

**MINUTES OF THE
SENATE COMMITTEE ON EDUCATION**

**Seventy-ninth Session
April 6, 2017**

The Senate Committee on Education was called to order by Chair Moises Denis at 4:37 p.m. on Thursday, April 6, 2017, in Room 2134 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Moises Denis, Chair
Senator Joyce Woodhouse, Vice Chair
Senator Tick Segerblom
Senator Pat Spearman
Senator Don Gustavson
Senator Scott Hammond
Senator Becky Harris

GUEST LEGISLATORS PRESENT:

Assemblyman Chris Edwards, Assembly District No. 19

STAFF MEMBERS PRESENT:

Todd Butterworth, Policy Analyst
Asher Killian, Counsel
Linda Hiller, Committee Secretary

OTHERS PRESENT:

Karen Summers, Vice President and Director of Communications, Joe Foss Institute
John Ocegueda, Civics Education Initiative
Barbara Cegavske, Secretary of State, Office of the Secretary of State
Poorvi Basanth, Carson Montessori School
Lily Bell, Carson Montessori School

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Sydney Williams, Carson Montessori School
Mitchel "Mitch" Roach, American Legion, Department of Nevada
Steven J. Horner
Juanita Clark, Charleston Neighborhood Preservation
Lynn Chapman, American Legion Auxiliary
Janine Hansen, President, Nevada Families for Freedom
Doug Goodman, Nevada Election Modernization and Reform
John Eppolito, Protect Nevada Children
Craig M. Stevens, Clark County School District
Lindsay Anderson, Washoe County School District
Shane Piccinini, Nevada Center for Civic Engagement
Jessica Ferrato, Nevada Association of School Boards
Mary Pierczynski, Nevada Association of School Superintendents; Nevada
Association of School Administrators
Peggy Lear Bowen
Steve Canavero, Superintendent of Public Instruction, Department of Education
Nicole Rourke, Associate Superintendent, Community and Government
Relations, Clark County School District
Natha C. Anderson, Nevada State Education Association
Pat Lynch, Protect Nevada Children
Brad Keating, Clark County School District

CHAIR DENIS:

I will open today's meeting of the Senate Committee on Education with Senate Bill (S.B.) 322. Vice Chair Woodhouse will take over as I present the bill.

SENATE BILL 322: Requires passage of an examination in civics as a condition of receiving credit for a course in American government. (BDR 34-993)

SENATOR MOISES DENIS (Senatorial District No. 2):

Senate Bill 322 requires the administration of a high school civics test as a condition for graduation. The Educational Testing Service (ETS) issued a 2012 report, "Fault Lines in Our Democracy: Civic Knowledge, Voting Behavior, and Civic Engagement in the United States." The report warns that many U.S. students lack acceptable knowledge about civics, citing a recent national assessment showing that around 25 percent of U.S. students exhibited proficiency in civics. The report further stated that only 27 percent of fourth graders could identify the purpose of the U.S. Constitution, and only

22 percent of eighth graders could recognize the role played by the U.S. Supreme Court.

Why does it matter that many students lack this knowledge of their country and its government? According to the ETS report, civic knowledge promotes democratic values, and the more knowledge we have about our government, the more likely we are to support the core values of our democratic self-government.

Civic knowledge promotes political participation, because the more knowledge people have, the more likely they are to participate in civic and political affairs. Additionally, the more knowledge we have of civic affairs, the less likely we are to have a generalized mistrust and fear of public life.

Former U.S. Supreme Court Justice, Sandra Day O'Connor, recognized the importance of this issue, and founded an online civics education program called iCivics to reverse Americans' declining civic knowledge and participation. She stated that securing our democracy requires teaching the next generation to understand and respect our system of government. Justice O'Connor's iCivics Website features a free online program that includes lesson plans and games that are linked to subjects and skills that most states, including Nevada, require students to master. The program also promotes public service projects.

Senate Bill 322 requires, with a few exceptions, that every public high school student take a test that is identical to the civics portion of our Nation's naturalization test, which is required of anyone applying for citizenship. Students are required to correctly answer at least 60 percent of the questions to receive credit for the high school course in American Government. To ensure this testing requirement is not a barrier to graduation, a student may retake the test as often as necessary to obtain a passing score.

Last week, Vice Chair Woodhouse and I were shocked to learn how few applications have been received for seats in the Nevada Youth Legislature. Given our Nation's lack of civic knowledge and engagement, perhaps we should not be surprised.

I think this bill offers a small step toward a remedy to our civic disengagement. I put together a short sample of the civics test for everyone to take:

1. What is the supreme law of the land?
 - A. The U.S. Constitution
 - B. The Declaration of Independence
 - C. The Bill of Rights
 - D. The Gettysburg Address

The answer: A. The U.S. Constitution

2. Who of the following was the writer of the Federalist Papers?
 - A. Alexander Hamilton
 - B. Thomas Jefferson
 - C. Patrick Henry
 - D. Aaron Burr

The answer: A. Alexander Hamilton

3. After the Mississippi River, which is the next longest river in the U.S.?
 - A. The Colorado River
 - B. The Snake River
 - C. The Missouri River
 - D. The Truckee River

The answer: C. The Missouri River

4. When was the Constitution written?
 - A. 1902
 - B. 1787
 - C. 1802
 - D. 1998

The answer: B. 1787

5. When must all men register for the selective service?
 - A. 16
 - B. 21
 - C. 26
 - D. 18

The answer: D. 18

How did you do? Be honest. That is a sample of the 100 questions on the test for immigrants wanting to become U.S. citizens. The students would have to get 60 percent of the questions right to pass the test.

