

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

**Seventy-Ninth Session
February 27, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:17 p.m. on Monday, February 27, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 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/79th2017.

COMMITTEE MEMBERS PRESENT:

Assemblyman Tyrone Thompson, Chairman
Assemblywoman Amber Joiner, Vice Chair
Assemblyman Elliot T. Anderson
Assemblywoman Olivia Diaz
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Trinity Thom, Committee Assistant

OTHERS PRESENT:

Brian Mitchell, Director, Office of Science, Innovation and Technology, Office of the Governor
Dale Frost, State Policy Director, International Association for K-12 Online Learning, Vienna, Virginia
Lisa Mayo-DeRiso, Break Free CCSD, Las Vegas, Nevada
Spencer Stewart, Chancellor, WGU Nevada
Nicole Rourke, Associate Superintendent of Community and Government Relations, Clark County School District
Patrick Gavin, Executive Director, State Public Charter School Authority, Department of Education
Mary Alber, Ph.D., Co-Founder, Education Innovation Collaborative, Reno, Nevada
Jessica Ferrato, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Administrators and Nevada Association of School Superintendents
Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees
Brett Barley, Deputy Superintendent for Student Achievement, Department of Education
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association
Terri Gomez, Private Citizen, Las Vegas, Nevada
Craig M. Stevens, Director of Intergovernmental Relations and Government Affairs, Community and Government Relations, Clark County School District

Chairman Thompson:

[Roll was taken. Committee protocol and rules were explained.] Today we are going to hear two bills, Assembly Bill 110, and Assembly Bill 221. At this time, I will open up the hearing for Assembly Bill 110. This bill came out of the Legislative Committee on Education which met over the interim.

Assembly Bill 110: Revises provisions governing education. (BDR 34-327)

Assemblywoman Melissa Woodbury, Assembly District No. 23:

I represent Assembly District No. 23 in Clark County. I am here today with Brian Mitchell from the Office of the Governor and Dale Frost from International Association for K-12 Online Learning (iNACOL) to introduce Assembly Bill 110 which revises provisions relating to competency-based education.

During this past interim, I served as Chair of the Legislative Committee on Education. Our Committee heard from the International Association for K-12 Online Learning, also referred to as iNACOL, an organization with expertise in competency-based and distance education. At the Committee's request, iNACOL examined Nevada's current laws and regulations and offered recommendations for expanding best practices in Nevada, focusing primarily on competency-based education (CBE). Also during the interim, the Governor's Office received a technical assistance grant from the National Governors Association to convene a working group around CBE.

This bill incorporates the best-practice recommendations from iNACOL, as well as the lessons learned by the CBE working group. With your permission, Mr. Chairman, I would like to turn it over to Brian Mitchell, Director of the Office of Science, Innovation and Technology, Office of the Governor, who will explain what CBE is, provide further detail on the bill, and walk us through our proposed amendment.

Brian Mitchell, Director, Office of Science, Innovation and Technology, Office of the Governor:

This office was created by the 2015 Legislature, and A.B. 110 has been one of our projects over the past 18 months. Before reviewing the presentation and the bill itself, I think it is important to take a brief moment to articulate the "why" behind competency-based education and why I am so passionate about this idea. In my slide presentation, I have shortened the term competency-based education to CBE [page 2, ([Exhibit C](#))].

The way we educate our children now was designed in the late 1800s to uniformly and cost-effectively train factory workers. Throughout much of the country, a classroom today does not look much different than classrooms did when my grandparents were little. Students arrive in class, listen to a lecture, are assigned homework, return to class to review the homework, and the process repeats itself for a couple of weeks until there is a quiz or a test that identifies gaps in the student's knowledge. Then the whole class moves on together to the next subject, which often builds upon the one that preceded it, regardless of how much is learned, what gaps in knowledge exist, or whether the students are ready.

I heard an analogy that I would like to share with you that illustrates the model of how we now educate our students, which is that of building a house. Let us suppose you were building a house, and you gave a contractor two weeks to pour the foundation. The contractor worked hard, but since it is Carson City, it rained and snowed a lot. After two weeks, the inspector came, looked at the work, and said the foundation was about 85 percent done, that 85 percent was pretty good, so they could move on to the walls. After two more weeks, the inspector returned and the contractor had gotten 70 percent of the walls

completed, which was not great, but not too bad. It was time to move on to the second floor. When they began to put the roof on, the whole structure collapsed. Some people might say, "If only we had more frequent inspections, maybe this would not have happened." Others might say, "Maybe we just need to hire better contractors." What I think we need is a better system, one that encourages mastery. Two real-world examples of this are the martial arts and the Boy Scouts. You do not get to become an Eagle Scout or a black belt without mastering the ranks below. Individuals are not moved together as an age cohort.

One of the reasons I am so passionate about this topic is that I feel like, in a lot of ways, it is my story. I am the son of an engineer, the grandson of an electrician, and the brother of an architect. For some reason, as a kid, I felt I never got the math gene. I was okay with doing pre-algebra. Algebra 1 and 2 were kind of hard, but when I got to college, I did not do that well in calculus until the third time. I did what any other rational person would have done under the circumstances; I switched my major to political science.

Looking back, I must have missed a step somewhere along the way. When the concepts were built, they did not make sense, and I decided I was not good at math. Therein lies the problem. The way we educate our children now limits their academic achievement by pushing forward students who are not ready [page 3, ([Exhibit C](#))]. For the students on the other end of that spectrum, it also holds back those who are ready to move on. Many of you probably know of an exceptionally bright student who was bored with school, did not do their homework, and was not getting good grades, but they always seemed to be able to ace the tests without putting any work in. Those students are not any better served by the current system. The way we do education now is, the time is constant but the learning is variable. With competency-based education, time is the variable, but the learning is the constant [page 4, ([Exhibit C](#))].

This [page 5, ([Exhibit C](#))] is a succinct definition that is widely accepted by the CBE community about what competency-based education is. It is a system where students advance to higher levels of learning when they demonstrate mastery of concepts and skills regardless of time, pace, or place.

The U.S. Department of Education is also looking at this. I will not read the whole thing, but let me draw your attention to the underlined part of this definition [page 6, ([Exhibit C](#))], which talks about how CBE leads to better student engagement and academic outcomes because the pace and the content are customized to each student.

This [page 7, ([Exhibit C](#))] shows the design elements from iNACOL which represent some of the best thinking on CBE and what we hope to accomplish with this bill.

This [page 8, ([Exhibit C](#))] tells us that the result is a more student-centered approach to education. I might add that everywhere I have been and in every school I have visited, the teachers absolutely love this new method.

This [page 9, ([Exhibit C](#))] shows the map of the national landscape of CBE that also comes from iNACOL. Nevada is one of seven states currently without a statewide policy on competency-based education. There are three takeaways from this map. The first is that a lot of other states are implementing this method and experimenting with CBE. The second is that there is a lot of work that has been done on CBE in other states, so I think our learning curve, should we decide to implement this, would be very quick. Finally, CBE also looks different in each state, and it even looks different within each state. The key is allowing each local school district and school to implement a policy and a model that works best for them.

You may have heard competency-based education referred to differently or by different names. It is referred to as mastery-based or performance-based or proficiency-based education in some states. It is all referring to essentially the same concept [page 10, ([Exhibit C](#))].

As Assemblywoman Woodbury mentioned, in 2015, my office received a technical assistance grant from the National Governors Association to study and explore competency-based education [page 11, ([Exhibit C](#))]. I brought together a diverse group of stakeholders to think about whether or not Nevada should pursue CBE, and if so, how? The group included folks from higher education and the Department of Education, Clark and Washoe County School Districts, the State Public Charter School Authority of the Department of Education, and members of the Legislature including Assemblywoman Woodbury. With this grant, we were able to visit three different states to see what CBE looks like in action [page 12, ([Exhibit C](#))].

