teachers. There are some cases, particularly in small school districts, where as more class-size reduction teachers have been added, the ratios are viewed using a combination of K-2 grade levels. When the ratio of grades 1 and 2 were combined, there were really very few districts that had not kept up with maintaining the right number of growth teachers.

Ms. Botts pointed out that there had been problems in Clark County, and some of the smaller districts wherein if they had hired one more teacher they would have a crazy ratio, or that teacher would have to be spread throughout three different towns. However, she pointed out that there was a problem with Douglas County, and Superintendent, Pendery Clark was present earlier to speak to the issue but she had to leave. Ms. Clark will either submit something in writing, or come to the next meeting to explain it in more detail. Apparently, the Douglas County School District opened a few new schools and were not aware that they were required to be keep their ratio at a certain level in third grade. A better explanation of what occurred in Douglas County will be forthcoming. However, the rest of the districts did well, and both the 1995 and the 1997 Legislatures provided flexibility to school districts in the use of funding for third grade class-size reduction. Districts, upon approval of a written application to the Department of Education, could redirect that money into alternative programs. Ms. Botts informed the Committee that Lyon and Washoe County School Districts did just that in the 1996-97 school year and are still doing that. Ms. Botts concluded that there was a lot of data in her report and she would be happy to answer any questions.

Senator Raggio commented that Nye County still appeared to be at 36 percent. Ms. Botts responded that Nye County has gone the other way. Looking at the 1996-97 school year, Nye County had 100 percent self-contained but they have had a very high growth rate, particularly in the Pahrump area.

IX. Report on Regional Workshops on Teaching to Higher Academic Standards.

Jeanne Botts, Legislative Counsel Bureau, stated that during the last meeting of the Committee there was a presentation on teaching to higher standards, and the Committee directed staff to conduct a series of regional workshops throughout the state to find out what it means to teach to higher standards, are school districts ready to

teach to higher standards, and if not, what is needed?

Ms. Botts informed the Committee that during the past two weeks, four regional workshops were held: Fallon on March 11th, Elko on March 16th, Reno on March 18th, and Las Vegas on March 23rd. To gain insight into the issue of teaching to higher standards, the Committee invited a mix of teachers, school administrators, school board members, parents, representatives of higher education, and private business to informally discuss the issue of teaching to higher standards and suggest actions that might be taken by the Legislature. She explained the format for the workshops consisted of two parts. In the morning, workshop participants heard presentations on the issue of teaching to higher standards, and then in the afternoon, the participants formed working groups, to which they prepared written responses to three questions relating to what is needed to teach to higher standards. At the end of the day, those written responses were summarized with all the participants.

Ms. Botts provided a report on all the regional workshops ([Exhibit H](#)) which is a copulation of the input from each of the four workshops.

FALLON WORKSHOP

The first workshop was held in Fallon, with morning presentations focused on what school districts are doing to prepare teachers to teach to higher standards. Speakers included, the Churchill County School District Superintendent, Ron Flores, who talked about the importance of informing teachers and students of what they were expected to do under the new standards, and the importance of providing in-service training to meet higher standards. Mr. Flores stressed that effective in-service training programs must be standards-based, results-driven, and job-embedded.

The workshop participants also heard from Carl Morgan, Churchill County School District Curriculum Director, who stressed that the Legislature needed to realize that teachers do not know what the standards are yet and the districts will need assistance from those who developed the standards to help train teachers to meet those standards. Mr. Morgan also stressed the importance of on-site training during work days for in-service for teachers.

Ms. Botts went on to state that during the Fallon workshop, the participants heard from a principal who had just recently learned that his test results had placed his school in the category of inadequate achievement. He urged the Legislature to take into account the views of teachers and administrators on the issue of testing and that staff should be treated as valuable resources. He also stressed the importance of higher education being involved in efforts to teach to higher standards.

Brandon Swain was present at the Fallon workshop to provide a history of that district's very successful Professional Development Center. All newly-hired teachers and administrators in Douglas County participate in a workshop in essential elements of instruction so they share a common vocabulary and similar expectations. The Professional Development Center has four distinct features: 1) It uses the latest research available; 2) The training is directly applicable to classrooms; 3) Teachers are paid or a substitute is purchased for them; and 4) There is a follow-up visit from the coaches to make sure the teachers are implementing what they learned in training. Mr. Swain noted that good teaching practices should be focused on teaching to the standards. In Douglas County, they use the Trainer of Trainer Model where one teacher is trained and then that teacher trains others.

