

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

**Seventy-Ninth Session
March 29, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:16 p.m. on Wednesday, March 29, 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
Assemblyman Chris Edwards
Assemblyman Edgar Flores
Assemblyman Ozzie Fumo
Assemblywoman Lisa M. Krasner
Assemblyman William McCurdy II
Assemblywoman Brittney Miller
Assemblyman Keith Pickard
Assemblywoman Heidi Swank
Assemblywoman Jill Tolles
Assemblywoman Melissa Woodbury

COMMITTEE MEMBERS ABSENT:

Assemblywoman Olivia Diaz (excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Dina Neal, Assembly District No. 7



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Natha C. Anderson, President, Washoe Education Association; representing Nevada State Education Association
Craig M. Stevens, Director of Intergovernmental Relations, Government Affairs, Community and Government Relations, Clark County School District
Sarah Negrete, Ph.D., Program Director, Northeastern Nevada Regional Professional Development Program
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Mary Pierczynski, representing Nevada Association of School Superintendents; and Nevada Association of School Administrators
Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education
Brett Barley, Deputy Superintendent for Student Achievement, Department of Education
Dena Durish, Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education
Kenneth Sobaszek, Principal, Legacy High School, Las Vegas, Nevada
James Kuzma, Principal, Rancho High School, Las Vegas, Nevada
Monica Cortez, Principal, Western High School, Las Vegas, Nevada
Manny Lamarre, Executive Director, Office of Workforce Innovation, Office of the Governor
Megan K. Rauch, Director of Education Policy and Director of Policy Outreach, Kenny Guinn Center for Policy Priorities
Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce
Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs, Nevada System of Higher Education
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association
Ray Bacon, representing Nevada Manufacturers Association
Craig Statucki, Executive Director, Nevada Association for Career and Technical Education
Sharron Angle, Private Citizen, Reno, Nevada
Michele Lewis, President, Nevada Association for Career and Technical Education

Chairman Thompson:

[Roll was taken. Committee rules and protocol were explained.] We will take the bills out of order today, and Assemblywoman Neal has joined us, so we will start off with Assembly Bill 400.

Assembly Bill 400: Revises provisions relating to instructional materials. (BDR 34-446)

Assemblywoman Dina Neal, Assembly District No. 7:

I want to give a little bit of history before we get into the bill. I had this bill drafted because I really disliked the fact that we do not have textbooks in schools. I kept thinking about creative ways I could have textbooks developed in schools. I wanted to give the power to teachers to create instructional materials, manuals, textbooks, or tools—such as a gadget or set of cards that might go with a textbook. I wanted to allow them that ability, have them get paid for it and have the copyright to their creations. Although the bill reads "instructional materials," my intent was for them to be able to create instructional manuals.

I have spent time at elementary schools, and what they were doing with math was worksheet-driven. When we talk about at-risk students and the constant discussion around foundational skills and needs, I did not understand how children could walk home with a series of worksheets that really do not allow them to develop any kind of foundational skill where they could reteach or relearn how a problem worked. If we expect students to be dependent on notes, we are going to fail them. Unless you learn the effective skill of note-taking, your notes look horrible, and most students do not reread them or do not know how to use or apply them.

So I came up with this idea. I have not seen this in any other state; this was just my idea. There were some concerns, and people had issues around the copyright language and the language in section 1, subsection 1, that states ". . . shall transfer to . . . the copyright . . ." to the teacher. There is a "works made for hire" doctrine which says that if a document is prepared within the scope of a person's employment, then it belongs to the employer. Typically, teachers are not in the practice of writing textbooks; they are in the practice of developing quizzes, homework, and assignments. There may be some note-taking, but they are not in the actual capacity of creating an instructional manual.

We need to delineate what is higher education and what is K-12 education. I am going to put a couple of cases on the record that are related to K-12. One case is *Shaul v. Cherry Valley-Springfield Central School District* [218 F. Supp. 2d 266 (N.D.N.Y. 2002)]. The central part of the case involved a teacher who drilled out the lock on his filing cabinet and took materials. The materials he took included tests, quizzes, and homework problems. There was no school policy that addressed the ownership of those works. The court held that the high school owned the teaching materials that Shaul had created. If he had not made those materials within the academic context, the court probably would have had a different construct of ownership; but because they were made within his "works made for hire" doctrine, the school owned them. I wanted you to hear this case because we need to delineate.

Another case, *Pavlica v. Behr* [397 F. Supp. 2d 519 (2005)], was in the Southern District of New York and involved a dispute concerning a teacher who claimed ownership of the work he created. In this case, Pavlica was a science teacher who wrote a manual explaining the method of teaching independent science research to high school students. He developed the manual at his home, on his own time, and without any involvement or direction from the school. That is an important part to note: He did it on his own time, without any involvement or direction from the school. The "works made for hire" doctrine is very specific regarding scope of employment. If the employer has directed you to do the act, it is their property. If you are doing it on your own time without their direction, you can claim ownership. The school filed a motion; it was a summary judgment case, and the court basically ruled that this was under the teacher exception because Pavlica prepared the manual on his own initiative, without direction or supervision by his supervisors. They distinguished it from *Shaul*, saying that Pavlica entered into an entirely new course without any assistance or direction from his employer.

I wanted to bring that up because I have had a series of conversations over the past couple of days. It has been mentioned that the school districts should own the copyright, and that teachers should not have a right to the copyright. I disagreed and went hunting for case law. Then I had a conversation with the Legal Division of the Legislative Counsel Bureau, who explained that the reason they added the language in section 1, subsection 1, stating "The board of trustees of a school district or the governing body . . . shall transfer . . .," is because they did not want me to get into the exceptions. They thought if I added the exceptions into the bill and federal law changed, then loopholes could occur.

Let me walk you through the sections of the bill ([Exhibit C](#)), beginning with "The Department shall establish a database of instructional materials" Although it says "shall," the idea would be to use Curriculum Engine, which is an already-existing database within the schools, where teachers are already sharing information. There is also a portion in the database related to the Regional Professional Development Program (RPDP). We wanted to create a way for teachers to be able to share the information they create and make sure that there was capacity to go in and get that information. The other part, which is in the next part of the bill, was an issue folks had. When we talk about the database and sharing, the licensee or the copyright license will be between the Department of Education (NDE) and the teacher. Once the information goes into the database, it is shareable. It is free. We are not expecting teachers to pay other teachers to use it. We are not going to do online lesson plans where you pay a teacher to use his or her lesson plan. That was another subject of concern, but I was already thinking about what that meant, and how we could go about the business of fixing that.

If you continue reading, section 1, subsection 2, paragraph (b) is language that talks about NDE and that relationship. Once it drops into that database, it is shareable and free. Section 1, subsection 3, again talks about the database and instructional materials and allowing the employee to use those tools. Because we are going to the reorganization

of schools and because there are feeder patterns for schools—i.e., the elementary and middle schools may feed into the high school, language at section 1, subsection 3, paragraph (b) allows a high school to look and see what the middle school is doing, and that was important for me. I do not want academic fragmentation. I want the feeder schools in the academic pathway and for those teachers to either build upon, or expand upon, the existing knowledge base. We are contemplating building blocks and making sure that if you are teaching, there is some kind of lineage to the content. That is what section 1, subsection 3(b) does.

At section 1, subsection 4, it states that "The Department shall provide access to the database" That basically gives permission to allow access to the database and that access will not be limited, and that is my bill in a nutshell.

Assemblyman Pickard:

This is amazing. I had not really thought of this before; I am constantly amazed at the things you come up with. They are great. I like the concept of the database and access to the information through the school. None of this has to do with a copyright, so it seems to me the purpose for the transfer of the copyright is to protect the interests of the employee. If he or she wants to move to a different school or school district, he can take that material with him. Is that the intent of the bill in that respect?

Assemblywoman Neal:

Yes, it was very important to me. I think it is outside the scope and duty of a teacher to create an instructional manual. If they created something, it was important that they keep the rights to the intellectual property, and in that process, that it moves with them.

Assemblyman Pickard:

Sometimes, I believe that it is a critical part of teaching. I was a vocational teacher and I taught drafting. Outside of the textbook, I created all my own instructional materials. Drafting textbooks are notoriously generic—they cover all sorts of different types of drafting. We were actually trying to develop tools that would create effective employees for businesses, so we structured our instructional materials. I never contemplated taking it with me. I did not contemplate leaving that school while I was doing that.

In terms of the copyright, the way I see it is a teacher takes it with him or her. Is there a cross-licensing requirement that the originating school district that paid the teacher who put that material into the school district's system, when that teacher leaves, theoretically, the teacher can control the copyright? Does this allow for licensing of that material so the original school or school district can continue to use it?

Assemblywoman Neal:

I considered that question. Once it drops into the database, it becomes shareable for free, so I had to think about it. Does it now come under the fair use policy under educational copyright? As long as it is used for the educational purposes intended, then we are legally allowed to duplicate and use that material. That is one rule that will be triggered and applied.

The second was the cross-licensing. I had not gotten that far because I was thinking about what I wanted to do with regard to sharing the license. I figured if this becomes law, the teacher, when he or she gets into the written contract—and I would prefer that they do a written contract of the licensing—there will be a discussion around the limitations of that use. Once they enter into the contract with NDE, that is when we are going to have that conversation about how wide or broad the scope is. I also considered what laws would be implicated. At that point, I realized that is when we walk into another legal concept of the statute of fraud. It is very important that it be explicitly written and that it be super clear about the subject. I also found out that in copyright, it could be for perpetuity, so you really have to make a decision about whether you want it to be in perpetuity or in five or ten years or whatever.