I would like to highlight two examples of CBE and what we saw. This picture is from Innovations Early College High School [page 13, ([Exhibit C](#))] in Salt Lake City, Utah. This school has a 95 percent graduation rate: 10 percent of their students have an associate degree after their junior year and 50 percent have an associate degree after their senior year. If you think that this is an elite private school on the slopes of Salt Lake City, it is actually a neighborhood school. Sixty percent of the students are on free and reduced-price lunch, 60 percent are minorities, and 13 percent have an Individualized Education Program (IEP). What this school shows is that CBE is a policy and a strategy that works for all students. It is my strong belief and my goal that this is something that would work for every student.

In this school, they have a particular focus on college and career readiness and dual enrollment, as I explained. However, what stood out to me most was their focus on mentorship. Every student is assigned a teacher/mentor who meets with them once a week, helps them stay on target, helps them identify which areas they are struggling with, and helps them move faster, if that is what they want to do.

We also visited the Department of Education and a school in Lindsay, California. The school has a 91 percent graduation rate, but like the school in Utah, it is 100 percent free and reduced-price lunch, 90 percent minority, 50 percent English language learner, and 13 percent of the students are homeless. Over the past four years, they have been able

to increase their rate of students attending college or a four-year university from 21 percent to 42 percent. I am happy to share what a day in the life looks like at either of these high schools.

In our research, we identified legislation from Idaho that passed in 2015 that seems to be the gold standard in terms of building out CBE. This amendment to Assembly Bill 110 [page 14, ([Exhibit C](#))] would do three different things. The first is that there would be a statewide awareness campaign to educate teachers, principals, and the broader community about CBE. The second would be an invitation to become a pilot site. The third would be the establishment of a competency-based network: a professional learning community that informs future policy.

I want to stress that the CBE pilot sites that we are contemplating are completely voluntary [page 15, ([Exhibit C](#))]. No school would be forced to become a pilot site. These sites would come forward and apply. These would be locally designed, competency-based education systems; the state is not going to tell them how to implement CBE. It would be an opportunity for the schools to design the program themselves, based on the best practices and the needs of their district, whether they are a larger urban high school or a smaller rural high school. There would be an opportunity to request, from the Department of Education, flexibility to implement the program. The Department of Education would be in charge of working through the application process. I have listed a few things that the application would entail.

Let me briefly go over the summary of some of the amendments to A.B. 110 ([Exhibit D](#)). In section 2 of the bill, a Competency-Based Education Task Force was created. This task force was given less than a year to study and report on a number of different approaches and strategies related to CBE. Looking at what other states have done, we believe this timeline is too short and that many of the policies will take years to figure out. So, we have eliminated section 2 and replaced it with the Nevada CBE Network that is in section 3.

Another thing we wanted to ensure was that the membership of the task force did not include any of the pilot sites or the people on the ground who are actually implementing this. The recommendations coming back to the Legislature should be primarily driven by the teachers and the principals who are experimenting with this.

In section 3, as drafted, the network was not connected to the process or to the work of providing recommendations [page 17, ([Exhibit C](#))]. Section 3 in the amendment would beef up and build out the competency-based network so the membership would include the principals and teachers from the pilot schools, the Department, and representatives from higher education. I would hope that the Colleges of Education at the University of Nevada, Reno, University of Nevada, Las Vegas, and the Nevada State College would participate. It would also include other community members as well.

The network would have a couple of functions. It would share effective best practices between the different pilot sites and they would be able to share recommendations to solve

different problems that might arise. Equally important, at the end of a five-year period, the network would then provide recommendations to policyholders. The amended version of the bill explicitly creates the pilot program and designates the Department as the facilitator of the application process [page 18, ([Exhibit C](#))]. Again, it stresses that the application is a local decision and a locally determined plan. Finally, the amendment also adds a couple of definitions to A.B. 110 [page 19, ([Exhibit C](#))]. Specifically, it adds a definition of what a pilot site is, and also enhances the definition of CBE to the more industry-standard definition.

I included some resources here as a small illustration of the number of different people around the country who are working on this issue and who have pledged their support to the state, should this bill pass [page 20, ([Exhibit C](#))]. There are a lot of folks who would be willing to come in and help with technical assistance, either to the Department or to the districts and schools who are implementing this.

I would like to conclude my remarks with a couple of frequently asked questions [page 21, ([Exhibit C](#))] that I get. One of the most frequent questions is, what does this look like in a 3,000-student comprehensive high school? The answer is that I really do not know. However, I think we should find out, and it should be a local decision as to how that comes about.

Signing up to be a pilot site does not mean that the entire school needs to be converted next summer or the next school year. Rather, a school within the school model could work. Lindsay High School, for example, which is a large comprehensive high school in Lindsay, California, started with the freshman class, and then worked their way forward. The only caveat to that is I would prefer, if a school within the school model is used, that it contain a cross section of students across all different demographic groups, abilities, levels, et cetera, rather than focusing solely on the gifted or the career and technical education students.

Another question I get is whether technology or computers will replace the teacher. I think nothing could be further from the truth. I have asked one question of the CBE teachers in classrooms in every school that I have visited, and that is if a high school down the road teaching the traditional model offered you a raise to come to their school, would you take it and leave this school? I have yet to have a teacher say they would take that offer. Rather, technology and computers facilitate learning in different ways, and different models in different states use computers and technology to a different degree. The school in Utah, for instance, used technology much more than the school in Idaho or the school in Lindsay, California, did.

Will competency-based education hurt my students' chances of getting into college? I do not believe that is the case. I attended a conference, and the director of admissions for Harvard University was there and answered this question. He said they get applications from students all over the world, as well as from students who have been homeschooled.

They understand how to read a transcript and how to determine who should be admitted and who should not. He said they would not have a problem with interpreting CBE transcripts.

Finally, does flexible pacing mean students may never finish a course or never graduate from high school? In every school that I have visited, flexible pacing does not necessarily mean any pacing. There is a minimum pace. Students are given the timely supports that they need to continue through their education, and they are not allowed to languish or linger until they are forced out of the system.

With that, I will turn the time over to my colleague from iNACOL, who will share a few brief remarks about CBE nationally and about how A.B. 110 compares to some of the best practices in other states.

Dale Frost, State Policy Director, International Association for K-12 Online Learning, Vienna, Virginia:

As the field has evolved over the past 15 years, we have become much more than online learning. We are about personalized learning and competency-based education. One thing I want to make clear is that CBE is not online learning, and online learning is not CBE. Online learning can facilitate competency-based learning environments.

We would like to commend Assemblywoman Woodbury, the Committee, and the Governor's Office for your leadership on this bill. We support the amendment which will further strengthen A.B. 110 and support transformation to students and learning environments. The Every Student Succeeds Act (ESSA), the new federal law passed in 2015, provides a historic opportunity for Nevada and every state to transform education with personalized competency-based learning that meets the needs of every student. It does this by opening up space for states to redefine student success, rethink accountability, redesign assessments, and build educator capacity. We think A.B. 110 fits into that and really starts the conversation among your teachers about how to move toward a system that works for every student.

There is a five-part definition that was briefly mentioned in Brian Mitchell's presentation, but I want to go deeper to paint you a picture of what CBE is and what it can look like. The first part of that definition is that in CBE, students advance based upon demonstrated mastery and not seat time. Students gain true competency and receive the time and support they need to gain foundational knowledge before moving on. At any time, they can demonstrate competency by assessment when ready. You can imagine that when this is the case, it is really empowering for students and puts them in the driver's seat. They are much more motivated than in traditional learning environments.

