

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON EDUCATION**

**Seventy-Seventh Session
April 3, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 2:37 p.m. on Wednesday, April 3, 2013, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at nelis.leg.state.nv.us/77th2013. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Elliot T. Anderson, Chairman
Assemblywoman Marilyn Dondero Loop, Vice Chairwoman
Assemblyman Paul Aizley
Assemblywoman Lesley E. Cohen
Assemblywoman Olivia Diaz
Assemblyman Wesley Duncan
Assemblyman Andy Eisen
Assemblywoman Michele Fiore
Assemblyman Randy Kirner
Assemblyman Harvey J. Munford
Assemblywoman Dina Neal
Assemblyman Lynn D. Stewart
Assemblywoman Heidi Swank
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

Assemblywoman Maggie Carlton, Clark County Assembly District No. 14
Senator Ben Kieckhefer, Senatorial District No. 16

STAFF MEMBERS PRESENT:

Todd Butterworth, Committee Policy Analyst
Andrew Diss, Committee Manager
Sharon McCallen, Committee Secretary
Steven Sisneros, Committee Assistant

OTHERS PRESENT:

Brian Daw, representing Clark County School District
Lindsay Carr, Private Citizen, Douglas County, Nevada
Calli Fisher, representing Washoe County School District
Catrina Peters, Nutrition Programs Coordinator, Department of Education
and Co-Lead, Nevada Farm to School
Donnell Barton, Office of Child Nutrition and School Health, Department
of Education
Paula Berkley, representing Food Bank of Northern Nevada
Denise Tanata Ashby, representing Children's Advocacy Alliance
Lindsay Anderson, representing Washoe County School District
Joyce Haldeman, representing Clark County School District
Judy Osgood, Senior Policy Analyst, Office of the Governor
Craig Stevens, representing Nevada State Education Association
Deborah H. Cunningham, Deputy Superintendent for
Administrative and Fiscal Services, Department of Education
Dotty Merrill, representing Nevada Association of School Boards
Rorie Fitzpatrick, Interim Superintendent for Public Instruction,
Department of Education
Sylvia R. Lazos, Board Member, English Language Learner Task Force
Committee, Clark County School District
Lucy Keaton, Assistant Superintendent, English Language Learner
Program, Clark County School District
Janeen Kelly, Director, English Language Learner/World Languages
Department, Washoe County School District
Oscar Peralta, representing Nevada Hispanic Legislative Caucus,
Las Vegas
Magdalena Martinez, Private Citizen, Las Vegas, Nevada
Stavan Corbett, Private Citizen, Las Vegas, Nevada
Susie Lee, Board President, Communities in Schools, Las Vegas

Jessica Padrón, representing Latino Leadership Council, and Nevada Youth Coalition, Las Vegas
Kenneth Zamora, representing Mi Familia Vota, Las Vegas
Uriel Garcia, representing Hermandad Mexicana, Las Vegas
Leo Murrietta, State Director, Mi Familia Vota, Las Vegas
Vicenta Montoya, 1st Vice Chair, Latino Leadership Council, Las Vegas
Maria Castillo, Private Citizen, Las Vegas, Nevada
Marco Rauda, Latino Leadership Council, Las Vegas
Craig Stevens, representing Nevada State Education Association
Raudelia Quezadal, Private Citizen, Las Vegas, Nevada
Rosemary Flores, Executive Director and Co-Founder, Family Leadership Initiative, Las Vegas
Martha Moreno, Private Citizen, Las Vegas, Nevada
Fernando Romero, Regional Field Coordinator, National Council of La Raza, Las Vegas, Nevada
Mary Pierczynski, representing Nevada Association of School Superintendents
Stephen Augspurger, representing Clark County Association of School Administrators
Sebring Frehner, Nevada Education Coalition, Las Vegas
Vanessa Bautista, Private Citizen, Las Vegas, Nevada
Hergit Llenas, Private Citizen, Las Vegas, Nevada
Abraham Camejo, Private Citizen, Las Vegas, Nevada
Seth Rau, Private Citizen, Las Vegas, Nevada
Angie Sullivan, Private Citizen, Las Vegas, Nevada
Marisol Montoya, State Coordinator, Mi Familia Vota, Las Vegas
Daniel J. Klaich, J.D., Chancellor, Administrative Services, Nevada System of Higher Education
Crystal Abba, Vice Chancellor, Academic and Student Affairs, Administrative Services, Nevada System of Higher Education
Steve G. George, Chief of Staff, Office of the State Treasurer

Chairman Elliot Anderson:

[Roll was called.] We do not have a quorum, but we will start in subcommittee. Please mark the other members present as they arrive. [Housekeeping, protocol, and procedures were explained.] We have a number of bills. We will start with Assembly Bill 337 .

Assembly Bill 337: Encourages public schools to establish and participate in programs that promote the consumption of fresh fruits and vegetables by children. (BDR S-45)

Assemblywoman Maggie Carlton, Clark County Assembly District No. 14:

This bill had been put in by one of our previous colleagues and when I looked at it, I thought it was important, knowing how teaching my daughters the love of fruits and vegetables was always a challenge. We used Dr. Seuss' *Green Eggs and Ham* a lot to make sure that many foods were tested and tried in my house. The garbage disposal ate very well some evenings.

This is a very simple bill and quite self-explanatory. However, to give the subcommittee a flavor of what we are trying to do, the fruit and vegetable program provides a fresh fruit or vegetable snack to all of the students in participating schools. The goal of this program is to increase the variety of fruits and vegetables that children consume, create healthier school food environments, and positively impact the nutrition, not only of the students, but of their families. The next time they are in the grocery store with their family they will ask to have it and hopefully that will influence the family to try healthier eating styles.

Elementary schools with at least 50 percent of their students eligible for free and reduced lunches can apply to participate in the fruits and vegetables program. Top priority is given to schools with the highest proportion of eligible children for free and reduced lunches.

The money that comes into the state for this program is a little over \$2 million per year. The way the program is distributed is there is a certain allotment for each child. You have to spend at least \$50 and no more than \$75 for each student. Every teacher and all of the students in the school have to commit to this program when they apply. Currently, we are at about \$58 per student, which means we cannot expand this to more schools and still stay above the \$50.

With that, I would like to inspire the school district to reach out to more schools and offer this program in more schools, thereby exposing more of our children to healthy fruits and vegetables.

I could go into a lot more data, but I will tell you the most poignant story that I heard while sitting in the Assembly Committee on Ways and Means. I believe the Department of Agriculture and the Department of Education staff were sitting in front of us. They were talking about the different programs that were available, and there was a story about a child who had an orange and did not know what to do with it. The child had never peeled an orange. He might have had orange juice or a section, but when handed an actual orange, he was not quite sure what to do with it. We do not want that to happen anymore. I want to hand a little "Cutie" to a kindergartner and have him know

exactly what to do with it. Get that peel off, eat that orange, and change his nutrition patterns.

Chairman Elliot Anderson:

I would like to go on the record supporting this bill. It is important. I am a big advocate of eating well, even if I slip during session. You speak of encouraging children in school; I had the benefit of being encouraged by my parents who ate very healthy.

Assemblyman Stewart:

I, too, am very much in support of this bill. I remember when I was young, my mother used to tell me that oranges were of such value, they got an orange for Christmas. I hope oranges, apples, and other fruit can become a staple part of our diet. There was a rumor that Dr. Swank has an amendment to include donuts in this bill, and I am strongly opposed to that.

Assemblywoman Carlton:

I think we would have to discuss that amendment. There may be another bill where that could be more germane.

Chairman Elliot Anderson:

It looks as though Assemblyman Munford is in support; he has a banana.

Brian Daw, representing Clark County School District:

We currently participate in the fresh fruit and vegetable program and administer the program through our food services division in order to minimize the amount of time principals and site administrators have to spend bringing this program to their students. [Read prepared testimony ([Exhibit C](#)).]

Lindsay Carr, Private Citizen, Douglas County, Nevada:

I go to elementary school in Douglas County. First, I would like to thank Assemblywoman Carlton for writing this bill. [Read prepared testimony ([Exhibit D](#)).]

Chairman Elliot Anderson:

Thank you very much, Ms. Carr. Well done. We are all pretty nervous when we first appear to speak, so we are all impressed with how well you did.

Assemblywoman Fiore:

I just want to say, that is a beautiful dress.

Calli Fisher, representing Washoe County School District:

We would like to thank the bill's sponsor for continuing this discussion about the importance of healthy eating with the youth in our community. Currently, we have 34 schools in the Washoe County School District (WCSD) that participate. In this program we work with local farms from Yerington, Fallon, Winnemucca, and Sparks. We have also teamed up with the Food Bank of Northern Nevada to provide services to our students over the summer. We have seen an increase in the number of school gardens, as well.

We are here in support of A.B. 337.

Assemblywoman Cohen:

Even though we have discussed that sometimes children do not have access to fruit, because it is sweet, children naturally like it when they are introduced to it. How are you getting the children to eat vegetables? That was always the hard one for me.

