

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

**Seventy-Ninth Session
April 12, 2017**

The Committee on Education was called to order by Chairman Tyrone Thompson at 3:18 p.m. on Wednesday, April 12, 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 Steve Yeager, Assembly District No. 9



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst

Karly O'Krent, Committee Counsel

Sharon McCallen, Committee Secretary

Trinity Thom, Committee Assistant

OTHERS PRESENT:

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts

Bailey Bortolin, representing Legal Aid Center of Southern Nevada; and Washoe Legal Services

Dawn Gearhart, Child Advocacy Attorney, Washoe Legal Services

Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office; and representing Clark County Department of Family Services

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

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

Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District

Jessica Ferrato, representing Nevada Association of School Boards

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

Katie A. Dockweiler, President, Nevada Association of School Psychologists

Melody Thompson, Coordinator, Nevada Association of School Psychologists

Alma Alexander, Private Citizen, Henderson, Nevada

Brent Husson, President, Nevada Succeeds

Michele Rhine, Coordinator, Assessment Department, Assessment, Accountability, Research, and School Improvement, Clark County School District

David S. Hegna, Private Citizen, Las Vegas, Nevada

Patricia Stevens, Member, Board of Directors, Nevada State Education Association

Franco Carranza, Private Citizen, Las Vegas, Nevada

Derek Hegna, Private Citizen, Las Vegas, Nevada

Jennifer Webb Cook, Private Citizen, Henderson, Nevada

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

Angie Sullivan, Private Citizen, Las Vegas, Nevada

Athena Klock, Private Citizen, Reno, Nevada

Ed Gonzalez, representing Clark County Education Association

Colleen Odom, Private Citizen, Reno, Nevada

Andrew Haycock, Private Citizen, Reno, Nevada

Joan Bohmann, Private Citizen, Sparks, Nevada

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

Steve Canavero, Superintendent of Public Instruction, Department of Education

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

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

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

Peggy Lear Bowen, Private Citizen, Reno, Nevada

Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Office of Superintendent of Public Education, Department of Education

Chairman Thompson:

[Roll was called. Committee protocols and rules were explained.] We will hear two bills today. We will hear one bill before we recess at around 3:45 p.m. We will reconvene right after floor session with an address from Congresswoman Jacky Rosen. At that time, we will hear Assembly Bill 409, and then we will do our work session. We will open the hearing for Assembly Bill 491.

Assembly Bill 491: Revises provisions relating to the education of children in foster care. (BDR 34-718)

Assemblyman Steve Yeager, Assembly District No. 9:

Assembly Bill 491 seeks to ensure that children who are in foster care are getting the best education possible in order to have the best chance of success. With that being said, I am going to turn the rest of the presentation over to Mr. John McCormick from the Administrative Office of the Courts to provide additional testimony related to A.B. 491.

Chairman Thompson:

When you have finished with your testimony, we will take about ten minutes of testimony in support of A.B. 491 and about ten minutes of testimony in opposition.

John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts:

Today, I am here on behalf of the Statewide Collaborative on Education, Child Welfare, and the Courts—an outgrowth of our Court Improvement Program (CIP) for dependency within the court to improve outcomes for children enmeshed in *Nevada Revised Statutes* (NRS) Chapter 432B matters. The intent behind A.B. 491 is to bring NRS in line with the Every Student Succeeds Act, a federal law. It will also set up a framework to help the child welfare agencies and the local education agencies implement the provisions of that. I appreciate the Committee's indulgence in my many amendments on this bill (Exhibit C). I tried to bring you a consensus amendment and did not quite achieve it, but I think we are almost there. With the Committee's permission, I would like to run through the bill to clarify the points for you.

Section 1 eliminates a statutory program that no longer complies with federal law, so it takes out those provisions. Section 3 iterates that the "Agency which provides child welfare services" is the same agency that provides child welfare services in NRS 432B.030. Section 4 defines "foster care." The definition comes directly from the *Code of Federal Regulations*, the definition in federal law that the Every Student Succeeds Act uses. Section 5 gives more definitions. Section 6 defines a "school of origin." Going off the Court Improvement Program amendment I provided ([Exhibit C](#)), it also now includes the school the child is attending when a foster care placement is changed. The student remains in that school of origin absent a determination otherwise.

Section 7 of the bill reiterates that, and also indicates that when a question arises about where a foster child will be attending school, the presumption is that the child will stay in his or her school of origin. It has been found that educational stability, staying in the school of origin, contributes to the continued educational success of the child. That is what we are trying to accomplish in this section. Section 7, subsection 2 lays out the factors that the child welfare agency needs to consider when determining whether staying in the school of origin or moving to a different school is in the best interests of the child. It also iterates that transportation of a child and the cost of that transportation are not to be factors in considering the best interests of that child. That is always a concern regarding school of origin, because if a child is placed in a foster home that is not within the geographic area of the school of origin, the obligation is to transport that child to his or her school of origin.

The amended section 7, subsection 3 is where we have run into a little bit of disagreement. This section sets out that the presumption is that the child will remain in his or her school of origin. If the child welfare agency determines it is in the best interests of the child to change schools, the determination has to be made in writing and provided to the proper interested parties as determined by the agency and the local education agency as soon as reasonably possible. The next sentence in the amended version that begins, "If a dispute arises . . . ," has caused some concern. I think the best course of action at this point would be to remove that sentence in the proposed change to subsection 3, and leave the status quo in place as far as disputes over the child's placement.

Section 7, subsection 4 indicates that a child has to be admitted to school, even if the paperwork has not quite caught up with the child yet. Sometimes that is a concern. If the child welfare agency is still trying to wrangle all the papers and documentation, we do not want the child to be out of school, or to be in limbo for a time. Subsection 4 takes care of that.

Section 8 indicates that the child has to be provided with transportation for the entire time in foster care and, if the child is released from foster care or the physical custody of the agency which provides child welfare services, the school district shall ensure that child will remain in his or her school of origin through the end of that school year. If the child is adopted mid-school year, that child will remain in the school of origin until the next academic year.

Section 8, subsections 2 and 3 deal with who pays for the transportation for the child. The amendatory provision is that the court of competent jurisdiction—the juvenile or family court—would settle any dispute as to whether the agency or the school district pays for transportation. Ideally, it would be a mutual decision; however, if there is a dispute, we want to make sure it can be settled.

Section 9 indicates that each local agency and child welfare service agency has to develop certain policies and procedures to comply with the Every Student Succeeds Act. Those include policies and procedures on communicating information and transporting the child.

Section 10 is a reporting section. This amended section requires local education agencies to provide the state Department of Education with the information they are required to complete the new federal reports under the Every Student Succeeds Act. Section 11 addresses some old provisions of language regarding a program of school choice that is no longer appropriate under new federal law. Sections 12 and 13 also address that. Section 14 indicates that provisions of statute do not apply in certain circumstances. In fact, section 15 repeals the old sections that are no longer copacetic with federal law.

That takes you through the bill. I would be happy to answer questions or provide any clarification. I have people with me who know more about this than I do.

Assemblyman Pickard:

I have a question on the amendment to section 8. It felt awkward to me that we are saying in section 7 that there is a presumption that the child will remain in the school of origin, but section 8 says that if a child is released from the legal or physical custody of the agency the school district shall ensure the child shall remain in his or her school of origin, unless the foster parents decide otherwise. Why would we put the same presumption on the school if we are now released and it is up to the foster parents to determine what is in the best interests of the child? It feels awkward to me to have a third party inserted in there.

John McCormick:

That amendatory section contemplates a child who is released from agency custody, so is no longer in foster care—the child has achieved a permanent placement. We would keep that child in the school of origin for the remainder of the year for continuity, unless the new parent or guardian of the child decides otherwise.

Assemblyman Pickard:

I misread that, it is there plainly. That heightens my concern. If we are talking about a parent—the parent has the fundamental right to make that determination. It feels awkward that we would have the school district ensuring that something happen when that falls in the lap of the parents. Why are we inserting a school district into that equation?

John McCormick:

The idea here would be that the child remains in the school of origin unless the new adoptive parents determine to move the child to another school. For the sake of continuity for the child, for the remainder of the school year, the child can remain in the school of origin unless the parent determines otherwise. It simply ensures that when the child is released from foster care, the school district does not transfer the child to a different school. This maintains stability for the child.

Chairman Thompson:

Are there any further questions from the Committee? [There were none.]

Assemblyman Yeager:

There is a proposed amendment from the Legal Aid Center of Southern Nevada ([Exhibit D](#)). It is a friendly amendment.

Chairman Thompson:

Would you like to summarize it for the Committee?

John McCormick:

The proposed amendment from the Legal Aid Center of Southern Nevada updates the educational information that needs to be provided to a court when it is having a check-in hearing regarding a child who is in foster placement or in custody of the agency which provides the child welfare services. It is basically providing the court with more education information to help make the best decisions for educational stability for the child.

Chairman Thompson:

We will now open for testimony in support of [A.B. 491](#).

Bailey Bortolin, representing Legal Aid Center of Southern Nevada; and Washoe Legal Services:

Thank you to Mr. Chairman and to Assemblyman Yeager for our friendly amendment. I would like to allow Dawn Gearhart, who is one of our children's attorneys at Washoe Legal Services, to explain our amendment ([Exhibit D](#)). We represent children's wishes in their foster care cases to help give them a voice in court. Dawn will explain why we requested this extra information to help children succeed in school.

Dawn Gearhart, Child Advocacy Attorney, Washoe Legal Services:

This bill was proposed because the graduation rate for children in foster care is 44 to 66 percent, which is well below the national average. Additionally, children in foster care are more likely to repeat grades and less likely to perform at grade level, which translates to a reduced grade point average (GPA). The average GPA for Clark County seniors who graduated in 2016 was 2.79, but the GPA for seniors in foster care was 1.85.

Additionally, foster children are more likely to have behavior and discipline problems and are more likely to be assigned to special education classes. In fact, it is believed that between 30 to 40 percent of children in foster care qualify for special education, either through an individualized education program or Section 504 services. However, little information is presented to the court at these review hearings. During the review hearings, we address all of the child's needs, but we notice there is a deficiency specifically with education. Often, these children are not identified as students needing special education because previously they have not been in school or they have not been consistently attending the same school.

What this bill proposes is to keep more detailed accounts of foster youth and their educational progress to ensure their educational success. Oftentimes for foster youth, school is the only consistent part of their lives. Keeping track of where they have attended school, whether they qualify for special education services, and how they are doing in school will allow us to monitor foster youth in a holistic way.

Chairman Thompson:

Is there anyone else in Carson City in support of A.B. 491? [There was no one.] We will take testimony in support in Las Vegas.

Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office; and representing Clark County Department of Family Services:

We are in support of A.B. 491 as amended. I want to make sure the record is clear. There are several amendments that were going around. We are in support of the child welfare agency and the local education agency determining the best interest of the child, with the presumption being that the child remain in the school of origin and that, if there is a dispute between those two agencies, that dispute would be decided by the court. We would provide notice to every interested person not party to the action. This is amending a school district statute, so I want to make sure it is all interested persons that are given notice of the decision of whether or not transportation would be provided to the school of origin. With those amendments, we are in support. [Also submitted but not discussed was [Exhibit E.](#)]

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

We are also here today to extend our support for A.B. 491. In September of 2016, the Kenny Guinn Center for Policy Priorities, in collaboration with the Public Education Subcommittee of the Blue Ribbon for Kids Commission convened by the Nevada Supreme Court, published a policy brief on the foster care youth outcomes for students in the Clark County School District. As our colleagues from Washoe County mentioned previously, children in foster care face considerable obstacles that can hamper their educational success, including an increased likelihood of dropping out of school; lower graduation rates; low scores on standardized tests and poor grades; more behavioral problems in school; and they are more likely to be assigned to special education classes.

A major contributor to these troubling outcomes is the transiency rate for children in foster care. Research finds that children in foster care move schools at least twice per year, and by the time they age out of the system, over one-third are likely to have experienced five or more school moves. For instance, the 2015 Youth at Risk of Homelessness survey administered by the Clark County Department of Family Services found that the average number of placements among served youth, including youth in foster care, was ten. Youth in foster care are estimated to lose four to six months of academic progress with each change in school placement, which consequently undermines their ability to perform at grade level and on standardized tests. School transfers also decrease the likelihood that a student in foster care will graduate from high school.

Additionally, the frequent moves of youth in foster care often result in delays in enrollment, inappropriate school placements, lack of educational support services, and difficulties in transferring course credits. Excessive school mobility can also impact social development and hinder the foster child's ability to form and sustain connections and supportive relationships with teachers, counselors, peers, and caregivers—all of which are critical to the student's long term success. The emotional instability that excessive transiency creates can exacerbate behavioral issues, resulting in disciplinary problems, such as poor school performance. Unfortunately, youth in foster care often lack a strong advocate to help navigate the obstacles associated with changing schools. Due to the transiency, we are here to extend our support. [Prepared text was submitted that included additional testimony ([Exhibit F](#)).]