The second part of what constitutes a quality CBE is competencies that include explicit, measurable, and transferable learning objectives that empower students. If you go into one of these classrooms and you ask a student what they are working on and why they are working on it, they have a level of clarity about the learning process that you do not find in traditional learning environments. By making the learning objectives transparent, students understand what is expected of them, giving them greater ownership over their learning.

The third facet of CBE is that assessment is meaningful and a positive learning experience for students. We all know many students who would not say assessments are positive. In competency education, systems of assessment provide ongoing feedback to empower teachers and students. Assessments are embedded in the learning process, including higher order thinking and application of knowledge. One reason why it is such a positive experience is that there is no failure in CBE. There is just "trying again" and learning more deeply. There is not this fear around assessments.

Students receive timely, differentiated support based on their individual learning needs. That is the fourth pillar of CBE. Meeting students where they are means teachers use flexible supports to ensure every student gets exactly the support they need, when they need it.

Finally, learning outcomes emphasize competencies that include application and creation of knowledge, along with the development of important skills and dispositions. What do graduates need to know and be able to do to succeed after high school? They need to know academic content, but it goes much further than that. Students need to be self-directed. They need to be lifelong learners with critical thinking and problem-solving skills. Competency-based education allows them to apply the content and the knowledge they are learning and really gain those skills.

I am going to provide some examples from other states; we work in all 50 states. You saw the map [page 9, ([Exhibit C](#))] that showed policies around the nation. Forty-three states have some sort of policy to allow local districts to award credit based on demonstrated mastery, and that gets to much more advanced policies. New Hampshire requires every single high school to base credit on mastery, and they are looking at redefining assessment systems around mastery. It expands the whole wide spectrum of policy.

In Iowa, for example, two types of stakeholder groups proved important. They created a CBE task force and a CBE collaborative. The CBE task force first engaged stakeholders from K-12, higher education, teacher preparation, employers, community organizations, and government to build a broad consensus for competency-based education and to present recommendations to the state on policy barriers and opportunities. One of their main recommendations was to create the Iowa CBE Collaborative, a professional learning community of pilot districts and other stakeholders such as teacher preparation. It sounds like the Nevada CBE network can take both of those functions. If it has a working group within that CBE network, that would be an important facet to build buy-in and a feedback loop for policy.

Another part of A.B. 110 that is really important is credit flexibility. Localities need flexibility to award credit based on demonstrated mastery through multiple pathways, not just credit by assessment. Assembly Bill 110 addresses this. Forty-three states allow broader discretion to school districts for credit flexibility. One example is Oregon, where they give school districts authority to award credits to students who demonstrate mastery through

exams and also for collections of student-level work or documentation of prior learning activities or experiences.

Last are local CBE pilots. Pilot programs help to build capacity and support educators at the district and school levels. This work is not easy. It takes engaging communities and transforming systems. Building educator capacity is critical. Ohio did this by creating a CBE pilot program to promote innovative learning that has meaning to students by advancing them to higher-level work once they demonstrate mastery rather than seat time.

Idaho has also done that. They have 19 incubator districts and schools. Nevada could encourage participation in the program by convening pilot schools through their network and providing information, training, and technical assistance. Other organizations like iNACOL can be there to help train and provide support to these educators.

In selecting sites for the Nevada CBE pilot program, we at iNACOL urge the Department of Education to ensure schools are committed to full school transformation consistent with the five principles we just talked about, and individuals with expertise and experience with CBE are included in this process. We want to make sure we get it right and it is done well. Just like any reform or new learning model, it can be done well or it can be done poorly. We want to do what is right for students. Luckily, there is a lot of support around the nation to help make this happen in your state.

I would like to end with challenging us to consider what we are trying to achieve for students. We all have the best interests of students at heart. We all want students to graduate prepared to succeed in college, the workplace, and civic life. However, what is a system that actually does this? Because of the ESSA, states have an opportunity to transform education into a system that works for every student. It is our belief that the competency-based, personalized learning environments can do this for students. We are excited for this bill to begin that conversation in Nevada, catalyzing the shift to a system that is more student-centered, meeting all students where they are, and helping all students to succeed.

Assemblyman Pickard:

I began teaching 27 years ago in a vocational program. About halfway through the semester, I participated in a competency-based education committee in the Jordan School District in Utah. It was then only a concept, not yet a program. I am happy to see how far they have progressed. I am personally a supporter of competency-based education, but one question that consistently came up for me was that some programs, some classes, and coursework, if we are talking about preparation for college, are best suited to the traditional lecture and exam process as opposed to a portfolio of work that students have done to show their competence. As that relates to college preparation, a competency-based approach may not be the best approach for every class. I am assuming that when we are talking about competency-based education for an entire school or school district, we are talking about giving them the flexibility to find the appropriate places where that would apply, but not necessarily forcing everyone into a position where they have to use a portfolio. As I am

looking at section 1 of A.B. 110, it says they demonstrate the proficiency based on a series of "or" statements. Arguably, a portfolio would be enough. Can you speak to how that would actually work in practice?

Brian Mitchell:

What we intend with this bill is that competency-based education be added to the menu. Rather than being forced into saying that all Algebra 2 classes must do portfolios and English literature classes must do oral exams, those types of decisions would be left to the local schools to figure out the best means of allowing students to demonstrate mastery. You are correct that in some cases the best demonstration is not an oral presentation. It may be a written, multiple-choice exam. Maybe for some students, a multiple-choice exam is not the right way because every student learns differently and every student demonstrates mastery differently. As long as the individual means of demonstrating mastery are all equally rigorous, we would leave that decision to each local school.

Assemblyman Pickard:

That said, then how do we maintain consistency in what the demonstration of proficiency means if each school is doing something different? This goes back to the question I asked the Department of Education Superintendent of Public Instruction Canavero when we talked about the diplomas themselves. We want to make sure that a diploma from one school means the same thing as a diploma from another.

Dale Frost:

Currently, when you go into a school, expectations differ from classroom to classroom. That is a huge problem and you are absolutely right. We are not suggesting that you replace a particular one-size-fits-all approach with another one-size-fits-all approach. It has to be done in a context that fits the local community. In some states that are much further along, such as New Hampshire, they first required districts in 2005 to 2008 to set their own competencies. It is a very local-control state, probably similar to Nevada in that respect. The districts actually came back and said they would like some guidance from the state. They created optional competencies to clearly define, "This is what we mean for Algebra 1." These are not just the academic standards, but the competencies needed to demonstrate mastery. They wanted to address that consistency issue. Now they are trying to look at student-level work across districts and pilot assessment programs to do exactly that: make sure that an Algebra 1 course in Reno or Las Vegas does not have different levels of expectations. What would be an important part of the CBE network would be to have a lot of professional development. What do we mean by mastery? How are we going to measure it? How do we ensure it is a high level, no matter where you are in the state?

Assemblyman Elliot T. Anderson:

In theory, I like individualized education and the idea of teaching to the student rather than to the mean. I start friendly on the concept, but I am looking at section 1 and I have a few concerns. Section 1, subsection 1 talks about a waiver from the attendance role. While I think that makes sense if you test out of a subject, how are you supposed to develop a portfolio of work if you are not attending class?

Dale Frost:

Seat time requirements for funding are still in statute for those states. I bring up New Hampshire again: They have been working on this for ten years. They still have not addressed seat time issues with funding. This is just for the awarding of credit for graduation. This would mean that possibly a student could meet that requirement within a semester, or within five or six months, and if they can demonstrate mastery of the work, they can receive credit and move on. They would have to demonstrate a high-level mastery before they could do that. It could even require more than one regular academic year to demonstrate that. What it suggests is that you are not tying the credit to the seat time, which is what we are doing now. You learn 70 percent and then you have to move on.