Calli Fisher:

That is a good question. I do not know, in general, but overall, some of the students I have sat with during lunch have really enjoyed some of the changes to the lunch.

Assemblyman Munford:

What does a daily menu consist of at an elementary school in Washoe County?

Calli Fisher:

The menus change every day. The students have several options for their choice of drink, then we offer fruits and vegetables from apples to steamed vegetables, then they have a main course, and that changes daily.

Assemblyman Munford:

What is the price range of an apple or a banana?

Calli Fisher:

I do not know the price, but I would be happy to get that for you.

Assemblyman Munford:

Is it in comparison to the other items such as the entrée? I guess they have some fast foods such as pizzas. Do they have hamburgers?

Calli Fisher:

Yes, those are options. At the elementary level the fruits and vegetables would be included in the cost. You go down the line and pick them up. It would not be more money for separate items.

Catrina Peters, Nutrition Programs Coordinator, Department of Education and Co-Lead, Nevada Farm to School:

I am a nutrition programs professional and I am here to speak about the fresh fruit and vegetable program, Farm to School and school gardens. The fresh fruit and vegetable programs are only available to high-poverty elementary schools, so it provides fresh fruits and vegetables to those children who need them the most and who would probably otherwise not have that exposure.

The program is funded completely through federal funds and schools can use the funds to purchase the fresh fruits and vegetables themselves, staff time to prepare them and supplies that are needed to actually serve them, and 10 percent of the total grant can be used for administrative expenses. The idea is that the schools would be able to implement this program fully without having to use their own funds.

Program evaluation conducted on a national level has shown that the children participating in the program increased their fruit and vegetable consumption by up to a third of a cup a day ([Exhibit E](#)). They also report that children are more apt to try a new fruit or vegetable. That is the most exciting piece. Those of you who are parents know how difficult it is to put a new vegetable in front of your child and ask them to eat it.

Currently, there are 73 schools participating in nine school districts and the program reaches a total of 37,000 students.

Donnell Barton, Office of Child Nutrition and School Health, Department of Education:

Again, hot off the press, we have the allocation funding for the 2013-2014 school year. Nevada will receive \$2,355,206. We get to take 5 percent administrative costs at the state level, which is \$117,000, leaving \$2,237,446 to be allocated to the school districts.

We have to allocate the funds on a per pupil basis, so it is between \$50 and \$75. For this current school year, we funded \$58.69 per student. This year, if we were to fund at \$50 per student, we could fund 44,749 students, which would be an increase of 7,087 students for this school year.

Paula Berkley, representing Food Bank of Northern Nevada:

We enthusiastically support this bill. This is not only a good nutrition bill, which I am sure everyone supports, but it also creates good habits. I am constantly referring back to the time when our children taught us to put on our safety belts. If we can start the habits young, we have much better results. That is why this program is so popular.

Chairman Elliot Anderson:

Is there any further support either here in Carson City or in Las Vegas of Assembly Bill 337? [There was none.] Is there opposition? [There was none.] Is there anyone neutral? [There was no one.]

Assemblywoman Carlton:

To make sure it is clear and there is no confusion, these are fruits and vegetables that will be in the classroom and can be incorporated into a lesson plan or learning experience. We realize how important the school lunch program is. In a number of the schools, the way this works is after the lunch program or sometime during the day, either the teacher or the teacher's aide goes to the cooler, picks up all of the fruits and veggies, takes them to the classroom, and our wonderful and creative teachers figure out a way to incorporate these into the lesson plan. When it comes to vegetables, a bottle of Ranch goes a long way. Hopefully, it is fat-free and low-calorie Ranch dressing.

Thank you, Mr. Chairman for giving this bill the time, and I really appreciate my young friend who came forward to testify on this bill. It is great when young folks get involved in the process on things that are important to them and the children coming behind them. I want to give her a special thank you.

Chairman Elliot Anderson:

Again, this is important. I remember when I used to try to hide green beans on the floor and my parents would make me eat them.

We will close the hearing on Assembly Bill 337. We will open Assembly Bill 259. We will welcome our vice chairwoman, Assemblywoman Dondero Loop. Please note for the record that we do have a quorum.

**Assembly Bill 259: Revises provisions governing the P-16 Advisory Council.
(BDR 34-198)**

Assemblywoman Dondero Loop, Clark County Assembly District No.5:

Today I am presenting Assembly Bill 259 from the Interim Education Committee.

The Legislature created the P-16 Advisory Council in 2007 to assist in this coordination between elementary, secondary, and higher education in this state. The P-16 Advisory Council consists of 11 voting members appointed by the Governor, the Majority Leader of the Senate, the Speaker, and the Minority Leaders of each house. Assembly Bill 259 requires that one of five members who is appointed by the Governor be a person who possesses knowledge of and experience in early childhood education programs and services for children in this state, from birth through prekindergarten.

Section 1 of this bill would also allow the Majority Leader and the Speaker to choose an early childhood education expert as one of their choices for appointment to the council.

Section 2 of this bill requires the council to address the preparedness of teachers graduating from the Nevada System of Higher Education (NSHE) programs to teach the new Common Core State Standards (CCSS). Previous discussions in this Committee have demonstrated the need for increased effective early childhood education and readiness for implementation of new CCSS.

Nevada is 50 out of 51 in pre-K participation. Kids Count has ranked Nevada's children 51 out of 51 in school readiness and chance of success.

As our districts move toward a growth model to track student achievement and effectiveness of programs, it is crucial that pre-K is seamlessly integrated into the system. With prekindergarten integration we can identify student earlier, and intervene earlier with appropriate remediation. Outcomes for students identified and served earlier are better and more economical to deliver in the short, and cheaper for our state in the long term.

In closing, Assembly Bill 259 is an important step in the path to ensuring that all of the state's education resources are coordinating to deliver better outcomes for our students, whether they be enrolled in pre-K or higher education.

Mr. Chairman, I also have a conceptual amendment prepared by the Office of the Governor ([Exhibit F](#)).

Denise Tanata Ashby, representing Children's Advocacy Alliance:

We are in full support of A.B. 259. I would also like to point out that we are hosting Children's Week at the Legislature and today happens to be focused on early childhood education. We have several members of the State's Early Childhood Advisory Council attending today to specifically hear this bill.

Lindsay Anderson, representing Washoe County School District:

We are in support of A.B. 259. Early childhood education is a critical component of our P-16 system, and we look forward to working through that.

Joyce Haldeman, representing Clark County School District:

We also are in support of A.B. 259. We recognize that all good things happen to children when they are very young and this will only help get them prepared.

Judy Osgood, Senior Policy Analyst, Office of the Governor:

I have also been serving in the capacity of staff support to the P-16 Advisory Council. To follow up on the information you have already received from Assemblywoman Dondero Loop regarding the Governor's amendment, I want to make it clear to the Committee members that this amendment reflects the recommendations that were made by the P-16 Advisory Council. They have been working the past year and a half in response to the Governor's executive order issued in October 2011. The amendment reflects the recommendations made to the Governor in a report that was issued August 1, 2012.

Craig Stevens, representing Nevada State Education Association:

Due to time constraints, we, too, support A.B. 259.

Deborah Cunningham, Deputy Superintendent for Administrative and Fiscal Services, Department of Education:

I have a friendly amendment to propose. We are very supportive of A.B. 259 on the P-16 Advisory Council. This is a governance structure for our state longitudinal data system which has been lauded by the United States Department of Education for providing oversight for the development of our longitudinal data system. The Department of Education is very supportive of the amendments that have been proposed by the Governor's Office.

We would have one friendly amendment to add to that, which is that the second change in the law is to ask the P-16 Advisory Council to assess the extent to which those graduating from teacher education colleges are familiar with the CCSS. We would broaden this and suggest that the P-16 Advisory Council go further and establish a plan for collaborative research, assessing a number of topics ([Exhibit G](#)).

We believe there is a tremendous potential with this database that we are developing and that there should be research collaboration put in place to make sure the state has the benefit of research that helps us to better invest our scarce state dollars.

Assemblyman Eisen:

I appreciate where this is going and the breadth of the research data you want to collect. I am not clear why that would require the removal of the specific item to be tracked under the original text of the bill.

Deborah Cunningham:

That is one type of research among probably 50 that you could think of that should be done, so why would you put one in statute? I do mention the types of things that improve college and career readiness, and the effective preparation of teachers and administrators—which is specifically what that addressed—and then, return on investment of specific state-funded education and workforce programs. We have much to learn about what works, especially when we look at the whole continuum of education and workforce development from early childhood through careers. My statement is intended to embrace the language that exists and then broaden it. The P-16 Advisory Council could play a very significant role in promoting this collaboration, as K-12 does not always collaborate with higher education in the best way. There is a role for this governance structure.

Chairman Elliot Anderson:

Is there any further support here in Carson City or in Las Vegas? [There was none.] Is there anyone opposed to this bill? [There was no one.] Is there anyone neutral?

