

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

**Seventy-Ninth Session
April 10, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 4:11 p.m. on Monday, April 10, 2017, in Room 3142 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/79th2017.

COMMITTEE MEMBERS PRESENT:

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

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblyman Jason Frierson, Assembly District No. 8
Assemblywoman Shannon Bilbray-Axelrod, Assembly District No. 34



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Karly O'Krent, Committee Counsel
Sharon McCallen, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Pam Salazar, Chair, Teachers and Leaders Council, Department of Education
Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association
Margaret Marschner, Member, Teachers and Leaders Council, Department of Education
Theodore Small, Vice President, Clark County Education Association; and Member, Teachers and Leaders Council, Department of Education
Susan Lacey, Member, Teachers and Leaders Council, Department of Education
Barbara Barker, Vice Chair, Teachers and Leaders Council, Department of Education
Anna Slighting, representing Honoring Our Public Education
Karlana Kulseth, Board Member, Nevada State Education Association
Susan Kaiser, Board Member, Washoe Education Association
Jana Pleggenkuhle, Teacher; and Member, Clark County Education Association
Dan Wold, Superintendent of Schools, Eureka County School District
Nicole Rourke, Associate Superintendent, Community and Government Relations, Clark County School District
Louis J. Markouzis, Principal, Zel & Mary Lowman Elementary School, Clark County School District
Donna Crowley, Private Citizen, Las Vegas, Nevada
Audrey Amrein-Beardsley, Professor, Mary Lou Fulton Teachers College, Arizona State University
Victor Romero, Teacher; and Member, Clark County Education Association
Steven J. Horner, Private Citizen, Las Vegas, Nevada
Dolly Rowan, Teacher; and Member, Clark County Education Association
Lindsay Anderson, Director, Government Affairs, Washoe County School District
Debra Harris, Private Citizen, Reno, Nevada
Ronald P. Dreher, representing Washoe School Principals' Association
Michelle Chavez Peirce, Assistant Principal, Bailey Charter Elementary School, Washoe County School District
Peggy Lear Bowen, Private Citizen, Carson City, Nevada
Lindsey Dalley, Member, Moapa Valley Community Education Advisory Board
Stephen Silberkraus, Private Citizen, Las Vegas, Nevada
Robert Coules, Private Citizen, Las Vegas, Nevada
Janet Amador, Private Citizen, Henderson, Nevada
Steve Canavero, Superintendent of Public Instruction, Department of Education

Phil Sorensen, Administrator, Nevada Badass Teachers Association; and
Private Citizen, Douglas County, Nevada
Lisa Muntean, Administrator, Nevada Badass Teachers Association; and
Private Citizen, Las Vegas, Nevada
John Eppolito, Private Citizen, Incline Village, Nevada
Star Ali Mistriel, Member, Clark County Education Association
Sandra Hinds, Private Citizen, Las Vegas, Nevada
Jessica Ferrato, representing Nevada Association of School Boards
Mary Pierczynski, representing Nevada Association of School Administrators;
and Nevada Association of School Superintendents
Ed Gonzalez, representing Clark County Education Association
Loretta Harper, Member, Nevada State Education Association
Carmen R. Andrews, Board Member, Nevada State Education Association
Natha C. Anderson, President, Washoe Education Association; and representing
Nevada State Education Association
Kelly Lynn Charles, Private Citizen, Las Vegas, Nevada
Stephanie Bell, Board Member, Nevada State Education Association
Phil Kaiser, Member, Washoe Education Association
Kerrie Kramer, representing Charter School Association of Nevada
Jeannette Belz, representing Friends of ACE Charter High School
Ruben R. Murillo, Jr., President, Nevada State Education Association
Scott Edwards, Private Citizen, Las Vegas, Nevada

Chairman Thompson:

[Roll was taken. Committee protocol and rules were explained.] We would like to welcome Assemblywoman Diaz back. We would also like to give a special shout out to our educators who are here today—our teachers, principals, and our parents. Today we have five bills and a work session. We will begin with Assembly Bill 320 first.

Assembly Bill 320: Revises provisions relating to the statewide performance evaluation system. (BDR 34-1016)

Assemblyman Jason Frierson, Assembly District No. 8:

I am also the Speaker of the Nevada Assembly. I am going to deviate from my script today, not only in the interest of time, but because my points are more common sense. I do not think I have to give the technicalities to explain why I got to this point. I spent the majority of my school years in public education and I have a great deal of respect for public school teachers. I believe that in Nevada we have, for far too long, treated the career of teaching like a hobby instead of a career. I do not believe we can expect a tree to bear fruit unless we water it. It became apparent to me that we had become critical and judgmental of teachers in a way that did not reflect the fact that our children spend a significant part of their day with teachers. We had gotten to a point where there was a desire to impose conditions that reflected accountability measures for teachers. Not one single teacher that I have talked to

wants to shirk away from being held accountable. If they are going to be held accountable, they want to be held accountable for things that matter in the classroom, things that reflect their actual work.

Last year I committed to making it a priority to come up with a way to have that assessment process better reflect the work that is done in the classroom. It has always been problematic for me to assess teachers based on standardized test scores. One of the reasons is, having worked in child welfare, I saw the difference between a child who has a stable household with two parents and a child from a home that is troubled with drugs or violence or where the child is not getting the nutrients they need to be able to concentrate at school. To compare that child from a stable household to a child who has all of those other challenges, and then blame the teacher for it, is troubling. I always have found that troubling. In consulting with teachers over the past few years, it made sense for me to move away from judging teachers on standardized exams to judging teachers based on their effectiveness in the classroom. In Nevada, we have made great strides toward acknowledging that the focus should be in the classroom.

I was not here last session, but in the last session [78th (2015) Session] we passed Assembly Bill 394 of the 78th Session shifting the attention, the resources, and the energy to the classroom, because that is where the difference is made. For us to shift all of that energy and resources to the classroom and then try to put a one-size-fits-all assessment on the whole state did not make sense to me. I began speaking to teachers, as well as education associations, both statewide and local, to try to come up with a way that we could better assess the teachers' effectiveness, but in a fair and balanced way. The state has tried to get creative, but I saw an assessment reflecting, in part, a subjective category of assessment determined at the school level, but in part, the standardized exam. I did not see how that was going to help teachers' willingness to go to the most challenging schools.

If you are going to assess a teacher based on standardized exams, and you have students who have all of these things going on in their lives that are out of the control of the teacher, there is absolutely no motivation for a successful teacher—a teacher who is rated as highly effective under our assessment system—to want to voluntarily go to a struggling school. By definition, you walk in the door at a disadvantage. By definition, you walk in the door being judged based on whatever is going on in that child's household, without the ability to show that you may not have made that "D" student an "A" student, but you probably saved that child from dropping out of school, because that was what was happening before you got there.

Assembly Bill 320 reflects an effort to address that and to hold teachers accountable, but hold teachers accountable in meaningful ways. I have always believed that teachers are heroes. It is not only unfair, but it is inaccurate to assess in that way. I am speaking in general terms because after the bill was submitted, I reached out to stakeholders in the education community and was contacted by the Teachers and Leaders Council (TLC), who offered

some wonderful ideas that have been implemented in other states to assess a teacher based on factors determined at the school level rather than a statewide exam that does not reflect the different aspects of our state.

With that, because TLC ultimately offered me language for an amendment that I wholly embrace as a friendly amendment, I want to hand the presentation over to TLC. I do want to point out two things. In addition to the language or the amendment provided by TLC, I have spoken with members of the Nevada State Education Association (NSEA), who requested consideration of language that essentially reflects that the portion of the state teacher evaluation that I am proposing to retain, expressly describes it to not include the use of pupil achievement data derived from statewide examinations and assessments or other pupil test scores as part of the evaluation of an employee. The point of that is we are saying to reduce by half the current percentage weighting of statewide standardized exams in a performance evaluation. That is wholly consistent with what my intention was. I embrace that as well as the friendly amendment in concept with what we ultimately plan to offer in an actual amendment or mock-up.

I would like to allow the folks who provided the friendly amendment that embraces, on a professional level, in a way that is consistent with what has been done across the nation. We will go through that step-by-step.

Pam Salazar, Chair, Teachers and Leaders Council, Department of Education:

Thank you, Chairman Thompson, and I especially thank you, Assemblyman Frierson. I think you laid the groundwork for the TLC recommendations. There are three exhibits uploaded to Nevada Electronic Legislative Information System (NELIS). The first exhibit ([Exhibit C](#)) is the language of A.B. 320. There are a couple of places in the amendment you will note is in purple that address what Assemblyman Frierson just identified, which is that the total student outcomes would be 20 percent, and that 20 percent would entail local assessment data that would be used through the student learning goal process.

The second exhibit is called the "Nevada Teachers and Leaders Council Recommendations for Legislative Consideration" ([Exhibit D](#)). Again, that is the organization I am speaking on behalf of today. This is the council, as you all know, that is a group of 15 educators, policymakers from across the state, that are appointed by the Governor to make decisions with regard to the statewide evaluation system. You can see on ([Exhibit D](#)) that these are the specific recommendations that are drawn out and reflected in the actual A.B. 320 language that you have before you, and that is struck out, in purple ([Exhibit C](#)). The first recommendation is the elimination of the statewide test results as a measure of student outcomes, which would then reduce the 40 percent to 20 percent next year, and the 20 percent would be based only on local assessments. We would remove, as Assemblyman Frierson identified, the use of statewide examination data in the evaluation system. This would be the same for both teachers and administrators.

Even though there are four rating levels in the system, part of what we saw this year was that evaluations were still very much treated as satisfactory or unsatisfactory. The Teachers and Leaders Council's second recommendation is that for "minimally effective," we would change the language to "minimally effective and/or developing," which would then better reflect that there really are four different levels across the evaluation system.

The third piece was an oversight from the 2015 Session, and that was that we have a new evaluation system that will be piloted next year for principal supervisors. However, the recommendation in 2015 from TLC was never to supersede the relationship that the superintendent had with their board of trustees. That application is that principal supervisors would be using an evaluated Nevada Educator Performance Framework (NEPF) next year except if they are a superintendent and there are no principal supervisors.

The very last recommendation is that if an individual—an educator, a teacher, or a principal—receives two consecutive years of highly effective ratings, then that individual would not be evaluated for two years. Those, in essence, are the four recommendations with, of course, the one that TLC stands very, very strongly on, as Assemblyman Frierson indicated, which is the removal of statewide assessments out of the evaluation system: 40 percent student outcomes now reduced to 20 percent student outcomes, based on student learning goals.

The third exhibit that you have is lengthy ([Exhibit E](#)). It offers a detailed explanation of why we would move to that system. I tried to provide some additional information of what the TLC looked at when we made this recommendation.

Assemblyman Frierson:

One thing I neglected to mention is that this bill does not attempt to roll back any previous efforts. This bill acknowledges that when we initiated teacher evaluations we were operating under the Every Student Succeeds Act (ESSA), which required it. Now that we are operating and moving forward under the Elementary & Secondary Education Act (ESEA), it is no longer required. The rationale behind originally instituting that portion of the assessment or the evaluation is no longer required, so this is not going back and saying that was wrong or not necessary for the program under which we are now proceeding. I want to make it clear that we are not trying to roll back provisions or roll back reform. We are adapting to what we are actually operating under in moving forward.

Chairman Thompson:

We will open for questions.

Assemblywoman Miller:

When the bill talks about the local assessment data, and in the language it says "may account." What is the local assessment data? To me, that just sounds like another standardized test that districts will adapt and apply. When it says "may account," who makes that decision on if and when it counts?

Pam Salazar:

I appreciate the question because it is a point of clarification. That was an oversight; "may" should not have been in there. There are two places that need to be corrected. If you look at section 2, subsection 2(c), where it says "may" account, that should just say that pupil achievement data accounts for 20 percent. One more clarification is in subsection 3, line 17, which says "If pupil achievement data is included" There should not be an "if." "Pupil achievement data is included" is in the recommendation that comes from TLC. This was just an oversight in terms of trying to write the draft.

In response to your question with regard to local assessment, in the NEPF evaluation system and cycle itself, there is a phase-in there that is called self-assessment and then goal setting. In the goal setting process, where a teacher individually selects their student-learning goal, the teacher and the principal identify the assessments that make the most sense to really allow a teacher to demonstrate their impact on learning. It is not state assessments. In fact, I would say that it is not standardized assessments. The real idea that I talk about ([Exhibit E](#)) is to get at the kinds of student work artifacts that demonstrate teacher impact on student learning. The local assessments then allow flexibility for the districts to work with their teachers and administrators to begin to identify what the best student artifacts are that allow for a teacher to demonstrate the growth and improvement and the learning that we want to see in all of our students.

Assemblywoman Miller:

Can we put language in there that specifies that it will be specific, because you are saying schoolwide, but then you were applying to the student learning goals which is teacher/student/classroom. Is it going to be where the teacher makes the decision on what that 20 percent is measured on, or is it the district where the school is? Who is going to make that decision?

Pam Salazar:

The intent from the TLC is that it is assessments that are agreed upon with the principal and the teacher. When you look at the guidance document, the protocol that goes along with the NEPF, it is pretty specific that it is a collaborative effort for the teacher and the administrator to identify what would be the best artifacts of student work that would demonstrate growth. The district, and the change that occurs from the 2015 language, now requires a certain criteria, and the TLC developed criteria for what assessments need to be. They need to be aligned to the standards, aligned to the rigor and the cognitive complexity of the standards, and they need to have the best reliability and validity that makes sense. That criteria is in place, so maybe there needs to be language in this to capture that.

Assemblywoman Miller:

So you are saying that it would be individual per teacher based on that criteria with their principal?

Pam Salazar:

Correct.

Assemblywoman Miller:

If we have 65 teachers in a building, it may be 65 different measurable. I noticed there was a huge jump in the original bill which talked about teachers that were highly-qualified—they would not require an evaluation for five years; teachers who were qualified, three years. Five years is a long time; I do not think anyone would disagree with that. This seems to alleviate many of the benefits for teachers who were doing well on their evaluations. Could you also speak to what happens if a highly qualified teacher does go two years without an evaluation? How will that impact when a teacher wants to do a transfer to another school or a promotion?

Assemblyman Frierson:

I can only speak as a nonprofessional in this field. When a teacher is highly effective, we see the results of that teacher's effectiveness over a period of time. I agree with you that five years was too long, as written in the original language. We thought two or three years would be more reasonable. At least in concept, it seemed to me that if a teacher was rated highly effective, at that point they would retain that rating until they were evaluated again. That would be for the purposes of transfer or continuity in counting their years.

Assemblyman Pickard:

For those of us who are in favor of competency-based education where we are looking at student performance based on what they can demonstrate they master, it makes sense to do that on both sides of that equation. The question I have is about the assessments and evaluations. Could you elaborate a little on what assessments and evaluations are out there? Are they out there? Are there things we can actually pull off the shelf and start using, or is this something we have to develop? We have not seen much about that.

Assemblyman Frierson:

I can only speak to student learning goals, which are not new. There have been lawsuits in other states and this concept has been developed in other states. I actually arrived at this in looking at some of the other states that have dealt with the development of student learning goals. Beyond that, I will defer to professionals.

Pam Salazar:

Forty-two states have embraced the use of student learning objectives (SLO), student learning goals (SLG), or student growth goals (SGG). They are called different things in different states. The ideas ([Exhibit E](#)) are not necessarily about pulling an assessment off a shelf. I can give you an example that went to the extreme, from Hillsborough County Public Schools in Tampa, Florida. They thought they would create a pre-test and a post-test for everything that we teach. Pretty soon there were interim tests for the pre-test and the post-test, and then there were interims to the interims. Then it became all about the tests. That is not the intent behind the student learning goal. It is not really about a pre-test and a post-test in looking at gain. That is not necessarily an accurate way, and it is not enough information to really determine if a student is, indeed, learning. When we talk about SLGs we are really talking about multiple assessments. We have a rubric that TLC developed this past year that talks about multiple assessments that are used across two points in time where

a teacher demonstrates high impact on most, all, or nearly all depending on which level we are looking at. It uses student work samples—portfolios could be assessments—and an example of a unit test. It is the multiple, comprehensive picture that allows a teacher to really be able to demonstrate the impact that a teacher made on their students.

I can say, as a former physics teacher, that I always had the July results when I got my AP results back. That is not really valuable in terms of me thinking about how I am going to get my students to make fours and fives on the AP exam. By looking at multiple ways to demonstrate student learning, I know I have a way to see if my students are progressing, and if not, then I have an opportunity to shift my practice. That is the foundation of the SLG process.

Assemblyman Pickard:

How do we implement this? I realize that is what this bill begins to do, but it seems to me that because we cannot get into the specificity here, that we are relying on the school districts to figure out how to do this at the local level. How much farther do they have to go from here, or does this give enough substance that they understand what the next step is?

Assemblyman Frierson:

I have spoken with the Clark County School District (CCSD) about this, and they are very familiar with it, and also familiar with the concept of spreading out some of the evaluations. One of the reasons we reduced it from five years down was after consulting with the school district. They would probably be better situated to answer questions about implementation. They have certainly been part of the discussion leading up to now.

Assemblywoman Krasner:

If a teacher is not evaluated by at least 40 percent using the standardized pupil achievement data, how will they be evaluated?

Assemblyman Frierson:

Currently, as proposed to kick in this summer, half of the teacher's evaluation would be based on statewide standardized exams, and half would be a more subjective assessment. We are simply saying that subjective assessments are what would be the basis of the evaluation for the teacher. In developing a student learning goal or a student learning objective, the teacher and the principal would agree at the beginning on what it is they would need to accomplish to be considered highly effective. Then that teacher would be evaluated on how well they accomplished those goals within that agreed-upon set of criteria between the teacher and the principal. Currently it is 20 percent for next year statewide, and take that portion out and leave what is already in statute to be used as part of the evaluation.

Pam Salazar:

What that would mean is that 20 percent would be based upon student outcomes, 80 percent based upon practices, with that 80 percent being broken down into, in essence, what it is this year: 60 percent based upon principal observation and practices in the classroom; and 20 percent based on professional responsibilities. Those two domains make up the

practices of the educator, and then the 20 percent on the student outcomes now would only be those assessments based on the student learning goal itself. That is the drop of the 40 percent.

Assemblywoman Krasner:

Something that I constantly hear from parents is that they have no input as to how the teacher is assessed in their performance. They are the ones that are right there with their child and seeing what is going on. Would you be willing to add something into this bill that would allow for parents to have some type of input, even if it is just once a year, into the assessment of the teacher in their evaluation?

Assemblyman Frierson:

I wish that every parent was engaged enough to be able to have a useful level of input in a teacher evaluation. We do, at least with A.B. 394 of the 78th Session, have teams that involve parents to be able to help dictate how the resources are used at their particular school. As we implement that, which we hope to be able to advance this session, with a different piece of legislation, that is where the parent's involvement will be. Again, especially when we are talking about the children and the families where there is not a wholesome kind of engagement, those are the teachers that I am concerned about being dinged for being ineffective when really there are other things going on. We would be setting up a situation where parents that are not as engaged or are not around—perhaps they have two jobs, or a nontraditional set of hours—have to input into assessment or evaluation based on time they do not observe in the actual classroom. That would be my concern. I would suggest that the parent involvement be more in the implementation of A.B. 394 of the 78th Session and that their participation be as part of the team that dictates the direction the school goes in.

Chairman Thompson:

We will go to support in Carson City for A.B. 320.

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

We represent 40,000 teachers and education support professionals across Nevada working to ensure high-quality public education for every Nevada student. Hopefully, the take-home from tonight is that establishing fair and meaningful teacher evaluations is a top priority for the teaching profession. Nevada State Education Association (NSEA) and I personally would like to thank Assemblyman Frierson for his engagement on this item. The NSEA does support A.B. 320 with the amendment that Assemblyman Frierson outlined to ensure that no statewide examinations and assessments or other pupil test scores are included as a part of that section of SLOs or SLGs in a teacher evaluation.

