

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

**Seventy-Eighth Session
May 18, 2015**

The Committee on Education was called to order by Chair Melissa Woodbury at 3:53 p.m. on Monday, May 18, 2015, in Room 4100 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 www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Melissa Woodbury, Chair
Assemblyman Lynn D. Stewart, Vice Chair
Assemblyman Elliot T. Anderson
Assemblyman Derek Armstrong
Assemblywoman Olivia Diaz
Assemblywoman Victoria A. Dooling
Assemblyman Edgar Flores
Assemblyman David M. Gardner
Assemblyman Pat Hickey
Assemblywoman Amber Joiner
Assemblyman Harvey J. Munford
Assemblywoman Shelly M. Shelton
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

Assemblyman Chris Edwards (excused)



GUEST LEGISLATORS PRESENT:

Senator Moises (Mo) Denis, Senate District No. 2
Senator Ruben J. Kihuen, Senate District No. 10
Assemblywoman Irene Bustamante Adams, Assembly District No. 42
Senator Becky Harris, Senate District No. 9
Assemblywoman Dina Neal, Assembly District No. 7
Assemblyman Richard Carrillo, Assembly District No. 18

STAFF MEMBERS PRESENT:

Pepper Sturm, Committee Policy Analyst
Kristin Rossiter, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Joan Waldock, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education
Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District
Danielle Miller, Assistant Superintendent, Instructional Design and Professional Learning Division, Clark County School District
Tim Adams, Principal, Reynaldo Martinez Elementary School, North Las Vegas, Nevada
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mary Pierczynski, representing Nevada Association of School Superintendents
Ruben R. Murillo, Jr., President, Nevada State Education Association
Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce
Gil Lopez, representing Latino Leadership Council
Seth Rau, Policy Director, Nevada Succeeds
Patrick Gavin, Director, State Public Charter School Authority, Department of Education
Victor Joecks, Executive Vice President, Nevada Policy Research Institute
Victoria Carreón, Director of Education Policy, Kenny C. Guinn Center for Policy Priorities
Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement, Department of Education

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Clark County School District
Tom Greene, Regional Advocacy Director, Western Region, Foundation for Excellence in Education
Tyre Gray, representing Las Vegas Metro Chamber of Commerce
Ray Bacon, representing Nevada Manufacturers Association
Dana Galvin, President, Washoe Education Association and representing Nevada State Education Association
Karen Barsell, Chief Executive Officer and President, United Way of Northern Nevada and the Sierra
Mendy Elliott, Board Member, United Way of Northern Nevada and the Sierra

Chair Woodbury:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Senate Bill 405 (2nd Reprint).

Senate Bill 405 (2nd Reprint): Expands the program of Zoom schools and the provision of programs and services to children who are limited English proficient in certain other schools. (BDR S-887)

Senator Moises (Mo) Denis, Senate District No. 2:

Two years ago, I testified in support of Senate Bill No. 504 of the 77th Session, which enacted the Zoom schools program. Building upon the successes resulting from that legislation, it is my honor and pleasure today to present Senate Bill 405 (2nd Reprint), which expands the Zoom schools program and the supports available to our English language learners (ELL).

I will now give you some background information. You have heard many of the facts concerning the ELL students in our schools, but some of those statistics bear repeating. Nineteen percent of Nevada students are ELL students. About 70 percent of them are enrolled in the Clark County School District. Close to 90 percent of the ELL population is Latino and Spanish-speaking. According to a University of Nevada, Las Vegas (UNLV) study, Latinos are Nevada's fastest-growing demographic under age 18 and now make up over half of our students in kindergarten through third grade. Until 18 months ago, we did not have a coherent statewide program to address the needs of these students. Many ELL children speak enough English for daily interaction, but not well enough to master academic English. According to experts, mastery of academic language requires anywhere from two to six years under normal circumstances. The good news is, by all accounts, the Zoom schools program has been an unmitigated success at bending the literacy learning curve.

You may hear from school districts that the Legislative Committee on Education received the Zoom school report just nine months into the program's implementation. The impacts are impressive to say the least. At Zoom schools, prekindergarten (pre-K) waiting lists were eliminated, which added an extra year of learning for over 1,200 of our youngest ELL students. Full-day kindergarten was provided to over 2,500 students with a focus on literacy instruction. The summer school academies added an extra month of learning for nearly 10,000 participating Zoom students. Reading centers provided intensive intervention in 30-minute daily sessions. After seven months, 40 percent of the participating students were reading at grade level, which is an amazing feat. Danielle Miller with the Clark County School District said that this is the most effective education initiative that she has encountered in her 24-year career. I am very excited that we are doubling up on this incredible program.

I am now going to talk about what is in the bill. This bill requires the Clark County School District and Washoe County School District to continue this in-school program and provide for competitive grants to charter schools and school districts in the balance of the state. The bill increases the number of schools that can be served and expands the program from elementary level into middle schools and high schools. The schools and students with the greatest need are specifically targeted. The schools with the highest percentage of ELL students and the lowest academic performance will be the first to receive the funding.

Elementary level Zoom schools will be equipped to provide the following services: pre-K programs free of charge; full-day kindergarten; reading skill centers; special academies in the summers or between year-round sessions including the necessary transportation, which was an addition because we did not provide transportation last time; professional development, which is also new; recruitment and retention incentives for school personnel, because we also did not have recruitment and retention incentives for teachers who want to stay at the school and who want to come to these schools; and lastly, programs to get parents involved. If anyone knows me and my legislative career, parental involvement has probably been the reason I have been involved in this in the first place, with my daughter starting kindergarten many years ago and me joining the Parent Teacher Association (PTA). I know the importance of getting parents involved, and that is something that is part of this bill.

The Clark County School District and Washoe County School District will also identify middle schools and high schools to operate as Zoom schools, with three total in Clark County and one in Washoe County. These schools will reduce class sizes for targeted students, provide direct instructional intervention, extend the school day, provide special academies in the summer or

between year-round sessions, offer professional development as well as recruitment and retention incentives for school personnel, conduct parental involvement programs, and provide other evidence-based services provided by the Department of Education. This is a new piece. We did not include middle schools and high schools last session, so this will be the first time we try this. Because of the difference in the schools, it will be a bit of a different approach and implementation. By the time students get into middle school and high school, they have six, seven, or eight individual classes. This will add an additional class, more class time, summer programs, et cetera. The charter schools in remaining school districts that apply for Zoom school grants will have an opportunity to propose similar services for their locations. The funding made available to these schools will be based on their enrollment count.

Importantly, the bill also includes key accountability provisions. It requires the State Board of Education to prescribe statewide performance indicators to measure the effectiveness of the program and requires the Department of Education to contract for an independent evaluation of the programs and services that are funded. Of course, all Zoom schools are subject to potential legislative audits and are required to report the outcomes of their efforts. These reports will be aggregated by the Department. Within the Governor's proposed budget, the plan is for Zoom school funds to ultimately transition from being categorical to being part of the special funding for ELL students under the Nevada Plan.

You are probably aware that we started this session with two Zoom school bills; the other was Senate Bill 430. The Office of the Governor and the Department graciously offered to throw their support behind this bill, and we worked with them to incorporate several technical provisions from their bill into this bill.

Dollars spent now on ELL education, particularly in the early grades, are investments in Nevada's future. Economists have estimated that for every \$1 invested in ELL education, Nevada would see a return of between \$1.15 and \$2.03 per pupil and save expenditures and future revenues. Our goal for all of Nevada students is that they be provided with a high-quality education. For too long we have ignored our responsibility, really our opportunity, to address the academic needs of our ELL students. This bill is a continuing symbol of hope for these kids.

On a personal note, I know the struggle that these kids experience as they start school and have a hard time speaking English. I personally had that experience. As a kindergartener I could not speak English, especially academic English, because there is a difference. I learned to speak English by watching television, just like every other kid who does not speak English. That does not help them

learn academic English. It took me several years. It took me until fifth grade until I really caught on to what was going on in school. I want these kids to be able to learn much sooner. They should not have to wait. Some have already passed the fifth grade and that is why we want to do this for middle school and high school students.

I will share some stories with you. I had the opportunity to go to some of these schools during the interim. I went to a majority of them, including one in Washoe County. When I went into a kindergarten classroom, the students were writing sentences. I go into classrooms all the time and generally do not see kindergarteners writing sentences. They might be writing words by the end of the school year, but these kids were writing sentences at the end of the year. It was an amazing thing for me to see.

When students get to grade level in the reading program, they call it "zooming out." They zoom out of the reading program because they are now at grade level. The kids love doing the reading program. The students are split into groups of eight students at one time with one paraprofessional or a teacher, and they are all in the same room together. They generally have 24 kids in the room at a time, and they work on their reading. They just love going to reading. When it is time for them to leave, they do not like to leave. In one instance, the child tried to fail the test on purpose so he would not have to zoom out. In another instance, the teacher went to the child because he was very sad, and the teacher told him she was sorry but he zoomed out of the program and graduated. The teacher explained the reason he had to zoom out was that they needed to make room for other children who needed help. That is when the child said he knew a boy who sat next to him in his classroom and the boy could use help.

I know there are great things going on in these programs. One of the things that the school districts saw in some of the classrooms was that these kids, after zooming out of the reading program, are going back into the classroom and actually doing better on the testing than the kids who were already at grade level reading who did not need the special help. They are actually receiving some great help.

Senator Ruben J. Kihuen, Senate District No. 10:

I just want to begin by commending my colleague from Senate District No. 2 for taking the leadership on this issue for the past several legislative sessions. English language learners are very close and dear to my heart. As most of you know, I arrived to this country from Mexico when I was eight years old. I can say with confidence that I am probably one of the only members in the

Legislature who actually went through English as a Second Language (ESL) classes, and because of those programs that were established at that time, I was able to become proficient in English and go on to graduate from high school and do good things with my life. Senator Denis approached me last session about funding ELL to the appropriate levels. This is something we have been talking about since I arrived in the Legislature in 2007. We talked about it, but until then we had not done anything about it.

Last session I found it encouraging to see the Governor, my colleague from Senate District No. 2, and Assemblywoman Diaz take the initiative to make sure that there was funding. In my opinion, this is probably one of the best investments that our state has ever made in education. I say that because it has shown results. I have always been one to say that you cannot just throw money at a problem and expect that problem to be resolved. We have to show results. There has to be accountability, and this is one of those programs where we took a gamble last session and invested \$50 million and watched to see what happened. The results are there. The school district is here and they have given some numbers in the past. I want to go through some of them and share with you how successful this program and investment has been.

The school year started with 10 percent of kindergarten students speaking English and ended with 80 percent of them having the expected language skills. About 35 percent of pre-K students in the fall had the expected reading skills, and by the summer, close to 100 percent had attained grade-level reading skills. Kindergarten class sizes decreased to a maximum of 21 students each. Some classrooms previously neared 40 students. More than 80 percent of kindergarteners met most benchmarks, which included recognizing and writing all capital and lowercase letters and also knowing how each letter sounds.

