

**NEVADA DEPARTMENT OF EDUCATION  
NEVADA STATE BOARD OF EDUCATION  
SEPTEMBER 1, 2022  
2:00 PM**

<b>Office</b>	<b>Address</b>	<b>City</b>	<b>Meeting</b>
Department of Education	2080 E. Flamingo	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual/Livestream	n/a	n/a

**SUMMARY MINUTES OF THE BOARD MEETING**

**BOARD MEMBERS PRESENT**

Felicia Ortiz, President  
 Mark Newburn, Vice President  
 Joe Arrascada  
 Dr. René Cantú  
 Malia Poblete  
 Dr. Katherine Dockweiler  
 Tamara Hudson  
 Tim Hughes  
 Dr. Summer Stephens  
 Mike Walker

**DEPARTMENT STAFF PRESENT**

Jhone M. Ebert, Superintendent of Public Instruction  
 Dr. Jonathan Moore, Deputy Superintendent of Public Instruction  
 Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement  
 Heidi Haartz, Deputy Superintendent for Student Investment  
 Jose Silva, Chief Strategy Officer  
 Peter Zutz, Administrator, Office of Assessment, Data, and Accountability Management (ADAM)  
 Mike Pacheco, Education Programs Supervisor, ADAM  
 Craig Statucki, Director, Office of Career Readiness, Adult Learning & Education Options (CRALEO)  
 Jeff Briske, Director, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)  
 Dave Brancamp, Director, Office of Standards and Instructional Support  
 Jaynie Malorni, Education Programs Professional, Office of Standards and Instructional Support  
 Pattie Oya, Director, Office of Early Learning and Development

**LEGAL STAFF PRESENT**

David Gardner, Senior Deputy Attorney General

**AUDIENCE IN ATTENDANCE**

Christyan Mitchell, Executive Operating Officer, Smarter balanced Assessment Consortium  
 Bonnie Talbot, Senior Director, Data Recognition Corporation  
 Nathaniel Wangly, Communities in Schools  
 Bonnie Toth, Kids Co-Op  
 Carl Esteban  
 Jayme Rawson, Clark County School District  
 Greg Manzi, Assistant Superintendent, Clark County School District

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

Meeting called to order at 1:59 P.M. by President Felicia Ortiz. Quorum was established. President Ortiz led the Pledge of Allegiance and provided a land acknowledgement.

**2. PUBLIC COMMENT #1**

Christyan Mitchell, Executive Operating Officer, Smarter balanced Assessment Consortium, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Greg Manzi, Assistant Superintendent, Clark County School District, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Bonnie Talbot, Senior Director, Data Recognition Corporation, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Jayne Rawson, Achievement coach/learning strategist, Clark County School District, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Wendi Whitteker, community member, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Minetta Slattery, community member, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Melanie Hall, community member, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A)*

Chris Daly, Nevada State Education Association, provided public comment regarding agenda item 10. *(A complete copy of the statement is available in Appendix A)*

**3. APPROVAL OF FLEXIBLE AGENDA**

**Vice President Mark Newburn moved to approve the flexible agenda. Member Tamara Hudson seconded. Motion passed unanimously.**

**4. PRESIDENT'S REPORT**

President Ortiz reported that applications and nominations are open for the 2023 RISE award. RISE recognizes inspirational school employees. This award honors classified school employees who provide an exemplary service. Eligible classified school employees working in any grade at any public, charter, and private school from pre-K through high school and in any of the following occupational specialties: Paraprofessional, clerical and administrative services, transportation services, food and nutrition services, custodial and maintenance services, security services, health and student services, technical services, and skilled trades. Nominations and applications will be accepted through September 19, 2022 and NDE will submit the five finalist to Governor Sisolak. The Governor will select two 2023 RISE awardees from the applications submitted to the Department of Education and announce the awardees in October. The 2023 Nevada RISE awardees will represent Nevada at the national RISE award selection process. The U.S. Department of Education will announce the national RISE awardee.

President Ortiz welcomed the newest State Board of Education member Joseph Arrascada. Member Arrascada is also a member of the Nevada System of Higher Education Board of Regents and a representative for District 10. He currently serves as the Vice Chair for the Inclusion, Diversity, Equity, and Access Committee and the Investment Committee. Member Arrascada is also a member of the Academic

Research and Student Affairs Committee, the Audit and Compliance Committee, the Title IX Committee, and the AD HOC Strategic Planning Committee. President Ortiz noted that Member Cathy McAdoo will be missed, but the Board is pleased to have Member Arrascada serve as the NSHE Regent member. President Ortiz invited Member Arrascada to introduce himself and say a few words.

Member Arrascada thanked President Ortiz and the Board for the opportunity and noted that he would be remiss if he did not recognize his predecessor, Cathy McAdoo. She served with great elegance, commitment, and the utmost integrity to the system of Higher Education and the State Board of Education. Member Arrascada noted that he was born and raised in Nevada, he found his calling in regard to being a champion and a strong advocate for the underrepresented. He has fiercely spoken out on behalf of individuals that would seek representation to pursue higher education. He will continue to do so on behalf of the constituents and the individuals for the State of Nevada to ensure complete transparency throughout the education systems and continue to infuse positivity.