Assemblywoman Miller:

I absolutely love this bill. As someone who knows firsthand, teaching fifth grade, I easily spent 10 to 15 hours a week just lesson planning because of all the development, all the creation, all the supplements, et cetera, that are the burden of the teacher. We had to provide everything for the textbooks and resources. We would beg, borrow, and steal. We develop lots of stuff; we do everything we can. My question is, whose decision will it be? As we approach the districts and tell them that we have created all of this, whose decision will it be to make sure it applies to the standards? We know we have RPD, but will it be the district's decision to say yes or no? If they decide it does not, will they also be able to deny that contract? My second question is, will it be retroactive?

Assemblywoman Neal:

I will answer your second question first—yes, because I knew there were works already in play. To answer your first question, the NDE will decide. I am not saying Superintendent Canavero supports this bill, but I called him and told him about my idea. I do not want this to be onerous, I do not want there to be a really long period of time before someone's work can be out there. He already has regulations at NDE to make sure that it fits school performance plans and it is aligned. I am not promoting that materials be produced that do not fundamentally help a student or align with the current pathways and student performance measures. That is why I do not like certain textbooks now—because they do not actually further the knowledge of a student. That is a conversation that would happen, not at the district level, but at the NDE level. They would review it, take it through a process of deciding whether that instruction manual or textbook was quality, and whether it fit with what the school needed.

Assemblywoman Joiner:

I appreciate what this bill is trying to do, and I think the idea of a database is great. I am just trying to figure out the legalities regarding who holds the copyright. Would it be better if the bill was silent? If there was ever a challenge to the copyright, it would go to court as it does in other states. Saying that the board of trustees should transfer it to the teacher to me implies that they hold it in the first place. I am not sure the other court cases say that. My question relates to anything published or plagiarized. Is that part of what the regional training program would do? Is that why they were involved? I think there were

different types of copyright. We are saying it is only going to be things that teachers create, but at some point, there is an issue of things that are published and plagiarized. Who is going to be checking for that?

Assemblywoman Neal:

In regard to plagiarism, in order for your work to be copyrighted, there is a certain number of steps you have to walk through to make sure it is not someone else's original work. That is when the legal burden shifts to the teacher, and that teacher may wind up being sued by another entity or person who claims the work was taken. That opens them up. This bill does not even speak to trying to protect them, because I want the teachers to create and not steal. There are specific provisions around stealing copyrighted work from other people. If that was the case, they would be opening themselves up for a lawsuit, and the district would have no liability or relationship to that. If they walk the NDE pathway for making standardized material that could be used, the question could be there. I do not know if it is within their expertise to deal with it in that regard. I will think about that and about working it into the bill, but I would really have to talk to NDE and see how onerous that would be. They could just go through the U.S. Copyright Office and make sure it is legal that way.

Assemblywoman Swank:

What is meant by instructional materials? You give an example of a teaching manual. What comprises that scope of instructional materials?

Assemblywoman Neal:

I was not trying to include lesson plans. I talked to the Legal Division about whether I should try to synthesize that and say an instructional manual or textbook, but that is my intent with the language. I am trying to make sure it is original work. I need to make sure anything they create is not the materials that are created within the scope of the employee/employer relationship. There are certain duties teachers have. It is really explicit, which is why I uploaded the Clark County School District/Clark County Education Association Collective Bargaining Agreement (CBA) contract ([Exhibit D](#)) to show what was out there, and see whether there was any conversation about it. I put that language in there so you could get a good idea of what the current scope was and know my idea of instructional materials will be the new thing they are doing, unsupervised, and using their own intellectual ideas and creativity. I really only wanted to focus on the textbook or manual. My goal was to try to fix the issue of not having textbooks. That is the only problem I was trying to solve.

Assemblywoman Swank:

When I was an English as a second language (ESL) teacher, I would create a lot of things such as games and work sheets and drawings for coloring. I would think of all those as instructional materials. That is my concern. I feel those things I created as a teacher for use in my classroom in that way were within the scope of my job. I knew, going into my job, I would be doing those. To me, those were owned by my employer, so I am a little concerned about what is included in "instructional materials" and how we would delineate that. There are many textbooks. As a linguist, you have textbooks that have worksheets in them, so I am not sure how to make a good, clear mark there.

Assemblywoman Neal:

The standards and case law are pretty clear. These are materials created in furtherance of your instruction that are not scholarly tools, but actually used to further instruction such as lessons, quizzes, or worksheets. Those things fall within the scope of what a teacher is expected to do in order to deliver content. What is not within the duty is to create an actual book. That is a fine line. I have read all kinds of law journals over the past couple of days. The courts are notoriously ambiguous in this area. But in the cases that are out there, they have made a clear delineation between higher education and K-12, and K-12 teachers have clearer direction about what is expected in their duty and scope of work and what is a natural part of their work that is produced and owned by the school. I do not want to be too finite in the bill, but it really lays that out. The higher education conversation is totally different in terms of administrative work, in terms of scholarly journals, and whether that relationship around scope of work is an entirely different discussion. They say that in higher education, it is occasionally not clear because sometimes you are hired to produce research. Therefore, ownership changes the conversation. Your relationship and your hiring are sometimes dependent upon your producing a work and literature. For a K-12 teacher, it is not the same, and there are clear lanes and roles you function in.

Assemblywoman Swank:

I guess I have a little discomfort on the "instructional materials and tools" because I want it to just be the things you are talking about, but I do not feel that the way it is drafted right now captures the tightness you are trying to get at. We are going to end up with a lot of other things that are within the scope of what teachers should be doing. And I agree, it is not in the scope of their work to create a book.

Assemblywoman Neal:

I will definitely consider that, because it was something I had drafted in a different mock-up earlier today. Then we ended up throwing that one away and going back with this one. I agree that I might want to strengthen that, because that was a lot of the conversation I had with some people who are in opposition to it.

Assemblyman Edwards:

I was wondering if there was any reason the individual teachers would not just copyright the material they did on their own time, which would give them the maximum protection and guarantees. It would also declutter all the other questions.

Assemblywoman Neal:

I am not sure it declutters it, because most teachers are not clear about what they can or cannot do. While I was at Booker [Tuskegee University], there was a math teacher who was not using a textbook. He mentioned that he wanted to create a math game and that he had been thinking about it for a couple of years. He asked how he would do that, what the pathway would be, how he would start or end the conversation, and whom he would talk to. There was not a clear pathway or answer to whom he should have the conversation with.

He wanted to make sure he would not be violating any kind of employee duty he might have had. To me, this answers the question, helps them to find a pathway and how to go about doing it, and what can be done.

Chairman Thompson:

At this time, we will go to support for Assembly Bill 400.

Natha C. Anderson, President, Washoe Education Association; representing Nevada State Education Association:

We are in support of A.B. 400. There are so many great things about this bill. When I first read it, I was really excited about section 1, subsection 2, concerning the database, and especially establishing the database with instructional materials for schools. When Assemblywoman Swank brought up the comment about the textbooks versus the lesson plans, it clarified a little bit more in my mind as well. At first, I was going to bring in some different lesson plans I had borrowed, but then I started thinking about some other situations where I had peers who had written different articles of their own that would help the students understand different things—in particular, entomology. That language really helped my students—sophomores and seniors—understand why it was so important to get involved in entomology. That was not a lesson plan, that was not something that was necessary for the standards; it was additional background knowledge for my students to be better able to understand. When that question was brought up, that was all I could think about—work a colleague did on his own that I was able to use with my students. It is a fine line, it really is, but I am happy that it has been brought up and that discussion is getting started on it. I ask for your support of A.B. 400.

Assemblyman Pickard:

I appreciate you stepping up because I expect, as a representative of the association, you will have a deep knowledge of the collective bargaining agreement. To the extent you have an answer, it was pointed out that we cannot create contracts that are in conflict with CBAs. Do any of the CBAs to your knowledge within the state address copyrights and rights to their published works?

Natha Anderson:

I know that the contract in Washoe County does not address it. That is the only contract I know pretty well. I can do some research on the other contracts and find that information for you.

Assemblyman Pickard:

I was just thinking we might want to make sure we do not have any impediments to the bill that would prevent it from having any meaning.

Natha Anderson:

I will look for it and forward it on to the Committee secretary.

Chairman Thompson:

Is there anyone else in support of A.B. 400? [There was no one.] We will move to opposition. If there is anyone opposed to A.B. 400, please come forward.

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

We do oppose A.B. 400. First, I would like to thank the bill's sponsor for meeting with us several times and trying to work through this. We did just get her amendment, and think some of it deals with some of the issues we have; however, we would like our folks to look at it. We oppose the way the bill is written for several reasons. The Copyright Act of 1976 stipulates that any material created by teachers in their line of work is under the scope of work for hire. As Assemblywoman Swank says, we need to make sure there is a fine line of delineation between what is work for hire and what is not. That was unclear in the original bill, and we look forward to working with the sponsor on that.