Chairman Thompson:

Is there anyone else in support in Las Vegas? [There was no one.] We will take testimony in support in Carson City.

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

We are here to offer our conceptual support. We just received these amendments, so we are still processing some of the information. We know that this is similar to the McKinney-Vento Act that we do for homeless students. Including foster care is a good collaboration. We want to work with the sponsors to make sure we have clarity on how the matriculation works from elementary school, to middle school, to high school, and whether or not that matriculation feeder is included in this legislation. Assuming that it is, we submitted a fiscal note—there is a cost and it will be shared with social services.

Brad Keating, Legislative Representative, Community and Government Relations, Clark County School District:

Like Washoe County, I am here in support of A.B. 491. As Ms. Anderson mentioned, we would like clarification as we move forward on the bill to ensure whether school of origin moves up with the students and grade levels or does not with the amendment from the Legal Aid Center of Southern Nevada. I know there is another bill that ensures that

the Department of Family Services has all these items. They will get the items through Infinite Campus, and will be able to use that. We are happy to move on both of those issues and support them as children are our number one issue. We want to make sure that these students in foster care get the very best services.

Jessica Ferrato, representing Nevada Association of School Boards:

We are here conceptually in support of the bill. As mentioned in previous testimony, I am reading these amendments for the first time so I need to review them. I think Washoe and Clark County School Districts made good points about what we need to review. We are definitely here, and this is definitely the best thing for students. Giving them the most stability at a time when things are challenging in their lives is important. We are here in support and look forward to working with the sponsor as this bill moves forward.

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

You have heard my colleagues from Washoe and Clark County School Districts express the concerns that we have, but we are in support of this bill. These children in foster care have enough issues to face without having to lose their schools too. Sometimes that is the one safe place for them. We want to support that.

Chairman Thompson:

Is there anyone else in support of A.B. 491? Is there opposition? [There was none.] Is there anyone neutral? [There was no one.] Are there closing comments?

Assemblyman Yeager:

Mr. McCormick was out in the hallway working on getting us where we need to be in terms of consensus. Thank you for hearing this bill.

John McCormick:

I was out in the hall talking with representatives from school districts, making sure their concerns are taken care of. We will double-back around to make sure we are all on the same page.

Chairman Thompson:

If there are any other amendments, please get them in to our Committee Policy Analyst, the sooner, the better.

John McCormick:

I will try to have them to you by the time you reconvene your meeting.

Chairman Thompson:

We will close the hearing on A.B. 491.

[The Committee recessed at 3:45 p.m. and reconvened at 6:07 p.m.]

[Assemblywoman Joiner assumed the Chair.]

Vice Chair Joiner:

I will open the hearing on Assembly Bill 409. I want to let the audience know that after the main presentation, I may be limiting the length of testimony to 30 minutes for each side, due to the late hour. We generally have a two-minute per person limit on testimony in support, in opposition, or neutral. No one needs to be personally offended. It is not personal; we just have a time limit.

Assembly Bill 409: Revises provisions relating to the subject area of reading. (BDR 34-988)

Assemblyman Tyrone Thompson, Assembly District No. 17:

I represent the diverse and growing City of North Las Vegas and parts of unincorporated Clark County. Assembly Bill 409 revises provisions relating to the subject area of reading, also known as "Read by Grade 3."

Let me start by saying that I applaud the great work of my colleagues on this initial legislation. It has a systematic flow. As with most legislation, sometimes it is necessary to revisit to ensure modifications are made to continue its mission. As you will hear in the presentation, there is a need to address areas to ensure that our children are on the trajectory to successfully be promoted to fourth grade. I applaud educators and community members who are doing a great job with our youth. Assembly Bill 409 is an expansion bill. I have been reading some of the articles in the newspaper that say it is a repeal bill but, as you will hear tonight, it is not a repeal bill. It is what I want to consider an expansion bill. You will hear many times a reference to "intensive reading interventions" throughout the presentation as the route we should use to truly see the growth in our students.

With me today is Dr. Katie Dockweiler. She is the president of the Nevada Association of School Psychologists. In Las Vegas, we have Ms. Melody Thompson, an administrator for the Nevada Association of School Psychologists. I met them at a convening of about 200 educators at an educators' event in North Las Vegas. Coincidentally, we walked in at the same time, sat at the same table, and started talking about the same thing. It is a godsend for me, as a believer. I felt like it was meant for me to connect with them. We have been working on this bill diligently. I want to professionally and publicly applaud them for the great work they have been doing. I value them as professionals and as people who care about our children. At this time, they will take over the presentation. They will then walk us through the bill. We will then be open for questions.

Katie A. Dockweiler, President, Nevada Association of School Psychologists:

I am a member of the Clark County Education Association. We would like to thank the Nevada Department of Education and the Nevada State Board of Education for their dedication and efforts in operationalizing this literacy bill. [Prepared text was submitted that included additional testimony ([Exhibit G](#)).]

We celebrate the efforts of Senate Bill 391 of the 78th Session that passed. We also view A.B. 409 as an expansion and an enhancement portion of that bill. This will allow us to home in on the literacy needs of our students. I will take a few moments to outline the bill and then my colleague, Melody Thompson, will review key research as it relates to the desired outcomes of the bill.

There are four high-level objectives of A.B. 409. The first is to expand and enhance the current literacy supports for students who are performing below the proficiency level. With that, there are two components. We would like to expand the intervention services for Grades 4 and 5, with the understanding that literacy skills are so important by Grade 3. We understand that there are more complex components to reading. Senate Bill 391 of the 78th Session provides for decoding and reading fluency; however, it does not provide for vocabulary and reading comprehension development. We know that third grade is when students make the shift from learning to read to reading to learn. This provision would assist them in that transitional period, to give them the vocabulary and reading comprehension skills so they have the ability to access grade-level text.

The second component of that expansion is with the understanding that many students are English language learners or just language-deficient. We need to provide the foundational skills so these students can have the vocabulary and language tools necessary to access literacy and grade-level work. We know that cognitive academic language proficiency in our English language learners (ELLs) takes four to seven years. At that rate, many of our students do not have the language skills needed to even begin academic work until after third grade. The language deficiency and the building of cognitive academic language skills are essential.

The second high-level objective of A.B. 409 is to return autonomy back to school sites. An amendment has been proposed regarding retention. It would maintain the retention piece of S.B. 391 of the 78th Session, and with that, the enhancement of the collaboration and partnership between the schools and the parents over the course of those four years of critical intervention. At the end of those four years, autonomy would be left at the school site to have a discussion about the level of the child. The parent would have the ultimate say, with the school's recommendation, whether to retain or promote that child to fourth grade.

We know that 54 percent of students do not meet proficiency rates. With the good cause exemptions provided with S.B. 391 of the 78th Session, those exemptions have bumped that down 12 percent to just over 40 percent. We currently retain 0.6 percent of third graders, so we would be shifting from retaining less than 1 percent to over 40 percent. That is something to consider as well.

The third high-level objective of A.B. 409 is to align the reporting metric. With the intensive interventions and the progress monitoring that would be a result of A.B. 409, we expect some outcome data we can use to make decisions about our children. By reporting the number and

percentage of students who are making expected progress in reading, those who are making limited progress, and those who have attained proficiency within the average range, we can make formative decisions about our students' performance along the way.

The final high-level objective of A.B. 409 establishes that only licensed teachers can make decisions about the establishment and assessment of intervention and progress-monitoring programs. Licensed teachers have had extensive training in pedagogy and are qualified to assist in making those decisions.

Those are the four high-level objectives. Now I will review the individual sections of the bill and their corresponding components.

Section 1 continues to provide for the reporting on the number of students retained, grades K through 12. Section 3 provides for the expansion of intervention and progress-monitoring programs to include Grades 4 and 5. Section 3 also delineates that the plan to provide intensive instruction to students who have been identified as deficient in the subject area of reading must ensure that the student achieves adequate proficiency in the requisite reading skills and reading comprehension skills necessary to perform at a level considered by the school district or charter school to be within the average range. It goes on to state that such a program must include, without limitation, regularly-scheduled reading sessions in small groups and specific instruction designed to target any area in which the pupil demonstrates a deficiency, including, without limitation, phonological and phonemic awareness, decoding skills, reading fluency, vocabulary, and reading comprehension strategies.

Procedures for assessing the student's proficiency remain the same and are to be determined using the Measures of Academic Progress (MAP) assessment for Grades 1 and higher, and the Brigance for kindergarteners as prescribed by the State Board of Education. The assessment period remains the same—at the first 30 days of school or the first 30 days enrolled. Also remaining the same are procedures for facilitating collaboration between learning strategists and classroom teachers, and the provision for a program to improve the proficiency of students who are limited English-proficient. School boards of trustees and governing bodies of charter schools are still required to submit their plans to the Department for approval.

Section 4 of this bill remains largely the same, with the small provision that only licensed teachers can receive additional compensation and are required to have professional development in the subject area of reading. Section 13 returns retention decision-making back to school sites. This is the piece that would have to be under the amendment that has been proposed.

Sections 5 and 10 shift the reporting metric. Specifically, reporting will now consist of the number and percentage of students making expected progress, making limited progress, and those who have attained proficiency within the average range. Section 6 emphasizes the importance of the parent or guardian, and that they be notified if their child is low in reading

proficiency and given an explanation that the school will monitor student progress and will analyze and regularly adjust the programs. This is essential. This provides the parental engagement and involvement piece that must occur throughout the duration of the four years these students are receiving these intensive and needed interventions.

The new part of the bill will explain that the school will frequently monitor the progress of the pupil toward obtaining proficiency in the subject area of reading using curriculum-based assessments and will periodically update the parent or legal guardian of the pupil's progress. It will explain that the school will analyze and regularly adjust the program and services identified pursuant to subsection 1 based upon the data collected relating to the progress of the pupil in the subject area of reading until the pupil performs at a level considered by the school district or charter school to be within the average range for a pupil enrolled in the same grade level in which the pupil is enrolled.

Section 7 requires that a licensed teacher establish and assess the student's proficiency level in reading and frequently assess it throughout the year. Section 9 emphasizes the role of parental notification and engagement and requires schools to offer parents and legal guardians additional instructional options for students who are low in reading.

Now, I hand the presentation off to Melody Thompson, who will discuss the specific data and research relative to A.B. 409.

Melody Thompson, Coordinator, Nevada Association of School Psychologists:

Thank you, Chair Thompson, for inviting Dr. Dockweiler and me to speak today. Thank you, members of the Nevada Assembly Committee on Education, for hearing us today. Although I work in an administrative capacity for the Clark County School District (CCSD), I speak to you today from my credentialing as a nationally certified school psychologist, my training as a marriage and family therapist, my years of professional statistical analysis for a publishing company, and as the parent of two students in the state of Nevada. [Prepared text was submitted that included additional testimony ([Exhibit G](#)).]

I am very excited today to talk about A.B. 409, the work that has been done, and the work that will be done to help our students read. I believe you have a file of research and data ([Exhibit H](#)). It would be helpful to your understanding if you access that as I go through my presentation.

The first area I want to talk about is research on intensive instruction, interventions targeting students' specific skill deficits and how that is helpful to our students. I am also going to show a little bit of data on retention and talk about retention. Then I am going to talk about how A.B. 409 will work to help our students, kindergarten through Grade 5.

There has been a lot of research on intensive instruction. Such prominent figures as [Mark R.] Shinn and [Hill M.] Walker, [Jeanne] Wanzek and [Sharon] Vaughn, and [John] Hattie, to name just a few of the many researchers, have done a ton of research showing that when we have students who are struggling and we give them targeted intensive

instruction on basic reading skills, multisyllabic word attack skills, vocabulary building, and advanced comprehension strategies, they make good progress and learn. That is a very exciting component of our literacy bill and the enhancement with A.B. 409.

I wanted to show one research study in particular—John Hattie’s research is now based on almost 1,200 meta-analyses studies focusing on what impacts students’ academic achievement [slide 2, ([Exhibit H](#))]. The graph shows four of the 195 influences on student achievement. Hattie looked at those 1,200 research studies and cross-walked the statistical data into a standardized measure called an "average effect size" ([Exhibit I](#)). Each study was assigned an average effect size. Out of 195 influences on student achievement, the average effect size of all the interventions that he studied was 0.40. You will see that as the green line in the middle of the graph. With A.B. 409, what we look at is intensive instruction on skill deficits, interventions targeting students' specific skill deficits in reading. His study showed that has an effect size of 1.07, which is almost triple the average rate of what we are seeing across 1,200 research studies.

Formative progress monitoring is the progress-monitoring piece. In this, we test students for one to three minutes on their basic reading skills, their reading comprehension skills, or whatever we are working on to help them achieve their reading. Then we watch them grow. If they are not making the growth, we change what we are doing so that they can grow. That has an effect size of 0.68 [slide 2, ([Exhibit H](#))]. Teachers providing feedback to students and parents has an effect size of 0.73. These are all very exciting components relative to helping students achieve. Out of the meta-analysis of 1,200 research studies, these are some of the top components; they are in A.B. 409 as well. I will now go into interventions and how they work as a third part of my presentation.