## **5. SUPERINTENDENT'S REPORT**

Superintendent of Public Instruction Jhone M. Ebert reported that Deputy Superintendent Jessica Todtman's last day will be Friday, September 2, 2022. Deputy Superintendent Todtman was the Department's first ever chief strategy officer. She helped break down silos and moving the State Department of Education forward. She aided in the teacher pathways taskforce, led the strategic implementation plan, and the State ARP ESSER plan. Jessica will be the Deputy Director of National Collective Impact for a project known as the Power of Systems.

Superintendent Ebert reported that Dr. Seng Dao Keo is no longer the Chief Strategy Officer. Dr. Keo is now the Deputy Superintendent for Washoe County School District. Superintendent Ebert noted that she is proud of the work she did at the Department and wish her well.

Superintendent Ebert reported that Craig Statucki will serve as the Interim Deputy Superintendent for Educator Effectiveness. Craig Served as the Director of the Office of Career Readiness, Adult Learning & Education Options. Superintendent Ebert noted that she is thankful that Director Statucki will be stepping up as Interim Deputy Superintendent.

Superintendent Ebert reported that Dr. Jose Silva will serve as the Chief Strategy Officer. Dr. Silva served as the principal of Booker Elementary School in Clark County, the vice principal of Valley High School, and a math teacher.

Superintendent Ebert reported that the Commission on School Funding presented their recommendations to the Interim Standing Committee on Education at their July 27<sup>th</sup> meeting. The Commission is currently finalizing most of their recommendations and are unable to meet as a formal body after September 30<sup>th</sup> until the legislative session has ended. The law states that the Commission must publish their findings and recommendations by November 15<sup>th</sup>.

Superintendent Ebert reported that the Interim Legislative Committee on Education met and accepted the recommendations made by the Teacher Recruitment and Retention Task Force. Almost every single recommendation was adopted to move forward during the next session.

Superintendent Ebert reported that on Monday August 29<sup>th</sup> Deputy Superintendent Dr. Jonathan Moore led the workshop for end of course assessments. School districts testified as well as the Nevada Association of School Superintendents on how they would like to move forward. The hearing will be held on the October 6<sup>th</sup> Board meeting.

Superintendent Ebert presented the Early Childhood Educator of the Year award to Carl Esteban and Bonnie Toth. Carl Esteban teaches Inclusive ECE/Pre-K at the UNLV CSUN Preschool. Bonnie Toth teaches at the Kids' Co-Op Preschool. Superintendent Ebert noted that early childhood educators are integral to the foundation of our education system and as agents investing in lifelong learning. This recognition is an effort to elevate the professional perception of these educators and edify their hard work and commitment toward Nevada's children and families. Superintendent Ebert congratulated both awardees.

## 6. CONSENT AGENDA

President Ortiz pulled item 6d the FY22 Quarter 3 Class Size Reduction Report and noted that the report will be on the October 6, 2022 meeting agenda.

Vice President Mark Newburn noted that the instructional material items have a recommended and not recommended section and asked if the Board votes to approve the item if they are voting to approve the recommended materials and reject the not recommended materials. Superintendent Ebert responded in the affirmative. President Ortiz asked if the Board approves the instructional materials, how it would be communicated to the school districts and if a school district has already purchased a non-recommended material how that would be handled. Deputy Superintendent Dr. Jonathan Moore responded that the materials that are approved will be posted to the Department's website and the Department will immediately contact all the curriculum directors across each of the school districts and notifies the State Public Charter School Authority directly that those materials are approved. School districts are discouraged in the purchasing of materials before they have been approved by the Board in the Department's technical assistance to school districts.

Member Katherine Dockweiler excused herself from the vote on item 6a the Dual Credit Course Request for Clark County School District. Member Dockweiler noted that in her role at Nevada State College she designed the dual credit course EDU 221 Introduction to School Based Mental Health.

Member Tim Hughes noted that the consent agenda contains items on computer science standards and computer science instructional materials that in theory are aligned to the standards and asked what standards were being used since they have not yet been approved. Deputy Superintendent Moore responded that the computer science standards before the Board today are the career and technical education computer science standards and are separate from the instructional materials that are being proposed in alignment with the K-12 academic standards for computer science.

**Member René Cantú moved to approve the consent agenda items with the exception of item 6a and 6d. Member Tim Hughes seconded. Motion passed unanimously.**

**Vice President Mark Newburn moved to approve consent agenda item 6a. Member Tamara Hudson seconded. Member Katherine Dockweiler abstained. Motion passed.**

## 7. INFORMATION AND DISCUSSION REGARDING AN UPDATE ON THE WORK OF THE COMMISSION ON PROFESSIONAL STANDARDS IN EDUCATION

Jeff Briske, Director Office of Educator Development, Licensure, and Family Engagement (EDLiFE) provided a PowerPoint presentation regarding the [Commission on Professional Standards in Education Update](#).

President Ortiz noted that given that the Department is fee funded and asked if the Governor is supplementing the difference between the normal cost of licensure and the reduced cost. Director Briske responded that the Department is fee funded and does not believe that this will change soon. President Ortiz asked if that means the Department may end up having to reduce staff. Deputy Superintendent Todtman

responded that the Department analyzed all its' data for the past ten years of licenses and understood what the impact would be to the Department and identified that there was funding in reserve that could be used to cover this cost. The Department is monitoring those reserves because they also must sustain overtime for Department staff as well as pay for the licensure portal.