Dotty Merrill, representing Nevada Association of School Boards:

We were neutral because we were concerned about the issues that have been addressed in the two amendments that have been presented to you. We were concerned on page 3, lines 20-23 of the bill, regarding the longitudinal data system. That section has been addressed by the Governor's amendment. We were also concerned on page 3, lines 35-40 regarding the new project for the P-16 Advisory Council and appreciate the clarification and would support the amendment provided for that.

Assemblywoman Dondero Loop:

It is really important to develop better outcomes for our children all the way up. Thank you very much for hearing this bill.

Chairman Elliot Anderson:

Thank you very much for presenting it. We are going to close the hearing on Assembly Bill 259 and invite Assemblywoman Olivia Diaz to present Assembly Bill 272.

Assembly Bill 272: Revises provisions governing education. (BDR 34-791)

Assemblywoman Olivia Diaz, Clark County Assembly District No. 11:

I bring before you today for your consideration, Assembly Bill 272. As you all know, I am a teacher and I do teach in a school with a high number of English language learner (ELL) students. You have a conceptual amendment that we are envisioning ([Exhibit H](#)). As you all know, you do not create the perfect piece of legislation when you first draft it. It needs to be vetted and amended, and you need to hear from all of the parties. As I have been hearing from those affected by the bill, it has been slowly changing.

The original bill was what I know should be implemented at this moment to ensure the best quality of education is being delivered to all children, whether they are an ELL student or not. However, I realized we cannot go full force without doing our homework and studying issues carefully before deciding to embark on a journey. Let me tell you where we are now with A.B. 272.

We want to continue to create an English mastery council, and we are open to renaming this if you have another name. I am entertaining any suggestions.

The English Mastery Council is modeled after the Teachers and Leaders Council (TLC) created by this legislative body in 2011. That council will be tasked with making recommendations to various institutions in the state that have the responsibility for training and certifying qualifications of teachers and developing a plan. No Child Left Behind gave us a lot of data, but if we did not use the data that told us our ELL were lagging behind academically and were not making it to graduation, we would never put a plan in place to address those needs. This bill will embark in that area and not only see the data, but see how we can remediate the issues we see can be remediated and not impact our ELLs educational journey through our public school or charter school systems.

The goal is to create the foundation for a high-quality ELL instruction in our state. That is the norm I am seeking. I am a teacher with a master's in bilingual education. I have the Teaching English as a Second Language (TESL) endorsement, and I am sitting before you today telling you that I do not have all of the tools in my tool kit to help my students reach the level of academic knowledge they need to master to be successful in school. That, to me, speaks volumes.

The crux of this bill is, how do we get CCSS to our ELL? We have to overcome the language barrier. Teachers are not born with the tool kit, we acquire it. That is what we are hoping to charge the English Mastery Council with.

Let me take you through what we want the English Mastery Council to do ([Exhibit I](#)). We want them to look at how we are training teachers at our schools of education where they are becoming teachers. They should

be coming out with this tool kit already. If you are familiar with The Lincy Institute, University of Nevada, Las Vegas study that came out in late March 2013 about ELL in Nevada, those are some red lights telling us we are in crisis with that population in our state. We need to take action to improve their educational attainment.

We want the English Mastery Council to look at how we are training and preparing teachers. Are we giving them the coursework? Are we giving them the preservice hours they need to be successful when they get to the classroom? We are also going to charge them with making the recommendations for the course of study teachers need to have in order to be effectively trained ELL teachers.

In my initial bill, I thought maybe we needed to give teachers more credit hours. Currently a TESL endorsement requires 12 hours. Maybe we need to increase it to 15 hours. Now, if we have the English Mastery Council, and they really do the homework, they can look to see if it is just professional development we lack. Do we need to modify the coursework for new teachers who get the TESL endorsement? Do we need to reconfigure the professional standards for TESL? Do we need to make it more rigorous? Do we need to make the determination which teachers should have a TESL endorsement, or which teachers should not have it? Frankly, about half of our elementary schools in Clark County School District (CCSD) have high numbers of ELL students. And finally, how are they going to be trained to best work with our children so that achievement gap can be closed?

The English Mastery Council would also make recommendation to the Teachers and Leaders Council (TLC) to weigh in on whether or not we are adequately measuring high-quality English language instruction in our teacher evaluation standards.

We want to propose to the State Board of Education that we do not work in silos anymore. We want to make sure we are all working with the same energies. We want to propose research- and effective-based ELL instruction practices to be adopted by the districts and the state, and propose criteria for ELL curriculum if we get to that point.

The English Mastery Council will be charged with the task to then give the state the next steps in order for us to make sound decisions for our ELL and the programming and requirements we need to put into place in order for the students to be successful.

Another big part is about boards of trustees and school districts working to devise plans for each school district and making sure that they have a plan in

place by which they know exactly what they are going to do to close the achievement gap with their ELL populations in their districts. It would be great to have the superintendent of public instruction also in that process of plan making and to say whether or not it is a sound plan.

When we have a plan, we have a vision, we set goals, we set standards. Then we can begin to line up everything we need, such as professional training, monies, and everything else that comes with that. We cannot do it in the 120 days we currently have.

Rorie Fitzpatrick, Interim Superintendent for Public Instruction, Department of Education:

I am pleased to be here to lend symbolic support to A.B. 272. There has been a tremendous amount of good work that has come from the TLC. We can look to that work as a model. When we have challenging terrain ahead of us, this concept of bringing together a group of experts who understand the issues and can help drive policy is a good model. Based on the work of the TLC, we have a nice precedent for how we can gather a group together that can achieve this work by looking at the purposeful charge, and then coming back to the regulatory bodies, to put the work into policy and practice.

In general, I am here to lend support to this concept. There are still a few nuances that need to be addressed and we are pleased to be continuing to work with Assemblywoman Diaz and her additional ELL experts.

Sylvia R. Lazos, Board Member, English Language Learner Task Force Committee, Clark County School District:

I come to you in my service capacity. I have spent the past two years as a member of the Clark County School District English Language Learner Task Force Committee and one of my areas of research is policy education reform, particularly for focusing around our ELL students.

I want to thank our interim superintendent, Rorie Fitzpatrick, for her hard work and coming together on this bill. This shows you that an innovative idea can be embraced and bring forth the mission we all embrace, and that is to do better by our children.

The last time I spoke to you, we spoke about the ELL crisis. I am not going to go over that data again, but one of our great accomplishments this session is to put on the radar how important it is to do right by our ELL children. It is simply not acceptable to have 70 percent of ELL children not graduate from high school. We can do better and this is what A.B. 272 is about. It is focusing on high-quality instruction.

We know from the research those children who need the best and highest-quality instruction are actually our poor children and our ELL children. This bill is about making sure the norm in Nevada and in every district in this state is every ELL child getting high-quality instruction.

I regret to say that is not the status currently. This is not to criticize our teachers or school districts, but to simply recognize how long a path we have to travel.

You have a handout of a PowerPoint presentation ([Exhibit J](#)). I would like to point out to you the fourth slide summarizing the WestEd Report Findings ([Exhibit K](#)) that was commissioned by the CCSD review committee in June 2012. Aida Walqui is a professor from Stanford University and is the foremost authority on CCSS and ELL and what kind of quality instruction has to happen in the classroom in order for these requirements we have come up with to actually happen.

She was invited to come in and review what was actually happening in classes in CCSD. Ten CCSD schools were chosen. They were not random. They were an oversample of our better schools in CCSD. She went to the principal in each school and asked what classroom she was going into. She went in and observed those teachers.

I am giving you a synopsis, and this is not my language, it is the language of the expert. In all of her 70 observations, she found that only one classroom was performing at a level of high-quality ELL instruction as envisioned by CCSS. In other words, in 99 percent of the observations, we were not doing the job per the CCSS. That shows we have a long way to go.

I will not read the other points she makes, but it shows we really have to work on ELL and teacher training. It is not acceptable, as Aida Walqui points out, that we have low expectations of ELL students. We know that expectations drive results. We have to have high expectations.

This proposal under this bill is that we rethink certification requirements when we think of how we do ELL in this state; set the abstract concepts. We have a set of experts that work hard so that we can get new parameters and new sets of expectations into place so we can do better by our children.

The last slide I want to point out is based on the Lincy Institute recommendations ([Exhibit J](#), page 5). What I want to highlight here is that the bill checks the box of the majority of the recommendations made by the Lincy ELL study. Assembly Bill 272 will develop a plan for ELL education that is

patterned on research-based practices. This bill will define what is adequate and high-quality ELL education. This bill will develop ELL quality instruction standards; ensure quality instruction is the norm in high-ELL classrooms; require rigor in professional development; require higher education to be put in place, in service programs and training, that will produce high-quality ELL teachers; require districts to be transparent of where we are in the achievement gap between ELL and English speaking students; what progress we are making toward that goal that we hold dear; and that we no longer speak about an ELL achievement gap—that there be no difference between our children.

Chairman Elliot Anderson:

Ms. Diaz, thank you for bringing this bill forward. It is important to my district and especially to Clark and Washoe Counties.

