

MINUTES OF THE MEETING OF  
THE LEGISLATIVE COMMITTEE ON EDUCATION

Held at the Nevada Legislature

401 South Carson Street, Room 4100

Carson City, Nevada

A meeting of the Legislative Committee on Education (created as a result of Senate Bill 482, 1997) was held at 10:00 a.m., Thursday, September 25, 1997, in Carson City, at the Nevada Legislature, Room 4100.

**COMMITTEE MEMBERS PRESENT:**

Senator William J. Raggio, Chairman

Senator Raymond Rawson

Senator Maurice Washington

Assemblywoman Marcia deBraga

Assemblyman Pat Hickey

**COMMITTEE MEMBERS EXCUSED:**

Senator Jack Regan

Assemblyman Richard Perkins

Assemblyman Wendell Williams

**COMMITTEE STAFF:**

Jeanne Botts, Senior Program Analyst

Pepper Sturm, Chief Principal Research Analyst

Kristin Roberts, Deputy Legislative Counsel

Joi Davis, Secretary

**GUESTS ATTENDING:**

Chris Pipho, Education Commission of the States

Mary Peterson, Superintendent of Public Education, Department of Education

Roy Casey, Consultant, Nevada 2000, Department of Education

Bob Dickens, University of Nevada-Reno

Ray Bacon, Nevada Manufacturers Association

Mark Alden, Regent, University and Community College System of Nevada  
Larry Spitler, Clark County School District  
Gretchen Greiner, Elko County School District  
Betty Henderson  
Fred Dugger, Commission on Educational Technology  
Martin Hefner, Nevada Taxpayers Association  
Eugene Paslov, Education Management Consultants, Inc.  
Robert McCord, Clark County School District  
Dave Cook, State Board of Education  
Catherine Cunningham, Governor's Office  
Don Hataway, State Budget Office  
Richard Jarvis, University and Community College System of Nevada  
Sheila Ward, Christian Coalition  
Ann Drendal-Haas, Department of Education  
Gloria Dopf, Department of Education  
Jerry Holloway, Washoe County School District

EXHIBITS:

Exhibit A - Meeting Notice and Agenda

Exhibit B - Attendance Roster

Exhibit C - September 25, 1997, Meeting Packet

Exhibit D - July, 1997, Senate Bill 482 Nevada Education Reform Act

Exhibit E - Summary of 1997 Legislative Bills and Letters of Intent

that Require Action by the Department of Education

Exhibit F - Federal Programs Summary, Nevada Department of Education

Exhibit G - Education Equity Team, Title I - Adequate Yearly Progress of

the Improving America's School Act and List of Title I Schools

A. ROLL CALL

Chairman William Raggio called the September 25, 1997 meeting of the Legislative Committee on Education to order at 10:10 a.m., noting for the record that Assemblymen Perkins and Williams, and

Senator Regan were excused; all other members were present comprising a quorum.

## B. INTRODUCTION AND REVIEW OF COMMITTEE'S DUTIES AND RESPONSIBILITIES

Chairman Raggio stated this was the regularly scheduled meeting for the Legislative Committee on Education, authorized by Chapter 473, Statutes of Nevada 1997, under Senate Bill 482. He introduced the staff for the Legislative Committee on Education. He noted those present in the audience as being interested in the actions taken by the committee--noting the presence of Bill Hanlon, State Board of Education, Chancellor Jarvis, University of Nevada, Mark Alden, Board of Regents, Fred Dugger, an appointee to the Technology Commission, Debbie Smith, the newly-designated chairperson for the Council on Academic Standards, and Mary Petersen, the Superintendent of Public Instruction.

Chairman Raggio said the Nevada Constitution clearly defined the central role of the legislature in establishing a system of public schools. The legislature created the structure and had revised that structure throughout the history of the state. Prior to the 1997 legislative session, the last significant change to the educational system was fiscal in nature. In 1967, following a series of equity problems concerning district budgets, the legislature adopted legislation creating the Nevada Plan for School Financing. That system was held out as a national example of equity financing and has served the state well.

Senator Raggio stated the enactment of the Nevada Education Reform Act in 1997, and the creation of the Legislative Committee on Education (Senate Bill 482), will begin a process of addressing the academic equity issues that have arisen in the past few years.

Senator Raggio announced that Nevada students ranked 31<sup>st</sup> out of 41 participating states on the national assessment of student progress. At the time reform was being considered, Nevada had the highest drop-out rate among 50 states. Between 1992-94, the state ranked 41<sup>st</sup> in the number of persons between the ages of 18-24 who completed high school which placed Nevada last among the western states. He acknowledged the fact that the state had a very low percentage (one-third) of high school graduates that continued on to the University or Community College level and almost half were, out of necessity, in remedial programs. Senator Raggio acknowledged that all agreed the above statistics were unacceptable and that was the impetus for the legislature, the administration, and all those concerned with implementing the education reform act.

The education reform act that created the Legislative Committee on Education was part of a coordinated approach to education reform. Senator Raggio stated that Senate Bill 482 was bipartisan and was worked out as a consensus package between the legislature and the Governor's office. That process was very constructive.

Senator Raggio emphasized that as state policymakers, everyone was in agreement regarding the scope and nature of the problems facing public education systems. Therefore, he encouraged all interested parties to work together to achieve what had been established as a common goal. He said the biggest challenge to be faced was to no longer accept excuses. For too long the process had been stifled or stymied because people made excuses, were resistant to change and made alibis for what they perceived could not be done.

Chairman Raggio stated the Legislative Committee on Education had an important function and was created to provide direct legislative oversight for the reform process. The committee would establish broad policy to review the efforts of the reform panels created under S.B. 482, and to establish direction for reform efforts. Senator Raggio emphasized that the Legislative Committee on Education was not established to micro-manage the schools or provide a regulatory presence. He said there were other bodies in existence for that purpose. It was appropriate, however, for the committee to view the public education system as a whole, identify the policies and programs that foster change and set the tone for reform and improvement.

Senator Raggio stated as chairman of the committee he did not intend to sit back and abrogate the responsibility of the legislature and then accuse others of not being able to accomplish the reform. His views of the guiding principles of reform were as follows:

- Nevada's system of public education must support high standards for all students and high expectations that they will achieve those standards.
- The state must invest its efforts and resources in education programs that produce results. We can no longer afford unproductive policies and programs.
- Education policy at the state and local level must be set by using reliable, high-quality data concerning the reform package and the effectiveness of our system of public education.
- The process of reform must create a cohesive structure. The standards developed under the reform act must be linked to the new statewide assessments.
- Technology, accountability, remediation, and school improvement must be built into the reform structure.
- The success or failure of the reform effort will be determined by the degree which everyone works together to accomplish the goals.

Senator Raggio commented that all members of the education community affected by reform, including parents, students, educators, state and local board members, higher education, the State Department of Education, the Governor, and the legislature, should make the commitment needed for successful reform.

Chairman Raggio briefly reviewed the statutory responsibilities of the committee:

- Prescribing standards for the review and evaluation of school district level accountability reports. He emphasized that in the past accountability reports had been something put away on a shelf. He stressed that would no longer be the case.
- Review and recommend to the State Department of Education remedial education programs that have proven to be successful in improving academic achievement. Under the law, this review must take place prior to April 1, 1998. Chairman Raggio said he had a preliminary discussion with the state superintendent regarding this issue. If remediation programs could not be adopted quickly to ensure that young students did not proceed to the next grade without the ability to read or comprehend or function, the entire system would fail. He stressed the remediation aspect of the reform act was an integral part of the package and would be discussed in further detail at the next meeting in October, 1997.
- The committee had broad powers to evaluate, review, and investigate any program or topic relating to the education of pupils in Nevada. Chairman Raggio invited the committee members and staff to bring to the attention of the committee any such items that needed to be reviewed, investigated or evaluated.
- The committee was specifically charged with evaluating statewide accountability programs; legislative measures regarding education; providing recommended legislation for future sessions; methods of financing public education; the condition of schools; class size reduction programs; and the SMART program concerning automation of student records. He reiterated those were the specific topics the committee would be reviewing but the list was not all inclusive of what the committee could review, evaluate, or investigate.
- The committee will be receiving a number of reports directly related to the reform package. Included first would be the information from the State Department of Education concerning which schools within the state had been designated as having either inadequate, adequate or high achievement. He stressed that process was not put in place to be a punitive measure, but rather

to prevent schools from falling into academic bankruptcy. He said he was anxious to receive those reports to see how the review process will be implemented. Accountability reports will continue to be required from each school district and a third-party evaluation of school district efforts to use accountability data for remediation and school improvement efforts will be conducted. Too often, sterile accountability reports were made by the school without any plan as to how the school would deal with any shortcomings. It was a waste of time to have an accountability report without a plan of what could be done for improvement. The committee will also receive a report from the Commission on Educational Technology on the statewide technology plan they would recommend undertaking. A report would also be forthcoming regarding the standards and assessments adopted by the Council to Establish Academic Standards. The committee will also be receiving the state scores from the National Assessment of Education Progress (NAEP). Finally, Senate Bill 220 required charter school operators to submit individual charter school accountability data directly to the committee. He said he would be anxious to see what progress, if any, was made under what has been hailed as "landmark legislation."