What we do not want to create is a situation where we have a limitation of shared material. We have a lot of folks who get together, and we want to make sure we are not creating an impediment where, if someone copyrights something and they have a neighbor right next door, the neighbor cannot use it without paying to do so. Again, the amendment takes care of that, but that was a concern we had in the original bill.

How do we deal with licensing material if the copyright goes to the teacher? Can the school district still continue to use that material? Again, we believe the amendment addresses it, and that the school could use that license for free, and we appreciate that. What we are really trying to avoid is a Righthaven situation. I encourage you all to Google Righthaven. It was a copyright company that took articles from newspapers. Anytime someone submitted that article on a separate page, they would get sued for copyright. What we do not want to see is our hard-working teachers having their material out there, and someone going to them offering to pay money for that copyright. Then, if someone actually uses it and shares it, they will get sued in order to use it. Again, the situation needs to be very clear about how we do that.

Sarah Negrete, Ph.D., Program Director, Northeastern Nevada Regional Professional Development Program:

I am also speaking on behalf of my colleagues at the Southern Nevada Regional Professional Development Program and the Northwest Regional Professional Development Program. We appreciate being recognized in A.B. 400 for the expertise within our organizations by suggesting that we are the reviewers and approvers of the instructional material that is submitted. We definitely are in favor of vetting any kind of teacher materials for quality, rigor, and alignment to the standards. We are definitely in favor of that portion; however, I am testifying today against A.B. 400 for several reasons.

Remember, I am speaking through the lens of the organization that is expected to review and approve or reject materials to be posted. We are concerned about the criteria we will use to identify or evaluate the instructional materials as being approved or rejected. We are

very concerned about the process. What is the submission process, the rejection process, and the approval process? Will they get to resubmit? Do we have to give feedback such as in a peer-reviewed journal where we give feedback and they resubmit? What does that process look like and how will it be handled? In addition, we have calibration concerns. If we are rejecting or approving material, we probably ought to calibrate or have some interrater reliability so that any materials that are put out on a website or posted have some reliability. We do know that any time we are talking about interrater reliability or calibration, there are definitely time, money, and resources invested in that process.

We have heard a lot about copyright, and I want to address Assemblywoman Joiner's question about whether regional professional development programs police the copyright. No, I definitely hope not. We do not have the expertise to determine whether any instructional material has a copyright behind it, so I am really concerned about somehow getting entangled in that, such as accidentally approving material that does have a copyright that we were unaware of. I do not know how to start researching how deep we would have to go to even determine whether something that was submitted that we want to approve was copyrighted or not, so I am concerned about that from the legal standpoint.

Finally, and most important, the issue is time. We do not have time on our staff to be approving, rejecting, or taking submissions. Anytime we do material review, we are going to end up not spending time with teachers and administrators in the field. Our concern is how much time will we spend in the review process that will take away from time with teachers in the field. I heard from Assemblywoman Neal words like "textbook" and "writing." I just want to remind everyone that if actual textbooks are written, there is an approval process through the Department of Education for textbook approval.

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

I think you have heard some very good testimony, so I will not repeat it. I want to go back to what Assemblywoman Neal said about her primary concern being getting textbooks, and I want to commit our support to that idea. When we adopted the new Nevada Academic Content Standards during the recession, we got behind in terms of textbook adoption and materials for students. I have talked to Assemblywoman Krasner about it. She is particularly passionate about that issue, and we can completely appreciate that. The only thing I can offer today is that we have an aggressive textbook adoption schedule currently in process to try to get caught up on those materials. It takes time because this is an extensive process to go through to adopt those materials. In the meantime, we did have some teachers on special assignment during the content adoption who created an amazing website, similar to what they have in Clark County, for teachers to share resources. We do not want to see anything get in the way of that amazing resource for teachers. I will leave it at that, but we are completely committed to fixing this instructional materials gap.

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

I think Mr. Stevens from Clark County really outlined some of our concerns. Even though I am looking at the original bill, the administration of this and the fact that I am not aware of other states that have done this, make us very concerned about the whole process and being able to carry it out. We still want to keep the collaborative efforts we make in our schools now that work for the instruction of our children, and we are opposed to the bill right now.

Chairman Thompson:

Is there anyone else opposed to A.B. 400? [There was no one.] I suggest you reach out to the bill's sponsor. It sounded as though there were some situations where you could work with the bill's sponsor to try to make it an excellent bill, and I would appreciate that. Is there anyone neutral to A.B. 400? [There was no one.] Assemblywoman Neal, would you like to make final remarks?

Assemblywoman Neal:

The legal standpoint of how criteria are evaluated and the idea that the Department of Education would be helpful in creating that criteria and that pathway, those were the first conversations I had when I was thinking about this idea. The email response at the time was that it would not be onerous and could be figured out. I know that particular part is something that needs to be fleshed out, but the legal standpoint about whether something is copyrighted or whether it has been stolen from something, I would love to know how they are dealing with what is currently being deposited in Curriculum Engine. Whatever that particular standard is that makes sure someone is not siphoning or stealing other people's work and then putting it in Curriculum Engine, will be the same. The question becomes whether whatever you submitted is under the fair use policy.

I want to bring up something else in regard to scope of employment. When I looked at this bill and what laws I was tinkering with, what came up was that I was tinkering in agency relationships. What was super clear about the court is that the scope of employment found in restatement of agency, which was in the Shaul case I cited, was that we needed to pay attention to the conduct of the servant within the scope of employment, what he is employed to perform, whether it occurs substantially within the authorized time and space limits, and if it is actuated, at least in part, for the purpose of serving the master such as the Clark County School District or the employer. I think it is a good idea to allow teachers to have some creative flexibility and get paid for it. That is what they are already doing, so the worry that this is not found in other states, well, it was just found in Assemblywoman Neal's mind. I could not find it in any other state, because I just sat down and said, let me think about how I can be creative and come up with something. I know people are always scared of something new, but if it is new and can be somewhat massaged to turn into something awesome to help teachers and acknowledge them, then I am all for that. I am also all for kids actually learning, because I do not know when a textbook is going to arrive. I have been pretty salty on this issue for four or five years now, so this is my 2017 solution.

Chairman Thompson:

We will close the hearing on A.B. 400.

[[\(Exhibit E\)](#), [\(Exhibit F\)](#), and [\(Exhibit G\)](#) were submitted but not discussed, and are included as exhibits for the meeting.]

Now, we will open the hearing on Assembly Bill 7.

Assembly Bill 7: Revises provisions related to education. (BDR 34-126)

Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education:

We have a PowerPoint presentation that is up on the screen ([Exhibit H](#)), a conceptual amendment ([Exhibit I](#)), and the bill. As I work through the presentation, I will be referring to page numbers in Assembly Bill 7, and I will also refer to the conceptual amendment as the opportunities present themselves. You may have to go back and forth, but I will do my best to ensure my presentation is somewhat coherent.

We prefiled A.B. 7 early in the year, and it has three main buckets [page 2, [Exhibit H](#)]. One is a very general cleanup. That cleanup also transfers over to licensure and personnel cleanups. The reason we are engaging in this semisubstantial cleanup is related to a significant change in federal education policy. As you may or may not know, the Elementary and Secondary Education Act was reauthorized as the Every Student Succeeds Act (ESSA), and ESSA is now the federal education policy we live under. In particular, it is the law itself, and not necessarily any regulations that were adopted and subsequently removed, and we have some conceptual amendments related to that. The third bucket is a concept around postsecondary readiness. It is related to alignment and recognition of graduation standards that align with postsecondary choices. The State Board of Education and the ESSA advisory group—we convened an advisory group to help us develop a state plan that is responsive to new federal law—have held many discussions over the last two years. They have really been focused on our graduation requirements and true alignment to postsecondary. What I will propose today is a notion of a "north star" of graduation or diploma requirements.

Page 3 ([Exhibit H](#)) is where the changes begin. In section 1, there is a new definition for English learners, so we have realigned our definition in state law with the appropriate federal citation, and then there are conforming changes throughout. On page 3 of the conceptual amendment ([Exhibit I](#)), you will see the definition for long-term English learners, which is consistent with the State Board's action related to this definition as "An English learner that has not achieved English language proficiency within 5 years of initial classification."

In section 2, subsection 3, of A.B. 7, there is a new standard for what used to be called scientifically based interventions. Now, it is called "evidence-based." At the top of page 4 of A.B. 7, there is a change. Early on, we requested an amendment to increase the

number of college and career readiness assessments; that is why you see that as a plural. In the conceptual amendment ([Exhibit I](#)), we are pulling that back to a singular college and career readiness assessment, as we have enjoyed since 2013.

On page 4 of A.B. 7, in section 2, subsection 3, paragraph (g), there is another federal citation defining professional development. Language on page 6 of A.B. 7 in section 3 eliminates some redundancy in the law. Under *Nevada Revised Statutes* (NRS) 385A.650, there is a requirement under the needs assessment review, and this is one area of overlap that we are cleaning up. On page 9 of A.B. 7 and throughout, you will see a conforming change. Anywhere that previously cited the former No Child Left Behind Act of 2001, we are now citing the Every Student Succeeds Act of 2015.