Assemblywoman Neal:

On page 3, lines 12 and 13 of the bill, regarding the phrase "geographic diversity," if you remember from some of our joint education sessions, it came up as a topic from Senator Ford, as well as myself. Sometimes geographic diversity does not represent demographic diversity. You might want to include both of those terms to ensure you see who you want on the body of the English Mastery Council.

Assemblywoman Diaz:

In our conceptual amendment process, where we are putting all of our heads together, we have recognized that fact. Make no mistake about it, we want parents that are representative of ELL, we want experts that have the most to give to our state in order to make this the best we can, and to offer remedies to the situation. We do not want to perpetuate the cycle. We want to correct it.

Assemblywoman Dondero Loop:

Where it talks about providing parents with information or other programs, do you have a vision for that? When I was teaching, I personally thought that was so important, not only to involve them in the school process and make them feel comfortable coming to the education setting, but also to be able to take that home and learn with their children as well as help their children.

Assemblywoman Diaz:

Ultimately, many things come to mind. The English Mastery Council is the one to make recommendations in the area. I do sit on the Advisory Council on Parental Involvement and Family Engagement, and it would be great to use their knowledge and expertise with what they are currently crafting and to ensure where there are high-ELL schools, these practices will be put into place.

Title I schools put a lot of work and effort into working with parents. They provide a lot of training, and they show parents what they need to expect of their children and familiarize them with the curriculum. Many times, a parent thinks the language barrier means they cannot be involved in their child's education. That is not correct. If the parent can ensure that the child does the homework, that is a win-win. The connection between home and school is being built. The child will also know it is important to their parents for them to study, and it is not just coming from their teachers.

Assemblywoman Dondero Loop:

I truly know how important this is from working with Title I schools.

Assemblyman Stewart:

Have you considered the rural communities that this might barely apply to, and yet they may not have the resources to establish a council and carry out the program?

Assemblywoman Diaz:

That is why we are taking this approach. The original bill would have implemented everything, so we are doing this in a scaffold approach, where we are doing our homework first. We are seeing that many districts do have ELL, and we need to ensure we are meeting all of the ELL needs whether there are 5 or 70,000 in a district. All we are asking the districts to do at this point is start devising a plan and working on something so when they do get that ELL student, they have certain strategies and techniques so the student can access the content language. Not knowing the English language does not mean that a student is not smart or not able to pick up on the curriculum, it just means they need to be taught differently. Getting that awareness out there and for everybody to be ready is invaluable.

Lucy Keaton, Assistant Superintendent, English Language Learner Program, Clark County School District:

I am here to speak with regard to the TESL endorsement and the importance of the TESL endorsement form. I was formerly the principal of the Halle Hewetson Elementary School with more than 950 students. Of those 950 students, 90 percent were ELL students.

Eight years ago when I arrived at the school, I had the need to turn the school around and to transform that school from a low-performing school to what it is now—an exemplary school. The first thing I knew I had to do was get each and every one of my teachers TESL endorsed. That was a priority and an imperative that the instruction in all of the content areas needed to be improved. The instruction had to be improved and my teachers needed to have the skills to

enable them to strengthen the instruction and to give the students the ability to develop the language and vocabulary necessary to get the academic language for all of the students so they could have that mastery.

The most important thing I did at the beginning of my venture at the school was to get my teachers TESL endorsed. I know that in CCSD, with as many as 59,000 ELL students, we need to have teachers that are TESL endorsed.

**Janeen Kelly, Director, English Language Learner/World Languages Department,
Washoe County School District:**

We are thankful for A.B. 272 being sponsored today and in bringing this forward as we want to recognize the critical need for support for our limited ELL in our state.

Under the strategic plan in Washoe County School District (WCSD), we have made it a high priority to look at the language needs as well as the academic needs of our ELL students. We want to do that with high-quality teaching and also by providing research-based language instruction that will help them meet the language and academic needs of our students. In our efforts, we continue to look at how we provide that explicit language instruction for our students and what strategies we are using throughout our schools to support our ELL students.

In the coming year, ELL is a priority in all of our professional development as we look toward CCSS. While we support this bill, we also see it fitting into a plan that we continue to develop with our ELL students.

We do have one recommendation, or a clarification. In our district, we have worked with the World-Class Instructional Design and Assessment (WIDA) which has been adopted by the State of Nevada. It provides for us clear guidelines for standards and a framework for helping us know what our students can do with language and how we can help them move to the next level.

In WCSD, we have spent many hours this past year looking at those standards and CCSS, and developing curriculum, assessments, guidelines, and pacing guides for our teachers in order to be able to use the best research-based programs to teach language and to help our students achieve. We hope within this bill that flexibility is given to counties who have already put into place programs that are working for their students.

Assemblyman Stewart:

In my experience in education, you have some teachers that are naturally talented. They have a special rapport with students. I noticed on page 7, section 9 of the bill, you are required to have an endorsement to teach a second language. I would like to see something in the bill that leaves it to the discretion of the principal. If you have a teacher who is doing well, who has the rapport, but perhaps for some reason did not get the TESL endorsement, they would still be allowed to teach—people like Mr. Munford, who has this rapport with students and this ability to get their attention and wants them to learn. Sometimes I think we put too much emphasis on endorsements and degrees and not enough on the natural ability to relate and to teach students.

Lucy Keaton:

There are a lot of phenomenal teachers out there. As a principal, you want to hire the very best. But, sometimes, the very best do not have those necessary skills to really reach that child who has a second language. It is very important that my teacher understands the language and vocabulary development that is necessary. As teachers came to my campus, I made it a point that I wanted them to be well prepared and well trained to go into the classrooms and reach the students. When 98 percent of your students are ELL, you want to make sure those teachers are very effective and can really change that instruction and differentiate in making sure we are reaching and raising the comprehension that is so necessary. The TESL endorsement allows the teacher to understand how the language develops and what is needed in the classroom. The TESL endorsement is what is going to make it happen.

Assemblyman Stewart:

If you have a teacher who has a record of doing well, and the students are improving, are you going to pull that teacher because they do not have the endorsement?

Lucy Keaton:

No. Never.

Assemblyman Stewart:

But this bill would do that.

Assemblywoman Diaz:

As we have stated, we are working through the bill, and the bill that was originally drafted is not what we are proposing today. All of the language regarding TESL certification, and if you taught at a school with 25 percent or greater ELL students, we are not moving forward with because we understand that we need the English Mastery Council to do the homework and tell us what

the next steps are. They are also going to give their recommendations to the TLC. All of this will work nicely because we will have evaluation information to make informed decisions that we currently lack.

Assemblywoman Dondero Loop:

This is more of a comment than a question. I can tell you that after I was required to have TESL endorsement classes in the 1990s, and then subsequently moving to another at-risk school, I became an even better teacher. I personally do not think you can ever quit learning and being aware and more sensitive to other cultures, especially in this ever-changing state that we have.

Assemblywoman Swank:

On page 5, lines 11 and 12, where it says, "Language materials which allow the pupil to interact with the materials," this is referring to ELL who are two or more grade levels below their grade. I am concerned because it seems that we could have some languages that would be very difficult to translate. For example, Tibetan could be a bit of a burden.

The other one is on page 6, section 6, line 15, again, thinking of pupils that are of a small linguistic group, if you are going to report the national origin of pupils and want to maintain confidentiality, that could easily give away who that student is.

Oscar Peralta, representing Nevada Hispanic Legislative Caucus, Las Vegas:

We are in strong support of A.B. 272, as this is one of the legislative priorities of the caucus this session with English language learners in general. On behalf of the caucus, I want to acknowledge the fact that today is an historic day here at the Legislature as it is Latino Lobby Day. I want to welcome all of the members of the community who came here from all parts of Nevada on a bus from Las Vegas to support this bill.

The mission of the Nevada Hispanic Legislative Caucus (NHLC) is to work for the advancement of the Hispanic community for the purpose of achieving parity. [Read from prepared testimony ([Exhibit L](#)).]

Chairman Elliot Anderson:

Due to the number of people signed in to support A.B. 272 we are going to take further public testimony. I would ask you to keep it below two minutes.

Assemblywoman Diaz:

I do have three more individuals in Las Vegas that I wanted to give their insights.

Magdalena Martinez, Private Citizen, Las Vegas, Nevada:

I am a higher education researcher, and I focus my research on P-16 student success issues. I speak in support of A.B. 272 as a parent, a concerned Nevadan, and former ELL student myself.

Assembly Bill 272 provides a framework for school districts to improve the educational outcomes for ELL students. Doing so will improve the increased expectations for teachers and students. Currently, we have a leaky pipeline as we know, and few ELL students successfully move through the educational pipeline. Far fewer continue on to some form of postsecondary education.

Currently, only 1 out of 12 ELL students pass the English Proficiency High School Examination, and only 29 percent actually graduate from high school. This has serious social and economic implications for our state. This bill begins to address the ELL education crisis in our state by the creation of an English mastery council to advise legislators on ELL policy issues. It also requests school districts in our state to develop a strategic plan to close the ELL achievement gap and requests school districts to publish data to monitor progress and bring closer the closing of the ELL achievement gap.