Chairman Raggio asked if any of the members had anything to add to the overview of the committees' duties, responsibilities, and expectations. There being nothing further, the chairman proceeded to item C on the agenda.

### C. OVERVIEW OF EDUCATION REFORM IN OTHER STATES

Chairman Raggio announced the committee was pleased to have in attendance Chris Pipho, Division Director, Clearinghouse State Relations, Education Commission of the States. He welcomed Mr. Pipho to comment on education reform in other states.

Mr. Pipho stated the Education Commission of the States was an interstate compact representing 49 states, 3 territories, and the District of Columbia. He informed the committee that Nevada had been a member in good standing with the Commission for many years. Mr. Pipho indicated one of the specific charges of the Commission was to run an information clearing house of information activity on legislation, state board activity, board of regents activity, and anything related to education policy from K-12 through to higher education.

Mr. Pipho stated the Commission evaluated the effectiveness of programs, the problems of implementation, and the progression of reform activities in education. He stated he would provide the committee with a quick overview of education reform throughout the states. He pointed out that if something he said needed additional information, he would appreciate staff directing him accordingly. He indicated the Commission was very interested in the long-term activities of the Legislative Committee on Education in this state and would be following the oversight process. He said it was likely he would be reporting to other states on the new oversight process initiated by the state of Nevada.

In commenting on education reform, Mr. Pipho gave accolades to the Nevada legislature for establishing S.B. 482, the Education Reform Act of 1997. He asserted there were not many states that had enacted a systematic process by creating councils and commissions with specific charges and then creating an oversight committee--a rare prospect since approximately only 15 states had that process. He said the Commission was tracking those oversight committees and was in the process of pulling together what the duties of those committees were. He indicated he would be happy to share those reports with the committee.

In looking at the reform movement, Mr. Pipho indicated when the first major reform bill was implemented 15 years ago by Governor Winter in Mississippi. The concept was quickly adopted by California, Florida, and Texas. He concluded the Commission had been tracking education reform movements for the past 15 years. In retrospect, more progress had been expected over those 15 years; the achievement gains that were anticipated were not as visible as expected. He stated reform

was a complex process, and while progress was made it did not always show in student achievement. He stated, generally, student achievement had stabilized. However, the up slope on the curve was not as high as they expected. He attributed that to the changes occurring in education in that many alternatives had been introduced into educational systems in the past 15 years such as school choice, open-enrollment, charter schools, and voucher programs.

Mr. Pipho said the setting of standards in education was progressing and was more widely accepted since 49 states were working in that area. He said Iowa was one state that believed the setting of standards should not be a state process but, rather, a local district process. However, he said Iowa had a completely different situation surrounding student assessment. The Iowa Test of basic Skills had its birthplace at the University of Iowa and over 95 percent of the students and 95 percent of the school districts used that test every year. Even though Iowa did not have state standards, they had data that other states did not have. He concluded every state was moving forward in the area of standards.

Turning to accountability and academic bankruptcy, Mr. Pipho said those areas were growing, and assessment was a key element in both. He said the Commission did not think of standards alone, but rather as a combined package of standards, assessment and accountability. He suggested that standards, assessment and accountability programs needed 5-10 years in order to see full achievement in any state. He said states that had been working in this area for five years already, still had much work to do. He explained that in the state of Kentucky, the accountability system and academic bankruptcy system were working and were presently in the second 3-year period. However, the assessment program in that state had been a constant source of concern.

Mr. Pipho said one of the largest factors in the standards movement was that most states were focusing on the common core of curriculum. He said the states' work had progressed in varying degrees as far as standards, assessment and accountability were concerned. He suggested the committee could learn from those states and the commission was watching those states as well. He reiterated that he would be happy to supply the committee with whatever information they might need. Mr. Pipho stated there was a movement in the area of criterion referenced assessments which began with the move toward national assessment 20 years ago. However, as states move toward individual standards for each state, their assessment programs eventually had to tie-in to those standards, otherwise a risk was present. For example, he stated there was a court case in Florida 10-12 years ago, Deborah P. v. Turlington, over the minimum competency test, a criterion referenced test used for grade promotion and high school graduation. This case turned into a class action suit which continued for approximately one year. He said the state eventually prevailed in that lawsuit, yet they were required to prove the standards that were in place were tied to the exam. In addition, Florida is one of 23 states that adopted textbooks and curriculum centrally so they had a good track record and paper trail to show how the system was meeting the assessment matched what was being taught.

Mr. Pipho said there had not been another case like the class action suit in Florida, but there had been smaller cases in other states. However, if another suit were filed, or if questions were asked regarding standards and assessments and how well they were linked together, it would be more difficult if the state did not have a strong history of state control over curriculum and assessment.

He said the constitutions in Colorado and Wyoming forbid the statewide adoption of textbooks and curriculum which made those two states very strong, local control states. He stated he was uncertain how Nevada stood in that regard. He concluded the standards movement was very alive and well, and the assessment movement took more time. Even in states where strong assessment programs were established and testing data was collected, it called into question another review of the standards. He said a certain amount of cyclic movement caused states to review their standards again and again. Mr. Pipho said at least 5 years was needed for standards and assessments.

Turning to academic bankruptcy, Mr. Pipho stated that concept was alive by way of legislative in 15 states. He said New Jersey was the epitome, in that they had taken over three major school districts. He said the common question was whether state control made any difference. He said he was hard-

pressed to say whether it had. To change the instruction and improve the academic achievement was a long pull--yet changes could be seen in the area of facilities and supplies. He said state control was an area of concern and the Education Commission of the States was watching that carefully. Mr. Pipho informed the committee that Cleveland was under court order, and the state of California now had a standing commission to look at academic bankruptcy. He said the California recommendations to the legislature in that regard were in the academic bankruptcy process. Once a district was labeled as receiving a warning and they either improved or did not improve, there was a phased-in process in that many warnings were issued before action was taken.

He said in Kentucky, legislation called for a senior, emeritus group of school superintendents and education leaders to be identified to serve as a SWAT team to give help to the state agency coordinating the activities. Mr. Pipho said he recommended in academic bankruptcy situations that the state of California utilize other organizations in the state, such as the Teachers' Union, the School Board Association, the School Administrators, and curriculum groups to help. These statewide groups had a tendency to stand back and watch the take-over by the state agency of schools in academic bankruptcy and then make judgments that a better job could be done. He suggested there be a role carved out for these organization. When a district went on the warning list, local groups could assist in getting that school up to a higher level of performance so it could be removed from the academic warning list.

Mr. Pipho asserted that academic bankruptcy differed widely from state to state. For example, in New Jersey, the local board and the building principal and building superintendent could all be un-seated. Whereas, in Texas only the local board could be unseated. He said the Education Commission of the States had studied this area in detail and he would be happy to supply the committee with that information.