SENATOR HAMMOND:

I do not want to burden the classroom teachers, the schools and the school districts with a lot of extra work while not giving them the extra help to do the work. We have had one bill this Session where the sponsor said her team had gone to the schools and found out that organ donation instruction was already in the standards, and they actually contributed curriculum material that was helpful to the teachers, schools and school districts. As a former government teacher, I can envision teaching a unit on immigration or the Constitution in a way where I could fit the test in. The part of the bill I do not understand is how we let everyone know the student passed the test, especially if he or she can take the test as often as possible. I do not see mention of a reporting mechanism in the bill, and I am worried about putting more of a burden on the school districts.

SENATOR DENIS:

I think we can defer that question temporarily because some of the people who will be testifying on the bill will be addressing that very good question.

SENATOR HAMMOND:

If they can take the test as often as possible, that puts an additional burden on the classroom teacher to make sure there is a reporting mechanism. It does not have to be a high stakes test; just a test you take.

KAREN SUMMERS (Vice President and Director of Communications, Joe Foss Institute):

As a native Nevadan, it is refreshing to see lawmakers here taking action to address the crisis in civics. I am here today to give you some background on what states throughout the Country are doing to solve this critical problem.

The Joe Foss Institute (JFI) serves well over 2 million students nationally through programs like Veterans Inspiring Patriotism, working with veterans to make classroom presentations with educational materials that include the flag, copies of the Declaration of Independence, U.S. Constitution and Bill of Rights. As an organization dedicated to promoting civics education, we believe the primary goal of public education, as envisioned by Thomas Jefferson, is to instill in our youth the civic virtues that would sustain our fledgling republic.

Today we are facing a crisis as the educational emphasis has shifted to science, technology, engineering and mathematics (STEM), possibly moving the teaching

of basic civics to the back seat. That is not to say that those subject areas are not important, or that our teachers are not doing their best with the resources they have, but civics has been neglected in favor of these other academic disciplines, and students have taken notice. Former U.S. Supreme Court Justice Sandra Day O'Connor has often termed this the "quiet crisis in education," but we truly believe it is the quiet crisis in America.

Because this crisis in civics education has developed and spread on our watch, it is our responsibility to act urgently to address it. We have all seen the embarrassing "Man on the Street" interviews on late night television where Americans cannot answer even basic questions about our government. Numerous studies and surveys have shown that a vast majority of American students and many adults lack the basic understanding of how our Country was founded, how it is governed, and what it means to be a citizen.

According to the National Assessment of Educational Progress (NAEP), the largest ongoing national assessment of what American students know in various subjects, only 9 percent of fourth grade students can identify a picture of Abraham Lincoln and tell two things he did that were important, and just 7 percent of eighth graders can correctly identify the three branches of government. Overall, only 24 percent of high school seniors scored at proficient or above on the NAEP civics test.

This persistent civics gap undermines all citizens but disproportionally affects civic engagement and empowerment for underrepresented communities, affecting everything from voter turnout to trust in our institutions. It comes as no surprise that when people do not understand the system by which they are governed, they often disengage from the political process. Recognizing these problems, in 2014 JFI launched the Civics Initiative, which is based on a simple concept that American high school students, as an expectation for graduation, should be able to pass the same test that all immigrants must pass. Since launching the initiative, 17 states have enacted our proposal and close to 20 additional states are considering legislation this year. By the end of 2017, we hope to have passed this legislation in over half the Country.

By using a test and study materials that are readily available online, this test requirement can be implemented with no cost to the State and local school districts. In fact, JFI has developed online lesson plans for the questions as a resource for teachers, and we have an online test portal that teachers can

access for free to help administer the test. Nearly 92 percent of new immigrants applying for citizenship pass this test on their first attempt, and I would hope our students could do as well or better.

States that have adopted the test requirement are already engaging students and showing transforming results. For example, in Jamestown, North Dakota, not one freshman passed the pretest given on the first day of class last year. Most students were under 45 percent, but 95 percent scored over 70 percent at the end of the semester, using the very same study materials used by new immigrants. This test has inspired students in many states to become more interested in civics. In turn, they have shown a renewed interest in civic programs. We also know that there is no one-size-fits-all approach. States are the laboratories of democracy and each of the 17 states that have adopted our initiative have taken a slightly different approach, ranging from requiring the test be passed as part of a specific course, to allowing students to take the test at any time between seventh and twelfth grade.

Some states have implemented rigorous reporting systems to track and measure progress, while others have emphasized local control and reporting of data. Some states have even increased the threshold for passage to 70 percent. Regardless of exactly how each state and school implements the Civics Initiative, it is a very different experience than the current standardized testing model where students are pulled out of class to spend hours filling in bubbles on an answer sheet or sitting at a school computer answering test questions. The citizenship test is not one of those tests. It is a normal test and can be taken on paper, online or using an application. It would not be tied to teacher salaries or school funding. Those who do not pass the first time can try as many times as they need. The questions stay the same, and our free test portal even helps them identify areas that need further study. The lesson plans for each question helps students dive deeper and understand more.