This will be short because most of our testimony is lined up to speak in favor of Assembly Bill 212 which we thought was a cleaner, maybe less politically viable, vehicle to move forward with, which we will talk about later on. Sometimes in the spirit of compromise, you move forward with what brings the most parties together, and after the end

of this evening, it will be A.B. 320, but I do not want to lose sight of everything we will hear later about why student test scores and teacher evaluations is not fair and hurts the profession. Thank you.

[Prepared text was submitted that included additional testimony ([Exhibit F](#)).]

Margaret Marschner, Member, Teachers and Leaders Council, Department of Education:

I am a learning strategist at Valley High School in the Clark County School District (CCSD) and a teacher representative member on the Teachers and Leaders Council (TLC). Valley High School serves high-need populations in downtown Las Vegas, including 27 percent English language learners (ELL) and about 200 newcomers, WIDA Level 1. We house 17 special education programs out of 19 in CCSD and receive Victory and Title I funding to support our students.

The purpose of the SLG process is to increase achievement and growth as well as teacher instructional and professional growth.

I want to speak to the power of the student learning goals (SLG) process. First, there is a personal accountability in our professional practice with SLGs. In my role of supporting teachers throughout the SLG process, I have seen the process revive teachers' understanding of authentic assessment, instruction, and data analysis. Teachers are able to demonstrate the hard work they are doing with their students in their classrooms.

Second, student growth is measurable within a year using the SLG process, and there are multiple data points, not just on assessment, so teachers can demonstrate this growth. This is a more authentic assessment of student growth.

Third, the SLG process has positively impacted our own professional growth as teachers. To this point, the SLG process is deepening teachers' self-reflection on their instructional practices and student needs. I am seeing teachers more actively creating high-level, authentic assessments, gathering data, and analyzing that data throughout this process. I have witnessed the excitement in teachers as they move their students toward success.

I want to leave you with an example. I have teachers asking for assistance with data analysis as they work through this process. Through these conversations, teachers were invigorated by the realization that they could demonstrate their students' growth, and it has brought about department collaboration, interdepartment collaboration, and professional growth conversations surrounding authentic assessment and high-level instructional practices.

The teachers I work with support the SLG process and accountability for teachers, and they appreciate the consideration of eliminating statewide assessments.

Theodore Small, Vice President, Clark County Education Association; and Member, Teachers and Leaders Council, Department of Education:

I am also a teacher who has sat on the Teachers and Leaders Council (TLC) since its inception in 2011. I apologize for all of the things we have given you to read ([Exhibit C](#)), ([Exhibit D](#)), and ([Exhibit E](#)) and for all of the conversation around this work. We think this work is important, as do I—not only as a fifth-grade teacher who has been evaluated in this system from a statewide test, but also for my own personal learning goals on what I need to do with my students and my practice.

We have heard for years from teachers saying that only 12 to 15 percent of the educators in Nevada are assessed directly on the statewide assessment. I was an example of that as a fifth-grade teacher. We are strongly in support of this bill because teachers have told us since the beginning of this law in 2011 which, by the way, was given to us through a federal grant that we applied for in the state of Nevada which we never received, and which told the state of Nevada that you have to include 50 percent of the evaluation.

That is the foundation of that. With the new federal grant, ESSA, it gives the power back to the state to make this decision. I am supportive of the end of the State Superintendent's statement when he suggests our focus should be, in the next two years, on evidence collection, in inter-rater reliability, and a continued emphasis on fidelity of implementation by building capacity of school leaders. Assembly Bill 320 does that. It helps us focus on the evaluation system, and it helps us have assessments connected to it. We are in support, and I am one of the main teachers in support of the TLC revisions.

Susan Lacey, Member, Teachers and Leaders Council, Department of Education:

I am a special education teacher in the Douglas County School District. There are a couple of things that we have been presented with in meetings during the past several months. One of them was a presentation by Andrea Lash and Mary Peterson in May 2016, "Examining the Validity of Measures of Educator Effectiveness." One of the things that was of surprise to all of the TLC members was at the end of the presentation, they said because of all of the variables that our students come with, the most impact that I, as a teacher, would have would be 15 percent. If 50 percent of my evaluation is supposed to be on my impact on students, but at most, I have a potential impact of 15 percent, then that does not seem fair.

Another thing that came out in the January meeting was that one of the members on the team, Anthony Nuñez, who is a Clark County School District elementary principal, said that he had such a transiency rate at his school that only 15 percent of the fifth-graders at the beginning of a new school year had been fourth-graders at that same school.

As a teacher, I know what I need to teach my students. I know what each particular group needs. If this is a really high group, I need to do advanced placement (AP) biology with them, or I need to do higher assessments with them. If it is a really struggling group in reading or math, I can choose what it is that my students, this year, need.

Chairman Thompson:

Thank you for your testimony and I just want to add a little bit more. That was Jacob E. Manch Elementary that is in my district. Actually, Mr. Nuñez got a promotion; he is at William E. Orr Middle School since last week.

Barbara Barker, Vice Chair, Teachers and Leaders Council, Department of Education:

I am also a proud teacher in the Washoe County School District (WCSD) at Sparks Middle School. One of the things I wanted to testify about is that I appreciated your question, Do we have to make new assessments? Washoe County School District and a lot of school districts across the state have attended just about all of our meetings to try to stay one step ahead of where the TLC seems to be going, and WCSD has been really progressive as far as implementing SLOs for the past five years. I have actually, as a classroom teacher, written them and reviewed them; now, as a master teacher in my building, I support teachers going through that process. I have to say that there is nothing more rigorous, and the onus is completely on the teacher as far as supporting their students in figuring out how to differentiate for their students' needs. Even at the middle school level, with teachers supporting 150 students, all receive what I like to call "everyone's own individualized education program" (IEP) plan—they get this IEP to best support their growth. The collaboration among my colleagues in developing the assessments within those SLGs to support students, as well as the conversations, are so rich around what are the best practices for our students across the state. I ask for you to completely support this, but also, as a classroom teacher and a teacher who supports other teachers, to wholeheartedly support the amendments that were submitted by TLC.

Anna Slighting, representing Honoring Our Public Education:

We represent nearly 1,000 families who support public education in southern Nevada. We extend our gratitude today for so many bill hearings that are pertinent to education. Today I am testifying in favor of A.B. 320. Ditto to everything that has already been said. I will just add one more quote of interest from the 2016 study. Even though that study was based on Criterion Referenced Test (CRT) results in Nevada—we are now using Smarter Balanced Assessment Consortium (SBAC) and End of Course (EOC) examinations—I assert that the findings would still apply to this quote. The study concluded:

Nevada's annual teacher-level growth scores, derived by applying the student growth percentile model to student scores from Nevada's Criterion-Referenced Tests in math and reading, did not meet a level of stability that would traditionally be desired in scores for high-stakes decisions about individuals.

Rather than basing our high-stakes evaluatory decisions about our individual teachers on student state test scores, we feel that student learning goals are an appropriate measurement of teacher effectiveness alongside results of the NEPF by using SLGs so that teachers can set smart goals using data from his or her own students to be evaluated.

Assemblywoman Krasner, to speak to your question regarding parent input, I do agree with Assemblyman Frierson regarding input through the School Organizational Teams (SOT), and for those schools who do not have SOTs, I would encourage those parents to be involved with teacher conversations so that they can guide the teachers as to what kind of goals they would like those teachers to set.

Again, at Honoring Our Public Education (HOPE) we would like to see teachers evaluated as Ms. Salazar presented: 60 percent instructional, 20 percent professional on the NEPF, and 20 percent student learning goal.

Karlana Kulseth, Board Member, Nevada State Education Association:

We represent 40,000 educators and educational support staff across Nevada. The Nevada State Education Association does support A.B. 320. A lot of what has been said was in our written testimony ([Exhibit F](#)), so I will simplify my statement today. We educators do not mind being held accountable. As a matter of fact, we crave it because that is what we do as teachers. However, we would like to see something on the lines of fair and meaningful, just like you would like to see your children come home from meaningful teaching and conversations. With that being said, the bottom line here is that teaching to a test takes away from meaningful teaching that leads to real world connections. Instead, we need to be considering analyzing student growth within our own classrooms that can be observed and tracked during the current school year. Thank you.

Susan Kaiser, Board Member, Washoe Education Association:

I have been a teacher for more than 20 years. For the past 17 years, I have taught science at Pine Middle School in Reno. I am also a member of the Washoe Education Association and a National Board Certified Teacher. Thank you for this opportunity to speak to you about the current teacher evaluation system.

As you are aware, the State Board of Education has decided to use student performance on various standardized tests as 10 percent of a teacher's evaluation with an increase to 20 percent next year if nothing is changed. The designated tests are the Smarter Balanced Assessment Consortium, known as SBAC, in math and English for middle schools, and End of Course exams for math and English for high schools. These student test scores will be used to determine an overall score for the school which will then be assigned to every teacher being evaluated. This means English and math scores are being used as indicators for all teachers, including those that teach science, social studies, music, art, foreign languages, computer, health, career tech, physical education, et cetera. This is ridiculous. How is it valid to evaluate a teacher on test scores of a student they have not taught?

In addition to these problems, the standardized tests do not take into account absenteeism and transiency rates. Some schools have transiency rates as high as 30 percent over the course of a school year. As an example, last week we got a new seventh grade student. Pine is his fourteenth school, and he has attended all of his school years in Washoe County. We began our SBAC testing today, so this child will be tested while he is enrolled at Pine. How could his test scores possibly indicate the effectiveness of the teachers at my school?

Legislation before this body would cut the tie between state-mandated tests and teachers' evaluations. I urge you to support A.B. 212 or A.B. 320 and cut the tie between student standardized test scores and teacher evaluations. Thank you.

Jana Pleggenkuhle, Teacher; and Member, Clark County Education Association:

I am speaking today in favor of A.B. 320. I have been an educator with the Clark County School District for the past 25 years, with the past 15 as a special education teacher. During these years my performance has been evaluated in many different ways. In recent years, under the Nevada Educator Performance Framework (NEPF), I have been evaluated on forms ranging from 23 pages to only 2 pages. I am proud to say that all of them have been "satisfactory" to "effective."

Until recently, these evaluations did not include my students' statewide test scores. It is ridiculous that my special education students' test scores are included in my evaluation based on a test that has nothing to do with what my students need or what they can do. As an "effective" educator I keep track of their progress, and my effectiveness is based on their individualized education program (IEP) and assessments that are given at their developmental and instructional levels. I keep data that guides my instruction. I give tests that show their progress. Statewide standardized tests have no business being part of a teacher's evaluation.

This bill, as it includes a cap of 20 percent formative assessments, the student learning goals, school or district assessments, is the place to start. The purpose of student assessments should always be to guide instruction and to improve progress—not to be a tool by which to determine teacher effectiveness.

Dan Wold, Superintendent of Schools, Eureka County School District:

I am in my 39th year as an educator and very fortunate to be the superintendent of schools out in Eureka County. I took a speech class in college and the instructor told us, to be effective you need to start with a joke, end with a joke, and keep the two as close together as you can. I could not think of two NEPF jokes. I am going to start with a question and end with a question, but I will try to keep the two as close together as I can.

My first question is, who cares? I do not mean that as a smart aleck, but really, who does this affect? When I was a young teacher, I was a very avid basketball coach. In 1984, I went to the Nike Coach of the Year Clinic in Portland, Oregon, to hear Bobby Knight, Hall of Fame coach speak. At the end of his talk, he had a little time left for questions, and some unknowing young man in the back asked him something about his team shoes. Bobby Knight just stared at the young man and said, son, I really don't care about the things I really don't care about.

We are a pilot school, so we have been doing this for a few years now. We did not really care a whole lot for a couple of reasons. One, we are going to do okay. We have a very veteran, skilled teaching staff and very strong families. Our schools are five-star schools, and with this year's staff ratings of one through four, our teachers all got fours. It did not

really impact us a whole lot. The other reason I did not care is because over 30 years of a large body of research shows that whatever evaluation tool you use it does not really impact teacher performance. The good leaders are still going to have the difficult conversations when they need to, and the poor leaders are still going to avoid the difficult conversations. In fact, that same body of research shows that when you switch evaluation tools, you do not get any more unsatisfactories or any more teacher dismissals or things of that nature.

Chairman Thompson:

Finish your statement or joke please.

Dan Wold:

We kind of like the NEPF in Eureka as it existed for the first years, especially once it was revised down, as the previous speaker mentioned, from an 18-page document to a 4-page document. Nobody with any experience in education would argue that the standards are very well-written and very applicable, and they are great common discussion points. Change is hard, but our teachers embrace the student learning goals. It gave them something to talk about in their professional learning communities, so we liked it. What changed is, this year I started to care, because it began impacting the three things that, as a superintendent, I care about: are my kids safe; are my kids progressing in their curriculum; and are my kids having a positive experience in their schools? It is hard to have a positive experience when teachers feel like they are getting beaten up.

Chairman Thompson:

You really have to finish your statement, please.

Dan Wold:

You have all heard the challenges with the data, and I want to tell a little piece for the rurals. My art, physical education, and music teachers teach in three schools, and they all have different scores.

Let us humbly admit that the particular tool we use has little impact on what is important, and that all states are ahead of us. Last week in our superintendent meeting we were talking about the star ratings and our State Superintendent, Steve Canavero, said that all of the eight or nine schools that are ahead on this can help. All of the schools that are at least three years ahead of us on this curve have dropped the student learning piece. In fact, last week the Supreme Court in Connecticut ruled it unconstitutional. I am going to end with this question: if we have a viable alternative that all 18 superintendents, representing more than 450 years of experience in education, can support, then why not make this simple change to something that we have already done? Thank you.

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

We have all heard the term that we reserve the right to know more tomorrow than we do today. This is especially true when it comes to the Nevada Educator Performance Framework (NEPF). As you have heard from the Teachers and Leaders Council (TLC),

they have spent the past six years studying, creating, revising, and looking at this plan and this evaluation system. We are here to support this new change as we did last session when we went from 50 percent to 40 percent, understanding that there were changes happening around the country, and today we have a new federal law that no longer requires it. I want to give you a couple of examples that talk to the performance issues that were mentioned.

We have a teacher who received 17 fours on her evaluation, and the majority of those fours were in the instruction area where it really counts. Yet the schoolwide data dropped her score to less than a four. We had a highly effective teacher in an at-risk school who was no longer rated highly effective because of the school's score. That is really not what we want. We want to be attracting our highly effective teachers, giving them incentives to be there at our at-risk schools where student performance has the best opportunity to rise.

I am going to turn the rest of my time over to Lou Markouzis who is a principal in one of our schools. In fact, he is in Assemblyman Thompson's district. We support A.B. 320.

Louis J. Markouzis, Principal, Zel & Mary Lowman Elementary School, Clark County School District:

Zel & Mary Lowman Elementary School is the sister school to Jacob E. Manch Elementary School that was mentioned earlier. Each school has an enrollment of 1,000 students. That is 2,000 total in that neighborhood. This school is located in the northeast valley in Las Vegas, which is one of the most economically disadvantaged neighborhoods in the state of Nevada. The Nevada Educator Performance Framework (NEPF) standards are aligned with the National Board and their definition of accomplished teaching. The intent is not only to set high expectations for teaching learning, but also to create a document that promotes professional growth among teachers.

The student learning goals (SLG) provide teachers with an opportunity to conduct a needs assessment on the students who have been assigned to them, then define goals for both their students, as well as their own professional development path that will provide them with skills to meet those goals. Smarter Balanced Assessment Consortium (SBAC) data is not disaggregated deeply enough to make this possible, nor is it readily available for teachers. The SBAC scores fell in a normative scale during the 2015-2016 school year. By norming the test there was little variability between student and student schoolwide aggregate scores. In some of our schools, students are entering well below grade level, so far below, in fact, that even if the teacher that made a two years' growth in students—which would be incredible—those students could still have test results that fall within a nonproficient grade range.

Our SBAC assessment only measures whether students are on or off grade level. It does not measure the growth students demonstrated within a school year as a result of a teacher's instruction. As an example, take fifth-grade students entering school at a kindergarten grade level. Certain schools are disproportionately affected by transiency.

For example, in Lowman and Manch Elementary Schools, only 30 percent of fourth-graders returned as fifth-grade students. Once again, only 30 percent of fourth-graders returned as fifth-graders. We enroll 10 to 30 students per week. This creates challenges using an end of year assessment to measure teacher effectiveness.

In many of our schools a great number of those students have not attended the school that they would test in. The SLG controls this by allowing the teachers to conduct a mid-year review. The SLGs support their supervising administrator in order to determine whether they need to amend their goal and plan to attain their goal based on the individual classrooms.

I would just like to add an example about an SLG that was brought up as a question earlier. At Lowman and Manch Elementary Schools, teachers use a variety of quantitative data sets in order to measure student growth. Teachers at our school decided to do a grade-level SLG using formative assessment data progress monitoring that we have in-house. This provides teachers an opportunity to compare apples to apples when analyzing student achievement data and growth sets.

Assemblywoman Tolles:

I wanted to make sure that I heard you correctly. You have 1,000 students at each of your two schools and you say you are adding 10 to 20 a week?

Louis Markouzis:

We have a 50 percent transiency rate. Kids are coming in at 10 to 30 a week, and we also have that many, on average, exiting as well. It creates quite a challenge for our schools.

Donna Crowley, Private Citizen, Las Vegas, Nevada:

I have three daughters who are currently attending schools in the Clark County School District, and I just found out two weeks ago that my oldest daughter was accepted into five California schools with a scholarship to University of California, Los Angeles (UCLA). I would like to say that I had a big part in that, but it is the teachers in Clark County that have held my daughters above the water. I was reading a letter that my daughter was writing for the Dr. Thurman White Memorial Scholarship, and I had not realized that in 2008, when my husband lost his job, my daughter lost safeness. She wrote about how the teachers saved her. Saved her. Her librarian made sure she had books. It was hard to read that letter. They did not base her worth on test scores. They took care of her. She is graduating number one in her class. I am so proud of the teachers because I am surrounded by talented, dedicated, skilled teachers who come in, day in and day out, and they take care of these kids. They took care of mine, and they take care of a lot of other kids in this district.

Chairman Thompson:

Thank you so much for sharing that with us. That is priceless. We have a person on the telephone line and I want to give some perspective to the Committee. She was going to assist with a bill that is going to be heard later in this meeting, but we are going to lose her. She wanted to speak in support of this bill. Dr. Beardsley, are you there?

Audrey Amrein-Beardsley, Professor, Mary Lou Fulton Teachers College, Arizona State University:

My research for the past 20 years has been about high-stakes testing and also the use of large-scale, state-level, high-stakes tests to evaluate teachers. The latter part of my research has been in the past 10 to 12 years. I am going to underscore some of what I have heard so far from people who have testified, in terms of where we are as a research community, given those of us who study these issues across the country.

The United States is the country that is "leading" the nation. I use "leading" in quotes in terms of high-stakes tests used for teacher accountability. I want to quickly go back to a little history. We have been doing high-stakes testing in the United States since 1979. The first state to implement this was the state of Florida. We actually have more than 35 years of evidence, or lack thereof, given the extent to which it causes us intended consequences, which is what we want to see—increased student achievement over time—but more importantly, unintended consequences, some of which your folks have talked about today—teaching to the test; cheating; teachers leaving subject areas; test count; narrowing of the curriculum; the marginalization of subject areas including social studies, science, physical education, and the arts. We have quite a history, in terms of not only the pragmatic history, but the research history in looking at the effects of these.