Mr. Pipho stated that along with all the other reforms, alternatives within the public school system, such as open-enrollment and school choice were becoming more widely acceptable. He went on to state that when both of those programs began in Minnesota approximately eight years ago, the common belief was that they would not work and would likely kill off public education. However, the Commission had not seen that to be the case. On the other hand, the Commission was having a hard time seeing any evidence that the free market approach was influencing school districts. He asserted that in Milwaukee, which has a limited voucher program, a plan was recently approved for 16 high schools to set very high academic standards and then open up the entire enrollment process so parents and students could chose any high school they wanted to attend within the city of Milwaukee. He said it was possible the Milwaukee situation would have an impact on school districts. In addition, the voucher program that lasted in Puerto Rico for a year did have some impact in the schools. However, Puerto Rico has a much more concentrated school district than other areas so their situation may not be applicable to all areas.

Mr. Pipho stated the privatization efforts were not moving as rapidly as most persons would think. The Edison movement was slowly expanding but not nearly as fast as the Edison founders would have predicted. He said the contractors had all run into some difficulties in quasi-private arrangements. In Minneapolis, the schools had gone back and appointed a traditional superintendent. He said the Commission was seeing a lot of non-traditional superintendents being appointed, such as generals coming out of retirement. He said he was unsure whether that was as a result of the reform movement or just a concern with the turnover in districts.

Mr. Pipho said the area of technology was moving quickly. Many states, such as Ohio, Iowa, Utah and others had worked hard at providing a good infrastructure. For instance, the state of Iowa wired all school buildings, private and public, colleges, area technology associations, national guard armories, and all teaching and county hospitals together in a fiber-optics system. He said that would have a large pay-off and an impact on the classroom and the teacher. He suggested the committee review the report from the Educational Testing Service entitled *Computers in the Classrooms*, which provided a status of technology in the schools throughout all 50 states. He said that was probably the most detailed set of information he had seen in terms of numbers of computers, sophisticated computers tied to the Internet and a study of that data would be very appropriate.

Mr. Pipho indicated information on the oversight process was being compiled and he would provide that to the committee. In addition, the committee may want to get in touch with some of the committees and commissions working in this area as there had been different duties and responsibilities applied to each.

Senator Raggio asked if those committees and councils were set by state legislatures. Mr. Pipho said they were legislative committees but some business folks had been appointed as well, and their make-up was very similar to the committee in Nevada. Senator Raggio said there was a difference in that Nevada was one of seven states that met biennially so there was a longer period between sessions than most states had. Mr. Pipho acknowledged that would change the role of the oversight process. He added that the state of Ohio began with two oversight committees--one at the House and one at the Senate and they were eventually combined into one.

Mr. Pipho said that standards, assessment and accountability were so interrelated that it was going to be difficult to pull them apart very far. He said each area required certain work be performed, but once the process began and the assessment data came in, a review of the standards would be necessary. Then, once the accountability process began and districts were identified, the assessment and standards process needed to be reviewed in conjunction with that process. Mr. Pipho concluded that academic bankruptcy had many problems and help from professional associations was needed. Academic bankruptcy was a new concept in that the notion of fiscal bankruptcy had been around for many years but academic bankruptcy was something else entirely. He stressed the right kind of data was necessary when contemplating closing school districts since there was always the possibility of legal action. He informed the committee that the state of Kentucky conducted academic bankruptcy programs in a very formal fashion. In fact, they had a separate office operating under the legislature that went out and served the papers on a school district and board if some type of action was not occurring--perhaps too formal of a process.

Technology, Mr. Pipho continued, had the possibility of being tied together with higher education. The virtual university or the western governor's university as was currently known, would greatly help. Teacher training in technology was a large vacant spot. Mr. Pipho stated Nevada was one of the state's that did not have a requirement for teacher certification in technology. He said the training of staff and teachers in technology was a key element, yet the help in training persons was not always available.

Turning to the issue of funding, Mr. Pipho stated there were new issues in that area. For example, in Arizona there was a recent court case dealing with equity over school buildings and infrastructure. In addition, there was discussion regarding equity suits in the state of Colorado.

Mr. Pipho said the oversight process would have a relationship to the other agencies. He said listening to Senator Raggio's outline of duties and responsibilities for the committee led him to believe that there was going to be a major relationship to other agencies and would impact state education agencies and related agencies. He stated creating a strong arm in the legislature to help change things would go a long way. Further, he asserted that the take-over of school districts and high stakes testing for students would have a large impact. However, he noted the state could see problems in assessment and technology because it could not be done with the existing agencies so subcontractors would be required. He alluded to the fact that every state had its own unique problems, but with Nevada the high urban growth in Clark County, combined with the rural nature of the state, and the experience with class size reduction K-3, made Nevada unique.

Mr. Pipho stressed that starting a reform movement and then backing away from it was counterproductive. He has found evidence that the reform movement needed to be viewed in a 5-10 year cycle. In addition, consideration needed to be given to the legislators and others who served shorter periods of time.

Mr. Pipho stated the committee had a long implementation cycle ahead of them and good information was needed, in addition to knowing what difficulties other states have had in implementation. He said a ranking on priority of the steps necessary for reform needed to be done initially because certain steps



could not be accomplished without other items first being performed. For example, the assessment depended on the standards, and the accountability depended on the assessment and the standards. He encouraged the committee to view all these variables in a systemic way. In addition, there was always the concern of the federal impact on state legislation, and his Commission was tracking those issues as well. He concluded there were many things coming in the area of education, such as reconstitution of schools, summer school remediation, and privatization. Further, he stressed some sort of a tracking or identification system was needed to prevent dual programs.

Mr. Pipho stated the reform movement had many variations to it and the Commission was concerned with what was working, what was succeeding, what implementation problems were present, and how difficulties could be identified so other states did not recreate the wheel.

Senator Raggio thanked Mr. Pipho for attending the meeting and acknowledged that Senator Rawson was the designee for the Senate on the Education Commission of the States. Senator Raggio stated he appreciated the overview provided by Mr. Pipho; however, he wanted to clarify one of Mr. Pipho's statements in that the state of Nevada was not starting from scratch as far as education reform. He stressed the state was behind the curve in that an accountability process had been in place for a number of years. He commented that the accountability process had not been utilized by the persons who made the accountability report or those who reviewed it. He informed Mr. Pipho that the accountability process had been in place for 10 years and the state was not starting from scratch on developing standards since the Department of Education and the State Board of Education had been in that process.

Chairman Raggio commented that he did not believe it would take Nevada 5 years for education reform, as suggested by Mr. Pipho, and that message could be sent to other states in that Nevada could very possibly set an example for other states to follow. He recognized there had been problems in reform and the legislature was in a unique situation and could draw from the experience of other states and what was already in place. He stressed he did not want to leave the message that the committee could not accomplish its tasks in the time frame set forth by the statute. Those time frames were placed in the statute based upon what the legislature thought was feasible. Senator Raggio continued by stating there were those that might not want to see education reform succeed, or might want to use a failure to fault the system. As an oversight committee, he stressed they would be following those areas to make sure that did not occur so that when standards were raised, the textbooks and the curriculum would coordinate with what was done. He concluded that the committee could draw from the experience of other states in developing successful reform, but also in defending what others have done.

Senator Raggio acknowledged that whenever change occurred, resistance was present and that reached all levels. He restated that the committee was charged with overcoming that resistance to change because every year the state did not effectuate the change that was necessary, there was a whole tier of students left behind. Therefore, when those students tried to compete with other students across the state and throughout the world, those students were going to be deficient. He asserted that resistance to change had to be overcome.

Chairman Raggio stated the legislature reviewed the various proposals regarding academic bankruptcy situations and were very careful not to make it a punitive situation, but instead a constructive situation. The Department of Education will have the responsibility to make sure that is the case so when there is finally a take-over by an administrator, it would be on a constructive basis. He asked what states the committee could look to in that regard. Mr. Pipho replied the California situation should be tracked as they had over 50 commission members making recommendations for enabling legislation and although he had not seen the report as yet, he would be happy to provide a copy to the committee. Chairman Raggio commented that information would be appreciated and he added that there was a 3-year time frame before taking over a school in Nevada.