Assemblyman Elliot T. Anderson:

It talks about not having attended the regularly scheduled classes. I am having trouble with that conceptually. What satisfies a portfolio? Currently, we have standards that are taught in each grade, and the tests are designed to gauge mastery of a certain number of the standards. Is there anything that would tie down exactly how many of those standards a portfolio would cover? I would hate for it to just be some way to lower standards and not be challenging students and getting them ready for college. That is a huge problem we have in higher education where we have a number of people who need remediation. I am worried about lowering standards and not challenging students, but instead saying, "It is okay. Here is your portfolio, but you could not pass this test." Please gauge my concern that this portfolio allowance will not lead to that sort of requirement.

Brian Mitchell:

What we are intending with the portfolio or with other means of assessing mastery is that any other means are at least as rigorous, if not more rigorous, than any current means of assessing mastery, which is a test. Allowing for students to demonstrate masteries in other ways is not a method to say, "If you cannot pass the test, we will give you a lesser way to show that you have the subject material." Rather, if a test, for example, was over a semester's worth of material in a U.S. history class, then a portfolio would have to cover at least the same amount of material, the same number of standards. It would be a different means of showing mastery. A student, in addition to taking a test, may write a term paper on that semester's worth of U.S. history in a portfolio: they may do an oral presentation on their term paper, or some other method rather than a paper and pencil test.

Assemblyman Elliot T. Anderson:

Could you enlighten me with what other states do to define portfolio standards? I am confused with saying there is not competency-based policies in Nevada when we have existing law in *Nevada Revised Statutes* 389.171. I am wondering about other states' policies.

Dale Frost:

Currently, Nevada has credit-by-assessment policies and those are not competency-based. They can be a factor of CBE, but part of the five-part definition that we are talking about is depth of understanding and application of knowledge. The intention is that to earn credit,

you may have to pass your class exam, but you also have to show depth of knowledge through portfolios or other means, and it may not take the entire school year to do that. The intention is a high level of mastery.

Ohio gave blanket authority to the districts to figure this out. Every district was required to pass policies at the local level to be able to award credit based on mastery, but there were very few specifications on exactly how to do that. There was a level of trust given to the districts. New Hampshire requires those specifications. Many of the other states allow them, but through a waiver policy. The district has to go to the state and say they want to award by mastery and demonstrate how they are going to do it. They show the plan, then get approval.

I am not aware of a single state where the state entity audits those functions. I will say that your assessment graduation requirements are still very much in place; those are not going away. You still have graduation requirements, but the bill gives authority to the districts to award credit and to figure out how they are going to implement that.

Brian Mitchell:

The answer to that question is what we hope to find during the pilot process. The pilot sites would then come to the state to ensure that the policies they are implementing are sufficiently rigorous. Once we find the best practices, we can choose to move forward in any number of ways.

Assemblywoman Joiner:

I share the concern about graduation inflation and want to make sure this is not an easier route. That being said, I am very excited about the potential for understanding that students learn differently. We have students with high test anxiety. This has the potential to examine what a student knows in a different way. Differentiation is really difficult in classrooms. I even see it in elementary school. My understanding is that this concept is drafted for high school. Is that correct?

Brian Mitchell:

The grade level of the pilot site would be determined by the district. Personally, I think it makes a lot of sense to start with high school, but I do not want to predetermine that a district may come forward with a plan that should be seriously considered for another grade level. In Lindsay, California, this past week, I saw middle schools and elementary schools doing this. It looks different in elementary school than it does in high school, but that would be a local decision.

Assemblywoman Joiner:

I misunderstood that. It could be any level eventually. Who chooses that a student can take this path? Is the entire school on this portfolio-type assessment, or is that within a school? Does the student choose, the parent choose, or the teacher say you might be a great candidate for this? I am thinking of students, for example, who spend their whole summer studying

up and by their freshman year, they are way ahead in English and mathematics and some science, and they could potentially graduate their freshman year. Does that happen? Does a 15-year-old graduate from high school through the portfolio?

Brian Mitchell:

With regard to the first question on how a student would come to participate in this program, it is our intention this would eventually be an entire school endeavor, rather than singling out students such as the gifted or the high flyers to participate. Initially, the entire school would not have to convert. If they did a school-within-the-school type of model, we would require that it be a cross section of students. We want these pilot sites to prove that CBE works for all students no matter their background, ability level, or what they currently know. I really believe that CBE works for every student because every student learns differently and is at a different level. We need to meet them where they are and help them get to mastery no matter how long it takes or what means we use to get them there.

With regard to your second question, we saw a great example of that in Utah at Innovations Early College High School. Many of their students graduated early. I do not think any of them graduated when they were 15 years old, but many of them graduated after their sophomore year. They were able to begin dual enrollment classes through the community college. They stayed in high school, sat with their peers in class, and began their college classes while in high school, thereby allowing them to knock out many college requirements.

Dale Frost:

In our experience, we see very few students leaving high school significantly early. They tend to either go deeper in their studies, or go on to take advanced placement classes in college-level coursework. We would strongly recommend moving toward whole-school models rather than programs within schools. Not only are there equity-related issues about certain students being able to access this, but there are also systems-related issues that are very difficult if a student goes into a CBE, then goes out, or it is just one course. Although it might be phased in over time, it needs to be at a district level, or at least a school level.

Brian Mitchell:

To be clear, we intend for this to be whole school, and it could be phased in if a school district does not want to begin with an entire school from day one. A phased-in approach would be fine as long as there was that commitment to eventually get to the whole school.

Assemblywoman Diaz:

I am pretty excited about this concept. During the time of No Child Left Behind, the pendulum swung way too much to teaching to the test, that a test was the sole indicator of mastery, and that became the thinking of educators. I love that we are going to give the professionalism of educators back to them and say they can do what is best by their students. I love your comment about the equity issues. Sometimes we think that modifying the way we are teaching is only going to apply to a certain group of students. If we taught all of our children the way we taught gifted and talented children, we would see way more yields in academic achievement. We set the bar too low sometimes.

My question always comes down to is this an unfunded mandate? Are we setting up our educators to do more with the same amount of resources, or not the resources they need? In my high school, I had an amazing English teacher who made us do literature circles and papers which were part of our portfolio. There are natural educators out there that will set things up in a way that is conducive to learning, and they know students need to have a certain skillset by the time they enter college, or that they are career-ready upon exit. Could you give us examples of what portfolio, competency-based, or real life things educators are already doing in the states that are already undertaking this work, and does it cost more to do so?

Dale Frost:

The basic answer is long-term. This type of approach does not have to cost more, but it does look significantly different. What teacher roles look like is you still have a teacher, but ratios can look different. Maybe you have more students in one classroom versus less—but you still have teachers and technology-related costs. Does it have to cost significantly more, long term? The answer tends to be no, but there are upfront costs to figure out as we move from A to B. States have approached it very differently. Idaho has put very little money in, and they are finding a way, through bootstrapping, to implement CBE. Since it is not a mandate, it would be those districts and schools that are ready to move forward, to allow them to move forward, and to learn from that. That is why we would not recommend requiring this type of approach for all schools. Then you get the compliance-based mindset. Right now, it is about the innovative educators who are ready to move forward and how we can support them.