Regarding educational policy history, we started with this in 1979 with a minimal competency testing movement and moved forward with No Child Left Behind, and we did not succeed in those goals. What we, as a federal government or as a nation, decided to do was say, Okay, we have over 20 years of history, but this does not work for the student level, so let us, in 2005, see if it will work for the teacher level instead. The same theory of change applied. Hold students or teachers accountable for their test scores, map them on to really good standards, hence, increased student learning will be evident. That is just not the case. Over 90 percent of all scholars conducting research in this area agree with that assertion. The theory of change, even though it might seem like common sense, does not work in practice for a plethora of reasons which I will not go into because I know I have to go quickly here.

Essentially, the people who have spoken out against this—90 to 95 percent of the research community, the American Statistical Association, the American Educational Research Association, the National Academy of Sciences, all of these large organizations—are against the use of large-scale standardized tests for teacher evaluation purposes. In fact, there are 15 lawsuits ongoing right now. I am engaged in about half of those, working with different states to reframe their educational policies in this arena to remove the high-stakes consequences of tests to teacher-level output. I am also working with states like Connecticut and Oklahoma in terms of moving far away, as you are intending to do with A.B. 212 and A.B. 320. It is a really good move, and I endorse the move and a lot of other states are doing the same thing right now because it has not yielded its intended results.

Assemblyman Fumo:

Dr. Beardsley, thank you for your testimony today. In fact, I want to thank you for coming out to testify in favor of A.B. 212. In your experience of more than 35 years of studying this, what seems to be the best way to evaluate teachers, in your opinion?

Audrey Amrein-Beardsley:

It is a local control, for sure. There is a statement by a professor at UCLA, who is probably one of the biggest testing professors, and it is: The farther the test gets away from the classroom level, the worse the test gets. That is because it gets "instructionally insensitive," which is a term we typically use for state-level tests, in terms of the teachers—they cannot directly impact or cause increases on test scores when it is far removed from what they have control over. That is the number one issue.

Local control is very important here, just as I have heard from the prior testimonies. We cannot be mesmerized by what we call objective indicators. They have a lot of subjectivities, and they have a lot of error. They have a lot of statistical error, and a lot of pragmatic error. To constantly pursue objectivity and marginalize subjectivity like the classroom observation is not a step in the right direction. We need to use these multiple measures, but at the local level where principals and teachers have a say in how they are to be evaluated. If it shows that the system is reliable and valid—which is another whole area of research—then you can attach consequences to the evaluation output, including teacher tenure decisions, teacher merit pay, teacher termination. However, until you have reliability and validity, you cannot make consequential decisions based on any of these outputs. Those are the two key points with regard to the lawsuits in which I am engaged right now.

Victor Romero, Teacher; and Member, Clark County Education Association:

I am a special education teacher at Desert Pines High School which is a Title I school in Las Vegas, Nevada. Desert Pines High School is home to at least, at last count, 362 special education students that require moderate to extensive accommodations and modifications to be successful in a general education environment. Standardized tests do not account for the diversity of learners that reside in our state.

I am going to tell you little story about one of my students from two years ago. She was able to be successful with extensive accommodations. She had traumatic brain injury. She did end up graduating from high school. However, she had a processing delay; she would process information at a slower rate. She would work so hard to get good grades, and she received As and Bs. She would go home every night and work her tail off. If I gave her a standardized test, it would take her the entire school day, plus some, to even attempt to be able to get a good score, not because she does not have the ability; it is because she does not have the time, because of her processing issue. I would hope that you would support this bill, and I want to thank Assemblyman Frierson for sponsoring A.B. 320.

Chairman Thompson:

I am going to move to Las Vegas for support of A.B. 320.

Steven J. Horner, Private Citizen, Las Vegas, Nevada:

I am a retired teacher and also a retired advocate for teachers in public education. I am not going to reiterate many of the things that I have already heard; I just want to say that teachers should never fear evaluation services. We must make evaluations a tool of help, not one of a punitive nature. Research has shown over and over again that peer review and peer mentoring aids us, especially brand new teachers.

Dolly Rowan, Teacher; and Member, Clark County Education Association:

I am a Clark County School District teacher, and I am speaking in favor of A.B. 320. Like all of the others, I want to thank Assemblyman Frierson for all of his hard work as well as the TLC committee. With this being said, I have such reservations on any teacher being evaluated by the results of student test scores. A teacher should be evaluated by how they respond to a student's skills and abilities. To me the solution is so simple. We create a rubric that allows us to measure every teacher effectively by what they do. You could have a teacher that does very little, but has high-performing students. That happens all of the time, and they can go home right on time. They receive that 20 percentile that looks very favorable to them because their students perform well.

Then we have teachers that stay there all day and all night and spend the entire weekend, such as myself, doing anything and everything we can. My students will not make those type of gains. I had an administrator take my four ratings because my students did not make the same type of gains as the students of our top fifth-grade teacher. My two students are early childhood with autism. I make amazing gains, but some students over at John F. Miller School may not make gains, and their teachers, who would do anything and everything for those students, will sometimes actually digress. We cannot score them as not highly effective when they are the most effective. They are the ones that deserve the fours the most—those teachers who are sitting there, spending the time, loving and nurturing those children. This is my solution. We need to get rid of assessment and use the term "collecting evidence through artifacts," because assessment penalizes teachers. Please, let us work on creating artifacts that support students.

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

Your time this evening is better spent with these educators who are offering such passionate testimony. I just want to offer that the Washoe County School District (WCSD) has been deeply committed to the work of the Teachers and Leaders Council (TLC). One of our school board trustees, as well as one of our teachers that you heard from today, are voting members of the TLC. We are deeply committed to the recommendations that they are bringing forward, and we will also hear that later in a different bill hearing.

We have been piloting the SLO/SLG process in WCSD since 2013-2014. We started with a pilot program, but we are currently in our first year of full implementation. We wholeheartedly agree with the idea that local control is the best way to measure the outcomes for our teachers.

Debra Harris, Private Citizen, Reno, Nevada:

I teach in the Washoe County School District. I began teaching in 1990. What I noticed today is the number of instances of evidence provided regarding the inequity of using assessments to evaluate teacher performance. What I have not heard anyone talk about is the underlying assumption, or perhaps the failure to assume, that teachers are professionals, and that our administrators are professionals.

In all of the years that I have taught, I have been evaluated as a teacher, and in all of the years that I have taught, I have evaluated my students and how they are performing. I have continued to teach them and to make adjustments in my teaching over those years. I do want to thank the Assembly people who are here today for the work they are doing. At the same time, I realize that all of you are professionals in some other profession. You may be a professional attorney, professional contractor, or a professional engineer. I do not know your backgrounds, but you are all assessed in your fields by professionals "in your fields." Whoever conducts your assessments is assumed to be competent. I would ask you to consider the possibility that the professionals in education are also capable of doing the jobs we are trained to do.

Personally, I think I am just like every other educator in this country. The difference for me is that the state of Nevada has acknowledged me as highly qualified in four different areas of education. They say that I am highly qualified to teach in 6th through 12th grade in every course in English and social studies. As an adult educator, they say that I am certified. They have also said that I am highly qualified as an English language instructor, and that is what I currently do today. My students will almost never be successful at meeting state testing at the level that is expected in order to be considered successful. They come to me not speaking English, so to expect them to be successful and then have their success reflect on my ability to teach them is insulting to my profession.

Overall, I would ask that you do consider and vote positively for A.B. 212 or A.B. 320, whichever your conscience allows you to do.

Ronald P. Dreher, representing Washoe School Principals' Association:

I am representing the Washoe School Principals' Association. They are in full support of A.B. 320. Thank you.

Michelle Chavez Peirce, Assistant Principal, Bailey Charter Elementary School, Washoe County School District:

I worked for the Striving Reader's Grant for four years which was a federal grant given to WCSD. I was in charge of the database decision-making teams for our grant. We had four goals and one of them was to have the students and their families both be engaged in their data and in looking at their data, making it useful for them.

The reason I want to speak today was to share with you how difficult that was as a journey, looking at data from standardized tests. I heard someone ask earlier if we had those tests that will measure exactly what we want to know to meet our ultimate goal, which is making our

students college and career ready. No, we do not. I attended a national assessment conference three years ago and I heard the chief executive officer of Pearson Publications say that we do not have the right assessments. I have sat in meetings with many leaders in our nation saying that we do not have the right standardized assessments to do the job. I would like to say that it was my job for four years to support children and families in their knowledge of data, and then their knowledge of assessment. It became very apparent that was not where we needed to be. What we needed to do was with SLOs, too, which was to make the students familiar where they are with their own learning, then provide ways, means, schools, and objectives for them to get there. How we made progress was with having those one-on-one conversations with the families and the students; not through standardized testing. I am in favor of both A.B. 320 and A.B. 212.

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I taught for 35 years. I hold a secondary and elementary license. I am highly qualified in elementary which takes me through middle school. I am highly qualified in several different areas. I am highly qualified by the school district which sets whether you are highly qualified by the standards they want you to meet.

We have come full circle, ladies and gentlemen. I can remember when you would give us one-fifth of a year in Public Employees Retirement System (PERS) up to a total of 5 years—which would take you 25 years to earn—as an incentive to teach at the low-income, socioeconomically-challenged schools. Then we muddied the waters. We gave it to the math teachers, then we gave it to English teachers, and on through the line until practically every teacher earned the one-fifth PERS credit. Therefore, it was no longer an incentive for anyone to work in the low-income, socioeconomically-challenged schools where students needed to have their achievement worked on and raised. Teachers, as previously testified, raised it one, two, three, and four years, but if the standard for the school was to be at fifth-grade level, and they started with the student at first-grade level, and you got them to third-grade or fourth-grade level, that did not count when it came to the evaluation tool. The only thing that counted is what was the school supposed to be, and where the student was supposed to be at grade level.

In support of A.B. 320, it eliminates those kinds of unforeseen consequences that have taken place. If you want your teachers to feel comfortable, encourage them to work with the lower income schools. It is very important that you, in fact, gain by A.B. 320 what should be done for proper evaluation and not throw any evaluation equation like algebra into the math test, or student scores into the evaluation. Please do not do what you do not want to have happen. Do not make it so that more people go into other teaching or other professions rather than be a public school teacher. Evaluate teachers for the skills they have obtained and what they are supposed to be able to accomplish. Thank you very much. Student scores do not belong there.

Lindsey Dalley, Member, Moapa Valley Community Education Advisory Board:

I would like to testify in favor of Assembly Bill 320. I live in Moapa Valley which is Assemblyman Edwards' district. Our schools are CCSD schools and are high-performing schools. I am a previous parent, and am currently the community member on our rural Moapa Valley Middle School Organizational Team. Through that experience I worked closely with our current set of teachers. I have heard from these teachers about the difficult burden the current evaluation system places on them. A change is needed. Interesting things happen at our schools. A central bureaucracy will tell the teachers exactly what they can teach and how to teach it. Then, if that fails, the same central bureaucracy will blame the teacher and say that they did not execute the lessons with fidelity.

I was chairman of our Community Education Advisory Board task force on A.B. 394 of the 78th Session reform. I really liked how that bill moved the evaluation of teaching and school performance closer to the student. I like how this bill does the same thing. It brings it down to the classroom level. In the final analysis, anything beyond the teacher and the student in the classroom becomes less effective.

Stephen Silberkraus, Private Citizen, Las Vegas, Nevada:

I am a former Assemblyman and I hope you are all doing well this evening. I know it is going to be a long night, so I will try to pare my remarks back, especially going after so many incredibly qualified professionals that have made far more articulate arguments and statements than I.

I am here today to support A.B. 320 because I believe it is a good step forward in addressing a fatally flawed system for being able to review true education professionals. I have had the opportunity to speak with several of the people who have testified tonight and many more across dozens of schools here in Clark County that are not here today, but whose voices, nonetheless, hopefully will be heard.

We have incredible professionals working in our district who are very often not properly reviewed. One of the stories that we heard I have heard several times at different schools about teaching professionals that will have students that come into fourth grade at a second-grade level. The teacher goes above and beyond to give them the support and instruction that they need and get them up half way to a fourth-grade level. Yet, then they are reviewed and penalized, having made amazing growth with students—going well above and beyond what we should expect from our teachers. It is a shame to think that someone who puts in that kind of effort is penalized for it.

We need to come up with a fair and effective way of judging our educational professionals and making sure that those who do go the extra mile, those who are truly proficient at their job, are properly recognized. Where shortfalls do appear, we will be able to address them and give the support to our professionals that they need so that they can better themselves and help support our students. I thank you, and I ask you to support A.B. 320.

Robert Coules, Private Citizen, Las Vegas, Nevada:

I teach at Rancho High School, and we have been working under the assumption that with the NEPF, teacher evaluation, test scores, and various tests, there is an abundance of ineffective teachers in Nevada. The reality is that is a misconception. I have heard from many people who say that we are doing these things wrong, and that we are doing the NEPF wrong because we have such a high percentage of teachers that are listed as effective or highly effective. The problem is, it does not support their conclusion.

The problem is not that we do not have highly effective teachers; we have thousands of highly effective teachers in the state of Nevada. What we do not have is enough of them. Tying our test scores to our evaluations only discourages those of us who work in at-risk schools from going to work in those at-risk schools. We have developed a system that penalizes teachers instead of encouraging them to go and help those students that need our help the most. Throughout my entire teaching career, I have had students who read five to eight grade levels below the grade that they are actually in. I am being penalized if you tie their test scores to my evaluation. The reality is that we need to be shifting away from blaming the teacher for everything and moving toward a system that encourages us to grow. Evaluation systems are supposed to be designed to help us grow so that we can meet the needs of our students, not penalize us for working with those students who need us the most.

Janet Amador, Private Citizen, Henderson, Nevada:

I am an English teacher in the Clark County School District. I teach both a remedial English class and an honors English class. My remedial students show two to three years of growth every year, yet they almost never pass the standardized tests. My honors students always meet or exceed standards. As for my experience, I also scored the state writing exams before they were replaced with the end of course (EOC) exams.

I am here to support A.B. 320 because student test scores have no place in teacher evaluations. Students bring to the table a myriad of issues which impact their abilities to perform on state-mandated tests. What happens in the classroom is only a small part of that equation. It is not fair to judge a teacher's performance on student scores when she can only control what happens in her classroom. In the past, when students did not perform on state assessments, they were often given opportunities for remediation and retests. Sometimes they took them, sometimes they did not. I have personally observed students disengage from the testing process for various reasons. I do not know how else to say this, but I do not feel comfortable having any portion of my evaluation placed in the hands of a group of teenagers. Teachers work hard and are all for accountability, but this is not the way to hold us accountable.

Chairman Thompson:

Thank you so much. I think you got the line for the day. We are going to close the support and open it for opposition of A.B. 320.

Steve Canavero, Superintendent of Public Instruction, Department of Education:

I am joined by Deputy Superintendent Dena Durish, who can answer any specific detailed questions that you might have.

The evaluation of teachers and administrators is one of the most critical functions in our system of prekindergarten through 12th grade education. If we seek to become the fastest improving state in the nation, then our singular goal of increasing outcomes for students must be shared by all aspects of a coherent system—this includes our adults and our students. To be clear, the NEPF is a professional growth system. It must serve, as the Legislature intended and as it is codified, as a system to evaluate and grow those closest to serving our students. Some of you believe it is critical to have annual evaluations.

My opposition to this bill has four points and I will focus on two of those. You have my written testimony ([Exhibit G](#)). The first point is that it is premature to make changes to the teacher evaluation system because it has yet to be fully implemented. The development and required use of a statewide performance evaluation was first adopted by the 76th Session of the Nevada Legislature in 2011. This law was subsequently changed in 2013 and again in 2015. Today, I and the Department of Education have two of the three factors needed—observation data and statewide assessment data—in order to inform you and to see how the NEPF works. I can speak to the observation and statewide assessment data, but I do not have access to achievement data generated by the districts through the SLGs that are presently being used. This is an important point, considering that the proposed change in law places the entire emphasis on achievement data generated by the districts. That is our current blind spot.

Second, the data presently available suggests that the inclusion of student performance—currently only the statewide assessment data that I have—provides an appropriate and important aspect of teacher performance. Measuring only the educational practice domain for the 2015-2016 school year, districts reported that 98.6 percent of teachers are highly effective or effective. For the 2016-2017 school year, using the 2015-2016 assessment results from the state assessments and the cut scores recommended by the Teachers and Leaders Council, 86.9 percent of the schools received a schoolwide aggregate score of three or five.

Let me boil that down to what it means for me. We have a goal to ensure equitable distribution of effective educators, meaning all of our children are served by effective educators. Based on this initial year of implementation, we have met our goal. The tension in this conclusion is obvious, when we compare the results of our state and national assessments with these data. On the one hand, we see our state lag the nation in outcomes for students. And on the other hand, we do not see a distribution of NEPF ratings that reflect anything close to this.

Two final points. There is a clear intent for the 10 percent to grow to 20 percent under the law. It is important to mention that can certainly include growth. We have heard a lot about either/or and the state assessment. I believe the Teachers and Leaders Council have met to discuss this and they are considering 70 percent growth and 30 percent proficiency, the yes/no statement. It can measure growth.

Finally, a quick clarification as to which students are included in the evaluation—it would only be students who trigger the accountability provision, which is a year-end school—meaning we look at the students in October, and we look at students who are still there on test date. Ultimately, those are the only students. I appreciate your time, Sir.

[([Exhibit H](#)) and ([Exhibit I](#)) were submitted but not discussed and will become part of the record.]

Assemblywoman Diaz:

Can you reiterate the main point of contention as to why A.B. 320 in its current form is not acceptable?

Steve Canavero:

One, I do not have the complete data set to bring to you to suggest that the student learning goals would somehow evaluate teachers in a way that is meaningful, that includes outcomes for students. I have observation data where we have 98.6 percent effective or highly effective educators.

The other point is that the data we do have suggests that everything is skewed right, meaning towards the effective or highly effective rating scale. Again, that is 98.6 percent effective or highly effective just on observation. When we look at the student performance for the state assessment, it shows 86.9 percent received aggregate scores of three or four.

Assemblywoman Diaz:

What is lacking then, in A.B. 320 in order for the Department of Education to say it is appropriately charting on the right course? I am speaking as an educator; I do not necessarily believe that a standardized test score is a reflection of a teacher's work, day in and day out. If we keep it heavy on the standardized test, it will do what it is meant to do. For me, the NEPF is supposed to give valuable feedback to our educators and tell them that you are doing great here, you need a little bit of work there, this is how you could get your students where we need them. It is supposed to be more of a resource and a tool and a feedback system instead of being punitive in nature. I am trying to figure out where the breakdown is with what we have in front of us, which the great Teachers and Leaders Council has developed over time. It is not like this was just brought up on a whim. What are we missing?

Steve Canavero:

I generally have agreement with the statements you have made—it is obviously incredibly difficult and time-consuming and a challenging job to be the best teacher you can possibly be and to also be a highly effective teacher. One of the casualties that I would hope to avoid, and I believe the inclusion of "a" measure on a multiple-measure evaluation system would wash out highly effective teachers by the number of teachers who are rated effective or highly effective. In other words, I, as a state superintendent, might have a tough time identifying highly effective teachers to go in and talk about what it is that they are doing, especially with children in poverty or in our most vulnerable populations, to appreciate good instructional practices. I lose that in a system that does not meaningfully differentiate the performance of teachers based upon multiple measures. That is one concern.

The other is missing the ability in the evaluation instrument, again, across multiple measures, to triangulate and to provide a teacher with the meaningful feedback that you are recommending, or suggesting, is necessary.