Some may criticize the test as being too simplistic in an age where kids can just Google the answer to a question like "Who was our first President?" This test requires students to memorize the basic concepts of our republic and it establishes the baseline of knowledge necessary to understand more complex topics. We agree that students learn best when they are engaged. However, before you are able to discuss symbolism in classic literature, you must first know the alphabet and how to read.

How can you have a meaningful conversation on our political process and what has been happening in the Senate regarding the current Supreme Court Justice nomination, when 75 percent of students tested did not know the function of the judicial branch? It is our responsibility, as Thomas Jefferson said, to set an expectation for our students that they know as much about the fundamentals of how our Country operates as immigrants are required to know.

There is much more that can and should be done to promote civic readiness, but this is an important first step toward encouraging civic engagement in our youth. From a student's perspective, having civics on a test that matters is important to make them lean forward and get engaged.

SENATOR HAMMOND:

As a former government teacher, I think I gave my class the test that all immigrants had to take to become U.S. citizens. Because the bill says the students have to pass the test, it becomes a burden on the schools and the school districts, specifically because of the test score reporting necessity. How do we convey this information? What happens if a student does not pass? Some of these things have to be worked out. Can you shed any light about what happened in other states that have this test as a graduation requirement?

Ms. SUMMERS:

In some states, it is as simple as an asterisk on the student's transcript which is sent by the government teacher or civics teacher who issued the test. Other states have put it on the testing platform. The idea is to work locally and at the state levels so they can have the freedom to do that. We recommend students be allowed to take the test as many times as they want. One state has given principals the option, on a case-by-case basis, to make exceptions.

SENATOR HAMMOND:

We keep asking schools to do more and more, but in this case we are not, because we already teach government and civics. You are just asking that they take a test, which is why I am cautious about this. I like the bill, but I want to make it easy on the classroom teacher. Have you talked to classroom teachers?

Ms. SUMMERS:

Yes, we have worked closely with social studies teachers, not only in implementing the concept for the bill, but also with subject matter experts to develop the curriculum that we offer free to teachers and students to use for

help with the test. We have superintendents from other states who I know would be happy to speak with you regarding their implementation. As you can see on pages 8 and 9 of our submitted documents ([Exhibit C](#)), North Dakota had a smooth implementation. Social studies teachers like you, Senator Hammond, are eager to make sure the kids know the information. Some have the ability and the resources to teach it right away and others need additional resources, which we offer. Because the test and the resources are free and easily accessible, it is the same as just taking a test in a class.

SENATOR SPEARMAN:

I appreciate Senator Hammond's concern about the additional work. You mentioned STEM earlier. If we could put technology to work and have the test online, the kids could go to their school's computer lab or library, and each of the students would have a number to type in as they take the test. Once the test is completed and passed, it would be posted to their individual profiles, much like the ones students look at on the campus portal. This way, it is not an additional burden for teachers and it does not take away from classroom time. The information would still be in the intranet, so the school could tell who had passed the test and who had not passed the test.

MS. SUMMERS:

We agree. We have a testing portal on the Joe Foss Institute Website that is available for teachers to use as a pretest for their students or as a place where the students can actually take the test. The students get a certificate when they get a passing grade that could be presented to their teachers. That site also identifies which questions the student missed on the test, and it takes the student to a video which is a lesson plan that puts the missed question and topic in context.

JOHN OCEGUERA (Civics Education Initiative):

We do have a letter of support for S.B. 322 from former Governor and Senator, Richard Bryan, who could not be here today ([Exhibit D](#)).

BARBARA CEGAVSKE (Secretary of State, Office of the Secretary of State):

I support Senate Bill 322, which further enhances and ensures the civics literacy of our students as they leave high school and move into the adult world for further education or into the workforce with corresponding independence to become responsible members of their community.

I have been a strong advocate for civics education as part of Nevada's education requirements. As a State Senator, I sponsored S.B. No. 163 of the 77th Session, which mandated civics education as part of the social studies curriculum. Senate Bill 322 would require our high school students to exhibit the same competency in the basic structure and components of our Constitution and democracy as an individual seeking naturalization as a United States citizen.

To Senator Hammond's concerns, I called my son who is a government teacher and asked him about this bill. I told him I would not support it unless he okayed it, which he did. He said he gives this test to his students at the beginning of the school year and finds that most students can correctly answer about 40 percent of the questions. By the end of the year, he said, the test scores had risen to closer to 90 percent. He said he believes there is a way to report and record the scores, and I am sure he would be willing to explain how he does it.

ASSEMBLYMAN CHRIS EDWARDS (Assembly District No. 19):

Recently, I became an adjunct professor of political science at one of our colleges. I have been stunned by the lack of information that so many of our students have about American government and history, the Declaration of Independence and the U.S. Constitution. I had to redouble my efforts to make sure my students got the education in my class that they did not get in high school. Anything we can do to improve the chances of our children becoming smarter about these topics will have an unbelievable return on investment. I know it can be a bit of a burden for some schools, but it is worth it to teach our students what America, the Constitution and the Bill of Rights are all about. I actually started giving the citizenship exam to my students, and I was shocked that 80 percent of them could not score 80 percent on the test. I support S.B. 322.

