

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

**Eighty-First Session  
May 27, 2021**

The Committee on Education was called to order by Chair Shannon Bilbray-Axelrod at 4:46 p.m. on Thursday, May 27, 2021, Online and in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, 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/81st2021](http://www.leg.state.nv.us/App/NELIS/REL/81st2021).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Shannon Bilbray-Axelrod, Chair  
Assemblywoman Brittney Miller, Vice Chair  
Assemblywoman Bea Duran  
Assemblyman Edgar Flores  
Assemblywoman Michelle Gorelow  
Assemblywoman Alexis Hansen  
Assemblywoman Melissa Hardy  
Assemblywoman Lisa Krasner  
Assemblywoman Elaine Marzola  
Assemblyman Richard McArthur  
Assemblywoman Rochelle T. Nguyen  
Assemblywoman Jill Tolles  
Assemblywoman Selena Torres

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Marilyn Dondero Loop, Senate District No. 8

**STAFF MEMBERS PRESENT:**

Kristi Robusto, Committee Policy Analyst  
Amanda Marincic, Committee Counsel  
Nick Christie, Committee Manager  
Joan Waldock, Committee Secretary  
Melissa Loomis, Committee Assistant

Minutes ID: 1306



**OTHERS PRESENT:**

Jonathan P. Moore, Ed.D., Deputy Superintendent for Student Achievement,  
Department of Education  
Chris Daly, Deputy Executive Director, Government Relations, Nevada State  
Education Association

**Chair Bilbray-Axelrod:**

[Roll was called. Committee rules and protocol were explained.] I expect this to be one of our last meetings. We have one bill to hear.

**Senate Bill 353 (1st Reprint): Requires the Department of Education to review certain assessments. (BDR 34-528)**

**Senator Marilyn Dondero Loop, Senate District No. 8:**

I am pleased to be here today to present Senate Bill 353 (1st Reprint), which requires the Department of Education (NDE) to review assessments, prescribe regulations to limit the time spent on assessments, and require districts to request a waiver to exceed those limits. Some of you may remember Senate Bill 303 of the 79th Session. The bill required NDE to audit the assessment tools and examinations used to monitor the performance of public schools and students in kindergarten and Grades 1 through 12 to improve and streamline such resources. Ultimately, \$92,053 was transferred from the State General Fund to NDE for the purpose of developing and carrying out that audit plan.

During our robust discussion on the audit results in the Senate Committee on Education in 2019, many of us expressed that the audit did not result in actionable recommendations on ways to reduce the assessments. One reason for this was the frequency and number of assessments administered at the local level, which are not required at the state or federal level. The Department responded at the time that to develop a balanced assessment system to help districts reduce formative and interim assessments would take time.

Over the course of that interim, members of the Legislative Committee on Education continued to investigate the amount of instructional time lost to assessments and talked about the impact that the learning loss had on students. The measure before you today, Senate Bill 353 (1st Reprint), attempts to address those concerns by requiring the Department of Education to develop regulations that have set up guardrails around the amount of time students will undergo testing.

At this point, I would like to walk you through the bill itself. I have the Department of Education with me today to answer questions. Section 2 requires NDE to review examinations and assessments administered pursuant to *Nevada Revised Statutes* (NRS) Chapter 390, "Testing of Pupils and Graduation," for their educational benefit, cost, and

redundancy in information, skills, or abilities measured. I would like to point out that NRS 390.800 includes district-based testing. Senate Bill 353 (1st Reprint) includes any district-based testing within the scope of testing that the Department of Education is required to review, in addition to state or federally mandated examinations or assessments.

Section 3 requires the Department of Education to adopt regulations prescribing limits on the actual instructional time taken to conduct the assessments and the total number of assessments administered in a school year. Section 3.5 provides State General Fund appropriations to the Department of Education to fund those costs related to contract services and the adoption of regulations to carry out the provisions of the bill.

That concludes my part of the presentation. This bill has been to the Senate Committee on Education and the Senate Committee on Finance. We are here now for your review. I would like to call the Department of Education up so Dr. Jonathan Moore and I can answer any questions you may have.

**Jonathan P. Moore, Ed.D., Deputy Superintendent for Student Achievement,  
Department of Education:**

I would be glad to answer any questions.