Assemblyman Munford, I know you have been on the Assembly Committee on Education for a while, and I mean that in a good way. You and I have talked about the importance of investing in ELL. For those of you who do not know, here in the state of Nevada we have over 76,000 ELL students. Part of the reason we have not been able to increase our graduation rate is because this investment was not made in the past. It is not that these students are incompetent, not smart, or do not know math; it is just the fact that they are not proficient in English. If you make an investment in the students, they are going to be able to stay in school, pass their classes, graduate, and hence increase the graduation rate. At the end of the day, that impacts the entire state of Nevada.

I applaud my colleague, the Governor, Assemblywoman Diaz, and everybody who is taking the initiative and working on this, including Mr. Erquiaga, Superintendent of Public Instruction. We are very lucky to have him back here in Nevada taking the lead on this. Thank you for giving us this hearing on an important piece of legislation.

Assemblyman Munford:

How much money was allocated last session? I do not remember the exact figure, but it was in the millions.

Senator Kihuen:

It was \$50 million.

Assemblyman Munford:

In my district, the demographics and the population has changed dramatically, and you are aware of it. The Superintendent is also aware of it. In some of my Prime 6 Program schools, the majority of the enrollment is Hispanic. In West Prep [Preparatory Institute School for Academic Excellence at Charles I. West Hall], Matt Kelly Elementary School, and Kit Carson Elementary School, the Hispanic enrollment is greater than the African-American enrollment. If this bill were to be approved and more money were to be allocated or directed for the Zoom schools, what about my district? Are they entitled to some of that money? Some of the money should be coming into my district because I think we qualify in population and there should be something done to give some kind of boost in opportunity in my district.

Senator Denis:

In order to qualify to be a Zoom school, you have to have a high ELL population and low test scores. They are ranked and they start at the top until they run out of money. Last time when this was done, Clark County identified 14 schools and Washoe County identified 6 schools. They added two more schools after that. This time they have done the same thing. The schools have already been identified based on ELL students and achievement. However, in addition to this, there is another bill, Senate Bill 432 (2nd Reprint), which is about Victory schools. It is similar to this bill but it does not deal specifically with ELL students; rather, it deals with low-achieving students, and there are different criteria. Some of the schools in your district are probably on that list; I have not seen the full list. I am sure the Superintendent can answer that part. I just wanted to let you know how the schools are identified.

Assemblyman Munford:

Some of my constituents felt that after 2013 they were being ignored and left out. Everything was being focused on the schools in East Las Vegas. I wanted to make sure that we would be considered for some money for the Zoom schools and the ELL programs. The demographics have changed in my district. I guess we will see.

Senator Denis:

If we want to move the needle, we have to help the students who are the lowest-achieving first. As we help them, we can move forward. The good news is that your schools were not the lowest achieving, so they did not make the list. They were just above that. It does not mean that they do not need help. Help is needed there also. Hopefully with all the different programs that we are doing this time there is going to be more money for all of the schools to be able to help move the needle even more.

Senator Kihuen:

I do know who our ELL students are. I want to show you just a little bit of what the demographics are in the state of Nevada. Most ELL students are not immigrants. While many are immigrants, the majority of them are born in the United States. Their parents are probably not proficient with English and they cannot teach their kids and sit down with them and help with their homework. More than 75 percent of elementary ELL students are second-generation or even third-generation Americans. More than 20 percent of children in the United States have at least one immigrant parent. Ninety-five percent of children under the age of six who live in immigrant families were born in the United States. It is important to distinguish between United States-born ELL students and their immigrant peers because meeting the disparate needs of these groups may require different approaches. That is who ELL students are. They are not all immigrant kids. A lot of them are the sons and daughters of immigrant parents.

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

It is my pleasure to be here in support of Senate Bill 405 (2nd Reprint). As Senator Denis indicated, the administration had a bill that was virtually identical, Senate Bill 430. Let me tell you the administration's policy overview of the bill in front of you as well as some of the budgetary background. Even though this is not a money committee, I want you to understand how the money was built into the Governor's recommended budget and where that appropriation stands today.

When we were working with the school districts and the State Public Charter School Authority on what needed to be refined from the first biennium of the Zoom experience, a couple things were paramount, which are included in this bill. First, as Senator Denis pointed out, we wanted to add availability of funding for parental involvement and professional development. Districts used federal money or their local State Distributive School Account money for those purposes. As we went through the development of the bill, the advocacy groups encouraged us, after some analysis, to look also at recruitment and retention of personnel. What we know is that in many instances in a Zoom school there are a lot of long-term substitutes. We have a recruitment challenge for personnel. We knew that had to be added to the bill.

Second, we also knew that middle schools and high schools needed to be included. When the interim Task Force on K-12 Public Education Funding looked at this issue, they knew we would have to get more data on older kids, and the districts reported to us, which was required by this Committee in 2013, that we need to expand to middle school and high school as well. Included in this bill, as Senator Denis pointed out, are slightly different approaches to what interventions we think will work. We are still learning this area. It is a very different challenge. It is not just a problem of literacy and language acquisition in academic language at that point, but there are other challenges with those kids.

The Governor's instruction to me was to double this program. He saw early success and he wanted to double the number of schools and thus the dollars, and that is part of the statewide initiative. The goal of the interim Task Force on K-12 Public Education Funding is to move to a weight or a multiplier on the basic estimate or basic per pupil guarantee for ELL students. The budget that was recommended does not move us to that full allocation, but it moves us about halfway there. The Governor's recommended budget was \$100 million for this biennium, which is double the allocation from last session.

The last policy considerations deal with the issues of accountability and standardization of the requirements for reporting. We use different tests; in fact, Zoom schools in Washoe County and Clark County approach literacy centers differently, so this bill contains some requirements for the State Board of Education to set performance levels and to give additional guidance to the districts for those areas to improve the accountability and reporting as we hopefully move the state and the Governor's proposed budget down the road towards a multiplier.

For part of the standardization and view of the middle school and high school issue, you will find in section 2 of the bill that there is language that we boiled down from Assemblywoman Diaz's bill dealing with long-term limited English proficient students. We took a simpler approach, and rather than trying to define the term, we required the Department to define it over the interim. As Senator Kihuen pointed out, a long-term limited English proficient student is a very different challenge. They were born in the United States and they may have been passed along from grade to grade, and they are now in middle school or high school and we will lose them. They will drop out for a very different set of reasons than some other children who leave our school system far too early. We know we need to do some more work on data and how we even gather and define that information about these students. The middle school and high school pilot will give us that information.

I am very proud to represent the Governor and the Department on this bill. It boils down all of the fine work over the biennium, and I think it refines it for the next phase. This is how public policy is supposed to work. We are doing this right and in phases. It is probably overdue, as the Senators have pointed out to you, but we are reaching the right kids, and I think from a policy perspective, we are doing it in a reasonable and measured way as we increase the resources. For those of you who are not members of the Assembly Committee on Ways and Means, on Saturday they, along with the Senate Committee on Finance, closed the Governor's recommended budget with the \$100 million program in it. It will now advance for full consideration as the body considers the Governor's recommended budget. We are very proud of that and this bill. To join my two colleagues, my mother and father would have qualified for this bill had it existed in the 1930s. It is personally meaningful to me as well as it is for Governor Sandoval, who comes from a family not unlike mine. We are very proud of this work and we are proud to be able to do this kind of work for the children of Nevada.

Assemblyman Hickey:

I am on the Assembly Committee on Ways and Means, and we enthusiastically voted in support of this given the widespread accounts of its early success. Tell me a little more about the plans for recruitment and retention, in terms of what incentives there are. As you know, one of the big concerns in expanding programs is being able to fill the needs of teachers considering the other challenges, especially in Clark County and elsewhere. Help us understand the plan and why you think it will be successful in finding those important components.

Dale Erquiaga:

The State Board of Education is required to compile a list of recommended teacher recruitment strategies and retention strategies to hold the ones we have. They will recommend them to the districts. That will be work they undertake. Part of it is money, of course, and a lot of it has to do with school climate and who the building leader is. A good thing that the Zoom schools in all of the districts have done, and even with the Zoom grants, is to involve the principal in the development of these plans. Regarding the schools' climate, as Senator Denis said, they are amazing institutions. We know that piece is addressed. It would be our job to make those recommendations. It was added to the bill in the Senate that this is an allowable expense, but you will note in section 1, subsection 3, the Senate saw fit to cap the amount of money that could go to those new expenses. The Senate's thinking was that we have a recipe for success. We know we make a difference in literacy and academic language; let us not bleed all of the money over to some other category. There is a cap as to how much can be spent.

I cannot give you the specific recommendations that the Board will prescribe. The Board will probably take that up in the June and/or July meeting to put forth the list. It is a complicated recipe. We will recruit teachers, particularly when we have a shortage, to come to these schools from other schools, and then, how do we keep teachers that we have there? Some of it is going to be money and some of it we think will be about climate as well.

Assemblyman Hickey:

A brief point: I assume since we are talking about additional classroom time before and after the academies and summer programs, that by its very nature, it is going to require paying instructors for their expanded services.

Dale Erquiaga:

Yes, that is one of the allowable expenses, and the districts can tell you specifically how they do that. They had a way that they compensated and showed what those programs cost. You are correct.

Senator Denis:

In addition, we did hear from the districts that this year it has been easier to recruit. They can talk about this later, but I heard in some testimony that because of the extra summer school program, in the end, they are actually going to get a little bit more salary. That was a benefit as they recruited to bring some of the teachers to these schools.

Assemblyman Stewart:

I have had the opportunity to go to some of the Zoom schools, particularly Peterson Behavior Junior/Senior High School, and I saw the small-group reading centers and the enthusiasm with the kids, teachers, and assistants. From what I have seen, I am very much in support of this. I know it is probably too early to have any data on this, but are you planning to track kids who go from elementary into middle school, even though the middle school might not be made a Zoom school? Is there a plan to see how they continue?

The teachers I talked to in the Zoom schools were very enthusiastic about it, particularly with the summer academies. The kids came into the summer academies at high numbers even though it was a voluntary thing, and a significant number of the teachers accepted the 17 extra days and were enthusiastic about it. Are you tracking the teachers as far as retention and the kids as they progress from elementary to middle school?

Dale Erquiaga:

Part of the data tracking that you referred to would be the districts' responsibility. Let me tell you what we intend at the state level. Part of this is in section 2 of the bill, the long-term limited English proficient students, so that is the articulation from elementary through to middle school. We will be able to maintain a student's status so we know if he or she was in a Zoom school versus an ELL student who was not in a Zoom school as they progress, and whether we see a difference.