POORVI BASANTH (Carson Montessori School):

I am a fifth grader at Carson Montessori School. I am from India and I am here going to school in America because my Dad is doing an exchange project with the State of Nevada. I will be here on a visa for five to six years. I am lucky, because I am learning about the governments, rights and privileges of two countries. Chances are, I will still be here when I am a senior in high school, probably going to Carson High School, so S.B. 322 will directly affect me. If I applied for citizenship, I would have to take the naturalization test. It would be a privilege to take this test as a senior to show what I have learned about America.

In my opinion, every person needs to know about their country, its laws and its history, because without that knowledge, you cannot be a well-informed citizen. Everyone in America has rights, but they have a price. To take this test seems like such a simple way to pay that price.

LILY BELL (Carson Montessori School):

I am a fifth grader at Carson Montessori School. In my opinion, all Americans should take this test to proudly show what we know about our Country, what America stands for, and that we respect the rights and privileges we have.

High school students not only need to have this knowledge to graduate, they need to know where the U.S. stands politically, what our laws are, and how to obey those laws. Students need to understand that with the rights we are given come responsibilities. Most of all, students need to realize what our duties are as American citizens.

When we take this test, we are proving that we are worthy to live in this Country and enjoy the freedoms it provides. All American citizens should know how to respect others and how to respect the rules and laws of the land. By fulfilling the simple request of taking this test, we can prove it.

SYDNEY WILLIAMS (Carson Montessori School):

I am a sixth grader at Carson Montessori School. Because I attend a real-world, hands-on school, I not only get to live an actual civics lesson by testifying here at the Legislature today, I also have the freedom to speak out on issues that impact my education. While I agree that students need to be accountable and prove what they have learned, today's education accountability requirements throw everything at us. Students are under so many pressures with studying and preparing for assessment after assessment. Sometimes it drives us crazy.

Once I did all the research on S.B. 322, it was clear that a great deal of thought and time went into this bill. The assessment that the bill proposes is the most logical, best tool to show what we know. To make it less complicated and less stressful, students can take the assessment as many times as needed, not just to get the answers correct, but to learn the lesson. There is even a bonus with this assessment. If you get an answer incorrect, you are guided with a link to a tutorial that explains that lesson. There is no other test that I know of that has this feature. This is a test that actually teaches.

Also, there is absolutely no expense to financially strapped school districts. All the materials are prepared and free. My classmates and I are recommending the passage of this bill as a doable, workable, feasible, and absolutely the best assessment and accountability tool available.

SENATOR SPEARMAN:

I am glad these students are not 25 years older; we would be in trouble.

SENATOR HARRIS:

I am impressed. Have any of you had a chance to take the test?

Ms. BASANTH:

No.

Ms. WILLIAMS:

Last night at dinner, my mom did a preview of the test and I did some of the questions and I did not do very well.

VICE CHAIR WOODHOUSE:

You are an honest young lady.

MITCHEL "MITCH" ROACH (American Legion, Department of Nevada):

I am a past Department Commander of the American Legion, which was founded in 1919 under four pillars, one of which is Americanism. Under this pillar are children and youth, which includes programs like Girls State, Boys State and the Oratorical Contest dealing with the U.S. Constitution. These programs deal with how local and federal governments operate. The American Legion, Department of Nevada fully supports S.B. 322.

STEVEN J. HORNER:

I am a retired teacher and a veteran. Civics, history and the U.S. government are important subjects to help our students understand how important it is to be an active and involved citizen. I support S.B. 322 because it will ensure that Nevada students are exposed to civics throughout their education. As a fifth grade teacher, I was always amazed to watch my students come to life as they researched and held mock U.S. Supreme Court trials or debates on the U.S. Constitution or the Bill of Rights. I was thrilled to watch them embrace what being a citizen was all about. Being able to observe how uniquely each student approached the way they would engage with the government made me

even more convinced of how important it is to ensure that every student is allowed this opportunity to become an active citizen.

JUANITA CLARK (Charleston Neighborhood Preservation):

I support S.B. 322 because our State is in dire need of it. The Clark County School District (CCSD) presented a bill to the Legislature to remove the need for teachers coming from out of state to pass a quiz on the U.S. Constitution and the Nevada Constitution. This happened to me when I came here to teach. Whether I teach government or the alphabet, knowing about my Nation and how it came to be and the standards it has, makes me a better teacher. We just had municipal elections in Clark County and fewer than 10 percent of voters came out for the primary. You know how hard you work for elections and how few votes it can take to win. I have submitted my written testimony ([Exhibit E](#)).

LYNN CHAPMAN (American Legion Auxiliary):

This month, the Canadian Press asked the question, "Should U.S. high school students know at least as much about the Declaration of Independence, the Constitution and the Federalist papers as immigrants passing a citizenship test?" Students need to know where we have been to know where they are going. Civics is becoming a graduation requirement in many states. Maida Buckley, a retired classroom teacher in Fairbanks, Alaska, said that rights might be inherent, but ideas need to be taught. "When you have a system of government that is based on ideas espoused in the Declaration of Independence and carried out with a working document in the Constitution, those ideas need to be taught," she said. I took the citizenship test recently and got 100 percent.

JANINE HANSEN (President, Nevada Families for Freedom):

We are thrilled about this bill because our children deserve to be taught at least as much American history and civics as immigrants. A 2014 report by the National Assessment of Educational Progress showed that only 18 percent of American high school kids were proficient in U.S. history. I teach citizen lobby classes on how the Legislature works and how individuals can become engaged. It is amazing how little people know and how much they want to know. American history is a treasure.