I want to talk a little bit about retention and its many impacts. When students are really young and they are struggling, there are a lot of factors involved—environmental conditions, missing many days of kindergarten, age—that go into why a retention decision for a student might be a good idea. At the outset, we think of retention as probably a good idea, especially for certain students. When a student is really, really struggling, it seems logical to give him another year in school. We think if we give the student another year in school, he will be able to catch up. Sadly enough, research does not support our desire to help these students through retention.

Hattie’s research shows that retention actually has a negative impact on student achievement. Students may make some gains in that retention year, however, those gains typically are lost within three to six years. At first, retention looks good, but over time it does not have the impact that we had hoped. One of the biggest concerns with retention is high school dropout rates. Retention is highly correlated with increased high school dropout rates. One of our biggest goals in Nevada is to increase graduation rates. If we are going to increase those rates, we want to keep retention as low as possible so that we do not have the dropouts. I can provide you with more research on that.

When our third graders from last year took the Smarter Balanced Assessment Consortium (SBAC), about 54 percent failed the statewide test. That is 20,345 students who did not pass their state testing in reading. We might retain some of those students. Florida currently retains approximately 12,200 to 15,000 third-grade students each year with their read to learn bill. We want to look at that and our resources in Nevada to see if we can support a large number of students being retained. As we move forward with this, if we start retaining a large number of third graders, we need to have conversations about how to provide them the resources they need relative to good teaching, class sizes, and the rest.

I would like to talk a little bit about the Florida bill because recent research was done by the National Education Policy Center ([Exhibit J](#)) and ([Exhibit K](#)). Two independent studies were done on the Florida data. They showed that in the Florida reports, on their data where students had made good gains, some of the statistical analysis was invalid because they did not accurately separate out the retention piece versus the huge intervention piece. What happens when students are retained in Florida is they are provided tons of intervention. A lot of money, resources, and time are given to those students for intervention. The research is showing that, while they are making good gains, it may or may not be due to retention or intervention. Research would suggest that it is probably due to the intensive intervention.

The last thing I want to say about Florida that is of concern is that, when we looked at the data, we see 46 percent of students are African American and Latino. When we looked at the students who are being retained in third grade, 69 percent were African American and Latino. This is disproportionate. I want us to think about that as we head into addressing changes through our legislative process. I think it would be great if we could keep that in mind.

There is a mental health component to retention that I would like us all to think about. Research has been done by Jan N. Hughes, Qi Chen, Felix Thoemmes, Oi-man Kwok, Shane R. Jimerson, and Tyler L. Renshaw on the mental health component, the child's well-being. In 2012, Jimerson and Renshaw did a comprehensive study on the impact of retention on students' well-being ([Exhibit L](#)). They found that “. . . retention is predictive of emotional distress, low self-esteem, poor peer relations, tobacco use, alcohol and other drug abuse, early sexual activity, suicidal intentions, and violent behaviors during adolescence.” As we go forward, while we are still considering all of the bill, we want to keep these things in mind.

Now I want to head back to one of the most exciting parts of the bill, the intervention piece. Slide 3 [of ([Exhibit H](#))] shows how, under A.B. 409, growing skills from kindergarten to fifth grade would work. When we start progress monitoring students on the intensive interventions that we are giving them, we want to assess their progress. If they are learning how to blend words, we are going to start monitoring that weekly, for about a minute, then we look at their trajectory. This is the kind of curriculum-based assessment data we want to look at. This chart shows the progress of an actual fifth-grade student in one of our schools. He is an English language learner who has been receiving interventions for several years. At the beginning of fifth grade, he was reading about 48 words per minute,

which is not good. We want students to read about 123 to 181 words per minute—that is the average range for a fifth grader. If they can read about 125 to 130 words per minute, we know they are reading on grade level and can access the curriculum quite well. This student was low; he would have been retained in third grade. However, interventions have been done with him throughout his elementary school career. By the end of fifth grade, you can see that he was reading at about 140 words per minute, which is right in the average range. By allowing him to continue on the course with intensive interventions targeting his specific skill deficit, he has made good growth and is ready for middle school. That red trajectory line shows where he is going and that he is above the target range. This is what good interventions look like, why we need to see the data, and why we need to base educational decisions on data.

Slide 4 shows the data of another fifth-grader. This student came into school with very low language skills. He had been receiving interventions since first grade. I will show you how he narrowed and closed the achievement gap over time. A lot of students in the state come in with low language in general, so we start work with them. It can take several years to pick up on that language piece. By fifth grade, he was already reading on grade level. Do you see the line in the middle of the graph? They switched to working with him on comprehension strategies because he was now ready for them. When we monitor progress of a student, when that red line is going down or is flatlining, we want to change the intervention. Within a month or two, we start looking to see if that child is narrowing or closing gaps in reading skills. If the student is, we want to change the intervention. That is what A.B. 409 is all about. It is talking about frequent progress monitoring, making sure that students are reading, learning to read well in a timely manner, and closing achievement gaps.

The graph on slide 5 shows the three-times-a-year comparison of a student to grade-level expectations. On the graph, we are looking at the green boxes that represent national averages for grade-level skills in basic reading. The blue dot shows the scores of the student I just showed you who has been receiving intensive intervention throughout his elementary school career. If you look at the bottom, you will see that it says "1F, 1W, 1S." That stands for fall, winter, and spring of first grade. The chart goes through winter of fifth grade. In first grade, his blue dot is really low, meaning he was significantly below grade level in his basic reading skills. As I said, he came in with very limited language. In first and second grades, they were giving him intensive interventions targeting his specific reading skill deficit. In third grade, he made great growth. As you see, in spring of third grade his blue dot is in the green box so he is now reading on grade level. However, the problem is that his comprehension has not yet kicked in. He probably would fail his state test, but he is now reading in the average range. They continued to work with him, adding comprehension strategies and building his vocabulary. As you see, in fourth grade he made great growth; by fifth grade, he was in the average range. His blue dot is right in the middle of that green box, so his basic reading skills are good and his comprehension has kicked in. He had enough time to be on grade level before he went to middle school. That is why A.B. 409 is so powerful and so exciting. If we do this type of work with our students, they will be reading on grade level.

Assemblyman Thompson:

One thing I would like to add is that in the amendment we need to add that it will go through sixth grade, because elementary school goes all the way through sixth grade now.

Assemblyman Pickard:

Assemblyman Thompson, that you have an evidence-based approach to this does not surprise me at all. As I was reviewing section 6, it talks about parental notification. As we have heard on prior bills, there seems to be a significant portion of the parent population that, for whatever reason, is not engaged—some cannot be engaged because they are working, others are not interested. Because we cannot engage those parents in the education process, they are not engaged at home either. These are often the students whose parents I wanted to see at the parent-teacher conference and never did. As we discussed previously, some parents will not engage. What happens to the child under the new rule? Who makes the decision for the enhanced efforts that have to be put in place? I assume we may be talking about after-school programs or somewhere outside the regular school setting that these interventions take place. How do we get students the programs they need if the parents are not going to engage?

Katie Dockweiler:

You are correct. Many of our parents, for reasons beyond their control or due to environmental situations, are not able to engage at the level that we as educators would like them to. Fortunately, these interventions—progress-monitoring programs—are available during the school day. A lot of schools build an interventions block into their schedule, so the students who are not able to engage in extra services outside of school are able to benefit from them during school hours.

Assemblyman Thompson:

We will communicate this well to the school districts. As they know that they need to try to make that connection, usually parents will show up when something adverse happens. They go to soccer games and so forth, but if they get a notice, that brings on a high awareness and they will come. Schools will make their best effort to make sure they do not have to make the decision.

Assemblyman Pickard:

With respect to that intervention block during the school day, are the students then missing out on other parts of the ordinary curriculum? Or, is this time that is set aside for that purpose so students do not miss out on anything?

Katie Dockweiler:

An intervention block, or whatever the school uses, is determined at the school level. It does not interfere with the 90 minutes of instructional reading time required by state law.

Assemblyman Pickard:

I understand that students may not miss out on that piece, but there are a lot of things beyond reading that students are learning. Are we sacrificing a part of the curriculum in order to do this? I suppose, in the schedule of priorities, this would be at the top, so that may be okay, but what are they missing when they have to go to the intervention block? Is it part of the program that we are building?

Katie Dockweiler:

Every school can address it separately. From my experience in the schools, there has been an intervention or enrichment block so no students are missing out on anything. They are all receiving enrichment or intervention at their level.

Assemblyman Elliot T. Anderson:

I want to get some clarity. This program has had wide bipartisan consensus and work on the past two sessions. Where was everyone when we were putting these reforms into place?

Katie Dockweiler:

Our state association did not exist prior to two years ago, so we were not present. But, we are here today.

Assemblyman Edwards:

You mentioned that the proficiency level was about 56 percent. Is it improving or declining, or do we know yet? As the program is only two years old, do we have statistics that would give us good indications of if what we are doing now is getting us to where we need to go? We talked in a couple of other Committee hearings about how we need to give time for things to work. Are we giving the Read by Grade 3 initiative and the Zoom schools enough time to actually make the difference we have been looking for?

Katie Dockweiler:

Currently, 54 percent of our students do not pass their proficiency exams; 46 percent do pass. We only have one longitudinal data point for SBACs for the last 12 years for our high-stakes testing—roughly 50 percent of our students pass, 50 percent fail. We are at a similar metric. If you take into account the Zoom students, there are approximately 3,000 students at the third-grade level participating in Zoom. If you take all of that into consideration, there would be 15,724 students retained. We would need an additional 629 teachers in order to accommodate those students. We know that we are in a teacher shortage nationwide. The need for 629 additional teachers is something to consider.

Melody Thompson:

This is the first year that we had good SBAC scores. Ms. Dockweiler is correct—the data is consistent across the criterion-referenced test (CRT) scores prior to that. About 40 to 50 percent of our students fail the statewide test. That has a lot to do with cut scores as well. We are working with the Department of Education to talk about cut scores. When you look at a normal distribution of a large, statewide test, we are cutting the

distribution at around the fiftieth percentile. An average range would be twenty-fifth to seventy-fifth percentile, so the cut scores are not actually showing how good our students really are. Probably if we had a cut score around the twenty-fifth percentile, we would see fewer students fail, more students pass.

Assemblyman Edwards:

When do the interventions start? Do they start in first grade and go through second and third grades? How would this bill differ?

Melody Thompson:

We already have MAP and Brigance in place. When a student is at-risk, we immediately know it. Thirty days after entering school, or three times a year when we do our benchmark testing, we know. Once a student is at-risk—kindergarten through fifth grade on any skill deficit relative to reading—we would do interventions with that student immediately. Assembly Bill 409 is providing for better documentation, going back to the fact that we do not know how our prior legislation is working right now because we do not have the data yet. Assembly Bill 409 puts that data into place so we would know how it is working; we would know if the students are getting interventions, and if they are making good progress toward reading. One wonderful thing about A.B. 409 is the accountability piece.

Katie Dockweiler:

I would like to comment on the graph [slide 5, ([Exhibit H](#))]. I do not want this graph to appear to be misleading since it starts in first grade. We have different metrics that we use for kindergartners. These skills are the basic reading skills for reading fluency. First-graders work on letter naming and letter fluency, which is a different set of skills that is more targeted and appropriate for kindergarten. In kindergarten, we are measuring letter sounds, letter fluency, and students' ability to begin decoding. In first grade, it transitions to these assessments which measure more basic reading and fluency. To answer your question, kindergarten is when the intervention starts.

Assemblywoman Diaz:

My question relates to the data you have looked at in other states that are already using programs similar to "Read by Grade 3." You mentioned Texas and Florida. In your research, did you come across information that they have strong pre-kindergarten programs in these states? If we start the education process sooner, would we give our students a fighting chance to be reading by third grade because we are giving them a jumpstart on their educational careers?

Melody Thompson:

I did not look into pre-K data, so I do not know. I have seen, in other research articles, pre-K is a very good early intervention for students who have low language skills [([Exhibit M](#)), ([Exhibit N](#)), ([Exhibit O](#)), ([Exhibit P](#)), and ([Exhibit Q](#))]. It will help them get ready for kindergarten, where they will start learning how to read. I have not seen the data in Florida and Texas related to providing pre-K programs. Once students are retained in Florida, the state pays a great deal of money and time on interventions for them.

Assemblywoman Diaz:

I wanted to shed light on that fact that, as a state, we do not have a strong pre-K program, especially for the children who have the greatest need to be receiving it. It is a little unfair for us to say that students are not able to read by third grade when we are not giving them a good start by ensuring that all of our four-year-olds have a high-quality pre-K program to attend. I think that should be part of the record—we should be realistic. We know that early indicators of success can be measured by whether a child went to pre-K or not.

Katie Dockweiler:

Along those same lines, we know from looking at longitudinal data for the past ten years, that the current free-and-reduced meals rate is near 50 percent in Nevada. Twelve years ago, it was only at 30 percent. We know that the number of students qualifying for the free-and-reduced meal is increasing. That highly correlates with the increase in homes with language deficiencies, resulting in students who will benefit from these types of interventions and support.