Also, part of that for us will be the outside evaluation. This biennium we will be required by the Governor to do an outside evaluation. It is built into this bill and his budget so that we can begin to set the baseline for our long-term success. We have also requested that the districts, as they choose their middle schools and/or high schools, choose a pattern that is in an articulation pattern with Zoom schools. We will see if they are able to do that. It will depend on if the population matches, but we really think it is important for the long-term analysis of a multiplier or a student weight, that we follow the students. They track teacher records, so I will leave that question to the districts to speak with you about how they will be monitoring the retention issue. I feel comfortable that we are building a system here. I will be clear with you, the system does not exist today, but we are building it to where we are going to be able to report that kind of success or be able to articulate a way to fix it if we are not successful.

Assemblyman Stewart:

Senator Denis, you were saying that you learned English by watching television. I have heard that from several people. I tried doing that to learn Spanish and I failed miserably. Maybe offline you could help me with my technique.

Senator Denis:

Sorry, you have to do it when you are young. Not to say that you are not young at heart, but we know language acquisition before the age of eight or nine is a lot different than later.

Senator Kihuen:

Cuban Spanish is a lot harder than Mexican Spanish. One is a little faster than the other, so it depends which you are trying to learn.

Assemblyman Stewart:

If only you could get the actors to slow down a little bit.

Assemblyman Armstrong:

I want to talk more about the policy and how it rolls out because there is not a lot about that in the bill. My concern is more for the high school kids. It is a different student population, and I am just wondering about the willingness to have the same participation levels that we have in elementary schools when we have heard from some of our colleagues on this Committee that some of those kids are asked to provide for their families as well. If we are asking them to stay longer throughout the day and also extend their school year, can you talk about the differences when this rolls out for high school versus elementary and middle schools?

Dale Erquiaga:

That is a key question for us. This is new work; we are not doing this work at all in our high schools or middle schools. You will see the list is rather lengthy and it is an either/or list; it is not a prescription. As the districts designate their middle schools and high schools, we are going to rely on them to understand their student population and submit a plan that will work. If kids do not want to stay for another course at the end of the day, maybe there is something they could do within the existing schedule for those students. How would they be able to adjust their campus plan?

You are correct, it is a different population. It is very different work. That is why also in this section we provide this language that we do not really always like to do, but it is somewhat similar to any other evidence-based practice; this is an area that is well-researched. Several Nevadans including myself have

participated with the Education Commission of the States while the Governor has been the chairman of that organization, and the Commission made ELL students the Governor's topic for his tenure. There is a white paper coming out that has some guidance about long-term limited English proficient students, but I will not hesitate to tell you this is new for us. We are going to do very small groups. I think one school is allowed at that level and we will have to see how it goes. We know that we need to do the work, but it is brand new to us. I know the districts have given some thought about which schools they may pick, so they may have some feedback already from their staff and student population.

Assemblywoman Diaz:

Thank you, Senator Denis, for bringing back the expansion of Zoom schools this session. I was one of the many, and we cannot forget that it was a team effort that brought this bill together, including the former Superintendent, school districts, colleagues who are still here and others who are not, and the Governor's leadership in funding it. I am super excited. It makes my heart and my soul happy to see the data that is backing the Zoom schools. I am seeing the pre-K data; it is just astounding, when you get those children in the classroom, how quickly they are learning the language. It is encouraging to know that they are going to be ready to learn the curriculum and the standards when they get to kindergarten because they are expected to basically learn how to read and write towards the tail end of kindergarten.

I want to thank you for taking the long-term limited English proficient students from my bill, Assembly Bill 290, and putting it into this bill. It is my expectation that over time we will see the number of long-term limited English proficient students reduced, but since we have not always implemented Zoom, we have missed a couple of generations of children, and it should be our priority to make sure that we are giving those children as much support as we can. I cannot illustrate it better than with Uriel Garcia, the DREAMER who attended the recent signing of Assembly Bill 27 (1st Reprint). He came here when he was 12 years of age, and he said what helped him the most was being in those smaller ELL and ESL classes where the teacher met the student at the student's level and accelerated the learning of the English language. Look at him; he is about to become a teacher. That is proof that tailoring our instruction to the means of our students is going to go a long way.

I also want to speak to the part about making sure that we realize that there is still a little bit of an issue with the staffing at a lot of the Zoom schools. Lois Craig Elementary School has 53 percent vacant/probationary teachers. Probationary teachers are teachers who have been teaching under three years.

Manuel J. Cortez Elementary School is at 50 percent, Peterson Behavior Junior/Senior High School is at 57 percent, and Paradise Elementary School is at 50 percent. We know that putting together these programs is essential but also that quality teachers go a long way in ensuring that our students are making those strides in academic achievement. I do appreciate the part in the bill in section 1, subsection 17, where the Department of Education may require that the information about the number of vacancies and probationary employees be submitted. I think we are on the right track with that thinking.

I get a little confused about where it talks about 2 percent of the money. How will this look if the 2 percent can be shared amongst three goals? We could use the 2 percent in tandem for professional development, recruitment and retention, and the engaging of parents and family. I do not know what that amount would be per Zoom school. If I were a principal at the school, I might want to look at the recruitment and retention piece first. I would want to make sure my teaching staff was stable and keep the talent that I have at my school and fight the other schools for the good teachers. Can you speak to that? How does the 2 percent play out, especially when we are dividing it amongst three different potential areas?

Dale Erquiaga:

I will give you an answer based on what I heard in the Senate. I do not mean to be evasive, but this was not a recommendation from the Department. After this bill left the Senate Committee on Education, it was rereferred to the Senate Committee on Finance because in its original introduction, it contained the funding. The Senate Committee on Finance asked the districts a number of questions about how much money they spent from their federal Title I or Title III and their other non-Zoom resources. The districts had reported back to the Department during the interim as they were required. The money committee pulled the number apart and got it down to a specific number. The staff of the Senate Committee on Finance did a tally for them as to what that came to for parental involvement and family engagement. Recruitment and retention was not a funded activity. They all had their calculators out and they were calculating what the number had been on dollars spent over the current biennium by the two large districts, and that is how they got to 2 percent.

You are correct. It is 2 percent divided among those three activities, one of which is entirely new and it is an expensive activity. Personnel bonuses or salary steps are more expensive than professional development or family engagement activities. I cannot represent to you that the number was driven by great scientific study or that it is exactly the right amount of money. I have too many numbers in my head these days. I think that the total allocation to the

Clark County School District is \$39 million in Zoom dollars per year under this new formula. Take 2 percent of that and the district would then be able to divide it either school by school or for districtwide activities. They try to run the Zoom schools as a unit; they work together. The Washoe County School District does it slightly different. That is the kind of number you are looking at.

Assemblywoman Diaz:

I know we also have a turnaround school bill, and I believe the purpose is to attract, retain, and recruit, correct? If that were the intent, would the Zoom schools that are in the situation of being low-performing qualify to access those funds as well?

Dale Erquiaga:

You are correct. There is a bill, maybe two bills, still in the Senate that deal with underperformance; we shorthand that activity as turnaround. There are also monies included in the Governor's budget, as closed by the money committees on Saturday, which are for turnaround or underperforming schools' activities. Certainly, a school that is in trouble and would end up on the list would be eligible for grants or contract services from that pool of money. That pool of money is not exclusive to a Zoom school; because they are underperforming they could apply there as well. If this money is insufficient and they are in the underperformance/turnaround status, which some of them are on the list, they could also access those monies. It is a small pot of money by comparison. I think there is no other specific amount of money that is for personnel services at this time. I know there were others contemplated.

Assemblyman Gardner:

I was looking over the Clark County School District Zoom schools data update ([Exhibit C](#)) and I also looked over the Kenny C. Guinn Center for Policy Priorities prepared text ([Exhibit D](#)) talking about the success of the Zoom school program. They seem to be going in different directions. The Guinn Center basically says that they do not know if the Zoom schools are doing much good on some things; it looks like they are helping some things and other things they are not. They said with math that none of the schools saw a huge jump, but on literacy they did. The Clark County School District said that it helped with literacy and things like that. Which one is right? Do we have any extra data on that? In regard to the language and literacy that these kids are picking up, do we have any comparison of how it would be in regular school? Is it quicker because it is in preschool? Does that allow them to go faster when they actually get to first grade or kindergarten or are we just starting it earlier and we are not really saving ourselves anything?

Dale Erquiaga:

I think you will hear from the districts on this. I would say that the focus of this program is primarily on reading and literacy. Numeracy is related to math skills and reading skills, but we expect to see the gains later in a child's career. These schools are elementary, so I would not expect to see the numeracy gains yet, but some of the teachers might disagree with me. Numeracy is not the specific focus; the specific focus is on reading. I am not troubled by that. I understand the Guinn Center's rather conservative approach to this program, as they have approached all of the programs similarly. You have heard them testify about how they view the programs. I will say again, on behalf of the administration, we saw significant gains, both in the actual data from the schools and in our conversations anecdotally with the principals and the teachers about what they could tell us about student success. We believe the program is worth doubling in size. I am going to side with the Clark County School District's data on this. It will take us a while before we see the big jump in the third grade summative test because it takes time to get to that level. Assessing a student just at that grade after this biennium would not be fair. It will take a while before we see the gain of third-, fourth-, and fifth-grade summative tests, but what we saw in their own district interim assessments in literacy was encouraging enough for us to invest in this work.

Assemblywoman Dooling:

I am very interested in the parental involvement, what you may and may not have done so far, and what you plan on doing for the future.

Senator Denis:

We did not have any money for parental involvement over the past two years. This will be the first time we are doing this. However, as the districts come up, you should probably ask that same question. I know that they did put in some money to have some of those programs because I visited one of the Zoom schools with their parent groups and talked to them. I know they were doing some things with the parents. We would like to see more consistency in what they are doing with the parents.

Dale Erquiaga:

I apologize, Assemblyman Gardner, I forgot to answer a part of your question. You asked about the comparison of these schools versus similarly situated students in other schools. That is our intention for this evaluation. We did not do that kind of data comparison. We did not have that sort of data set, but the ideal would be to have a control group with similarly situated schools so now we can see what happened there versus Zoom schools. The districts can tell us that anecdotally, but we would like to be able to present that information when we scale up the next time.

Assemblyman Gardner:

It looks like there are a lot of things that go into the Zoom schools. We have pre-K, kindergarten, parental groups, et cetera. Do we know which reading centers are working the best or are they all working together? You mentioned the students really like the reading centers. Is that where we are getting the best bang for our buck, or is it an all together kind of thing?