**Assemblywoman Torres:**

I appreciate this piece of legislation. I have seen how many assessments we are doing in the classroom. I think it is great to look at that and make sure we are not taking too many days out of instructional periods. To which assessments does this apply?

**Jonathan Moore:**

As the bill outlines, it applies to all the assessments that are pursuant to this chapter in NRS, which includes our summative assessments. Outside of our required assessments, many educators administer assessments that are in tandem or in preparation for those summative assessments, so it is important to get that inventory in order to have an accurate determination or picture of how many minutes, the cost, and other factors involved.

**Assemblywoman Miller:**

Thank you, Senator Dondero Loop and Dr. Moore. You and everyone listening have heard me along these lines for years now. It started with Senator Joyce Woodhouse's bill in 2017 [Senate Bill 303 of the 79th Session]. When the inventory came back, sadly it just addressed the tests, whether you want to refer to them as standardized tests or summative tests. We are not talking about classroom and teacher's chapter tests or unit tests. It only came back with the tests the state required. The challenge, as Senator Dondero Loop mentioned, is the additional tests.

The superintendent of our school district and I were in a meeting where we talked about the number of tests required by the federal government and by the state. In addition, there are tests required by the district and in schools. I had a school do an inventory for me. They had 13 additional assessments and diagnostics in addition to what the district required, which was

in addition to what the state and the feds were requiring. The state does not require as many as everyone thinks. As my colleague mentioned, the time, the money involved, and the stress are issues on which the three groups—parents, educators, and students—agree. It is not that we do not think there should be any type of testing; it is just the number of tests. While I advocate for no particular test, I do advocate for the reduction in testing. Let us streamline it and be consistent.

What kinds of accountability measures are there? During the interim, we extensively reviewed this. What kind of time frame and accountability do you see being able to put in place as a result of this? By statute, boards of trustees are supposed to be reviewing these things annually and they have the ability to reduce the number of tests. Once the Department goes through the process and determines what we need and what suffices, what kinds of parameters do you see putting around the districts to reduce testing to what we actually need and what matches our standards?

**Jonathan Moore:**

Once the exercise is concluded—the inventory and gathering the report for recommendations—I see two avenues. The first is to come to the interim committee [Legislative Committee on Education] to present our findings as the legislation calls for; then there is the development of regulations. That process, in and of itself, is public and creates an opportunity for stakeholder engagement and an opportunity for the State Board of Education to weigh in. What I hope and believe will come from the process is that we will get to a place where we can make recommendations and establish a balanced assessment system across the state. Within the balanced assessment system, we have clear definitions of the different types of assessments; clear definitions regarding the data that each type of assessment yields and how that can be used; limits for assessments regarding time; and, possibly, recommendations regarding costs.

**Assemblywoman Miller:**

Time is another challenge we have discussed. The companies tell us the amount of time they believe each test takes. There is one test the company says takes 60 minutes. Most educators and students tell you it takes four to five times that amount of time. Will there be an opportunity for that kind of realistic data, for schools to report that? It is something we should consider. Do you see the Department limiting the number of tests or having the ability to dismiss certain tests? Could that be a regulation?

**Jonathan Moore:**

I believe there is room to work with whatever partner is selected to ensure the time factor is included in the methodology for the data collection in order to get an accurate assessment from educators regarding the amount of time they are actually expending. That is a good data point of comparison versus what some of those tests may suggest by way of time. To your second question, I think part of what will come from the regulatory process with stakeholder engagement will be a list of recommendations for things such as time and the

number of assessments. As it relates to assessments that districts or schools should be using, I do see a way in which the Department would be able to set, suggest, and release suggested guidance for the implementation of certain assessments that schools and educators should follow in order to relieve the burden and to ensure an accurate accounting of student learning.

**Senator Dondero Loop:**

To add to that, as an educator and someone who has been in many classrooms, sometimes working with a vendor, an assessment provider, that is one of the decisions you make. You may love this evaluation over here, but if you know it takes a lot of time, you either have to work with that company to say we cannot afford this kind of time or you may choose another avenue based on the fact that it does not take as much time but will give you that same amount of information.

**Chair Bilbray-Axelrod:**

When you were talking about the amount of time, it made me think about how, in my world, when I am working on something with a private vendor, a lot of times they will give a little survey at the end to ask about my experience. I wonder if we could do something to get that information.