Assemblywoman Tolles:

I did hear this on the campaign trail from teachers in my district. You would have one that was teaching at a school with a great deal of challenges, and another that was teaching at a top school in the region, and they felt there was inequity in being judged by the same set of standards. Could you speak to that, and does the data show that to be true? Are we finding that the testing scores differ between these different schools? How would you answer that question?

Steve Canavero:

One answer would be to include growth. We can measure, and I believe the recommendation is around three years of consecutives to measure growth to get a really crisp and clear vision for student growth and progress, rather than just looking at proficiency or nonproficiency. We can do that. That is a critically important aspect of the statewide measure that should be included and was already contemplated prior to the change in direction. The data I have says that 9 schools across the state received a one for the state assessment; 563 schools received a three or a four. Again, this is for the state data on the assessment. Nine schools received a one; 76 received a two; and 563 schools received a three or a four. I am not sure if you were to include growth, that you protect and ensure against the unintended consequences of teachers not serving our most vulnerable populations, that it is clear to them that we honor growth to ensure they do not use the 20 percent weighting of the evaluation as a reason to not go to those particular schools.

Assemblywoman Tolles:

I have heard that presented before as well as ways to look at a growth model, but it was intriguing to me to hear the principal who said they enroll 10 to 30 new students a week because of such high levels of transiency. How do you feel that might factor in?

Steve Canavero:

It may certainly factor in on student learning goals; it may factor in on the observation side. But a student who circulates in and out of a school system—not there at the beginning of the school year, but there again at the end of the school year—would not count toward the statewide assessment score. For accountability purposes, we only count students who have a full year in school. The way that we measure that is from the beginning of school—that student is there, and they also completed the assessment at that school. Only those students would count as a way to moderate for transiency and other factors for the star system and other areas where accountability matters.

Chairman Thompson:

We will bring up our other opposition. If there is any opposition in Las Vegas, would you please come forward. [There was no one.]

Phil Sorensen, Administrator, Nevada Badass Teachers Association:

I am a 28-year teaching veteran in the state of Nevada. I teach in the Douglas County School District. I am here to represent Nevada Badass Teachers Association (BATS) and we represent more than 2,000 educators in the state. I am speaking in opposition to A.B. 320.

I agree that standardized testing predicts socioeconomics, and I agree that teachers should not be evaluated based on their pupils' demographics. However, eliminating this does not go far enough. The fallback position for the local assessments used on the student learning goals (SLG) are often multiple-choice, computer-adapted tests such as the Measurements of Academic Progress (MAP) by the Northwest Evaluation Association (NWEA). Teachers have been encouraged to use these for their SLGs this year in Nevada public schools. There is a big assumption that tests such as the MAP are accurate and precise. They are not. Teachers already assess their students constantly throughout the year, and these assessments are reflected in those teachers' grades. Requiring teachers and school administrators to write up and report myriads of assessments is simply time-consuming for professionals who already have a full plate. Legislation does not need to duplicate what teachers already do.

Finally, Race to the Top required states to include assessment data in teacher evaluation. Nevada did not receive a Race to the Top Grant and, in fact, the Every Student Succeeds Act (ESSA) no longer requires any inclusion of assessment data on teacher evaluations whatsoever. I do not support A.B. 320 and I encourage you to do the same.

**Lisa Muntean, Administrator, Nevada Badass Teachers Association; and
Private Citizen, Las Vegas, Nevada:**

I was a teacher in the Clark County School District for 13 years and I am also an administrator for Badass Teachers Association (BATs), Nevada BATS. We have more than 2,000 members throughout the state, and we also are part of a national organization that has approximately 80,000 teachers. The basis of our group is that we are tired of being, as teachers, blamed for society's ills. We feel as though we are being separated. We have all of these groups that are working with children—we have classified staff, administrators, teachers, and more. We are all supposed to be on the same side of doing what is best

for students. We are not a group that is fighting just for teachers. We believe that if we do not do what is best for students, then we cannot find any commonalities with legislators, with classified, or with anyone else.

I hear everyone here promoting A.B. 320, but I think there are many people in this room. As some of you know, I have been doing legislation on education forever. I have come every two years. I spoke against the 50 percent when it first came out, and yes, we had what we had at the time, but I spoke against it. Then I worked with Senator Joyce Woodhouse, and we were trying to go for 35 percent. It stuck at 40 percent for all of those same reasons, and we all know the same reasons. The truth is, when I hear the State Superintendent, he is saying that we want to identify teachers. Identifying teachers from that data—why does it have to be an evaluation? All of the reasons that I have heard today do not mean that it has to be a part of the teacher's evaluation. We know about poverty, and we know about transiency.

What I want to do is speak on behalf of the children who have unintended consequences if A.B. 320 goes through instead of A.B. 212. The unintended consequences are that you end up with teachers who will start running to the hills—and in Las Vegas, that means Summerlin and Green Valley—to avoid what A.B. 320 brings. Those schools are the ones that are going to be affected the most. Who is going to end up where all of those teachers ran from? We already have a shortage of hundreds and hundreds of teachers and long-term substitutes that do not even understand the subject matter. There are the consequences for the students; it is not the consequences of just the teachers. As Nevada BATS, we are speaking up today, more so for the students than the teachers. Thank you.

Chairman Thompson:

Is there anyone neutral for A.B. 320 in Las Vegas? [There was no one.]

John Eppolito, Private Citizen, Incline Village, Nevada:

I am with Protect Nevada Children and I am a former K-12 teacher. The reason I am testifying neutral is because, for me, I am against the Smarter Balanced Assessment Consortium (SBAC) test. The SBAC test is ridiculous. It is a eight to ten hour secret computer adaptive test. The test is the problem. In 2010 we had 31 SBAC states; by 2014 we were down to 22 SBAC states; by 2015 we were down to 18 SBAC states; last year, 2016, we had 15 states giving the SBAC test; and next year, at most, it will be 14 states that will give the SBAC. I am not sure with whom Mr. Canavero is comparing all of our students. There are only 14 states left.

I have something from a school board member in a town in Nashua, New Hampshire, and he is also a legislator in Nashua. The teachers in his district took the eighth grade SBAC test and then he brought testimony to their legislature directly from the teachers referring to the SBAC test. It reads like this: Shockingly negative experience, totally grade-level inappropriate; difficult even for some teachers with advanced degrees; seems the test was

designed more as a psychological or sociological experiment, not as a measure of academic learning; who created this test anyway; it could not have been by professional educators; this would be a crushing emotional experience for my students; it is nothing less than child abuse for my special education student in my classroom; I refuse to administer this test.

This is the test that Mr. Canavero wants to evaluate the teachers on. Again, I am against the test. I do not know if I am for or against A.B. 320.

[([Exhibit J](#)) is submitted but not discussed and will become part of the record.]

Chairman Thompson:

Is there anyone neutral for A.B. 320? [There was no one.] We will close the hearing for A.B. 320. Assemblyman Frierson was unable to join us to close, but I think we had really good testimony from both Carson City and Las Vegas. We will go into our work session. We will begin with Assembly Bill 110.

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

Amelie Welden, Committee Policy Analyst:

As nonpartisan staff I do not advocate for or against legislation.

Assembly Bill 110 was requested on behalf of the Legislative Committee on Education that met during the interim ([Exhibit K](#)). As written it addresses competency-based education (CBE). It allows a student to be granted credit for a specific course of study without having attended the regularly scheduled classes in the course if the pupil demonstrates proficiency through a portfolio, the performance of a designated task, or other criteria prescribed by the State Board of Education. Assembly Bill 110 also creates the Competency-Based Education Task Force and prescribes its membership and duties.

The bill further directs Nevada's Department of Education (NDE) to conduct a public awareness campaign regarding CBE, conduct certain meetings relating to CBE, and establish and coordinate a network of teachers who practice CBE. The Department is authorized to distribute money from the Account for Programs for Innovation and the Prevention of Remediation to carry out programs of CBE through a competitive grants program.

As currently written sections of the bill relating to the Task Force; the NDE responsibilities for public awareness, certain meetings, and network coordination; and the competitive grants program expire on June 30, 2019.

There is a mock-up in the work session document that shows the proposed amendments that were put together by Assemblywoman Woodbury and also Brian Mitchell from the Governor's Office of Science, Innovation, and Technology. The amendment:

- Revises the definition of "competency based-education";
- Requires NDE to establish a pilot program for CBE and to adopt related regulations;
- Makes certain requirements of schools that are selected for the pilot program;
- Requires NDE to establish a Competency-Based Education Network, and provides for its membership, duties, and operations;
- Retains the requirements for NDE to conduct a public awareness campaign and hold certain meetings with school district superintendent regarding CBE;
- Authorizes NDE, through a competitive grants program and to the extent money is available, to distribute money from the Account for Programs for Innovation and the Prevention of Remediation to carry out the pilot program in CBE, and provides that grants must be awarded to pilot schools based upon money available;
- Deletes section 2 of the bill, which creates the Competency-Based Education Task Force;
- Deletes section 3 of the original bill, which defines "competency-based education" and contains some other provisions;
- Requires the Network to complete a comprehensive report with findings and recommendations on or before April 1, 2022; and
- Removes the specification that any provisions of the bill expire by limitation.

Chairman Thompson:

Are there any questions for Ms. Welden from the Committee? [There were none.] At this time I will accept a motion to amend and do pass A.B. 110.

ASSEMBLYMAN PICKARD MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 110.

ASSEMBLYMAN EDWARDS SECONDED THE MOTION.

Do we have any discussion?

Assemblywoman Krasner:

I am going to vote yes on this now to pass it out of Committee, but I want to reserve my right to vote no when it comes to the floor.

Chairman Thompson:

As I have said before, if you do change it, please, as a courtesy, let me know. Any further discussion?

Assemblyman Pickard:

I want to say for the record that, particularly as we are starting to focus on real outcomes for students and teachers, competency-based education is a great first step. This is the opportunity where we can look at what it is we are trying to teach our kids, then turn around and test on that. When we look at the competencies as they exist, the real focus of what we are trying to teach, this is a great first step.

Chairman Thompson:

Any further questions or discussion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON
WAS ABSENT FOR THE VOTE.)

I will ask Assemblywoman Woodbury to take the floor statement. We will now work session Assembly Bill 202.

Assembly Bill 202: Revises provisions relating to the Silver State Opportunity Grant Program. (BDR 34-722)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 202 as currently written expands eligibility for the Silver State Opportunity Grant (SSOG) Program to include students who are enrolled in a university that is part of the Nevada System of Higher Education (NSHE). The bill also provides that SSOG awards may be used to pay for the cost of education at more than one NSHE institution ([Exhibit L](#)).

There is a mock-up in the work session document for this one as well. Assemblywoman Joiner, as the sponsor of the bill, has proposed an amendment to delete the existing language in the bill and provide instead for an interim study concerning the cost and affordability of higher education in Nevada. The proposed amendment makes provisions regarding the membership of the study committee and requires the committee to consider certain topics and perform certain duties, including preparing a report for submission to the Legislature and making recommendations to the Legislature and the Board of Regents. It is not indicated on the mock-up itself, but the proposed amendment also adds Assemblywoman Cohen as a primary co-sponsor.

In addition to the amendments proposed in the mock-up, the bill's sponsor has proposed two other items. One is to provide for the appointment of the committee's chair and vice chair by the Speaker of the Assembly, rather than the Majority Leader of the Senate.

Second is to add two non-voting members of the committee to represent NSHE. One will be a faculty member, and one will be a student. These members will be appointed by the Legislative Commission from a list of names submitted by NSHE. With the Chairman's permission, I will defer to the sponsor if further clarification is needed on those amendments.

Chairman Thompson:

Are there any questions from the Committee?

Assemblywoman Tolles:

I appreciate this study. One of the questions I have is in regard to looking at the studying of the cost and affordability of higher education in the state of Nevada. Will that be looking at that as compared to other states across the United States?

Assemblywoman Joiner:

In the conceptual amendment that I had during the original hearing, or in what I sent to legal, I did have the language to compare with other states' best practices. I believe this is captured in this. Definitely, for legislative intent purposes, that is my intent, that we look at best practices in all of these areas and to definitely look at other states.

Chairman Thompson:

Are there any further questions? [There were none.] I will entertain a motion to amend and do pass A.B. 202.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 202.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

Is there any further discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN EDWARDS VOTED NO.
ASSEMBLYMAN ELLIOT T. ANDERSON WAS ABSENT FOR THE
VOTE.)

I will ask Vice Chair Joiner to handle the floor statement. We will now work session Assembly Bill 372.

Assembly Bill 372: Enacts the Revised Uniform Athlete Agents Act. (BDR 34-952)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 372 repeals the Uniform Athletes' Agent Act that is currently in statute and enacts the Revised Uniform Athlete Agents Act (2015) ([Exhibit M](#)). Among other provisions, it requires an athlete agent—defined in the bill as an individual who has certain direct or indirect interactions or relationships with a student athlete—to hold a certificate of registration issued by the Secretary of State.

The bill specifies certain information that must be included in the application for such a certificate and also provides for reciprocal registration if an individual is registered as an athlete agent in another state. The Secretary of State may limit, suspend, revoke, or refuse to issue or renew a certificate of registration in certain instances.

The bill further sets standards for the behavior of an athlete agent and provides that an agent who violates these standards is guilty of a misdemeanor and must be required to pay restitution. The bill allows an educational institution or student athlete to bring an action for damages against an athlete agent if the institution or athlete is adversely affected by an act or omission of the agent in violation of the provisions of the bill.

Finally, A.B. 372 requires certain information to be included in an agreement in which a student athlete authorizes a person to negotiate or solicit on his or her behalf a professional sports services contract or endorsement. The student athlete may cancel such an agreement within 14 days after it is signed, and both the student athlete and the athlete agent must provide notification of such an agreement to the athletic director of the educational institution where the athlete is enrolled. An athlete agent must also notify the athletic director of certain preexisting relationships with a student athlete and before communicating with a student athlete to influence him or her to enter into an agreement.

There are several amendments offered by the Secretary of State's Office to A.B. 372. The first is to add new sections containing the provisions that are currently in *Nevada Revised Statutes* (NRS) 398.402 and 398.403. Those were two sections that were repealed in the original bill. The intent there is to retain the current statutory provisions regarding applicability and confidentiality of certain information related to investigations and applications.

The second change is to add language to the new section dealing with applicability of the Act (NRS 398.402 in existing law) to cover: Instances in which a Nevada resident may, accept or make an offer while not in the state. There is an example of that as instances related to student athletes who are not state residents but are attending a Nevada educational institution.

The third change is to add to the bill similar language to language that is currently in subsection 5 of NRS 398.496. That intent is to retain the power to prosecute and punish a person for conduct which constitutes a crime pursuant to any other law, in addition to the remedy prescribed in the bill.

Finally, on line 15 of page 9 of the bill, change "shall" to "may," in order to make the provisions of subsection 4 of section 23 of the bill authorizing rather than mandatory.

Chairman Thompson:

Are there any questions from the Committee? I do have a quick question. The bill's sponsor was okay with all of the amendments?

Amelie Welden:

Yes.

Chairman Thompson:

Assemblywoman Bilbray-Axelrod, could you please come forward and state your name for the record and let us know if you are okay with amendments.

Assemblywoman Bilbray-Axelrod:

Yes, these are all considered friendly amendments from the Secretary of State.

Chairman Thompson:

I will entertain a motion to amend and do pass A.B. 372.

ASSEMBLYWOMAN DIAZ MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 372.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Is there any discussion on the motion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON
WAS ABSENT FOR THE VOTE.)

Assemblywoman Bilbray-Axelrod will take the floor statement. We will now work session
Assembly Bill 451.

Assembly Bill 451: Requires a member of the board of trustees of a school district to complete certain training for professional development. (BDR 34-1032)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 451 requires each person who is elected or appointed to serve as a member of the board of trustees of a school district to complete training for professional development in the first and third year of his or her term ([Exhibit N](#)). The training must include at least four hours of instruction covering certain topics delineated in the bill.

The bill further requires each school district board member to provide to the clerk of the board of trustees written certification of completion of the training. If a member fails to complete the training or provide certification, the clerk must post written notice of noncompliance on the website of the board of trustees and must provide written notice of the noncompliance to other board members.

The Nevada Association of School Boards presented two amendments at the hearing. One is to increase from four to six the number of training hours required in the first and third year of a board member's term; and the second is to add training in employment law and contracts to the list of required instruction topics.

Chairman Thompson:

Are there any questions from the Committee? [There were none.] I will entertain a motion to amend and do pass A.B. 451.

ASSEMBLYMAN MCCURDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 451.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON
WAS ABSENT FOR THE VOTE.)

Assemblyman McCurdy will take the floor statement. We will now work session
Assembly Bill 469.

**Assembly Bill 469: Provides for the reorganization of large school districts in this State.
(BDR 34-986)**

Amelie Welden, Committee Policy Analyst:

Assembly Bill 469 contains various provisions regarding the organization of a "large school district," which is defined as a school district that has more than 100,000 students enrolled in its public schools (currently the Clark County School District) ([Exhibit O](#)).

Among other provisions, the bill repeals A.B. 394 from the 2015 Session and places in statute the requirements for the reorganization of a large school district, including deeming each public school within such a district, other than a charter school or a university school for profoundly gifted pupils, to be a local school precinct that is operated under site-based decision-making and that has authority to carry out certain responsibilities that have traditionally been carried out by the district. There were no amendments offered on this bill.

Chairman Thompson:

Are there any questions from the Committee on this bill? [There were none.] I will accept a motion to do pass A.B. 469.

ASSEMBLYMAN EDWARDS MADE A MOTION TO DO PASS
ASSEMBLY BILL 469.

ASSEMBLYWOMAN WOODBURY SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON
WAS ABSENT FOR THE VOTE.)

I will take this floor statement. We will now work session Assembly Bill 482.

Assembly Bill 482: Revises provisions relating to programs of career and technical education. (BDR 34-1093)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 482 makes changes related to programs for career and technical education (CTE) (Exhibit P). The bill:

- Provides that not more than 5 percent of state money appropriated for CTE programs may be distributed to student organizations for CTE;
- Removes a requirement for the State Board for CTE to request that each industry sector council name one representative to make recommendations to the Board's Executive Officer regarding the awarding of grants for CTE programs, and instead requires the Board to request that representatives of the councils provide such recommendations;
- Allows grants to be awarded for improving existing CTE programs in addition to expanding existing programs or developing new programs;
- Removes requirements that grant awards must be based on certain criteria and instead requires the grants to be awarded based on criteria established by regulation of the State Board of Education;
- Revises provisions relating to the proportion of the total amount of certain state money that a school district or charter school may receive for CTE programs; and
- Requires the Executive Officer, rather than the State Board for CTE, to designate a program professional to perform certain tasks related to CTE programs that have received grants. There were no amendments offered on this measure.

Chairman Thompson:

Are there any questions from the Committee? [There were none.] I will accept a motion to do pass A.B. 482.

ASSEMBLYWOMAN TOLLES MADE A MOTION TO DO PASS
ASSEMBLY BILL 482.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED. (ASSEMBLYMAN ELLIOT T. ANDERSON
WAS ABSENT FOR THE VOTE.)

Assemblywoman Swank will take the floor statement. We will close out our work session for today. We will now open with Assembly Bill 434.

Assembly Bill 434: Makes appropriations for incentives for new teachers and teachers at Title I and underperforming schools. (BDR S-1033)

Assemblyman Jason Frierson, Assembly District No. 8:

I would like to briefly present to you Assembly Bill 434. This is actually a carryover from the previous bill that I presented in acknowledging the need to provide incentives for teachers, in particular to go to struggling schools. Under existing law there is an allocation of \$10 million—\$5 million per year—designated for incentives for teachers that are going to teach in Title I schools, underperforming schools. That allocation is specifically for new teachers.