Mr. Pipho commended Senator Raggio for the language in S.B. 482 as other legislatures utilized language that was definitely punitive and that brought on additional problems. Senator Raggio commented the legislature was trying to ensure that the schools that received information through their

accountability report developed a plan to deal with reform by receiving all the help they could.

Assemblywoman deBraga asked which states had model programs for standards and accountability. Mr. Pipho replied Maryland and Delaware were at the top end and Colorado and Wyoming were more at the middle ground since they had state standards yet the local districts also carried substantial responsibility. At the other end was Iowa where it was all local district control. He added that Kentucky was a good model as they worked for the past four years on an academic bankruptcy process. He suggested the committee look at the state of Kentucky as to the dollar amounts and incentives. Mr. Pipho added the first thing that needed to be done was the state needed to identify whether they were a local-control state, or a high-control state. Once the state identified that control, then the committee could look at the states that adopted similar models. He continued by stating that Connecticut had done some unique work in the area of student assessment--tying assessment to instruction.

Mrs. deBraga asked how the states dealt with students with learning disabilities when assessments and accountability ratings and test scores were documented. In other words, were those students included in the testing, or was there a provision to create a more accurate picture of dealing with those variations. Mr. Pipho replied that in most states it depended on the Individual Education Plan (IEP) for the special education program. He added the state of New York was attempting to redo the special education law because once a student was identified as special education they very seldomly were removed from that program. They would like to hold all the students to high standards, knowing there would be some that needed to be removed from the process. He said the remediation plan used in Chicago of placing students back in summer school and reconstituting buildings had not been shown to improve up academic achievement. He concluded there would likely be major changes in the area of special education in the next several years.

Senator Washington stated he had read in a report that several states, Illinois, Chicago, Arizona, and Michigan were contracting with large firms to design, build, and operate facilities due to limited resources. The large firms were even staffing the schools which created districts within districts. He asked if the Education Commission for the States had any report or data on the success or failure of that trend moving throughout the nation. Mr. Pipho said the large contracts with companies such as Pepsi-Cola were starting to evolve. The Education Commission for the States had been tracking some of the smaller ones, such as advertising on school buses. In addition, the state of Florida had an affinity with MasterCards where the district saw a return of income from those cards. He said there were large contracts out there and that was raising many concerns. The state of Colorado contracted with Coca-Cola, and a group of districts in Oklahoma were contracting with Adidas. The Commission was trying to keep track of what was going on with those contracts. The question that was arising was legal in nature in that once a district contracted with a sports equipment company and gave an exclusive contract over a period of years, certain bidding laws were placed in question and lawsuits could result. Mr. Pipho said he was uncertain where these types of contracts were heading. He informed the committee that in some instances one person was identified to be in charge of all the contracts. He said he was unsure of any training programs available to train a superintendent to manage and negotiate a large contract with a corporation such as Pepsi-Cola.

Senator Washington mentioned he read an article regarding privatization where states did not have enough funds to build computer centers or technology centers so large corporations, such as Microsoft or Apple, had contracted with schools to develop, design, operate and train staff to run the computer centers. He asked what trends had been indicated in that area. Mr. Pipho responded that some of the larger districts had begun a trend in that area. He informed the committee that the chairman of the Education Commission for the States, Governor Brandsted, had taken on the theme of technology for the entire year. He had eight working groups of legislators and others studying those issues. He indicated there would be a preliminary report in that regard in November, 1997. However, Governor Barnstad was worried about the commercial contracts and commercialization in general. Mr. Pipho stated that area was just becoming a highly visible issue and he was uncertain of the outcome. Again, he would be concerned with the open bidding process and the need for training of teachers and staff. He concluded in some instances, large companies were the only ones that could provide that service.

Senator Washington asked whether the training of staff on computer technology could be changing and

problems could be arising with regard to licensure and qualified personnel which could result in litigation in the courts. Mr. Pipho answered he had not seen anything in the area of licensure as yet; however, the commission felt there was a weakness in the area of technology pertaining to the state level for higher education. He explained that in some instances the training of the trainers who were preparing teachers was a large need as well. As districts moved toward creating networks within their districts, staff development took on a new front as faculty began accessing computers for data. Mr. Pipho stated teachers were receiving a lot of information via computer regarding students, faculty and school district news, reports cards and that required staff preparation.

Chairman Raggio thanked Mr. Pipho again and indicated the committee would take him up on his invitation to use the Education Commission for the States facilities and expertise. He noted that the legislation made \$330,000 available to contract with consultants to assist the Legislative Committee on Education, the Council to Establish Academic Standards for Public Schools, and the Commission on Educational Technology.

Chairman Raggio turned to the next item on the Agenda, a review of the Nevada Education Reform Act, and asked Jeanne Botts, Senior Program Analyst, Legislative Counsel Bureau, Fiscal Analysis Division, and H. Pepper Sturm, Chief Deputy Analyst, Legislative Counsel Bureau, Research Division, to present that information.

#### D. REVIEW OF NEVADA'S EDUCATION REFORM LEGISLATION.

Mr. Sturm provided the committee with the yellow packet containing materials pertinent to S.B. 482 (Exhibit C) and a summary of the Nevada Education Reform Act of 1997 in the amethyst packet (Exhibit D) which contained the outline for their presentation.

Mr. Sturm said S.B. 482 adopted the Nevada Education Reform Act of 1997. This measure strengthened the school accountability program, established a system for the adoption of statewide standards in academic subjects, and implemented a process for a series of statewide tests linked to those standards. The bill also provided for the implementation of education technology in public schools and provided for the legislative review of education reform. Further, the bill made appropriations totaling over \$40 million.

Ms. Botts stated S.B. 482 established the system to evaluate the performance of public schools through criteria that placed schools into one of three categories:

- Schools demonstrating high achievement
- Schools demonstrating adequate achievement
- Schools demonstrating inadequate achievement

The criteria for such placement included academic achievement based on average test scores which included the statewide norm reference tests given in grades 4, 8 and now 10, as well student and teacher attendance rates. Schools that needed improvement advanced through three phases. The first year a school was identified as demonstrating inadequate achievement, the school district would be required to establish a school improvement plan. Ms. Botts stated remediation programs that had been found to improve student achievement must be adopted. If the school again demonstrated inadequate achievement during the second year, it would be placed on academic probation and the State Department of Education must adopt an improvement plan and appoint a panel to evaluate the school. The appointment of the panel could be waived if the school continued to show significant improvement as defined by regulations of the Department. If during the third year, a school was again ranked as demonstrating inadequate achievement, the panel may recommend to the Superintendent of Public Instruction that a new administrator be appointed for the school.

Ms. Botts stated S.B. 482 further required additional data be reported in the school by school accountability reports submitted in March of each year. The new data to be included in those reports

is:

- The availability of computer technology for instructional purposes
- The average daily attendance of pupils and teachers to account for the days teachers are actually in contact with students
- A clear reconciliation of students taking the statewide achievement tests with reasons given for those not taking the tests
- Reporting of science scores included in the Terra Nova standardized, norm-referenced tests in grade 4, 8 and 10
- Participation in the National Assessment of Educational Progress (NAEP) is now mandatory. Ms. Botts related that Nevada participated for the first time in 1996. There was insufficient participation in the 8<sup>th</sup> grade to obtain math scores; however, the 4<sup>th</sup> grade math scores were received
- Expenditures now must be reported at the school site level
- New 10<sup>th</sup> grade norm-referenced test requiring that grade to participate in the Terra Nova exams
- Incidents involving use or possession of alcohol or controlled substances would be provided in the accountability report which previously only included incidents of the sale and distribution of controlled substances
- High schools would be required to report the percentage of the prior year's graduates enrolled in remedial courses in the University and Community College System of Nevada (UCCSN)
- The participation of parents in school activities and the availability of organizations and activities for parental participation

Ms. Botts continued that the new reporting also included the district-wide accountability report and plan for improvement be attached to the district's annual budget when it was adopted. Further, there was clarification that data supplied in the accountability report be used by districts to analyze and identify problem areas and establish a plan for improvement. She said that requirement was set forth in the handbook provided to the districts, yet in the Fall, 1996, approximately half of the districts had not complied. Now the requirement was set forth in statute. Further, the statute clearly provided for the role of a third-party evaluation of the districts accountability reports and school improvement efforts.