Senator Denis:

I am going to back up just a little bit. When we got together and talked about this, the main thing was how could we help the lowest-achieving kids who need to learn English? We came up with the prescriptive things, which is pre-K, full-day kindergarten with the smaller class sizes, and the reading centers, which in Clark County were based on a previous bill I did in a previous session that did not pass, but the school district went ahead and did it as a pilot called Reading Skills Development Centers. So all of the ones in Clark County are using the same thing. They can actually share data amongst the schools. We prescribed these things and the summer program. One of the things the teachers love about the summer program is that the lesson plans are already done for them; they do not have to do them. They can come and just teach. They can share amongst all the schools and talk to other teachers who are teaching those same lesson plans. There is kind of a synergy with the different Zoom schools.

I do not know how we would separate that at this point. I am sure the heart of this is the reading development centerpiece, but it also helps having those smaller kindergarten class sizes and the pre-K where they are able to start kindergarten prepared and go to the first grade and second grade and get those skills that are going to help them to read. As the Superintendent mentioned, we are not going to see the change immediately even though we have seen some immediate results. Down the road when the pre-K student is now a fifth grader and they have been through this, we will see the real gains. I do not know if I answered your question about which one is the most important out of all of these. We thought that it was important to do all of them. That is why we specifically said that if they are going to be a Zoom school, they have to do these four things and in addition, now they are going to be able to do some of the other things, if they choose to do them.

Assemblyman Gardner:

You said that we are going to be tracking those kids so we will be able to see what each kid went through, such as starting in kindergarten and by fifth grade they are doing way better. Will we be tracking that?

Senator Denis:

I believe the Superintendent spoke to that. There is a reporting mechanism and they currently already have to track the literacy piece to see where each child is. You can ask the districts how they are doing that. They are doing it because I know this year they were able to track some of the kids who moved from a Zoom school to a non-Zoom school. Kids from last year might be in a different Zoom school and they transferred to a new Zoom school; they are able to track some of that.

Senator Kihuen:

For some of these students from pre-K or elementary school, it usually takes about four to seven years to start seeing the maximum results from this investment.

Chair Woodbury:

Are there any further questions from the Committee? [There were none.] I am going to call for those who are in support of Senate Bill 405 (2nd Reprint) to come forward. I am going to ask everyone to keep his or her comments to three minutes or less.

Assemblywoman Irene Bustamante Adams, Assembly District No. 42:

I am representing the Nevada Hispanic Legislative Caucus, which includes ten members, seven from the Assembly and three from the Senate. We are in overwhelming support of this initiative. I know that last year, as Senator Denis said, we took a gamble, but it was a great gamble and investment in our students that paid off. I know that Assemblyman Gardner mentioned the Guinn Center's research, and in the research they said that the students met or exceeded their goals but they did not know for the long term if it would be sustainable. They were not debating whether it was a good investment or not, but just to be able to track the longevity of it. I would still put my money on this winning strategy because it does represent the new Nevada.

Joyce Haldeman, Associate Superintendent, Community and Government Relations, Clark County School District:

I would say this is probably my favorite bill to testify on because we think that Senate Bill No. 504 of the 77th Session and the model that was built during the last session is one of the most successful bills that we have seen in a very long time in terms of identifying a specific problem and finding a solution that really works. There are many things that have been talked about that I want to go through. I could use my entire three minutes thanking the people who worked on Senate Bill No. 504 of the 77th Session, but Assemblywoman Diaz did a good job of that. We are so grateful that it came back with additional funding from the Governor's budget. This is so important to us because we are really

seeing us move the dime. We do think the combination of programs is essential to keep together. It is not very often that you will see a district ask for a prescriptive program; we really want all the flexibility. We actually think this combination of four programs, when put together, working the right way over long periods of time, is making a significant difference for these students. We are happy to keep that same program.

One of the things I want you to know is that this was not a turnaround model. You passed this legislation and it became effective in June 2013. We had a group of schools that we identified. The principals were not notified. They did not know they were going to be part of the Zoom project. We called them all in June, and in August, the Zoom programs were up and running. The amount of work that these administrators did over the summer to make sure that this was ready with their existing staff—we did not do a sweep of the school and bring in new staff; we kept existing staff—and to get these kinds of results, it is just overwhelming to us how successful this has been.

I want you to know about that because it is another key element. We are not doing special treatment and bringing in all the best people. One of the unanticipated consequences is that we actually have teachers requesting to be transferred to a Zoom school; usually unanticipated consequences are negative. The human resources officer told me last week that it is coming up more and more. There are two reasons for it. When you work in a Zoom school, you have an additional 19 days of instruction, which is about a 10 percent increase of salary for a teacher. That impresses some teachers and they want to go to a Zoom school for that, but there is also a sense of excitement at these schools. You heard Assemblyman Stewart talk about being on the campuses and the things that are happening there. The teachers want to be a part of a successful program that is really making a difference.

On the Nevada Electronic Legislative Information System (NELIS), there is a chart that talks about the gains ([Exhibit C](#)). We want them to see this additional time that will be given to the students as an opportunity, not a punishment. We are really willing to work with these students to figure out what will make a difference for them so they can be successful.

I would like to introduce two of my colleagues. Danielle Miller, the Assistant Superintendent of the Instructional Design and Professional Learning Division, supervised the implementation of Zoom schools. With her is Tim Adams, the principal of Reynaldo Martinez Elementary School, one of our Zoom schools. We can answer any of the questions you may have.

Assemblyman Gardner:

It is my understanding that we spend about \$8.2 billion or \$8.3 billion every biennium on education. The decision was to add new funding instead of taking part of the \$8.2 billion or \$8.3 billion and carving out \$50 million from that. Do you know why new funding was chosen as opposed to looking at some of the old programs that may not be working and diverting the money?

Joyce Haldeman:

When we want to make a difference in education, we have recognized over the years that there are two elements that are important: people and time. If you have additional time with students and additional people to work with them in small groups, then you can make a difference. That is exactly what we did with this funding. We purchased additional time for these kids to have time on task in small groups; that requires additional people, and those things took additional dollars.

Assemblywoman Shelton:

Right now, we have 14 schools participating as Zoom schools, correct?

Joyce Haldeman:

There are 16 in Clark County.

Assemblywoman Shelton:

How many additional schools do you anticipate adding to that list with the additional funding?

Joyce Haldeman:

We have identified our list of next-generation Zoom schools, and it will depend on how many will be middle schools and high schools. To reaffirm, we did identify schools that are part of the feeder zone, so for students who went to an elementary Zoom school, the middle school and high school that we select will be in the feeder zone of at least some of those schools. We expect that we will double the number of elementary schools. It depends on how far the funding will go. It will be at least one middle school and one high school; it would be more if there were enough funding.

Assemblywoman Shelton:

Will you use the same criteria to pick the middle schools, such as low test scores and ethnicity?

Joyce Haldeman:

We like to say that it is the highest percentage of ELL students and the greatest opportunity to improve, rather than saying the lowest test scores. Yes, that is exactly the criteria. It was easy for us to find alignment for some of the elementary schools because they basically serve the same population.

Assemblywoman Diaz:

I just wanted to chime in for my colleagues who might not be aware of how an English language learner is identified. I think that is a missing piece, that they might be wondering how we determine which school has a high number of ELL students. We do not just look for a school with a high number of Latino children. When the children are enrolled in our public schools, there is a home language survey that parents have to fill out. The parents have to identify if the child speaks another language at home, if he uses another language when he plays with others, et cetera. When one of those boxes gets marked that he does interact in another language, he is assessed in kindergarten. I do not know now if we are going to do it after pre-K, but he is assessed and determined if he is an ELL.

There are many children who come to our schools and test out of being an ELL because they are a second- or third-generation Latino in Las Vegas. Those children are not considered ELL students. It is specifically for those children who showed a deficiency in language in the assessment, and then every year we give them a language assessment to see how their English skills are growing. We identify them at the end of kindergarten and sometimes during a testing window that is identified by the districts. During first grade, they are given a language assessment. They are tested on an annual basis so we can see where they are going in their language continuum because some kids come in with no language skills, and then by first grade they are at a level 3. The optimal is a level 5 for them to be exiting from being an ELL student. I just wanted you to have that in your frame of reference when you are thinking about how we select these kids or who is identified.

Chair Woodbury:

We will now hear testimony in support from Las Vegas.

Danielle Miller, Assistant Superintendent, Instructional Design and Professional Learning Division, Clark County School District:

We are excited to be here today to talk about the gains that our schools are making because of the time and energy that we put into early literacy and growth. You have a document ([Exhibit C](#)) that shows in pre-K that our students are coming in with those language and literacy skills that we can continue to build, and the growth is phenomenal at that early age of four.

Our four-year-olds are continually growing. There was a question about which program, and together they work synchronously in building a community of readers and learners in our Zoom schools and our neighborhoods. The reading centers have shown tremendous growth; in fact, as we were waiting, 26 more kids exited today to grade level back to their classrooms; they zoomed out. They are the students who have shown growth over the year. We are proud of that.

As we look at our data and the students that are continuing to exit, currently we have 1,216 student exits and we are projected to have an increase of up to 52 percent of the kids who came into the Zoom program. What we are seeing with those results is the ability for students to perform on task, and not just to read a book, but to perform on task that they are asked to do at a higher level because we built thinking skills and literacy skills together. The progress of the Zoom schools has created that community where literacy is a part of it. When students need that extra push, they are able to go into Zoom, get it, and go back to their regular classroom and continue their growth and learning. I am excited about the information and the data that the children are leaving with.

The Zoom initiative has been an incredible asset to the students, teachers, and communities. What we really saw was an awareness of how we need to educate the students who are coming in together—our youngest students are four-, five-, and six-year-olds—to ensure that they get a strong foundation of support so that they can graduate on time, and we are seeing that. Early literacy is hard to evaluate, but I think that we are seeing it every day as students are progressing through the system. Our teachers are feeling comfortable because the training and the materials they are getting are enabling them to be more proficient teachers and to feel more comfortable with the population that requires extra assistance and time. I know there was a question about how we get teachers to be there. Teachers are staying and it has been an amazing avenue for us. Thank you for the support that we have gotten with the Zoom schools in Clark County.

Senator Becky Harris, Senate District No. 9:

I just wanted to quickly register my support for this bill. It has been my privilege to get to know more about the Zoom schools and the things they are doing for our children statewide as they work very hard to become English proficient. I urge your support for the bill.

Tim Adams, Principal, Reynaldo Martinez Elementary School, North Las Vegas, Nevada:

I am here in support of this bill. I want to tell you what an exciting time it is to be a part of education in the state of Nevada right now, to be a part of an initiative that has shown great success over the first two years, Zoom schools. Our school, which is located in downtown North Las Vegas, serves the population of students that is perfect for the Zoom initiative. We have shown incredible gains in our pre-K and kindergarten students and as a whole over the past two years. Each year we have started school, we have seen 10 percent gains in proficiency in every grade level across the board as a result of the Zoom initiative. Students are becoming more proficient and confident in their language and literacy. Parents are becoming more involved and excited. We have heard the term excitement in the schools. I have had many people visit our school, and the excitement is spilling over with teachers and students. Retention rates of teachers is phenomenal at our school. We have maybe one opening a year as teachers want to come and work in these exciting buildings. Students are excited in the hallways. They are learning. You see them with books and talking about literacy. It has been a great opportunity to be a part of this in the state of Nevada, and I hope it continues. Thank you for all of your hard work thus far.

