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Testimony before the Senate Finance Committee on S.B. 191  
March 10, 2003

Anne Loring, President, Nevada Association of School Boards  
Dr. James Hager, Chairman, Nevada Association of School Superintendents

Chairman Raggio and members of the committee:

Thank you for this opportunity to speak with you about S.B. 191, which implements the most sweeping Federal education law ever enacted – No Child Left Behind.

First, we thank your staff for their efforts in writing this massive implementation bill. It was a Herculean task.

Nevada's 17 school boards and superintendents agree whole-heartedly with the two goals of No Child Left Behind – to dramatically increase the achievement of all students and to close the unconscionable achievement gap that currently exists among children of different races, economic backgrounds, and English proficiency.

In a bill of this size and complexity, there are undoubtedly a large number of questions and concerns. But we are here today on behalf of Nevada's 17 school districts to speak to the single most critical part of this bill – the nature of the testing system that Nevada will use to implement the Federal requirements. It is upon this testing system that the entire accountability program will be based. But more significantly, the type and timing of the testing will play a fundamental role in increasing student achievement in Nevada – or not doing that.

The Nevada Association of School Boards and Nevada Association of School Superintendents support the standards-based CRT testing program that you initiated with the Nevada Education Reform Act and the nationally normed NRT tests that you had put in place prior to NERA. We urge you to expand the CRT program using Federal money to cover grades 3-8 and to continue to administer those tests in the spring. You were on the right track, and we urge you to stay the course.

You have before you a white paper entitled "Nevada Assessment and Accountability in the Era of 'No Child Left Behind'". All 17 of our school superintendents have unanimously endorsed the conclusions of this white paper, and our 17 school boards are in the process of passing resolutions of support. Here are the 5 conclusions:

- Our state testing program must help make decisions to improve classroom instruction as well as to provide accountability if we expect to improve student achievement.
- Statewide Criterion Referenced Tests (CRTs) aligned to Nevada's standards and given annually in grades 3 through 8 are the best way to do that. They can guide teachers in modifying instruction as needed. They can help parents see which standards their child has mastered and in which the child needs help. They can tell you whether Nevada's children are mastering the standards you have required. And

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with time, they can provide longitudinal data that will provide us all with data on the value added by our programs.

- Norm Referenced Tests (NRTs) given annually in grades 4, 8, and 10 as you have required for years can compare the performance of our students, schools, school districts, and state to that of national norms.
- CRTs should be given in the spring to test what our children have learned that year. Spring testing gives the most useful information to teachers and gives timely information to parents so that they can help their children succeed before the next school year begins. We support continuing to give NRTs in the fall.
- Finally, we strongly urge you not to use augmented NRTs given in the fall for Nevada's statewide tests as proposed in this version of S.B. 191. We believe this is an inefficient use of children's and teachers' time and that this type of testing is not the best way to improve achievement in Nevada's schools.

Literally you are at a crossroads. You can continue down the route you have so well laid out with spring Criterion Referenced Tests in grades 3 through 8 and fall Norm Referenced Tests in selected grades. This is the road that your 17 school districts unanimously support and believe will lead to improved student achievement. Or you can change direction as laid out in this version of the bill and lose an incredible opportunity to improve education in Nevada.

We urge you to amend S.B. 191 with regards to the type and timing of testing. We have provided for you a proposed amendment to that effect.

We thank you for time.

Dr. James Hager, Chairman, Nevada Association of School Superintendents  
Anne Loring, President, Nevada Association of School Boards

March 10, 2003

Proposed Amendment to S.B. 191

Nevada Association of School Superintendents and  
Nevada Association of School Boards

March 10, 2003

**INTENTION OF AMENDMENT**

1. To eliminate from the bill the direction to provide "augmented norm referenced tests," which appears on page 88, lines 26-37, as Sec. 67.9.b. and on page 91, lines 30-41 as Sec. 68.9.b.
2. To keep in statute the current requirement for "norm referenced tests" as in current NRS 389.015 and in Sec. 66 of this bill on pages 82-85 but keeping the grades as 4, 8, and 10 for the norm referenced tests rather than changing grade 8 to 7 as recommended in the bill.
3. To require by statute that the norm referenced tests in grades 4, 8, and 10 be administered in the fall.
4. To amend the bill to require "criterion referenced tests" as in Sec. 67 of this bill on pages 86-89 with the deletion of subsection 9.b and changing the time of administration from fall to spring in Sec. 67.2.d on page 86, line 23.
5. The change of the time of administration of the criterion referenced tests from fall to spring will necessitate changing some of the accountability reporting dates in this bill by moving them several months later in the year.

**SPECIFIC SUGGESTED AMENDMENTS**

With a bill so complex, there are several ways to accomplish the intentions described above. One area of confusion is that Secs. 66, 67, and 68 of this bill all change the exact same sections of NRS 389.015, but Secs 66 and 67 appear to be entirely different changes of the same NRS section.