Ms. Botts stated it was pointed out several times during the Fallon workshop that Douglas County has placed a very high priority on maintaining their Professional Development Center. Whereby, several other rural counties mentioned that they had established Professional Development Centers, but during budget cuts, the centers were eliminated.

Pat Boyd, Lyon County School District, was present at the Fallon workshop and provided information about the *Reading Recovery* Program they have implemented, and the in-service training provided for that program. *Reading Recovery* has been tremendously successful and 90 percent of their teachers participated in the training. Those teachers received recertification credit and received \$150 worth of books to use in the classroom.

Sandy Curtis, a teacher from Lyon County School District, spoke to the Fallon workshop participants. She has been

a trainer of trainers in the area of math, and discussed how incentives were provided in the form of classroom supplies, recertification credit, or stipend.

Mark Shellinger, Superintendent, White Pine County School District, informed the Fallon workshop participants about how their district had set a goal of increasing contact time with students. They implemented a 4x4 block schedule which enabled them to increase daily instruction by 50 minutes per day, lowered class-size by 25 percent, increased course offerings by 33 percent, and improved attendance from 83 percent to 94 percent, fewer failures, and an increasing demand for ongoing in-service. In addition, they are requiring seniors in high school to attend school all day.

Mr. Shellinger informed the participants that the White Pine County School District had adopted the Core Knowledge Sequence Guides, which is one of the programs that the Committee approved as being an effective remedial program, and was used throughout all grades. Mr. Shellinger pointed out items that assure in-service training to be successful: 1) Utilize local resources and experts when possible; 2) Have flexible schedules, such as summer retreats; 3) In-service training should be systematic and on-going.

With reference to the Legislature, Mr. Shellinger stated that Nevada schools should establish a testing assessment program and use it in more grade levels.

Dr. Stanley Chow, WestEd, spoke to the participants of the Fallon workshop about regional models for training teachers. Ms. Botts said this was discussed throughout all four workshops, the use of the regional consortium for technology that has been organized in northeastern Nevada.

Ms. Botts indicated that Dr. Gary Peltier, University of Nevada, Reno, was present at the Fallon workshop and provided interesting statistics on the Preprofessional Skills Test for teachers, ten percent of those students in the university system in teacher training fail that test. Some of them subsequently pass but approximately 9 percent are screened out by the profession.

Ms. Botts acknowledged that the Committee had previously asked for the passing rates of teachers and the passing score specifically in Nevada. She indicated that could be discussed in further detail at the May meeting; however, Dr. Peltier's information coincided with the information received by Dr. Mary Snow, Department of Education, that approximately 9 percent of students fail the test. In addition, the percentiles for the passing scores are quite low. He also talked about the importance of a regional training model.

Michelle Dondero, Western Nevada Community College (WNCC), spoke to the participants in Fallon, and provided interesting information on test scores of students. She explained a situation that occurred a few years ago wherein all high school graduates entering WNCC from one particular school district failed the English placement test given to pupils without SAT/ACT scores. Ms. Dondero arranged to have all of those pupils retested with a different form of the test and they all failed that test. At first, the school district questioned the test but then they all got together to discuss the content of the test. Since then, that school district has changed its curriculum and now the students from that school district have the highest passing rate in the area.

ELKO WORKSHOP

The focus of the presentation at the Elko workshop was the regional consortiums to provide services, particularly in the rural areas. The Elko County School District Superintendent, Marcia Bandera, spoke about the importance of professional development, second only to the pupil's readiness and preparedness to learn. Ms. Bandera emphasized that there needs to be a clear understanding of what the standards and expectations are, and at what level we expect children to perform.

Ms. Botts advised that the standards are being prepared, but they have not been disseminated. Many questions were raised regarding the standards throughout all four workshops. Everyone is interested in knowing the content of the standards and when they will be released. During the Elko workshop, Ms. Bandera stated many entities have expectations for students: The Legislature, School Board, Central School District Office, School Principals,

Teachers, Teachers' Associations, Parents, Higher Education and other Post-Secondary Institutions, the State Board of Education and even educational think-tanks, such as WestEd. Therefore, it is important to get an across-the-board agreement regarding expectations. Teachers must be given resources and time and the district must be given time to check with interested groups on changes in those expectations. Mrs. Bandera warned that public education does not want to find out in 20 years, that it has failed again.

Mrs. Bandera further explained the regional consortia that has been set up regarding technology. It is handled by a board of directors consisting of five county superintendents in the region and the President of Great Basin College. The consortia have been working on technology issues, vocational education, and teacher preparation.