Mr. Sturm stated S.B. 482 created a Council to Establish Academic Standards for Public Schools and outlined the make-up of the committee. That council was required to review and recommend statewide standards in English, math, and science before September 1, 1998. The State Board of Education must adopt standards and the statewide test linked to those standards before January 1, 1999. These core standards should take effect within public schools during the 1999-2000 school year. He stated standards in the arts, computer education, health, physical education, and social studies must reviewed by the Council in its second phase, and the State Board of Education must adopt standards before January 1, 2000.

Mr. Sturm stated that S.B. 482 also created the Commission on Educational Technology. He outlined the members of that committee and stated the Commission would be charged with developing the statewide plan for the use of educational technology within public schools. That plan must make recommendations to incorporate technology within the schools, increase pupil access to the Internet, increase teacher access to continuing education opportunities through technology which must improve pupil achievement, and incorporate teacher training needs associated with the new technology. Further, the Commission must make recommendations for the distribution of funds from the trust fund for educational technology and develop technical standards for education technology and uniform

specifications to ensure statewide compatibility.

Mr. Sturm pointed out that the list of the appointees for Council to Establish Academic Standards for Public Schools and the Commission on Educational Technology were contained at tab 2 of the yellow packet (Exhibit C).

Ms. Botts stated that S.B. 482 contained a significant component for legislative review of the education reform process. The bill established the 8-member Legislative Committee on Education charged with reviewing statewide programs in accountability, class-size reduction, and the automated student records (SMART) system. The committee may also review any other fiscal or policy concerns associated with public education in Nevada. She stated S.B. 482 also created within the Legislative Counsel Bureau's Fiscal Analysis Division, a Bureau of Educational Accountability and Program Evaluation. The bureau is required to collect and analyze data and reports related to the bill's reform provisions.

Ms. Botts noted the committee and the bureau were authorized to contract for various services associated with the technology initiative, the standards commission's activities, and the school accountability program.

Ms. Botts directed the committee to tab 5 of the yellow packet (Exhibit C) which contained a summary sheet of the appropriations. She pointed out the largest sum was \$27.5 million for a one-shot appropriation for educational technology to be used for grants to schools for purchasing and installing hardware, software and electrical wiring for computer laboratories, upgrading computer software, and purchasing additional computers. She stated there was also \$8.6 million for school districts for the training, repair, maintenance and replacement of computers, and contracting for technical support costs associated with educational technology. Ms. Botts pointed out there was a \$3 million appropriation in the second year of the biennium to provide school districts with funds for programs of remediation for pupils who failed the statewide proficiency exams. She indicated the balance of the appropriations were set aside to cover the costs of operating the various boards and panels created within S.B. 482.

Senator Raggio asked if there was a formal designation of the Legislative Bureau of Educational Accountability and Program Evaluation. Ms. Botts replied the legislation provided for three new positions created within the Fiscal Analysis Division of the Legislative Counsel Bureau including one clerical position which had been filled. The other two positions, an education program specialist and an education statistician, had not been recruited as yet but she expected those positions to be filled immediately.

Chairman Raggio noted that Ms. Debbie Smith, chairperson for the Council to Establish Academic Standards was present and the first meeting for that Council was to be held in Las Vegas on September 30, 1997. In addition, he noted there was one member of the Commission on Educational Technology, Mr. Fred Dugger, present at the meeting.

Chairman Raggio directed the committee to the next item on the agenda.

#### E. REPORT ON FEDERALLY FUNDED PROGRAMS FOR REMEDIAL EDUCATION AND SCHOOL IMPROVEMENT

Mary Peterson, Superintendent of Public Instruction, Nevada Department of Education (NDE) introduced Gloria Dopf and Roy Casey, both from NDE. She indicated their testimony would involve the remediation programs and school improvement programs that were federally funded. Ms. Peterson provided updated information for the committee on the department's work on issues stemming from the 1997 legislative session. The first item contained in the materials (Exhibit E) was a brochure that described the structure of NDE and the contact people within the department. Also provided was a summary of the 1997 legislation and the department's duties relative thereto along with the contact person responsible for the various pieces of legislation. Ms. Peterson said NDE took the Education Reform Act very seriously and assured that NDE had assigned responsibility for every piece of legislation.

Ms. Peterson pointed out in Exhibit E when S.B. 482 was addressed, and since that was a very complex piece of legislation, the department issued its analysis under each of the four major areas within that bill. She reiterated that Exhibit E was just a summary document and if additional documentation was necessary she would provide that to the committee. Senator Raggio acknowledged the summary document--adding that he had asked Ms. Peterson to provide that information to the committee as a very helpful tool in monitoring the various tasks taken by the Nevada Department of Education.

Ms. Peterson stated their presentation was to highlight federally funded programs that supported remediation and school improvement. She provided the committee with a *Federal Programs Summary* (Exhibit F) and stated there was a summary of the programs housed in three budget accounts.

- Budget Account 2712 contained the major federally funded remediation program in the state--Title I. It also contained a Title I school improvement program
- Budget Account 2706 contained the Goals 2000 program and a summary and description of that program
- Budget Account 2707 contained a description of the federally funded discretionary grants: Homeless, Bilingual, and Immigrant Education programs.

Ms. Peterson indicated Gloria Dopf would discuss the Title I Basic program which was designed to address the educational needs of disadvantaged children. Ms. Peterson stated Title I was the largest federally funded remediation program in the state with a total of \$22 million. She indicated Roy Casey would address the Goals 2000 program and how those efforts focused on school improvement.

Gloria Dopf, Director, Educational Equity, Nevada Department of Education, pointed out there was a summary of all of the programs under Title I program contained in the material provided to the committee (Exhibit F). She said Title I of the Improving Americas Schools Act (IASA) provided federal funds to improve instructional programs for educationally disadvantaged students, with the primary thrust in remediation and intervention. Ms. Dopf informed the committee that funds were directed towards schools with high concentrations of low income families. She expressed her gratitude toward Senator Raggio's comments about the focus of S.B. 482 as it was consistent with what had been attempted with IASA. She said IASA embraced concepts consistent with the Nevada Education Reform Act of 1997 (NERA) in expecting high goals and expectations for all students. Title I students must participate in the state standards process and could not have a separate set of standards.

Ms. Dopf asserted the state must establish challenging content and performance standards for students pursuant to IASA as well as aligning the assessments to measure the progress towards those goals. Additionally, she said IASA provided programs for remediation and such programs must be provided to students to supplement their general education program. IASA programs must produce results in improving student achievement. Ms. Dopf stated that funds were available to enable school districts to work toward improving the entire school system. This was done by providing the schools with a methodology of analyzing data, performing a self-analysis, and then developing a strategic plan, or a plan that enabled them to target toward the identified needs of that school.

Ms. Dopf provided highlights into the Title I Basic Program and the School Improvement Program. The Title I Basic Program was conducted in all 17 school districts and provided supplemental educational services or remediation services. It was available currently to 100 schools--approximately 25 percent of the existing sites. She indicated that in the last school year, over 17,000 students were served which constituted approximately 6.5 percent of the total student body. The instructional remediation targeted three areas: Reading, Math, and Language Arts. She stated the funds were distributed by way of a formula based upon poverty census. Ms. Dopf said that during the current school year, over \$20 million in funds were available to the 17 school districts, and from the Title I grant, the state could maintain \$400,000 or 1 percent, whichever was greater, to administer the program. She said that funding supported the current state staff for administering Title I programs. The program was 100 percent federally funded and the requirements of fiscal management at the state and local level required

maintenance of efforts and the funds must be used to supplement, but not supplant, general education offerings to all students.