Member Hughes mentioned AB 225 and competency-based approaches for students and asked if it was possible or in the works for the Department to expand in that area. Director Briske responded that the Department is currently researching this topic and may solicit third party assistance with the research.

Member Hughes asked if there is an ability for the State to reconsider the fee funded mechanism. Considering the barriers to enter the system, Member Hughes stated that it is his opinion that the process should be as efficient as possible but to get more people, the fees need to be increased so it is an endless cycle. Deputy Superintendent Todtman responded that the Department has researched other Western State fees and found that they used emergency funding to fill the gap for a short period of time. Deputy Superintendent Todtman noted that it is written in NRS that the Department may not charge less than \$100.

Member Mike Walker noted that he has been advocating for cheaper emergency substitute licenses for a few years and he believes that these benefits are greatly appreciated by educators. Since there is such a massive educator and support staff shortage nationwide, the concern is that all these measures make it easier and open the door to less qualified individuals. Member Walker believes that what really needs to be done is encourage the legislature to make systemic changes which value education and ensure that educators have a livable wage.

Member Hughes referenced the regulation language regarding using ACT and SAT in lieu of the PRAXIS exam and asked what the downstream effects of the teacher pipeline if the Board is considering changing the College and Career Ready (CCR) exam to something else besides the ACT. Deputy Superintendent Todtman responded that the addition of ACT and SAT to the options is meant to be more expansive and helpful to individuals from outside the State who may not have taken the PRAXIS but who have potentially taken the ACT or SAT. Member Hughes asked if it is possible to expand the language further to include the DRC exam. Director Briske responded that the regulation would have to be rewritten if that was decided.

President Ortiz referenced the [Commission on Professional Standards in Education Annual Report for 2021](#) and noted that the member list had two vacant spots. President Ortiz asked if those positions have been filled. Director Briske responded that those positions have been filled and the Commission is fully staffed with eleven members.

## **8. INFORMATION AND DISCUSSION REGARDING AN UPDATE ON THE WORK OF THE HOLOCAUST AND OTHER GENOCIDES SUBCOMMITTEE**

Dave Brancamp, Director, Office of Standards and Instructional Support and Jaynie Malorni, Education Programs Professional, Office of Standards and Instructional Support, provided a PowerPoint presentation regarding the [Subcommittee on holocaust and other Genocides progress update](#).

President Ortiz thanked Director Brancamp, Ms. Malorni, and the members of the Subcommittee for all the hard work on the critically important task.

## **9. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING RESULTS AND RECOMMENDATIONS OF THE COLLEGE AND CAREER READY (CCR) HIGH SCHOOL ASSESSMENT RFP PROCESS**

Deputy Superintendent Moore noted that the ACT was selected in 2014 by the State Board as Nevada's College and Career Readiness assessment. In 2017 the ACT also became Nevada's high school assessment

for math and English language arts under the federal law ESSA. The Request for Proposal (RFP) for the assessment opened in February 2022. The process leading up to that included a period of public comment that was opened in May of 2021, for 45 days. After that, consultation began with the Board around the characteristics that they collectively wanted to see in the assessment as well as to discuss the process to approve the selection of an assessment. The Department then consulted the Council to Establish Academic Standards during an open meeting in October of 2021. Collectively, all that data then informed the RFP that was released in February 2022. Deputy Superintendent Moore noted that in the time since the item was most recently presented, there have been several points of conversation. One of the primary concerns regarding the current infrastructure is that the ACT is offered at no cost to all students. The Department has engaged several stakeholders including the Office of the Governor and there is support to continue providing the ACT at no cost to all students should a different assessment be selected. Another point of concern was around equity and accessibility. Deputy Superintendent Moore reiterated the aspects that stakeholders including the Board noted with regard to ensuring that an assessment was more accessible to English learners as well as students with disabilities not only including accommodations for participating on the test but also supports for taking the assessment.

Member Cantú asked for clarification on the use of cost savings from the ACT to support students who cannot afford to take it. Deputy Superintendent Moore responded that the Department is exploring various opportunities for cost savings and some of which are predicated on pending decisions. The Department anticipates that a transition in infrastructure particularly related to end of course assessments that there could be a cost saving mechanism by which the Department would be able to continue to provide the ACT at no cost. In addition, there is support from a multitude of stakeholders including the Office of the Governor to continue that as well.

Member Summer Stephens noted that the Nevada Association of School Superintendents (NASS) discussed the proposal to continue to offer the ACT to ensure equity. One of the concerns that was mentioned was that they do not know what that would look like as of yet. It is a conversation that has been had and a commitment that has been shared but there has not been any specific guarantee, or anything spelled out that this will happen. Member Stephens noted that there were 197 unduplicated survey responses and 42% were parents. Member Stephens expressed concern that only 197 responses were used as the criteria for the RFP.