Sections 9 and 13 of A.B. 7 are somewhat parallel [pages 4, 5, and 6 ([Exhibit H](#))]. One of them relates to the state accountability report and one refers to the district and charter schools accountability report, so you will see a number of overlapping changes here. Language in section 9, subsection 1, paragraph (a), subparagraph (1), adds "The number of licensed personnel employed at the school;" to the annual report. The reason for doing that is we have not had a denominator in our reporting to understand percentages or a total in a school, so we are adding a denominator there. Still in section 9, subsection 1, paragraph (a), subparagraph (3) you see the elimination of "highly qualified teachers." That was the federal rule under No Child Left Behind, and in favor of that, we now refer to effectiveness ratings, which is under the ESSA. Section 9 also includes additional equity reporting, so you will see a number of categories, whether it is a 3 x 3 or a 3 x 5 chart. Under the new federal rules and consistent with the plan developed with the advisory group, we are obligated to work on the distribution of effective educators. So where there are equity gaps in our state as relates to high-quality instruction, we have added explicit categories of pupils. We will ensure at the school level that the state is able to work with our districts in understanding which schools and which students have the greatest gaps in access to educators.

On page 12 of A.B. 7, still on section 9, we eliminate the federal definition of paraprofessionals. Paraprofessionals are an area I personally wrestled with and went back-and-forth about with Deputy Superintendent Durish to understand. We have a conceptual amendment on the top of page 4 ([Exhibit I](#)). We are effectively establishing the criteria for paraprofessionals. This is a requirement in federal law under any school that receives Title I funding. There is a definition in law, so in this amendment, the State Board would identify the requirements or the standards to be a paraprofessional. On page 13, still in section 9, we define "disaggregated." On pages 13 through 15 of A.B. 7 in sections 10, 11, and 12, are conforming changes that are necessary given the changes discussed thus far.

Section 13 of A.B. 7 [page 6, ([Exhibit H](#))] is with regard to the state. Section 9 made some changes to reporting and calculations and equity gaps for the local reports. In section 13, we carry that through for our state accountability reports. You will see on page 16 in section 13, that we have added "The number of licensed personnel . . . ," and we have eliminated "highly qualified teachers" and added effectiveness ratings. We have also added

the additional equity reporting you saw in section 9 so they are similar, and you will see the same is true on page 17 in section 13 eliminating the federal definition and adding "disaggregated" definition.

On page 18, sections 14 and 15 are conforming changes. On page 19, section 16 is our change in language to ensure we align across from our federal plan through our state law. We are replacing annual measurable objectives with school achievement targets. This is part of the ESSA state plan alignment change, and we are resolving it here with our language.

On pages 20 and 21 [page 7, [Exhibit H](#)], are more conforming changes through sections 17 and 18. On page 21 is a revision to the school performance plans. You can see a large removal related to the school performance plans. We are in a development phase and in alignment with our ESSA consolidated plan going to the federal government, so here we want to move the requirements for those plans from law and provide the State Board with the authority to adopt the provisions of the plan in their regulations. We think it is necessary in this early stage of our ESSA implementation that we have that level of nimble work during this interim.

On page 24 at section 19 [page 8, [Exhibit H](#)], you will see that we are eliminating the multiple submissions in favor of having the State Board adopt a date by which the plans would be required to be submitted. Hopefully, we are reducing two submissions to a single one—that is the goal. Pages 24 through 33, in sections 20 through 31, are conforming changes given the previous changes. In section 32 on page 33, we are aligning the local education agency definition—commonly known as our districts—to the new federal citation.

Section 33 on page 34 discusses paraprofessionals and teacher evaluation. This is aligning the sections of law that relate to charter schools. You will see that the State Public Charter School Authority (SPCSA) has to adopt regulations for the teacher evaluation process and criteria to determine the ratings. We do have a conceptual amendment on page 4 ([Exhibit I](#)) that relates to this section. Here, our charter schools are not required, they may, but they are not required, to evaluate teachers based upon the state educator performance framework. For our state to meet its obligations to ensure equitable distribution of teachers, we need to have a performance rating from our charter schools in the four effectiveness categories. Here, we are telling charter schools to evaluate under the terms of the charter, but then communicate to the state using our four criteria as ineffective, minimally effective, effective, or highly effective.

Going back to [A.B. 7](#), still in section 33, the State Board and now the SPCSA, have to align their qualifications for a paraprofessional to the federal standard. It is already part of the statute that the SPCSA is granted authority to do this, so here we just align that.

On pages 35 and 36 [page 9, ([Exhibit H](#))] are more conforming changes. Language in section 36 on page 38 eliminates the phrase "highly qualified" per the federal definition and aligns the language "effective/highly effective" per the regulations that were adopted by

the SPCSA. In section 36, there are conforming changes. We do have a conceptual amendment in this area. It is at the bottom of page 4 ([Exhibit I](#)). Here, we introduce three classifications or categories for teachers. One of those relates to their experience levels; one relates to their licensure levels—fully state-certified in other words; and the last one relates to effectiveness. In our conceptual language, we introduce the "experience" and "full state licensure" requirements. We are looking at three separate aspects of our teachers—their experience levels, their full state certification, and their effectiveness ratings. Those are the three areas under the ESSA.

Moving to page 39 in section 37, there is some conforming language to the professional definition that would be adopted. Section 38 involves another federal citation change. On pages 40 to 42 are more conforming changes in sections 39 through 42 [page 10, ([Exhibit H](#))]. On page 42 is section 43 which contains two federal citation changes. On pages 43 through 55 are more conforming changes. On page 56 in section 59, language here has the State Board adopting regulations that would prescribe the qualifications pursuant to ESSA for the paraprofessionals. Section 60 on page 56 contains the language "not highly qualified", "minimally effective or ineffective." We have a conceptual amendment on page 5 ([Exhibit I](#)) that covers both sections 59 and 60 in response to ESSA and the required exams for paraprofessionals. Language in section 60 relates to the effectiveness of fully licensed teachers for parent notification, so that is a change and it is at the bottom of page 5 ([Exhibit I](#)). The existing language required that, if a pupil was enrolled in a Title I school that was rated as underperforming and was assigned to a teacher as the pupil's regular classroom teacher who was not highly qualified, or who "has been taught for 4 consecutive weeks or more by a teacher who is not the pupil's regular classroom teacher and who is not highly qualified," then the principal would be required to notify the parent. What we have done is aligned against the "minimally effective or ineffective" language back to the "fully licensed or endorsed" definition. That change is in the conceptual amendment.

In section 61 on pages 56 and 57 [page 11, ([Exhibit H](#))], is more conforming language related to highly qualified and the ESSA federal definition of paraprofessionals. Page 6 ([Exhibit I](#)) of our conceptual amendment aligns all the work related to the paraprofessionals, both in the bill as amended and in the conceptual amendment as submitted.

Section 62 on page 57 is language in Assembly Bill 77, so this is the exact change that was also proposed under A.B. 77. Our desire here would be to align this section with whatever comes out of A.B. 77. Rather than propose something here, we would match this with A.B. 77 or remove that amendment and wait for A.B. 77.

Language on page 58 in section 63 adjusts citations to statute because the federal code no longer exists. We do have a conceptual amendment on page 6 ([Exhibit I](#)) which are conforming changes with the elimination of "highly qualified." On page 59, there are more conforming changes to the paraprofessional definition [page 12, ([Exhibit H](#))]. Section 65 is conforming language; section 66, subsection 3, is a change. The State Board formerly had a role in identifying the assessments that would be used by the districts for the

district-based testing requirements under the Nevada Educator Performance Framework (NEPF). Here, we think it is more prudent that the State Board identify the criteria of these assessments rather than the assessments themselves, so this is the change you see in section 66 on page 62 of A.B. 7.

We have conceptual amendments related to sections 67, 68, and 69 to clarify that a probationary administrator or a probationary teacher who receives an evaluation has to be notified both in writing and in a written evaluation that he or she may seek a separate or third evaluator. We are not changing anything materially, just cleaning up that language through our conceptual amendment to that section [page 6, ([Exhibit I](#))] as well as to section 69, subsection 1 [page 13, ([Exhibit H](#))], for probationary, minimally effective or ineffective teachers or administrators. Again, we are just making clear what the written evaluation must contain in terms of the clear right the individual has to request a different evaluator than the one who provided the initial two evaluations.

On page 66 in section 70 is conforming language [page 14, ([Exhibit H](#))]. In section 71 are more conforming changes to federal citations, and you will see those on page 69 in section 72. Sections 72 through 82 are conforming changes, and that takes us all the way to page 96 of A.B. 7. Section 83 is the repeal of the approval process for the school plans and is largely consistent with the change in NRS related to the development of the school plan. On page 96 is language about the effectiveness dates. Those are staggered. Of course, sections 28 and 29 expire on June 30, 2019, because the English Mastery Council (EMC) is anticipated to sunset at that time. Sections 78, 79, and 80 become effective July 1, 2019, to align with the Read by Grade Three provisions.

The two areas in the conceptual amendment that you have been introduced to thus far relate to educator equity reporting [page 15, ([Exhibit H](#))]. They relate to experienced, fully licensed, and effectiveness rating. You see the addition of new, specific categories of pupils by which we would report on educator equity or access to effective educators at the school level. The other area involves the NEPF. There are quite a few changes in some terminology from "observation" to "observation cycle" and "peer evaluator" to "peer observer."

Chairman Thompson:

Committee, please be concise with your questions.