Ms. Dopf explained the sites were selected for receipt of funds based upon the ranking of the highest incidence of poverty. Some districts, in their application process to NDE, identified the number of youngsters from low income families, divided by the total school population and rank ordered the sites by that percentage. Further, if a school had 75 percent poverty level, they were entitled to receive Title I funds regardless of any other conditions. She added that school districts had the prerogative of using a grade-span or ranking without regard to grade-span for the services. In Nevada, the districts opted for grade-span and targeted the Title I funds to the elementary school level.

Senator Raggio asked if the Title I funds were usable in the qualified schools for Reading, Math, and Language Arts only. Ms. Dopf affirmed that was correct; however, the funding was supplementing the general program that was provided for the qualified youngsters. Senator Raggio asked if the funds were basically extra monies for those schools that qualified based on poverty levels for the remediation programs in those particular subject matters. Ms. Dopf concurred and added that by virtue of the ranking, the Nevada Department of Education had primarily focused those dollars at the elementary level.

Senator Raggio asked if that sum, which he believed was in excess of \$21 million, covered one year or the biennium. Ms. Dopf replied the funds were available for the school year; however, there was some carry-over provisions on the money. He inquired if that also allowed for the \$400,000 set aside for administrative costs and requested the NDE provide a breakdown of how those funds had been used historically over the past couple of years. Ms. Dopf said they would also be providing for the committee a handout that identified, by district, the amount of the funds and an abstract on how those funds were being used. Responding to Senator Raggio's further inquiry, Ms. Peterson replied that the funds were definitely being used for remediation and the department monitored the schools for compliance.

Senator Washington asked if the Title I funds could be distributed to schools that fall within the second or third level for school improvement projects, without it being based upon poverty census. Ms. Dopf replied that Title I funds must be used for schools identified in rank order by poverty. She added they expected there would be a significant number of those schools that would also fall into the inadequate level as far as needing school improvement.

Senator Washington asked whether the NDE staff could provide, in addition to the information regarding funds being distributed to the schools, data on those schools in the second and third tier of the accountability report for school improvement. Ms. Peterson commented that Senator Washington's request would be utilizing last year's data since information pertaining to this year was not completed.

Ms. Dopf stated in looking at the Title I funds for school improvement efforts, there was a requirement under IASA that a minimum of \$200,000 of available Title I funds be utilized for school improvement efforts. She explained the department received a grant from each of the sub-accounts under Title I and then determined by formula the contribution to make up the \$200,000 as it was not a supplemental amount received but was extracted from the separate Title I grants for basic education and for children of migrant workers and for neglected or delinquent children. Those funds must be specifically targeted towards school improvement efforts for the schools that failed to make adequately yearly progress under the Title I definition of student progress. Again, she pointed out, there was a strong link between the improvement concept under NERA and Title I. The department worked closely to ensure the requirements of both laws were fulfilled.

Ms. Dopf informed the committee this was the first year under Title I where the department identified schools having failed to meet adequate yearly progress, and those schools will be placed in a school support effort. Last year, the department developed a process of providing the schools support through school improvement by naming a group of distinguished educators and school support members and by providing training in various remediation methods and various methods of improving schools so that team of individuals would be available to help the schools identified. Ms. Dopf indicated she had further

information on that subject should the committee so desire.

Roy Casey, Consultant, Nevada Department of Education (NDE), stated he worked in the area of school improvement under the Nevada 2000/Goals 2000 and Title I programs. He stated he worked directly with schools, school teams, and school districts in a planning process. He said Nevadans believed schools needed to change swiftly to develop strong content and performance standards so children could proceed into the next century. Mr. Casey informed the committee that NDE engaged in a process of seeking funds under Goals 2000, the Educate America Act. The department was successful in obtaining those funds and that enabled them to write a state school improvement plan that highlighted options and directives--similar to the education reform found in S.B. 482.

Mr. Casey stated currently NDE had funds of slightly over \$1.2 million that were disseminated to the school districts on a voluntary basis and they must disseminate 90 percent of those funds directly to schools. The schools could utilize the funds in three different areas:

1. School reform - This is the most popular area and was utilized by small districts as well as medium to large districts. The department was able to help them in planning for improvement at the district level or help them implement their strategic plans.

Under Nevada 2000, schools were focused on accountability reports. Mr. Casey said when he meets with school districts to discuss planning for improvement, they must bring their accountability report to show their base level in student achievement and any type of planning documents already in existence to build upon the strength of those documents. He concluded Nevada 2000 was about making a change in student achievement.

2. Pre-service teacher education - Mr. Casey stated it was most important that teachers and administrators at the University level learn about student content standards and the performance standards of students. This needed to be done in alignment with the curriculum and the assessment of the particular standards. He indicated NDE was currently working in a preK-16 setting with the University system to look at the standards so the University would be better able to identify teacher programs.

3. Professional Development - Mr. Casey stated this area truly related to remediation and effective improvement programs. Under Title I and Nevada 2000, as the school goes through a planning process by reviewing all the data, they needed to plan for effective programs. The department would not accept ineffective, non-proven programs.

Mr. Casey informed the committee that a couple of years ago he was in charge of the National Diffusion Network. That network disseminated effective programs such as Reading Recovery and those were the types of programs that Nevada 2000 supported. He concluded his remarks by stating the department had a consortium of rural districts (Lincoln, White Pine, Esmeralda, Mineral) which had come together to plan for professional development activities to train teachers how to teach remedial programs. Therefore, \$125,000 for these rural districts, over the next 2 years, will allow them to bring teachers on board, train them in an effective remedial program, and will benefit students in rural Nevada. He indicated such training would be made available through technology and telecommunications.

Mr. Hickey noted there was some discussion and debate during the 1997 legislative session on how the standards setting process could best be accomplished. He asked Mary Peterson, Superintendent of Public Instruction, what advice she had and how she was going to instruct the newly established Council to Establish Standards for Public Education. Senator Raggio interjected it was the State Board of Education that had that responsibility.

Ms. Peterson added that the first meeting of the standards council was to be held in Las Vegas on September 30, 1997. On the agenda, in addition to an overview of the reform act, the standard setting process would be discussed. She indicated the Nevada Department of Education had worked very closely with the Chair of the Standards Council to develop the agenda and had worked closely with the



staff from both the Governor's office and the Legislative Counsel Bureau. She indicated NDE provided the clerical support for that committee.

Ms. Peterson, continuing to respond to Mr. Hickey's inquiry, stated that the duties of the Standards Council were clearly set forth in the legislation as far as where they were to start the process. The legislation specifically stated that the Standards Council must look at national standards, must look at the Virginia standards, and must also look at the Standards Primer document which had been provided to the legislature, and must also review the work already performed throughout the state. She added that when the American Federation of Teachers (AFT) issued its annual report in July, 1997, regarding the state of standards throughout the country, Nevada was named as one of eight states that had made significant progress over the last year. She recalled the news in July, 1996, was not so good. At that time, the report indicated that Nevada's standards were not where they should be and were not measurable nor specific enough. Ms. Peterson indicated she hoped the Standards Council would recognize the improvement made and the quality of the documents developed and recognize the many hours devoted to the development of standards by educators in the state.

Mr. Hickey noted the previous speaker alluded to discussion regarding textbooks and curriculum and asked if the state was challenged by that issue and contemplating the possibility of statewide curriculum and more uniform texts. Ms. Peterson replied the Nevada Revised Statutes (NRS) were very clear as to the responsibility for the course of study. The State Board of Education had responsibility to establish that course of study and the standards that were recommended by the Council and then adopted by the state board would be reflected in the state course of study. However, local boards of trustees also had very clear responsibility set forth in NRS and that was to make sure that the course of study was implemented in the schools. She indicated that was tied to the textbook issue in Nevada in that there was a statewide textbook adoption process and the Nevada Department of Education relied heavily upon the recommendations of local school districts which recommended textbooks to the department.

The department, in turn, made those recommendations to the state board who made the final decision on which textbooks should be adopted. Ms. Peterson commented that during the final review and adoption process, the textbook needed to be reviewed to see how it aligned with the course of study. In other words, the department needed to demonstrate that the textbooks covered what the course of study required.