Assemblywoman Diaz:

Do we know how transient our children are that are attending the Zoom schools? I work with at-risk schools and that is a big factor as well when they go from one school to another. I do not know if you are tracking the data.

Tim Adams:

We have about a 50 percent transiency rate at our school. They are moving quite a bit. For example, last year in December, we had 700 students. We actually started that school year with 700 students, but we found that 100 of the students were different. We do have a continual moving of students to and from schools, but we are also finding that a good majority of them are moving to schools that are close by or other Zoom schools. There is communication between building principals and the knowledge that students move from school to school. With the addition of more Zoom schools, we think it will continue to match the needs of the students.

Assemblywoman Dina Neal, Assembly District No. 7:

I just wanted to say ditto. I support this bill.

**Lindsay Anderson, Director, Government Affairs, Washoe County
School District:**

We are here in support. I will try to quickly address some of the issues that have come up for districts. In Washoe County, we identified six schools. We have a program in which we have already identified our lowest-performing schools. It is called an "acceleration zone," which is another word for turnaround zone. All of our Zoom schools except for one are within our acceleration zone. We tease about how fast those schools are going. They are zooming and accelerating. In terms of identifying a middle school or high school as we move forward, we would focus on what we call a "vertical feeder," which is a middle school or high school that is serving kids who have been in a Zoom school before, so we continue to serve those kids as they move along.

In terms of family engagement, we pay for a parent involvement facilitator (PIF) at each one of our Title I schools through other funds. We will continue to do that, not necessarily with Zoom funds, but that person is really in charge of engaging with the families.

The other thing we are doing in Washoe County is expanding a program for home visits modeled after a nationally recognized program in Sacramento, California, that funds teachers' time to go visit families in their homes and find out what the individual barriers are for their students in their homes. This will hopefully engage those parents in their students' education and see academic results.

In Washoe County, we have a sort of modified school calendar, but with the Zoom program it allows us to do intersessions, not only for summer school, but during our longer breaks during the school year. We are serving those kids throughout the year, helping them keep up and not necessarily waiting until the summertime to try to remediate, but keeping them engaged in school in the fall break, winter break, and spring break.

I am looking at the profile of our schools, and in terms of transiency, there is about a 50 percent transiency rate at many of the Washoe County Zoom schools. I think that is a factor. We are serving these kids, but they may not be the same kids that started at the beginning of the school year. In terms of testing and assessing these students, we have to keep in mind that we may do pretests and posttests, but we may be testing entirely different children. That can sometimes make the data hard to follow.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also speaking on behalf of the Nevada Association of School Boards, as Jessica Ferrato could not be here this afternoon. We are in full support of this bill. You have heard from Washoe County and Clark County, but the rural school districts also have ELL students. This last year, there were about 5,500 ELL students in our 15 rural school districts. This bill provides some funding for those schools as well.

Assemblyman Richard Carrillo, Assembly District No. 18:

I just wanted to show my support for the bill. Ditto.

Ruben R. Murillo, Jr., President, Nevada State Education Association:

I am a special education teacher. We support the bill and all of the comments that have been made so far. This is a great example of educator-led legislation. I remember when Assemblywoman Diaz was working on the previous session's bill and the conversation she had, including a lot of different input. Thank you to Assemblywoman Diaz. It took a team, but you have to have a leader to lead the team.

Paul J. Moradkhan, Vice President, Government Affairs, Las Vegas Metro Chamber of Commerce:

We believe this is critical and the best way to spend the dollars to address the achievement. As you know, the Las Vegas Metro Chamber of Commerce supported this original legislation in 2013. This was one of our education priorities this session, to see increased funding for the Zoom schools and ELL students for many of the reasons we have heard today. On behalf of the largest business organization in the state, we are in strong support of this bill.

Gil Lopez, representing Latino Leadership Council:

The Latino Leadership Council is in full support of the bill.

Seth Rau, Policy Director, Nevada Succeeds:

We are testifying in support of the bill because we believe that the ELL investments are starting to work, and it will be interesting to track the data as we have been working with the Guinn Center for Policy Priorities to figure out if these gains will actually be sustained. Hopefully if the gains are sustained, they will become part of the future weighted funding formula.

Patrick Gavin, Director, State Public Charter School Authority, Department of Education:

I am also speaking in strong support of this bill. Thank you for all the hard work that this body has done to bring this bill forward this session, and all the thoughtful questions. We think it is really critical for our students, particularly the ELL students, that we are providing them with as many opportunities for success as possible.

Chair Woodbury:

Is there anyone else who would like to testify in support of the bill? [There was no one.] Is there anyone who would like to testify in opposition?

Victor Joecks, Executive Vice President, Nevada Policy Research Institute:

We are opposed to the bill. Pre-K and full-day kindergarten are programs that have been tried and studied throughout the country, and I would like to share the results of some of that research on programs that in some cases have been around for decades.

The federal government did a comprehensive study on the Head Start program, which is the federal pre-K program. The Brookings Institution which everybody may know as a left-wing organization, published a summary of the study's findings by Grover J. "Russ" Whitehurst.

The Head Start Impact Study is one of the most ambitious, methodologically rigorous, and expensive federal program evaluations carried out in the last quarter century. It was planned during the Clinton administration, implemented during the Bush administration, and reported during the Obama administration.

The author continues:

The findings, in brief, are that there were effects favoring Head Start children on some outcome variables at the end of the Head Start year. However, these impacts did not persist. Both in the kindergarten and first grade follow-up data, released just short of three years ago, and the third grade follow-up data, released in December of 2012, there were no reliable differences in outcomes for children who won the lottery to attend Head Start vs. those who lost that lottery and served as the control group.

Whitehurst states:

If this conclusion by the authors isn't clear enough, I'll put it in less academic language: There is no measurable advantage to children in elementary school of having participated in Head Start. Further, children attending Head Start remain far behind academically once they are in elementary school. Head Start does not improve the school readiness of children from low-income families.

Pre-K is not the only school program where gains fade by the third grade. The RAND Corporation did a longitudinal study on over 7,000 students involving full-day kindergarten. These are their findings.

There was little difference in the reading achievement of students attending full-day or half-day kindergarten programs as they progressed through school. However, in mathematics, attendance in a full-day kindergarten program was negatively associated with later fifth-grade performance when the nonacademic readiness skills of students were taken into account.

Children who participated in a full-day kindergarten program demonstrated lower levels of nonacademic readiness skills through the fifth grade, including poorer dispositions toward learning, lower self-control, and worse interpersonal skills than children in part-day programs. Children in full-day programs also showed a greater tendency to engage in externalizing and internalizing problem behaviors than did children in part-day programs.

Simply, it is premature to call this program a success. Gains in pre-K and kindergarten are expected, but those gains fade. I urge this Committee, before you expand this program, to let it play out. If this is the one program in the country that overcomes all of the odds, then great, let us fund it, but we do not have that evidence today.

Assemblyman Elliot T. Anderson:

Putting aside the fact that Head Start is not the program we are talking about here, is it also possible that data shows that maybe we should just keep pushing them and keep the funding going after the Head Start years? That is another way I could also read that data. I can tell you that I do not think we have been pushing kids enough. It is one of the reasons I support higher standards, so we keep them growing. I think what happens is we stop challenging and pushing kids. It is a part of the reason why we tried to bring in tougher standards because we stop pushing kids after those years.

Victor Joecks:

I am sure there is a large policy discussion in there. The federal government did a longitudinal study on a program that they spent \$176 billion on in the last 50 years and they could find nothing, no lasting gains. I would suggest that until you fix those things in first grade, second grade, and third grade—I think Read by Three could certainly be part of that—there is no reason to think that investing in pre-K is going to lead to those lasting results.

Assemblyman Elliot T. Anderson:

I think your answer draws it out that you are talking about lasting results. There is no long-lasting funding with Head Start, so at a point we stop putting in resources and we stop pushing kids. Maybe that is more of a reason to expand it and to expand these grade programs into middle school and high school, which are some of the things we are contemplating. Again, setting aside the fact that we are not talking about Head Start, I am not exactly sure how you can compare these data sets.

Victor Joecks:

I think the best education program is a great teacher in every classroom, so if you want to talk about changes to *Nevada Revised Statutes* (NRS) Chapter 288 that allow ineffective teachers to get out of a classroom and that allow an increase in compensation for the most effective teachers, I think that is where you will start seeing the gains. I know you wanted me to draw a distinction between Head Start and this program, but they are both pre-K programs and then they go into first grade, second grade, and third grade, and if those teachers are not effective, none of it matters. I will submit that an effective teacher in the classroom is the most important thing, and I do not think this draws on that.

Assemblyman Elliot T. Anderson:

To be clear, you did note in the data that there were gains during those Head Start years, correct?

Victor Joecks:

Yes, that is what the data finds. They find there are gains in the early years, but those gains fade. When you look at the RAND Corporation study, they actually find that children in half-day kindergarten do better in mathematics, and children who took full-day kindergarten had behavioral problems that were not seen with the children in half-day kindergarten. I do not think these are just neutral programs that are costing money. I think you also see some academic lags from full-day kindergarten.

Assemblyman Munford:

You are saying this is not the silver bullet to solve these problems. When you are speaking of Head Start, is it mostly focused on African Americans and the inner cities? I think of when Head Start started in the 1960s under President Lyndon Johnson, it was part of the Great Society, the War on Poverty, and the whole package. Maybe there were some gains and there might have been some things that were fulfilled as expectations. I can say some good things about Head Start, and I could say some negative things. Maybe part of the problem is there were people who felt that the money could continue to be appropriated and made available because there was a lot of politics involved. I am still an advocate of Head Start, but I know what you are talking about.

Assemblywoman Swank:

Why are we hearing about Head Start? This is not a Head Start program; this is an ELL program. You have done research on this. I am wondering what other programs we see across the county that are similar to Zoom schools. Why do you not bring that information to the Committee? Clearly, this is not the same program you are referring to, so I wonder what else you have found as far as ELL programs around the country.

Victor Joecks:

I do not have reference offhand to a program that is specifically tailored like this, but you are still looking at a massive \$176 billion spent on pre-K that has produced no lasting results. I still think there is relevance there especially when you are hearing testimony that there is a 50 percent rate of people moving out. I think you have to be very concerned about a child starting this program and lasting through it, especially over the course of a year.