**Senator Dondero Loop:**

I can only speak from the vendor world. When requests for proposals are put out and decisions are made on those, those kinds of things are always asked. I do not know that they need to be within the legislation because those things are almost always asked. I do not care if you buy a biology book, purchase a test, or have a professional development training for teachers—there is always some kind of review at the end that says, How did you like this and why?

**Chair Bilbray-Axelrod:**

Yes. I was not suggesting we legislate it.

**Assemblywoman Gorelow:**

At the beginning of the bill, we are talking about what you will be assessing and developing regulations on, the cost of doing the assessment, and the reversion to the State General Fund, but I do not find how long you would have to complete the review and make the recommendations.

**Jonathan Moore:**

Based on section 3.5, the cost distribution, we anticipate that the inquiry would occur over the biennium. Sooner would be preferable, or the earliest we could receive that information, but it would occur over the biennium.

**Assemblywoman Nguyen:**

You talked about the assessments, including teacher assessments. Are those the assessments created by teachers? Would you explain how NDE would accurately incorporate assessments teachers are doing in their classrooms, based on their curriculum? Are the teachers submitting their assessments to NDE? How does that work?

**Jonathan Moore:**

Regarding the methodology for gathering that information, part of it would have to entail a survey within each of our school districts regarding that specific information. Part of the methodology regarding a specific district would have to include which assessments are administered and for what purpose. I imagine part of the methodology may involve a survey of teachers, or a sample of teachers, in a specific setting across multiple grade levels or content areas. I believe part of the methodology would include not just assessing those teachers locally, but also central office staff who oversee locally prescribed assessments so that data would be yielded—if not through that entire population, but a sample.

**Assemblywoman Nguyen:**

I had some concerns that it could be a situation where a school had four fifth-grade teachers and they all had slightly different assessments in their classrooms; and then they had an assessment for their school and their team, and then there was one in the district. We could have a thousand different assessments we were using and requiring people to submit. I wanted to make sure that was not the case.

**Senator Dondero Loop:**

I will answer that from the teacher's point of view. Almost always when you are in a classroom setting, you have something you are following. Even an English teacher using novels in a high school English class would have some sort of guideline to follow. In all the years I taught, we always sort of did the same things in grade levels or departments where I worked. It would be highly unlikely that you would have four second-grade teachers who did four different sets of spelling words on Friday or social studies teachers in middle school who were not working together. You generally work on units and oftentimes use a vendor-supplied classroom textbook or information off the Internet, or you are following some [unintelligible]. We have standards and benchmarks developed by the state Department of Education, so it is not a random, I am doing this because I want to do it. It is all based on those standards, benchmarks, and what the classroom teacher prepares.

**Assemblywoman Tolles:**

Thank you for bringing this forward. I know this has been a conversation for so many years with principals, teachers, parents, and students. I echo the sentiment of Assemblywoman Miller that there is general agreement across the board on this. I think the only thing I would add to it is—I do not think it has to be written into the statute, I just want to make sure I ask this on the record. As they formulate these recommendations, will there be an analysis of what other states limit and what their recommendations or regulations are around the number of assessments they typically utilize?

**Senator Dondero Loop:**

I will give you the layman's answer, then I will let Dr. Moore continue. This state department and their leadership have an exorbitant amount of national work behind them. We are very lucky to have this leadership. I do not think anything we do in education does not go by without our asking which state does it the best. That absolutely will happen. On top of that, I would say we are compared in every data book that anybody has ever created across the entire United States, world, and beyond, so there will be a lot of comparisons along the way. It bears repeating that some of these assessments are federal assessments that are required. The required federal assessments will stay in place. Those are not things that we can just say, We are not going to do this, we are going to this [other thing].

**Chair Bilbray-Axelrod:**

Section 3, subsection 2, says, "If a board of trustees . . . or the governing body of a charter school" requests a waiver to exceed the limit—Dr. Moore, can you tell us what that looks like?

**Jonathan Moore:**

Based on what is written, that would be developed through the regulatory process. The Department would work with the State Board to establish what the waiver and the approval process would look like—the information that would be necessary. Some of the considerations would be based upon the recommendations that stem from this inquiry—what are some of the guidance or parameters we would expect local education agencies (LEAs) to follow? That would inform any waiver that was then submitted if an LEA wanted to exceed that guidance or go beyond what is recommended.