Assemblyman Elliot T. Anderson:

As the Committee will remember, we discussed about lowering the age for compulsory education. The point I have always made, since this has been an agenda item for Democrats and Republicans, is that we cannot just throw the stick at the end of the process. We have to provide those instructional supports and identify the students who need help at an early age. When you open up the gate to the classroom a bit earlier, you get the extra time when children are better able to develop language skills and build cognitive academic language proficiency and to be able to process these things. I think that is an important context for the Committee in ensuring that we have the resources to do this right. I would be the first person, even though I have been and continue to be a supporter of Read by Grade 3, to say that we need to be there with the resources to make it work. It is not just simply a stick; it is also about a ton of interventions and identifying the students who will have problems, getting them ready early. You really have to think about pre-K, getting children into the classroom earlier. It is critical for this whole thing to work.

[([Exhibit R](#)), ([Exhibit S](#)), ([Exhibit T](#)), ([Exhibit U](#)), ([Exhibit V](#)), ([Exhibit W](#)), ([Exhibit X](#)), and ([Exhibit Y](#)) were presented but not discussed and are included as exhibits for the meeting.]

Vice Chair Joiner:

Are there any more questions from members of the Committee? [There were none.] We will take 30 minutes of testimony in favor of A.B. 409, then 30 minutes of testimony in opposition. I do not think we will need 30 minutes for neutral testimony, but we will see how it goes. Please limit your testimony to about two minutes. You will be cut off if you go much over two minutes so others will have time. We will start in Las Vegas.

Alma Alexander, Private Citizen, Henderson, Nevada:

I am here to show my support for A.B. 409. Using standardized tests to make high-stakes decisions, such as whether a student will move to the next grade level, is a disservice to Nevada students. High-stakes tests are not diagnostic or prescriptive. They do not allow us to determine what our students need to progress in their literacy development. When test results are used as a single measure of performance, they can have unintended adverse consequences.

The retention of third-grade students based upon SBAC performance is one of those negative consequences. It is an unacceptable high-stakes decision that adds to the complexity of the issue. Third-grade students are under a large amount of stress and anxiety already, considering this is their first time testing under these conditions. Students experience physical, emotional, and cognitive symptoms during standardized testing; this directly affects their scores. I am witnessing that first-hand right now as we enter our testing season.

Computer literacy is a major factor in the success of students on the SBAC. This factor alone deems the test inefficient in testing for retention. Since testing is computer-based, students who do not have access to computers at home or outside of school are consistently at a disadvantage.

When we stop looking at the whole student and considering factors that contribute to literacy, we are bound to fail these students. I was one of those students. I was retained in kindergarten because I spoke limited English. I did not have the exposure and the support that my peers had at home or access to books. I do not come from a highly educated family and am the first in my family to graduate college. The decision to retain me was heartbreaking and affected my later performance. Given the time to acquire language skills naturally, I would have had the opportunity to flourish at a regular pace instead of being penalized.

Testing and retaining at Grade 3 does not give time for ELL students to master both the language and the curriculum. Research shows that ELL students will catch up when given the proper support. The students who are the most at-risk in our school system are put at a higher disadvantage by the test and the test-taking conditions. Decisions regarding retention should be made collaboratively by teachers working directly with individual students, using the data collected from research-based tools. This allows us to represent the needs of our students and to promote authentic literacy growth.

As a Clark County School District third-grade teacher, I support A.B. 409. Thank you for your time and consideration.

Brent Husson, President, Nevada Succeeds:

Most of you will remember that we were big supporters of this bill in 2015. Our efforts were behind getting a lot of it written. I come to you today in support of A.B. 409. I would like to highlight a couple of things. I think the presentation covered most of what is good about the bill and why you should give it strong consideration. I would like to answer a couple of the questions that were asked by Committee members.

To answer whether or not we know if Read by Grade 3 is helping students today—we cannot know because this year's class is the first group of kindergartners who will actually experience the interventions. They have not even had a full year yet to be able to measure. The other reason is the SBAC test will be taken this year, so we will not have the data from that until later.

Notwithstanding the testimony you just heard, which we think is also very relevant, what we do know works—in education across the board, not just in early childhood literacy—is progress-monitoring systems. I do not think we have paid enough attention to that, and I do not think we did in the original Read by Grade 3. A tool for teachers to use to improve instruction, based on results that are occurring in real time, is something we could add to this bill that would make a huge impact across the board. We would be incredibly supportive of an amendment like that. Absent that, we still believe that the changes that are made in this bill, especially the extension of the interventions into fourth and fifth grades, are very strong and necessary changes. Our whole point in the beginning when we proposed this bill in 2015 was not to have children retained; it was to get them the interventions they needed. It does not matter whether you are called a third-grader or a fourth-grader; if you do not get any different instruction, you are not going to move forward. The interventions are necessary, not the retentions.

Michele Rhine, Coordinator, Assessment Department, Assessment, Accountability, Research and School Improvement, Clark County School District:

I have worked for years as a teacher, literacy specialist, and a districtwide trainer on intensive reading instruction, interventions, and progress monitoring. I was recently promoted to an administrative position as a coordinator over assessment responsibilities.

During my 11 years of working in Nevada, I have helped teachers learn how to deliver intensive reading instruction to struggling students. I have also taught them how to monitor students' progress in phonics, reading fluency, sight words, reading comprehension, and other literacy skills. I have taught teachers how to develop individual reading intervention plans to target students' specific reading skill deficits. I also taught them how to document those interventions they have been using.

Working districtwide has been eye-opening—going to all of the different schools within the district. I have seen all of the data that goes with it. What I have seen is when entire schools target intensive reading instruction to each student's needs, those students make good growth. The weekly progress-monitoring data and three-times-per-year benchmarking data show how students narrow and close achievement gaps.

I have also seen schools that do not offer targeted interventions to all students. Some of the interventions are offered, but may not be delivered with fidelity. Data from those schools, especially when those schools have lower socioeconomic status or high English language learner populations, typically reveal poor achievement.

I support A.B. 409 because I have seen intensive, targeted reading instruction and interventions work to overcome students' skill deficits. As a teacher providing targeted intervention for 40 to 50 students a year, I saw that after just a couple of months of those targeted interventions students did not need interventions any longer. If they had never been given that chance, we know they would have fallen further and further behind. I have collaboratively analyzed the weekly data and helped teachers modify their interventions to find those that work for each student. Assembly Bill 409 is the answer to helping students learn to read well.

David S. Hegna, Private Citizen, Las Vegas, Nevada:

I am a special education teacher in Clark County. I am here today in support of A.B. 409. Every day I work with students who have severe needs. I can speak to the benefits of differentiated interventions and regular progress monitoring. All elementary students benefit from these interventions, not just students up to third grade. As a teacher of third-, fourth-, and fifth-grade students, I can tell you that fourth- and fifth-grade students also require reading supports to be successful. Regular progress monitoring and data analysis are evidence-based methods to improve student literacy and are strong components of A.B. 409. I also support removing mandatory retention, as it is not an evidence-based practice.

Patricia Stevens, Member, Board of Directors, Nevada State Education Association:

I am also a special education teacher. I am speaking in favor of A.B. 409. The existing law states that certain students in Grade 3 must be retained if they do not receive scores prescribed by the State Board of Education on the criterion-referenced assessment in reading, which is now the SBAC. Please eliminate this provision and continue to provide intensive instructions in Grades 4 and 5. Not all students learn the same way and progress at the same time. Making it mandatory for our third-grade students to be retained may cause them to develop additional issues, if not already observed or identified.

Third grade is a challenging time for most students. They are more aware of their strengths and limitations. They develop their own coping mechanisms. If our students are retained, it could affect their socialization, and they may develop poor self-esteem. They may become more self-conscious because their same-age peers have moved on without them. Behavior issues may develop.

We have our students for approximately six hours a day. Licensed personnel should not be held responsible for what happens before and after school. Again, I am speaking in favor of A.B. 409. Please do not retain our third-grade students.

Franco Carranza, Private Citizen, Las Vegas, Nevada:

I am a bilingual school psychologist for the Clark County School District. I support A.B. 409. As a former English-language-learner student and now a professional working with ELL students, I can point to the large amount of research which shows that it takes five to seven years of exposure and practice in the second language to become academically fluent in that language. This is what we call cognitive academic language proficiency. Students who have not mastered this proficiency do not have the language skills needed for full participation in academic activities. English language learners are not the only ones affected since any student who is language-deprived faces the same challenges. That is why continued interventions through fifth grade are essential to help these students and are a more effective means of support than retention.

Derek Hegna, Private Citizen, Las Vegas, Nevada:

I am a student in the Honors College at the University of Nevada, Las Vegas. I also am a product of the Clark County School District. I am here today in support of A.B. 409. When I was a CCSD student, I had the benefit of receiving targeted supports and regular progress monitoring. These extra supports helped me excel and were provided to me past third grade. If I had not received these supports, who knows where I would be now. I may not have graduated or gone to college, let alone have been accepted into the Honors College. All students learn differently and at their own pace. It makes sense for teachers and schools to support students regardless of what grade they are in, rather than retain them. It worked for me and it is working for others. For these reasons, I support A.B. 409.

Jennifer Webb Cook, Private Citizen, Henderson, Nevada:

I am a 28-year special education veteran of the Clark County School District. I am also an advocate for special needs students and parents. I am here today to speak in support of A.B. 409. The reason is that, in all of my years of teaching, I have worked with children who have struggled with reading. This bill, as it is, seems to be quite punitive because we all know that students learn at different rates. Many students are driven to tears when it comes to reading. I have had fifth-graders who read at first-grade level and third-graders who could not read at all. This is frustrating for the students, as well as their parents.

This is a bill that needs to be amended. I am very pleased that you are looking into this now because this is detrimental to our students. Our third-graders are at the point where they are just beginning to feel as if they are the big brothers or big sisters, but they are still the little brothers and little sisters. Their feelings are very important. The fact that they have the possibility of retention hanging over their heads because they have not learned how to read is punitive. It is not good for the students, their parents, or the community. I am in support of A.B. 409, and I sure hope you will consider the revisions to it.

Vice Chair Joiner:

Is there anyone else in support in Las Vegas? [There was no one.] We will move to Carson City for testimony.

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

We represent 40,000 teachers and education support professionals across the state. We are asking for your support of A.B. 409. We would like to thank the sponsor for bringing this bill forward. It is the first step of a pretty lengthy discussion because this is a very complex issue. When I knew this was coming up, I contacted as many of the elementary school teachers as I know, asking for notes. I received more than a few. The biggest thing that came back to us was the issue of retention. I am so happy this is being addressed in this. One teacher remarked that even if it is 0.5 off, as a kindergartner, you would be retained. What would happen in first grade? Would you be retained again? What would happen in second grade? Bringing this forward and amending out this very important part of the bill is something we really appreciate.

There are a few other little parts of the discussion we would like to also have—professional development and other things—but we realize this bill does not actually address those. This bill is more about the students and their retention.

As I read through notes from our members, the most important thing for us to remember is our students develop at different stages. Some students are ready to read, ready to go. When we are teaching them the letters, they want to read a book. There are other students who are still trying to decipher what the letters mean. That is a really important part of education. Something we need to remember about this bill is that students develop differently. Allowing for the retention to be pushed back to fifth or sixth grade is very helpful. We greatly appreciate it.

Angie Sullivan, Private Citizen, Las Vegas, Nevada:

I wanted to speak a little bit about the variety of Read by Grade 3 programs across the nation. This summer, I worked with the national board-certified teachers at the national level. We did a quick survey of the 10,000 teachers we were meeting with. There are a variety of programs. The Read by Grade 3 programs that are successful provide huge amounts of money in the primary grades to make sure everybody succeeds. That is the piece that has always been missing from this legislation. We ended up with the stick and none of the stuff that will actually help students.

I would like to point to the part about parent control that is going to be amended. I think it is very important for accountability. We need to involve parents in this process. They need to have a say in retention of their child. Parents need to be there if their child is tested and misses the cutoff by two points. Parents are important in our schools, and they need to have control of the retention piece.

I also wanted to talk about the competitive grant. At a Clark County School District trustee board meeting I attended, it was mentioned that the CCSD only received \$17 million out of the grant. They were significantly shorted compared to some other places in the state due to the competitive grant.

At my own school, most of my students are language learners. That is my area and field of expertise; I have degrees in my studies. I am very concerned that we are ignoring the research that shows that it takes language learners a little while to learn English. Instead of helping children, we are, in effect, punishing them for being bilingual. I would like you to consider that. That is why I support A.B. 409.