As a higher education researcher, I am deeply concerned about this issue and the well-being of our state. For this reason I support this bill.

Stavan Corbett, Private Citizen, Las Vegas, Nevada:

I am speaking as a father of three children in the CCSD, all who have been identified as ELL students. My wife and I have been fortunate to be a resource in making sure that we coordinated to their success and supplemented their education as it relates to their success. We know that is not something available to every parent to have that resource and the navigational and institutional knowledge.

Being a member of the State Board of Education, I have had the opportunity to see the tremendous support and conversation that has happened within the TLC. Although there are points we go back and forth on, it has demonstrated our ability to move the conversation forward and engage in dialogue which promotes the innovation necessary to secure the success of our students.

This bill can facilitate our children getting the very best by enhancing the resources and the tools we provide for our teachers. These teachers care and are passionate about the children and want the tools necessary to be empowered to serve the students and develop relationships with the families. This is a phenomenal step, and a first step in ensuring the pipeline exists, and the conversations are happening to support those efforts.

The questions that have come up today are a perfect example why this bill should be instituted for those professionals to come together to meet and speak on a regular basis to address these needs in these opportunity gaps.

Susie Lee, Board President, Communities in Schools, Las Vegas:

I also serve on the superintendent's ELL advisory committee in CCSD, as well as the Superintendent's Educational Opportunities Advisory Committee, having most recently dealt with the disproportionality of disciplinary actions on minority students.

In my work with communities and schools, 47 percent of our case-managed students are of Latino descent. Latinos' educational experience, as we have with no economic and social resources, oftentimes, without community partners and programs like Communities and Schools, the schools are ill-equipped to compensate for these disparities. As a result, as Latinos progress through their schooling, the inadequate resources and their weak relationships with teachers totally undermine their success. This is why Hispanics have the lowest rate of high school diploma and college degree attainment, which hinders their stable employment.

Given the growth of the Latino population in Clark County and in this state, it is not only increasing the importance of their high school and college educational attainment for entry-level jobs, but the barriers they face are a serious problem and policy concern for the state and nation.

For that reason, given my work on the various committees on which I serve, I support efforts to improve ELL education in this state. I definitely support identifying and addressing the achievement gaps, proposing strategic plans, monitoring progress, and anything that can be done to increase parental participation.

In putting forth a plan and a bill, I would like to see it be funded and allow districts to have control of such plans.

Chairman Elliot Anderson:

We only deal with policy in this Committee. If it moves forward it will go to the Assembly Committee on Ways and Means.

Jessica Padrón, representing Latino Leadership Council, and Nevada Youth Coalition, Las Vegas:

I am here to testify in full support of A.B. 272. Currently, 70 percent of ELL students do not graduate from high school, which should be a major concern for this Committee, since we have the third highest population of

ELL students in the country. [Read prepared testimony ([Exhibit M](#)).] This bill is very important to me and the Latino community. I hope we can count on your support.

Kenneth Zamora, representing Mi Familia Vota, Las Vegas:

I actually went to grade school in California and was an English as a Second Language (ESL) student. I honestly would not have completed high school without the support system I had in California. They have tutoring programs for ESL students before and after school. My parents made sure I did my homework. If I needed extra help, the teachers would let me stay in class or give me one-on-one assistance.

The support system in California is really good, and I compare it to Nevada because I have two younger cousins who attend school here as ELL students. I tutor them. I am also a sophomore at University of Nevada, Las Vegas, and I would not be there without the support system, during grade school.

Uriel Garcia, representing Hermandad Mexicana, Las Vegas:

We are here in favor of A.B. 272. We often see parents in our organization who struggle with their children, trying to help them with their homework. That is why we need more after-school programs to help ELL students achieve their best in school.

I am a former ELL student, and I want to be an ELL teacher. It is important that we invest in our students. They are our future and they are what we need.

I am in favor of this bill, and I hope you understand that this is the best way to go in education. We need your support for our students. The Latino population is one of the fastest-growing populations in Nevada.

Leo Murrietta, State Director, Mi Familia Vota, Las Vegas:

We are a Latino nonpartisan organization, and I am here as a member of the Latino Membership Council speaking in favor of A.B. 272.

I am an immigrant into this country, as is my entire family. I have a good mastery of the English language, but I entered school with no knowledge of English. My parents, to this day, do not speak English. My brother and I grew up speaking very little English, only learning from Sesame Street. There was no assistance for us.

My brother is the reason I am here. He was placed in a Spanish language kindergarten, no bilingual, no assistance. We learned everything in Spanish. He was then placed in an English language learner first grade, a Spanish

language second grade, then from third grade forward, we were placed in special education. My brother is one of those statistics. He did not graduate from high school. He had to continue his education to get a general education diploma (GED), then later a full diploma. He struggled with his education because of the lack of support and knowledge about how to teach these students. I was fortunate enough to have had older siblings who had learned enough English to help me learn.

In my position with Mi Familia Vota, we interact with many families who go through the same problem. We are here in support as this is an important issue to the community, and we kindly ask for your support.

Assemblywoman Fiore:

Thank you for being here. I ask this question because I do not know, so with full respect, as you are learning English and your parents do not speak the language, are you teaching them English?

Leo Murrieta:

It is very challenging. As my parents get older it becomes easier to communicate with them in Spanish. Over the years, we have attempted to teach our parents word by word. We learned English the same way, holding an object and saying what it was. My parents can communicate on a low level of English. If I speak English to them, they can understand some of it. My parents do struggle with English. Their grandchildren speak both English and Spanish fluently. Our language is very special to us. The first generation of Americans born in this country to our family learned English first, then, subsequently, Spanish so they can keep their cultural roots as well.

Chairman Elliot Anderson:

I would like to note that when I am canvassing in my district, there are registered voters who may be older and do not speak very good English, but they will have a younger member of their family come to the door and we can have a full conversation. It is something that comes in time and is generational. I have read literature of successive waves of immigration in our country's past, and the newer you are to the country and the younger you are, the more likely it is that you will pick up English. Certainly anything we can do to facilitate that is good for our education system.

Assemblywoman Neal:

I want to say that I am happy you made the comment regarding your older brother who was not able to transition through the system as successfully as other students. From my own experience, I have seen that a student gets lost in the shuffle. They know they are not ready, yet they find themselves in

seventh grade and still have a second-grade vocabulary. There is an embarrassment to bring it up, because they may have a teacher who may not want to take the time to help the student relearn the lesson.

That was an appropriate comment. People sometimes misunderstand the variations that occur within the system and within the ELL population, in particular. When they find themselves in English, in a language arts class, then have to transition over to other coursework, such as science, where there is heavy written material, they find themselves in the same quagmire in terms of vocabulary and not having the ability to process the information.

My cousin teaches in the Los Angeles, California, school district, and she took it upon herself to become bilingual. She was 50 years old. She left IBM, and the next thing you know, she was bilingual. It was important to her to cross over. In reference to Assemblyman Anderson's comments on canvassing in his district, in my case, I would be calling my daughter to the door to speak Spanish because she is bilingual.

Vicenta Montoya, 1st Vice Chair, Latino Leadership Council, Las Vegas:

I have been a resident of Nevada since 1951. I am a product of CCSD and graduated in 1969. I know Mr. Munford from his teaching days. I was not a student in his class, just legally visiting his class.

I was fortunate because English was my first language, although my parents spoke Spanish. I was also fortunate because my older brothers and sister spoke English. That was not their first language; it was Spanish. They lived a very isolated life in northern Nevada and were beaten up by Oklahoma Okies. They said they were never going to speak Spanish again. They learned English very quickly because they were isolated. There was no one else they could speak in Spanish to except each other.

When I was born, English was my first language. I did not have any difficulties in the school district. I also did not see any Latinos in the school district. That situation has changed greatly since I graduated in 1969 with five Latinos in my class. You go to Clark High School now, it is almost 90 percent Latino.

It is troubling to me that the quality of education I received, these children today cannot receive. I received an excellent education in the CCSD. I was the fifth child and the first person in my family to graduate from high school, to graduate from college, and I was the first person in my family to have a higher education beyond college. I have a juris doctor degree.

My daughter is also a product of CCSD. She graduated from high school, and has a bachelor's degree in political science from Hawaii. She also received an excellent education, but her first language was also English. For those children who do not have that language skill, they are so far behind going in. If you do not have those skills by third grade, you are going to fall ever and ever behind. If you look at the numbers and see that third grade, by the time they get to high school, you get that 70 percent dropout rate.

If we are continually saying that we need quality teachers—and I hear that repeatedly from the people who come before your Committee, I hear you say that—then we need standards for ELL. I speak in support of A.B. 272.

Maria Castillo, Private Citizen, Las Vegas, Nevada:

I am also representing Mi Familia Vota and I am here in support of A.B. 272. As a mother of five children and a grandmother of two, I know education is a key to our children's future and the future of our country. I believe that all children of this great state deserve the chance to excel and to reach for the goal of a higher education, not only for themselves, but also for our country. They are our future doctors, leaders, and educators. I do believe that all of the children, regardless of the level of their English proficiency, deserve quality education.