You asked what this looks like on a day-to-day basis. It really depends. We often see that schools take time out from their normal instruction to focus on the individualized needs of students. They have personal learning time, or other things. Maybe one student needs extra time in mathematics; another student needs extra time learning how to write essays. They usually have a coach or a faculty member who is looking out for that student, and they have data on a real-time basis to do that. That does not require more funds, it is more of how you use your time more effectively. Once the educators start getting the data back and can see the learning gaps in real time, they can focus on how to address each gap by student. They are not waiting until the end of the semester for a student to fail and have to retake the test. It is more efficient in isolating where the students need help.

Many schools can move forward right now and implement CBE with existing funds. There are also foundations out there trying to support these schools with start-up funds. The good news is, long-term, it does not require an extra infusion of money or higher levels of per-pupil funding.

Assemblywoman Diaz:

Do teachers voluntarily say they are ready for this adventure? Is there some focused professional development that teachers need to receive in order to become efficient in managing all of the dynamics you just spoke to? It does take adeptness on the part of the teacher to identify the needs of each child, then bring together all of those different projects

or learning situations that the student needs. I know the behavior in the classroom is going to be improved because everyone is working on something that they need.

Brian Mitchell:

The principal of Innovations Early College High School in Utah said it best: Both the students and the teachers need to be deprogrammed. This system is different and requires an adjustment from teachers. Many of the teachers I have spoken with say it is harder than it was before. When I asked them if they would rather leave and go back to the way it was, not a single one said they would. There does need to be some professional development and help to adjust to the new system. That is why these pilot sites would be good models to define what professional development looks like and what the needs of the teachers are. There are a lot of groups out there that have expressed a willingness to come in and help us facilitate that professional development. Ultimately, the most important ingredient for success at any of these pilot sites is a dynamic principal at the top and teachers that are committed to making it happen. At every successful school I have visited, both of those ingredients have been there.

Assemblywoman Krasner:

Regarding the concern about students not attending class, you had mentioned that teachers only check in with the student one time per week. Could you please address that?

Brian Mitchell:

Students are still attending class every day for the entire normal school day. This is not a situation where I show up one day and pass a math test, then I get to skip out on math the rest of the week. Rather, if I am able to demonstrate proficiency in math, then I am able to move on to the next math concept during the school day. I am still in school and attending my classes; I am able to move forward. On the other hand, if I am not able to demonstrate proficiency, rather than moving ahead, I continue to work on that particular math concept until I master it. Students are not leaving school early. Every student is still going to school for 180 days a year.

With regard to only checking in once a week with their teacher, students are still in class and being mentored by the teachers in the areas they need help with. What we saw in Utah was that, in addition to having a math teacher, an English teacher, and a science teacher, every student also had a teacher assigned to be their personal mentor. Each teacher mentored about 40 students. That teacher checked in with a student once a week to see how they were doing, whether they were accomplishing their learning goals, what they were struggling with, and if that teacher could help them get additional instruction or facilitate a conversation with another teacher. That mentorship piece was a very important component that I saw in multiple states. Do not get the impression that we are giving the smart students a holiday.

Assemblywoman Tolles:

Could you pull it all together for me? A day in the life for the student, and a day in the life for the teachers.

Brian Mitchell:

A day in the life depends on the school. No two schools I have visited have been the same. In Lindsay, California, for example, the students still had seven periods a day. If you were on pace in math, then you would work on the different projects or lessons for that day. If you went to English and you were ahead in your studies, you could have the option of working on the next lesson, or you could ask for permission to go to your social studies room, where you might be behind, and get extra help there.

Innovations Early College High School in Utah was a little different and actually really neat. In that school, students had significantly more freedom. There were no bells, no assigned schedules. You simply went to the class where you needed help. That is where the mentorship really came in. If you wanted to do your English homework in the math teacher's room, you could do that. It was a much different model than we saw elsewhere. Most of the other schools looked similar to a normal classroom; students just had more flexibility on what they were doing in that particular classroom. A teacher might give a ten-minute lecture on a particular math concept, then work with a small group of students who were struggling with the concept while another group of students who understood the concept were moving on to the next concept.

Assemblywoman Tolles:

The second part of that question was regarding a day in the life for the teacher. I am having a difficult time imagining, as the teacher, preparing the curriculum and how that teacher would suddenly be in charge of 30 different paces at a time. In an English class, you may be reading a book, discussing that book in a group, and working your way through mastery of a subject throughout the course of nine months.

Brian Mitchell:

Again, this is a local decision and one where each school would come up with their best model. In the past, a math teacher would spend the entire time with their backs to the students, writing equations on the blackboard. Rather than doing that, a teacher would understand that a group of students over there understood the concept, and maybe a group of students over here did not. Teachers would probably spend most of their time mentoring, tutoring, and coaching that group of students while checking in on the other group to ensure they were getting their needs met. There is more teaching to the "one" going on, rather than teaching to the middle of a large group. The teachers I have spoken with say they feel a lot more like a teacher than a lecturer.

Dale Frost:

Many of these schools take time out for teachers to have professional learning communities to learn from each other and to look at the data. These are some of the things that high-performing schools do across the board. One of the reasons we are talking about CBE now, when this concept has been around for decades, is that learning management systems have gotten good enough that you can have individual playlists for students and it is not

overwhelming for the teacher. That is where some online content is very helpful, so that students can access those things at their own pace and beyond different trajectories. The system enables that kind of learning for the teacher and is not mind-boggling.

Assemblyman Edwards:

One of the complaints I get from a lot of the teachers in my district is that they are straitjacketed by what they have to teach, when they have to teach it, for how long, and how many quizzes and tests they have to give. This takes the straitjacket off the teacher and gives them the opportunity to actually teach their class the way it ought to be taught so the students can master the subject matter. It opens up the door so that if you have a student who is very good at engineering, when that student goes into high school, they would be able to complete all of the related studies, which puts that student far ahead of where he would be otherwise in college. At Notre Dame, it was a five-year engineering program. If this program could get you two years ahead, that would save time, money, and effort. It sounds as though you are better able to meet the needs of the students. I teach classes online and in person. I can do the same work in 8 weeks or in 16 weeks simply by adjusting the workload. I can also do it in one 4-hour session, or two 2-hour sessions a week. It sounds like this is promoting that kind of approach where the teachers can set up the systems that actually work and get the kids to master the subjects and get ready for life and for college.

My ultimate question is, what kind of a timeline would you actually promote as far as getting a high school involved? You said it could be one year at a time, or all in one shot. What is the best practice?

Brian Mitchell:

The timeline we would suggest is that a district or a school, as a pilot site, commit to implementing a CBE system over a five-year time period. By the end of the fifth year, it would be implemented schoolwide. There is room for flexibility.

Assemblyman McCurdy:

I am fascinated by this. With regard to the different learning styles of students, what do we do when we have a student that is having a hard time grasping a certain subject, and what happens when they are not meeting those benchmarks like the other students? My second question is, do we have the capacity or the technology to implement this? How broad do we want to go with this pilot program? Are we going to try to identify different ratings for the schools to measure the effectiveness of this?

Brian Mitchell:

That is the beauty of CBE. The expectation is that every student learns differently and that every student needs differentiated support. If a student was not immediately grasping a subject, then the teacher, rather than passing the student with a 60 percent understanding, would go back and address the 40 percent. The teacher would know that the student understood exponents, for instance, but not negative exponents, so the teacher would go back and review negative exponents with that student.

Assemblyman McCurdy:

How long does that student have to grasp that concept? How long can the teacher deal with that one student? In Nevada, we have very large classroom sizes, as well as other issues. How do we address this and personalize it to every student?

Brian Mitchell:

Pilot sites would determine how best to do that. It would depend on the site and the student. Teachers would recognize, over time, the best ways to engage a particular student and understand that a certain learning style might not work for that student.