Ms. Dopf referred the committee to the summary of three additional federally funded programs, located after the yellow tab in Exhibit F, which provided support to instruction for students with unique eligibility. Those programs included the Homeless Program, the Bilingual Education Program, and the Emergency Immigrant Education Program. Ms. Dopf stated the Homeless Program and the Bilingual Program did not provide direct remediation to students but were programs that provided awareness, data gathering, teacher training and other training efforts. Whereas, the Emergency Immigrant Education Program could be used for remediation and supplemental instruction; however, it was only available to two districts currently, Washoe and Clark, because of the qualifying criteria whereby districts need a certain number of legal immigrants in order to qualify.

Senator Raggio stated other states had similar concerns; however, if Nevada was offering through the major federally funded program, \$21 million to approximately 100 schools, there should be some mechanism to measure the results.

Senator Raggio stated there had been criticism over the years that even though Title I had been in existence for some time, there had not been any measureable improvement as far as the results of those programs. He asked how Nevada pupils were doing as a result of the Title I programs and what type of monitoring was being conducted. Ms. Peterson responded that Title I had been criticized for not having made enough of a positive impact on student achievement. As a result, there was now a requirement for Title I schools to demonstrate adequate yearly progress. She indicated Mr. Casey would discuss how "adequate yearly progress" had been defined by the state.

Mr. Casey stated NDE no longer looked at the pre-and-post tests of students in order to evaluate the

Title I program in schools as to the pre-and-post test of students. Rather, they look at the overall schools' improvement in evaluating a Title I school. That helped to refocus on whether a difference could be seen with Title I programs. He said in looking at the states' results in the area of Title I, it could be seen that Title I had sustained learning for students and in many, many cases improved that learning. Over time, some students that were offered remedial programs for the 1<sup>st</sup> or 2<sup>nd</sup> grade would return to remediation in the 4<sup>th</sup> or 5<sup>th</sup> grade, and that was an area NDE was particularly concerned about.

In reviewing schools, especially under the focus of the Nevada Education Reform Act, the department would be looking at schools to make growth.

Mr. Casey stated the definition of "adequate yearly progress" had been changed and there were four areas of achievement:

- Novice - a student just learning
- Basic - a student with a little more content and skills
- Proficiency - aligned with the Terra Nova at the 51<sup>st</sup> percentile
- Advanced

He went on to state that every school had compiled from their results from the Fall, 1996, Terra Nova test, the baseline information as to how many students were in each of the above four categories. Then, the schools must calculate into a formula a growth index. Senator Raggio asked if that was tied to the Title I category. Mr. Casey replied that it was tied to the entire school since the department was looking at the growth of all students. In a school-wide evaluation, all students in the school are considered in the calculation, not just particular students receiving assistance from the Title I program. The schools had the option of measuring growth in individual students or to the whole school. Most of the schools had chosen, because of the Nevada Education Reform Act, to tie it to the whole school.

Mr. Casey stated that testing was coming up in October, 1997, and they would be taking a look at the schools to see if there had been growth in academic achievement. If they had grown, and that growth continued over 3 years, the schools could be identified as a distinguished school. Whereas, if they had not made growth, the school would be identified as a school needing improvement. The planning process for that would be very similar to the planning process under the state's accountability program and under the Nevada 2000 program and the planning process under S.B. 482. Senator Raggio commented the committee would be following that closely as a matter of concern.

Ms. Dopf provided the committee with a document relating to the definition of "Adequate Yearly Progress" and a list of the Title I schools in Nevada for 1996-97. (Exhibit G). Ms. Peterson added that the nature of the Title I programs and how those programs were being provided was undergoing some change. She informed the committee that Title I used to be a "pull-out" model whereby the youngster was taken out of the regular classroom and provided services at the same time other classes were underway. Now, Title I had moved to an "inclusionary" model where the services were provided supplementally as part of the regular class program. Additionally, the department was being urged by the federal government to offer the Title I remediation in an extended day, extended year fashion. She indicated the school districts were progressing in that direction.

Mark Alden, Board of Regents, University and Community College System of Nevada, addressed the committee and asked that his comments be construed as constructive rather than provocative or alarming as they might appear. He stated there was a big problem and the ground rules needed to be changed. He said the state needed to be innovative, provocative, risk-takers, listeners, and cohesive for the future of the children of the state.

Mr. Alden stressed that all the accountability reports were "after the fact." The reports were wonderful in measuring the past but the state needed to move to the future. He commented that Moapa Valley High School always did very well due to the following factors: parent involvement, small community, and no inner-city problems and strife.

Mr. Alden stated there were key areas for the committee to review including making K-12 mandatory. It seemed the state was pushing children through to other grades when they were not ready. He said there were a number of reasons children were not making it through school, including a lack of parent involvement, different values, poor neighborhoods, and other things. He said the state needed to review what was being done for children aged 2 to 5 years to help their young minds and to make it easier on the school districts to do the job they had been entrusted to do.

Mr. Alden said the school districts were not responsible for being parents and disciplinarians for the children. He informed the committee there was a pilot program at the Cheyenne Community College where parents and students went to school twice per week, four hours per day. He said the success rate of those children was almost 100 percent and that program deserved further review. He suggested that tracking approaches be considered even though that issue was not favored by administrators and unions. He said alternatives had to be viewed and tracking was an alternative.

Mr. Alden reiterated that student discipline was not the responsibility of the school districts, and the state needed to take a hard look at the non-performing students. Even though the legislature mandated that K-12 be mandatory, another venue needed to be reviewed as the non-performing students brought the rest of the students down. He said the end result was seen in higher education with the need for courses in developmental English, Math, and Reading. Mr. Alden suggested the ground rules be changed, but acknowledged that might not be within the purview of the Legislative Committee on Education.

Mr. Alden said the staff at the University of Nevada in Reno and Las Vegas should be able to help the committee proceed. He concluded his comments by stating that age 2-5 years was a window that must be looked into as far as the development of children's education.

Senator Raggio concurred the University and Community College System of Nevada was a source of information and input for the Council on Academic Standards and the Commission on Educational Technology.

#### F. COMMITTEE'S RECOMMENDATIONS TO THE COUNCIL TO ESTABLISH ACADEMIC STANDARDS FOR PUBLIC SCHOOLS AND THE COMMISSION ON EDUCATION TECHNOLOGY

Chairman Raggio read into the record the following recommendations:

Next week, the Council to Establish Academic Standards for Public Schools and the Commission on Educational Technology, which were also created under Senate Bill 482, begin meeting. [The Standards Council on September 30<sup>th</sup> and Technology Commission on October 1<sup>st</sup>.] This committee will receive periodic reports concerning the actions of both the Council and the Commission as part of its oversight of the reform process. As co-author of S.B. 482, I would like to take some time to explain the duties and provide some background on the legislative intent behind the creation of each of these committees.

##### 1. Council to Establish Academic Standards for Public Schools

The Council to Establish Academic Standards for Public Schools is charged with establishing high, measurable standards in English (reading, writing and composition), mathematics and science by September 1, 1998, and recommending examinations to measure the achievement of pupils in attaining those standards by November 1, 1998. On or before January 1, 1999, the State Board of Education must adopt the standards established by the Council and must consider recommendations of the Council when adopting examinations of achievement and proficiency to measure the achievement of pupils in attaining the standards. These Phase I standards will become effective in the 1999-2000 school year, and exams to measure pupils' achievement in those standards will commence in that same school year.

In Phase II of the process, standards for social studies, computer education, health and physical education, and the

arts will be established on or before September 1, 1999, and corresponding examinations for social studies will be recommended by the Council on or before November 1, 1999. The State Board must adopt the Phase II standards established by the Council and consider the Council's recommendation regarding the social studies exam on or before January 1, 2000. Phase II standards must be in place in school year 2000-01, and the social studies exam must be given in that same school year.