**Chair Bilbray-Axelrod:**

My concern is that some populations might get sucked up in that, whether ELL [English language learners] or additional services. I want that to be clear on the record. Who would request additional assessments?

**Jonathan Moore:**

I could see a context in which a school district had followed the recommendations and had built their assessment infrastructure. They may want to pilot another assessment if they believe one assessment is not meeting their needs. They may want to pilot an additional assessment simultaneously to gauge whether the one they have is great or if there is something better. That would be a world in which a waiver would be requested.

**Chair Bilbray-Axelrod:**

To be clear, it would not be for a certain demographic of students? It would be district-wide for a pilot program?

**Jonathan Moore:**

That is my estimation.

**Assemblywoman Krasner:**

Thank you, Senator Dondero Loop and Dr. Moore, for bringing this bill. When talking to constituents, the one thing I hear from teachers and parents is there is too much test-taking, too many assessments.

**Chair Bilbray-Axelrod:**

Are there any other questions? [There were none.] We will open to testimony in support of S.B. 353 (R1).

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

First, I have to break the news to you that the first 116 days of this legislative session was actually preparation for all legislators to take the SBAC [Smarter Balanced Assessment Consortium] starting tonight and going through Monday. There will be a big pizza party Monday night when we are finished.

The Nevada State Education Association (NSEA) supports S.B. 353 (R1), requiring the Department of Education to review student assessments [read from prepared text, [Exhibit C](#)]. This has been a top concern of many classroom educators—shifting the focus in the classroom away from student learning toward a culture of high-stakes testing. We have been working to reduce the burden of standardized testing for a number of years. I got to present S.B. 303 of the 79th Session with Senator Woodhouse to require the testing audit and asking the Department to make recommendations to streamline. While the bill passed with bipartisan support, the Department, under its old leadership, did not move as expeditiously as we had hoped. The audit was not completed until over a year after its due date, which hamstrung that legislative session in terms of making and implementing recommendations.

The audit did contain some important information about the amount of time educators spend administering assessments, with 84 percent of district test directors stating that too much time was spent on the Smarter Balanced assessment. Responses from those responsible for administration of assessments highlight the continued need to streamline student assessments. Responses from educators in audit focus groups and NSEA internal surveys have been less kind to standardized testing.

Some changes have been made over the last several years—for example, course exams—but more needs to be done. Senate Bill 353 (1st Reprint) would require the Department of Education to look at the benefits, costs, and any inefficiencies in student assessments, and adopt regulations to prescribe limits on the time and number of student assessments. We think this current Department is taking this task more seriously this time, and we are hopeful we can spend less time testing and more time teaching and learning.



**Chair Bilbray-Axelrod:**

Are there other callers in support? [There were none.] We will close testimony in support and move to testimony in opposition. Is there anyone in opposition? [There was no one.] We will close testimony in opposition and open testimony in neutral. [There was none.] I will close the testimony in neutral. Are there any closing remarks?

**Senator Dondero Loop:**

I urge your support of Senate Bill 353 (1st Reprint), which seeks to maximize instructional time for our students, reduce the burden of excessive testing, and support our state Department of Education in this task.

**Chair Bilbray-Axelrod:**

We will go to our last item on the agenda, which is public comment. Is there anyone here for public comment? [There was no one.]

Committee, we have scheduled meetings every day at the call of the Chair. We have bills we will probably have on work session, but I do not know when. We also could receive a bill. We will be seeing each other at least one more time for a work session and, possibly, to hear a bill.

Several of us are wearing gray because it is "wear gray for brain tumor awareness day." I just wanted to give a shout-out to all those afflicted and their family members and survivors.

I will possibly see you tomorrow [May 28, 2021], Saturday [May 29, 2021], and Sunday [May 30, 2021]. This meeting is adjourned [at 5:17 p.m.].

RESPECTFULLY SUBMITTED:

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Joan Waldock  
Committee Secretary

APPROVED BY:

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Assemblywoman Shannon Bilbray-Axelrod, Chair

DATE: \_\_\_\_\_

## **EXHIBITS**

[Exhibit A](#) is the Agenda.

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

[Exhibit C](#) is written testimony dated May 27, 2021, presented by Chris Daly, Deputy Executive Director, Government Relations, Nevada State Education Association.