With regard to your question about whether we have the technology to do this, the answer to that question is yes. At the schools I have visited, I see there are many different learning management systems and technology platforms out there that can help. I do not know which one is right or best, or to what degree those should be implemented. That is for the pilot sites to decide. They will be able to inform our policy five years from now.

To answer your final question about targeting differently rated schools with the pilot sites, I would hope we would have a good cross section of schools that would volunteer to be pilot sites. Ultimately, as this is voluntary, each school that steps forth would be evaluated based on what they want to do, and they could be accepted as a pilot site. However, I do expect that, regardless of whether a school comes in as a two-star or a four-star school, they would see growth as a result of implementing the model.

Assemblyman McCurdy:

I represent Assembly District No. 6 in southern Nevada which covers an area that has a lot of need and a lot of one- and two-star schools. How would schools like that, with those barriers, be able to have an opportunity to participate in this program when many of these schools no longer even have libraries? The technology is not there. How do we allow them equal opportunity to participate in something that is intended to be good for every student?

Brian Mitchell:

The most important ingredient in an application for a pilot site is the desire and commitment of the school leadership and the support of the local community. When it comes to technology, I visited some schools that used very little technology, or there was very little added technology beyond what they were doing before. Other schools are very heavy into technology and there is a spectrum in between. Technology is not a prerequisite for doing CBE. The most important ingredient is a dynamic principal.

Chairman Thompson:

Overall, would you agree that in order for students to be competitive, that a technological aspect must be there regardless of where the school is?

Brian Mitchell:

Technology in schools can play an important role in student learning, and having students interact with technology is an important part of teaching students in the twenty-first century.

My only comment is that additional technology, beyond what a school is already doing to accomplish those means, is not a prerequisite for CBE. If a school is doing good things with a certain level of technology, they can still do CBE with that level.

Assemblywoman Swank:

I had the opportunity this past summer to visit the class of a friend who teaches for the Clark County School District (CCSD), and as we go through this conversation, I think it is a really exciting idea. I keep going back to the young junior high women that were in her class, and I am a little concerned that we have this Norman Rockwell picture of students who are studiously sitting at their desks. These young women were wiggly and excited and they wanted to talk to their friends, and it was really hard to keep them on one task. I have a concern about having 30 students in a classroom performing various tasks. If we look at this school that has been trying CBE and they think it is going fine, what is the process for evaluating that and for possibly revoking their ability to participate in CBE? We would like to think that all of our administrators are totally in touch with what is happening in their schools and that they are really good at it, but we know there are different ranges of people who hold these positions. Is there a process when things go awry where we can say they do not qualify because the concept has not gone well?

Brian Mitchell:

There is something amazing that happened at all of the schools I visited when the students were empowered to take charge of their learning. I saw classrooms full of third graders who may have been bouncing off the walls in other schools but who had also been brought up through this system and were on task even though the teacher was working with a smaller group who were having trouble understanding how to do fractions. Particularly at the high school level, there is something special that happens when the students are empowered with their own learning.

Assemblywoman Swank:

I am glad you had that experience when observing those classes, but it is still probably a small number of classes and we should not assume that will happen every time. You need to have a much larger sample size to say that.

Dale Frost:

That is a great function of the CBE network task force: to bring these people together and answer that question. What does quality look like in this environment, and what do we do? The school improvement strategies can often work using competency-based learning environments, but that does need to be decided and that should be a conversation that comes back to the policy level. What does it do with your accountability system? Some of the higher level conversations we are having with states is to ask how we can create an accountability system that supports these learning environments, keeps the bar very high, and builds the capacity with regard to educators to make this a success.

Assemblyman Pickard:

I received two major pushbacks from teachers. One was regarding the 30 different lesson plans, and the second was that teachers tend to want to control the curriculum. They are the ones developing the curriculum and lesson plans. Can you briefly comment on how the advisory board informs the schools of what the competencies are, and then how those are translated into lesson plans?

Brian Mitchell:

The determination of curriculum and what the competencies are would be a local decision based on the local district and the local school. The network would simply be an opportunity to share best practices and best ideas. If your school is stumped on something, it could pose the question to a larger group and the other groups may have ideas on how to solve that particular conundrum.

Assemblyman Pickard:

It is my understanding that ultimately the teachers retain control over their lesson plans.

Brian Mitchell:

I do not think anything would change from what schools are doing now.

Chairman Thompson:

We will move to support now. Rule No. 54 of the Assembly Standing Rules requires approval of the measure as written, or approval of the measure as written along with proposed amendments that are approved by the bill sponsors. At this time, we would like to call those who are in support of A.B. 110.

Lisa Mayo-DeRiso Break Free CCSD, Las Vegas, Nevada:

I am part of Break Free CCSD, and a school organizational team member for Bonanza High School. I have also been a college adjunct professor for 20 years. I am looking for some amendments and discussion on this. First and foremost, any time we can try to educate every child at our high school in the best possible way for them is a good thing. Our school district has changed. As I am looking through this bill, I do not see recognition of the fact that we have school organizational teams made up of parents, principals, administrators, students, and teachers really making the school decisions. The budgets, plans, everything is now made at the school level. I would like to ask that throughout A.B. 110, we actually recognize school operational teams. In section 3, subsection 1, it states, "The Department of Education shall: (a) conduct a public campaign to raise awareness about competency-based education." Is it also going to require the approval of the organizational team?

Chairman Thompson:

I will look to legal counsel. I know you like the concept, but I think you might be more neutral. It sounds like you need to talk to the bill's sponsor because you have some ideas for amendments. Have you shared these amendments with the bill's sponsor?

Lisa Mayo-DeRiso:

No, I have not. I am willing to do so. I was just notified this morning about this bill. Would the best way to do it be to get it in written form for them? I have several amendments I would like to propose.

Chairman Thompson:

Yes, please, if you could. You can drop it off to the Legislative Counsel Bureau at your leisure. Assemblywoman Woodbury is the sponsor of the bill. All of her contact information is on our website.

Lisa Mayo-DeRiso:

When we talk about putting teams together and when we look at our budgets and curriculum, we need to recognize that the school organizational teams would actually be addressing this issue of whether or not the school would like to be a pilot. How would we adopt this? We would certainly speak with our teachers to see how this would be implemented into our school and curriculum. I do want to make sure that in all of the bills coming through the Assembly Committee on Education, we recognize school organizational teams.

The idea of this being the way we are going to teach, and this being administered across the board in the schools is very difficult. That is because in honors and advanced placement classes the pace is very different. We have to be cognizant of the fact that adopting something like CBE may not fit with every single student.

I am also concerned that when I teach a college class, I do not teach using a CBE method. I expect my students to be able to read and do projects at a higher level of competency. I am worried how a student in this program would transition to college.

Spencer Stewart, Chancellor, WGU Nevada:

I am here in support of A.B. 110. I have been fortunate enough over the past few months to work with the bill's sponsor and with Brian Mitchell. For the last year and a half, I have seen firsthand how CBE works with adult learners. WGU Nevada is part of Western Governors University and for the past 20 years, we have been a pioneer in CBE. My experience has been with traditional higher education and I spent a number of years within the Nevada System of Higher Education.

Today, I am before you to lend my support for CBE. This is a very exciting venture for the state to look at CBE within a K-12 setting. I had the opportunity to witness the wide-ranging discussion that took place this afternoon, and I am quite encouraged by many of the questions that really get to the fundamental assumptions of how we educate our children. These are assumptions that perhaps we take for granted, and the beauty of CBE is that it lays bare these assumptions. I am here to tell you that perhaps the model we have today is not the best way of educating our students. I am in full support of this bill and I am quite encouraged by the discussion that will take place with the CBE network. That is a fundamental part of this particular bill.

