

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

**Seventy-Seventh Session  
April 5, 2013**

The Committee on Education was called to order by Chairman Elliot T. Anderson at 3:15 p.m. on Friday, April 5, 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](http://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](mailto: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 Andy Eisen  
Assemblywoman Michele Fiore  
Assemblyman Randy Kirner  
Assemblywoman Dina Neal  
Assemblyman Lynn D. Stewart  
Assemblywoman Heidi Swank  
Assemblywoman Melissa Woodbury

**COMMITTEE MEMBERS ABSENT:**

Assemblyman Wesley Duncan (excused)  
Assemblyman Harvey J. Munford (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Lucy Flores, Clark County Assembly District No. 28:

Minutes ID: 737



**STAFF MEMBERS PRESENT:**

Todd Butterworth, Committee Policy Analyst  
Jacque Lethbridge, Committee Secretary  
Steven Sisneros, Committee Assistant

**OTHERS PRESENT:**

Nicole Rourke, representing Clark County School District  
Rorie Fitzpatrick, Interim Superintendent of Public Instruction, Department of Education  
Craig Stevens, representing the Nevada State Education Association  
Dottie Merrill, representing the Nevada Association of School Boards  
Mary Pierczynski, representing the Nevada Association of School Superintendents  
Pedro Martinez, Superintendent, Washoe County School District  
Joyce Haldeman, representing Clark County School District  
Michael Patterson, representing the Religious Alliance in Nevada  
Mendy Elliot, representing ACT  
Terry Whitney, representing the College Board

**Chairman Elliot T. Anderson:**

[Roll was taken. Committee protocol and rules were explained.] Please mark Mr. Duncan and Mr. Munford absent, excused. Mark members present as they arrive. We are going to begin with our work session first.

**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)**

**Todd Butterworth, Senior Research Analyst, Research Division, Legislative Counsel Bureau:**

Assembly Bill 337 is sponsored by Assemblywoman Carlton and was heard in Committee on April 3, 2013. This bill strongly encourages the leadership of Nevada's schools and districts to ensure that each school participate in the federal Fresh Fruit and Vegetable Program, and to establish a farm-to-school program as well as a school garden program, to promote the consumption of fresh fruits and vegetables by Nevada's children ([Exhibit C](#)). There are no amendments to this bill. There was no testimony in opposition to this bill.

ASSEMBLYMAN KIRNER MOVED TO DO PASS  
ASSEMBLY BILL 337.

ASSEMBLYMAN STEWART SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN DONDERO LOOP,  
DUNCAN, EISEN, KIRNER, AND MUNFORD WERE ABSENT FOR  
THE VOTE.)

**Chairman Elliot Anderson:**

The floor assignment will go to the sponsor of the bill. Madam secretary, please note for the record that we did have a quorum.

**Assembly Bill 357: Revises provisions governing the regional training programs for the professional development of teachers and administrators. (BDR 34-272)**

**Todd Butterworth, Senior Research Analyst, Research Division, Legislative Counsel Bureau:**

Assembly Bill 357 is sponsored by Assemblyman Bobzien and was heard in Committee on April 1, 2013. A.B. 357 eliminates the Statewide Council and the regional governing bodies, which oversee Nevada's Regional Professional Development Programs, and transfers their powers and duties to Nevada's Department of Education ([Exhibit D](#)).

The Department has proposed an amendment, with concurrence of Assemblyman Bobzien, recommending that:

- Section 3, subsection 1, paragraph (b) amended to retain the language requiring the Office of Parental Involvement and Family Engagement to work in cooperation with the regional training programs and remove the reference to the Department, while still removing reference to the Statewide Council;
- Section 7, subsection 1, be amended to clarify that staff of the regional training programs are employed by school districts and are not staff members of the Department of Education. I spoke with our legal counsel about this. It is probably better for the amendment to simply state that staff of the Regional Professional Development Programs are not employees of the Department and to avoid affirmatively stating they are employees of the school district;

- Section 11, subsection 1, be amended to clarify that the training program offered by each region be guided by the needs assessment data, goals, and objectives of the School and District Improvement Plans in that assigned region and by the State Improvement Plan, and that the plan for each regional training program be approved by the Department; and
- A section be added eliminating the option created by the 2011 Nevada Legislature allowing the Clark and Washoe County School Districts to use their portion of the regional training funds outside of the scope of the regional training programs. The 2011 flexibility allowance was transitory, so it only applied to the current biennium. Approving this piece of the amendment will make this a prohibition in future years.

**Assemblyman Kirner:**

At the end of the day, do we have a fiscal note? Are we passing this bill to the Floor or to the Ways and Means Committee?

**Todd Butterworth:**

I did not see a fiscal note.

**Chairman Elliot Anderson:**

My understanding of the bill is that we would be rerouting the organization structure. It would not be a cost shift.