DOUG GOODMAN (Nevada Election Modernization and Reform):

There is a direct correlation between election reform and civics social studies education, because the more our students learn and become engaged and interested, the more they will participate in the process of elections. Educating

our youth in how our government functions is critical to developing this next generation of involved citizens. If we hope to engage them in making decisions necessary to keep our government functioning the way it should, there has to be an appreciation of the process. This bill provides a mechanism to ensure that students will gain an understanding. This will only serve to better our government and participation. I support S.B. 322.

JOHN EPPOLITO (Protect Nevada Children):

I support S.B. 322. We have a very strong We the People class that teaches civics in Incline Village.

CRAIG M. STEVENS (Clark County School District):

We support civics, but we oppose S.B. 322 because of the graduation requirement. To add one more requirement to graduation is a bit much. We believe this test can be inserted into curriculum and we do have an amendment that we have not submitted yet because it was not considered friendly. In the amendment, every school district would have to take the exam. However, it would be part of a course, and local control would determine how that test would be taken. It would not have a score requirement of 60 percent or more as written in the bill. Students could still take the test as often as possible, but it would be up to the school district to provide the test and determine how it will be taken.

I understand that the curriculum does not cost anything, but administering it does come at a cost, because it is one day less of instruction. If the students have to go to the computer lab to take the test, then that is one day less that someone else cannot be at the lab. There are a lot of other different technicalities involved, including how we track the data. Oklahoma has a strict law that says the Department of Education determines all the details, delivers the curriculum, allows accommodations for English Language Learner students and more. If this bill were to go through and have a graduation requirement, it needs to be beefed up so there is a standard.

We are going through a complete realignment of our social studies standards, so implementing this test now would be up for debate, especially when we are currently going through how we deliver social studies content and curriculum. Because this bill starts on July 1, we are not sure how it aligns with what the State is trying to do, so we would ask for a delay of implementation. That way,

we could get the professional development and resources in place to figure out how to do this.

We hope the bill's sponsor will work with us in this process and provide this test to our students in a way that is not high stakes but is instead a tool of learning in the classroom. This way, when students take the test, the teacher can understand where they are. The teacher can then alter the student's lessons so they are actually learning the material and not just trying to pass a test to graduate. We have bills going through this Session that will cut American government to a half-year, so we really need to figure out how to do this. We hope there will be further discussion on this bill, but as it sits now, we cannot support it.

LINDSAY ANDERSON (Washoe County School District):

I am here in opposition, too, and this is hard. We have been trying to work with the bill's sponsors to find some solutions. The irony is that we are getting mixed messages from bills coming through this Committee. We have a bill requiring a testing audit, which implies we are already doing too much testing, and now we are talking about adding another test. There is going to be another bill about moving testing from being high stakes to medium stakes. We want to make sure we are doing this the right way. Is the senior year the right year to be taking a test like this, or should it be earlier? We are willing to work on this, but having it be a high stakes test required for graduation for seniors is something we cannot get past at this point.

SHANE PICCININI (Nevada Center for Civic Engagement):

For the last 25 years, I have been a mentor and coordinator for the We the People program in Nevada, including Project Citizen and Representative Democracy in America. It kills me to oppose a civics bill and I have a lot of respect for the bill's sponsor. I have many concerns about the bill, though. In We the People, we have students who are inspired after high school to become civically engaged and to stay engaged. I have no reason to think an exam in a students' senior year of high school, or at any point, will encourage that civic engagement. It is more than questions on a test. It is a willingness to take ownership of the community you live in and to take a stand by being a stakeholder in that community.

Our recommendation would be to table this bill and allow the stakeholders to come together over the Interim to work with the school districts, teachers and

bill sponsors to come up with a solution that would integrate civics education throughout the entire education continuum from elementary school to high school and ultimately into the university system.

Finally, some opportunities we believe civics education can present are not covered by S.B. 322. What happened today in the U.S. Senate in the confirmation process of a Supreme Court justice is no small thing. The exam proposed in this bill would do nothing to bring context to an issue such as this. Whether you support the election of Donald Trump or not, you cannot deny that he is bringing some significant changes to the institution of the Presidency of the U.S. This exam would do nothing to bring context to those changes. In the world of civics, we want our students to be able to identify and use primary and secondary sources like the Federalist Papers, the anti-Federalist Papers, case law and administrative law. This test would do nothing to make that happen. We want our students to have a broad, integrative knowledge of government, understanding that federalism is a marble cake of state's rights and the supremacy of the U.S. Constitution.

We want our students to be able to understand the difference between political party propaganda and fake news. That is something this test would not teach them. We want our students to see something on social media and have the skillset to go to the source and understand the consequences of political actions, like the consequences the 52 members of the U.S. Senate may not fully appreciate on the vote they made today. When it comes to civic learning, we want our students to graduate from high school and be able to run for office or speak out on issues they care about in an educated way. Part of this Interim study should involve giving teachers the professional development they need to be able to adequately present a true comprehensive civics program in their school.

SENATOR HAMMOND:

We have the test before us. The reporting requirements are important. It is a high stakes test, because students must pass the test to graduate. When I gave the test, it was more of the class passing it as a unit to see if they understood the material. What about the reporting requirements; how do you see this working? What happens when someone does not pass it after taking it several times? How do you report that? Secondly, what happens to the student?