Here is one suggested method of meeting the above intentions:

1. Delete Sec. 67.9.b., which appears on page 88, lines 26-37, and delete Sec. 68.9.b, which appears on page 91, lines 30-41. This would meet intention #1.
2. As currently written Sec. 66 makes minor amendments to NRS 389.015, Sec. 67 makes major amendments to the same sections of NRS and effectively changes the intent of that section of statute, and Sec. 68 makes a minor amendment to what is

proposed in Sec. 67. We would propose combining Secs. 66, 67, and 68 of this bill into a single section that describes all of the state testing in a single part of statute.

Maybe start with Sec. 67 as amended with the first amendment proposed above that eliminates subsection 67.9.b. Then make the following changes:

- Incorporate into Sec. 67.2.c on page 86, line 20 the addition in Sec. 68.2.c on page 89, line 34.
  - Incorporate into Sec. 67.8.a on page 88, line 14 the addition in Sec. 68.8.a on page 91, line 20. [Note: These first two bulleted changes eliminate the need for the rest of Sec. 68, which is otherwise a repeat of Sec. 67.]
  - Amend Sec. 67.2.d on page 86, line 23 to read "...examinations in grades 3, 4, 5, 6, 7, and 8 in reading, mathematics and science pursuant to sections a and c above must be administered during the spring semester at a time..." This meets intention #4 above.
  - Amend Sec. 67.7 on page 88 line 3 by adding a new subsection (a) that reads: (a) Examinations on reading, mathematics and science for grades 4 and 8 that must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4 and 8 in this state to that of a national reference group of pupils in grades 4 and 8. These examinations must be administered during the fall semester at a time prescribed by the State Board. In addition the State Board shall prescribe: [From here pick up with Subsection 7.a, which is now 7.b, on page 88 line 3.] [This change along with current Sec. 67.7.a & b meets intentions #2 and #3 above.]
3. Now either delete Sec. 66 or keep it in order to first delete the sections shown on pages 84 and 85 or delete those sections by inserting those deletions into Sec. 67. If the second choice is made, then keep the grade level at 8 and delete reference to grade 7 on page 82, line 43, page 84, line 36, and page 85, lines 11, 14, and 16.
  4. Other changes elsewhere in the bill will be needed to move the dates for accountability reporting forward by several months in the year because of the spring testing in grades 3 through 8.

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**Nevada Assessment and  
Accountability in the Era of  
“No Child Left Behind”**

**A White Paper  
from  
the Nevada Association of School  
Superintendents  
and  
the Nevada Association of School  
Boards**

*February 2003*

# **Nevada Assessment and Accountability in the Era of "No Child Left Behind"**

## **A White Paper from the Nevada Association of School Superintendents and the Nevada Association of School Boards**

February 24, 2003

### **Executive Summary**

Nevada's school district superintendents and school boards are committed to improving the achievement of Nevada's students and to that end believe that the state-mandated testing program must be designed to make decisions to improve classroom instruction as well as to provide accountability.

Nevada's superintendents and school boards support administration of Criterion Referenced Tests (CRTs) that are aligned to Nevada's standards annually in grades 3 through 8 for the purpose of accountability under No Child Left Behind. We believe that these tests can provide useful information to improve instruction in the classroom for all students and can furnish diagnostic information to provide needed interventions for all students. We believe that CRTs are the best way to evaluate the learning of Nevada's students based upon the state's standards and to provide meaningful accountability.

Nevada's superintendents and school boards support administration of Norm Referenced Tests (NRTs) annually in grades 4, 8, and 10 for the purpose of comparing the performance of Nevada's students, schools, school districts, and state to that of the nation as a whole. The NRTs may also be used to inform decisions relating to Nevada's provision of school improvement money.

Nevada's superintendents and school boards oppose the use of augmented NRTs to comply with the assessment requirements of No Child Left Behind. By "augmented NRTs," we refer to an off-the-shelf NRT to which items aligned with Nevada's standards, developed by the vendor and/or state, have been added and are reported in conjunction with some of the NRTs' items.

Nevada's superintendents and school boards support administration of the CRTs in the spring in order to provide the most useful information to improve instruction and provide help to struggling students. We support administration of the NRTs in the fall.

### **Improving Student Achievement**

Nevada's school district superintendents and school boards are committed to improving the achievement of Nevada's students and to that end believe that the state-mandated testing program must be designed to make decisions to improve classroom instruction as well as to provide accountability. We support the fundamental goals of the Nevada Education Reform Act of 1997 (NERA) and the No Child Left Behind Act of 2001, signed into law by President George W. Bush on January 8, 2002. Assessment and accountability are key components of both pieces of legislation.

NERA directed the development of content and achievement standards for Nevada's K-12 schools, standards which were completed prior to enactment of No Child Left Behind. As mandated by Nevada's Legislature, those standards are rigorous and comprehensive.