**Assemblyman Kirner:**

The only fiscal note I see is from the Department of Education and it is zero.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS  
A.B. 357.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

**Todd Butterworth:**

I want to clarify there were two exceptions with the amendment being approved. Legal Counsel noted that the amendment ought to say Regional Professional Development (RPD) employees are not employees of the Department and stop right there, rather than saying they are employees of school districts. The final piece of the amendment would be a prohibition in future years relative to the flexibility of Clark and Washoe Counties and how they use those funds.

**Assemblyman Stewart:**

In light of the amendment, if Clark County would like to make a comment, would they be available to do so?

**Nicole Rourke, representing Clark County School District:**

We are okay with this amendment.

**Chairman Elliot Anderson:**

To repeat the motion, this is amend and do pass with the Department of Education's friendly amendments, with the clarification as stated by Mr. Butterworth that we simply say RPD employees are not employees of the Department of Education.

THE MOTION PASSED. (ASSEMBLYMEN DONDERO LOOP, DUNCAN, EISEN, KIRNER, AND MUNFORD WERE ABSENT FOR THE VOTE.)

**Chairman Elliot Anderson:**

The floor assignment will go to the sponsor of the bill. [The Committee took a one-minute recess at 3:18 p.m.] [The Committee reconvened at 3:19 p.m.] Madam Secretary, please note for the record we still have a quorum. We will open the hearing on Assembly Bill 460.

**Assembly Bill 460:** Revises provisions governing the statewide system of accountability for public schools. (BDR 34-195)

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

Thank you for the opportunity to come before you today and talk about changes in our school accountability system. I am here to introduce Assembly Bill 460, which essentially comes to you through the recommendation of the Interim Education Committee. This is an opportunity to bring our state accountability statutes in to line with federal changes. The first attempt to define school and district accountability was when No Child Left Behind was passed. It incorporated all of the elements of the federal No Child Left Behind Act into Nevada Revised Statutes. It made clear that we have the same expectations for schools that receive Title I funds as for those schools that do not receive Title I funds. Essentially, what it did was create a uniform statewide system of accountability for schools, for districts, for the state. It is surprising that was the first time we really had that kind of detail in the statute, yet that is true.

The world of school accountability has evolved in the last decade. Many states, including Nevada, have pursued more robust accountability systems. This was

an opportunity made available to us through the changes offered through the United States Department of Education, the Elementary and Secondary Education Act (ESEA) Flexibility or Waiver. This bill seeks to create alignment in the federally approved accountability system and state statute. This bill looks like it has many changes. In the end, all it does is to eliminate the very prescriptive details of No Child Left Behind and the system of Adequate Yearly Progress (AYP) from our state statute because we have shifted to a better accountability system that offers more accountability for more schools and more students. It replaces the detailed components of No Child Left Behind with statements that require schools and districts in Nevada to implement our federally approved accountability system. We know that the accountability system will shift over time, as more data becomes available to inform instruction, and as the next generation assessment system is enhanced. We know that it makes sense to have statutes that are nimble enough to accommodate these systems improvements, while still maintaining the rigor for every student in Nevada to ensure that we are doing the right thing by every child. We are paying attention to subpopulation components. We still must pay attention to performance of students of different race and ethnic groups. We still must pay attention to the performance of students who have English language learning needs. We still must pay attention to the needs of students with disabilities. Nevada's current approved accountability system has more in place to make sure that we are getting to the analysis of those students at a deeper level. It creates an opportunity for us to have enough flexibility in state statute to implement this rigorous assessment system, this rigorous accountability system, with the confines of what is yesterday's news.

**Chairman Elliot Anderson:**

Can you talk about and break down major sections? I do not need you to go through every single cross out in the bill, but particularly the new language you are adding and talk about why you are adding it.

**Rorie Fitzpatrick:**

Many of the elements of *Nevada Revised Statutes* Chapter 385 are tied to components of No Child Left Behind. This bill replaces, wherever there are details around the now outdated system of AYP, with a generic statement that Nevada will implement the federally approved school accountability system. Those triggers where there used to be designations of in need of improvement for year one, two, three, or four. Schools and school districts will now be required to implement the components for the schools' approved accountability system. Therefore, if you are an underperforming school, you have to implement the required elements of our school accountability system.

**Chairman Elliot Anderson:**

Can you go through why we have to go through and line all of these things out?