When I saw that, the thing that struck me as odd was why we would not provide incentives for experienced teachers. We have a structure where we have an experienced teacher who is already disincentivized to go to a struggling school because of the current structure of teacher evaluations. Now we have an allocation for teachers, and the most experienced teachers who could have the greatest impact are not able to access that money in order to receive that same incentive. My goal was to expand that allocation to include not only new teachers, but experienced teachers.

There is a Governor's recommendation in this session to take \$7.5 million of that \$10 million and add that to the support of Zoom schools, leaving only \$2.5 million in incentives for teachers to go to these struggling schools. It is my understanding that the \$10 million was not sufficient, and they could actually have benefited from more than that to provide incentives. If we are going to pass up the opportunity to have experienced teachers go to these schools, we are actually doing even more harm, in my opinion.

The bill, as it came out, was somewhat confusing because it is an allocation bill that looks like it is based on the Governor's recommendation, which was not really my intent. My intent was to take whatever amount ultimately was allocated for teacher incentives and make sure that it be awarded both to new teachers and to experienced teachers. My hope was, if the \$10 million stayed in the program, that half of that would go toward experienced teachers and half of that would go toward new teachers—or, not even designating a percentage, but just allowing the school districts to decide which teachers can access this kind of support.

Instead, the bill came out more focused on the Governor's recommendation, which was the \$2.5 million, and proposed to add another \$2.5 million. I am certainly open to either. My whole point is, if we are going to provide incentives for teachers to go into struggling schools and we have an experienced teacher that is willing to go to a struggling school, why would we not make this incentive program accessible to them?

As we work through the budget and we figure out how much money we are talking about, my point is that it should not just be limited to new teachers. If we are looking at existing law and we are looking at the \$10 million, that would be for both new and experienced teachers. Let the school district allocate it and have teachers put in for it and receive those incentives, because we are doing a service to our kids if we provide incentives for teachers to go to those struggling schools. In sum, that is the bill.

Chairman Thompson:

Do you have additional speakers with you?

Assemblyman Frierson:

I do not.

Assemblywoman Miller:

Thank you for clarifying that because that was exactly my concern—that we incentivize new teachers to come in without recognizing all of the hard work and dedication that our current teachers have. As that is already your intention, could we change the language because "new" and "experienced" can mean a lot of things. I want to make sure it clarifies teachers currently employed by school districts in Nevada, as well as teachers new to the district.

Assemblyman Frierson:

I welcome that, and that is exactly what I meant.

Assemblywoman Miller:

Thank you.

Assemblyman Pickard:

I have a procedural question. If we designate, in the bill, \$2.5 million—I am assuming the Assembly Committee on Ways and Means will figure out what the actual numbers are—the intent is really to just divide in half?

Assemblyman Frierson:

The intent is to either divide it in half or simply broaden it to allow districts to award it to both new and currently employed teachers.

Assemblywoman Diaz:

Thank you for acknowledging the work of a lot of teachers who choose to stay at a Title I school because their hearts are there. However, it is no secret that being at a Title I school has its challenges, and those teachers are there because they are ready to embrace those challenges and move their kids forward. As I read it, it was not clear to me if teachers would be eligible to receive any of these monies for strictly moving from a school to a Title I school, or if they would get additional monies for staying at a Title I school for

X number of years. I wanted to clarify for the intent. Are we looking for new folks that are leaving a school and going to a Title I school, or are we going to support teachers that are making that conscious decision and staying where a lot of master teachers are really needed? Or is it a mixture of both?

Assemblyman Frierson:

I will confess, my initial thought was specifically currently employed teachers looking to move to a Title I school, an underperforming school, as an acknowledgement of their wanting to use their experience to make a change. I support teachers. I am supportive of any way that we can gain experience in a classroom where they need experience. I am open to any suggestions that are practical solutions to accomplish just that.

My original intent was specifically aimed at new teachers, as is currently the program, and currently-employed teachers who relocate to a Title I school as a conscious choice to take on that challenge.

Assemblyman Edwards:

I like the bill; I do have a couple of questions though. Do we know how much money would go to each of the teachers? Do we have a goal in mind as far as how many teachers we want to have moved? I am hoping that by moving new ones in with an incentive, we do not discourage those who have been there. How do we compensate those who have been in the trenches, but do not have to move now?

Assemblyman Frierson:

My answer to both of your questions is the same—not enough. We do not give them enough; we do not have enough of those awards. I would love to have more incentives. We are faced with \$10 million, which is not enough, and looking at possibly cutting that to \$2.5 million. I am eager and looking forward to any way that I can support teachers that are willing to take on these challenges. Recognizing there are limitations on the number of programs that we have, there are certifications that teachers can obtain where they can get incentives in their pay based on becoming certified and maintaining that certification. I know that we have this existing program. When I looked at this existing program, it did not make sense to me for it to be limited only to new hires.

Assemblyman Edwards:

So we are not locked into any particular amount like \$2,000, \$4,000, or \$5,000?

Assemblyman Frierson:

I honestly do not know what the limitations are. That is why I say, not enough. I was not intending to substantively change the program, other than allowing experienced teachers to access it as well, however it is working at this time, allowing currently employed teachers to take advantage of that as well, obviously at the discretion of the district handling those monies to provide that incentive.

Mr. Chairman, I do not typically anticipate needing to rebut or close, so I will stay for a bit and answer any questions members of the Committee may have after the hearing.

Chairman Thompson:

We will open for support of A.B. 434. Is there anyone in Las Vegas?

Star Ali Mistriel, Member, Clark County Education Association:

I have been a veteran of the Clark County School District for 14 years, working only at Title I schools. I am for A.B. 434. I see a real need to support our veteran teachers who stuck around and taught at these schools. No matter what, we spend a lot of our own money. It would just be nice to do something like this. Thank you.

Sandra Hinds, Private Citizen, Las Vegas, Nevada:

I am completing my third year of teaching in the Clark County School District, and completing my third year of teaching altogether. I graduated from the University of Nevada, Las Vegas, in May 2014 after going back to college in January 2009. I came aboard with the school district one year before any kind of teaching incentives or monetary incentives were put forth for new teachers coming to the district. I started at a Title I school, and I am currently at the same Title I school. I feel like we are making a difference at our school. Incentives for those of us who are sticking with the program would be a very nice thing. I support this bill.

Chairman Thompson:

Is there anyone else in Las Vegas in support of A.B. 434? [There was no one.] We will come to Carson City for support of A.B. 434.

Karlana Kulseth, Board Member, Nevada State Education Association:

We represent 40,000 educators and education support professionals across Nevada. Nevada State Education Association supports this bill. As an educator myself, I have mostly only worked at Title I schools. As a teacher who has grown up in the Clark County School District and attended our Nevada schools, and as a parent of those students, I feel that the incentive needs to be for current teachers as well—especially when I am a teacher who holds a bachelor's degree, two master's degrees, and am currently working on my doctorate in education policy. It is important to also recognize the work I continue to do to support our students.

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

Mea culpa here. We submitted a memo saying that we were neutral on A.B. 434 ([Exhibit Q](#)). I misread the bill as only applying to new teachers. We had a concern about discrepancy or disparity. As I am now actually reading A.B. 434, clearly the Nevada State Education Association supports it. We support the appropriation to provide the incentive for hiring of

new teachers at Title I schools, along with providing retention incentives for existing teachers who have more experience. Programs like Teach Vegas are important to ensure that our lowest performing schools and schools with the most vulnerable students who are at risk have qualified teachers in the classroom.

This makes even more sense when it goes alongside parallel retention incentives for veteran teachers, as I said, who have more experience, and to avoid that disparity or disadvantage for veteran teachers. Given the severity of the teacher shortage across Nevada, the challenges of teaching in Title I schools, and the correlation, as we heard in the last hearing, between student test scores and socioeconomic status as they apply to teacher evaluations, teacher incentives for these schools are necessary to avoid the trap of too many long-term substitutes filling too many vacant teacher positions.

We hope that these new incentives, coupled with the incentives for experienced teachers, fill these positions and get the teachers who have the highest qualifications where they need it the most.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here in support of the bill. I would like to thank Assemblyman Frierson for bringing forward such important legislation. Supporting our teachers is important. I want to make one comment about his breakdown on how this would be distributed with percentages. It would be the preference of the Association that we have local control. We will not know what movement we have within our districts; what new teachers want to come into the district; or what teachers want to move from non-Title I to a Title I school, so having the local control to be able to distribute that funding appropriately would be excellent from our perspective.

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

We are in support of A.B. 434. Getting our experienced teachers into Title I schools is important. If we can do that, there may be some mechanical issues working this bill out, but as Ms. Ferrato has just mentioned, we would like local control of the money to let each district determine how they can best incentivize their teachers.

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

We are here in support of this legislation. What I would add is that we have all tried, to use the State Superintendent's word, to "braid" these funds together around incentives since they come from several different pots. This would just be another way that we could use these funds to better incentivize teachers in our highly needed positions.

I would offer that with Assembly Bill 483 of the 78th Session, as it required a pay-for-performance system, our district sat down and really developed how we could best use those funds. Obviously we had to prioritize. We were able to come to an agreement with our association about how much money it would be per teacher, which teachers would be eligible and highly effective, particularly in our hard-to-fill positions,

because in the Washoe County School District we have a special emphasis on our special education students. If the district was allowed to determine that those were the positions we really wanted to incentivize, we could then use the funds that way. Hopefully, we can get to the place where we are making those decisions at the local level.

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

We would like to give you some information about how we used the funds from Senate Bill 511 of the 78th Session, which provided teacher incentives. We had a full recruitment season for the 2016-2017 school year. That is what I want to talk to you about. We were able to reduce vacancies by 46.34 percent in our Appendix A schools which is Title I reference for our at-risk schools, measuring those vacancies from the first day of school from 2014 against 2016. That is 438 vacancies versus 235. We were able again to advertise those for a full year, bring new teachers in, and help reduce those vacancies. We also asked teachers at new teacher orientation whether those incentives were effective, and 54.9 percent of the respondents indicated that those incentives did have some influence on their decision to teach in the Clark County School District.

Clark County School District (CCSD) supports this bill as well, as incentives are effective. We have seen them also reduce vacancies when they have been used under Victory schools and Zoom schools as well. The incentive amount that was used under S.B. 511 of the 78th Session was \$5,000. Of course, \$20 million was available over the biennium; it was significantly larger than what we are talking about now. We would certainly support getting to that level again.

Ed Gonzalez, representing Clark County Education Association:

We represent 18 licensed professionals in southern Nevada. We, too, are in support of A.B. 434. As my colleague from CCSD did say, not only did we help with new teachers getting in, but the programs with Victory and Zoom schools as well. I also want to highlight something in addition. We provide incentives for pay, but we also are going to hear Assembly Bill 341 from Assemblyman Fumo. That bill is another way to provide people to come to the district whether it is through pay or just forgiveness of a loan. We like the fact that we are hearing bills that look at multiple ways of addressing not only the teacher shortage, but making sure that some of our at-risk schools can get experienced teachers as well.

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I am in support of A.B. 434. However, I have some concerns about the details. Concern number one is pertaining to schools designated as underperforming.

Chairman Thompson:

Are you in opposition? If you do not like how it is written, and you want to present an amendment and talk to the bill's sponsor, you can do so. That would be considered opposition.

Peggy Lear Bowen:

I am in favor of. I just want to raise the issue. I am hearing you. I do not understand. I am supportive of A.B. 434 and I want to make sure that what we have heard today is, in fact, reality. New teacher: does that mean new to the profession, new to the district, new to the state? My concern is that in many areas they entice new teachers to go to these lower-performing schools when they have not had the experience to learn the tricks of their trade, and they are burned out within three, four, five years, and leave the teaching profession. I would hope that in the process we have a clear definition of what "new teacher" is.

When talking about teaching at a Title I school, my understanding was that it meant a low socioeconomic area. It has to do with what the kids come to the school door with the first day. When we talked about Title I schools in the past, in many different settings, the low socioeconomic areas mean that the kids start years behind, before they cross the threshold the first day of kindergarten.

An example that was given years ago was that kids that come from low socioeconomic homes might have had 400 hours of being read to, not due to lack of care, but because people were trying to keep a roof over their head. Whereas kids who come from a higher socioeconomic area might have had 4,000 hours of being read to before their first day of crossing the kindergarten or prekindergarten doorway. The whole idea behind Title I schools was to provide for filling the educational gap between those who have and those who have not, to try to bring them up to a competency level so that by third grade it was not being determined that these kids are going to make it, and these kids are going to end up in jail. That is what the old conversations were.

That is what my concerns are and that is why I wanted to make note that you say Title I school, and that you stick with it; and that you say "new," meaning not new to the profession or the district, but maybe new to the Title I school. Apply it to the whole school, not just piecemeal—whole school meaning those who work there will be recipients of the benefit or the incentive.

Chairman Thompson:

Again, I would suggest that you reach out to the bill's sponsor so you can get clarification on his intent.

Loretta Harper, Member, Nevada State Education Association:

I am a high school counselor in the Clark County School District (CCSD) at Desert Pines High School. I am speaking as an individual and for the Miracle Workers. I am in support of A.B. 434. As a high school counselor, I have been at an at-risk school for more than six years. That is the only school I have worked at. My caseloads tend to be 400 to 500 students. I spend lots of time with these at-risk students, developing plans for them to graduate. I still love the school and I feel Desert Pines High School is the best school in CCSD. I would never leave my school.

Chairman Thompson:

Is there anyone else in support of A.B. 434? [There was no one.] We will move to opposition for A.B. 434. [There was none.] We will move to neutral for A.B. 434.

Steve Canavero, Superintendent of Public Instruction, Department of Education:

We are neutral; we submitted an amendment ([Exhibit R](#)). The state enjoyed the clarity in Senate Bill 511 of the 78th Session, section 12. We would ask for the State Board of Education to have permission to adopt regulations under this area. We will work with the bill's sponsor. Thank you.

Chairman Thompson:

Is Assemblyman Frierson good with the amendment or has he not had a chance to look at it yet?

Steve Canavero:

I just explained it to him briefly. It looked like it was a good idea, but again, I want to have a conversation with him to help answer some of the questions and provide the mechanics of who gets what and how all of that works.

Chairman Thompson:

Thank you. We will close the hearing on Assembly Bill 434. We will open the hearing for Assembly Bill 212.

Assembly Bill 212: Prohibits the use of pupil achievement data to evaluate employees of a school district. (BDR 34-693)

Assemblyman Ozzie Fumo, Assembly District No. 21:

It is my honor and my privilege to present Assembly Bill 212 to you today. After the presentation on Assembly Bill 320, much of the information we are going to hear has already been said. As I was walking my district, I spoke to a lot of educators and knocked on a lot of doors. What I heard from those educators was what we heard here today: I am being evaluated based on performance evaluations that I have nothing to do with; I am a health or a science teacher, and reading and English is what I am being evaluated on; I am being evaluated on kids who I have no experience teaching; How would you like it if your evaluation was based on something you had no control over?"

I spoke to the stakeholders about the situation that was going on. I thought the best resolution was to completely take the student achievement tests out of the evaluations altogether. Political realities being what they are today, I understand that is probably not the most effective way to go, but I decided to carry on with the presentation as it was anyway. We do have a conceptual amendment ([Exhibit S](#)). It speaks to adding charter schools to the statewide performance evaluation system. I will let Clark County Education Association (CCEA), the sponsor of the amendment, speak to that.

Carmen R. Andrews, Board Member, Nevada State Education Association:

I am a high school Spanish teacher in the Clark County School District. I have been teaching in the CCSD for 20 years and I am also a member of the Nevada State Education Association (NSEA) Board of Directors. I am speaking in support of A.B. 212.

Educators in Nevada want fair and meaningful evaluations. To ensure high-quality teaching, it is necessary to have teacher evaluations that provide a format for constructive assistance. This cannot be done through the use of high-stakes test scores, as they are not representative of teacher ability in the classroom. Many studies show that test results are more closely aligned with a student's socioeconomic status than who their teacher is. Since teachers cannot control what happens outside of school, comparing teachers in schools of varying socioeconomic levels is one example that emphasizes the inequity and unfairness of using test scores as representative of teacher quality.

Using value-added modeling (VAM) that measures student growth has also been shown through multiple studies to be too unreliable and imprecise to base important decisions about individual teacher effectiveness. Numbers are constantly in flux, but the CCSD still has hundreds of open teaching positions currently filled by long-term substitutes. Sure, they have some college education, but their coursework could be in art, and now they are a long-term substitute for math. We have Teach for America teachers with only five weeks of teacher preparation. My effectiveness—with 20 years of experience, two bachelor's degrees and a master's degree—could be determined by the results of students who have been taught by a teacher with five weeks of teacher preparation, some with no degree at all, or no degree in the area in which they teach. Do not get me wrong. I am very grateful for the guest teachers that we have, but in the end, they are not licensed teachers.

I have a good friend who teaches fifth grade at Bertha Ronzone Elementary School in Las Vegas. Last year, three out of five fourth-grade classes were taught by long-term substitutes, or provisionally licensed teachers. At the beginning of this school year, 3 of her 32 students were reading at grade level. She is an outstanding teacher, but not only does she now have a monumental task of getting these students up to grade level, but a significant percentage of her evaluation could be affected by student scores which were negatively affected by the teacher shortage in Nevada. Test scores help teachers plan instruction and provide remediation, but by the time the test scores are returned to teachers, those students are no longer in that teacher's classroom, and in my friend's case, not even in the same school.

Countless teachers in the state of Nevada teach in untested subject areas like myself. It is nonsensical to attempt to evaluate my teaching effectiveness in Spanish, by how students score in math, reading, writing, or science. I have no fear of being held accountable for what is under my control as an educator, but you cannot judge my effectiveness based on factors that are completely out of my control as a professional. Assemblyman Flores is one of my former students, so you can evaluate me on that.

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

I feel like tonight's meeting is kind of being sponsored by Elmer's Glue because we are beating a dead horse, but here is just a little bit more about the test evaluations. We are here both because of what Assemblyman Fumo brought up as well as what Assemblyman Frierson brought up earlier. The testing is not actually accurately depicting what we are doing as educators. We want to be evaluated, and we want fair assessments. We want things that are in our control. How can a physical education teacher or a health teacher, or even myself as a senior English teacher be judged upon the scores of students who are not in my classroom? How can I, as a professional, be judged on things that are completely out of my control? This past Saturday, I had a town hall meeting and Assemblywoman Joiner was there with us, as well as three others. There was a special education teacher there that wrote this. I felt it was so important to bring in. If I may, I would like to share her story with you.

The Nevada Alternate Assessment (NAA) for students with intellectual disabilities is a videotaped test based on grade-level state standards. Last year I spent three hours doing a test for a 19-year-old who is developmentally 18 months old. I was asking him questions about quadratic equations. This took me, and my aide, away from the quality education my students needed for a test that was not appropriate.

That does not show the care, the love, the ability, or the growth of this child—who had things happen to him that were out of his control—it did not show any of that. It did not show what both that educator and that aide had done. Yet, it took those two educators away from other students for, again, three hours. That is important information that we need to add in. Another element also that is not being discussed is the testing environment—it is a test score that is a compilation for the whole school. If you are coming from a school that has parents who are very much aware of the stress the students are being put under for this testing environment, you are able to opt out. The test score is not accurately reporting all of our students. We have many, many students who are actually opting out now. Many times they are our highest-level learners.

Another issue that is happening is that as an educator, I want to help my fellow educators. It is not because it is going to impact my evaluation; it is because it is going to impact my profession. Yet, by creating this test score environment, it is now becoming an accusatory and almost combative environment. I hope it does not become that, but that is our reality. Who brought down our test scores? You may be our English language learner (ELL) teacher, and the person who needs the most help, and yet we focus on those kids that brought our test scores down as opposed to giving colleagues the help that is necessary.