MR. STEVENS:

We agree. We are not quite sure how that would be managed. I know the previous testimony from Ms. Summers was that they have an online portal, but a concern we have around that would be student data. We want to keep it internal. Other states have a way their department of education handles it, but the way this bill is written, I do not know that we would have the capacity for that.

MS. ANDERSON:

When we are talking about a high stakes test like this, the test security is incredibly important. I understand the kids can take it as many times as they want, but what if they have their neighbor take it for them? It sounds informal, but when we are talking about a barrier to graduation, the test security part is very important.

SENATOR HAMMOND:

I understand that what CCSD is proposing is a language change that the district must administer the test and the students must pass it. The other part we have to realize is that we have had one bill dealing with teaching financial literacy, so now we are down to a semester of government if that happens. We also talked about teaching students certain things about their rights, so that is another thing for government teachers to incorporate. This is the year of the government teacher. We also have ethnic studies. I do not think this bill is too onerous, but we keep chipping away and telling the teacher what they have to do in the classroom. I would like to pass something that says we value civics education and work on that, but I want to make sure it makes sense.

JESSICA FERRATO (Nevada Association of School Boards):

I am sorry to be opposed to S.B. 322, but the graduation requirement is an issue. We also have concerns about local control. We have some school districts that teach this sort of curriculum throughout their classroom setting, but tying this to a student's ability to graduate is a significant concern for us.

MARY PIERCZYNSKI (Nevada Association of School Superintendents; Nevada Association of School Administrators):

We appreciate the concern and love of civics, but we are also concerned about the graduation requirement, making it a high stakes test. When it is high stakes, it equals remediation because some students will struggle with it. That

remediation would have to be worked into the curriculum. We are happy to work with the sponsor on this bill.

PEGGY LEAR BOWEN:

I am neutral on S.B. 322. I taught school for 35 years and served on the State Board of Education for three terms. When I was teaching elementary school, I found that more time was set aside for the fundamentals of reading, writing and arithmetic and not as much for social studies in my fifth grade class because of what was required. As a result, the promise that there would always be a social studies proficiency test was never kept.

Thomas Jefferson said the only reason for public school was to have an educated electorate. Earlier in the Session, you talked about having coursework included in the social studies department pertaining to finances. In reality, that is applied mathematics. Now you have the social studies teacher having to learn math about finances. It may be helpful to take a look at that bill and maybe rework it a tad before it is written in stone so it is taught in mathematics classes, because it is practical mathematics. Social studies should not be relegated to a half credit, because it is the foundation for education.

New teachers coming to our State should know our Constitution and history. The question is, do you value the education of the knowledge of the foundation of our Country enough to come up with a proficiency test? This test might not be the answer, which is why I am speaking neutral. The end-of-course exam, which means delving into the topic, might be what you want to do. We have had required tests that actually broke State law. There were students tested in areas of math that were never taught. Some students failed tests they had not been taught in, even though they had passed all the coursework required and attained all the credits required. I think that is a debt owed to the students who did not pass a test that had questions on it that they were not required to know. If it is important, put it into your law, and if it is not important, let us not have any more of these discussions.

SENATOR DENIS:

This has been a good discussion. I took notes and I am willing to work with anyone.

VICE CHAIR WOODHOUSE:

I will close S.B. 322 now and turn the gavel back to the Chair.

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CHAIR DENIS:

I will now open S.B. 518.

SENATE BILL 518: Revises provisions relating to certain accounts used for the education of pupils enrolled in public schools. (BDR 34-1094)

STEVE CANAVERO (Superintendent of Public Instruction, Department of Education):

This bill is intended to establish a Contingency Account for Special Education Services. Given the gravity of the amendment, I can dispense with going over the original bill and focusing on the amendment ([Exhibit F](#)). We essentially kept section 1 and removed section 2, section 3 and section 4, based on conversations we had with the Legislative Counsel Bureau regarding the original bill. Section 1 establishes the Contingency Account for Special Education Services and provides for any money remaining in the account at the end of the fiscal year to be transferred to the next fiscal year.

CHAIR DENIS:

I will close the hearing on S.B. 518 and pass the gavel to the Vice Chair.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 518.

SENATOR WOODHOUSE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

VICE CHAIR WOODHOUSE:

I will open the hearing on S.B. 467.

SENATE BILL 467: Revises provisions relating to technology in public schools. (BDR 34-1120)

SENATOR MOISES DENIS (Senatorial District No. 2):

The Nevada Ready 21 (NR21) Technology Program is a critical component to the educational investments that have been made in public education since 2015. Its vision is to ignite economic development by delivering a 21st century

workforce, and by ensuring student equity through personalized access to a connected, 21st century education. In other words, our schools need to empower teachers to facilitate instruction using technology as a tool to help meet the needs of today's learners so they may be successful in the workforce.

Nevada Ready 21 operates as a competitive grant program that allows middle schools across the State to become one-to-one device schools. This means each student receives a laptop, but also that each teacher receives educational and technical training to deliver instruction in a twenty-first Century fashion.

The Commission on Educational Technology staffed by the Department of Education (NDE) oversees this grant program. Unlike many other education investments and reforms from 2015, NR21 did not have a companion policy bill. It was simply a budget line item. This left some of the program details to be determined without a policy framework.