**Rorie Fitzpatrick:**

No Child Left Behind was signed into law in 2001, and Nevada adopted statute in 2003. It took all of the components in the federal law and replicated them in state law. We used to measure school accountability under AYP. Schools that received Title I were required to implement those federal components. It was not necessarily required that we replicate this information in state statute, but we did. Schools that are not Title I schools were not compelled to follow the same accountability system. Stakeholders came together and uniformly, in cooperation with the Legislature, said, "Look, it does not make sense to have two different accountability systems. This will be confusing to the public. It will not be helpful as we prepare students for college and career readiness. We need one uniform, aligned system of accountability for schools." At that time, because we were required to implement the AYP components, that was written into statutes separately for all of the Title I schools and the non-Title I schools. There were parallel systems that said the same thing. With the permission of the U.S. Department of Education to move away from some of what is now known as an outdated system, was a blunt instrument. We only looked at student's ability to get over the hurdle. We did not measure their ability to grow towards the hurdle or beyond the hurdle. You will hear a number of stakeholders say now that it is too blunt an instrument. It was not nimble enough to tell us things about where to focus resources for school support. In the fall of 2011, the U.S. Department of Education offered an opportunity for states to move those proficiency targets down the line, or adopt a new system of accountability. Nevada was one of the leading states that decided to adopt a new system of accountability. We said, "You know what, with ten years of knowledge that this is not useful in changing the meter on student outcomes, why not do something we think will work better?" That included a huge attention to growth as well as some other components. It also enabled us to lower our size, from an already low 25 students to pay attention to a subpopulation, say students with disabilities, we lowered that to 10. It captures the performance of many more students. That waiver opportunity created the opportunity for us to build the new accountability system. Without the changes to statute here, we would be required under the federal system to implement our newly approved system and, under state statute, to run a parallel system of school accountability on what is now really thought of as the outdated AYP model. Without these changes, we are bound to two conflicting accountability systems.

**Chairman Elliot Anderson:**

That was a very helpful explanation and important for the Committee.

**Assemblywoman Diaz:**

Thank you for shedding light on where we have been since AYP and where we are heading now as a state in terms of measuring achievement and growth. What are we going to call what used to be "in need of improvement?" Is that process going to remain the same along with the school improvement planning?

**Rorie Fitzpatrick:**

We will no longer have schools labeled "in need of improvement." It moves us away from those labels and towards the implementation of what is currently the Nevada School Performance Framework. It is intentionally called that because it measures schools, districts, and the State's performance towards specified targets and it describes the infrastructure for supports. From an education policy perspective, understanding where a school is, is useful. It is most useful if we do something with the data to help. If it is going well, we use the data to continue to drive those same changes that are getting students where we want them to be. If the school is underperforming, the data should not serve only as a tool to reprimand the school. The data should be an informative tool to help us understand what we need to be doing differently in the school in order to change the outcomes and how to target the resources. Schools under the Nevada School Performance Framework will have a one- to five-star rating. The star rating is both a designation of their status and more importantly, a designation of the kinds of support that are automatically triggered for those schools.

**Assemblywoman Diaz:**

What I am hearing is that we are moving away from punitive labeling of a school to a supportive atmosphere where we are going to recognize, "You know what? You are failing, but because we are not perhaps giving you the tools that you need to succeed." Is that correct?

**Rorie Fitzpatrick:**

I could not put it better than you just did.

**Chairman Elliot Anderson:**

Are there any other questions from Committee members? [There were none.]  
Is there anyone wishing to testify in support of A.B. 460?

**Nicole Rourke, representing Clark County School District:**

The Clark County School District supports A.B. 460 and the move toward a unified, statewide accountability system. We see this as a necessary step so that we all have one system we are working with that uses multiple measures to look at student achievement and school performance.

**Craig Stevens, representing the Nevada State Education Association:**

Our organization supports A.B. 460. We are excited about the movement toward growth so we can see where the students come and go and how to get them to a better place to graduate.

**Dottie Merrill, representing the Nevada Association of School Boards:**

We support A.B. 460.

**Mary Pierczynski, representing the Nevada Association of School Superintendents:**

We are in support of A.B. 460.

**Chairman Elliot Anderson:**

Are there any questions from Committee members? [There were none.] Is there anyone in Carson City or Las Vegas who would like to testify in opposition of A.B. 460? [There was no one.] Is there anyone in Carson City or Las Vegas who would like to testify neutrally on A.B. 460? [There was no one.]

**Rorie Fitzpatrick:**

I would like to say thank you to the State. I think we have signaled a huge change regarding this movement to a new accountability system. It moves us away from the punitive orientation that Assemblywoman Diaz was suggesting and moves us, in particular, toward a place where we can actually use the data to make instructive improvements in the system. I think it is important that we be clear in messaging to the public that this is not a lessening of accountability. In Nevada, we have done the heavy lift to create more accountability. For those stakeholders nationally, who want to criticize this work and who want to say, "States and educators are not interested in accountability," this is the right thing to do for the students and the state.

**Chairman Elliot Anderson:**

If we are operating under the labor and we have these things in statute from No Child Left Behind, we do not comply with our own statutes. It is an important concept and we have to comply with our statutes. We will close the hearing on A.B. 460. We will open the hearing on Assembly Bill 288.