Member Stephens asked if the extension for the ACT is in place for the 2022-23 school year. Member Stephens asked about the plans for the Nevada Administrative Code (NAC) regarding the CCR diploma and adding the SBAC to the list of requirements. Member Stephens asked if a shortened contract be approved with DRC in the event that the board is able to turn its' energies and attention toward changing the accountability system. Deputy Superintendent Moore responded that all state contracts have a termination clause that give the Department latitude to terminate a contract within a certain timeframe for various reasons. The Department is not concerned with early termination should things shift as there are mechanisms in place contractually that protect the Department in all State contracts. Regarding the question about the CCR diploma, Deputy Superintendent Moore responded that in the Departments planning it was aware that if there were a potential shift there would be factors that would be implicated. Therefore, the Department planned for a one-year transition period. In terms of the extension of the ACT, Deputy Superintendent Moore responded that because this is an important decision that is part of a variable regarding the process for extension, the Department needs a decision as there are a couple of different avenues that the Department may need to pursue.

Member Hudson asked if students be able to opt out of the Data Recognition Corporation (DRC) exam or is it going to be a requirement. Member Hudson asked for clarification on how the DRC exam is going to affect the Millennium Scholarship, if students did not meet the grade point average requirement for the scholarship, they could still receive it with acceptable ACT scores. Member Hudson asked if the DRC has a

similar feature as the ACT Aspire to provide schools feedback in student knowledge gaps and college readiness etc. Deputy Superintendent Moore responded that the ACT Aspire is a service that ACT does provide, it is not part of the Department's current State contract, and it is not currently implemented at the State level. Regarding the Millennium Scholarship, Deputy Superintendent Moore responded that since the recommendation has been made public, the Department has engaged the Nevada System of Higher Education in conversations around potential implications and paths forward but once again until decisions are made it would be challenging to hypothesize. Regarding the option to opt out of the Smarter Balanced Assessment Consortium (SBAC) assessment, Deputy Superintendent Moore responded that should the SBAC be approved, it would become Nevada's high school assessment. All States are required under federal law to administer a high school assessment that assesses students in English language arts and in math.

Member Cantú noted that the ACT is available in English only and asked what other languages the DRC exam available in and what the implications are for Nevada's students. Deputy Superintendent Moore responded that there are test items that are available in additional languages outside of English. There are also supports regarding glossaries and directions available in other languages. Bonnie Talbot, Senior Director, Data Recognition Corporation, added that through Smarter Balanced content development, DRC is able to offer the test in multiple different languages. Dual language Spanish is the one that has been used primarily with the three through eight programs. DRC also offers translated test directions and glossing in thirteen languages.

Member Joe Arrascada asked what the duration of time the State of Nevada will be paying for students to take the ACT. Deputy Superintendent Moore responded that the Department is exploring a couple of mechanisms. One is a request to the legislature during the upcoming session. The goal would be to ensure that should ACT no longer be the high school assessment, mechanisms are in place for funding.

Member Arrascada asked how many colleges prefer or consider the DRC over the ACT. Christyan Mitchell, Executive Operating Officer, Smarter balanced Assessment Consortium, responded that in terms of the Smarter Balanced assessment, one State, South Dakota, that uses it for admission and over 200 universities use it for placement.

Member Arrascada noted that NSHE BOR's primary concern was the lack of invitation to participate in the request for proposal. NSHE would have been receptive to such and invitation. From the ACT, the college and career readiness assessment in place since 2016, and on [hr.nevada.edu](http://hr.nevada.edu), we have eight years of historical perspective that indicates on [ir.nevada.edu](http://ir.nevada.edu), we have an ACT benchmark and the scores which itemized the college courses biology, algebra, English, composition, social studies, reading, math and science. We have all the scores and the average for each of those scores and the success that the high schools have been accomplishing for the eight years. Changing to another CCR assessment would create a significant break in this data. Member Arrascada noted that this is especially disconcerting as the break is coming right about the time the State is seeing the benefits of the adoption of the common core standards. Evidence to the increase in the statewide average, composite scores, and in subject manner scores.

Member Arrascada noted that another concern of NSHE is that switching the CCR would necessitate an update in the NRS 396.930 and the Board of Regents policy in terms of reference of a college entrance examination and as was previously mentioned, for the Governor Guinn millennium scholarship and their eligibility requirements. A few other concerns are a switch would impact students seeking admission to Nevada universities as the ACT is recognized in the BOR handbook Title IV Chapter sixteen section four as an alternative path to admission for those students who did not meet the grade point requirement. The RFP was requested from numerous stakeholders, but the NSHE was never invited to have the conversation. Member Arrascada proposed that the RFP be reposted.

Vice President Newburn suggested holding the vote to the next meeting and requesting a formal motion from the NSHE Board of Regents, asking the Board to open the bidding, and to request an opinion from the Attorney General's office. Vice President Newburn noted that this used to be two separate contracts. One was a federal testing contract, and the other a college and career readiness contract but when it was bid through, it was bid through as a federal testing contract under the legal umbrella of the college and career readiness test. Vice President Newburn asked if the Department should have been given the ability to bid this as two separate contracts because it used to be so. Member Hughes responded that those are valid points and would be helpful, however he does not personally feel as adamant of the need for a formal NSHE motion as they should have been involved regardless. Member Hughes suggested reopening the process and not moving forward with the current recommendation allows the Board to pull NSHE in while simultaneously acquiring the answer to the legal question from the Attorney General's office. As the Board re-runs the process it may turn into two separate contracts.