Athena Klock, Private Citizen, Reno, Nevada:

I am a middle school math and science teacher in Reno. I am also the mother of a fourth-grader who would not have been promoted this year based on his reading MAP test scores. During first grade, we spent 20 hours a week after school using phonics-based interventions provided by his teacher. He made just enough growth to be promoted to the second grade, but did not meet the grade-level minimum in reading. His second-grade teacher, a 30-year veteran, recognized his dyslexia and recommended testing so that he could qualify for an Individualized Education Program (IEP). After qualifying as learning-disabled, recommendations for intervention strategies and accommodations were made. One hundred percent of these were phonics-based. My suggestion of using known strategies favorable for dyslexics was heard, but the district had neither the programs nor trained teachers to implement them. I then sought outside, private resources for intense dyslexic reading intervention which my son completed over fall break in Sacramento—forty hours of work, to the tune of \$1,000. My son also completed six months of dyslexic eye therapy at two hours per week. I am happy to report that while he officially tested a hair below grade level, he is thoroughly enjoying reading. The class novel this year was *Percy Jackson and the Lightning Thief*, which also specializes in and discusses dyslexia. He is reading the book with the class and comprehending all of it.

Dyslexics comprise 10 to 15 percent of the population; they have excellent strengths for 3-D visual arts and for thinking outside the box. Repeating a grade while using the same intervention reading strategies will not achieve the desired outcome, which is reading at grade level. A child is complex and can grow and respond favorably to research-based strategies which match their deficits. Retention without appropriate strategies available to teachers is draconian. I support A.B. 409 and encourage all of you to do the same.

Ed Gonzalez, representing Clark County Education Association:

You heard from our member, Katie Dockweiler. I ditto what she said. I would like to highlight two things. First, we appreciate Chairman Thompson for expanding literacy support throughout elementary school—fourth or fifth grade and, depending on the school, sixth grade as well. In addition, we feel it is a better metric. Instead of doing mandatory retention, it requires stronger accountability by having the assessment at third grade and giving the option for retention back to the parents. Ultimately, parents then have control of their student as well. More importantly, one of the things mentioned was frequent progress monitoring of students. Some of our Victory schools have included that in their plans. We have seen some progress there as well.

Finally, I want to address something that Assemblyman Elliot T. Anderson mentioned regarding pre-K. If we do not work on the elementary schools, making sure that we provide support, we will pay for it at the end. I think he mentioned when he started in the criminal justice system, many in the system had only completed some high school. Anything we can do to assist in elementary school will help us further along, making sure that students do not become criminals and that they can succeed in life.

Vice Chair Joiner:

We have about eight minutes left for testimony in support of A.B. 409.

Colleen Odom, Private Citizen, Reno, Nevada:

I am a school psychologist. I am going to read the testimony of a colleague. From my own perspective as a school psychologist for many years, I would like to say that I have worked with students learning to read—from kindergarten through twelfth grade. Students are learning to read at all ages. That is important to remember. The amendments to A.B. 409 are actually describing best practices in education. I will now read testimony of a colleague.

Dear Assemblymen and Assemblywomen:

My name is Emma Dickinson, and I have been an educator in Nevada for 20 years. I was a school counselor for 10 years, then a national certified school psychologist for 10. I support A.B. 409. I have worked with children, pre-K through Grade 12, for all of those years.

As a psychologist working in a public middle school, I remember a boy who had been retained twice and was listed as a sixth-grader. He had a lot of behavioral problems, getting in trouble with administration on a daily basis. He was extra-large for his age and had a look of distress in his eye. He was relieved when we made an executive decision to move him up a grade; his behavioral problems nearly immediately stopped.

I cannot imagine what would happen to our schools if we systematically retained students in third grade. Not to mention economic instability, it would create even more dropouts and behavioral problems. It is an unsustainable solution to a problem.

What A.B. 409 does is allow for more resources to be put into schools to bolster students' academic achievement. It fortifies what we know is the best practice, according to national policies, as an alternative to social promotion and retention—solid interventions delivered by qualified personnel. This is why I firmly support A.B. 409.

Andrew Haycock, Private Citizen, Reno, Nevada:

I am the director at large for the Nevada Association of School Psychologists. Previously, I was a classroom teacher and school counselor. I am now a school psychologist. I am in favor of A.B. 409 because of the focus on scientific, research-based interventions and frequent progress monitoring. In my final year as a school counselor, I worked with a student who was reading at about a second- or third-grade level. For the previous five or six years, schools just put him in a reading support class which focused on phonemic awareness, word sorts, and basic reading fluency. He was fine with those skills; he needed help in reading comprehension. He consistently failed the high school proficiency exam and reading until the very final year. That final year, I consulted with the school's psychologist. We decided to assess where the student's skills were and provide interventions based on those skills. He went from a score of 165, which is far below the standard level, to a score of 375, which is the highest possible score in his cohort that year. This was the result of our focus on research-based interventions, targeting where they were needed.

I am in support of A.B. 409 due to the focus on continued progress monitoring and scientific research, standardized-based interventions for six years. Retention is a tough decision to make with families, so I appreciate our promoting the family/school partnerships, ensuring that parents have an equal say in their children's educations.

Vice Chair Joiner:

We have time for three more people to testify. If there are more of you who want to speak, we will take your written testimony and make it part of the record.

Joan Bohmann, Private Citizen, Reno, Nevada:

I am a nationally certified school psychologist. I am here to testify in favor of A.B. 409. I appreciate your efforts to improve and revise the Read by Grade 3 program. I was going to say that I was especially happy to see that you removed the punitive and ineffective requirement for retention, but I am hearing it mentioned now in modifications to this bill. That distresses me.

I have 35-plus years in the field of school psychology. In the past, I worked in the district that created a bridge grade, called "modified primary." It was between kindergarten and Grade 1, designed for those students who did not seem quite ready for first grade. In essence, it became a retention year. It was discontinued after a while, as it proved ineffective in remediating the needs of those children. The emotional impact on those children was that they would always tell what grade they really should be in. They never forgot they had been retained, no matter what we called it.

Retention, as you have heard, is very highly correlated with quitting school in the high school years. There can be a short-term benefit, but the long term generally shows a return to poor academic progress. If we had that magic window that could tell us which children would benefit from retention and which ones would not, we could be discussing this in a more scientific fashion. But, we do not have that window. Retention does not address the need

for more intensive instruction. The stigma of retention often leads to greater behavioral problems at school due to shame or bravado. I do beg you to reconsider the inclusion of retention in this bill. Keep in mind, as well, the financial impact of keeping students in school for an additional year. I applaud you for the focus you are making on structured interventions and for extending them.

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

Overall, the proposed changes to the existing law support literacy goals for instruction and student achievement. Specifically, Clark County School District applauds the language that adds support for students in Grades 4 and 5. This addition will ensure monitoring and literacy support for all our elementary students. Additionally, defining adequate proficiency in reading as an average range for the same grade level in which the pupil is enrolled should also be beneficial for schools to ensure consistency and clear expectations. Vocabulary and comprehension strategies are now included as reading components, which we know are key, particularly for intermediate students. The removal of the requirement to retain students in Grade 3 will allow schools the flexibility to determine if further interventions may be a better path for students still struggling in reading. We also applaud the specificity added to the reporting that is required to be provided to parents, including adjustment of programs and services and continued frequent monitoring. We also support the parental involvement in the decision to retain or to pursue further intervention.

Vice Chair Joiner:

I am sorry. I made the announcement that these were the last three testimonies we are going to take in support. We have already gone over our 30 minutes.

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

We are here in support of this legislation, but I wanted to offer the thought that this is really an expansion of this. In Washoe County School District, it has increased parent communication. We have an amazing website that has videos, materials for parents, instructional guides that parents can use with their children when they have received notification that their children might be on the path to retention. We have done training across all the schools, we have a common language, and we are seeing some progress in terms of student achievement.

It was mentioned earlier that in this legislative session, in a number of bills, we are getting around high-stakes testing and making decisions for students based on one particular test. When you think about the SBAC, this is the first time students are actually taking a smarter balanced test when they are in the third grade. Is that really the right tool, the singular tool, to be able to determine whether or not to retain students? We know there are other ways students can continue to move forward, but that requires additional steps. It seems as if we should have additional data points as we are determining retention rather than putting that additional pressure on students for the first time they are taking this test. We would gently suggest changing the term from "individual grade level" to "elementary," since in the Washoe County School District we have elementary schools K-4, K-5, and K-6.

Vice Chair Joiner:

We will now take testimony in opposition to A.B. 409 for 31 minutes.

Steve Canavero, Superintendent of Public Instruction, Department of Education

Thank you to Assemblyman Thompson and Ms. Dockweiler for maintaining our focus on literacy. I could probably fill the full 31 minutes, but I know I am limited to 2 minutes.

The *Executive Budget* recommends \$45 million to support the Read by Grade 3 program; that is a \$17 million increase ([Exhibit Z](#)). The budget also recommends \$17 to \$18 million in pre-K funding to match a federal investment to expand high-quality pre-K for children within 200 percent of the federal poverty level. There is \$170 million budgeted for full-day kindergarten funding. In this biennium, there is \$142 million in Zoom school funding, and \$80 million in Victory school funding. I mention these because they are investments, not in the hope that our children will read, but under Governor Brian Sandoval's vision and your support in 2015, to ensure that our children will read.

I am going to focus on the removal of the retention requirement, which we are in opposition to. We will submit to you a number of factors we oppose if my deputy, Mr. Barley, or I do not have time to get to them.

It is incredibly important for you to know that the State Board of Education has yet to establish the score on the Smarter Balanced test for a student to be retained. The numbers we are talking about may be true, or they may not be. You have entrusted the State Board of Education to establish and responsibly decide the particular score at which proficiency or nonproficiency is established under the terms of the Read by 3 Grade Act. They have yet to do so. They will look at two years of data. I can guarantee the process will be thoughtful as they approach their decision.

I have yet to see an amendment, so I am talking about the bill as written. The proposal to remove the retention requirement is entirely premature. The retention requirement in the law does not become effective until July 2019. This has just started. The retention requirement puts the necessary pressure on adults in the system to ensure they deliver for children.

There appears to be a tremendous amount of confusion about the original enabling law, which is incredibly important for those of you who were here in 2015 and all of the discussion and thought you put into this. I will read through the "good cause exemption," as everyone focuses on this particular test, which is only one criterion ([Exhibit AA](#)). A student may receive a good cause exemption if the pupil:

- Demonstrates an acceptable level of proficiency on an alternative standardized assessment approved by the State Board.
- Demonstrates proficiency in reading at a grade level through a portfolio—an authentic assessment.

- Is limited in English proficiency and has received less than 2 years of instruction in a program of English as a second language.
- Received intensive remediation in reading for 2 or more years but still demonstrates a deficiency in reading.
- Was previously retained in kindergarten, grades 1 or 2 for a total of 2 years.
- Is a student with a disability and his or her individualized education program indicates that the pupil's participation in this exam is not appropriate.
- Is a student with a disability who participates in the exam, has received intensive remediation in reading for 2 or more years, but is still demonstrating a deficiency in reading.

There are a number of thoughtful mechanisms in place to ensure that children are not punitively retained and that we get it right.

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

In addition to the elements Mr. Canavero outlined, the Department also has concerns about deviating from a program that was originally implemented in 2015. The external evaluator, that you all pay for through the seven signature programs, was found to be an exemplary, model program—one that our other programs should look at ["Nevada External Outcomes Evaluation," December 30, 2016, report prepared for the Nevada Department of Education: RFP 2098]. They looked at our statewide adoption of the math assessment with its economies of scale, the common professional development, and the comparability across school sites and classrooms. There is a piece in this bill about establishing curriculum-based assessments that has the potential to unwind that best practice.

The point of the Read by Grade 3 law is to measure student proficiency, growth towards becoming a proficient reader. In section 3, subsection 1, paragraph (a), there is language that changes that to comparing student performance in relation to peers. That concerns us. We want to measure whether students are making progress towards reading, not how they are doing compared to a peer group that may be below grade level in reading. We could unintentionally be setting a low expectation for children who we want to become proficient readers.

We have left for the Committee an exhibit that talks about research ([Exhibit BB](#)). We heard a lot about research today. Fifteen states plus the District of Columbia have adapted a Read by Grade 3 policy that is as comprehensive as Nevada's. Many of them are showing remarkable success.

Research from the RAND Corporation and Manhattan Institute talks about states that have comprehensive early literacy programs. It reports that retained students are able to catch up—students are growing faster in reading proficiency than students with similar scores who were promoted. Those gains sustained themselves over time—two years, four years, and six years out. There is a piece in the bill about adding reading comprehension. We like that.

Vice Chair Joiner:

I have received requests from members of the Committee, but will hold all their questions until the end of testimony. Is there anyone else in opposition?

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

[Ms. Barsell read from prepared text ([Exhibit CC](#)).] Thank you for considering my testimony in opposition to A.B. 409. Our United Way works in 13 northern Nevada counties. As you can see from the content in our handout ([Exhibit DD](#)), we are deeply committed to on-time third grade reading. Our Board provides funding for wrap-around services to Nevada K.I.D.S. Read legislation enacted in 2015 (formerly Read by Grade Three).