**Assembly Bill 288: Removes the high school proficiency exams and provides for the administration of a standardized, curriculum-based achievement college entrance examination. (BDR 34-524)**

**Assemblywoman Lucy Flores, Clark County Assembly District No. 28:**

In Las Vegas, we have Superintendent Pedro Martinez, and here in Carson City, we have Rorie Fitzpatrick with the Department of Education, and Joyce Haldeman with the Clark County School District. They are ready to answer questions. We will give you an overview of this bill; what it does and why ([Exhibit E](#)). Assemblyman Kirner had a similar bill, we have been working together on it, and there will be an amendment forthcoming so that he is also listed on this bill.

I first heard about the Nevada High School Proficiency Examination (NHSPE) and their declining use around the country at an educational conference. I came back to Nevada and started having conversations about whether or not the NHSPEs were something that was appropriate for Nevada schools. The issue of the certificate of attendance was the other thing. I found out students were participating in graduation ceremonies, they were in cap and gown with fellow students, and at the end of the ceremony they were handed a certificate of attendance, as opposed to a diploma. One of the heartbreaking situations for me around the certificate of attendance, and how that interacted with the NHSPE, was that many of these students thought they had actually graduated. It was heartbreaking to tell the students they did not receive a diploma, but a certificate of attendance. Because you did not pass your NHSPE, you do not have a high school diploma. The reason why they were having trouble with the NHSPE is because the high school proficiency is no longer in line with common core. Students were failing because they were not being taught the subjects they were being tested on.

This bill proposes a change to that test. It moves us to an end-of-course exam that students take in their freshman and sophomore year. They take the exam after they have taken the course. In addition, it adds a requirement that they take a college assessment test in their junior year. They have to take a college assessment test; however, how they perform on that test is not going to affect whether or not they graduate from high school. The purpose of the test is for use as a further diagnostic tool if the districts choose to have another tool to provide further assessment of the students. More importantly, so many of our students do not take any type of college assessment so they are not on any college radars. Many of our low-income and first-generation students, those who do not have any kind of family members who have been to college, this is the first time they hear about college is if they take this test and as a result start getting interest letters from various colleges throughout the country.

The school district folks will talk about the use of it as a further diagnostic tool in order to be able to address any deficiencies that may exist still and to be able to remediate them, if in fact they are still having trouble. That way they can be ready for career or college.

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

This bill is part of a larger effort to strengthen Nevada's system of student assessment.

Section 43 eliminates the Nevada high school proficiency examinations. Section 19 requires the Superintendent of Public Instruction to select a college entrance examination, which will be used to determine the achievement and proficiency of high school students enrolled in eleventh grade. All school districts and charter schools are required to administer the examination at the same time.

Section 33 requires the State Board of Education prescribe new criteria for the receipt of a standard high school diploma, which must include a requirement that students successfully pass end-of-course exams. Section 33 also requires the State Board of Education to prescribe the courses of study for which these examinations will be required, including the subject areas for which the state has adopted the common core state standards.

The remainder of the bill makes conforming changes related to the elimination of the NHSPEs. Assembly Bill 288 recognizes that student proficiency in a given subject is best measured at the end of a course, soon after they have learned the material, instead of the end of their school career, which might be months or years after they have studied the subject. It also recognizes that regardless of the NHSPEs, colleges and universities use other tools to measure a student's readiness. Both our students and schools will be better served by using similar examinations.

Assemblywoman Flores is right. One of the strong, important points to me is that we are now going to give students a chance to self-identify that they can do this, that they can go to college. So many students felt defeated and uncomfortable with assessment and did not think they could move forward. That is all ethnic groups. We are not talking about just minorities. We are talking about all students in a school setting.

**Chairman Elliot Anderson:**

I would note for the Committee that there is a mock-up ([Exhibit E](#)) of the amendment on NELIS. Are there any questions from Committee members?

**Assemblywoman Flores:**

I might defer questions to Pedro Martinez, Rorie Fitzpatrick, and Joyce Haldeman. They are the ones that will be able to answer the technical questions.

**Assemblyman Stewart:**

I have always been concerned about the fact we have four proficiency tests; reading, writing, math, and science and our graduation rates are very low. The last time I checked, of the ten top states that graduate at a high rate, seven of the ten did not have a final assessment examination. I am in favor of this. I wish this same bill could be sent to all of the states in our consortium, so for the first time we would have a level playing ground. After my conversation with Ms. Fitzpatrick last week, it is my understanding each state will make their own assessment, or have the opportunity to make their own assessment, which still leaves an unfair playing ground.

**Assemblywoman Dondero Loop:**

You are right, Mr. Stewart. It is important that we standardize this with standardized testing because we are compared to all of the states who do not have the same qualifications we do for graduation.