**Member Tim Hughes moved to reject the current bid for the College and Career Readiness High School Assessment and reopen the bidding process. Member Mike Walker seconded. Vice President Mark Newburn and Member Katherine Dockweiler opposed. Motion passed with 8 votes in support and 2 in opposition.**

#### **10. INFORMATION AND DISCUSSION REGARDING THE 82<sup>nd</sup> LEGISLATIVE SESSION**

President Ortiz proposed that the Board put forth a position statement to the 2023 Legislature stating that the State Board of Education would like to see the State of Nevada express their value of education in additional funding. President Ortiz noted that the Board has mentioned many times in its' discussion about State goals the ranking that is frequently heard about in the news is a reflection of the value that the State puts on education. If the State does not value education that will be reflected in how the State is ranked nationally. President Ortiz stated that she knows that everyone she talks to believes that education is important but what she does not see happening is that Nevada Legislators carry that through in the form of additional investments in Nevada's children. President Ortiz noted that she has conversed with other boards, councils, city councils etc. and they are willing to sign on with the Board. President Ortiz opened up the discussion to the Board to ask for their input and suggestions.

Member Walker noted that with the new funding plan, a great majority of Nevada school districts have been disadvantaged. Looking at the mechanism, it does not matter if there is an increase in funding the schools who are in hold harmless will be held at the 2019 funding level. Member Walker stated that the Board needs to also encourage a robust examination of the funding plan. President Ortiz agreed.

Member Hughes asked what the date by which the Board would need to have a coherent set of recommendations that it would like to advocate for. President Ortiz responded that technically this would not be an official bill draft request. Members of the Board cannot advocate as an entire Board or on behalf of the entire Board. If the Board composes a position statement, any single member of the Board could then approach the Legislature and advocate based on the position statement.

Member Hughes suggested listing the goals the Board is driving toward and provide two or three actions that would make a significant impact towards those goals. Member Hughes suggested a component of the statement be dedicated to explaining how the State could achieve optimal levels of funding. President Ortiz responded that the Commission on School Funding is prepared to offer multiple paths to achieving optimal funding.

Member Dockweiler suggested including the NSHE Board of Regents. A majority of Nevada's educators are coming in from out of State and the Department and NSHE have been working very hard on the grow our own programs and pipeline programs for teachers and school based mental health professionals.



Member Dockweiler suggested recognizing and acknowledging that some funding should be allocated to those training programs who are developing the educators coming into Nevada schools. President Ortiz agreed.

Vice President Newburn suggested showing an immediate benefit to optimal funding. Stating that funding to the Commission on School Funding's recommendations, Nevada in the resources category will immediately jump in ranking as well as the overall ranking. President Ortiz agreed and stated that the moral of all educators would also increase if Nevada was no longer 49<sup>th</sup> in national rankings. From a business perspective, new business will be attracted to Nevada. One of the reasons that many big businesses do not come to Nevada is because of the education rankings.

Member Hughes asked what the next steps would be and if a workshop is needed to develop the language for the position statement. President Ortiz asked the Department to develop a draft and welcomed the Board to submit their thoughts and suggestions and vote on approval of the draft at the next meeting. Superintendent Ebert requested one or two board members assist in the drafting of the language. The Board agreed.

#### **11. 3:00 P.M. PUBLIC HEARING FOR REGULATION #R066-22**

President Ortiz called the hearing for R066-22 to order at 5:25 P.M.

Pattie Oya, Director, Office of Early Learning and Development provided an overview of the proposed regulation [R066-22](#).

No public comment.

**Member Katherine Dockweiler moved to approve R066-22; Member Tamara Hudson seconded. Motion passed unanimously.**

President Ortiz adjourned the hearing for R069-22 at 5:31 P.M.

#### **12. 3:00 P.M. PUBLIC HEARING FOR REGULATION #R068-22**

President Ortiz called the hearing for R068-22 to order at 5:32 P.M.

Pattie Oya, Director, Office of Early Learning and Development provided an overview of the proposed regulation [R068-22](#).

No public comment.

**Member Katherine Dockweiler moved to approve R068-22; Member Tim Hughes seconded. Motion passed unanimously.**

President Ortiz adjourned the hearing for R068-22 at 5:47 P.M.

#### **13. FUTURE AGENDA ITEMS**

President Ortiz recommended by a presentation by Workforce Connections, a discussion on the 2023 Legislative Session, and a joint meeting with the NSHE Board of Regents. Member Hughes suggested a follow-up on the CCR RFP.

**14. PUBLIC COMMENT #2**

Sebern Coleman, Director of Educator Preparation, College of Education, University of Nevada, Las Vegas, provided public comment regarding the CCR RFP. *(A complete copy of the statement is available in Appendix A.)*

**15. ADJOURNMENT**

Meeting was adjourned at 5:54 P.M.

**APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT**

1. Christyan Mitchell, Executive Operating Officer, Smarter Balanced Assessment Consortium, provided public comment regarding agenda item 9.
2. Greg Manzi, Assistant Superintendent, Clark County School District, provided public comment regarding agenda item 9.
3. Bonnie Talbot, Senior Director, Data Recognition Corporation, provided public comment regarding agenda item 9.
4. Jayme Rawson, Achievement coach/learning strategist, Clark County School District, provided public comment regarding agenda item 9.
5. Wendi Whitteker, community member, provided public comment regarding agenda item 9.
6. Minetta Slattery, community member, provided public comment regarding agenda item 9.
7. Melanie Hall, community member, provide public comment regarding agenda item 9.
8. Chris Daly, Nevada State Education Association, provided public comment regarding agenda item 10.
9. Sebern Coleman, Director of Educator Preparation, College of Education, University of Nevada, Las Vegas, provided public comment regarding the CCR RFP.