Also present at the Elko workshop was Diane Hecht, the Elko County School District Curriculum Director. Ms. Hecht surveyed teachers in Elko and found that teachers believe their greatest need for professional development is classroom strategies for teaching reading, math and writing, then technology and team teaching. The Elko County School District has begun extending training that has been offered in teaching methods, to parents. They have increased their use of distance learning, including courses from Brigham Young University and Great Basin College.

Betty Elliott, Great Basin College, discussed the importance of the regional consortium approach, and how Great Basin College is meeting recertification credit needs of teachers and licensure needs of substitute teachers but is also embarking upon a teacher preparation program whereby teachers will receive their first two years of training at Great Basin College, followed by another two years of courses either at Great Basin College, if they are successful in obtaining four year status, or University of Nevada, Reno, faculty will be brought into Elko to assist.

Janice King, Sierra Nevada College, made a presentation at the Elko workshop. She explained the articulation agreement between Elko County School District and Sierra Nevada College whereby the first two years, lower division course work and teacher preparation is taken in Elko and the upper division courses at Sierra Nevada College.

Sue Sanchez, President, Elko County Teachers' Association, spoke to the participants of the Elko workshop, and recommended a mentoring program for first year teachers. She suggested that a small pilot program be started to allow mentor teachers release time to work with new teachers.

Ms. Botts stated that after the presentations concluded, the Elko participants expressed concern that the state might be wrong again. There was an interesting exchange, particularly among the teachers, about critical steps they believe are missing in instruction, particularly in math. Ron Remington, President, Great Basin College, talked about a model the college uses for mining technology courses, in which an industry advisory group provides feed-back to the college on how its graduates perform on-the-job. There was a suggestion brought forth that perhaps a similar advisory group could be set up to help guide the college in their new teacher preparation program.

Reno workshop

The presentations during the Reno workshop were geared to what it means to teach to higher standards. Dr. Stephen Rock, College of Education, University of Nevada, Reno, indicated that teacher preparation is a campus-wide issue because teachers at the secondary level get their content area training in colleges other than the College of Education.

Shane Templeton, Curriculum and Instruction, University of Nevada, Reno, spoke about inventive spelling, which although it is encouraged, a clear line must be drawn when inventive spelling is no longer acceptable. He also talked about the importance of including phonics together with word knowledge or word "study."

Donald Bear, Curriculum and Instruction, University of Nevada, Reno, talked to the Reno participants about a "balanced" approach, that teaching spelling is teaching phonics. Proper patterns and sequences must be followed. He talked about various tutoring programs, such as "Reading Buddies" and the "Breakfast Club."

Gary Hausladen, University of Nevada, Reno, gave a presentation about the Geography Alliance in Nevada (GAIN) program in Nevada. This is a successful program that has been going for several years and has been developed with the aid of the National Geographic Society. It is involved in professional development and outreach curriculum

and assessments and is based on national standards.

Ms. Botts related that the GAIN model was mentioned several times during the Reno workshop as being an outstanding model for teaching to higher standards. The University provides superior content through their participation in the GAIN alliance and then master teachers teach teachers how to use the content in the classroom.

Kendyl DePaoli, Washoe County School District, stressed that teachers need content and should not rely solely on textbooks, since it is the framework that provides curriculum. If a teacher performs a student lesson themselves, they will use that lesson in the classroom. She emphasized the need for a dual approach to professional development--the universities can provide the high-level content information, and the practical teaching applications can be provided by master teachers.

Maureen May, Washoe County School District teacher, a participant in GAIN, highlighted that the professional lectures she received through that program brought the content alive for her and she was provided resources such as modern maps to use in her classroom.

The College of Engineering Dean, Ted Batchman, University of Nevada, Reno, spoke on how engineering has to build on other disciplines, not just science and math. Senator Raggio interjected that he found it interesting, from reading the Regional Workshop Report, Exhibit H, that Dr. Batchman indicated 63.5 percent of the students require math remediation before going into the College of Engineering. Ms. Botts responded that was apparent throughout all the workshops, that there seems to be a disconnect between what universities expect students to be able to perform, and what high schools see as acceptable.

Ms. Botts recalled for the Committee that Senate Bill 482 requires the university system report the numbers of students who were graduates of a high school in Nevada of last year, back to the high school, if they are enrolled in remedial courses. The school districts want to know who those students are so they can look at the courses that student took, did the student transfer in or did the student go through the Nevada school system. However, they have been prevented from sharing that information to this point because of The Family Educational Rights and Privacy Act (FERPA) and that feedback is important.