**Assemblyman Stewart:**

Common core needs common score.

**Pedro Martinez, Superintendent, Washoe County School District:**

I have been in Nevada four years. It has become not only my job, but also my mission, to try to solve the problem we have in Nevada about our low graduation rates. I implemented a graduation initiative in Washoe County that raised our rates from 56 percent to 70 percent. Under Superintendent Jones in Clark County, we implemented a graduation initiative. We had 10,000 students on track to graduate for the class of 2012. When you see the final statistics, you will see more than 15,000 graduated, giving Clark County the highest graduation rate in the last decade.

One of the challenges has been with the NHSPE. I applaud the Legislature, and Assemblymen Flores, Dondero Loop, and Kirner for raising the standard. We have a clear vision for what our students will be able to do coming out of high school. The biggest frustration I have, as well as my fellow superintendents, college presidents, and employers, are that students are graduating from our high schools, some of them passing the proficiencies easily on the first try, are going to higher education institutions, and having to take remedial classes because the assessments are not aligned to anything, literally. They are not aligned to what we initially teach in our classrooms. They are not

aligned to what universities expect. They are not aligned to what employers expect. We have this assessment and it is high stakes.

We have students taking some of these sections ten times. I had to call a family today because we have a young man who needs the writing portion of the NHSPE. A student must get a seven to get a passing score, he got a six and one-half. This is the last section he needs. He is in his senior year and I had to let him know, "Hey, do not give up on me. You have one more try in May and we are going to get you through it." This is what our students are living through every single year.

We are not afraid of accountability. We are not afraid of rigor. It has to be the right level of accountability. With this bill, I am excited about assessing students in ninth and tenth grade, catching them early; making sure it is part of their course. Common core standards are much more rigorous. They are college normed. We are increasing rigor through common core, but this is going to be the piece needed to make sure students are better prepared coming out of high school. The reason we are proponents of using the college exam in eleventh grade, not as an exit examination, is to give us more information that we need to get students thinking about college. So many of our students do not consider that option. Whether it is the ACT, SAT, or assessments the State Board of Education choose, students will begin to think about the possibilities. It is not because I believe all students should go to college, I just feel all students should have the option. They should have the choice. I do not believe right now our current system is giving students choices.

In northern Nevada, we went a step further. Any student who takes the ACT and SAT and scores below a certain level are enrolled in the remedial classes they would have taken in college, in high school. We are collaborating with our university and community college in Washoe. This bill also puts us in motion so that districts will be developing academic plans for students, not only to graduate, but also to make sure students have options coming out of high school. I believe we are setting a clear vision for our students, we are raising rigor, and we are raising standards. We stand in unison with the State and other districts.

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

We think this approach is just right. It is this approach of educators, the legislature, the governors' office, business, and parents coming together to say, "This is what we want, need, and expect for our students to ensure that we are really graduating them ready for college and career success."

In December of 2012, the Department of Education hosted an education assessment summit. We targeted 100 individuals, including educators, parents, policy makers, business, Regional Professional Development staff, and special advocacy groups to come together to say, "We now have the common core. We will have the next-generation science assessments." We have expectations in place for our students. Does our current system of assessment meet those expectations? Does the assessment system line up to make sure when a student graduates, they know where they stand and we have done everything we can for them to ensure their success in college and career. At that time, we uniformly said, "No, the current system does not achieve those needs. We must move to a next-generation assessment system." The elements of this bill include, moving to end-of-course exams, moving away from the NHSPE, which while good in its time, is no longer appropriate for the future, and moving to a better understanding of what it really means to be college and career ready. This is the right direction for Nevada to move.

I am pleased to have collaborated with Assemblywomen Flores, Kirner, and Dondero Loop, my colleagues at the districts, and others to bring forward this important conceptual change. We do think there are a few technical elements that need to be amended regarding implementation, particularly some of the timing. We think those can be worked out and we remain strongly committed to collaborating with the Assemblywoman to bring forth any changes that are needed to make this work exactly right.

**Joyce Haldeman, representing Clark County School District:**

Conversations about the NHSPE have been under way for some years. Assemblyman Stewart referenced this has been one of his pet conversations he has had about comparing Nevada graduation rates to other states. When Pedro Martinez was the Deputy Superintendent for Clark County School District, we really started having conversations about, "What must we do to make sure this is going to work?" One of the things he said bears repeating, "This will shift the goal for educators and students from preparing students to pass an exam so they can graduate, to preparing students so they are ready to go to college and be successful in careers." That is a huge shift. I would like to read one sentence out of the iNVest document. "The goal of educators is to ensure students are college and career ready. However, increasingly more time is spent on preparing students to pass the NHSPE, which is substantially different than preparing students to be college and career ready." We will see a shift in the way we are able to approach college and career readiness when the NHSPEs are not the goal, but instead going to college and being ready for career is the goal. It gives us an opportunity to help students be a little more realistic in their self-assessment. We have many students who have passed the NHSPEs as tenth graders.