United Way funds four strategic partnerships in our region. In your handout, you will read about our ‘Building Blocks to Literacy’ program that is going into its third year. It is evidence-based, includes ‘social-emotional’ screening and training through the Technical Assistance Center on Social Emotional Intervention, and focuses on parent engagement and early child development. We also fund the "Family Reading Program" that emphasizes to parents the importance of reading with their children; the Boys and Girls Club Reads program—a partnership of five Boys and Girls Clubs; and the Nature’s Transformers program that includes classroom learning, field study, a literacy kit, and a book to take home to continue lessons with parent involvement.

We are also in the midst of a formal, collaborative, region-wide “Community Solutions Action Plan” using the framework provided by the national Grade Level Reading Network. Participants in this 13-county plan include the Nevada Department of Education; county libraries across northern Nevada; school districts; public television; University of Nevada, Reno; corporations such as NV Energy, General Electric, Wells Fargo, Enterprise Holdings, and others. The Community Solutions Action Plan will be available this fall.

My recommendation is that, in this session, we stay the course. We want to continue to support the education initiatives launched during the 2015 Legislative Session through hard work. I believe that Nevada needs to give these efforts the opportunity to derive results intended as well as gauge the test results to determine if we are improving our children's learning outcomes.

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

The Chamber of Commerce wants to go on the record as appreciating the work done by Chairman Thompson. I met with him before the meeting to inform him that we have some concerns about the bill. For those who were here in 2015, you may recall that the Chamber of Commerce supported the creation of the Reading by Grade 3 program. We advocated for that policy in 2011 and 2013. The Chamber's concerns on this bill relate to the changes to the retention factor, especially since this program has only been in place less than two years. As the state's largest business association, the voice of business, we are committed to ensuring our students succeed in the classroom. We will review, with our leadership, the proposed amendment that has been offered. We have supported student success and achievement for decades. We appreciate all the different perspectives we heard tonight.

Vice Chair Joiner:

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

Peggy Lear Bowen, Private Citizen, Reno, Nevada:

Many years ago, I chaired the City of Reno's Commission for Women, Department of Administration. We conducted a study in our areas of incarceration and found anywhere from 87 to 89 percent of the population in our prison system were illiterate. Many of them felt they got there because they simply could not read, but it is not a matter of reading. I think comprehension is of more value so that you can accomplish what you want to do. Not only is comprehension important, but we must follow it up with application. There is a big difference between understanding what you have read and then actually being able to apply it. We found in our study that if you do things, you save lives because people could read the emergency signs by the equipment. If they could understand that pushing a certain lever caused a certain thing to happen, they would realize the full effect all the way through application. I would hope those terms would be incorporated into what you are doing. I made this comment so often for the State Board of Education that upon my retirement after 12 years—3 terms—they made a tee-shirt for me that said that it is cheaper to educate than incarcerate. As long as that is what you are doing, thank you for your efforts.

Vice Chair Joiner:

Is there anyone else neutral? [There was no one.] We have questions for the bill's sponsors.

Assemblyman Pickard:

We heard testimony about the interventions and testing that will be a part of this bill. We also heard about the interventions and testing that are part of the Read by Grade 3 program. What are the differences, if any, between the interventions you talk about here and the ones that were part of the 2015 legislation? If there are no differences, I wonder why we want to change horses in midstream.

Katie Dockweiler:

This bill builds upon those interventions, making them more prescribed. Currently, students need to take assessments to determine where they fall in proficiency—within the first 30 days after enrollment. That does not change. What changes with this bill is that it requires that students are monitored on their progress, whereas before it just prescribed they needed to be given intervention. If interventions are given and they are not measured, there is no data to contemplate to make formative decisions about students' progress and how to best instruct them. This builds upon that so that we do not just do the intervention, but monitor what we are doing so that we can use that information to inform our practice.

Melody Thompson:

There is also an accountability piece in A.B. 409 that is not in S.B. 391 of the 78th Session that we want to look at. Schools would be required to report how many of their students were receiving interventions, how many were making progress toward reading on grade level, and how many students had achieved grade-level reading skills. That accountability piece helps schools analyze their data on a regular basis and ensure that the students are getting good intervention. Senate Bill 391 of the 78th Session did not have that accountability piece. It just looked at the number of students retained.

Assemblyman Pickard:

Is it your premise for the bill that the things we are building upon could not be added without this legislation? Is this legislation required in order to add that to what we have?

Katie Dockweiler:

Yes. It becomes much more comprehensive by adding this as a separate bill instead of just making an amendment to the existing one.

Assemblyman Elliot T. Anderson:

School psychologists and counselors work with students and see what affects them. I understand that. Any sort of failure can be devastating to a child. I can speak to the times in my life when I have come up short and failed, leaving me in a bad place. We cannot totally write that out of life, can we? Does it really help students if we are passing them on before they are ready?

Katie Dockweiler:

Could you please restate your question?

Assemblyman Elliot T. Anderson:

We have all had times when we have failed. Those times are always difficult, but they are a part of life that is unavoidable. I understand that school psychologists and counselors deal with this all of the time. My father is a counselor and I used to date a psychologist, so I hear about it. At some point, it does not help a child to pass him on to the next grade if he is only able to read a few words. We have to be able to go through interventions and get such a student some help. It does not help to move a student on if he is not ready, does it?

Katie Dockweiler:

This bill is all about the students' needs; it is not about a need for retention or a need for social promotion. It is about what the student needs. What the data shows is that students need intervention and progress monitoring at their level. As Mr. Husson mentioned, it does not matter if you call a student a third-grader or a fourth-grader; what you are doing is providing what a student needs.

Melody Thompson:

All the research is showing that retention has a significant impact on students—academic, psychological, social-emotional, or whether it affects the dropout rates. I read one research article that shows that if a student is retained one time, the chance he will drop out of high school is significant. If he is retained twice, the chance he will drop out of high school is pretty much guaranteed. The impact is more negative than we know. Intensive interventions are extremely positive.

If we are going to keep the retention piece in, giving the power to the parent and the team and allowing the parent to have some say about his child's future is very important. That has been done in Georgia. Georgia has a Read by Grade 3 bill. They hold a team meeting and look at all of the data—they do not just look at one data point—and they consider the parents' input. They consider the student's entire history before they make a decision to retain. The final decision is made as a team with the parent making the final call. If we can add at least that piece into A.B. 409, we can then focus on the intensive interventions because that is what works. Keeping a child at the same grade does not do anything for the child. It actually has a negative impact. Giving a child intensive interventions is what helps a child learn to read. That is the most important piece.

Vice Chair Joiner:

We will take two more questions, and then we will wrap this up and allow Chairman Thompson to give his final remarks.

Assemblyman Elliot T. Anderson:

My understanding of the legislation is that a student could only be retained for one year. Could you clarify that point for me? I agree with you that intensive interventions are the most important part. I would not have supported a Read by Grade 3 provision that was all stick and no carrot. Maybe there is a way you could add more good cause exemptions into the bill. We tried to craft legislation that created varied good cause exemptions to the retention requirement. Maybe there is fertile ground here for some agreement. I understand that you may have more insight into what students are going through and how we might need to adapt because you cannot do anything big without changing.

Melody Thompson:

In Nevada, a student can be retained one time per grade level. We have already seen, in certain pockets of the state, that principals are getting scared about Read by Grade 3, so they are already retaining students in kindergarten. Principals are thinking that if they do not retain them in kindergarten, by the time the students reach Grade 3 the students

will not be able to pass the statewide testing. Students can be retained once in kindergarten; when they reach Grade 3, there could be a second retention. That would be two retentions—two strikes, making us look at a huge dropout rate in high school. Students can be retained one time per grade level until they reach a certain age—students age out in elementary school and in middle school.

You talked about the good cause exemptions. Some of them are pretty good. The ELL good cause exemption is not adequate to meet cognitive academic language proficiency at this point in time. By nature, a student with a learning disability, dyslexia, or any disability in reading is automatically two or three years below grade level because of the disability. Those students would still take the statewide test and would not pass it because of the disability. The good cause exemption does not account for that population. Those are two big concerns. Bringing the parents into the retention decision process is a big piece we want to look at.

Assemblyman Edwards:

We could probably talk about this issue for many hours. In business, if you do not measure up, you are fired. In the military, if you do not meet the standards, you are booted. If we do not get these bills out of Committee, they die. Deadlines have a purpose. The stress to get things done can be a good thing. The statistics and the feedback so far indicate that we are on track for getting students to be able to read by Grade 3. I think we need to give the program more time to work for all our students. I think the threat of retention inspires parents to get involved so that their children are not retained. If that is what it takes to get parents involved, then it is a good thing. Retention should be retained. I am not convinced that students who are retained will be hurt psychologically.

In my elementary school, we had three refugees enroll from different countries in Central America, in second, third, and fourth grades. None of them could speak English; none could read; none could write. By the end of one year, each was able to read, write, and communicate with us; but they had not met the standards, so they were held back. Each was at the top of his class for the rest of his school career. My experience is that retaining students can be extremely beneficial. Are we creating a self-fulfilling prophecy of failure based on the fact that we have not given this enough time for it to work?

Chair Thompson:

I was not going to say anything, but we have had other programs presented to the Legislature where some have said that we need to wait; we need to give the program time to work, but we have not given it time. That is one thing. I think we need to realize that this bill was not meant to scrutinize the work that has been done. This is to build on the work that has been done. I have listened to the opposition. I feel like people think we are scrutinizing. We are not. We have received new data and are using it to try to move this legislation and make it stronger. I hope that answers your question. I understand and appreciate the three examples you gave us; but we also have data that shows that retention is traumatic,

produces a higher dropout rate, and we have the school-to-prison pipeline for students of color who do not know how to read and write by third grade. Prison systems have an equation they use to calculate how much money they have to pay to have a prison cell as a new home for those students.

Assemblyman Edwards:

Is that not exactly why . . .

Vice Chair Joiner:

I am sorry. We do not have time for a follow-up question.

Assemblywoman Tolles:

I have some questions for those of us who were not part of the discussion last session. I think I heard there are exemptions for ELL and for special education. Is that correct? I am seeing heads nod, so the answer is yes. Do principals have any discretion for cases where test scores are right on the border and students might catch up the first semester of fourth grade?

Katie Dockweiler:

There are good cause exemptions, some of which pertain to special education students. We talked about the 54 percent of students who do not meet the proficiency level and looked at how many of them qualify for any of the good cause exemptions. There are about 3,000 students who have received two years of ELL programming in a second-language environment in our Zoom schools. You could knock that 54 percent who would be retained down to about 46 percent. If you talk about the good cause exemption for special education who qualify to take the Nevada alternative assessment, about 2 percent of students qualify for that, so now you have about 44 percent of students facing retention. There is also another 2 percent that qualify for some other good cause exemption, so now we are down to 42 percent. Good cause exemptions take the number of students who could be retained from 54 percent down to about 42 percent. Currently, there are portfolios that parents and teachers can put together that can be submitted to the principal. If the principal accepts the portfolio as evidence that a student has demonstrated through multiple sources of work throughout the school year that he is on grade level, the principal then has to submit that to the superintendent of the school district. The accountability and autonomy do not remain at the school site. We want to keep as much of that autonomy at the school site as possible.

Assemblywoman Swank:

You mentioned that schools were already starting to retain kindergartners in anticipation of third grade. I would like to see the data that shows the increase from schools across Nevada and that the increase is statistically significant.

Vice Chair Joiner:

Assemblyman Thompson, do you have any closing remarks?

Assemblyman Thompson:

I want to thank Dr. Dockweiler and Mrs. Thompson for their hard work. We have talked about some people definitely wanting the retention, and others who do not want it. I think we have come up with a good compromise—retention is an option that is worked on with the school and with the parents.

I have been blessed with parents who were actively involved with me all of my life. I am grateful for that. My birthday is September 30, so my parents had to decide to send me to school when I was young or to have me sit out another year. My mom decided I would go. That is what parents will be faced with should they have a child who potentially will be held back. Parents will come to the table and will make the decision. This is anecdotal, but I feel potential for retention gives a warning to the student and to the parents. Now the parents will offer as much support as they can, even if they cannot read and write. They may find a mentor who can help their child—someone who goes to the place of worship they attend or a student down the street that is super sharp. They will find someone who will help their child because it is innate for parents to want their child to do better than they did.

Lastly, this is an expansion bill. We are building upon indicators of opportunities to strengthen the work that was done from 2011 to now. You know that I have an open door policy. I would love for people to contact me with questions. If I cannot answer them, I can get the answers for you.

[Items submitted but not discussed will become part of the record: ([Exhibit EE](#)), ([Exhibit FF](#)), and ([Exhibit GG](#)).]

Vice Chair Joiner:

We will close the hearing on A.B. 409.

[Assemblyman Thompson reassumed the Chair.]

Chairman Thompson:

We will open our work session, starting with Assembly Bill 7.