**Nicole Rourke, Associate Superintendent of Community and Government Relations,
Clark County School District:**

We feel that mastery learning in Nevada is long overdue and, for a variety of reasons, students should be held accountable for what they know and can do rather than how long they sit in a seat. Transiency is one of the biggest barriers for graduation in CCSD and mastery of learning will assist the transient student by being able to take a portfolio with them from school to school as they move.

As has been identified, the difficulty in implementing this policy will be in developing tasks that adequately measure student performance in a consistent manner. We want to assure that as part of the task force, they have already started this work in making it a consistent yet flexible way to build tasks and assessment measures. We are a proud member of that task force and we feel like now is the time. We need to implement a pilot to actually get into the work and understand what we need to do and how to build that system. It is a bit like building an airplane in the air, but we have researched it and now is the time to start implementing and allowing students to start building mastery and competency-based education.

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

I was also a member of the CBE task force and want to thank Mr. Mitchell and the National Governors Association for all of the work they did in supporting the research into this initiative, and certainly Assemblywoman Woodbury for bringing this legislation forward. We all support it.

Mary Alber, Ph.D., Co-Founder, Education Innovation Collaborative, Reno, Nevada:

[Mary Alber read from prepared text and also included supplemental information in a letter provided to Chairman Thompson and Members of the Assembly Committee on Education in support of Assembly Bill 110 ([Exhibit E](#)).] I am a parent of two teenagers who have gone through both private and public schools here in Nevada, Illinois, and Tokyo. I have been a business and technology strategic consultant, and then I pursued my Ph.D. in transformative learning and change. I brought all of that background together to propose a grant for a northern Nevada XQ Super School. It was a grant for \$10 million to build what was just described and discussed in this Committee around competency-based personalized learning. We got to the semifinals. The design was appreciated by the grant deciders; however, we did not make it to the finals. Our team that created that grant is extremely passionate.

We are looking to form something called the Education Innovation Collaborative which would be a community-based organization to support this exact type of innovation in learning. We have visited school sites like Brian Mitchell and Dale Frost have done, and I went to the same iNACOL conference last fall and learned about CBE in great detail. I talked with people who have experienced it and implemented it. Summit Learning is a public school network that has distributed their learning management platform to more than 100 schools around the country in the past two years. They have been able to take whole schools up to project-based learning—deep learning, experiential learning, and

mastery-based learning for all kinds of students along the entire spectrum. I have seen it happen and witnessed what teachers and students experience with it, and it is really exciting and transformative. I believe we could do this much faster than five years. I would strongly encourage this group to make a commitment. It is also a funding issue because once we do get to the point where we are using CBE in all of the schools, the cost of teaching and learning can actually be lowered due to the use of technology that we have.

I would like to suggest, going forward, that it would be more effective as a bill if we could find some funding for it. As I understand, there is no funding associated with this bill. The investment in this bill is a far more significant return on investment than the education savings account (ESA). I would like to recommend that we take the ESA budget that Governor Sandoval has allocated and put it into this bill. It is an innovation that will benefit every single student in the state, as opposed to only private schools and wealthy parents.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here in support of A.B. 110. It opens up a world of difference for our students in schools to learn at a different level, and be evaluated at different levels. We have talked with the Governor's Office and all of the parties involved. Much work has gone into this. It is important that the local schools have control because every population, school, and district is different. The work that has gone into this bill definitely takes that into account. I just wanted to highlight that and to thank everyone for their hard work.

Mary Pierczynski, representing Nevada Association of School Administrators and Nevada Association of School Superintendents:

We are in support of this bill. A key issue is pilot programs. It is not going to go smoothly. We will go back and forth before we really get a process. Allowing time to work this out is important.

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:

We, too, are in support of A.B. 110 for a number of reasons, all of which have been said today. It is important to recognize that this bill represents a changing view of what education is and should be. It looks at how education and instruction is delivered to students, and that is an important piece of this bill. It recognizes that not every student learns at the same rate, and most importantly, it eliminates the seat-time requirement. None of us had to sit in seats for long periods of time to pass our driver's license test. Those of you who are attorneys did not have to sit in a seat to pass your bar exam. You studied, you were ready to go, you practiced, but you did not receive instruction other than in the courses that you took, much like what these students have already taken. The impact of this will be cumulative. This is an important bill for changing how we educate our children.

Brett Barley, Deputy Superintendent for Student Achievement, Department of Education:

We are in support of A.B. 110. I have appreciated working with all of the stakeholders, Brian Mitchell included, in developing this bill which you have heard today. I am looking

forward to continuing that conversation and providing a high-quality education to students at their level and when they are ready.

Chairman Thompson:

Is there anyone else in support of A.B. 110? [There was no one.] We are going to move to neutral. Neutral is a position for someone who offers insight on the measure, but does not express a position.

Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association:

I will express a position, but it will not be in favor or opposed. I represent 40,000 educators across the state. We remain committed to ensuring a high-quality education for every Nevada student. We find positives, but also some possible negatives, with the proposed changes in A.B. 110 related to competency-based education. We very much appreciate certain aspects of this bill, especially the inclusion of criteria to demonstrate proficiency other than an examination, like a portfolio of a pupil's work to show completion. At the same time, the Nevada State Education Association is concerned that this bill does have the potential to undermine the education system as we know it, pushing increasing numbers of students into online programs that have built-in limitations compared to traditional classrooms.

Many students learn critical life skills in our classrooms beyond the standard or even adapted curriculum. This includes socialization skills, teamwork, and collaborative learning. I should note that the testimony from the sponsor and the Department of Education about how CBE could be rolled out, whether in classrooms, or even at whole school sites, is encouraging. The words that this will not replace the role of traditional teaching are also encouraging. However, to be on the safe side, in order to ensure the responsible implementation of CBE per the comments made by the Department, we would ask that the composition of the CBE task force, or if amended into a CBE network, explicitly include K-12 educators, parents, and other interested members of school communities. I would further say, per newer practice, that the appointing authority for that task force or network be diversified to include state legislative leadership as well.

Terri Gomez, Private Citizen, Las Vegas, Nevada:

The reason I am neutral is because we currently have applications of similar usage for students that already measure their testing and their growth based on the levels such as Achieve3000, or the Ingenuity Program. What I have not heard is what the difference is between the current programs that we have. I believe that we do need teacher development to be able to determine the needs of the students, because teachers are the experts.

Chairman Thompson:

We will now go to opposition which means not supporting the measure as written or opposing the measure as revised by an amendment that has not been approved by the sponsor. Is there anyone in Las Vegas or in Carson City in opposition? [There was no one.]

Assemblywoman Woodbury:

Anything I might add might be repetitious. I appreciate your hearing A.B. 110.

Chairman Thompson:

I would like to close out the hearing for Assembly Bill 110 and open up the hearing for Assembly Bill 221.

Assembly Bill 221: Requires a school district to allow pupils and employees of a charter school to evacuate to a public school in the district during a crisis or emergency. (BDR 34-594)

Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34:

Thank you for your consideration of Assembly Bill 221. I would like to provide some background on the bill. My daughter, Molly, attends Doral Academy-Fire Mesa, which is an arts-integrated charter school in Las Vegas. This bill is the result of a situation that arose in her school. Like all public schools including charters, my daughter's school is required to have an emergency plan. In the past, the plan for Fire Mesa has included procedures that, in case of an emergency, would evacuate students to Cimarron Memorial High School, which is located almost across the street. This year, however, when my daughter's vice principal was reviewing and updating her school's emergency plan, Cimarron Memorial's principal, without explanation, indicated that they would no longer accommodate Fire Mesa students in the event of an evacuation. This led to a scramble to find another location that was willing to accommodate the students. In the end, I reached out to the Rainbow Library, which is a little further away but down the street, and they agreed to accommodate the children, realizing that it was—as it is—about children.