That is why we are asking for your support of this bill. I would like to thank Assemblyman Fumo for bringing it up because we have already heard many of the same stories, and he wanted to bring up how the testing environment is taking away the love of learning. Too often, a student will ask if this is a test that counts or is it

a practice test? I know there are fourth-grade teachers who I have spoken with that have told me this. I personally have gone through this where a student will ask me if this is part of the state test or is this something I want to have tested? When I say it is a test or an assessment that I have created, as seniors, they do much better because they realize that I am actually testing and doing an assessment on their personal growth, and it is not a test by someone who is nowhere near their school, their classroom, or near them, saying what they need to know. I ask for your support.

Chairman Thompson:

Do you have any other speakers, Assemblyman Fumo?

Assemblyman Fumo:

No.

Chairman Thompson:

Are there any questions from the Committee? [There were none.] We will open for support for A.B. 212 in Las Vegas.

Steven J. Horner, Private Citizen, Las Vegas, Nevada:

I am a retired special education teacher and an advocate for teachers in public education. I will not reiterate much of the information given during the previous bill, but I do want to say that using high-stakes testing scores as even a minor component of teacher evaluation has proven to force teachers to teach to the information on the test rather than teaching how to obtain that knowledge and information. This punishes the student by giving information that remains in short-term memory until the test and then is purged by new information for the next test, rather than allowing that student the opportunity to develop problem-solving skills to place that information into long-term memory where those skills can be recalled anytime in the future. I urge the passage of A.B. 212.

Kelly Lynn Charles, Private Citizen, Las Vegas, Nevada:

I am a teacher with 21 years of experience, 17 years at Title I at-risk schools. This year, I am the proud teacher of some amazing fifth-grade students that some of you may be familiar with. I was also on the cadre that set the achievement levels for the elementary school math Smarter Balanced Assessment Consortium (SBAC) assessment. When we include test scores in the evaluations, we are assuming that the tests used are an accurate measurement of student learning and that the students' learning is influenced by the teacher alone. As educators, we make sure that students turn and talk and that they stand up and move around; that they seek out additional information in order to show us that they are learning and to help mastery of the content.

State-mandated assessments require that 8-, 9-, and 10-year-olds sit for roughly two to three hours at a computer, by themselves with no help: no access to additional information, no turn and talk, no additional ways to show that they have mastered the content. That single test, given on a single day, is not an accurate measurement of my students' learning. It does not show the students who entered my class reading at a second-grade reading level but who

now are reading at a fourth-grade level. It does not show the students who came in adding on their fingers but who now know how to multiply multi-digit equations in their heads. These students may still not be proficient on the SBAC.

The American Statistical Association also recently noted that teachers accounted for only 14 percent of the variability in student test scores. We know that socioeconomic status, parental education, and exposure to experiences outside the classroom are just part of the other 86 percent.

I am held accountable. I am held accountable to my students. I need to ensure that they are the best students that they can be, every single day in my classroom. I am accountable to the parents. They hold me accountable to make sure that I teach their whole child—not just part of them, but their whole child—and that I provide them an amazing fifth-grade experience. I am also held accountable by the next year's teachers. They hold me accountable to ensure that my students leave my classroom ready for the next grade, ready to learn and master the sixth-grade standards. Thank you.

Stephanie Bell, Board Member, Nevada State Education Association:

I teach special education in a self-contained classroom. I support A.B. 212 because last year my students took the SBAC for the first time. Even before we had the SBAC, testing is very hard for students who are not at grade level. I have had students who have had nightmares. I provide a stress ball for my students during testing. Last year I had students who were crying. Even though students know how to operate a computer, know how to play the games on them, as far as learning, they have not learned how to transfer their learning or what they have learned to the computer. I have students that are prekindergarten level up to fourth-grade level, but it is hard for them to take that test. It causes them a lot of anxiety. I support this bill, and I would like for them not to have their confidence destroyed by a test.

Sandra Hinds, Private Citizen, Las Vegas, Nevada:

Again, I am a teacher in the Clark County School District. I teach second grade and began teaching in the fall of 2014. I was surprised at the mediocre mindset, the accepting of average or failing grades compared to the achievement—not with all students, but with many of my students. Still, in my third year, I see how easily students give up, no matter what level of motivation that I promote. I taught college to these students every single day. I see how the kids check out when being assessed. They simply do not read the questions, they do not read the choices, they are not thinking critically. The student achievement should not be a test to measure teacher evaluations because we are teachers; we are not in control of whether students are doing their very best when being assessed. There are unlimited factors beyond teacher control that can, and do, affect their performance. Our level of ability and performance is not solely measurable by test scores.

Star Ali Mistriel, Member, Clark County Education Association:

I have been a Clark County School District third-grade teacher for the past 8 years out of my 13 and a half years at CCSD. I am in support of A.B. 212. Over the years, I have watched students who have stressed out over tests, students who have learned, but have found that

these high-stakes tests they took are inappropriate for their development. I have children that I serve in a Title I school that have social-emotional problems; those things are rarely addressed by the government or anyone else. They just come, they go, and we just do our best to catch these kids and grow them in the time that we have them. I appreciate the fact that we want to be accountable to the teachers, and the teachers are accountable with the students, parents, administrators, and even to our state and our licensing. I am absolutely in support of A.B. 212.

Robert Coules, Private Citizen, Las Vegas, Nevada:

As others have stated before and I have stated previously, we are more than happy to be accountable for what we actually do and what we actually control. The idea of holding us accountable for things that are outside of our classroom, outside the scope of what we can actually get our hands on and deal with, is asinine.

What I would really like to ask this body, the entire Legislature, the Governor, and the entire state of Nevada is when are you going to be held accountable for not providing adequate funding for education? We do not have adequate funding for enough teachers. We have a critical teacher shortage in Nevada, in part because we are not paying them very well. We are not providing them with adequate medical benefits. We are not providing our students with adequate wraparound services. We are not providing our ELL students with adequate ELL education. There are great programs if they are in the right school. If they are not, sorry, the student is out of luck. This has been going on since Nevada became a state. It is about time that we actually do something about it.

We have several opportunities to do something about this in this legislative session, but I understand that nobody wants to raise taxes or find any new money because actually doing right by the students of Nevada seems to be too much work. Instead, we focus the attention on our teachers, and we come up with a system of evaluation that punishes them for going to work in the hardest-to-teach schools, with students who have a variety of issues outside of our ability to control, and then say, Sorry, you are failing; you are a bad teacher. It is wrong.

We have people that tell us that the Nevada Educator Performance Framework (NEPF) is being used wrongly by our administrators because it rates the vast majority—more than 90 percent— of our teachers as effective or highly effective. If that is the case, they say that it is clearly being done wrong to score so many effective teachers. We do have highly effective teachers in CCSD and in every single district in Nevada. What we do not have is enough of them.

Chairman Thompson:

We will come to Carson City for support of A.B. 212.

Karlana Kulseth, Board Member, Nevada State Education Association:

We represent 40,000 educators and education support staff professionals across Nevada. Nevada State Education Association does support this bill, by removing student achievement data from teacher evaluations. As a high school English teacher, I do want to take a step back and look at this from a student's perspective. At the high school level we have a range of students, just like at any other grade level. We have the student who is the overachiever—they take every AP and honors class. They are studying up until early hours of the morning, only getting a couple of hours of sleep before they roll back into school. Assemblywoman Olivia Diaz was one of those students. We also have the students who play sports, left and right.

Take it back a step further. We have students showing up to school hungry; they are couch surfing; they are homeless; they have to work full-time jobs to help support themselves, their families—which could include their own little families that they have started earlier than most of us would like. The reality is that there are so many things out of our control as teachers, that we are being penalized for through high-stakes testing. We need to take a step back and not just think about the teachers; we need to think about the students. We have heard about how it affects the elementary school students; high school students are different. They do not break down and cry. You know what they do? They take a nap during these tests. They push the test aside; they do not take it. That affects a teacher's evaluation. It is not an effective means of holding us accountable for our profession [([Exhibit T](#))] is submitted but not discussed and will become part of the record.]

Phil Kaiser, Member, Washoe Education Association:

I am a teacher in the Washoe County School District (WCSD). I want to briefly talk about one student, a seventh-grader, and they are starting their SBAC testing this week. Last week he was inattentive and a behavioral problem; upon investigation we found out why. His father is an alcoholic who regularly beats his mother. In retaliation last week, his mother's family came to his house and severely beat his father who is now in the hospital in Washoe County. I can tell you with high confidence that boy is not going to do well on the proficiency test; he is not going to show growth this year. Those are the kinds of things that are beyond the control of the schools. Thank you.

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

I am a teacher of 35 years, now retired. My first job was at the boys' school in Elko, the Nevada Youth Training Center. It was considered at-risk. My next job was in McDermitt, Nevada. I taught there for five years. It was considered at-risk only because it was in a rather rural area on the Nevada-Oregon border. Then I came to Washoe County and taught 28 years, and all of the schools in which I taught were either declared at-risk, Title I schools, Chapter I schools—maybe they were going to call it paragraph schools.

The point I am going to make, and I think I am a quick learner: I am in total support of A.B. 212. I think that the Legislature should get out of the testing business and get back to the education business. I would hope that mastery would be reintroduced into our classrooms rather than the virtual education. I can give you a film about baking a cake, I can

give a lecture about baking a cake, and by golly, I can test you about baking a cake, but we do not spend the money in Nevada to put back the expensive classrooms that literally are the classes that allow for you to master your education. I can give you a lesson in mathematics on building a bookcase, I can give you a movie about somebody building a bookcase, but we must put back those expensive classrooms, the shops, the labs, the classes, where you do not stack them deep and teach them cheap. You need to actually have a licensed teacher with the ingredients, with the stove, in the classroom and the student actually baking a cake and mastering it. Virtual education is not getting us anywhere, and it will continue to produce an undereducated population to work until the day they die, with few or no benefits and no hope of going forward that way. Please make our schools viable and really educate students to meet their dreams.

Chairman Thompson:

I actually have a question for you. It sounded like you need to see a more tangible effort. Do you think there is some value in teaching our kids critical thinking?

Peggy Lear Bowen:

I most certainly do. I am most certainly for all components of education instead of piecemealing them and making things exactly what you talked about. We have students today who do not know when the batteries of their calculator are dying—or whatever device they are using—because they do not realize that when 9 times 9 is 22, it means that there is a failure of the instrument. You need to have people who have a sense of what comes next. You need to have people have a sense of history, and you need to have people educated in all components so that they can function and not walk out of school without being able to do anything. With virtual education, we graduate students at the end of twelfth grade; look at them today—they say, Now what can I do? Most of them do not have any application classes to back up the education for which we gave them a diploma.

Debra Harris, Private Citizen, Reno, Nevada:

I teach at Washoe County schools. I did address the body earlier. I am going to use an example I would like to have all of you consider. If you are not a parent, you all were at one time a child, a student. Did it reflect your parenting, if you are a parent, or the person that you were as a child, when you ignored or failed to follow the instructions that your parents gave you? I am certain every single one of you, including myself, did that on numerous occasions. Why I am relating that to you is to exemplify the adage that we have all heard far too many times—you can lead a horse to water, but you cannot make them drink. Regardless of my students, I am there every day, and every teacher that goes to work each day is there doing their job to the best of their abilities.

I have had an opportunity to be licensed and certified in seven states. There is nothing that ties me to Nevada other than the fact that I have chosen to make this my home. If this body continues to tie my ability to pay my bills, support my family, and to eventually retire to the performance of my students, I can believe that I will probably make the choice to leave the state of Nevada, regardless of the fact that I am a homeowner and have chosen to reside here for the past ten years. I am not going to belabor the point that this state is in dire need

of teachers. Everybody here is aware that we have, in fact, a huge teacher shortage. I would say that we need to consider the impact on simply being able to have teachers in this state if we continue trying to tie student performance to teachers' evaluations. That is why I am in support of the passage of A.B. 212.

Phil Sorensen, Administrator, Nevada Badass Teachers Association:

I am representing Nevada Badass Teachers Association (BATS) and we represent more than 2,000 educators in the state. I am also the president-elect of the Douglas County Professional Education Association. I am speaking in support of A.B. 212. In 1983 a nation at risk introduced the false narrative of failing schools. Since then there have been increasing attempts to contrive data which supports this false rhetoric even though the National Assessment of Educational Progress (NAEP), the nation's report card, has shown slow and steady growth over the past 30 years. The current state tests employ a system in which the cut scores determine that the majority of students will not be scored as proficient. Further, these tests have been shown to consistently measure the socioeconomic levels of the students taking the test. The 2013 data shows that 51 percent of Nevada children reside in homes of low income or poverty. Currently, these scores will be passed along to teachers. This needs to end. Teachers are not the enemy.

Many factors that influence these test scores are out of teachers' control. Subjecting teachers to be evaluated by student test data is holding them accountable for societal issues outside of public schools. As Professor Beardsley mentioned in her earlier testimony, many states, most recently Connecticut, are dropping test scores from teacher evaluations. Nevada is behind the national trend on this. Professor Beardsley also shared that there are presently 14 lawsuits across the country in regard to test scores being tied to evaluations. Nevada could find itself as number 15. Test scores must be removed from teacher evaluations. I support A.B. 212.

Lisa Muntean, Administrator, Nevada Badass Teachers Association; and Private Citizen, Las Vegas, Nevada:

I am an administrator for Badass Teachers Association, Nevada BATS, and with Lead Caucus of Nevada which is underneath the National Youth Corp. That organization works on social justice unionism within the teaching profession. I wanted to look at the environment for testing as a student. As I said previously, it is about the students, and that is why we are coming forward today with that in mind. As a teacher, in my classroom testing meant basically holding kids accountable and making them fearful. That was pushed forward by the district and by administration.

You ask how is that possible? Our whole school had to have data walls. The data walls have every child's test score—they do not make you put their name up there—but as their testing changes, they are forced to move a post-it or whatever with their number. The kid picks it up and every kid in the room knows which kid it is that just failed. We are shaming our children over these scores.

This is a part of corporate education reform. Corporate education reform wants failing schools, failing schools towards privatization. Meanwhile, they are going to shame the teachers, but more so, they are shaming the students. As we keep looking at this corporate education reform we bounce from textbook to textbook that may or may not align with the test. It might even be from the same publisher such as SBACs. Smarter Balanced Assessment Consortium (SBAC) has Springboard. I will tell you—in teaching math, the textbook was scripted and did not at all match the test coming from the same company.

Also, look at how much money we are spending on testing and then how much money we are going to spend on testing to make them local. Who is going to make sure that they do not look like the toxic standardized testing that we have now, and does not push that corporate education reform to, once again, shame teachers and students instead of using it as data to move forward—to identify what is making it best for teachers and best for students in the learning process.

John Eppolito, Private Citizen, Incline Village, Nevada:

I am a former K-12 teacher. I have four children; three are still in the district public school. I am also president of Protect Nevada Children. I am also in support of A.B. 212, but for different reasons. I pretty much agree with most everything that I have already heard, but I am going to give you some more information. Per the SBAC's contract with the U.S. Department of Education, the SBAC states "The Grantee must provide timely and complete access to any and all data collected at the state level to ED [the U.S. Department of Education] or its designated program monitors, technical assist once providers, or research partners, and to GAO [the government accounting office]" The American Institute for Research (AIR) is the one, per SBAC's website, that will "develop an open source solution for delivering the Consortium's online, computer adaptive summative and interim assessments to students." So, AIR will obtain hours of raw SBAC data on our students, much more than teachers or administrators will ever get. The American Institutes for Research website claims: "AIR is one of the world's largest behavioral and social science research and evaluation organizations."

This may be a little hard to get across in two or three minutes, but AIR has partnered with the Collaborative for Academic Social and Emotional Learning (CASEL) who has just given an anonymous donation of a quarter million dollars to the Washoe County School District (WCSD) for social and emotional learning. Via an AIR video, it has become apparent that CASEL and AIR want social and emotional data on individual students. In WCSD they will probably get it. We, at Protect Nevada Children, are not against social and emotional learning. We are against social and emotional data on individual students being assessed, stored, tracked, and shared. Unfortunately, most parents, and probably most educators, have no idea of all of the aspects of SBAC and AIR. We, at Protect Nevada Children, do support A.B. 212.

Chairman Thompson:

We will move to opposition for A.B. 212 in Carson City.

Kerrie Kramer, representing Charter School Association of Nevada:

I would like to thank Assemblyman Fumo for bringing this bill; however, the Charter School Association opposes the amendment ([Exhibit S](#)) to A.B. 212. One of the fundamental tenets of charter schooling is greater autonomy for greater accountability. Nevada has dropped five places in our national ranking of charter school laws in the past two years. One of the biggest reasons for this is the lack of operational autonomy granted to charter schools by our laws. We believe this amendment is well intentioned, but would have unintended consequences such as loss of federal funding to this state and its charter schools. We have spoken to the sponsor and have committed to working with him in the future on this bill.

Jeannette Belz, representing Friends of ACE Charter High School:

Ditto those remarks. We are opposed to the amendment ([Exhibit S](#)). We feel that performance evaluations are specific to a charter schools' mission and, typically, that is what makes them unique. ACE actually follows the state model, but tweaks it with their own approach to tie performance to real-world applications of the subject matter. For those reasons we are opposed.

Steve Canavero, Superintendent of Public Instruction, Department of Education:

You have my written testimony ([Exhibit G](#)); I won't read it. In summary we believe there is a role for student outcomes to play in the teacher evaluation system.

Assemblywoman Miller:

I want to be specific. Are you opposed to removing the standardized testing from the teacher evaluations, or are you opposed to including charter school teachers in the statewide performance evaluation under the same framework as public teachers?

Jeannette Belz:

We are opposed to the amendment that would draw on the charter schools specifically. We just found out about it this afternoon.

Assemblywoman Miller:

Then I guess my question is for you, Dr. Canavero. Again, I have asked this before. I am still unclear why it is appropriate for charter schools to not be evaluated under the NEPF, but for public school teachers to be. If the idea is that autonomy leads to progress and success, then why is that same offer not made to the public schools in Nevada so that we are given that same opportunity?

Steve Canavero:

Yes, you really answered the first half of the question. Part of the quid pro quo for charters receiving a six-year contract that could be either not renewed at the end of six years or revoked between year one and year six for low performance, is just that—autonomy to evaluate teachers, to make instructional decisions, the curriculum that is being offered, more traditional flexibility for that autonomy.

As to your specific question about why would other schools not be offered the same flexibility, the short answer is actually that they have that authority now. Senate Bill 92 of the 78th Session worked on the bill to provide principals with increased autonomy and authority over their school sites, specifically as part of many different strategies to improve our underperforming schools. What we heard from the field was a concern about going into those schools and having the teacher evaluation system be in place. In that bill, we actually froze that one aspect of the evaluation of student outcome data for two years, just to be responsive to some of the concerns we heard specific to a strategy the state would employ to empower principals and to improve our underperforming schools. It is narrow, but it is there.

Assemblywoman Miller:

Are you saying that the schools actually have the ability to waive the NEPF, that it could be a school-by-school decision? You are speaking about a slim section of the evaluation tool, and I am going to the whole thing, because it sounds like charter schools do not want to be evaluated by it and they get six years without. So if autonomy is a successful model—why would that not be granted to all educators?

Steve Canavero:

Senate Bill 92 of the 78th Session is a very slim section of schools. It is one aspect of the NEPF. The other is, of course, if there is a corresponding accountability in the charter where they would subsequently be closed or could be closed based on underperformance. That is not subject to the bill but would be a conversation.