Assemblyman Pickard:

I do not like the way the existing evaluations go. If 98 percent are ranked effective and highly effective, then, obviously, it is not a very effective tool. I think it is a safe assumption to say that we do not have 98 percent effective and highly effective teachers. I recognize we are trying to conform to current ESSA standards. Are we required to use those, or can we exceed them? Can we come up with a better evaluation process?

Steve Canavero:

The short answer is yes, but it is not within A.B. 7 in terms of the NEPF changes. I believe I have seen two bills so far that do address at least some changes to the Nevada Educator Performance Framework, and that might be a more productive time to discuss the instrument and how it is being utilized.

Assemblyman Pickard:

I just wanted to make sure that we could do that, because I did not see anything about that here.

Steve Canavero:

Two other areas of the conceptual amendment are worth some discussion. They relate to the high school assessments we have established in law as well as to our graduation requirements [page 16, ([Exhibit H](#))]. When I first opened, I talked about a couple of years of work by the State Board of Education. They were trying to answer the question around what college and career readiness is. We spent a lot of time talking about college and career readiness. We eventually decided to split them up and try to figure out what college readiness means. We had individuals come before us and share a lot of data from the Nevada System of Higher Education (NSHE) using the longitudinal data system that could really inform the policy and definition of college readiness. We got really clear about what it would take for our students, in course-taking patterns and in assessment results, upon graduation from high school, to be able to enter into credit-bearing, non-remedial college course work. That would be our definition of college readiness—a high standard of readiness.

We set to understand what career-ready means. We have been using those terms, college- and career-ready, for a long time and, in many cases, it always defaulted to college-ready. We asked ourselves and industry what career readiness meant. At the end of the day, the answer was, "It depends." There is no single answer, even though we know, looking at the data and alignment with the Governor's workforce agenda, that we now have significantly more cooperation and coordination within the state and with industry as well as with access to data. We know that the majority of jobs are going to require some postsecondary training, some postsecondary education. There is a lot of overlap between what it takes to enter into nonremedial, credit-bearing course work in college and what it means to enter onto a career path toward a livable-wage career. Recently, the State Board conceptually endorsed this work I will be presenting here.

First, I will begin with pages 16 and 17 ([Exhibit H](#)) which are concerned with the diploma requirements. The conceptual amendments that begin on page 1 and end at the top of page 3 ([Exhibit I](#)) do a few things, and I will explain the concept. The first is that you would require the State Board of Education to establish a pathway diploma. You currently require the State Board of Education to establish a standard diploma and the criteria necessary to fill that out. Here, you would be asking the State Board of Education to identify and adopt criteria related to a pathway diploma. That pathway diploma must include two endorsements: an endorsement around college readiness and an endorsement around career readiness.

Also, you are requiring that the expectations laid out through the regulatory framework that the State Board would adopt, would ensure that there is constant communication with industry and with NSHE to appreciate what it means and answer the question "It depends," but doing so in a regulatory framework where we can continue to review and align those expectations. Further, it is a conversation around parity: That a student who graduates high school and is ready to engage in a baccalaureate degree and move forward as a lawyer, is on par with a student who leaves high school with a certificate of value, a credential of value, that is honored by the industry and may be entering into the International Brotherhood of Electrical Workers, as my dad did. That student is also on par with and equivalent to a student who is entering into a baccalaureate degree program. Those are two easy examples. Of course, there is a lot in the middle, and we know there is so much that is shared between the student who is ready to learn and earn an advanced pathway into a community college and into the workplace; or whether the student is going to go for a baccalaureate degree with the vision of becoming a doctor.

The amendments also establish a review of the standard diploma. If we look at this as the pathway diploma, these endorsements can be earned independently or together. In a perfect world, we would have students graduating with both a college degree and a career endorsement. They would have certificates of value and they would have had meaningful, work-based experiences and be ready to enter credit-bearing college course work. We also have to consider what does the standard diploma now mean. The standard diploma is our minimum standard for students to graduate. We have had dialogue and questions concerning what we are going to do about the standard diploma. My answer in the amendment we are offering is that we will align it starting with the class of 2022. That gives us a little bit of time to review the standard diploma and ask questions about what it means to be prepared to engage in active civic life and whether the standard diploma honors that commitment to the students, their families, and the state.

There are also a couple of budget provisions we are working on that relate to the extent that funds are appropriated. We think a public service campaign is really important, and we would ask for this on the budget side. There should be some way for the state and our citizens to appreciate what this change looks like. In many of the State Board's graduation committee meetings, folks come to the table and assume a standard diploma means something that it does not. We know that nearly three out of four of our students who earn a standard diploma and go into the system of higher education take remedial course work. We need a public service campaign about the opportunities that the pathway diploma would provide and about the expectations Nevada students face now and the competition globally.

The other request we have is to provide some incentives. We think there is a way to honor early adopters and districts and schools that are engaged in this work and want to lead the way. We are working through and developing incentives for pathway diploma earners; and, more important, to defray the cost of industry-recognized credentials. The state has historically not invested its dollars to defray or offset costs at the district for students who earn industry-validated credentials. These are critical concepts; both industry-validated credentials and a way for the state to prime the pump through defraying some of those costs.

There is an amendment on page 3 ([Exhibit I](#)) which ties in the twelfth-grade year to the college- and career-readiness assessments. In 2013, you adopted a college- and career-readiness assessment. You told the State Board to choose it; the State Board chose ACT. You also asked that the results of that assessment be used to inform the twelfth-grade year. If one is ready, that person can accelerate; if not ready, additional supports could be provided. This amendment does not allow a student to count under the regulations for full apportionment—meaning the student attended a full school day and the school gets a full payment, unless that student is not ready as evidenced by the college- and career-readiness assessment. In other words, if Steve takes the college- and career-readiness assessment and is not ready to engage and industry does not need an industry-correlated assessment college score, then Steve would be obligated to take a full course load of six periods or the equivalent in his senior year. It is likely that there needs to be a good-cause exemption here, which would be handled at the school level, should a student need to work to support family or some similar situation during the second half of his or her senior year. There is an example provided [page 18, ([Exhibit H](#))].

Finally, I want to mention the high school assessments. This is an important conceptual amendment [page 16, ([Exhibit H](#))]. The conceptual amendment relates to the end-of-course exams. First, we establish the singular college- and career-readiness assessment that is being delivered as the ACT right now. The other is to transition the end-of-course exams we presently administer, that were put in place in 2013 when we eliminated the high school proficiency exams, from a high-stakes, summative, final, state-administered test to a medium-stakes test. This was an early discussion we had at the State Board, and I am revisiting it. A medium-stakes test is essentially a common state final in algebra 1. The state would work with educators, we would develop the final, and it would be administered and classroom-scored immediately. As the stakes come in, they would factor as some percentage of a student's grade. Looking at our research and at the three other states that have incorporated it, they have incorporated it at about 20 percent. There is a provision in our conceptual amendment that says the State Board "may"—it is permissive—establish a minimum score on that classroom-administered state final exam.

Assemblyman Flores:

There is a lot here and I am a bit overwhelmed. Specifically, when we talk about the endorsements, the concern I am raising is about someone having a career-ready endorsement as opposed to a college-ready endorsement. We talk about the positives of that, because it means that a student is ready for A, B, C, and D; but, on the flip side, what that can mean to students is that they are not ready for college and we are pushing them away from a path they might be interested in. Do the universities see it as one student has this type of diploma as opposed to another student with another type of diploma, and that maybe the first student is not an ideal student to recruit?

Steve Canavero:

When we label something, it changes the conversation, but it does not change the reality. The reality is we already have pathways that students are on or off. We know that the reality is that the students who earn a standard diploma—and we understand the challenges

with the standard diploma in terms of the expectations for those kids—are disproportionately represented by our minority and poor students. What we are doing here is creating a framework that raises the expectations for our students and honors their engagement in high school to strive for that higher standard that is aligned to postsecondary choices. A student who earns a career-ready endorsement would have gone through as rigorous a path as the student who earns a college-ready endorsement. On the upper right quadrant of the Pathway Diploma [page 18, ([Exhibit H](#))], under college-ready endorsement are the requirements. It is likely that will change and students will probably need four years of math. They may have the last one or two years of math, possibly an applied technical math consistent with the career they have an interest in.

The other thing this provides is a mechanism for the State Board and the state to connect with industry as we have not in the past. When the State Board graduation committee ended one meeting with the college-ready diploma worked out, it was time to call industry and have the career-ready conversation. I got back to my desk, but I had no one to call. It was a massive blind spot for me. Since that time, the Governor has proposed some changes in the Office of Workforce Innovation and its coordination at the state level that would enable the State Board to curate a list of in-demand occupations and their associated certificates. In high school, a student could earn a certificate of value—not just the diploma itself being a certificate of value, meaning it has some currency and conveys something, but attached to that, something that the employment community, the industry, would honor. There has to be some quid pro quo; however, we have not worked out all the details, but those discussions are ongoing.

Ideally, we would have a student earning both, and I know there are a number of magnet programs that do this. Here is a wonderful way to combine the two where a student is on a career path, say pre-law, and goes through a number of work-based learning experiences or an internship or externship, is engaged in dual enrollment, and has an advanced placement course load. Now you have this perfect match, and you can provide both endorsements to a particular diploma.