**APPENDIX A, ITEM 1: CHRISTYAN MITCHELL**

For the record my name is Christyan Mitchell. I am the Executive Operating Officer at Smarter Balanced Assessment Consortium. Thank you Chair, and members of the Board for allowing me this opportunity to speak to you today. I'm here to speak on item number nine, which is the College and career Ready High School assessment RFP process. First, I'd like to commend the Department, the procurement office, and the educators serving on the review committee for running a rigorous fair open process. We were delighted the Smarter Balance, was delighted to be included in DRC's bid and we were more than delighted to learn that that bid was awarded the highest technical score. From the beginning, Nevada educators have helped shape the consortium to better serve the diversity of Nevada students needs. Therefore, Smarter Balanced High School test is designed to measure Nevada's eighth grade content standards, not as a retrofit, but as designed. By having the test designed to measure not Nevada's content standard, coupled with Smarter Balanced world class instructional and accessibility resources, Nevada stakeholders can be confident that the assessment results are valid for local and State decision making. In addition, and not to be understated, the Nevada high school educators will now have access to dynamic system of tools for teaching success rather than just a test. A dynamic system of tools. These tools, include interim assessments, instructional resources that support ongoing instruction in high school. I thank the Board for allowing me to speak the Nevada teachers for their valuable contributions for many years, developing the system that is their educational system, and the evaluation committee for recognizing the quality system that Nevada educators helped build. Ill be here for the remainder of period and if I can be of any service. Thank you.

**APPENDIX A, ITEM 2: GREG MANZI**

Good afternoon. My name is Greg Manzi, Assistant Superintendent of the Clark County School District's Assessment, Accountability, Research, and School Improvement division. I'm here today on behalf of the Clark County School District to offer our testimony and support of the State Board of Education approving the request for proposal recommendation, Data Recognition Corporation and a Smarter Balanced Assessment Consortium as the State adopted College and career Readiness assessment. We support moving forward with the selection with an implementation anticipated for the 2023-2024 school year honoring the work of evaluation committee and the stakeholder input as we select an assessment aligned to the Nevada academic content standards. An assessment aligned to the standards will better inform our State about the progress made by our students and support educators with a suite of resources that includes assessment blueprints, item banks, and content. We do not support the adoption of ACT, as the assessment does not serve our community to inform us about how our students are performing to the State standards. We are prepared to support the State as they begin to reimagine assessment and accountability for Nevada students. Thank you for your time.

**APPENDIX A, ITEM 3 : BONNIE TALBOT**

Superintendent Ebert, members of the State Board of Education, my name is Bonnie Talbot. I work with Data Recognition Corporation, also known as DRC and I have served as the overall program manager for DRC's current contract with the State of Nevada for the Nevada ready student assessment program that includes the summit of assessment given to students in grades three through eight. The science assessment for grades five, eight, and high school and the alternate assessment for grades three through eight and grad eleven. So, I'm here today to speak on agenda topic nine, the College and Career Readiness Assessment approval process, RFP process. We're very pleased that DRC's response to the request for proposals for the College and Career Readiness Assessment program received the highest overall score by the evaluation committee and was selected to be advanced to this board for your approval. DRC has been proud to serve the State of Nevada since taking over the current program in 2015 after another vendor's testing system failed. We have consistently demonstrated that we are an experienced and reliable provider. DRC has more than 44 years of proven and successful educational assessment experience. We have worked with more than 35 State Departments of Education and to multi-State consortium and we have provided hundreds of millions of pre-K through grade twelve and adult education assessments to students across the country in all 50 States. Our proposal for the College and Career Readiness Assessment program combines DRS's proven technology system and administration capabilities with Smarter Balanced highly regarded content and supports, we are confident that we have the capacity to successfully deliver high quality college and career readiness assessments for Nevada's students. DRC and Smarter Balanced College and Career Readiness Assessments will provide a student-centered approach that expands upon Nevada's overall balanced assessments system design. The proposed assessments are computer adaptive tests. They are flexible and provide unparalleled accommodations and supports for diverse learners. Thank you for this opportunity to provide this statement.