Unfortunately, the location is further away and the facilities there are not as conducive to student safety and comfort. Assembly Bill 221 attempts to avoid similar situations in the future by requiring noncharter public schools to accommodate charter schools in the event of an emergency or crisis. Schools are often the safest, most logical, and best equipped facilities for such an evacuation, and we should be sure that they are available for evacuated students whenever possible.

I would now like to go through the bill in more detail. Section 1 discusses the model plan for emergency management that is required to be developed by the Department of Education pursuant to subsection 1, paragraph (k). This model plan would have to include procedures for evacuation of charter school students and employees to a public school in the school district. Section 1, subsection 3 requires the school district to ensure that each school in the school district is prepared to allow such an evacuation when necessary.

This is the bill as it is currently written. I was approached by the Clark County School District with an amendment which I support (Exhibit F). I would like to provide an overview of the proposed changes and then allow Craig Stevens from the district to provide more detail in later testimony.

First, the amendment would specify that only certain public schools would be required to accommodate charter school students in the event of an evacuation. The new language regarding the model plan in section 1, subsection 1, paragraph (k) would read "Providing for the evacuation of pupils and employees of a charter school to identified middle or high school locations within the school district with spaces such as multipurpose rooms or gymnasiums that are separate from the general population of the public school and large enough to hold the population of a charter school."

The second proposed change would add liability and indemnification language to the bill for the protection of the school district. Again, I support these changes and I am happy to incorporate them. I will note that A.B. 221 addresses an issue that could be vital to student safety. We all hope there will never be an emergency situation in our schools. However, if there is, this bill, with its proposed amendment, would provide a safe and well-equipped place for charter school students to shelter.

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

I want to thank the bill's sponsor for working with us on this bill. Due to the lateness of the hour, Assemblywoman Bilbray-Axelrod explained very well the intention behind the bill. We have had many discussions about the intent.

Many of our schools have memorandums of understanding (MOU) with other schools that pertain to some of this language. It is important that all students are safe but that the schools are large enough to accommodate them. That is what the first part is. An elementary school evacuating to an elementary school can sometimes be challenging. We want to make sure that we have a separate area, and it is large enough accommodate the students. In addition, we want to ensure that with any kind of action, the school district is not at fault depending on the actions of the charter school within the school. It is a simple amendment.

Assemblyman Elliot T. Anderson:

I do not have a problem with the bill, but it is a shame that it had to come to a bill. This is something the schools and the district could have taken care of. When I looked at the bill, I had to look twice and wonder why this was an issue coming to the Legislature. I hope we can resolve these types of things without having to come to the Legislature. It would be better for everyone involved to take care of these problems through the district.

Assemblywoman Diaz:

Who is responsible for preparing the evacuation plan for the charter school? As I read this, it was not necessarily clear to me that the charter school was fully in charge of creating this plan and then collaborating and sharing with the school of their choice. I just want to make sure, for the record, that we know who is ultimately responsible.

Craig Stevens:

The plan itself is the responsibility of the charter school. However, the provisions of the MOU are the responsibility of CCSD and the charter school. When it comes to police services and all of the other things that come into play, such as if it happens on the weekend, who is going to pay for those costs? During an emergency, no one wants to talk about that at the time. It is good to have all of that up front. The emergency plan is required by law; the charter school has to develop that plan. However, the MOU itself is a partnership with CCSD or any school district with a charter school.

Chairman Thompson:

Is there anyone in Las Vegas in support of A.B. 221? [There was no one.]

Assemblywoman Bilbray-Axelrod:

We were supposed to have Doral Academy Assistant Principal Beckie Dehner on the line, but, unfortunately, we have lost the phone connection. I will submit that testimony ([Exhibit G](#)).

Chairman Thompson:

Thank you and we will get everything on the Nevada Electronic Legislative Information System (NELIS) for you.

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

I want to thank Assemblywoman Bilbray-Axelrod for bringing this bill forward to help solve what is a vexing challenge. Ultimately, at the end of the day, all of our children are public school children and we need to make sure that whatever we are doing, they are safe. We look forward to this being part of the initial stages of an on-going district/charter school collaboration.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here in support of A.B. 221 and I would like to thank the sponsor for her work on it. I did speak to her today regarding some concerns we have, and they have been met by the amendment CCSD has brought forward ([Exhibit F](#)).

Mary Pierczynski, representing Nevada Association of School Administrators and Nevada Association of School Superintendents:

We are in support of A.B. 221 as amended with the CCSD amendment.

Stephen Augspurger, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees:

We are also in support of A.B. 221.

Assemblywoman Bilbray-Axelrod:

I would also like to submit for the record written testimony in support of A.B. 221 from the Las Vegas-Clark County Library District Library Operations Director ([Exhibit H](#)). I will not read the letter in its entirety, but I would like to highlight a few reasons for their support.

Occupancy loads for most libraries are under the number for most schools, so although it did work out this year, we did have some issues. Branches do not have adequate restroom facilities for large numbers of children. Library hours are different from school hours, and they are closed sometimes. Libraries would need to close to the public and cease operations during shelter and reunification.

Chairman Thompson:

Is there anyone neutral in Las Vegas? [There was no one.] Is there anyone neutral in Carson City?

Brett Barley, Deputy Superintendent for Student Achievement, Department of Education:

This bill seems like a common sense solution to us. We will be happy to continue working with the author and stakeholders on the bill.

Chairman Thompson:

Is there anyone in opposition in Las Vegas for A.B. 221? [There was no one.] Is there anyone in opposition in Carson City? [There was no one.]

Assemblywoman Bilbray-Axelrod:

This was the first bill of my legislative career, so thank you for your consideration and, hopefully, your support of A.B. 221.

Chairman Thompson:

We will close out the hearing on Assembly Bill 221 and we will move to public comment. Is there anyone in Las Vegas for public comment? [There was no one.] Is there anyone in Carson City for public comment? [There was no one.] Are there any additional comments from the Committee? [There were none.]

This is the beginning of Nevada Reading Week. We truly value literacy throughout our state. It is so important. Today through March 3, 2017, if you can go to a nearby school and read to the children, it will make a world of difference.

This meeting is adjourned [at 5:14 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Competency-Based Education: 21st Century Teaching & Learning," presented by Brian Mitchell, Director, Office of Science, Innovation and Technology, Office of the Governor, and Dale Frost, State Policy Director, International Association for K-12 Online Learning (iNACOL), Vienna, Virginia.

[Exhibit D](#) is proposed amendments to Assembly Bill 110 presented by Brian Mitchell, Director, Office of Science, Innovation and Technology, Office of the Governor.

[Exhibit E](#) is a letter dated February 25, 2017, in support of Assembly Bill 110 to Chairman Thompson and Members of the Assembly Committee on Education, authored and presented by Mary Alber, Ph.D., Co-Founder, Education Innovation Collaborative, Reno, Nevada.

[Exhibit F](#) is a proposed amendment to Assembly Bill 221, presented by Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34.

[Exhibit G](#) is written testimony authored by Beckie Dehner, Assistant Principal, Doral Academy, Las Vegas, Nevada, submitted by Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34.

[Exhibit H](#) is a letter dated February 19, 2017, regarding Assembly Bill 110, authored by Jennifer Schember, Operations Director for the Las Vegas-Clark County Library District, submitted by Assemblywoman Bilbray-Axelrod, Assembly District No. 34.