Marco Rauda, representing Latino Leadership Council, Las Vegas:

I am in support of A.B. 272 because of my story. When I was in fourth grade, I spoke English fluently, but I could not read or write it. I was in ESL classes, but the person in charge of giving us ESL classes was not trained properly. Therefore, on weekends, while my mother was a domestic worker, we used to clean a lady's house and she would let me borrow her grandchildren's Disney books. I would read them with her, take them home and read them on my own, then bring them back, and she would help me with pronunciation. Eventually, I became fluent in Spanish and English, but it was because of that lady and not the poorly trained person in the ESL class. We need to make sure those teachers are trained.

I would also like to respond to Assemblywoman Fiore. When my mother came to this country with us, she was working two and three jobs at a time. She tried to learn English, but unfortunately, because of restraints of the jobs to put food on our table, she was not able to go to school. Luckily, she learned enough English to be able to pass her citizenship class. It took her two tries. It is really hard for our parents to learn English when they are working two or three jobs that do not pay well.

Assemblywoman Fiore:

Thank you for that. I am glad that you are expressing how hard your mom worked for you, and I would ask that you work hard for her and take care of her when she needs it.

Craig Stevens, representing Nevada State Education Association:

We are in full support of A.B. 272. We believe this is going to be the challenge for Nevada schools over the next two decades. This bill will help set us up for success. It is important that every child has the ability to get a quality education and we need to make sure everybody is on an even playing field and we believe this bill does just that.

I would like to bring to the Committee's attention that we do have a friendly amendment to bring forward. We believe it will also be taken care of in the conceptual amendment, but it is on Nevada Electronic Legislative Information System (NELIS).

It is in section 3, allowing the list of nominees for the committee, that Nevada State Education Association (NSEA) be able to choose the educators on the committee just we have done in several other bills before.

Chairman Elliot Anderson:

Have you talked to Mrs. Diaz regarding the amendment?

Craig Stevens:

I have and it is considered friendly.

Chairman Elliot Anderson:

For the record, she is nodding her head, so it is definitely friendly.

Raudelia Quezadal, Private Citizen, Las Vegas, Nevada:

I have three children. I support A.B. 272. The English Mastery Council is needed to train teachers for our ELL children.

Rosemary Flores, Executive Director and Co-Founder, Family Leadership Initiative, Las Vegas:

I strongly support A.B. 272. Establishing the English Mastery Council will assist many of the teachers to become much more knowledgeable on how to work with the ELL students, especially with helping them become academically proficient as well as English literate.

I will be staying here to interpret for one of my colleagues, Martha Moreno, who will be making her statement in Spanish.

Martha Moreno, Private Citizen, Las Vegas, Nevada:

Good Afternoon Mr. Chairman and members of the committee. My name is Martha Moreno and I have two children. I am here to support Assembly Bill 272.

When my older son began school eleven years ago, he suffered very much because I did not know how to help him with his English. Submitted written testimony in English ([Exhibit N](#)) and gave testimony in Spanish ([Exhibit O](#)).]

Fernando Romero, Regional Field Coordinator, National Council of La Raza, Las Vegas, Nevada:

I have been a Latino community advocate for the past 46 years in Las Vegas. I want to thank Assemblywoman Diaz for taking the initiative in attempting to confront this major concern for the Latino community and the community in general in Nevada.

It is sad to know that although studies and volumes of documentation exist which outline and identify that more than 50 percent of our Latino students in CCSD as being in dire need of ELL education, less than 50 percent of our Latino children are graduating from high school. The dropout rate reflects that same percentage.

This is nothing new. These figures did not just pop up overnight. Here we are in 2013 trying to decide whether to accept or not a bill such as A.B. 272. Experts have agreed that teaching ELL children requires special education skill sets and expertise. For ELL children to study and to succeed, they need to receive instruction from teachers who understand how to teach the development of language, as well as how to teach complex academic concepts to non-native speakers.

Neither the state nor any school district in Nevada has a plan to close the achievement gap, in spite of the gap being comparable to deficits in which the states have been sued for not providing ELL students an adequate educational opportunity.

I would simply add that the progress that is being made in closing the ELL achievement gap be made and to query the administrators and principals as to how they feel about the success or failure of the students within their schools. We know there are some schools where the administrators are the ones that are at fault, not the system and not the school district, and definitely not the schoolteachers.

I thank you for this opportunity, and I hope you do the right thing.

Mary Pierczynski, representing Nevada Association of School Superintendents:

As we understand this bill, the main thrust that Assemblywoman Diaz is looking for in this bill is to create the English Mastery Council. We want to thank her for bringing this bill forward and for placing an emphasis on a huge issue in our state. The last time I checked, I think there were 154 different languages spoken in our schools. We are in support of A.B. 272.

Stephen Augspurger, representing Clark County Association of School Administrators:

We, too, would like to compliment Assemblywoman Diaz for bringing this important legislation forward. We stand in full support of A.B. 272.

Sebring Frehner, Private Citizen, Las Vegas, Nevada:

I would like to echo the testimony of the speakers before me. I support A.B. 272. About a year ago, in doing policy research on education initiatives and trying to figure out what would have the largest impact on quality of our education systems for the least amount of money, the one thing we were able to identify over and over again was the need for ELL education. It actually had a twofold impact, part of which I have not heard spoken of today.

The students who go into ELL classrooms are not just students who are speaking another language first and English as a second language. I visited a classroom this morning at J.E. Manch Elementary where the majority of the students in the class actually did not speak Spanish or any other language. They were just low-income students that needed a leg up to catch up with their peers. That is why we identified in our policy research that ELL was probably the most important policy that we could pass this year.

Vanessa Bautista, Private Citizen, Las Vegas, Nevada:

I am also an immigrant into this country. I was an ESL student in elementary school, and I am for A.B. 272. I believe it is very important for our children to learn English because they are answering their tests and their homework in English, and it is not healthy for them to doubt themselves. Helping students to become proficient in English will increase their confidence, and by increasing their confidence and their self-esteem, we will definitely increase their performance. I urge the Committee to do the right thing. We live in a country where we do not leave children behind, and we want to make sure they are successful. The success of our children is ultimately our future. These are our doctors and lawyers that will one day be serving us.

Hergit Llenas, Private Citizen, Las Vegas, Nevada:

Yesterday, I was reviewing a scholarship application, and I came across an essay written by a national honor student attending West Preparatory Academy. I thought it appropriate to share with you today.

I will read a few lines. She said, "I was born in Las Vegas, Nevada but at age 3, my family moved to Hidalgo, Mexico. I came back when I was 13. Due to the lack of understanding of the English language, I was not treated equally. I was separated from my classmates to do simple stuff like coloring pages and connecting dots. I was a fourth grader doing what a first grader should be doing."

This essay clearly illustrates the reality of many ELL students in Nevada. It also shows how, when faced with children who do not speak the language, teachers are not prepared to deal with them and to help them. That is why I count on your support to pass this bill to allow our teachers to be taught so our children can succeed.

Abraham Camejo, Private Citizen, Las Vegas, Nevada:

I am a small business owner in Las Vegas, and I am here to show my support for A.B. 272. While growing up in Las Vegas, I attended Halle Hewetson Elementary School and Thomas Williams Middle School. I remember the difficulty in learning at that early age in trying to do my homework. My parents, who immigrated to this great country, were not able to help me with my homework as it was in English. Fortunately, I was lucky enough to have a great teacher who was able to help me around the fourth grade. I was part of the ESL program. This benefited my life greatly as I learned English while growing up. Spanish was my first speaking language.

Today, I see the impact that this plays in our great community, and I think it is essential for us to prepare our community and our future leaders with the proper tools that we need. I strongly encourage the passage of A.B. 272. I also encourage the state to put in place the proper resources and the tools needed by providing the proper teachers for all of our students and in consideration of our growing Hispanic population.

As a business leader, I encourage other business leaders to support in any way necessary the betterment of our education system and the teaching of English in our school district.

Seth Rau, Private Citizen, Las Vegas, Nevada:

I am a master student at UNLV and the College of Education. I want to speak to the TESL endorsement aspect of A.B. 272 am in strong support of the bill.

I have taken a number of the required courses for the TESL endorsement, and I believe the English Mastery Council would be wise to review the current coursework that is being issued for training teachers to be effective TESL instructors. Presently, the coursework is ineffective, much time is being wasted, and proper instruction is not being provided for the new teachers. It is very important that we have top-quality professors teaching at Nevada institutions to ensure the highest-quality teaching of our ELL students. I implore you to pass this bill so that the English Mastery Council can be created.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I am with the CCSD, and I do have a master's in teaching ESL from UNLV. There are a lot of people who purport to have quality ELL instruction that is not necessarily research based. I do not want, with best intentions, to begin to spend a lot of time and resources on programs that will not be effective for our students. We need to make sure we have research-based programs, and we need to be able to teach those to our instructors to make the most impact.