**APPENDIX A, ITEM 4: JAYME RAWSON**

I'm gonna say at the end of the day I'm relatively neutral in terms of what test you want to provide uh to determine College and Career Readiness. When it comes to the NSPF and other measures. What I can tell you though is if you remove the ability for students to take the ACT during a school day at the high schools you remove equity. The day you decide to do that is the day that equity disappears. I work at East Career and Technical Academy. I work with seniors on their post high school plans up to 75% of our students are not only the first-generation college students, the first in their family to graduate from high school and so many of them are pioneers on the journey toward higher education. Here in the State of Nevada and all seven NSHE institutions, the ACT is a vital part, not just getting into college and university, it is used for placement, it is used for placement into their technical training programs, and it's used for placement into certification programs. So, I'm saying specifically things like Great Basin College and the students that go into the mining training programs there that ACT score becomes a vital tool. I'm looking at telling a group of students that we would no longer provide this opportunity. These are students that work 20-30 hours on weekends that sometimes are the sole providers for their families in terms of income or that live in what we call a transport desert. They live past Vegas Valley in Hollywood where it is difficult to get busses that can get them anywhere else where the ACT is regularly given on Saturdays. I would also tell you that CCSD doesn't have a great Saturday track record. With ACTs there are high schools that cancel at the last minute and there are other issues that come up and I can provide that if it's something that you're interested in knowing. But giving every student one opportunity to take the ACT has been incredible for us. It has pushed us past our 100% graduation rate and into 100% college acceptance rate for our students and I'm saying year over year since the program began. And so, for me I can't tell you what is going to be. I don't have the expertise to tell you where do you want to pull data from. How many questions do you need? Who's involved in the psycho metrics of creating it. I can tell you that we can get young people to care about this test. I get it. Yeah, but that's it. I can't get young people to care about many tests, I don't know if you remember being 15 but I know tests were not the thing that I cared most about. The ACT has been a powerful tool for me. So I just wanted to let you know that. Thank you.

**APPENDIX A, ITEM 5: WENDI WHITTEKER**

Dear Nevada State Board,

Please don't switch to a College & Career Readiness test by one of these sketchy for-profit test companies. The DRC company breached its \$51 Million contract with the state of Nevada the last time they tried to start a new test here. It was a disaster. The Pearson company has a reputation as the worst testing company in the country among nearly every state that has worked with them. Their tests are such a joke they've been ridiculed multiple times on the news. These are for-profit mega corporations that are out to make money off unsuspecting school boards and taxpayers. On the other hand you have the SAT and ACT. Both non-profit organizations with solid reputations for consistent tests. Nearly every college in the country trusts them to determine if a student is college ready and prepared for 101 level classes their freshman year. Why would Nevada leave a trusted test that counts for something, like the ACT, to chase after 2 for-profit companies with terrible reputations, and whose tests are meaningless to colleges?



**APPENDIX A, ITEM 6: MINETTA SLATTERY**

To the testing committee and board, every principal we've talked to prefers the ACT over the Data Recognition Corporation DRC/SBAC test. Every counselor has told us the same thing. Nearly every parent and student seem to agree that the ACT test is the better option. If 99% of education professionals around Nevada all feel the same way, hopefully that will be factored into the decision. The angry man from purchasing who yelled at the board members last meeting and tried to intimidate and scare them into accepting the DRC test quickly was out of line. Good for the board for standing up to that and taking the time to gather the facts before making a knee jerk reaction decision that would negatively impact so many students, parents, teachers, and admins across the state. We admire the board's transparency with the public. If redoing the bid process is a necessary evil and takes some extra time to do it right, so be it. It's better than making a bad decision that less than 1% of people want like switching to the Data Recognition Corporation DRC/SBAC test just because it's the path of least resistance. Thank you,

Dan & Minetta S.

**APPENDIX A, ITEM 7: MELANIE HALL**

I want to recommend that the Department stick with the ACT test. It has helped my kids qualify for a lot of scholarship money they otherwise would not have received. Even though a lot of colleges are saying they are “test optional” now, we all know that students who submit good ACT scores are still more likely to get accepted. For my kids it also meant the difference in a lot of additional scholarship funds. My kids attend public schools in Nevada, work hard in school, and were prepared for the ACT because it tested the same concepts they had learned in school.

I also wanted to thank the Department of Education for covering the cost for children to take the ACT test their junior year since it meant our family didn’t have to pay out of pocket.

Thank you for your time,

Melanie Hall

## **APPENDIX A, ITEM 8: CHRIS DALY**

The Nevada State Education Association has been the voice of Nevada educators for over 120 years. Today, NSEA is publicly releasing our legislative priorities for the upcoming 2023 Legislative Session. In addition to *Time for 20* to address Nevada's record educator shortage and the *Respect Educators Act* to prioritize educator safety and voice, NSEA has proposals on school finance, protecting the institution of public education, streamlining student assessments, and worker rights.

For months, NSEA has testified to this Board and others about Nevada's dire educator shortage. Now with students back in school, we still have near record shortages of teachers, other licensed professionals, and education support professionals. NSEA has been tracking vacant positions across Nevada school districts. CCSD still lists nearly 2000 vacant positions, about the same number as a month ago, and there are still hundreds of additional vacancies across Nevada. Earlier this month, the Economic Policy Institute released their report on teacher pay in 2021. They found that the pay gap between teachers and other college-educated profession reached an all-time high. In Nevada, that gap is 20.4%.

NSEA has been calling for bold action to address this crisis— to adequately fund public education in Nevada and to respect and retain our experienced educators. It's *Time for 20*. That means a 20% increase in educator pay and at least \$20/hour for the workers who make our school run. We believe this is the right-sized response to our educator shortage.

Lack of competitive pay is a big cause of our vexing educator shortage, but poor working conditions are another major factor. With some of the largest class sizes in the country, *Time for 20* calls for reaching an average class size of 20 students in core academic subjects. And with an uptick in high-profile acts of violence against educators, NSEA has unveiled the *Respect Educators Act* to elevate the safety, well-being, and autonomy of educators in their work. This includes real accountability for any violence committed against educators and providing educators the tools necessary to deal with disruptive behavior. The *Respect Educators Act* proposes a monitoring committee comprised of educators from across the state, legislators, and NDE to gain a clear understanding of the impact of the restorative justice law, ensure consistent implementation, and secure protection for all students and educators.