Assemblywoman Tolles:

I commend you. For years and years, we have talked about college and career readiness. I remember pulling the accountability reports off our Department of Education website. Ninety percent of them were college readiness, and we were not doing anything in this area or giving it substantive space, so I want to commend you for that. Is it possible for a student, on any given day, to have the ability to have some of those college-ready prerequisite courses such as foreign languages and, at the same time, be taking the career and technical education credits required? Is that feasible? Are we prepared to be able to give the students in that ideal cross-over circumstance the ability to have the choice of which path they want to pursue upon graduation?

Steve Canavero:

Yes. Right now, the State Board offers a standard diploma, an advanced diploma. Nearly a third of students enrolled in career technical education (CTE) complete the advanced diploma, so it is possible. Here, we have an opportunity to convey the value and also convey the high expectations. It is very likely that the students who are striving to meet that would get both—a college- and a career-endorsed diploma.

The notion about an accountability report is key. Under our state plan, with our advisory group, we have been working to reframe and make changes to the accountability system that yields the star ratings. We have been looking at all other states and how they have made this transition. When states make these transitions, it is remarkable how kids immediately strive and the education system strives to meet it. Kids and systems respond and meet these expectations. In our framework, if we say it is parity, it has to be parity. We are trying to work within a framework that actually creates a one-plus something for students who earn an endorsement, and a one-plus-plus for a student who earns both endorsements, so that the system is aligned across these values.

Assemblywoman Tolles:

I would like to dive back into section 19 of A.B. 7. One of my themes in coming to the Legislature is finding a way to declutter the closet and things that have been stacked up session after session, but this is a rather large section that is being taken out. As I understand it, the authority is being taken from the Legislature and given to the State Board of Education. As I look through the enumerated list, there are quite a few substantive areas having to do with parental engagement, measurable objectives, accountability, remedial education, dropout rates, technology, discipline, professional development, resources available to the schools to be able to carry out the plan, a summary of the effectiveness of appropriations made, and then a budget. Could you clarify for me to what extent that is being taken away from the Legislature and given to the State Board, because I see that many of the decisions we make address those categories.

Steve Canavero:

Here, you are entrusting the State Board, through the regulatory process, to adopt those requirements, but I will let Deputy Superintendent Barley convey the reason for the change.

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

As we have been having our Every Student Succeeds Act conversations, one piece of feedback we have heard loud and clear is that the systems we have in place in terms of the needs assessment that every school completes, the school performance plan that every school completes, the application for federal funds, and the application to the state for funds, generally live in their own buckets. As a result, they are not being communicated to the degree that they could be and that would best facilitate strategic planning. We have been calling this concept "Turbo Tax for Schools" at the Department of Education. You would get to a spot where you could fill out your needs assessment, and your needs assessment would help you identify the strategies you should begin to articulate within your school site plan.

Then, lo and behold, that school site plan and the strategies that you identify start to point you in directions to state and federal funds to begin to solve your school site problems. That is the goal here. This is a big process that needs to come into better alignment. We need to facilitate strategic planning, move away from paperwork and compliance, and get closer to support and collaboration. We know that is going to be a long-term conversation, and that there are a lot of Legos that need to get stacked up and built together. What we are trying to do here is create the space to build that consistent improvement system, that "Turbo Tax for Schools" we just spoke about.

Chairman Thompson:

I have a question concerning section 67, subsection 2, where it talks about the observations. The same language is mirrored in section 68, subsection 2. Does that administrator have to be an administrator from that school? How does that help with cohesion and relationship building if the probationary employee does not like what the administrator says in the observation? Are they able to go to another administrator? How does that really work?

Dena Durish, Deputy Superintendent, Division of Educator Effectiveness and Family Engagement, Department of Education:

I will go to the first question about the process and the change. This is something that should have been caught in 2015. It looks substantive, but it really is cleanup. Educators used to receive three evaluations a year if they were probationary. In 2015, Assembly Bill 447 of the 78th Session changed that requirement and said that no longer did new teachers have to have three full evaluations; instead, they had to complete three observation cycles with their supervisor. Somehow, this language did not get moved back into these sections. It is just clarifying, because there is no longer a third evaluation as there had been previously.

To your other question about whether it has to be an administrator at the school site, the answer is no. In fact, there is a section that allows for peer observers, and it used to read "peer evaluator," which was being confused with the supervisory role. The intent is to have a peer observer; if you have a content area, say, a physics teacher is supervised by a principal, assistant principal, or dean who did not have a background in science. In that particular case, the supervisor would not necessarily know the content. So the peer observation would be allowed to create a dialogue with other teachers about instruction and best practices as it is around the Nevada Educator Performance Framework (NEPF) standards and indicators.

Chairman Thompson:

There are quite a few people signed in both for and against, so I would like to limit testimony to two minutes each, please. We will start with support for A.B. 7.

Kenneth Sobaszek, Principal, Legacy High School, Las Vegas, Nevada:

We are in support of A.B. 7. We would like to have some consideration and thought moving forward about unintended consequences in terms of equity and access—primarily with the cost of testing that could have an impact on students from different socioeconomic areas. That could have a huge impact in terms of getting them access to all levels of the diploma.

Transportation for internships would be another consideration with that same concept and thought process. There is also the unintended consequence with staffing the buildings with different career-tech education courses and foreign language courses. I use Legacy High School as an example. When they opened originally, the concept was a global studies theme. They offered Mandarin Chinese and Arabic. It was a great opportunity for students initially, but it died on the vine, so to speak, because they could not staff the building with those two language courses. With this same concept in mind, the principals we have been talking to had some concerns in terms of being able to sustain the programs for the students and getting the access in terms of those socioeconomic concerns I mentioned.

James Kuzma, Principal, Rancho High School, Las Vegas, Nevada:

We are also in support, and I am representing many of the principals in the Clark County School District. To give you an example of some other things that might need to be considered as we move forward with this bill, our CTEs here at Rancho High School are state-of-the-art and can handle many of the CTE requirements that are proposed for the career readiness endorsement. However, the facilities in many of our comprehensive high schools are not up to that standard. For example, because I have a visionary superintendent and I was creative with my budget, it cost me \$400,000 to upgrade my culinary kitchen to industry standards and not just a home economics kitchen. Most kitchens in the comprehensive high schools are just home economics kitchens such as you would almost find in an apartment.

Another issue was mentioned by Ken Sobaszek concerning CTE staffing. I have two teachers this year who will not be able to gain their certification because of the requirements to maintain their licenses. They are going to lose their licenses and will no longer be able to teach. I think that is another consideration to look at: These individuals who decided to leave lucrative careers to teach in the public school system are good at what they do, but that does not mean that they have some of the other standards that a teacher who graduates from a regular college with a teaching license has. So I think we need to revisit that issue in terms of licensing for teachers with business and industry licenses.

The last issue: If we start having foreign or world language requirements and AP requirements, a six-period standard day that most comprehensive high schools have will eliminate many other electives such as band and choir, some of the most beautiful elective offerings we have in our school district. That also would require some funding, because I think then, schools may need to consider going to a block system where they would at least have eight periods, and students would have additional electives. Then, of course, the piece of the bill involving seniors having to take six classes may be a hardship for many schools, because that requires additional staffing and would also increase class sizes.

Chairman Thompson:

Could you and Ken Sobaszek talk to Steve Canavero? I am not sure if you are in opposition, but you are offering quite a list of other things. That is great information that we need, but if you could get with the bill's sponsor, we would appreciate it.

Monica Cortez, Principal, Western High School, Las Vegas, Nevada:

I want to express my appreciation to the Department of Education (NDE) and their willingness to amend and revise the original diploma-type bill to reflect the feedback provided by Clark County School District (CCSD) high school principals, and to indicate both the college- and career-readiness that focuses on the work of school administrators. We will never shy away from accountability, as these reforms will ultimately benefit our students.

With my colleagues, we would like to consider developing a plan for students who may shift late in their educational careers between deciding on endorsement types, recognizing that our counselors are tracking this with their current work. Considering our transiency rate—especially in CCSD—we also are concerned about students entering the system later in their educational careers who need to access the pathways. Along with developing a minimum score for end-of-course (EOC) exams, the administration timeline should be considered and the timelines of getting score reports back from NDE that are critically important. Writing components of EOC will need to be administered early, creating changes to the year-end grading report. The CCSD is supportive of this type of reform, and principals are appreciative of the adjustments made to date and look forward to continued partnership with A.B. 7.

Manny Lamarre, Executive Director, Office of Workforce Innovation, Office of the Governor:

One phrase that lacks nuance in education is "college- and career-readiness." We have heard a lot about this already. Previously, if you asked individuals what college- and career- readiness is, most would talk about aligning to college readiness, particularly in terms of SAT or ACT scores. When we get that large statewide survey on barriers to training and employment, the majority of young adults said that education was the barrier. If you had a deeper conversation with those young adults, they often said that it was a four-year college education that was the key to success, and nothing else. They did not have the context in the nuance of what it means to be college- and career-ready. For example, 50 percent of all jobs, according to the National Skills Coalition, require some form of postsecondary education but less than a four-year education. That does not even include the most in-demand jobs and occupations. Additionally, it is no secret that we need to significantly increase the numbers of individuals with those credentials for the job opportunities coming into Nevada.