Senator Raggio interrupted the agenda item indicating that the some of the members of the Committee were expected elsewhere. As to the remainder of the summary on the Reno workshop and the Las Vegas workshop, he asked the committee to review the report that was provided (Exhibit H). He thanked the members of the committee that participated in the regional workshops.

Ms. Botts concluded her comments by stating she will be summarizing the four regional workshops outlining the "common threads" and recommendations from those workshops and she will insert that along with a list of the participants for each workshop into a final report for distribution to the committee and the participants. She thanked Assemblywoman deBraga for her assistance in setting up the workshop in Fallon and serving as moderator. Assemblyman Hickey served as moderator and welcomed the participants, who was joined by Senator Washington. In Las Vegas, she thanked Senator Regan for serving as moderator at that location. She thanked Bob McCord of the Clark County School District for the work he performed in facilitating the workshop in Las Vegas, Marcia Bandera, Elko County School District Superintendent, for the work she did for the Elko workshop, and Bob Dickens and Sherry Blunt, of the University of Nevada, Reno, Governmental Relations office, for the work they did to facilitate the Reno workshop.

X. Public Testimony.

There being no public testimony, Chairman Raggio moved to the next agenda item.

XI. Directions to Staff and setting dates for future meetings.

Chairman Raggio asked staff to work with Superintendent, Neil Stevens, Eureka County School District, to develop potential draft language and see if there is something acceptable to everyone that may solve the special problem in that county.

Chairman Raggio noted that there was no discussion regarding testing; however, he asked the Legislative Bureau on Educational Accountability and Program Evaluation, to form a Testing Advisory Committee comprised of school district test directors, department staff, university testing statistics experts. He indicated that it would be helpful for that committee to report to the next meeting. Further, there was mention regarding the low percentage of failures on the competency testing for teachers. Although that issue has been before the committee, he asked if the Commission on Professional Standards has set the passing level at an appropriate level in comparison to other states. He asked staff to gather information and have that as a presentation for the next meeting and ask the Commission on Professional Standards committee members to provide information on that.

Chairman Raggio stated if committee members had any suggestions for bill draft requests from what has been covered so far, they might be reviewed at the next meeting. He noted that the district testing directors have advised him that they will be recommending a three-year test implementation cycle, and that there was quite a discussion at the State Board of Education, where the Legislature again was the culprit for not giving enough time for implementation. He said that flies in the face of what the Superintendent of Public Instruction advised the Legislature when the time tables were set.

Senator Raggio recalled that after the 1995 legislative session, the State Board of Education voted to defer the test until the fall of 1997, when in fact it was funded by the 1995 Legislature. Also, at the recent State Board of Education meeting, he has been advised that almost all of the superintendents of the counties voted to delay the examination until February, 1999. He said he did not know how many delays were necessary, and if a three-year implementation is added, that would be a great disservice to the whole process, as he believes the state has deferred and stalled long enough.

Chairman Raggio commented that he did not take kindly that the Legislature was being blamed for failing to allow enough time, when in fact everybody who had the responsibility has been delaying for an extended and protracted period of time. In fact, Senator Raggio recalled, at the conclusion of the 1997 legislative session, the Department of Education, through Mary Peterson, recommended the test be given in the fall of 1997 and asked WestEd to conduct an outside review after the superintendents had expressed concern. "I'm tired of hearing people remake the historical events that have led up to these decisions. I think this Committee has been acting responsibly and the Legislature acted responsibly after long, long delay, and when you are at the end of the line to do these things, I think that is time enough."

Senator Washington commended the Committee for the work that has done. However, there are some administrators, especially in the Clark County School District, that have taken innovative approaches to resolving pending issues, such as reading and comprehension. He noted that several weeks previous there was an article in the *Reno Gazette Journal* featuring Hug High School. He said he took it upon himself last week to visit Ben Zunino of Hug High School, and Sparks High School, which had been noted for a variety of disciplinary problems where he spoke with the Assistant Principal there. He said he was impressed with the work at both of those schools and recommended that Ben Zunino from Hug High School come before the Committee to explain his innovative and proactive approach to the reading problems that he has faced in his high school and the tremendous results he has obtained in raising those students' reading comprehension and grade level and the increase in SAT scores, and increased effect on their *Terra Nova* tests.

Chairman Raggio stated he would ask staff to work on that as well. He announced that tentatively Thursday, May 28, 1998, has been brought forth as the next meeting date. There being no further business to come before the committee, the meeting adjourned at 3:00 p.m.

Davis, Secretary

Joi

Senator William Raggio, Chairman

Date: _____