Assemblywoman Swank:

Thank goodness they had that money because think about how far behind they would be. I also would caution you when you come in front of committees to be sure that you bring data to where we are comparing apples to apples and not apples to oranges as we are right now.

Victor Joecks:

I would just point out that this is a federal government study; this is not conducted by me. It is one of the most rigorous studies the federal government has ever conducted, and they found there are simply no long-term gains.

Assemblywoman Swank:

In a different program.

Chair Woodbury:

Is there anyone else who would like to testify in opposition? [There was no one.] Is there anyone who would like to testify as neutral?

Victoria Carreón, Director of Education Policy, Kenny C. Guinn Center for Policy Priorities:

I am testifying as neutral on the bill. In regard to the effectiveness of Zoom schools, we do think the evaluation recommended in the bill will help provide better information on the effectiveness of the program. You will have much more uniform data across the state and you will also have a group of comparison schools. I think with that data you will have much better information. We do think there are a lot of positive aspects to this bill. We had three things that we wanted you to consider that we think would help strengthen the bill.

First, we think you should provide more flexibility for the interventions. Middle school- and high schools can use money in the bill for evidence-based strategies; however, elementary schools do not have this flexibility and we think that providing that flexibility would be very helpful. As it stands now, the way that the reading centers are being implemented is very different in Clark County versus Washoe County. We think that providing the flexibility really would just codify what is already happening out in the field.

Second, we think that you should change the language regarding kindergarten. The bill requires the Zoom schools to pay for full-day kindergarten, but in the budget that was closed on Saturday by the Senate Committee on Finance and the Assembly Committee on Ways and Means, they indicated that full-day kindergarten is funded under a separate line item. We have a chart in our prepared text ([Exhibit D](#)) that shows that most of the money was spent on full-day kindergarten. If that money is freed up, then that could be used for other interventions or to expand the number of schools. We suggest that you look to the language that is in Senate Bill 432 (2nd Reprint) regarding Victory schools because that says that the fund must be used for full-day kindergarten if such classes have not otherwise been paid for through legislative appropriation. We think that would provide some more flexibility.

Lastly, we think you should consider consolidating the Zoom school program with two other related programs—Read by Three, which you are considering in this meeting, and Victory schools, which you are considering tomorrow. The Victory and the Zoom schools that have been identified all have high rates of ELL and free and reduced-price lunch students, so we think that there is a lot of overlap in those populations. Also, all three of these programs aim to improve literacy and/or English language acquisition. Assessment of reading

and literacy problems is included in both the Zoom and the Read by Three programs. Instructional intervention to enable students to read proficiently by grade three is included in all three programs. There is also a lot of overlapping uses of eligibility in these programs. [Continued to read from prepared text ([Exhibit D](#)).]

We think that it would be a lot more efficient for the state to administer them all together. You would have one evaluation instead of two. At the school district level, you would have also much more cohesive administration if you combine all of them into one program because we do think they are interrelated, and to make them successful, it would be better to put them all into one pool of money.

Chair Woodbury:

Is anyone else neutral on S.B. 405 (R2)? Seeing none, do any of the sponsors want to make any closing comments?

Senator Denis:

I just wanted to thank you for the opportunity to speak about this program. I am very passionate about it. I also wanted to thank Assemblywoman Diaz, Senator Woodhouse, former Assemblywoman Dondero Loop, and former Assemblyman Eisen. They were all part of the team when we did this. I would also like to thank the school districts, the Department of Education, and Professor Sylvia Lazos of the William S. Boyd School of Law at UNLV. It was because of the input mentioned earlier that we all worked together to come to what we have before us today.

Chair Woodbury:

I am going to close the hearing on S.B. 405 (R2) and open the hearing on Senate Bill 391 (2nd Reprint). I know Senator Harris wanted to be here as well, but she is on the Senate floor, so we have Mr. Erquiaga and Mr. Canavero here to present the bill.

Senate Bill 391 (2nd Reprint): Revises provisions governing educational instruction in the subject of reading. (BDR 34-644)

Dale A.R. Erquiaga, Superintendent of Public Instruction, Department of Education:

Senator Harris asked me to extend her apologies. The Senate Committee on Education introduced this bill. She did the advance legwork on the research underlying this version of the bill. I know that if she were here, she would speak more eloquently than I can about the importance of literacy to her own family experience, as she did in both hearings of this bill in the Senate. Let me

simply say that the bill is very much grounded in her own experiences as a mother and in her experiences with the schools in her Senate district. The model that is articulated here for the school district plan is based on her understanding and visits to a particular school in her Senate district. In general, Clark County has used the approach successfully in a number of the schools that she visited.

I will give you a bit of background on the policy behind this bill. I am told that the idea of the read-by-third-grade policy has been discussed in these halls since at least 2007. The work was done in earnest in 2011. Governor Sandoval introduced a measure at that time and again in 2013. I know that this Committee and the Senate Committee on Education spent a very long time working through the underlying policy of this idea.

The idea of a read by three initiative is sort of a national effort. We know that children learn to read until third grade, and after that point they read to learn. We know that third grade reading proficiency is a really critical academic benchmark for future success. The underlying policy behind this, which Mr. Canavero will explain to you, is called in most places a third grade reading guarantee; it has also been referred to as an end to social promotion.

The policy in this bill is about two things. Regarding all of the activities that lead to third grade—literacy acquisition in kindergarten, first grade, and second grade—there is an interventions assessment regimen spelled out, and interventions must occur with mom and dad if students are not on track. Also, the policy anchor is that at third grade, if students are not proficient on our summative criterion-referenced test that is administered in that grade, they would not be promoted to the fourth grade unless they meet certain good-cause exemptions. The good-cause exemptions are spelled out in the bill. Senator Harris was key in our decision at the Department of Education and the Governor's Office. Looking at when the guarantee for the third grade retention would go into place, she made a really strong argument—I think wisely—that we are piloting or rolling out so many new programs in our schools, and she wanted those schools to have a full chance for their effect.

The Committee has heard me discuss a number of times the need for full-day kindergarten, and that is the view of the Governor and many in this building. That is phased in this biennium so that by the 2016-2017 school year, full-day kindergarten will be available, though not required, for all children enrolling in our public schools. If you go forward for that class of students, that cohort, the kindergarteners in 2016-2017 to when they are in the third grade, that is when this bill would become effective for purposes of retention. We have that in place. All of the full-day kindergarten activities, the

Read by Three funding that this bill assumes, would be delivered back to activities like Zoom and Victory schools. I think the Senator was right in giving us that as a policy framework.

In its initial introduction, the bill did contain funding. The funding was taken out in the Senate Committee on Finance so that this bill did not end up conflicting with the budget that would be closed. The funding for this measure was included in the budget that the full body will consider.

We think this bill has done a nice job of drawing on Nevada's experience over these years that so many of you have worked on, as well as the national experience. Some of the national people who have helped the Sandoval Administration with this issue since 2010 were here to testify in the Senate Committee on Education, and they stated that this was one of the best bills they had seen in the country, so we are very proud of the policy initiative that is here. We think we have learned from other people's mistakes in other states, and we have learned from the experiences in the building. The policy in this bill requires certain steps to be taken for kindergarteners, first graders, and second graders in order to get ready for the third grade class of 2019-2020, when the retention would go into effect. The bill contains a number of reports and information. With that overview, I will ask Mr. Canavero to give you an overview of the sections of the measure.

**Steve Canavero, Ph.D., Deputy Superintendent for Student Achievement,
Department of Education:**

I will work through some of the highlights of the policy and then take questions. According to my numbers, there are a little over 30 states which have a read-by-third-grade program or some sort of a third grade literacy emphasis. Fifteen of those states have a hard stop at third grade, a reading guarantee, which is what this bill does. As the Superintendent said, this does not come into effect until the kindergarten class of 2016-2017 reaches the third grade in 2019-2020.

Sections 1 and 2 bring the existing reporting requirements and add components of literacy and retention. Section 3 requires the charter school governing bodies to establish policies for promotion and retention. It includes a September 1 reporting requirement. Section 13 contains the same requirement for the board of trustees of school district.

Section 5 is the beginning of the meat of the bill. It establishes the need for a district plan so that public school trustees and governing bodies of charter schools prepare a plan to improve literacy in kindergarten through third grade. There are certain requirements in the plan; intensive instruction is one of them, to include instruction on phonological and phonemic awareness and decoding skills, and procedures for assessing students using valid and reliable assessments that are approved by the Department in a timeline. There is a really tight timeline when students should be assessed with the literacy assessment. It is upon 30 days of entry in a kindergarten and 30 days upon entry thereafter. Thoughtfully, in section 5 and elsewhere, there are also specific requirements of English language learner (ELL) students within the plan, and there are procedures for collaboration between the learning strategists. A learning strategist is sort of a key crosscutting strategy for the Read by Three effort. In addition, the plan is submitted to the Department, which has an opportunity to weigh in and either approve or suggest some revisions to the plan as needed.

Section 6 gets to the learning strategist that I referred to as well as requirements for professional development. Within each of these schools, the principal designates a teacher as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading. That teacher would also provide professional development to the teachers within the school.

Section 7 opens up the section of law. Section 8 requires some notification to parents. Throughout the policy, this bill has a number of areas where the parents are to be engaged and communicated with in a thoughtful manner. For any student in kindergarten through third grade who exhibits some level of a deficiency in reading, either through the state's assessments or through teacher observation, the principal, upon knowing of that deficiency, provides a written notice to the parents within 30 days. That notification includes a number of provisions that are spelled out. Some of them are prospectively what the student will receive going forward, and again, that is consistent with the plan that is approved by the Department in section 5.

It also explained that if the student does not continue to progress, there is a requirement to retain students who do not meet a certain level of proficiency, but at the same time balance that with the notification that there do exist good-cause exemptions. The notice to parents for students who have a deficiency in reading also includes a notion that the criterion-referenced test (CRT) is not the only factor to determine whether a student would be retained in third grade. It would also describe the policy and criteria adopted by the

trustees or the governing body of the charter school regarding promotion to fourth grade at any time during the school year if the pupil is retained in third grade.

Section 9 discusses the monitoring of students and the ongoing monitoring based upon reading deficiency. Within the 30-day noticing of parents of the deficiency, the school develops a plan to monitor the progress of the pupil in reading, and a plan to monitor the progress of a pupil in the subject area of reading must be established by the teacher of the pupil and any other relevant school personnel and approved by the principal of the school and the parent or legal guardian of the pupil. The plan must include a description of any intervention services that are spelled out, and the pupil must be assessed at the beginning of the school year related to the tracked progress.