We also heard testimony of possibly excluding children. That breaks my heart. There are a lot of things out there that are research based, as well as quality instruction, and there have been a lot of cuts. It seems like the first thing to go is support for our most needy children. I applaud those who are taking steps to address a large population that is willing to learn, is able to learn, but will need support to be successful and to proceed to graduation in our state.

Marisol Montoya, State Coordinator, Mi Familia Vota, Las Vegas:

I am a member of the Latino Leadership Council. On behalf of Mi Familia Vota, I am here in support of A.B. 272 and I would urge you, as a Committee, to please put this bill forward to the floor.

Chairman Elliot Anderson:

Is there further support for A.B. 272 in Carson City or in Las Vegas? [There was none.] Opposition? [There was none.] Is there anyone in the neutral position here in Carson City?

Dotty Merrill, representing Nevada Association of School Boards:

I want to thank Assemblywoman Diaz for bringing this proposal forward. It is obvious that she is passionate and committed in her efforts to improve the status quo for ELL students.

As the bill was originally written, the school boards across the state have several policy concerns which we have shared with Mrs. Diaz, and we look forward to working with her on the conceptual amendment. We certainly support the concept of the English Mastery Council, but as we all know, with

the conceptual amendment, the devil is in the details. We look forward to working to craft language that will enable each of our local school boards to develop appropriate plans to close the achievement gap and to provide more appropriate and more effective services for ELL students.

Joyce Haldeman, representing Clark County School District:

Like the Association of School Boards, we come here in a neutral position, not because we are not supportive of the concept of the bill, but because of concerns regarding some of the issues.

We would like to thank Olivia Diaz for bringing this forth. Not only is she an excellent legislator, she is a wonderful teacher in CCSD as well. During the interim, she did come and meet with the superintendent to discuss these issues with him. We appreciate her proactive approach to helping us deal with one of our most pressing problems. This is one of our top priorities.

You met Lucy Keaton who is our new assistant superintendent for ELL, a position we created even in the midst of times we have been undergoing budget cuts, because it is of such a top priority for us to be able to handle this situation of ELL students and how to take care of them correctly in CCSD.

I know that we do not deal with money issues in this Committee, but we did not feel we could be supportive of issues in a bill on one side, then go to another committee and oppose it because it is an unfunded mandate. We want to make sure that everyone knows we are in support of the concept of the bill, we share the goals of the bill, and recognize that we are in crisis. We are pleased by the emphasis on ELL, but we have seen many bills being discussed by the Legislature. Everyone understands this is a top priority for Nevada's school districts to ensure that all children have the opportunity to learn.

You have heard how passionate Ms. Keaton felt about making sure every teacher was TESL endorsed, and you have heard testimony about the effectiveness of TESL endorsement. Again, I know you do not deal with money, but I need to point out that teachers who want to get a TESL endorsement at UNLV pay \$191 per credit hour. A 12-hour requirement is \$2,292, not mentioning the cost of textbooks. If we up that requirement to 15 hours, that is \$2,865. In the CCSD, we pay for some of those endorsements with Title III dollars. That was in the days before budget cuts. We do not have those dollars anymore. Teachers are expected to pay for that endorsement out of their own pockets. To get a TESL endorsement, it is easily a cost of \$3,000 when you talk about babysitters and pizzas while you are away from home taking a class. In addition, once they have received the endorsement, they have to pay a \$50 fee to add that endorsement to their

teaching license. We see those as barriers to making sure we have effective TESL-endorsed teachers in the classrooms. As we are talking about all of these issues, we ought to think about offering incentives and removing barriers so our teachers will have an appetite to become prepared.

Chairman Elliot Anderson:

Are there questions for either witness? [There were none.] Mrs. Diaz, do you have any concluding remarks?

Assemblywoman Diaz:

There is still a lot of work to be done. I am hopeful we can craft a great piece of legislation and begin closing the achievement gap for our ELL students.

I would like to say hello to Ms. Quezadal in Las Vegas. She is actually a parent at the school where I teach, and it was very special to see her come out and testify in support of my bill.

Chairman Elliot Anderson:

We will close the hearing on Assembly Bill 272 and open the hearing on Assembly Bill 353.

Assembly Bill 353: Revises provisions relating to financial aid programs for students enrolled in the Nevada System of Higher Education. (BDR 34-918)

Assemblywoman Olivia Diaz, Clark County Assembly District No. 11:

I was fortunate that I was invited to attend a Complete College America (CCA) conference this past November. I learned so much because I usually have my K-5 teacher hat on, and it was so great to learn about the issues that Nevada System of Higher Education (NSHE) is facing. Something that stood out for me, aside from the challenges that the NSHE is facing in terms of remediating college students—which I tie back to making sure a student never has to be remediated in K-3—is there is a whole campaign that states have decided to embrace called "15 to Finish." It was so interesting to hear there is a body of work and research that shows students who go to higher education full-time versus part-time have a higher success rate.

I went to the CCA website and pulled up the statistics for Nevada ([Exhibit P](#)). If you look at the four-year public college on the first page, it shows full-time students who graduate on time versus part-time students who graduate on time. Notice the big zero in part-time. When I was there with Ms. Abba and other NSHE members, I told them whatever I could do to help further our work as a state to ensure that we advanced our goals for college completion, to

please keep me in mind. She did reach out and hence, you have A.B. 353 in front of you.

I have here my fellow cosponsor of the bill, Senator Kieckhefer, who is going to tell you why he thinks A.B. 353 is a great bill to move forward in our state.

Senator Ben Kieckhefer, Senatorial District No. 16:

My district includes south Washoe County and Carson City. The bill before you today and the mock-up of the amendment ([Exhibit Q](#)) creates, for the first time, a state investment in a need-based financial aid program. Need-based financial aid with NSHE is primarily done, at this point, through student assessment fees and the percentage of student fees that are carved off for financial aid. This bill would really be making a state investment in the future of students who need financial assistance in order to attend colleges and universities.

Over the past interim, I was very pleased to serve on the Interim Committee to Study the Funding of Higher Education. One of the things I learned was the need to incentivize full-time student attendance and enrollment if we are going to be leveraging that student's activity within higher education in order to achieve success.

One of the constraints within this bill that I was focused on was to be sure we were going to be investing state dollars into these students that need to be enrolled full time, because it significantly increases their likelihood for success. That is not theory, it is fact. According to the most recent data that was presented to the Board of Regents last month, the jump in graduation rates for part-time to full-time students is dramatic at our community colleges. They have a collective graduation rate of 2.6 percent when a student is taking fewer than 12 credit hours a semester. That jumps up six times if you increase that to 12 credit hours per semester, which is considered full time. At the universities there is slightly less of a gap, but it is still significant when you look at a 21 percent graduation rate for part-time students jumping to a 43 percent graduation rate for full-time students.

If we are going to be utilizing state dollars help supplement a college student's education, we need to be trying to leverage that for the greatest outcome both for that student and for the state. That is what I think A.B. 353 does. I am proud to be a sponsor of it, I think it is very well intended and well crafted as amended.

Daniel J. Klaich, J.D., Chancellor, Administrative Services, Nevada System of Higher Education:

My primary purpose in being here today is to thank Mrs. Diaz and Senator Kieckhefer for their efforts in bringing forward this critical issue. I thank Steve George, Chief of Staff, Office of the Treasurer, and Kate Marshall, State Treasurer, Office of the Treasurer, who we worked with, and to introduce Vice Chancellor Abba who will talk more about the issues raised in this bill.

Crystal Abba, Vice Chancellor, Academic and Student Affairs, Administrative Services, Nevada System of Higher Education:

In addition to the thanks that the chancellor offered, I also want to thank Mrs. Diaz and Senator Kieckhefer for their support in this. This is about affordability and affordability is about access to our institutions. That is the link back to CCA.

You have a report on Nevada Electronic Legislative Information System (NELIS) called the Committee on Access and Affordability Report and Recommendations June 2012 ([Exhibit R](#)).

I would first like to give you some of the history on this report and draw your attention to certain data that drives home the point of why we need a state supported, need-based financial aid program. The ad hoc Committee on Access and Affordability was created by the chancellor in the summer of 2011 following a CCA The Alliance of States of meeting he attended. This was not your typical committee. It was not made up of regents or legislators. It was made up of folks that were in the trenches—individuals who work at our institutions that face, day to day, the challenges students face in terms of paying for their education. We included individuals from financial aid, admissions and records, and enrollment services. In addition, we sought the voices of students. We had student representatives and we had parent representatives. For the first time, we were asking parents directly what the challenges they faced were in saving for their student's education. How do they, as parents, make sure they can afford to send their students to school.

The charge of the committee was to consider policies. Specifically, we looked at tuition fee policies and financial aid policies that encouraged full-time enrollment and degree completion. As you heard the statistics from Senator Kieckhefer, you are more likely to graduate from any higher education institution if you are enrolled full time. The challenge with students being enrolled part time is that they get distracted by other things in life such as their job or if they have to take care of their families. When students are enrolled full time, they are engaged and, therefore, significantly more likely to graduate from college.