The other thing I would mention is, if we look at the standard diploma, the reality is that about 75 percent of individuals have to take remedial courses. They are not college-ready. If you ask employers in the state, they will say workforce is their primary concern, and particularly around the training and education of individuals. That also means that the standard diploma indicates individuals are not career-ready. I am really optimistic about A.B. 7 and the pathways. There are key concepts in A.B. 7 that reassure my support, and the most important one is that college and career pathways have the same weight, so we are sending a clear message to students and the communities that they are both equal.

Another is that college and career are better aligned and the pathways to both are clear for students and families. If we all agree that being college- and career-ready sets students up for stronger success beyond high school, then we must do something to support and recognize students who engage in meaningful pathways.

Megan K. Rauch, Director of Education Policy and Director of Policy Outreach, Kenny Guinn Center for Policy Priorities:

I am here today to extend the Guinn Center's support of the Department of Education's amendment to A.B. 7 that would require the State Board of Education to create two equally rigorous pathways for high school diplomas. Our research on high school graduation rates in other states echoes the amendment to A.B. 7 proposed by the Department. A number of other states, including several states with similar demographics to Nevada, have seen significant improvement in their graduation rates and postsecondary outcomes for students after implementing multiple graduation pathways. This is especially true when those pathways are aligned to the rapidly developing technical fields that we are also seeing in Nevada, and when those pathways offer students, especially low-income students and students of color, opportunities to take dual-enrollment courses at high school and local institutions of higher education.

In Florida, the Career Technical Education (CTE) pathway has had a significant impact on the educational outcomes for male and low-income students. These populations were found to be more likely to obtain an industry certification or enroll in postsecondary education if they participated in the CTE program. The diversified high school graduation pathways in Florida have also enabled more students to take dual-credit courses. Students who take dual-credit courses are less likely to require college remediation which, as I am sure you are aware, is a big problem in Nevada. Likewise, students in California CTE-partnership academies, which are housed within larger, underperforming high schools, have helped support graduation rates for at-risk students. Nearly all of the 278 schools in California that have academies rank below average on the state's academic performance index. Eighty-four percent of students in the academies are students of color, a rate significantly higher than the general tenth- through twelfth-grade population in the state. Academy students have higher overall attendance rates, exit exam rates, and graduation rates than their peers. The 2010 CTE academy cohort had a 97 percent graduation rate, 10 percent higher than the state average.

Finally, we would like to add that Florida has also offered incentives to school districts and CTE teachers to bolster the growth of these programs. These incentives are based on the pass rates of students on CTE and on program assessments. Based on the successes we have found in other states, we would encourage Nevada to consider efforts to modernize the high school diploma pathways as a method to improve college and career readiness in our state.

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

This bill has been through a couple of iterations in a very short period of time, and I cannot extend our thanks enough to the Department of Education for listening to the concerns that arose during the last two weeks. I cannot offer anything besides what you have already heard, except for the fact that the heavy lifting is now going to be shifted to the Department of Education and the State Board of Education.

These things are all wonderful concepts and it has been really great to listen to what we are saying, but I can tell you that the district is going to spend an extraordinary amount of time and resources with the State Board members and with the Department to make sure the way it ultimately comes out through regulation is exactly what we need for kids. There are a lot of different ways this could go. If this is something you are interested in and passionate about, I would encourage you to shift your attention after the session to the State Board of Education. I think there are some concerns around six-period days, electives, and all the things we have talked about. We appreciate them being willing to work with us. This end-of-course thing has been around for several years now, and it is time we make some modifications. We think this is critically important, and we look forward to what this looks like at the end of the day.

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

I want to thank the bill's sponsor and Mr. Chairman for allowing us to comment on this bill. We support the three principals you heard earlier and their comments, and ditto what Lindsay Anderson just said.

Justin Harrison, Director, Government Affairs, Las Vegas Metro Chamber of Commerce:

The Chamber has worked closely with national partners such as the United States Chamber of Commerce to support the 2015 Every Student Succeeds Act. We have worked for the last year with the Department of Education to be supportive of the advisory and working groups and to bring a perspective as an employer group about what needs to be brought to the table in order to bring changes to college and career readiness. We are supportive of those changes and those conforming changes that are made for implementation.

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

We appreciate all the help. Everyone got together and worked on this bill and we appreciate the Department of Education reaching out, especially to our superintendents. We know there are still some concerns about diplomas and implementation, and that there is going to be a lot of heavy lifting, as was pointed out, but we are in support of the concepts in the bill, and we will be there when it is time to put together regulations.

**Constance J. Brooks, Ph.D., Vice Chancellor, Government and Community Affairs,
Nevada System of Higher Education:**

We would like to thank Steve Canavero for his inclusive process in developing this bill, as well as the amendments. The Nevada System of Higher Education (NSHE) has been involved in conversations with him, and we appreciate the amendment that specifically outlines how the performance levels should align with higher education and industry. We look forward to how this will develop over time, as we do have regents who sit on the State Board of Education.

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

The Nevada State Education Association did bring some concerns about implications of the cleanup language, specifically in section 60. We appreciate the Superintendent's work to address those concerns, and we support this bill as conceptually amended.

Chairman Thompson:

We will move to opposition to A.B. 7.

Ray Bacon, representing Nevada Manufacturers Association:

You have our fairly comprehensive notes on this bill ([Exhibit J](#)) and we have been to the State Board of Education as well. There are several concerns for those of us who have served on the sector councils, whether on the manufacturing sector council, the mining sector council, or any of the other councils. This looks a little as though we are starting to split and wind up with separate diplomas. Separate diplomas have never been equal, and we have seen that since the 1960s. Consequently, that is a major concern.

One of the things the sector councils have done is driven heavily toward taking a look at industry certifications that are third-party, verified, portable—and not just within the state, but nationally and transportable to any place—and accepted by the industry. This concept involves looking at industry certifications that allow the kids from Nevada to locate to a different place and still wind up with a certificate of value, as was mentioned several times. That is not here, and that is a major flaw we see.

The process we have been working through has people from the Office of Economic Development (GOED), Office of the Governor, work with employers to look specifically at programs and curriculums from the community colleges and CTE programs to determine whether they are aligned with what we need and to make adjustments. Those have been painstaking processes, and we have gotten through the manufacturing sector at both ends of the state. They are now working through some of the other sectors. This is the first time, to the best of my knowledge, that we have ever had employers actually take a look at what is in the curriculum and tell us whether it is what they need, or point out what is missing and needs to be added. They look at the sequence too. The content can be there, but it might be in a sequence that does not make sense from an employer's standpoint.

Those are the things that are already going on and all that work seems to have been neglected and lost in this bill. Between the community colleges and the CTE programs especially, there is a heavy, ongoing concentration of bill credit programs going on. Bill credit programs take kids from whatever status they come from and get them college ready and introduced to the college programs in a relatively easy way. They also wind up saving a lot of money. We wind up, as you know, with kids who get their community college diplomas a few days before they get their high school diplomas. Those are really, really effective programs, and they seem to be ignored in this process. I am not saying they are ignored, but they are not mentioned or covered in the bill, and we think they are critical pieces that should be in this bill.

Assemblywoman Tolles:

I am sensitive to that comment about the diplomas being separate but not equal. Maybe I look at it differently because I am coming at it from the higher education perspective. If you get a bachelor's degree in, for example, architecture, that is very directed toward a specific career. You could get a bachelor's degree in philosophy, and that could lead toward further terminal degrees in academia. Is that a different way to look at the different options here? You have a diploma; they are equivalent, but they may lead to different paths.

Ray Bacon:

If that is worked out and includes industry-recognized credentials that are national, portable, and transferable, it can be. At this stage, those pieces are not in this bill. Let us discuss welding. There are multiple certifications that go across welding. Welding happens to be one of those skills that is used in the construction sector, the manufacturing and mining sectors, and there are other uses too. That spectrum of where things go is important, and the thought process that we have now has five years' worth of sector council work being lost and ignored.

Assemblyman Elliot T. Anderson:

You used a quote from well before the 1990s, *Plessy v. Ferguson* [163 U.S. 537 (1896)].

Ray Bacon:

It was *Brown v. Board of Education of Topeka* [347 U.S. 483 (1954)]. To paraphrase the quote, when we create separate degrees, separate diplomas, separate systems and things like that, it is almost impossible to keep those equal. That was part of the major findings that came out of *Brown*. When we start taking a look at the process, it may wind up with separating the single degree. The final version of the bill is starting to talk about endorsements and things like that, which smooths that issue a lot. But it has not necessarily gone away. A diploma should be a certificate of value. When you start having different definitions for what that diploma is, I am not sure we are not playing around with a value. That is critically important in places where we have differences in performance of the students who come out of our various high schools, which we know is not insignificant in Nevada and needs to be dealt with. Close the loop and improve the quality across the board. That is our concern and we do not see them built into this proposal.

Assemblyman Elliot T. Anderson:

I do not see how we get to this being akin to segregation. I think kids need to be motivated regardless of what their race is, and I feel the more options you have to keep kids motivated, the better. All races have different opinions and are motivated by different things. I just do not see how that really applies in this context.

Ray Bacon:

I am not looking at the comments from a racial standpoint whatsoever. I am looking at them from a poverty standpoint more than anything else. That is where segregation is winding up. We have high schools in poverty areas. They may wind up with segregation from a racial standpoint or not. Some of them do; some do not. When you take a look at what is going on in the CTE programs throughout the state, north and south, those are far and away the most integrated programs from a standpoint of poverty, race, and every other standpoint. Those truly are the star performers, and we should not do anything that lessens the positive impact, because as you well know, those schools are our highest performance schools in the state.