Educator voice in the classroom and at the worksite is also a key component of the *Respect Educators Act*. This includes guaranteeing educators have their professional judgment and discretion respected by school and district administrators; are treated with civility and respect; are not required to complete excessively burdensome paperwork; are afforded adequate time during the work week for lesson planning and collaboration with other teachers; have greater autonomy regarding student grading; are able to better enforce student attendance requirements; and have fair work evaluations.

## APPENDIX A, ITEM 9: SEBERN COLEMAN

Dear Members of the Nevada State Board of Education:

Select members of the Nevada ACT Council are writing this letter in support of continuing to use the ACT® as the state of Nevada’s high school accountability assessment, in FY23 and beyond. The Nevada ACT Council is comprised of a diverse network of education and workforce professionals throughout the state with a shared goal to improve education and workforce landscape to advance education and workplace success for all. Through annual conferences hosted in both Northern and Southern Nevada, quarterly meetings, and various outreach initiatives, we strive to make sure that educators are trained on best practices and equipped with tools to better assist students to reach college and/or career success. The ACT is most certainly one such tool.

Since 2015, Nevada has invested in the future of the state and its constituents by providing all high school juniors the opportunity to take the ACT test on a regular school day, promoting equal access to college admissions and scholarship opportunities for all Nevada graduates (including Nevada’s Millennial Scholarship). Additionally, the junior year administration of the ACT provides career exploration feedback and an objective measure of readiness at a point in time when it is critical for successful post-high school transitions. The Nevada ACT Council supported the state’s decision to award the high school assessment to ACT then, and we stand firmly behind that decision today. We are asking that the state consider the unintended but near-certain, negative consequences of removing the ACT as the high school assessment for the state of Nevada.

To underscore the Council’s position that the ACT is the assessment that is in the best interest of Nevada students, we feel the need to speak to the record regarding incorrect statements that were repeated throughout the July 7<sup>th</sup> State Board of Education meeting about the ACT’s alignment to Nevada’s standards and as to whether ACT provides supports for ELL students.

- The ACT is a curriculum-based achievement test, and [ACT’s research](#) is at the very foundation of the Common Core State Standards utilized by Nevada. While the ACT test is focused primarily on those standards ACT’s research confirms are most critical for postsecondary success, statements made that teachers have to abandon their curriculum in order to “teach to the test” are inaccurate.
- It was also stated that the ACT does not provide support for English Language Learners. In fact, ACT has provided multiple [ELL supports](#) for students, since 2017 to help ensure equity for students whose proficiency in English might prevent them from truly demonstrating the skills and knowledge they have learned.

While the Council is well aware that many postsecondary institutions have adopted test-optional policies, especially in the wake of the Covid-19 pandemic, we are concerned that these changes have created a narrative that has been misconstrued to be “students don’t need standardized assessment” to attend college. All students can benefit from the ACT, but especially underserved students for whom it can be the catalyst that leads to a college degree and generational change.

For the record, the Council understands the necessity to ensure access and equity when considering the ACT as it relates to college admissions. We support institutions that have decided to go test-optional whether temporarily or permanently, and we agree that it is impossible to predict how successful a student will be based on their test score alone. It is important to note that the ACT measures what it purports to measure—academic readiness. We believe that ACT scores should be considered in context and multiple factors should be part of a holistic admissions process, but holistic decision-making is based on the premise of increasing the potential number of factors considered, not removing them. A solid ACT score can be the difference for students that may not have access to advanced coursework (which can impact GPA), or time and money for extracurricular

activities.

Discontinuing the ACT as the high school assessment will create barriers for students. Students who need test scores in order to gain financial assistance with tuition, submit a stronger application for more competitive schools, or apply for particular programs will all be disadvantaged by eliminating the ACT participation requirement in Nevada. While it is true that students can be admitted without testing in many cases, colleges and universities nationwide will continue to use student ACT scores for accurate course placement and in ideal cases, to provide the supports that will enable students to be successful. By providing the ACT, Nevada is equalizing the playing field and delivering great value to stakeholders throughout the state, including students, parents, and both secondary and postsecondary educators.

In summary, Nevada is equalizing the playing field for all students and providing great value to Nevada stakeholders, but especially those students for whom various obstacles may stand in the way of them taking the ACT on their own. Every year since 2015, many Nevada students' lives are changed for the better because of the opportunity you have provided for them to take the ACT and learn that not only are they "college material", but that they may also qualify for merit-based awards and scholarships. This life-changing opportunity cannot be overstated.

We would love the opportunity to participate in conversations with decision-makers and other stakeholders so we can provide our expertise and perspectives on this matter. If granted the opportunity to do so, please contact Dr. Sebern Coleman, Immediate Past-Chair (NV ACT Council) at [sebern.coleman@unlv.edu](mailto:sebern.coleman@unlv.edu).

Thank you for all that you do to help Nevada students succeed!

Kind regards,

Sebern Coleman, Ph.D., Immediate Past-Chair  
Jill Hersha, Past-Chair  
Regina James  
Kent Jones