They think they are done. They think they have passed the exam and know it all. They think there is nothing left for them to do. One of the common things we see in Las Vegas is high school students leaving the campus at 8:30 a.m. because they have taken the one class they still needed for graduation. They think they know it all so they left. Their senior year is fun for them, they go to school for one hour a day. Whether it is the ACT, SAT, or another examination, it helps them understand where they are in terms of college and career readiness. These students will probably have a rude awakening. The students Mr. Martinez was talking about think they are ready for college, yet when they get there, they have to take remedial classes. Instead of them driving out of the parking lot at 8:30 a.m., they will be sitting in those classes getting them ready so they will be ready to learn when they go to college and will not need additional remedial classes. We feel the use of end-of-course exams is also a good step to take. One of the problems some students have as they struggle with the NHSPE is they would take a comprehensive examination that would cover many different topics. When they did not pass the examination, we would throw them into remediation situations which sometimes again having them drink out of the fire hose rather than focusing on just what they need. When you give students an end-of-course examination and they do not do well, they know which course they need to focus on. We can get them more targeted remediation and tutoring. We feel this is one of the most important bills to come forth. We want to thank those who took the lead on this. We have had conversations throughout the interim with the three legislatures that have been mentioned. We appreciate Assemblywoman Dondero Loop and her leadership in bringing this forward. We have worked extensively with Assemblywoman Flores. I am happy to see that Assemblyman Kirner's name will be added to the bill. We had many meetings with him over the interim on the very same topic. It is nice to see us all come together because we think this is going to be the correct thing to do for Nevada students.

**Assemblyman Kirner:**

We do a disservice when we pass a student on NHSPE and he goes home and tells his parents he has passed. He goes off to college and the first thing they do is say, "Well, you need to take a remedial class. That will cost you this fee. By the way, we have a college professor, paid at the college level, to teach high school classes. And, by the way, the student might have to take out a student loan." There is no credit for these classes. When we can address this in a high school level, and graduate young people that are qualified at the high school level, I think we have done a better service to our community.

**Assemblyman Stewart:**

I concur with what Assemblyman Kirner said.

**Assemblywoman Diaz:**

In reading the language about special education students, their Individualized Educational Program (IEP) and how they may be exempt from taking whatever exam is selected, how does this change their situation for attainment of a diploma? It has been a practice that they receive an attendance certificate, much like students who did not pass the proficiency exam. Now I am seeing any language that refers to an attendance certificate is being stricken.

**Rorie Fitzpatrick:**

Students with disabilities have not been issued a certificate of attendance. Students with disabilities who do not pass the proficiency exam, but otherwise satisfy the components of their IEP, have been receiving an adjusted diploma. There is no change away from that practice. The adjusted diploma remains an option for students with disabilities should their IEP teams decide the adjusted diploma is the right direction for them to move. I believe it is incumbent upon the educational field to continue to deliver a strong message of high expectations for students with disabilities, and encourage their engagement in the general education curriculum so that they pass the ninth- and tenth-grade end-of-course exams, and can succeed on a college and career readiness assessment in Grade 11. It does not change the opportunity for them to receive an adjusted diploma. What I hope it will do is result in more students who are receiving special education services graduating with a regular diploma. The end-of-course exams in earlier grades should trigger information about what additional supports those students need to master the general education curriculum.

**Pedro Martinez:**

We already have good strategies with end-of-course exams to help students with disabilities, English language learners, or students who are far behind. This change in assessments will allow us to focus. If it is ninth-grade math, we can target the skills students need. The challenge with the NHSPE, and the reason why so many of our special education and English language learner students do not get regular diplomas, is because we do not have the focus or alignment to the content.

**Assemblywoman Diaz:**

A colleague mentioned to me they had special education students who equated the diploma they got and that his future children would get, to a certificate of attendance. What is an adjusted diploma? What access does that give a special education student going forward after high school?

**Rorie Fitzpatrick:**

It is complicated, and that is why it is confusing. An adjusted diploma is the satisfactory completion of the student's individualized educational program criteria. If a student completes the goals and objectives targeted in their IEP, they can be issued an adjusted diploma. Typically, students who have been issued an adjusted diploma include that group of students who otherwise might be successful in general education, but have not been able to pass all of the different components of the NHSPE. An adjusted diploma in Nevada does not count in the same way at graduation that a regular education diploma does. Assemblyman Stewart has always been good to call forward the conversation about comparison. It is true that while the national adjusted cohort graduation rate was intended to level the playing field, it turns out it is not a peer comparison. In other states, they do not have an adjusted diploma, they do not have these exit examination requirements, so students with disabilities who, in Nevada, might be issued an adjusted diploma, in fact are able to get a regular diploma in a different state. The adjusted diploma landscape is shifting a bit. It does fully endorse that the student has graduated. There are some challenging components for access to higher education. Those students are more readily welcomed into community college settings than they are into university settings. That may be okay because community colleges often serve as a bridge toward higher education. A number of our students with disabilities who have graduated with adjusted diplomas may in fact fare better in a community college setting than they would going straight to a four-year university.