The work of the committee took approximately nine months, and it resulted in this report that included a number of recommendations; everything from ensuring predictability to transparency of tuition and fees. If you are a parent, you want to know what the price tag is, and you want to know what it is before you get there. You do not want any surprises when you get that bill. Unfortunately, there are often surprises when you see the other fees in addition to standard registration fees for attending our institutions.

In addition, the recommendations included matters related to financial aid. Specifically, for the first time, we started looking at the success rates of students who received state-supported, institutionally supported or Pell Grant financial aid. Again, what we saw in looking at a cohort of students over six years who were part time at the community colleges were not stellar graduation rates, but we had invested more than \$13 million in financial aid in those students that never graduated. That is why Mr. Kieckhefer's point is so important in that what we want to do through this bill is make sure we are investing in students and encouraging them to enroll full time so they are more likely to graduate.

That brings us to the mock-up of A.B. 353 ([Exhibit Q](#)), which essentially creates a need-based financial aid program that is state supported. I know you are wondering why we need this if we have the Millennium Scholarship Program. First of all, the Millennium Scholarship Program is merit based. I do not want to confuse you and say that not every single penny of the Millennium Scholarship is important to our students, but the reality of it is that it is not enough. It is particularly not enough for students who come from the lowest quintile of family income in this state, and even above that.

If a student is enrolled full time at the universities, registration fees and mandatory fees only are over \$6,500 for one year. The Millennium Scholarship will cover 24 credits over the course of the year at \$80 per credit. That is \$1,920 for tuition and fees only. That is barely 30 percent. That does not cover the cost of textbooks or room and board.

Many students are eligible for the Pell Grant. If they are fortunate enough to receive the full award, which is \$5,645, it comes much closer to covering that, but the reality is that for most students, that amount is still not enough to change behavior. Even though the \$5,645 will cover their registration fees, what it does not cover, again, is books, room and board, and other expenses related to the total cost of attendance.

Assemblywoman Neal:

In looking at the mock-up ([Exhibit Q](#)), and I am sure you had the best intentions, but when you changed the language in section 5 from "shall" to "may," then on page 2, you say it is if the institution has the money, so we created this flexible language that suggests there may be a situation in which they may or may not have the money. What was the intent behind that?

Second, what is considered satisfactory academic progress?

On page 15 of your report ([Exhibit R](#)) it shows you have decided to do some kind of financial counseling concerning the money students receive through the grant or scholarship and using that money appropriately. When you talk about your measurements, why is that not one of the criteria you would report back to the board per section 7, subsection 5 of the mock-up?

Crystal Abba:

Regarding section 5, subsection 2, I agree, there is no reason that should not be mandatory rather than permissive in requiring the Board of Regents to establish the criteria for the program.

In regard to satisfactory academic progress, there are number of ways that can be defined, and again, that would be done through board policy. This can be maintaining a certain grade point average (GPA) or showing that you are taking sufficient credits to reach your educational goals.

In section 7, subsection 5, regarding the reporting requirement, that report does not go back to the board, although they would probably be copied on it, it goes directly to the Legislative Counsel Bureau (LCB) via the director of LCB. We would provide information on the dollars that were expended, the number of students who received the funds, and the average award.

In terms of the last part of your question, can you add on a provision in regard to satisfactory academic progress, yes, we could provide some general statistics related to those students who received it.

One important provision of the bill that I want to point out, also in section 7, is it requires that for those individuals who receive a grant from this fund, the institution must provide another grant, or another scholarship, of at least 25 percent. The goal there is so that you are giving them "critical mass" amount of funds that is enough to change behavior so they will enroll full time.

Pages 17 through 20 of the report ([Exhibit R](#)), appendices A, B, C, and D, provides you with national data showing the affordability of our institutions.

If you start on page 17 and look at the percent of median family income needed to pay for one year of school at a two-year institution, a community college, that is a net-price figure. It is tuition, fees, room and board, and other costs less state, federal, need and non-need based awards, including institutional awards. The median family income for this particular year was just over \$60,000. It is 16.8 percent of your annual income that is necessary to pay for that cost of attendance.

Page 18 looks at the lowest quintile, the lowest 20 percent. These are individuals who are making less than \$20,000. For them, it is 53.4 percent of their income. I do not know about you, but I do not spend 53 percent of my income on anything. When you look at that from the standpoint of someone who is struggling day to day to support their family and themselves, you have to remember that affordability is absolutely subjective. What is affordable to you may not be affordable to someone else. There are three legs to affordability: the price, financial aid, and resources. Where Nevada is severely lacking shows on that table on page 18. Page 20 provides the figure of 60 percent for four-year institutions. When you look at poor families in this state, despite the fact that our tuition fees are low, and you have seen the Western Interstate Commission for Higher Education median comparison and compared it, it looks inexpensive, but it is not, relative to family income when you are in the lowest quintile.

That is the premise for the bill.

Steve G. George, Chief of Staff, Office of the State Treasurer:

I have the testimony you are looking for. Section 8 of the bill shows where the money is coming from. It is pretty self-explanatory

Assemblyman Eisen:

I do not want to get mired in the dollars. I just want to get a sense of the scale of what is anticipated. Do we have a projection for how many students we anticipate may be helped by this program in the coming biennium?

Crystal Abba:

At this time, we are looking at approximately \$3 million over the biennium. Is that correct, Steve?

Steve George:

Actually, it would be \$3 million per year.

Crystal Abba:

Depending on the size of the award, and we would create those criteria inside the policies, we would be opting for larger awards rather than smaller because, again, we want to change behavior. Let us just say it is \$1,000 divided into \$3 million and that will give you some idea of the number.

Chairman Elliot Anderson:

Are there further questions, Committee?

Assemblyman Aizley:

I have a couple of comments about who gets the scholarships. Graduate students are full time with fewer than 12 credits, so I am wondering if you are ruling them out. Secondly, comparing University of Nevada, Las Vegas (UNLV) to University of Nevada, Reno (UNR) for example, UNLV students are older and work more, so you would be disadvantaging them in comparison to a school where the students are more likely to be four-year students.

Assemblywoman Neal:

Concerning the affordability when you talk about the percentage of income used, I remember a study we were presented with in Denver in 2012. Students have a tendency, because they are in this affordability issue and they do not have a lot of money, to use the money to offset some of their regular expenses. How are we dealing with that? That is a real factor in how aid may be used. That is why I was asking the question on the financial literacy piece on page 15 of the report ([Exhibit R](#)).

Crystal Abba:

I think you answered the question for me which is that issue of financial literacy. Our institutions do make attempts to educate students in that regard, but the reality of it is, when they receive the funding through the financial aid office, there are cases when between the Pell Grant, the Millennium Scholarship, or a Rotary Scholarship, they get \$7,000 and their fees were \$6,000, they will leave with \$1,000. The expectation is that could be expended on room and board and books or other matters related to the cost of attendance. However, ensuring that happens is very different than saying that is the way you are supposed to do it, which is where the financial literacy part comes in. As you saw, that was a push of the committee as well.

Chairman Elliot Anderson:

I will note that I am actually attending the William S. Boyd School of Law at UNLV and they just knock off your tuition when that aid comes through first, before they give you any of the excess. There are some things done internally to take care of the broader concerns.

Sebring Frehner, Private Citizen, Las Vegas, Nevada:

I am in support of A.B. 353 and anything you can do to help college students stay in school full time. One of the few reasons I actually graduated is because, after dropping out as a part-time student, I came back and was able to get numerous scholarship opportunities, which allowed me to stay in full time and graduate.

Chairman Elliot Anderson:

Seeing no more support, is there opposition in Carson City or Las Vegas? [There was none.] Is there anyone neutral in either location? [There was no one.] We are going to close the hearing on Assembly Bill 353 and ask for public comment. [There was none.]

The meeting is adjourned [at 4:58 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Elliot T. Anderson, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Education

Date: April 3, 2013

Time of Meeting: 2:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 337	C	Brian Daw	Testimony
A.B. 337	D	Lindsay Carr	Testimony
A.B. 337	E	Catrina Peters	Nevada Fresh Fruit & Vegetable Program, Farm to School and School Garden Overview
A.B. 259	F	Assemblywoman Dondero Loop	Proposed Amendment
A.B. 259	G	Deborah Cunningham	Proposed Amendment
A.B. 272	H	Assemblywoman Olivia Diaz	Proposed Amendment
A.B. 272	I	Assemblywoman Olivia Diaz	Creating English Mastery Council
A.B. 272	J	Sylvia Lazos	PowerPoint Handout
A.B. 272	K	Sylvia Lazos	WestEd Report Findings
A.B. 272	L	Oscar Peralta	Testimony
A.B. 272	M	Jessica Padron	Testimony
A.B. 272	N	Martha Moreno	Testimony (English)
A.B. 272	O	Martha Moreno	Testimony (Spanish)
A.B. 353	P	Assemblywoman Olivia Diaz	Complete College America
A.B. 353	Q	Senator Ben Kieckhefer	Proposed Amendment
A.B. 353	R	Crystal Abba	Report