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

Amelie Weldon, Committee Policy Analyst:

As part of nonpartisan staff, I do not advocate for or against any legislation. The first bill on the work session document is Assembly Bill 7. I will not go through all of the lengthy summary in the document, but it is there for your reference ([Exhibit HH](#)). I am happy to answer any questions about it. It contains various provisions related to education. There was an amendment proposed at the hearing of the bill that was explained quite extensively at that hearing. In addition to that amendment, which you see in the work session document,

there has been a further amendment proposed by the Department of Education to revise section 53, subsection 6 in the amendment itself. You can find that on page 3 of the amendment. It would include language authorizing a superintendent to allow a good cause exemption for a student to not be required to enroll in a full six courses or equivalent under that section.

Chairman Thompson:

Do we have any questions from members of the Committee? [There were none.] I will accept a motion to amend and do pass.

ASSEMBLYMAN EDWARDS MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 7.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

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

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

Assemblyman Edwards will take the floor statement. We will close the work session on A.B. 7 and open the work session on Assembly Bill 77.

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

Amelie Welden, Committee Policy Analyst:

Assembly Bill 77 makes various statutory changes regarding teachers and other educational personnel. There is an extensive summary in your work session document ([Exhibit II](#)). It makes changes regarding general personnel matters, licensure, and certain councils and commissions, especially the Commission on Professional Standards in Education. The work session document also contains a mock-up of some amendments that were discussed in the hearing and some that were subsequently proposed. I will allow you to reference the mock-up and summary. If there are questions, I would be happy to try to answer them.

Chairman Thompson:

Do we have any questions?

Assemblywoman Miller:

My question is in regard to section 20, subsection 2, paragraph (a). Will teachers new to the state be exempt from having to pass an exam on the laws of Nevada relating to schools?

Amelie Welden:

There is no change in the amendment to what was originally in the bill there. There are some changes in section 22 regarding similar issues. I would like to defer that question to Ms. Durish.

Dena Durish, Deputy Superintendent for Educator Effectiveness and Family Engagement, Office of Superintendent of Public Education, Department of Education:

I believe you are referring to the subsection that pertains to the exam regarding Nevada school law, the *Constitution of the State of Nevada*, and the *United States Constitution*. This bill does not contemplate any changes in those requirements. In existing statute, there is a provision that if someone has taught for more than three years, a waiver can be issued for the exam on the *U.S. Constitution*. According to current law and as provided in this bill, new teachers would have to take those exams. There is another bill in the Senate that addresses that.

Assemblywoman Miller:

In this bill, new teachers are required to take an exam on Nevada school laws.

Dena Durish:

You are correct.

Chairman Thompson:

Are there any further questions? [There were none.] Do I have a motion to amend and do pass A.B. 77?

ASSEMBLYMAN PICKARD MADE A MOTION TO AMEND AND DO PASS ASSEMBLY BILL 77.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Assemblyman Elliot T. Anderson:

I looked through the mock-up. It fixed a good number of my concerns in terms of lowering standards. I appreciate the Department's working with me on this measure, and I am happy to support it.

Chairman Thompson:

Are there any further comments or questions? [There was none.]

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

Assemblywoman Swank will take the floor statement. We will open the work session for Assembly Bill 124.

Assembly Bill 124: Requires the Department of Education to establish a code of conduct governing interpersonal interactions and certain communications by teachers, administrators and other employees with pupils. (BDR 34-296)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 124 requires Nevada's Department of Education to prescribe by regulation a policy that establishes a code of conduct for teachers, administrators, and employees of a school district or charter school relating to interpersonal interactions and communications with students ([Exhibit JJ](#)).

There is a mock-up amendment to this. In this case, a new mock-up was created after the creation of the work session document, so I will now be referring to the separate mock-up to A.B. 124 that you also should have received ([Exhibit KK](#)). In general, the mock-up requires the establishment of the Nevada Model Code of Educator Ethics and establishes some guidelines for that. It requires that teachers will be trained on that. It creates an advisory group, prescribes its duties, and requires testing and reporting requirements. If you are interested in the differences between the mock-up in the work session document and the mock-up you see as a separate exhibit, I can address that as well.

Chairman Thompson:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 124.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 124.

ASSEMBLYMAN ELLIOT T. ANDERSON SECONDED THE MOTION.

Is there any discussion?

Assemblyman Pickard:

Somehow I missed that there was a second mock-up, so I have not reviewed that. I suspect I will be fine with it, but I want to go on record that if I am not, I reserve the right to change my vote.

Assemblywoman Tolles:

Could I be added as a sponsor?

Chairman Thompson:

To clarify, the motion is to amend and do pass Assembly Bill 124 and to add Assemblywoman Tolles.

THE MOTION PASSED UNANIMOUSLY.

Assemblywoman Diaz will take the floor statement. We will open the work session for Assembly Bill 196.

Assembly Bill 196: Provides for an endorsement that a teacher, administrator or other educational personnel may obtain in culturally responsive educational leadership. (BDR 34-659)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 196, in its original form, requires the Commission on Professional Standards in Education to adopt regulations that establish requirements for a licensed teacher, administrator, or other educational personnel to obtain an endorsement in culturally responsive educational leadership ([Exhibit LL](#)). It sets out what those requirements must include.

The sponsor has proposed an amendment that removes certain specifications from the bill and instead requires the Commission to establish by regulation the requirements for obtaining an endorsement in cultural competency. There is a mock-up of this amendment in your work session document.

Chairman Thompson:

Are there any questions? [There were none.] I will accept a motion to amend and do pass A.B. 196.

ASSEMBLYWOMAN DIAZ MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 196.

ASSEMBLYWOMAN TOLLES SECONDED THE MOTION.

Is there any discussion? [There was none.]

THE MOTION PASSED UNANIMOUSLY.

Assemblyman McCurdy will take the floor statement. We will move to Assembly Bill 275.

Assembly Bill 275: Requires the establishment of a protocol for providing integrated student supports for certain pupils and their families. (BDR 34-920)

Amelie Welden, Committee Policy Analyst:

The amendment in your work session document is meant to entirely replace the language that was in the original bill ([Exhibit MM](#)). The amendment requires the Department of Education to establish a protocol for a framework of integrated student supports, which must include certain items in its design. It establishes minimum requirements for the framework and also requires that any request for proposal must require a contract to meet the criteria in the bill. That amendment was proposed by the Department of Education and was a friendly amendment to Assemblywoman Spiegel.

Chairman Thompson:

Are there any questions?

Assemblyman Miller:

I want to thank Assemblywoman Spiegel for this. I was not in agreement at first, having a lot of concerns with this bill. From working with you and sitting down with communities, schools, and everyone involved, you came a long way to address the concerns I had. I will be voting yes.

Chairman Thompson:

I will entertain a motion to amend and do pass Assembly Bill 275.

ASSEMBLYWOMAN DIAZ MADE A MOTION TO AMEND AND
DO PASS ASSEMBLY BILL 275.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

Is there any discussion?

Assemblyman Pickard:

I want to ditto Assemblywoman Miller's comments. I know that Assemblywoman Spiegel has been working really hard to get language we can agree on. I think she has done a wonderful job. I want to commend her and the Department of Education for that.

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

Chairman Thompson:

Assemblywoman Spiegel will take the floor statement. We will open the work session 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)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 351 establishes a program of grants to be used by certain teachers to make payments on educational loans ([Exhibit NN](#)). The bill creates the Teacher Shortage Loan Repayment Account and specifies that money in the Account must be used to award grants to eligible teachers who have certain outstanding educational loans, teach at a public school, and:

- Teach in a county designated as having a shortage of teachers;
- Possess a kind of license designated as having a shortage of teachers and teach as designated by that license; or
- Possess an endorsement in a field designated as having a shortage of teachers and teach in that field.

The bill requires Nevada's Department of Education to include in its annual report a designation of the relevant counties, kinds of licenses, and fields of endorsement, and to post that information on its website.

A teacher who applies for the program and is deemed to meet its criteria will receive \$1,000 or the amount that the teacher owes on outstanding loans and interest, whichever is less. If there is insufficient money in the Account to award a grant to each qualified applicant, the amount of money available must be distributed pro rata.

Assembly Bill 351 also authorizes the State Board of Education to adopt necessary regulations and requires the Superintendent of Public Instruction to submit to the Legislature a biennial report regarding the grant program.

There were two amendments proposed by the bill sponsor, Assemblyman Fumo. He has proposed to expand eligibility for the grant program to include teachers who teach at certain underperforming and/or at-risk schools, including Title I schools or schools that are rated as one- or two-star schools in critical needs areas such as special education and English learner instruction. It is also proposed to require that such teachers remain employed by an underperforming or at-risk school for at least two years in order to be eligible.

Chairman Thompson:

Are there any questions? [There were none.] I will entertain a motion to amend and do pass A.B. 351.

ASSEMBLYMAN McCURDY MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 351.

ASSEMBLYWOMAN DIAZ SECONDED THE MOTION.

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

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Fumo will take the floor statement. We will open the work session on Assembly Bill 447.

Assembly Bill 447: Revises provisions relating to Victory schools. (BDR S-717)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 447 as currently written continues the Victory schools program for the 2017-2019 Biennium and requires not less than 25 percent of the money received by a Victory school to be used to provide wrap-around services ([Exhibit OO](#)). That second provision is changed by the amendment proposed by Chairman Thompson. You see an attached conceptual amendment in the work session document with his proposed changes. In addition to those changes, Chairman Thompson has proposed adding language to require a consultation with school districts when designating a Victory school. For example, section 1, subsection 1, would read something like, "The Department of Education shall, in consultation with a school district in which the school is located, designate a public school as a Victory school"

Assemblywoman Woodbury has also offered a couple of friendly amendments to the amendment that is included in the work session document. The first is in section 1, subsection 8, paragraph (i) to move the term "evidence-based" so that it comes before "integrated student supports." The second is to delete the paragraph involving full-day kindergarten in the bill itself.

Chairman Thompson:

I will accept a motion to amend and do pass Assembly Bill 447 with the amendments you see presented as well as the verbal amendments.

ASSEMBLYWOMAN WOODBURY MADE A MOTION TO AMEND
AND DO PASS ASSEMBLY BILL 447.

ASSEMBLYMAN PICKARD SECONDED THE MOTION.

Is there any discussion?

Assemblywoman Woodbury:

Thank you for accepting those two amendments. In section 1, subsection 8, paragraph (i), I wanted to make sure that the integrated student supports and wrap-around services were evidence-based. It looked as if it would say "integrated student supports, wrap-around service or evidence-based programs." Thank you for making that clear. The reason I wanted to strike out the full-day kindergarten is because there is already state funding for that, so it is no longer needed.

I would like to put a couple of other points on the record. My first comment is about section 1, subsection 8, paragraph (i), which we just talked about. I think it is important to put on the record that, in an effort to prevent overlap of Victory school funding and other funds seeking to support student health and well-being, the Victory plan, which schools are required to submit, is already in statute. That can be seen in the actual bill, in section 1, subsection 5. It seeks to guard against overlap by engaging the entire community in the

planning, and that process includes other state, local, and nonprofits active in the community to support students. The community engagement in the process is seen, for example, in section 1, subsection 5, paragraphs (e), (g), and (i). I want to make sure that is clear on the record in order to prevent overlap in funding when certain services are already available in the community.

In the original bill, section 1, subsection 8, paragraph (e) regarding the use of funding for professional development. My understanding is that professional development is the most frequently identified support chosen in the Victory plans. Given the attention we gave professional development during the interim session, as well as in light of the Professional Development Task Force Report, and in the interest of ensuring resources be spent on the right types of quality professional development, I wanted to emphasize on the record that professional development must be aligned to the bill's existing language in section 1, subsection 8, paragraph (e), which says, provide "Professional development for teachers and other educational personnel concerning instructional practices and strategies that have proven to be an effective means to increase pupil achievement in populations of pupils similar to those served by the school."

Thank you, Mr. Chairman. I wanted to make sure those two points are clear when Victory schools are developing plans and funding supports.

Chairman Thompson:

I want to make sure I am clear on this. You do not want to change any of the language, do you?

Assemblywoman Woodbury:

No. My last two points were just clarifying what is already there on the record, which I support.

Chairman Thompson:

Are there any other items of discussion? I want to clarify a point. I think we need to be careful in section 1, subsection 8, paragraph (i). Even though we are putting "evidence-based programs" at the beginning, we have to realize that some wrap-around services are not necessarily evidence-based. We have to be very careful that we do not pigeon hole ourselves because there are three types of services mentioned: evidence-based programs and services specifically designed to meet the needs of pupils; integrated student supports; and wrap-around services. We have to be careful we do not say all three of them are evidence-based, because some may be of a grassroots nature that do not meet the threshold of being evidence-based.

Assemblywoman Woodbury:

Along those lines—for the record, could you give an example of what might not have evidence-based backing?

Chairman Thompson:

A faith-based group might have some retired educators who want to do tutoring. That may not be evidence-based in that initially they have not been capturing data or have not been doing this or that. Those would not be considered evidence-based practices, but we know that they will be of value to the students, and they will start the process of collecting data. We could use the term "promising practice," but it is not quite evidence-based. Evidence-based is the bar; but some supports that are excellent, especially for communities and Victory schools, may limit what can be used if we say "evidence-based."