**Chairman Elliot Anderson:**

Are there any questions from Committee members? [There were none.] Talking about where we are going with the college readiness piece and having to remediate students when they get to college, do you think the potential assessments will be aligned to common core? What will our end-of-course exams look like?

**Pedro Martinez:**

The curriculum has been developed looking at college-normed assessments such as ACT and SAT. We are embracing the common core standards that are raising the rigor for our students. The Department of Education will have the ability to choose what assessment they feel is right. We use an ACCUPLACER, which is what universities in Nevada use, and it is a nationally supported assessment. We use that assessment as a diagnostic tool. We are using university and community college curriculum that students would have to pay for, and not get college credit for, and applying it in twelfth grade. This is something we can do statewide.

**Rorie Fitzpatrick:**

There will be a complete and total alignment with end-of-course exams to the common core, if in fact the State Board of Education chooses to adopt the Smarter Balanced Assessment Consortium end-of-course exams for grades nine and ten. Nevada is a governing state and the Smarter Balanced Assessment Consortium tests for third through eighth grade replace our current state-developed criteria referenced tests. If the Board makes the choice to adopt the Smarter Balanced test for the ninth- and tenth-grade end-of-course exams, we would have a completely articulated system, which would enable us to support the analysis of growth from grades eight through ten and perhaps beyond. That is one of the technical refinements we will be working on with the bill sponsors. The Smarter Balanced end-of-course exams will be available for administration in the 2014-2015 school year. That would ensure a complete alignment to the common core. What students are learning is what they are being tested on, which is what we want for college and career readiness.

**Assemblyman Elliot Anderson:**

Superintendent Martinez and Ms. Haldeman, can you please walk the Committee through the implementation sections?

**Pedro Martinez:**

We need to be clear with the community that there is some messiness as we implement these changes. We are talking about students ages 13 to 17 who are trying to figure out life. We would be putting in the common core end-of-course exams in 2014-2015 that would apply to ninth and tenth graders. If tenth graders pass their assessments, they are done. They do not have to repeat ninth grade. For any student in eleventh and twelfth grade who has not passed their proficiencies, this bill allows the State Board of Education if they choose, to go ahead and continue to require students to pass the proficiencies. If they want to modify the proficiency so that it may be English and math, which is more consistent with the common core subjects, they can do that as well. We want to work with our colleagues, the superintendents across the state, so we can deal with the implementation issues, while empowering the State Department of Education to make some critical decisions so we can see what is right for students. We do not want to lower standards or rigor. We will need to figure how to achieve that balance.

**Chairman Elliot Anderson:**

I think it is important we leave it open to the discretion of the Board during the interim because we certainly cannot be writing things we cannot change for two years and accidentally leave two graduating classes behind.

**Joyce Haldeman:**

If the State Board of Education has the ability to make changes, I feel very comfortable with this language.

**Chairman Elliot Anderson:**

Are there any other questions from Committee members? [There were none.] Thank you very much to all three of you for your work on this. I know it has been worked on a lot during the interim and now during session.

**Rorie Fitzpatrick:**

At their March meeting, the State Board of Education had an opportunity to engage in a full-hearted conversation about this. Looking to the work created by Assemblymen Kirner and Flores, we fully embrace this concept of a move to the next-generation assessment system. This is just right in terms of how we create the balance between the superintendent, the Department, the Legislature, et cetera. I think this is a nice move to embrace and support the role of this newly configured State Board of Education.

**Chairman Elliot Anderson:**

Is there anyone in Carson City or Las Vegas wishing to testify in support of A.B. 288?

**Mike Patterson, representing the Religious Alliance in Nevada:**

I want to thank the three people who are working on this bill. Most high school teachers would tell you that the NHSPE has been a nightmare since its inception. The Religious Alliance in Nevada supports this because we feel the proficiency exam has been unfair, especially to at-risk and minority students just based on its design. The one thing I have not heard, and I heard this early in the session, what happens to the past students? They have this certificate of attendance that says they passed all of their classes; they attended school for four years, and have a meaningless piece of paper. I have heard the testimony saying the examinations are foolishly written, do not meet our standards, and we have punished our students. If we are going to move away from punishing the schools and the districts, why not look at the damage we have done to these young people? I would recommend to the sponsors that you look at possibly finding a way of giving a diploma to the students we have skipped over.