Section 10 is where it articulates the retention and good-cause exemptions. The State Board of Education is empowered to prescribe a passing score on the CRT. They would adopt a particular score, and that score would then be the level of proficiency for students. If a pupil scores below that level, he or she must be retained. However, there are some provisions where that may not apply. The superintendent of the district or governing body of the charter school may authorize a pupil who does not achieve the passing score as prescribed by the State Board of Education to be promoted to the fourth grade if the pupil receives a good-cause exemption.

Students are eligible for a good-cause exemption if they have demonstrated an acceptable level of reading performance, whether through an alternative standardized reading assessment approved by the State Board of Education or demonstrated by a portfolio of student work. If the student is limited English proficient and received less than two years of English as a Second Language (ESL) instruction, he or she would be eligible for a good-cause exemption. If the student received intensive remediation in reading for two or more years but still demonstrated a deficiency in reading and was previously retained in kindergarten, first grade, or second grade for a total of two years, he or she can receive an exemption. There is a threshold where retention does not make sense; we are saying it is two years.

There are provisions in the bill to ensure that students with special needs are appropriately and fairly handled. If a student has an individualized education program (IEP) and participation in the CRT is not appropriate, he or she would automatically qualify for a good-cause exemption. The same is true if the student has an IEP but participates in our CRT and in the IEP documents it states that the pupil received two or more years of intensive remediation but still demonstrates a deficiency and he or she was previously retained in

kindergarten, first grade, or second grade. When the principal determines if the pupil is eligible for a good-cause exemption, the principal would consider all of the documentation that is submitted by the pupil's teacher and ensure that it is consistent with the good-cause exemption sought. If in the principal's determination the promotion to fourth grade is appropriate, the principal would submit the written recommendation to the superintendent or the charter school governing board, and ultimately the decision would be made.

The principal of the school would notify the parent or guardian of the decision whether or not to grant the good-cause exemption. A student who does receive a good-cause exemption, however, also receives and will continue to receive intensive instruction. It is not a promotion without continued support and service. If they do not meet the threshold that is established by the State Board of Education, they are retained because a good-cause exemption does not apply or they can receive a good-cause exemption and be promoted. The State Board of Education has a number of areas where they prescribe by regulation, two of which are here: the CRT score for them to be promoted or to reach the threshold, as well as the alternate exam I referenced earlier and the passing score for that examination.

Section 11 outlines the requirements of the school if the pupil is retained in third grade. There are a number of provisions, all of which are aimed to support the student in his or her effort to become proficient. If a pupil is retained in third grade and not meeting a good-cause exemption, the principal must provide a notice to the parent or guardian describing the services that the pupil will receive. They must develop a plan to monitor the progress, require the teacher to develop a portfolio of work and reading that can reflect progress, ensure that the pupil receives intensive services, and there is a number here related back to the district plan—90 days of instruction specifically based upon scientific literature and intensive instruction prescribed by the board of trustees. There is a list that the board of trustees can prescribe across the district and then as they are appropriate be implemented at the school site. The board of trustees of a school district or a governing body of a charter school reviews and evaluates these plans and prescribe intensive instructional services, but the principal must implement the services at the school site.

If a pupil is retained, they may also prescribe a pathway for classes that are specifically designed to increase the ability of pupils to make the transition from third grade to fourth grade. If a student is retained the next year, the intensive instructional services must be provided by a highly effective teacher as determined by the pupil performance data and the performance evaluations. That teacher is different from the teacher who provided instructional services to the pupil during the immediately preceding school year. If a student is retained

in the third grade, the following year he or she will receive the intensive instructional services provided by a highly effective teacher, not the teacher he or she had during third grade. However, an exception may be provided if the teacher meeting the requirements is not reasonably available and the pupil has an IEP or if the pupil is enrolled in the school district whose county population is less than 100,000. The trustees or the governing body must establish a policy for mid-year promotion if the pupil demonstrates adequate performance in reading and have specific criteria. If the student is promoted after November 1, the pupil must demonstrate the reading level as prescribed by the State Board of Education. There is also a provision for transitional instructional settings. If the student is retained, he or she can be retained within a transitional instructional setting as determined between the parent or guardian and the principal where the student is able to meet the fourth grade performance while given continual remediation in reading. An example that we used in prior testimony is a third grade/fourth grade combo class.

Section 12 talks about services offered to parents in addition to the instructional service provided to the pupil that is retained in third grade. The principal must offer the parent or legal guardian the following options: supplemental tutoring for the student, a plan for reading with the pupil at home and participating in any workshops to provide support, or provide a mentor or tutor who has received specialized training.

Section 14 just clarifies the existing statute regarding retention. Section 15 makes the appropriation to a particular account. It describes a bit of the competitive grant process. It talks about what the funds can be used for. It requires that each of the grantees that receives this must establish performance objectives and submit a report to the Department by July 1. There is an external program evaluation included in section 15, and then there are additional reporting requirements. The Department shall submit a preliminary report on August 31 to the State Board of Education and the Legislative Committee on Education. The final report is due November 15 to the State Board of Education, the Legislative Committee on Education, the Governor, and the Director of the Legislative Counsel Bureau for transmittal to the 79th Session of the Legislature.

Section 16 provides staggered start dates so the law is turned on in sections according to the timeline that the Superintendent described where our interventions and support could begin, but ultimately the retention decisions do not turn on until July of 2019.

Assemblyman Elliot T. Anderson:

This bill looks pretty similar to Assembly Bill No. 161 of the 77th Session. Do you know how much, if any, has changed?

Steve Canavero:

I looked at Assembly Bill No. 161 of the 77th Session early in this process and then transitioned Senate Bill 391 (2nd Reprint) into the focus.

Dale Erquiaga:

I think if there are differences, they would be in the delineation of "must have" a strategist. That section of the bill is a little more prescriptive in this bill than it was in Assembly Bill No. 161 of the 77th Session as to what advance work was needed in kindergarten, first grade, and second grade.

Assemblyman Elliot T. Anderson:

That sounds like we are anticipating having the funding for it this time.

Dale Erquiaga:

You are correct. I think that the reason this bill has moved this time is because the Governor included special funding in the budget. As you know, it did not have special funding in 2013, or in 2011 when I worked on the bill for the Governor's staff, and that has been the stumbling block. The bills would then come with fiscal notes from the districts. While this money is not as much as some would like, there is money provided in both years of the coming biennium. I think that has been tied to those interventions that are spelled out here and were not in Assembly Bill No. 161 of the 77th Session or the bill in 2011.

Assemblyman Gardner:

I was intrigued by your statement talking about how long we have been talking about Read by Three, so I just did some research and the earliest I could find was Governor Miller in January of 1997 in the *Las Vegas Sun*. Before that we did not have Read by Three. If we have been doing this since 1997, why will it work now if it has not worked in the past? What are the differences? I know teachers whose entire classroom is not at grade level. Would they be able to say that their entire class is below grade level and report every single student? How would it operate?

Steve Canavero:

That depends upon where they are in kindergarten, first grade, second grade, or third grade when they notice the deficiency in reading. It then triggers a number of provisions within the law that would require notice to the families, development of a plan to continue to monitor the pupils, et cetera. That is a bit different from what is currently in practice across the state. There would be

those provisions written into the laws as well as the ongoing monitoring of the plan and escalation of that to the principal, should the deficiency continue to exist, as well as the internal support of the learning strategist to determine what would be the right strategy to break up that group and get the support that the teacher needs.

Dale Erquiaga:

Here is what I think is different about this policy approach, and I will say that it is different even from the approach that we took when I was the Governor's policy advisor four years ago. It is what I indicated in my answer to Assemblyman Anderson, that this bill is much more about the onramp to third grade reading proficiency as well as what I used to call the gate dropping in the third grade, the retention policy. We have talked about the need for students to be proficient in third grade, and we have understood for a long time about the impact that it has on their ultimate success in school, but we have spent a lot of time focused on doing things once the students get it wrong.

I think we have learned that there is a lot of front-end work that requires a lot more differentiation than we are able to do or are doing today. I will not argue about whether we should have already been teaching children to read or not. It is a practical matter. We have so many kids who are reaching third grade and are not proficient. I think what we have learned from previous iterations of this bill, and from probably the last 15 to 20 years of experiences is as a policy directive from the state we need to set the parameter, which is why I appreciate Senator Harris including by name the learning strategist position here. That is a step further than we have gone in the past. We have learned from where that is successful, and where that is successful it is often provided with other outside resources, usually federal monies. We know that can be successful if we expand it across other schools.

Assemblyman Hickey:

You just mentioned that you have looked at other programs, and I recall recently reading about Florida. I think they are probably one that you have modeled at least some of your practices after. If I recall the study, to summarize in nonacademic terms, it seemed like a tough decision with a lot of pushback about the retention aspect, but I recall that it has met with some success. I appreciate all of the things on the front end we need to do to mitigate and not end up at that policy, but after all, are we not talking about the problem with social promotion and the fact that we have allowed children to progress without succeeding at this critical stage? Are there some firm expectations and plans in mind to carry that out?

Dale Erquiaga:

The short answer is yes. This bill is very clear that when the third grade retention is applied, it is applied in a fair way that allows mom and dad to have a chance to work with their student in an earlier identification. It does not catch the student or mom and dad by surprise. Catching mom and dad by surprise is how we get into the situation today where we end up socially promoting because everybody is upset that they did not know that the hammer was coming down.

You are correct about Florida. I do not know the data off the top of my head, but I can summarize for you. In the early experience in Florida and in other states, they imposed the third grade retention quickly; I think in Florida, several thousand children were suddenly retained. It was one of the most difficult components. Florida and other states also learned about the need for good-cause exemptions. That list is longer in today's iteration of this policy around the country than it was originally, and there are good reasons why some children need the additional transition time. It is not that they do not need to know how to read, but they just need to be given the time to transition to the proficiency.

The understanding of good-cause exemptions and not unfairly imposing retention, but also ultimately having the retention policy not as an option, is in the law. I think the challenge for us as Nevadans, and for you as policymakers, when we get closer to that retention, is to not push it off again. We have pushed it off for a very reasonable time period here, as I indicated, and I think the challenge will be to hold firm to that.

The difficult part of my job, as I know it is for the districts' superintendents, principals, and teachers, is to have to be the enforcer of these rules. This is the time of year when we are not graduating students and we are not allowing students to walk at graduation, and I have to talk to a member of this body after this meeting about those decisions. They are really hard on families. This would be just like that decision. It requires a very thoughtful policy conversation and willingness for us all to say that while it is a tough thing for mom and dad and their child at the time, it is the right thing for the long haul.