Chairman Thompson:

Is there anyone neutral to A.B. 7?

Craig Statucki, Executive Director, Nevada Association for Career and Technical Education:

The Nevada Association for Career and Technical Education board and its members appreciate the support we receive from the Department of Education, legislators, and Nevada's industries regarding the importance of CTE for our students. The board is concerned about the endorsement pathways being detrimental to Nevada students, specifically those in CTE programs. The proposed pathways may accidentally create tracking systems of students that are not only inappropriate, but also unfair to students enrolled in CTE programs. Career and technical education teachers have spent years, if not decades, trying to get their peers in core academic areas, administrators, school counselors, and the community at large to realize that CTE students are not "those kids"—the kids who are not smart enough or driven enough to go to college and succeed—or that their career choices are less noble than others because they are technical in nature. As any CTE teacher can tell you, the students in their classes are smart, they are driven, and they are able to be successful in postsecondary institutions, and the careers they will pursue are vital to the success of Nevada's economy. During his presentation to the State Board for Career and Technical Education earlier in the month, Deputy Superintendent Brett Barley stated that career is equal to college. I wholeheartedly agree and so do the majority of CTE teachers across the state. It has not always been that way in Nevada. Unfortunately, society as a whole and, even many of our peers in education, believe that the measurement of a high school student's success is whether that student plans to attend college. This is not the fault of the Department of Education or Nevada legislators. This is decades of culture that works against CTE teachers on a daily basis.

Nevada has seen tremendous growth in its CTE programs over the last few years, even prior to the 2015 Legislative Session. Public perception of CTE in Nevada is slowly changing thanks to the Magnet and Career and Technical Academy programs in Clark County, the Signature schools in Washoe County, and the new CTE college credit programs that allow students across the state to earn college credit from many of the state's community colleges for their high school CTE course work. Parents want those students to attend CTE programs. It is not solely because CTE is a direct path to a career, but it is a direct path to success, whether in the workforce or in college. The success of established CTE programs and the diversification of Nevada's economy have allowed for expansion into traditional high schools that were cutting CTE programs just over five years ago. Despite all the work that educators, legislators, the Department of Education, and industry have done to elevate the status of CTE, we are not quite there yet.

Students have big dreams; they should. The proposed endorsement pathways may unintentionally limit those dreams. I highly doubt that a student enrolled in a medical assistant program at Elko High School does not dream about attending a college and using the skills he or she learned in high school to be successful at the next level. Why should a career-ready endorsement on his or her diploma give the perception of not being college ready? Nevada has done an excellent job in elevating the status of CTE programs to move toward equal footing with college prep programs. The Association is neutral on this bill because the bill is far more encompassing than what the Association is prepared to go with, but we have concerns about the diploma pathways being presented by the Department of Education and the State Board of Education.

Sharron Angle, Private Citizen, Reno, Nevada:

I want to address "evidence-based" versus "scientifically based" research. I want to speak specifically to "evidence-based" which is where the change is coming in. Evidence-based medicine was where the term originated. There they call it a lessons-from-experience approach. Some educators have called this the "what works" approach. If the medical community is concerned about evidence-based medicine lacking solid supporting evidence, then those of us considering making good education policy should ask the question, does it have solid supporting evidence? In one article I read, a teacher's advice was that teachers should only collect evidence they believe will be helpful for them to teach their students. Suggesting teachers become miniresearchers may be detrimental because, compared with full-time researchers, teachers may feel they lack the skills and time required to carry out high-quality academic research, leading to defensive attitudes and inaction.

We need to look into the statistics for "evidence-based." Since Common Core State Standards (CCSS) have been implemented, the reality is that the SAT and ACT scores gathered since its implementation have plummeted in mathematics, reading, and writing. The writing scores are the lowest in the history of the writing section test since 2006, and especially since 2013, when three-year standards in instruction techniques were introduced. Not only has it not improved student learning, SAT scores show students are less college-ready than before.

As we have learned from medical research, when the outcomes of research are accepted as the truth without question about whose interests are served, the results are often doubtful and sometimes dangerous. I want to refer specifically to reading. This is my only area of concern—that reading be scientifically based reading research, defined as research that applies rigorous systematic and objective procedures to obtain valid knowledge relevant to reading development, reading instruction, and reading difficulties. The reading methodologies need to fit into five recommended instructional elements outlined by the National Reading Panel. When we are teaching children to read, the two are like this. "Evidence-based" is like learning to play the piano by ear. Research-based reading is like learning to play the piano by note or reading music. Every child in our state deserves the opportunity in life that stems from a quality education. You may hear us talk about opportunity gaps as opposed to achievement gaps. If you teach reading based on evidence-based research, you are leaving an opportunity gap in reading.

Michele Lewis, President, Nevada Association for Career and Technical Education:

I have been a career and technical education educator for 34 years. I am thankful for all the cleanup the Department of Education has done on this project. Today, I am neutral on this bill. However, I am very much opposed to the part of the conceptual amendment that talks about two different diplomas. For the past 33 years I have fought to change the image of what we used to call vocational education. A two-diploma system such as this could or would be interpreted as a "less-than" diploma for Nevada's students. Every day, we continue to fight the perception that CTE is for students who are not going to college. Today, our programs are growing like crazy, as Craig Statucki mentioned, and we have worked hard to ensure that our programs are rigorous and that we encourage our students to take the most rigorous academic courses they possibly can. This two-diploma system would solidify the misperception that CTE students are not college-bound. Again, my major concern is that creating a two-diploma system such as this would be interpreted as a "less-than" diploma.

Chairman Thompson:

We will ask Superintendent Canavero and Mr. Barley to come forward.

Assemblywoman Krasner:

There is a fiscal note for over \$8.5 million for the biennium. What is that for?

Steve Canavero:

That is a conversation we need to have with the fiscal note sponsor—that individual. I appreciate your time and indulgence. We listened intently to the testimony, and I want to clarify that when we started down this path, the idea was that when our students walked across the stage and received a diploma, on the back of that diploma—whether a college- and career-endorsed diploma or a college-endorsed diploma—it would say, "Congratulations, you have met the placement guarantee. Contact your enrollment counselor at the Nevada System of Higher Education system." We want to say that the certificates our students earn,

our diplomas, are certificates of value. We have been working on this and had a lot of national dialogue. Something that was emphasized to me by the former chief in Kentucky is that it has to be industry-informed. Separate is not unequal, these are not lower expectations—and the data will bear that out.

You cannot, as K-12, define this work, and I think some of the regulations in the proposed amendment make that abundantly clear. Section 52, subsection 5, paragraph (d) [page 2, ([Exhibit I](#))], makes clear that "The certificates, certifications, or assessments, as applicable, for each endorsement offered for a pathway high school diploma, which must be recognized and valued by industry and higher education. Such certificates, certifications, or assessments shall include required performance levels that align to the demands of higher education or industry." Further, the credit attainment and course of study offered for a pathway high school diploma must be developed and annually reviewed by the State Board of Education in consultation with higher education and industry. We have to engage industry in this if the State Board is to curate a list of industry-recognized, portable certificates of value that our students can affix to a career-endorsed diploma.

Presently, we need to work with our CTE community, because this is where the conversation started. How do you elevate a career in technology and, clearly, we are not doing a good job communicating this, and I need to redouble my efforts. That is ultimately the intent of this—to elevate the good work we are doing and to align that good work to industry-informed decisions and engage with our industry sector councils. As we explore this as a state—and these are options, not requirements—we can provide some state funding to help offset or defray the cost of these industry-aligned certificates to ensure that we can provide these opportunities to all our students.

Chairman Thompson:

That is quite a bill. We will close out the hearing for A.B. 7 and open up for public comment. Does anyone have public comment? [There was no response.] We will close out the meeting for today. At this time, we are adjourned [at 5:38 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Recording Secretary

Terry Horgan
Transcribing 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 proposed mock-up amendment 3312 to [Assembly Bill 400](#), dated March 29, 2017, submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit D](#) is a document titled "Negotiated Agreement between the Clark County School District and the Clark County Education Association, 2015-2017," submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit E](#) is a letter dated March 29, 2017, in support of [Assembly Bill 400](#) to the Assembly Committee on Education, from the Nevada State Education Association, submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit F](#) is the website address to an article titled "Legal Controversy Over Lesson Plans," by Tim Walker, published by the National Education Association, submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit G](#) is a document titled "Clark County School District Regulation 6150," submitted by Assemblywoman Dina Neal, Assembly District No. 7.

[Exhibit H](#) is a copy of a PowerPoint presentation titled "Assembly Bill 7, Nevada Department of Education," submitted by Steve Canavero, Ph.D., Superintendent of Public Instruction, Department of Education.

[Exhibit I](#) is a copy of conceptual amendments to [Assembly Bill 7](#) submitted by Steve Canavero, Ph.D., Superintendent of Instruction, Department of Education.

[Exhibit J](#) is a letter dated March 29, 2017, in opposition to [Assembly Bill 7](#) to Chairman Thompson and members of the Assembly Committee on Education, authored and submitted by Ray Bacon, representing the Nevada Manufacturers Association.