Additionally, the Sunset Subcommittee has recommended the Commission on Educational Technology be eliminated and duties be given to the NDE in S.B. 301, which we passed the other day without that piece in there.

SENATE BILL 301: Revises provisions relating to education. (BDR 34-550)

Given this information and working with stakeholders, I believe a policy bill is an important piece in ensuring a sustainable framework for future cohorts that benefit from this critically important investment in our schools.

Additionally, I have served on the Commission on Education Technology in several iterations, as both a parent and a Legislator. I know the importance of technology and that we have come a long way. I also know it is not just about getting a device. It is also important that the teacher receive technical training to deliver instruction in a twenty-first Century manner, and it is important to have some guidelines on how we will do that. I recently spoke with someone familiar with this program and its implementation, and I appreciated the conversation we had about how to best implement this program. I think it is important to make it a tool for teachers to use. I have seen this with my own son who had an Apple iPad throughout middle school. As technology improves, there are even better ways to use these tools.

SENATOR GUSTAVSON:

I see that these devices will be funded by grants.

SENATOR DENIS:

Yes, this is in the Governor's recommended budget. This bill only deals with the policy concerning the program.

SENATOR GUSTAVSON:

How is a student held accountable for not damaging or losing these items?

SENATOR DENIS:

The school districts can probably give you more details, but as a parent of a child who dropped his device, we simply had to get it fixed. The school has some technical people who work with those issues, and most of the devices have a cover to protect it.

NICOLE ROURKE (Associate Superintendent, Community and Government Relations, Clark County School District):

We support this bill because the NR21 Technology Program has been successful in the CCSD. We have nine middle schools that have applied for grants with those devices. My son attends one of those schools. The value of the program lies in the embedded professional development. The coaching that goes along with it has been invaluable in ensuring that those devices are part of the instructional program and not just devices.

We support S.B. 467 because we appreciate the flexibility provided to choose different devices that can be specific to schools or classes. We also appreciate the ability to leverage other funds to potentially expand the program and maintain sustainability.

Ms. ANDERSON:

We support S.B. 467. We especially like the sustainability so it is not a line item every year, but that there is framework that implies this will last longer than a biennium. We also appreciate the flexibility. The Washoe County School District did not apply to be a part of the NR21 program because it was device-specific and that chosen device was not going to work within our strategic framework for delivering the technology in our schools. We have been watching this rollout across the rest of the State, which has been frustrating, since we do not have

it, but this bill allows more flexibility. We have some technical suggestions for language in this bill.

MS. PIERCZYNSKI:

We support this bill and appreciate it. One thing Senator Denis said that is very important is that technology is just a tool, and without professional development, the student is just holding a device and it is not being used the way it was intended. If a district gets the grant, that professional development piece is very important.

MS. FERRATO:

We support S.B. 467. Technology is changing rapidly, and educating our children to move in that direction is very important. The schools that are already participating in the Nevada Ready 21 program have given excellent feedback. I want to highlight that the most critical part is that our teachers need to be able to provide instructional materials and creative solutions for our changing technology environment to the children in our schools.

NATHA C. ANDERSON (Nevada State Education Association):

We like this bill, and we agree that the professional development is important. We educators are often being asked to differentiate our instruction. Many times, it is in the classroom, but many times it is away from the classroom. The professional development will give us different ways that we can help our students. I taught in a block period, so I had my students for 72 minutes. Sometimes it is nice to assign them something to do away from the classroom to see how well they do. The Nevada State Education Association (NSEA) supports S.B. 467 and we submitted a letter of support ([Exhibit G](#)).

MR. CANAVERO:

We are neutral on this bill with concerns. I have not had a chance to speak with the bill's sponsor. This program, NR21, was one of seven programs that was externally evaluated for us, and it was recommended for continued funding. The program is working. It is currently State-administered and we have listened and learned and been responsive to some of the concerns we have heard from the field regarding the devices. Given the evaluation, one of the principle purposes is to learn from the implementation of a program and how technology and the one-to-one devices can produce better outcomes for pupils. The hope is to maintain the integrity of NR21 to continue to learn as a State from best

practices in the field. I think the language of S.B. 467 does that, but I would like a little more time to look at it.

In section 4, subsection 2 of the bill, we see a bit of a challenge. When the State listened about opening up the device pool to serve NR21, we created three options that were presented during the budget work. The idea we had was to leverage the economy of scale the State had in its broad contract with the provider. That way, we could bring the cost of the devices down. We would open up the one device to make two—a Windows device and a Chromebook. We would also allow districts to use other devices, and we would provide the equivalent of a coupon for the cost of the device under the State's contract. We are trying to keep costs down and services up.

We would love to work with the sponsor on this part of the bill. It looks like there are priorities by way of awarding contracts to existing vendors. If you first go to your existing contractor, then you can go to another district that has a contract with a vendor, and if you cannot find either of those two, you can do something else. I would like to work with the sponsor to better leverage the economy of scale so we can serve more pupils.

PAT LYNCH (Protect Nevada Children):

I appreciate the intent of this bill. My concern is the protection of the data of the children. There are a lot of instances where third parties are involved, and parents do not know that, or realize that they could opt out. The children give their information because they are told they have to do this for classes. There is a documentary on the subject, called "The Value of Your Personal Data," which includes people who created the software to collect and analyze data.