Assemblywoman Diaz:

I completely agree that in the past I have had some reservations because I felt as a state we were not supporting our children adequately. We did not have Zoom and we were not on the path of creating Victory schools, so I felt that the kids this would affect would be those children not getting serviced in time to prevent them from getting retained. I do not want our lack of providing those services, or those basic needs, for them to be successful to then equate that

they needed to be retained. There is a lot of arguing back and forth about whether it affects their self-image as a lifelong learner, but I am a firm believer students today need to also be aware that they are accountable for their learning. A lot of times the teacher takes it all on his or her shoulders and the parents take the responsibility of the children's learning, but I think we need to share it and give it back to the students. They need to know that they have to be putting forth their best effort at all times. There are consequences when they do not do the reading that they need to do every night so that they do not fall back. I think that if they know they need to get to a certain grade level by a certain time, it will help them know that it is important, that they cannot be a slacker and not do their homework.

I have some questions with the language in the bill. Section 6, subsection 1, states, "The principal of a public elementary school, including, without limitation, a charter school, shall designate a licensed teacher employed by the school who has demonstrated leadership abilities to serve as a learning strategist to train and assist teachers at the school to provide intensive instruction to pupils who have been identified as deficient in the subject area of reading." I am wondering why we did not specifically say if it could be a literacy specialist or someone who has more course work in the area. It makes me a little uncomfortable to have it so wide that someone's skill set may be more geared toward math, but he or she is a great leader and may get this position. I think we do provide a literacy specialist endorsement or something along those lines. I would like to target those people and maybe have a backup if we cannot get a literacy specialist.

Steve Canavero:

I think you are right. I think short of prescribing exactly who that individual is and the endorsements he or she will carry, in section 6, subsection 4, it says "The State Board shall prescribe by regulation: (a) Any training or professional development that a learning strategist is required to successfully complete; (b) Any professional development that a teacher employed by a school district or charter school to teach kindergarten or grade 1, 2, 3 or 4 is required to receive from a learning strategist in the subject area of reading; and (c) The duties and responsibilities of a learning strategist." There is the ability under section 6, subsection 4, paragraph (b), to really describe what the learning strategist's attributes and skills are that he or she needs in order to be deemed as a learning strategist at that school.

Dale Erquiaga:

Part of the reason is, as Mr. Canavero has said, that we think the State Board of Education will sort of explicate that. We also tried to avoid a specific endorsement that exists in the *Nevada Administrative Code*. As you may know,

I sit on the English Mastery Council and we are going through the conversation about what now will be called the English Language Acquisition and Development (ELAD) endorsement. It used to be the Teachers of English as a Second Language (TESL) endorsement. There is a really long conversation about who should have the endorsement, and then they are in front of the Commission on Professional Standards really quickly, and they are charging an educator to get that endorsement. They have to pay an additional fee. Having gone through that recent experience, I did not want this to have to go through that same long conversation before several governing bodies. We thought that we would have this stopgap for the Board to give some guidance and set some parameters but not tie it to something that exists as an endorsement that costs a particular fee.

Assemblywoman Diaz:

Section 8 says, "If a pupil enrolled at a public elementary school in kindergarten or grade 1, 2 or 3 exhibits a deficiency in the subject area of reading based upon state or local assessments or upon the observations of the pupil's teacher...." I feel uncomfortable with the term "upon the observations." I would want them to use a battery of assessments to determine the deficiency. I would not want just one teacher saying that it looks like the student is deficient in reading. I would want them to use some kind of diagnostic tool to determine the deficiency.

Steve Canavero:

That is another thoughtful question. There are a few areas whether it is the good-cause exemption or here on the identification of deficiency that there is absolutely room for the application of professional knowledge of the teacher. I think it is consistent because there is an area where a student is eligible for a good-cause exemption if the student has a portfolio of work that demonstrates that he or she is reading at grade level, but the assessment or the alternative assessment as approved by the State Board of Education is just not carrying through to those tests. Here it is consistent with allowing the teacher to make a determination of a deficiency either through observation or assessments. It gets to the planning on the other side. Even for a student who is retained, the portfolio requirement is to ensure, should the student continue to be challenged on the standardized assessment part of it, that with the alternative course through the portfolio, the student is able to seek the professional opinion of the teacher and the principal.

Assemblywoman Diaz:

Instead of "or", could we put "and" or another word in the opening of section 8, because "or" makes it seem as if it stands on its own.

Section 8, subsection 3, begins with "Describe the strategies which the parent or legal guardian may use at home...." I think we need to add to the language and say, "Describe, explain, and model." I have done a lot of these kinds of workshops with parents where we explain our reading program to them. A lot of the parents did not get very far with their own education, so sometimes they need to see what we are talking about. We do not just talk to them, but actually have them create, the technique, or we model it for them and practice it within that setting. I would like to see that language inserted there and also in section 8, subsection 7.

Assemblyman Gardner:

As I read the bill, a student under existing law can be retained in kindergarten, first grade, or second grade, but in this bill that is still the same. All we are saying now is if they are not up to grade point at third grade, they will be retained unless they have one of these good-cause exemptions.

Dale Erquiaga:

You are correct. It is not "may"; it is "shall," and in conversation with the Chair about this bill she has indicated that we should also add some record keeping about third grade retention if a child was earlier retained in kindergarten, first grade, and/or second grade. We ought to know that. If a child ends up being retained twice, that should be a red flag for us as well.

Chair Woodbury:

Seeing no further questions, I am now going to take testimony in support. We have a lot of people signed in. Please keep it to less than one minute.

Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Clark County School District:

We fully support the bill and ditto for all the wonderful programs. We appreciate everyone in this room who worked on this bill, not just this session but in previous sessions, and got us to this point.

Tom Greene, Regional Advocacy Director, Western Region, Foundation for Excellence in Education:

I come to you as a former teacher. I would like to thank Governor Sandoval, Superintendent Erquiaga, and the Senate for their unanimous support. Our organization was founded by Governor Jeb Bush, who led the K-3 reading law in Florida, which has seen success. It is paying off, and it was funded.

I think everyone can agree that the ability to read is the gateway to lifelong success. The research says if you are unable to read by third grade, you are four times more likely to drop out of high school, and ten times more likely if

you are African American or Latino. That creates a domino effect where you spend more money on government assistance or incarceration. There are a lot of questions about whether this money is going to be spent well. The question is, do you want to spend this money now to help children to have these interventions so they can read, or pay for it later for students who do not have these opportunities and are not as successful?

Assemblywoman Irene Bustamante Adams, Assembly District No. 42:

I am also representing the members of the Hispanic Legislative Caucus. All of our questions were addressed by Assemblywoman Diaz regarding the bill, and we are in support.

Tyre Gray, representing Las Vegas Metro Chamber of Commerce:

Kindergarten through twelfth grade education has always been a priority for the Chamber, and reading by third grade is very important to us. This is going to be a good investment, and it is going to help close the achievement gap and also recruit and retain new businesses and industries in Nevada. The Chamber supported this bill in the Senate and we stand in support again today.

Seth Rau, Policy Director, Nevada Succeeds:

As the Nevada Succeeds Board was looking over legislative priorities, we chose reading by third grade as our top priority for this legislative session because we know that there is nothing more important than making sure kids are reading at grade level to make sure they are prepared for success in our future education system and workforce.

Patrick Gavin, Director, State Public Charter School Authority, Department of Education:

Ditto.

Mary Pierczynski, representing Nevada Association of School Superintendents:

I am also representing the Nevada Association of School Boards, and we are in support of the bill and the support systems that are in the bill.

Ray Bacon, representing Nevada Manufacturers Association:

The first year's retention in Florida was 18,000, and it was the number-one headline in every newspaper in the state. The data that Tom Greene's group shows does not show that the math scores have had the same rising scope as the English scores. This is a life-changing thing. Students who learn to read wind up being successful in life. This is an all-students effort, it is not being selective, and it requires everybody. This is the first program that says that everybody has high expectations.

Dana Galvin, President, Washoe Education Association and representing Nevada State Education Association:

Ditto.

Lindsay Anderson, Director, Government Affairs, Washoe County School District:

We are here in support.

Karen Barsell, Chief Executive Officer and President, United Way of Northern Nevada and the Sierra:

On behalf of my board of directors, thank you very much for your leadership. We are in support of this bill.

Mendy Elliott, Board Member, United Way of Northern Nevada and the Sierra:

Back in 2004, 2005, and 2006, under the leadership of Senator William Raggio and Washoe County School District Superintendent James Hager, we created a program focused on literacy, which targeted children in the bubble schools. We went out and raised private funding, and we have some longitudinal data that I can provide to the Chair as it relates to the success of the program. In 2004, we had 435 students; the percentage of students reading at the grade level after the program was 45 percent. In 2005, we had 534 students, and at the conclusion of that school year, we had 70 percent of students reading at grade level. Not only were the students grateful for the program, they stated, "I can read better now. I am better at everything at school as a fourth grader. Because my fluency is better, I understand the books more than a fifth grader. I am passing all of my tests." This is not only an investment in human capital, but it is an investment in the future of our state. I thank you for your leadership, the Governor's leadership, and this very worthwhile program. We are thrilled to be a partner with the State of Nevada.

Chair Woodbury:

Is there anyone else who would like to testify in support of the bill? [There was no one.] Is there anyone who would like to testify in opposition to the bill? [There was no one.] Is there anyone who would like to testify neutral?

Victor Joecks, Executive Vice President, Nevada Policy Research Institute:

We think the bill is a great policy, but we would like to propose an amendment to change the implementation date to July 1, 2015, so the first kids who would be held back would be at the end of the 2016 school year. I think for all the reasons you just heard, this is a tremendous policy and there is no reason to let four grade levels of kids go through before this policy is put in place.

[Additional exhibits include a letter of support from Ruben R. Murillo, Jr., of the Nevada State Education Association ([Exhibit E](#)), written testimony from Victoria Carreón of the Kenny C. Guinn Center for Policy Priorities ([Exhibit F](#)), and a brochure on third grade reading success from the United Way of Northern Nevada and the Sierra ([Exhibit G](#)).]

Chair Woodbury:

Would anyone like to make closing comments? [There was no one.] I will close the hearing on Senate Bill 391 (2nd Reprint). Is anyone here for public comment? Seeing no one, we are adjourned [at 6:10 p.m.].

RESPECTFULLY SUBMITTED:

Joan Waldock
Recording Secretary

Jordan Neubauer
Transcribing Secretary

APPROVED BY:

Assemblywoman Melissa Woodbury, Chair

DATE: _____

EXHIBITS

Committee Name: Assembly Committee on Education

Date: May 18, 2015

Time of Meeting: 3:53 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 405 (R2)	C	Clark County School District	Clark County School District Zoom Schools Data Update
S.B. 405 (R2)	D	Victoria Carreón / Kenny C. Guinn Center for Policy Priorities	Prepared Text
S.B. 391 (R2)	E	Ruben R. Murillo / Nevada State Education Association	Letter
S.B. 391 (R2)	F	Victoria Carreón / Kenny C. Guinn Center for Policy Priorities	Prepared Text
S.B. 391 (R2)	G	United Way of Northern Nevada and the Sierra	Brochure