Chairman Thompson:

I want to jump in a little bit on that. We keep saying that a charter school is a public school; a public school is a public school. If we have public school teachers that are being evaluated—if we are trying to compare apples and apples, should we not also include that on the evaluation?

Steve Canavero:

It is part of the concept of charters. The whole notion, back when charters were first adopted in the late 1990s in our state, was to provide incubators or experimental sort of laboratories that the entire state could learn from. Carrying that spirit through, you would want to maintain the autonomy and protect the autonomy for your incubators to continue to do their work based upon a premise of accountability. You do not want experiments that are not yielding results. Those experiments should be closed down as ineffective. You want experiments across all aspects of education for charters.

Where they obviously do not get to be creative is in what makes them a public school. They cannot be selective in terms of their entry requirements—they must serve all children. That is the opening salvo, and from that point forward, they have autonomies and then ultimately are measured on student outcomes from graduation rates, their growth, and their assessments. That would be the provision you would want to protect.

Chairman Thompson:

The follow-up question is, are we really saying the right thing when we say that our charter schools really are not public schools? If it uses public dollars, is it really a public school?

Steve Canavero:

I could definitively say they are public schools. They are not anything other than that. Part of your public school portfolio includes public school choice, and charter schools are one of those, including magnets and other programs that are offered by the local school districts, including charters that are offered by the local school districts. I will put a more practical point on this. I am going through the charters and I do not know of a charter, presently, that the teachers have collectively bargained. Therefore, some of the provisions within the NEPF do not apply. Most of the teachers, if not all, operate on an at-will or an annual basis, at which point the notions of probationary, et cetera, do not apply.

Kerrie Kramer:

One thing I want to add is that charter schools operate under the federal charter schools program grant, and they prioritize that federal funding to states that maximize autonomy and have strong accountability standards. That is another area where you asked about the public funding and the public dollars. The autonomy allows us to receive federal funding as well.

Chairman Thompson:

Because you are able to leverage your dollars, the grant dollars supersede the requirements for the public level.

Kerrie Kramer:

I might have to defer to Patrick Gavin with the State Public Charter School Authority. The only reason I say that is I know that within some of the guidelines for federal funding, autonomy for schools is listed as one of the major components of that. I would be happy to get back to you.

Assemblywoman Diaz:

I know that with public schools—although you brought up the collective bargaining issue—in the past we have really talked about performance evaluation being about transparency with our public monies and making sure that those public monies are being utilized to the best of the state's ability. It is just a transparency process by which we are letting the public see that the dollars are going to good work here. I see it being applied the same way with the charter schools. Is transparency not a good thing, especially when public dollars are going to fund charter schools and the teachers that work in those charter schools?

Steve Canavero:

Is this question about transparency around teacher evaluation outcomes? Right now, we do not tell parents the individual evaluation or the performance rating of a particular teacher in a public school. You protect those numbers the same way we would protect the outcomes for students at a particular end size. Does that help?

Chairman Thompson:

Is there anyone else in opposition to A.B. 212? [There was no one.] We will move to neutral for A.B. 212?

Peggy Lear Bowen:

Based on the last part of that conversation I am neutral. I am just interested in some information.

Chairman Thompson:

Did you come to speak in support earlier? You have to pick one or the other.

Peggy Lear Bowen:

I apologize. [Testifier leaves the stand.]

Assemblyman Fumo:

To sum it up, I think that everyone in this room and everyone in Las Vegas has testified as well as those in the overflow room, and I think we can all agree on one thing—we want what is best for children and for education in Nevada. It speaks volumes that when the amendment came out, the charter schools were the first ones to run to the table and say not to include them in this mess, because what we have right now is a mess. What is going on right now is fundamentally unfair to the educators, and in turn it is fundamentally unfair to the students, and I urge this Committee to support this bill.

Chairman Thompson:

We will close the hearing for A.B. 212. We will open the hearing for Assembly Bill 351.

Assembly Bill 351: Establishes program of grants to be used by teachers to make payments on educational loans. (BDR 34-653)

Assemblyman Ozzie Fumo, Assembly District No. 21:

Assembly Bill 351 is good policy. My prayer is that it will assist Nevada in not only attracting, but retaining, high-quality, conscientious educators to the state. With your indulgence, I will briefly go through the sections, then turn it over to Mr. Murillo to add his testimony and input to any questions the Committee might have.

Section 1 of A.B. 351 adds what is already included in existing law. It now requires the Department of Education to include in its annual report three additional items: The Department of Education must designate the counties, kinds of licenses, and fields of endorsement for which Nevada has a shortage of teachers.

Sections 3 through 11, or part two of the bill, asks the Superintendent of Public Instruction to award grants to educators who teach in areas of need as reported in section 1. I might like to add here that there was an amendment or proposal brought to me to include Tier 1 and Tier 2 schools, as well as counties in need. I think that would be a good addition to this bill. I consider that to be a friendly amendment when it comes up. Section 9, or part three of the

bill, authorizes the Superintendent of Public Instruction to take certain actions if an application for a grant is falsified or misleading, so that the state of Nevada can get the money back that it has paid out. Section 10, or part four, requires a report to the Legislature every other year.

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

We represent 40,000 educators throughout the state. As president of the Nevada State Education Association (NSEA) I have the opportunity to meet with my other fellow presidents from across the United States. Every state has a president in the affiliate including federal. In speaking to Denise Specht, the president of Education Minnesota, she told me about a program that they had just passed in their legislature which this bill is modeled after. We have a teacher shortage, and it is not only in Nevada. It is not only in Las Vegas, but it is throughout the rural counties, and it is also in every state in the nation. The teacher pipeline has pretty much come to a dripping halt, and this bill would help alleviate that shortage. Anything that we can do to alleviate the shortage, thinking outside of the box, we have to do so because our students are suffering.

In Education Minnesota they passed legislation that would help to address the issues of teachers who have bachelor's degrees and master's degrees where they have to get loans, especially for a program like the University of Phoenix or other online programs. The Hechinger Report found that the average graduate in a master's degree in education finished with a debt of more than \$50,000. It is almost like the student debt for some teachers is not just a burden; it is a barrier to the American Dream. We would hope that this piece of legislation would help to address that issue, but also in the shortage areas where we have the greatest need for our teachers, special education, science, and math. [Prepared text was submitted that included additional testimony ([Exhibit U](#)).]

Chairman Thompson:

Is this any different than a tuition reimbursement program, or is it totally different? Is this only for educators that maybe had a loan five or ten years ago, or is it for people who are trying to build up their skills today and get higher education? Can you explain that?

Ruben R. Murillo, Jr.:

It would be for everyone. There are a lot of teachers who already have debt, and many of them have to leave the profession to find a job that is going to help them pay off that debt.

Chairman Thompson:

What I was referring to is kind of like continuing education. Say that a teacher wanted to go to one of the higher institution environments: they would pay that money and then immediately, as long as they get a C or better, receive tuition reimbursement. Some of the municipalities have those types of program. I was just wondering if that is a part of this or not? Or is this a situation where the debt is there, and we are looking to help you with the debt?

Ruben R. Murillo, Jr.:

It could be both. It could be that the debt is there, but also if a teacher wanted to further their education. For example, they were in general education and they wanted to get a master's degree in special education. If you go through any of those universities like the University of Phoenix or Northern Virginia Community College (NOVA), those are very costly, and many teachers have to take on debt in order to get those degrees.

Assemblyman Pickard:

I was looking for language that we have seen in the past about "as money is available." I did not see that. Does this then assume that we are going to be making an appropriation for this money? If so, what were you contemplating for a starting point?

Assemblyman Fumo:

Being that this is a policy, I intended for it to be sent over to the Assembly Committee on Ways and Means. I believe there are already funds available for it; the Superintendent has money. It also has a section regarding the ability to add to the fund by way of donations and grants as well. Unfortunately, it is only for the amount the teacher requests, and up to \$1,000. It is \$1,000 per educator who is attracted to this state. I think there is some money there and, hopefully, the Assembly Committee on Ways and Means can find more for it. We can add to it by grants and other means.

Assemblyman Pickard:

I appreciate that. I was wondering if you had a starting point in mind.

Assemblywoman Tolles:

Thank you for presenting this bill. I know that trying to attract and retain good teachers is a goal for all of us. I always appreciate creative ways of doing that. I do not want to get too far into the fiscal details; I do know that is dealt with by another committee. I would like to come back to section 7, subsection 2(b) to see if I can get some clarification: "Unexpended appropriations made to the Account from the State General Fund, must be credited to the Account." Could you explain that a little further and what the intent of that is?

Ruben R. Murillo, Jr.:

I would like to ask if we could have Chris Daly explain that?

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

I believe that this is just so that the account does not get zeroed out and moved back into the General Fund, given that it is an account that potentially could accept gifts, in addition to the General Fund.

Assemblywoman Diaz:

The way that I read it somewhere in the bill, I believe I recall that it could be \$1,000, but if not a lot of teachers apply for this money, then the decision could be made to increase the amount, divided among the teachers. Is that accurate? Is that why maybe not reverting the money would come into play, because we would take the applicants of those seeking the funds, then perhaps divide the money amongst the applicants?

Chris Daly:

Perhaps the Department of Education can talk about their fiscal notes. Deputy Superintendent Dena Durish did tell me before the meeting that generally the fiscal note is around \$20,000 for the administration of the program, in terms of if you were to maximize a General Fund expenditure into it. Their estimate is that there are likely up to 18,000 educators in the state with outstanding student loans. The average student loan for a teacher with a bachelor's degree is a little north of \$30,000 in terms of debt. If you have a master's degree, it is more than \$50,000 of debt. Teachers are less able than some of their academic peers to take down that debt quickly because they tend to earn less money than their academic peers. With that said, the Minnesota program that this program is modeled after is subject to appropriations. What the Minnesota Department of Education does depends on what the Minnesota legislature is able to appropriate into the fund. They take that and then prorate it per teacher application.

Assemblywoman Diaz:

Does it work both ways? I am trying to understand. Let us say in an ideal world we dish out \$1,000 to all of the applicants. If we have too few teachers applying, do we then redistribute the money according to the applicants? In the converse, if we have too many applying and we cannot afford to give them each \$1,000, do we prorate based on who we have and the pot of money we have?

Chris Daly:

I would defer to the wisdom of your Assembly Committee on Ways and Means Chair on this. Possibly, what you could do is—there is a \$1,000 maximum per year, per applicant for a total of five years, correct? If you appropriated—in our dream world—the full \$18 million, and 18,000 educators did not apply for this and you had a balance left over, you would want to deal with that in the interim or come back in the next session and not appropriate as much money then.

Chairman Thompson:

We will have our legislative counsel, Ms. O'Krent, chime in for us.

Karly O'Krent, Committee Counsel:

If you will direct your attention to page 5, line 40—in answer to Assemblywoman Diaz's question—it does not work both ways. As the bill is currently drafted it says \$1,000 or the pro rata share of what that would be for the number of applicants. It is a maximum of \$1,000.

Chairman Thompson:

We will take support for A.B. 351, and we will start in Las Vegas.

Steven J. Horner, Private Citizen, Las Vegas, Nevada:

Good evening again. I am a retired teacher who is still paying off his student loans. I urge the passage of A.B. 351 as I know what it is like to live with heavy student loans. I also know that I probably could have remained a teacher, rather than moving out of the teaching profession, if I had had some kind of relief. It is a great way for the districts to retain good teachers, especially in special education and other high-needs areas. I am asking you to please support A.B. 351.

Chairman Thompson:

Is there anyone else in Las Vegas in support of A.B. 351? [There was no one.] We will finish here in Carson City.

Ed Gonzalez, representing Clark County Education Association:

I would like to cite some studies, if I can enter it for the record and submit it to Nevada Electronic Legislative Information System (NELIS) afterwards ([Exhibit V](#)).

We represent 18,000 licensed professionals in southern Nevada. First, I would like to thank Assemblyman Fumo's leadership on the issue of student loan hardship that affects so many educators and their decision to even pursue the field of education. Clark County Education Association (CCEA) supports Assembly Bill 351. This is a much-needed bill that would aid Nevada's educators, who are your most educated workforce, in paying their student loans and further provide an incentive that would not only bring high-quality, new teachers to Nevada, but fill them in our most at-risk schools to impact student success where we need it most.

Teacher shortages pose a recurring problem, not only in Nevada, but across the nation, meaning there is serious competition when trying to recruit highly qualified educators. In 2015, some of you may recall, CCEA was very vocal about the high vacancies that existed in CCSD that were being filled by long-term substitutes during the 2015 Legislative Session. Most of these vacancies exist in the overwhelming number of at-risk schools. Most of these vacancies were filled at high-risk schools, as you know, with other programs that fell within our Zoom and Victory schools, and other bills that we talked about before.

To name a couple of the policy briefs that we have from the Learning Policy Institute, even after adjusting for a shorter work week, beginning teachers earn, nationally, 20 percent less than individuals with a college degree that entered other fields, and the gap widens to 30 percent by mid-career. Moreover, more than two-thirds of those entering the education field borrow money to pay for their higher education resulting, as was stated earlier,

in an average debt of roughly \$20,000 to \$30,000 for a bachelor's degree, and \$50,000 for a master's degree. The debt represents a significant burden for many prospective teachers and those continuing to advance themselves with additional master's degrees and Ph.D. programs.

Chairman Thompson:

Is this in addition to what we already have uploaded?

Ed Gonzalez:

No. I think this might be it. As I mentioned, this was from my colleague, Michelle Kim ([Exhibit V](#)).

Chairman Thompson:

We will go to opposition for A.B. 351. [There was no one.] Is there anyone who is neutral on A.B. 351? [There was no one.]

Assemblyman Fumo:

I want to thank you for your time and attention in this matter. I look forward to your support of this important bill.

Chairman Thompson:

We will close A.B. 351 and we will open the hearing for Assembly Bill 312.

Assembly Bill 312: Revises provisions relating to the statewide performance evaluation system for certain educational personnel. (BDR 34-960)

Assemblywoman Brittney Miller, Assembly District No. 5:

I will be presenting Assembly Bill 312. To echo so many of the things that we have heard already this evening, this bill is about making sure that teachers are evaluated in a fair, equitable way, regardless of the environment or situations that teachers are placed in. My bill speaks specifically to class size being another factor considered when it comes to teacher evaluations. I understand that we have class-size reduction laws in Nevada for kindergarten through third grade but, nonetheless, we still have some extreme class sizes.

To give you an idea, according to statutes the student/teacher ratio for kindergarten, first grade, and second grade, should not exceed 16-to-1. Right now, even the funded classes are at 21-to-1 in kindergarten; 17-to-1 in grades one and two; and 20-to-1 in grade three. With those restrictions, districts can still request a variance from the State Board of Education for grades one through three, and last year. When I say this, I want you to understand that this does not dictate that all are extreme—of the quarterly variances that were requested and approved by the State Board, there are approximately 650 classrooms in 250 different schools. Most of those were for variances of just three or less students because, obviously, kids come midyear, kids change, and you are not going to create a whole new class, but this is just to speak toward class-size fluctuations and increases. Smaller rural districts are also able to participate in a program as well. On average, our class sizes in

Nevada do not compare well with other states. Nevada's student/teacher ratio in public elementary and secondary schools averages 25-to-1 which puts Nevada in the position of the fifth highest in the nation. The national average was only 16-to-1, and the national median was even lower at 15-to-1.

I am not here to criticize or to mandate, or to even talk about class-size reduction plans. I know that has been done before, and I also know that while this is not a funding committee, this really comes down to a funding issue. In the spirit of what the other bill that was presented today, which is to provide some relief to our hardworking, passionate, and dedicated teachers, this bill will address that.

Again, we have to recognize that when you are being evaluated, class size is another factor that should be considered. Obviously, teaching with larger class sizes is different than teaching in a room with moderate class sizes. I believe there will be some people coming to testify to what their class sizes are. There have been some very extreme class sizes; I know this happens throughout Nevada as well. I also had a doctor of education on the phone who was a former classroom teacher, and who now teaches teachers. He was not able to be on the phone at this time due to a conflict, but he did send in a letter ([Exhibit W](#)). There is a reason why it is more than just the evaluations that are of concern—high class size not only causes the teachers to be overworked and dissatisfied, but it is a cause of attrition when it comes to the profession.

We talk a lot about caseloads when it comes to other professions. We know that with the social workers, their caseloads are too large; public defenders' caseloads are too large. It is only fair that we consider caseloads when it comes to educators as well. Studies have shown that overwhelming workloads are the main reason teachers leave their jobs and large classes can significantly increase teacher turnover. In Nevada, 61 percent of teachers cite large class sizes as one of their most significant challenges, representing the second highest percentage in the nation.

Assembly Bill 312 is not about tackling the issue of class size itself; however, it does attempt to address it by providing relief for the rubric and by which we are being evaluated and providing extra considerations. Teachers are not saying that they do not want to be accountable, but they want to be measured and evaluated on things that they have control over, and by an evaluation system that takes into consideration the possibility of their class sizes. There is an image that most people have in their minds of what a normal class size should be, and that probably comes from the class sizes that we were raised in when we were children. Yet, our class sizes exceed that in our school districts. When the evaluation tool was created, was it created to compensate for the fact of how many students would actually be in these classes?

I will give a quick review of the bill. It is basically in two parts. There is new language in section 1, on page 3. It talks about enhancing the performance evaluation recommended by the Teachers and Leaders Council of Nevada to ensure that teachers would receive the highest possible score in specific areas on their evaluation. These specific areas, as spelled

out in the bill, are areas that could be affected by the nature of having more students. The last thing we want is for a teacher to be evaluated—and at a disadvantage because they have 40 or more students in that class—on things like classroom management, making connections on "each" and "all" pupils, even things when it comes to parent outreach and contact. Obviously, more students mean more parents to contact. I will say that while the bill currently says "must," I am open to amendments. I have sat down with stakeholders a few times and we are still working on language to get it where everyone can be satisfied, but in keeping with the nature of the bill. There is flexibility there.

Section 2, subsection 5, also adds new language because one of the challenges is how do you determine what is an extreme or over class size—that these preferential points would be given in the situation that the teacher has over class-size limits? In the state of Nevada we do not have prescribed class sizes for any grade past grade 3. We would first need to prescribe a recommended teacher/student ratio for grades 4 through 12. Then the evaluation piece for the preferential points would be if that teacher has over that recommended limit in their class. Again, it is not a mandate, it is a recommendation. Think of the doctor who gives you a recommendation of what your blood pressure, weight, and cholesterol should be, because that is where you will be the healthiest.

I also realize that there are special considerations when it comes to class sizes. One is that when it comes to our teachers of band, choir, and orchestra, they want as many students as they can possibly get. However, I want to be clear that this would include other teachers. Specialists are not separate; I want to make it clear that this includes our specialists as well. Our physical education teachers and librarians would be under this as well, and capable of earning the preferential points for over-sized classes.

The second part of the bill requires that the State Board of Education prescribe a student/teacher ratio for each grade in elementary and secondary school that does not have a ratio—which would be grades 4 through 12. It would be used for the purposes of the bill's provision regarding teacher evaluation. This section of A.B. 312 will also specify that the regulations be based on applicable national standards and must take into consideration the unique needs of some of our students. Having students with special needs or English language learners in your class needs to be taken into consideration when we are referring to class size.

In closing, I want to reiterate that teachers hold themselves accountable and they also embrace accountability. I have never met a teacher who says I want to do worse than I used to. Teachers always want to do better and better. Yet, it is not realistic and it is unfair to be evaluated on factors you cannot control, and class size is one of them. Think about the kids in your life, whether it is taking them to a birthday party or having a pool party, there is a certain number of children you have in your head. When your child says they invited six more kids, all of a sudden things change, because you realize having more kids is going to change the scope of what you are able to do. We need to consider class size, and acknowledge, embrace, reward, and retain our hardworking teachers here in Nevada.