In this age of technology, it is only right that we acknowledge that this is an issue and that we consider the personal data of our students valuable. We have come up with a proposed amendment to S.B. 467 to include some of that language ([Exhibit H](#)). We would love to work with the sponsor to get some wording in the bill that protects the child's data.

MR. EPPOLITO:

I have four kids in public school. We are not against devices in the classroom. We are against the student data mining, especially via third party vendors. I have submitted my written testimony ([Exhibit I](#)).

SENATOR SPEARMAN:

I think your statements about privacy protection are valid. The bill that was just signed by our current President causes grave concern in being able to protect privacy. Consider making your concerns known, because in my limited knowledge of the law, there could be precedents if someone wanted to challenge the taking of this information from a child's profile. I do not know if anyone has challenged that, but it is something that should cause all of us great concern. The privacy issue is very important, and we just lost it.

MR. EPPOLITO:

My understanding of what the President just did is allow the Internet service providers to sell our data. We are especially worried about young kids. When you have kids starting in second grade who are developing profiles with those third party vendors, that is especially problematic and it is what we are trying to address with the kids.

SENATOR SPEARMAN:

I am not disputing that. What I am saying is that what happened is probably a legal slippery slope. What I am saying is that your concerns are valid, and they probably should go to the next body above us.

MR. EPPOLITO:

That is why we presented the amendment, so hopefully we can get something to alleviate our concerns.

MS. LYNCH:

I appreciate Senator Spearman's remarks. We would like to work with you to come up with some amended language.

MS. BOWEN:

Several years ago, when the initial technology bills were coming forth, I had a concern that in every Nevada school district, the use of technology should be equal, equitable and comparable. When computers first came into the State, Senator Raggio made sure that in every classroom had at least one computer. Some schools were able to provide more materials, but we had middle schools in poorer areas in the school district lose their computer teacher because the kids said they did not need one. For the student's sake, you need to put into this bill that attendance and grades are required and there must be a qualified teacher.

VICE CHAIR WOODHOUSE:

I want to remind everyone to speak to the bill, which pertains to Nevada Ready 21.

MS. HANSEN:

I support the amendment provided by NSEA ([Exhibit H](#)). I think the point Senator Spearman made is very critical. It shows us how valuable our personal data is for adults, and even more so for children.

MS. CLARK:

I am not very knowledgeable about this, but in the bill I picked up “profoundly gifted pupils may apply for a grant of money.” I am concerned that means only profoundly gifted pupils may apply for grant money. In section 1, subsection 3, paragraph (c), I picked out what I call buzz words because they are not identifiable: “high-quality” can mean a number of things; “professional,” and “improving the extent to which pupils are engaged.” There are buzz words here that are really meaningless. I would also add and commend the comments that were made about secrecy or the honest facts to parents.

SENATOR DENIS:

I took some notes, and I think the critical piece to this bill is the professional development. This is not about teaching kids to use the computer; it is about how to use the computer to do math, science, English and more. Having been a computer guy in the past, we always have our preferences. However, I have learned that if you put all your eggs in one basket, they can all get cracked, so I try to diversify my technology now.

As far as data protection, we can definitely look at that. I suspect the school districts already do some of that because I remember getting the device and having to sign a bunch of paperwork. When the Nevada Commission on Educational Technology came out with recommendations, we tried to put a computer in every classroom, but we found that to do so, we had to unplug the pencil sharpener or the fax machine, so we ended up putting a plug in every classroom for computers. We have come a long way since then.

For Ms. Clark, who mentioned the gifted thing, in section 4, subsection 1, paragraph (a), subparagraph (3), it talks about “learning management systems that allow the school district, charter school or university for profoundly gifted pupils,” and that is where that comes from. Any time we talk about schools, we

talk about all three of those entities, because those are the designations of the different types of public schools we have.

I am looking forward to working with everyone on this bill to come up with something that will actually help increase student achievement.

VICE CHAIR WOODHOUSE:

I will close the hearing on S.B. 467 and hand the gavel back to the Chair.

CHAIR DENIS:

I will open public comment.

BRAD KEATING (Clark County School District):

Yesterday, at Coronado High School in Henderson, two dozen students had a surprise at lunch. They were asked to the prom. A group of students named "Cougars United" are involved in a program encouraging positive relationships with general education students and students with disabilities. The Cougars United group asked the special education students to the prom. They had signs made up and had some local celebrities do video introductions for them, and it made those students' day. We appreciate what those students did.

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CHAIR DENIS:

I will adjourn the meeting of the Senate Committee on Education at 6:41 p.m.

RESPECTFULLY SUBMITTED:

Linda Hiller,
Committee Secretary

APPROVED BY:

Senator Moises Denis, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	5		Attendance Roster
S.B. 322	C	9	Karen Summers / Joe Foss Institute	Civics Education Initiative Handouts
S.B. 322	D	1	John Ocegueda / Civics Education Institute	Letter of Support from Richard H. Bryan
S.B. 322	E	1	Juanita Clark / Charleston Neighborhood Preservation	Written Testimony
S.B. 518	F	1	Steve Canavero / NDE	Proposed Amendment
S.B. 467	G	1	Natha C. Anderson / NSEA	Letter of Support
S.B. 467	H	2	Pat Lynch / Protect Nevada Children	Proposed Amendment to <u>S.B. 467</u> from Protect Nevada Children
S.B. 467	I	2	John Eppolito / Protect Nevada Children	Written Testimony