Assemblywoman Woodbury:

Are those grassroots efforts mostly volunteer, or would we be using funding for those?

Chairman Thompson:

I think it would be a combination. In the example I just gave, there could be stipends given. It would be low-cost, but there would be some dollars coming out of the Victory funds. I think we should be careful so that we do not tighten it up too much, to the point that families cannot do this.

Assemblywoman Woodbury:

On the record, I think that data-gathering is important so we can know if we should continue those programs that are not evidence-based.

Assemblywoman Swank:

I need clarification on this. Are we talking about a situation in which state money could end up going to faith-based organizations?

Chairman Thompson:

Yes. It does now, as long as they are not bringing on their religion. A lot of nonprofits are derived from faith-based organizations.

Assemblywoman Swank:

I will vote this out of Committee, but I have some hesitations there.

Chairman Thompson:

We can have Dr. Canavero clarify that.

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

I was enjoying listening to you. We will gather information regarding from where we fund and what we fund and bring it back to the Committee.

Chairman Thompson:

Assemblywoman Swank, sometimes faith-based organizations have a nonprofit arm as well. They are always able to compete for community development block grant dollars, and so on.

Assemblywoman Diaz:

Could we get clarification? I am not sure where we are standing with the language regarding "evidence-based." I heard the back and forth, but I am not sure where we landed. I know that it was a priority of this Committee, when we advanced initial legislation, that we use the money in a very intentional manner, ensuring that programs that were going to be added to the schools had been vetted so that we knew the additional funds going to Victory schools would be wisely invested. That is the rationale behind that. It would give me cause for concern if we removed it.

Chairman Thompson:

This actually helps it because this moves it from the secondary pot to the primary pot. That is why we created that paragraph—to bump the "evidence-based" from the secondary to the primary pot. This brings those evidence-based programs to where we could look at more of a concentration of them.

Assemblywoman Diaz:

As long as we make sure that evidence-based strategies—strategies that are proven to work with children—are what we are investing in, I have no issues with the changes.

Assemblyman Elliot T. Anderson:

Could Dr. Canavero come up to talk about how this will change what is going on now?

Steve Canavero:

I appreciate the discussion. I think you are all actually saying the same thing. I will refer to Assembly Bill 275 that just came out of Committee. There are four areas of evidence-based practice—strong, moderate, promising, or emerging. If you include evidence-based practices for integrated student supports and link that with wrap-around services, then the types of programs that may have a high likelihood of success could be funded with Victory dollars as an emerging practice. Of course, you and those providing the programs would want to collect additional data so they could move up that spectrum with the evidence, allowing them to be eligible for other dollars that are more restricted than strong or moderate evidence-based practices.

Assemblywoman Diaz:

How long can a practice be implemented as "emerging?" Is it over a two-year period, and then we look at the data to see if the data shows the practice has merit? How long can it be emerging before we say a practice is not working?

Steve Canavero:

To be an emerging practice, there has to be a research base for a strong likelihood of success. Not just anything would be an emerging practice because it is brand new or it just exists. There would have to be some grounding of that particular practice, whatever it was, in service to children that has a base for us to determine if it has a high likelihood of success. Once it is being implemented, the Victory plan and the accountability for it in its continuous cycle would evaluate whether or not it is working. If it is not working, then it would not be funded; if it is working and as evidence continues to be gathered, it could become a promising practice. I do not know the exact time frame, but that is the basic idea.

Chairman Thompson:

Are there any further questions? [There were none.] We will now vote on the motion to amend and do pass.

THE MOTION PASSED. (ASSEMBLYWOMAN KRASNER VOTED NO.)

I will take the floor statement. We will close our work session. At this time, we will open the meeting to public comment.

**Brad Keating, Legislative Representative, Community and Government Relations,
Clark County School District:**

We would like to give you a good news minute. There is no better way to end the meeting. I am very excited to tell this story, as it happened at my alma mater high school in Henderson. About a week ago, about two dozen Coronado High School students formed a group called the Cougars United. What they wanted to do was surprise their fellow students. These students are involved in a program that encourages positive relationships between general education students and special education students. The Cougars United group asked the special education students to the prom that will be held April 22. They did a big thing at lunch with the students, and had a big party for them. The students were very excited. As much as we like to talk about the accomplishments in our schools, we are happy to talk about what our students do in ensuring that every student on campus feels welcome and wanted every single day.

Chairman Thompson:

What a great way to end our meeting. Are there any additional comments from the Committee? [There were none.] On Friday, our meeting will be at the call of the Chair, possibly after the Assembly Committee on Health and Human Services meeting or at another time. We will do some more work sessions. There will be no more presentations.

The meeting is adjourned [8:31 p.m.].

RESPECTFULLY SUBMITTED:

Sharon McCallen
Committee Secretary

APPROVED BY:

Assemblyman Tyrone Thompson, Chairman

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is a copy of the Court Improvement Program's proposed amendment to Assembly Bill 491, dated April 12, 2017, submitted and presented by John R. McCormick, Assistant Court Administrator, Administrative Office of the Courts.

[Exhibit D](#) is a copy of a proposed amendment to Assembly Bill 491, submitted by the Jon Sasser, Legal Aid Center of Southern Nevada, and presented by Bailey Bortolin, representing Legal Aid Center of Southern Nevada; and Washoe Legal Services.

[Exhibit E](#) is a copy of a proposed amendment to Assembly Bill 491, dated April 11, 2017, submitted by Brigid J. Duffy, Director, Juvenile Division, Clark County District Attorney's Office; and representing Clark County Department of Family Services

[Exhibit F](#) is a copy of written testimony regarding Assembly Bill 491, dated April 12, 2017, presented by Megan K. Rauch, Director of Education Policy and Director of Policy Outreach, Kenny Guinn Center for Policy Priorities.

[Exhibit G](#) is a copy of written testimony submitted and presented by Katie A. Dockweiler, President, Nevada Association of School Psychologists, and Melody Thompson, Coordinator, Nevada Association of School Psychologists, in support of Assembly Bill 409.

[Exhibit H](#) is a copy of a PowerPoint presentation titled "A.B. 409 Research and Data," submitted and presented by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in support of Assembly Bill 409.

[Exhibit I](#) is a copy of an online Visible Learning article titled "Hattie Ranking: 195 Influences And Effect Sizes Related To Student Achievement," posted by Sebastian Waack, on October 27, 2015, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to Assembly Bill 409.

[Exhibit J](#) is a copy of a research study dated December 2015, titled "Review of the Effects of Test-Based Retention on Student Outcomes over Time: Regression Discontinuity Evidence from Florida," reviewed by Joseph P. Robinson-Cimpian, University of Illinois at Urbana-Champaign, published by the National Education Policy Center, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to Assembly Bill 409.

[Exhibit K](#) is a copy of a study dated June 2011, titled "Review of *Florida Formula for Student Achievement: Lessons for the Nation*," reviewed by William Mathis, University of Colorado at Boulder, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit L](#) is a copy of a brief titled "Senate Bill No. 391 (SB 391) Read by Three: Revision Options that will Help Students," by the Nevada Department of Education, submitted by submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit M](#) is a copy of an article dated November 15, 1999, titled "Early intervention works, grade retention doesn't," by the University of Wisconsin-Madison, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit N](#) is a copy of an article titled, "Talk alone won't close the 30-million word gap," by Barbara A. Wasik and Annemarie H. Hindman, dated March 2015, published by Phi Beta Kappa International, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit O](#) is a copy of a *Teaching Young Children* journal article (Vol. 7, No. 3) titled "The Word Gap-The Early Years Make a Difference," by Laura J. Colker, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit P](#) is a copy of a *Clinical Child and Family Psychology Review* journal article dated February 1, 2017, titled "Conceptualizing a Public Health Prevention Intervention for Bridging the 30 Million Word Gap," by Charles R. Greenwood, et al., submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit Q](#) is a copy of a *Children and Libraries* article, dated Spring 2016, titled "Of Course, We Already Knew This . . . Babies Need Words Every Day," by Matt McLain, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit R](#) is a copy of a research study titled "The Effects of Test-Based Retention on Student Outcomes over Time: Regression Discontinuity Evidence from Florida," dated December 2019, by Guido Schwerdt and Martin R. West, published by the Harvard Kennedy School, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit S](#) is a copy of a research study "A Longitudinal Study of Grade Retention: Academic and Behavioral Outcomes of Retained Students Through Adolescence," by Shane R. Jimerson, University of California, Santa Barbara, and Philip Ferguson, Uinta County School District Number One, published in *School Psychology Quarterly*, 2007, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit T](#) is a copy of a 2011 position statement by the National Association of School Psychologists, titled "Grade Retention and Social Promotion," submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit U](#) is a copy of a research study titled "Exploring the Association Between Grade Retention and Dropout: A Longitudinal Study Examining Socio-Emotional, Behavioral, and Achievement Characteristics of Retained Students," by Shane R. Jimerson, et al., published in 2002 in the *California School Psychologist*, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit V](#) is a copy of a magazine article titled "Retention and Social Promotion," from *Principal Leadership*, published by the National Association of School Principals, dated September 2012, by Shane R. Jimerson and Tyler L. Renshaw, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit W](#) is a journal article titled "Grade Retention-Achievement and Mental Health Outcomes," by Gabrielle E. Anderson, et al., University of California, Santa Barbara, published in *NASP Toolkit: Practical Resources at Your Fingertips*, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit X](#) is a copy of an article dated May 28, 2015, titled "Florida's Hiatus on Third Grade Retention a Good Start," by Michael Lombardo, published online by the *Huffington Post*, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists, in relation to [Assembly Bill 409](#).

[Exhibit Y](#) is a copy of an MDRC research study dated March 2015, titled "Mobilizing Volunteer Tutors to Improve Student Literacy-Implementation, Impacts, and Costs of the Reading Partners Program," by Robin Tepper Jacob, Catherine Armstrong, and Jacklyn Altuna Willard, submitted by Melody Thompson, Coordinator, Nevada Association of School Psychologists.

[Exhibit Z](#) is a copy of a policy report, titled "A New Nevada: Early Childhood Education and Literacy Interventions in Nevada's K-12 Public Schools, dated March 2017, by the Guinn Center for Policy Priorities, presented by Steve Canavero, Superintendent of Public Instruction, Department of Education, in opposition to [Assembly Bill 409](#).

[Exhibit AA](#) is a copy of a Fact Sheet, titled "Key Retention Provisions of SB 391—The 2015 Nevada Read by Grade 3 Act," by the Nevada Department of Education, Nevada K.I.D.S. Read, and Nevada's Read by Grade 3, submitted and presented by Steve Canavero, Superintendent of Public Instruction, Department of Education, in opposition to [Assembly Bill 409](#).

[Exhibit BB](#) is a 3-page handout of reading research results, submitted by Steve Canavero, Superintendent of Public Instruction, Department of Education, presented by Brett Barley, Deputy Superintendent for Student Achievement, Department of Education, in opposition to [Assembly Bill 409](#). Included are slides titled:

- NAEP 4th Grade Reading-State by State
- Independent Research Shows that This Policy Works
- North Carolina Read to Achieve Policy Impact Study

[Exhibit CC](#) is a copy of written testimony, dated April 12, 2017, presented by Karen Barsell, Chief Executive Officer and President, United Way of Northern Nevada and the Sierra, in opposition to [Assembly Bill 409](#).

[Exhibit DD](#) is a copy of a handout titled "Bringing the Community Together for Literacy," submitted and presented by Karen Barsell, Chief Executive Officer and President, United Way of Northern Nevada and the Sierra, in opposition to [Assembly Bill 409](#).

[Exhibit EE](#) is a copy of an *Instructor* Magazine article titled, "The Myth of Learn to Read/Read to Learn" by Laura Robb, published by Scholastic, Inc., 2017, submitted in relation to [Assembly Bill 409](#).

[Exhibit FF](#) is a copy of a letter in support of [Assembly Bill 409](#), dated April 12, 2017, to the Assembly Committee on Education, from the Nevada State Education Association.

[Exhibit GG](#) is a copy of written testimony regarding [Assembly Bill 409](#), from the Guinn Center for Policy Priorities.

[Exhibit HH](#) is the Work Session Document for [Assembly Bill 7](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit II](#) is the Work Session Document for [Assembly Bill 77](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit JJ](#) is the Work Session Document for [Assembly Bill 124](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit KK](#) is revised Proposed Amendment 3736 to [Assembly Bill 124](#), dated April 12, 2017, prepared for Assemblywoman Diaz by the Legal Division, presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit LL](#) is the Work Session Document for [Assembly Bill 196](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit MM](#) is the Work Session Document for [Assembly Bill 275](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit NN](#) is the Work Session Document for [Assembly Bill 351](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.

[Exhibit OO](#) is the Work Session Document for [Assembly Bill 447](#), presented by Amelie Welden, Committee Policy Analyst, Research Division, Legislative Counsel Bureau.