Assemblywoman Joiner:

I appreciate the problem that we have with classes that are just too big. I remember telling this story last session about volunteering in my daughter's kindergarten class a couple of times a week and just being floored by how difficult it is to even manage behavior.

It continues up into the elementary school—how to teach the kids something if you have just too many little people. You only have two hands, two eyes; without the volunteers, I just do not see how teachers do it. Unfortunately, not all teachers have that assistance.

With that in mind, I am trying to figure out how you arrived at the idea that they should get the highest evaluation? I can see a couple of these categories, like ensuring that everyone can participate would definitely relate to class size, but some of the others do not. Why could we not just bump it up one level, or a few points, or in some other way compensate for that? I am sure you had a reason. If you could explain it that would be great.

Assemblywoman Miller:

I originally got this idea from models from other states, which includes paying teachers additional funds for additional students that they have in over class sizes. I am not recommending or suggesting that, but there are areas where this is happening. I then looked at the next best thing of what we can do that does not cost money and it would be acknowledgement through the teacher evaluation. When you look at the Nevada Educational Performance Framework (NEPF), there are certain areas where it talks about "all." "All" changes when you have 30, 40, or 50 students; we know that. In the bill it is language that has been taken from NEPF. When it comes to the environment and classroom management, those especially are things that are directly impacted by having increased class sizes. Like everything else, that is flexible; we can work around which areas. There were areas not picked out when it comes to lesson planning or things like that, because not everything is impacted the same way.

Chairman Thompson:

We will take support in Carson City for A.B. 312.

Karlana Kulseth, Board Member, Nevada State Education Association:

We support 40,000 educators and support professionals across Nevada. Nevada State Education Association (NSEA) supports A.B. 312 to ensure teachers in over-crowded classrooms not be penalized on their job performance evaluation due to over-crowding.

I am going to speak from my experience at Rancho High School. I was a portable classroom teacher. In those classrooms you can comfortably fit 30 to 35 students. I had up to 50 students. It is hard to walk around, let alone stay on top of all of the different behavior management that needs to be done. Classroom management becomes an issue. Of course, you have kids coming in late first period for whatever reason: they woke up late; they are rushing in because they did not get much sleep because they worked a full night shift; they ran to get breakfast, then came into class.

Then we are looking at class periods after lunch where, in oversized classrooms leading to stuffed high schools, the lunch periods are dedicated to feeding every single student, which takes up almost the entire 35 minutes, including the 5 minutes to get there and the 5 minutes to get to their next class. It leaves these kids chaotic. They do not get time to just relax and take a break.

When we are looking at this, we are looking at classroom management issues that are often seen right on the spot. Observers come in and they see the negative right away. If we are looking at classroom management issues, we have to address classroom sizes. This bill allows us a compromise at this point in time. We cannot control things that are out of our hands. This is a statement that you have heard many times tonight. It applies to this bill as well. I urge you, as an educator and as a parent, to support A.B. 312 because we need to find the ways and means to retain our current teachers.

[Prepared text was submitted that included additional testimony ([Exhibit X](#)).]

Carmen R. Andrews, Board Member, Nevada State Education Association:

I am also a teacher in the Clark County School District (CCSD). I am in support of A.B. 312. As a high school teacher I have had class sizes as large as 53 students. I have had classes that were 40, 40, 40 all day long. As much as you want to be able to teach every single student in your classroom, it is really easy to lose 10 when you have 50, because you cannot even see all of the eyes in your classroom anymore.

What I would really like to see us do is to fund education so that we do not have class sizes like that. The reality is, that is not going to happen anytime soon—not enough to alleviate the kind of over-crowding that we have. When you did class-size reduction for grades 1 through 3, all that really did was make the rest of the class sizes larger because the pot of money did not get any bigger. So all of the class sizes have bumped up progressively into middle and high schools. When you are looking at the NEPF, and if you read the actual language in there, in order to get the four, it says that you activate learning for every student. Again, if you have kids sitting on the floor and squished in together, it is almost impossible to do that. There are ways to make it better, but I would say that it certainly is putting an undue challenge on those teachers to be able to get the kind of evaluation that they deserve. I do think there are other ways, but I think this is one way to address the problem that is not going to cost money, but would actually make teachers feel more valued for the burdens they take on, particularly in those courses that have very large classes.

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

I am here to speak in favor of A.B. 312, and I want to thank Assemblywoman Brittney Miller for bringing forth a discussion which fits nicely into teacher evaluation. The Nevada State Education Association (NSEA) recently sent out cards to our teachers asking them to comment, or if they agree that teacher evaluation needs to be changed, and not based on student standardized testing. One of the comments that we received was that there are way too many variables that are beyond our control for us to be solely responsible and accountable. For example, parental support, their ability level, attendance issues, transiency,

and of course, the issue of class-size reduction. When we talk about a lot of factors beyond our control, this fits nicely into that conversation. We do appreciate this conversation. We know that the issue of class-size reduction and the standards that need to be addressed are separate issues, but it really does impact what happens in the classroom.

As we talk about the NEPF and how this bill impacts that, we have to have a broader discussion as to what are the other factors that actually impact the teachers' evaluation in the classroom. We appreciate Assemblywoman Miller's bringing this up; it is the start of a conversation that has to be had. Again, we are in support of A.B. 312.

Chairman Thompson:

In regard to some of the offline meetings that we have had, are there any standards already? It is my understanding that you have teacher/student ratios up to third grade? Is that correct?

Ruben R. Murillo, Jr.:

Yes, from my understanding and my recollection, class-size reduction applies to first, second, and third grade. Once you get into middle or high school you hear reports of biology laboratories with 30 students, or honors classes with 30 to 40 students. As a special education, elementary school teacher, I was responsible for about 15 or 16 children in my classroom. I got an aid, and I could have a few more children. As I talk to my fellow educators who teach in middle or high school and they have five or six classes of 50 students—if you take a look at student engagement or parental engagement, and being in contact with them—how do you compare us, considering my necessity to communicate with only 12 parents. A friend of mine who is a teacher at Gilbert Magnet Elementary School has 17 kids in his first-grade classroom; compare that to a teacher who is at Basic High School who has over 150 students to keep engaged, both to be evaluated on their engagement.

Chairman Thompson:

My follow-up question is, are there any national standards? It goes back to what Assemblywoman Miller said in her opening remarks. She said, for example, if you are a social worker, there are some caseload standards. Is there anything on the national level to take us all of the way to the twelfth grade? It baffles me that we could go to third grade, but we cannot go beyond. Bringing into account everything that you talked about, there has to be some type of equation there.

Ruben R. Murillo, Jr.:

I do know that in speaking to my fellow presidents when we got together, Oregon was going to do an initiative petition to reduce class sizes; the same with Washington State. Anywhere you go across the United States, there is no set standard that sets classroom sizes. What does determine whether you expand class-size reduction from first through third grade on is money.

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

I want to add my support for A.B. 312 and to thank Assemblywoman Miller for bringing this up. Instead of going into the class size itself, I want to bring in three of the seven items that she mentions as something that is very important in our evaluations. I was fortunate in my second year of teaching to have a phenomenal principal who told me that it is very important to contact your parents within the first week.

At that time I had 23 to 28 students in my 7th and 8th grade classes. I was able to get through the majority of the parents within a week, maybe ten days if I used the weekend. I found that when I made those phone calls in August and September, my problems that could have occurred as classroom management in January did not materialize. I had already had the first contact and there was a friendship; there was professionalism between us. That parental contact made a huge difference when my classrooms were that size.

Unfortunately, over the past few years, my class sizes have grown. I have also moved into a high school setting, and it is very difficult to get through 30 to 35 calls within a week. Yet, I still tried. That was one element that I think is important, as pointed out—the parental contact. As educators, we realize that the most important educator—the first educator—a child has is not their first-grade teacher, or kindergarten teacher, it is their family. We want to be able to work with families.

The second item is that there is now a big movement in differential instruction, and it is important that we are aware of that as educators. When we have so many students in a class, it is difficult to plan every lesson to tap into our high-, our medium-, and our low-performing students. Again, this is important to bring up, and I believe that is what Assemblywoman Miller is trying to point out to us as the realities of what we are going through in education today.

Assemblywoman Diaz:

When we are looking at the law and we write words, these words mean something. I know that administrators usually select their best teachers and say, this is a good teacher; they can handle a bigger load versus another teacher who cannot. Playing the Devil's Advocate, think of a scenario where maybe someone is given big class sizes, but is not necessarily an effective teacher. Is that a situation in which we want to automatically entrust a higher score to a teacher just because they have a higher number, or do we really want to make sure that higher scores equate with equality of effectiveness in the classroom?

Natha Anderson:

If there is extra help for those teachers, possibly yes. That is one reason why we have Peer Assistance and Review Panel (PARP) that is presently being heard in the Senate, which we are also trying to expand. It has to do with the discussions, but I think it also has to do with the ownership of what is happening in our classrooms. An administrator needs to be aware, and it is not based on test scores; it is based on other elements as well—when an administrator plays to a teacher's strength, yes. I understand the question that you are asking

and I respect what is happening in our districts with how many people we have coming in. Bringing up this awareness and also putting a little more ownership onto the administrators, and how exactly that is happening, is what this bill is trying to do. It seems like I avoided answering your question, but that is an important thing to bring up—that part of it is how the administrators are helping our teachers that are struggling.

Assemblywoman Diaz:

I want to make sure that what is on an evaluation is truly reflective of that individual's ability in the classroom. I do not foresee people flocking to ask for 50 students, but you always have to think about unintended consequences. That is why I am asking things.

Scott Edwards, Private Citizen, Las Vegas, Nevada:

I am the President of the Southern Nevada Conference of Police and Sheriffs. We represent the major law enforcement labor groups in southern Nevada. I am also the father of a former Clark County School District (CCSD) teacher, and his wife, my daughter-in-law, is currently a teacher in CCSD. We just wanted to register our support of A.B. 312 and thank Assemblywoman Miller for bringing it forward.

Phil Sorensen, Private Citizen, Douglas County, Nevada:

I am a science teacher and the National Science Teachers Association recommends limiting to a 24-to-1 student/teacher class ratio. There are some numbers like that nationally.

Steven J. Horner, Private Citizen, Las Vegas, Nevada:

As an advocate for public education, this is a bill whose time is way overdue. I do support this bill.

Chairman Thompson:

Is there anyone else in Las Vegas in support for A.B. 312? [There was no one.] We will move to opposition for A.B. 312.

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

We are here in opposition to the language as written. We have met and talked with Assemblywoman Miller about this. We really believe that the Teachers and Leaders Council, as you have heard earlier this evening, has put a lot of effort and work into the Nevada Educator Performance Framework (NEPF) over the past six years. An automatic score on one of those performance measures is really not the way to go. As to class size, we agree that class size is definitely an issue but, frankly, it is a function of funding. We can lower a class size if we have additional funding, and I actually believe that we should do so in all grades. We are here in opposition because of the automatic score, but we are willing to work on some additional language if that would be beneficial.

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

I would echo what Ms. Rourke said in terms of that we want evaluations to be a tool to give feedback to teachers on how to improve their practice. Tying the hands of the administrators to give that feedback in a meaningful way, we are trying to get away from evaluations being punitive. We are trying to get to the point where we want principals and administrators to be honest and provide real feedback to teachers without there being a threat of some kind of negative consequence. We think that not being able to do that for our teachers, even who have large class sizes, is a problem from the Teachers and Leaders Council's point of view.

As Ms. Rourke mentioned, we did meet with Assemblywoman Miller and we will continue to work with her. Those of you who are lucky enough to be on the Assembly Committee on Ways and Means will hear me many times talking about the need for additional funding in the Distributive School Account (DSA) to pay for additional teachers at every level of class size and of the value of the class-size reduction funds that we do receive. We will continue to fight to reduce our class sizes through the DSA.

Steve Canavero, Superintendent of Public Instruction, Department of Education:

We are opposed, and believe there are other ways to validate teachers who are in large class sizes rather than to utilize the NEPF.

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

First, I want to thank the Assemblywoman for bringing the bill forward because she has pointed out one thing that we have talked a lot about, which is class-size reduction at the elementary level, but not so much at the secondary level. In fact, we have not talked about it. The value I see in this bill is bringing that forward. Unfortunately, we are opposed to the bill as it is written right now. We do not believe we can use the Nevada Educator Performance Framework in this way. We have had an opportunity to work with Assemblywoman Miller and we look forward to working with her further on this bill.

Chairman Thompson:

Is there anyone else in opposition to A.B. 312? [There was no one.] We will go to neutral for A.B. 312. [There was no one.]

Assemblywoman Miller:

Thank you and thank you everyone who came to testify in opposition because we all learn from things and it helps us to grow and move forward to improvement. To clarify a few things, one is the question about national standards. I do have information available, as well as multiple websites to provide you information on what other states are doing. There are approximately 30 other states that do have class size on the books. The question was asked when Assemblywoman Diaz played the Devil's Advocate. She is right. Generally, we do this over-crowding to our better teachers. I have been asked about our lower-performing teachers, and how this is a way for them to raise their scores. Usually, it is our higher performing and our strongest teachers that get the overloads of students, or get certain groupings of students, because it is the understanding and belief that they can handle it.

If there is a situation where an administration is trying to load up excessive class sizes on the lower-performing teachers, then I think we have a much bigger concern than any type of evaluation piece we have. At that point, the ones who are being directly hurt would be the kids. When we talked about class sizes, we have to understand that when the teachers came to share and talk about 50 kids in the class, this is a reality—40 forty kids in elementary school classes, 50 kids in middle school classes, and even as high as 60 in certain high school academic classes. This is happening.

I also know that many people do not understand why the evaluation tool would be used. There was a time, when trying to level the playing field, if a woman went out to be on the police force, there were certain concessions that she could be granted if so desired. Same with the military, it was a way of leveling the field. It can be viewed the same way when it comes to the evaluation—it is just a way to level the field, that we know you are having a higher workload, and there are an exceptional amount of students, and you have to put forth that effort just to continue to perform and achieve the highest level that you can. Thank you, and I will continue to work with our stakeholders as well. That goes without saying.

Chairman Thompson:

We will close the hearing for A.B. 312 and we will open for public comment.

Ruben R. Murillo, Jr.:

I appreciated the conversation about charter schools a little earlier, whether they are public, not public, or their role. Charter schools are public schools for the most part, unless you turn them over for a profit. I guess they still might be public schools. There are inequities with charter public schools when it comes to the governing of them and I am going to give you a for instance.

We had a charter school that we were working with. The teachers reached out to NSEA; they had a head mistress that was completely out of control. The school board had challenges with them in terms of addressing the issue. When I asked if this head mistress could be removed from the charter school authority, they did not have that authority to remove her. I had to go through different channels, working with the teachers and the parents at the school, to make some changes. Eventually, the changes were made. The school went into receivership. There still are challenges. Flexibility is good, but if it goes the wrong way, it can be a very bad thing for the students in that school.

Peggy Lear Bowen, Private Citizen, Carson City, Nevada:

Following President Ruben's lead in regard to public charter schools, Nevada became the second most privatized educational unit in the United States only behind the lower ninth ward after Katrina hit New Orleans. New Orleans had difficulty being able to put money back into the new schools to restore what was taken away by an act of God, or nature. Nevada got Katrinatized when we were hit by an economic storm, when the economy went south, and the tourists did not come over the mountain to help supply our economic needs in regard to education. We became economically devastated.

In trying to help our children, everyone did whatever they could, and public charter schools were part of a component to answer a need. The public charter schools were meant to add to and enhance our public school district and fill the needs of Nevada's education. The original public charter school bill is 36 pages long—which I have read. It talks about accountability.

I want to talk about taxation without representation of our school children, as to did we spend out public tax dollars wisely, or is there an accountability process in place for the state of Nevada to an elected official—not appointed, not a commission, not anything else—for public tax dollars for public schools. Public charter schools should have a mechanism in place for accountability and until you do so, we are in the business of privatization rather than education. This includes lack of licensure for those who are part of the public charter school educational companies that come into our state, and applying regulation. Thank you. You are all just awesome.

[Assembly Bill 77 was not discussed.]

Assembly Bill 77: Revises provisions related to teachers and other educational personnel. (BDR 34-253)

Chairman Thompson:

We will close public comment. The meeting is adjourned [at 8:30 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a proposed amendment to [Assembly Bill 320](#), presented by Pam Salazar, Chair, Teachers and Leaders Council, Department of Education.

[Exhibit D](#) is a document titled "Nevada Teachers and Leaders Council Recommendations for Legislative Consideration," in relation to the Nevada Educator Performance Framework presented by Pam Salazar, Chair, Teachers and Leaders Council, Department of Education.

[Exhibit E](#) is a Nevada Teachers and Leaders Council positional statement regarding [Assembly Bill 320](#) document and Nevada Educator Performance Framework (NEPF) Student Outcomes, presented by Pam Salazar, Chair, Teachers and Leaders Council, Department of Education .

[Exhibit F](#) is letter of support with a proposed amendment for [Assembly Bill 320](#), dated April 10, 2017, submitted by Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association.

[Exhibit G](#) is testimony in opposition to [Assembly Bill 320](#) and [Assembly Bill 212](#), presented by Steve Canavero, Superintendent of Public Instruction, Department of Education.

[Exhibit H](#) is a document titled "AB447 (2015) 'The NEPF Bill' Fact Sheet," submitted by Department of Education.

[Exhibit I](#) is a selection of four slides representing an overview of NEPF scores and ratings, submitted in opposition to [Assembly Bill 320](#) by Department of Education.

[Exhibit J](#) is written testimony in support of [Assembly Bill 320](#), submitted by Ruben R. Murillo, Jr., President, Nevada State Education Association.

[Exhibit K](#) is the Work Session Document, for [Assembly Bill 110](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit L](#) is the Work Session Document for [Assembly Bill 202](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit M](#) is the Work Session Document for [Assembly Bill 372](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit N](#) is the Work Session Document for [Assembly Bill 451](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit O](#) is the Work Session Document for [Assembly Bill 469](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit P](#) is the Work Session Document for [Assembly Bill 482](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit Q](#) is a letter, dated April 10, 2017, regarding [Assembly Bill 434](#), presented by Chris Daly, Deputy Executive Director of Government Relations, Nevada State Education Association.

[Exhibit R](#) is proposed amendment to [Assembly Bill 434](#), presented by Steve Canavero, Superintendent of Public Instruction, Department of Education.

[Exhibit S](#) is a proposed amendment to [Assembly Bill 212](#), authored by Clark County Education Association (CCEA), presented by Assemblyman Ozzie Fumo.

[Exhibit T](#) is a letter dated April 10, 2017, to the Assembly Committee on Education, in support of [Assembly Bill 212](#), submitted by Karlana Kulseth, Board Member, Nevada State Education Association.

[Exhibit U](#) is a letter, dated April 10, 2017, in support of [Assembly Bill 351](#) to the Assembly Committee on Education, presented by Ruben R. Murillo, Jr., President, Nevada State Education Association.

[Exhibit V](#) is written testimony in support of [Assembly Bill 351](#), authored by Michelle Kim, Director of Strategic Initiatives, Clark County Education Association, and submitted by Ed Gonzalez, representing Clark County Education Association, Las Vegas, Nevada.

[Exhibit W](#) is a letter dated April 10, 2017, in support of [Assembly Bill 312](#), to the Assembly Committee on Education, authored and submitted by Jamal Cooks, Professor, San Francisco State University, presented by Assemblywoman Brittney Miller, Assembly District No. 5.

[Exhibit X](#) is a letter dated April 10, 2017, in support of [Assembly Bill 312](#) to the Assembly Committee Education, presented by Karlana Kulseth, Board Member, Nevada State Education Association.