**Chairman Elliot Anderson:**

I do have to keep it a little more germane to the bill, but please talk to the bill sponsors. We do not want to ruin anyone's life.

**Mike Patterson:**

We do support the bill. We really believe in it. I am just asking the sponsors to look at it. One of the majority leaders asked me, "What do we do with the kids who did not get their diploma?"

**Chairman Elliot Anderson:**

Duly noted, sir.

**Mendy Elliot, representing ACT:**

We are in support of A.B. 288. ACT would like to thank the sponsors for introducing this bill, which provides for the elimination of the existing High School Proficiency Exam and creates a roadmap for assessment of our high school students' readiness for lifelong learning (Read from written testimony ([Exhibit F](#)). Mr. Scott Montgomery, Vice President of ACT has provided written remarks, which are available on the Nevada Electronic Legislative Information System (NELIS) ([Exhibit G](#)). [Continued to read from written testimony.]

**Dottie Merrill, representing the Nevada Association of School Boards:**

I want to thank Assemblyman Stewart for his commitment to keeping us focused, especially starting this time of year when seniors began to realize they still have not passed one section of the Nevada High School Proficiency Examination (NHSPE) and they are getting really worried about graduation. He has kept the legislative process focused on that for a number of sessions. I also wanted to thank Assemblymen Dondero Loop and Flores for their development of the bill first and more importantly for the mock-up. When I first sent the bill to school board members who serve on the Legislative Advisory Committee, they had a number of questions. I provided those questions to Assemblywoman Flores and she then provided the mock-up. The mock-up answered every single question. From the policy perspective of school board members, it is important we have an assessment that is aligned to our common core standards. That is an important policy consideration. The assessment in the junior year will help students focus more specifically, and in a very concentrated way, on college and career readiness. This approach provides an opportunity to do what Assemblyman Kirner spoke about, and that is having that remediation in the senior year so that students do not have to pay loans, and do not have to take up seats on university or community college campuses for remedial purposes. I am here to say on behalf of the Nevada Association of School Boards, we are in full support of the mock-up as presented.

**Mary Pierzynski, representing the Nevada Association of School Superintendents:**

Getting the High School Proficiency Exam changed to something more meaningful for our students and schools is a big part of our iNVEST document this year. We are in full support of A.B. 288.

**Terry Whitney, representing the College Board:**

We are fully in support of A.B. 288. We think it is one of the first steps that are crucial to building a college-going culture in your state.

**Craig Stevens, representing the Nevada State Education Association:**

We are in support of A.B. 288. We believe this bill allows a complete demographic of students to realize they can reach a career or college who may not have had that chance. It is a more common sense approach for students in graduating and we urge this Committee to continue working on making these end-of-course examinations a reality and make sure they are consistent across the state, aligned with the common core, and fair to every student with intensive remediation for those that need it.

**Chairman Elliot Anderson:**

Are there any questions from Committee members? [There were none.] Are there any others wishing to testify in support of A.B. 288 in Las Vegas? [There was no one.] Is there anyone in Carson City or Las Vegas wishing to testify in opposition to A.B. 288? [There was no one.] Is there anyone in Carson City or Las Vegas who wishes to testify neutral on A.B. 288? [There was no one.]

**Assemblywoman Flores:**

A lot of work has been put into this over the past year on behalf of me and Assemblymen Dondero Loop and Kirner. I think we all agree this is something that is necessary for Nevada and the future of our students. I look forward to this Committee working quickly to get this passed.

**Chairman Elliot Anderson:**

We will close the hearing on A.B. 288. Is there any public comment?  
[There was none.]

The meeting adjourned [at 4:23 p.m.].

RESPECTFULLY SUBMITTED:

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Jacque Lethbridge  
Committee Secretary

APPROVED BY:

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Assemblyman Elliot T. Anderson, Chairman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** April 5, 2013

**Time of Meeting:** 3:15 p.m.

| <b>Bill</b> | <b>Exhibit</b> | <b>Witness / Agency</b>  | <b>Description</b>    |
|-------------|----------------|--|-----------------------|
|             | A              |  | Agenda                |
|             | B              |  | Attendance Roster     |
| A.B.<br>337 | C              | Todd Butterworth, Senior Research Analyst, Research Division, Legislative Counsel Bureau | Work session document |
| A.B.<br>357 | D              | Todd Butterworth, Senior Research Analyst, Research Division, Legislative Counsel Bureau | Work session document |
| A.B.<br>288 | E              | Assemblywoman Lucy Flores, Clark County Assembly District No. 28                         | Amendment             |
| A.B.<br>288 | F              | Mendy Elliot, representing ACT   | Testimony             |
| A.B.<br>188 | G              | Mendy Elliot, representing ACT   | ACT support letter    |