The State Board of Education is bound by the Act to adopt the standards established by the Council; the State Board may not substitute other standards. The recommendations made by the Council concerning the corresponding examination must be considered by the State Board; however, the Board has some discretion in the adoption of the exams. Although the bill does not specify the type of examination required, it is generally understood that these exams will be criterion-referenced tests (CRTs). These exams will be mandatory and must be administered statewide. While CRTs developed by school districts might be used as the basis for developing a statewide test, the school districts will not be allowed to each administer their own tests for this purpose, nor will a statewide pool of test items from which each school district selects test questions be considered in keeping with the intent of the law. The state's use of norm-referenced tests in grades 4, 8 and now 10 will continue to be the assessment instrument upon which the designation of a school's achievement level will be based.

The Council must bear in mind the overriding purpose of the standards is to **improve student achievement**. High academic standards are the key to education reform. They establish common expectations among students, teachers, parents, and policy makers. Quality standards help drive everything from the selection of teaching materials to methods of classroom instruction. They even help establish guidelines for teacher training and professional development.

It is the Legislature's intent that the content and performance standards be high and measurable and that the language be clear and specific. These should be academic standards **NOT** statements of philosophy. The Council should not waste valuable time "reinventing the wheel." The Act directs the Council to review and give consideration to standards and examinations adopted by this state or other states. Specifically, the Council is required to review standards considered exemplary, such as those of the Commonwealth of Virginia or those advocated in the "Standards Primer: A Resource for Accelerating the Pace of Reform," published by the Education Leaders Council. While the Council's time line for developing and establishing standards is tight, the Legislature does not want the Council to "rubber stamp" work done by this state or another state or group without carefully reviewing the appropriateness of the standards for our students. To assist the Council in its review, the Legislature recommends using groups of Nevada teachers, parents and business representatives to ensure the standards are high, measurable and reasonable. But experts from outside the state should not be dismissed; their expertise can save the Council time and help avoid pitfalls other states have experienced. The Council needs to set time lines for accomplishing its work and avoid problems that have derailed prior attempts to prepare standards, such as standards that reflect a single viewpoint. It will be important that the standards are easy to read and understand, but the Council should resist getting bogged down in questions of style or format. Working committees need to be large enough to include a variety of viewpoints but small enough to accomplish something. Finally, as standards are developed, the assessment of those standards needs to be carefully considered.

Several reporting requirements are included in the Act. The State Board of Education must present to the Standards Council and the Legislature, on or before February 1 of both the 1999 and 2001 legislative sessions, written reports on the standards adopted by the Board. The Standards Council must present a written report to the legislative money committees and the Governor, on or before April 1 of each of those sessions, on the standards adopted by the State Board and submit to the Director of the Legislative Counsel Bureau any recommendations for legislation necessary to establish the standards established by the Council. The Council must also report to the Legislative Committee on Education on or before June 30<sup>th</sup> of 1999 and 2001 regarding the standards and examinations adopted by the State Board. The Legislative Bureau of Educational Accountability and Program Evaluation will continue the duties of the Standards Council when it "sunset" on June 30, 2001.

-

## 2. Commission on Educational Technology

The Commission on Educational Technology is charged with establishing a plan for the use of technology in the public schools of this state. A draft of the plan is due on or before July 1, 1998, so preliminary information will be available for planning the 1999-2001 biennial budget. The final plan is due on or before January 1, shortly before the 1999 Legislature convenes. In developing this plan, the Commission shall consider plans adopted by the Nevada Department of Education and by local school districts and by other states, including the Iowa Communications Network.

The statewide educational technology plan must include recommendations for incorporating educational technology into the public schools, increasing the number of pupils with access to educational technology, increasing the availability of educational technology to assist teachers in meeting their needs for continuing education and training teachers to incorporate educational technology within their classrooms. The Commission shall also develop technical standards for educational technology and uniform specifications for computer hardware and wiring to ensure compatibility and connectivity. In addition to providing technical direction to educators regarding the use of technology in instruction, the Commission will be involved in allocating funds.

The Commission is charged with allocating money to the school districts from the trust fund for educational technology, including the \$27.5 million one-time appropriation for grants to school districts for purchasing educational technology for use in the classroom. The Commission will also establish criteria for school districts that receive funding from the \$8.6 million appropriated for repair, replacement, maintenance, upgrading, training and contracting for technical support. Note that the \$8.6 million may be used to contract for technical support; it is not the intent of this Act that these one-shot monies be used to hire on-going personnel.

There is no provision in the Act to "sunset" the Commission. Rather, the Commission is required to annually review its plan for educational technology and to make recommendations to the Legislative Committee on Education and the Department of Education as necessary. Furthermore, the Legislature would like the Commission to review technology programs and issues, such as the Nevada School Network, the SMART automated student records system, "distance learning" programs offered by higher education or Clark County School District's Channel 10, federal funds available for educational technology, and training for teachers that emphasizes using technology to improve instruction. This Committee hopes the Commission will stress the importance of maximizing all the dollars available for educational technology.

The grant applications of school districts must show how educational technology will be used to improve instruction and academic achievement of pupils and to evaluate the effectiveness of the use of technology in achieving these aims. The Commission would be well advised to remember that educational technology is a tool for improving pupil achievement, not an end in itself. This Committee will monitor the Commission's actions in allocating these funds and the degree to which its decisions are tied to improved student achievement and to the successful integration of technology in the classroom.

Chairman Raggio stated the above comments were in the form of a recommendation to the Council and the Commission and asked if there were any other suggestions by the members of the Committee. There being no further suggestions, Chairman Raggio indicated he would accept a motion to adopt the recommendations from the Committee to be transmitted to the Council to Establish Academic Standards for Public Schools and to the Commission on Educational Technology.

SENATOR RAWSON MOVED TO ADOPT THE RECOMMENDATIONS FROM THE COMMITTEE TO THE COUNCIL TO ESTABLISH ACADEMIC STANDARDS FOR PUBLIC SCHOOLS AND THE COMMISSION ON EDUCATIONAL TECHNOLOGY.

ASSEMBLYWOMAN DEBRAGA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY BY THOSE PRESENT.

Chairman Raggio asked staff to put the recommendations into a succinct form and provide such to the Council and the Commission. He then turned to the next item on the agenda.

#### G. ESTABLISHING WORK PLAN FOR 1997-99 AND SETTING DATES FOR FUTURE MEETINGS.

Chairman Raggio stated that potential meetings of the Legislative Committee on Education had been discussed with staff as follows:

October 97 Presentation on Effective Remedial Education Programs.

Adoption of List of Effective Remedial Programs, a duty of the Committee.

Review the Criteria for Evaluating the School Accountability Reports.

Presentation on School Accreditation.

Presentation on School Improvement Programs.

November 97 Presentation on Content and Performance Standards.

Presentation on National Standards and Other States' Standards.

Status Report on Nevada's Standards - Department of Education.

January 98 Presentation on Assessments.

Review of State and District Testing Programs.

Report on Scores from October 1997 Tests.

February 98 Analysis of 1997 School Accountability Reports.

Evaluation of Class-size Reduction Programs.

March 98 Review of Educational Technology.

SMART automated student record system.

Use of SMART data.

May 98 Special Education: Evaluation of Programs and Funding.

Special Education Referrals, Remediation.

June 98 Recommendations for Legislation for 1999

September 98 Report from Council to Establish Standards

December 98 Biennial Report of the Bureau.

Report on Assessments Recommended by Council.

## Report on Schools Designated as Having Inadequate Achievement.

Chairman Raggio commented that the Legislative Committee on Education would be a hard-working committee. He asked the members to look over the suggested work plan as it could be modified. He indicated the potential date for the October meeting was October 21, 1997 and polled the committee for the availability of that date. He indicated that subject to hearing from the members not present, the next meeting date would be October 21, 1997.

Chairman Raggio indicated the committee would try to meet alternately between the north and the south so the October 21<sup>st</sup> meeting would be held in Las Vegas.

Chairman Raggio recognized Dave Cook, State Board of Education, as present in the audience and also Lincoln County Superintendent, Vaughn Higbee as present at the meeting today.

There being no further business before the Committee, Senator Raggio adjourned the meeting at 12:45 p.m.

Respectfully submitted,

---

Joi Davis, Secretary

Fiscal Analysis Division

APPROVED:

---

SENATOR WILLIAM J. RAGGIO, Chairman

Legislative Committee on Education

---

DATE