No Child Left Behind requires each state to develop annual tests in grades 3 through 8 and one grade in high school that are specifically aligned to its state's standards in reading/language arts, math, and science. Again, Nevada's Legislature was ahead of Congress, in that it has required that high school students take and pass a high school exit exam aligned with Nevada's standards in order to graduate. Nevada's Legislature had also recognized the need for tests aligned with the standards in the elementary and middle school grades and had started the state down that road by requiring CRTs be developed in grades 3, 5, and 8. In addition, Nevada's Legislature recognized the value of using NRTs in selected grades to show how the state's students perform relative to a national sample.

The superintendents and school boards support continuation of this two-tiered approach. Although accountability lies at the heart of both the state and federal legislation regarding assessment, we believe that a well-constructed state-mandated testing system can inform instruction and help individual students as:

- teachers determine where they need to modify and improve their instruction;
- teachers develop interventions for individual students; and
- parents see where their child needs help.

The end result will be improved student achievement—the goal of every Nevada educator, Nevada legislator, and member of Congress.

### **Criterion Referenced Tests (CRTs) for Grades 3-8**

Nevada's superintendents and school boards support administration of Criterion Referenced Tests (CRTs) that are aligned to Nevada's standards annually in grades 3 through 8 for the purpose of accountability under No Child Left Behind. We believe that these tests can provide useful information to improve instruction in the classroom for all students and can furnish diagnostic information to provide needed interventions for all students. We believe that CRTs are the best way to evaluate the learning of Nevada's students based upon the state's standards and to provide meaningful accountability.

CRTs are tests built to align directly with Nevada's content and achievement standards. These tests are unique to Nevada for that reason. Because each test item aligns with our state's standards, these tests efficiently and effectively assess whether our students have learned the skills and knowledge that our state has determined they need to know. CRTs focus teaching on the state standards and measure student performance relative to those standards.

The express goal of No Child Left Behind is that, within the next twelve years, all students will demonstrate proficiency in the reading/language arts, math, and science standards of their state. CRT tests are specifically designed to show whether or not that is happening. CRT reports with sufficient detail can inform teachers in which skills students are proficient and in which skills they are not. Teachers can use that information to modify instruction to meet students' needs.

Moreover, CRTs can provide detailed information that teachers and parents need to know to assist each individual student to improve those skills for which he or she is not proficient. CRTs are critical in improving an individual student's achievement.

If our teachers, schools, districts, and the state of Nevada are successful in meeting the goal of No Child Left Behind—that in twelve years each student will be proficient in reading/language arts, math, and science—then every student will score at the proficient level or above on CRTs. These tests are the best way to show the Adequate Yearly Progress (AYP) required by No Child Left Behind.

In previously mandating CRTs for the high school graduation exam and for grades 3, 5, and 8, Nevada's legislators have recognized the value of this type of test. Nevada would need to add such tests in grades 4, 6, and 7, however, to comply with No Child Left Behind. Texas and North Carolina are often cited as examples of how a comprehensive assessment and accountability system can lead to significantly improved student achievement in a reasonable amount of time. Both states have relied on CRTs as the basis of their assessment and accountability systems.

In creating new CRTs, the superintendents and school boards believe that the assessments must be linked from grade to grade with a common scale across grades. This will allow the state to lay the foundation for a true value-added accountability system—one that focuses attention on student growth over time and on school effectiveness.

The superintendents and school boards understand that questions have been raised about the quality and rigor of the CRTs developed by the state for grades 3 and 5. In supporting that CRTs be used in grades 3 through 8, we take no position on the relative roles of commercial vendors, vendor consultants, and the Nevada Department of Education in developing, scoring, and reporting the tests. Our position is that valid and reliable CRTs must be used for determining the proficiency of our students on Nevada's standards and for making AYP designations.

Attachment 1 shows a prioritized list of criteria that the superintendents and school boards support and believe must characterize Nevada's statewide tests for No Child Left Behind. Tests meeting these criteria would provide accountability, inform instruction, and help individual students to improve their achievement. Listed in rank order, these criteria reflect the priorities that form the foundation for the superintendents' and school boards' recommendations.

Therefore, the superintendents and school boards support using CRTs in grades 3 through 8 as the primary indicators for annual AYP designations made for schools, districts, and the state under No Child Left Behind.

#### **Norm Referenced Tests (NRTs) at Selected Grades**

**Nevada's superintendents and school boards support administration of Norm Referenced Tests (NRTs) annually in grades 4, 8, and 10 for the purpose of comparing the performance of Nevada's students, schools, school districts, and state to that of the nation as a whole. The NRTs may also be used to inform decisions relating to Nevada's provision of school improvement money.**

The superintendents and school boards believe that continuing to administer annually an NRT in selected grades would serve three useful purposes as part of Nevada's accountability system.

1. The NRTs provide quality control that validates student, school, district, and state performance on CRTs aligned to Nevada's standards.
2. The NRTs provide for ongoing comparisons of Nevada student, school, district, and state performance to that of a national norm.
3. The NRTs could continue to be used to apportion state school improvement money.

Some people argue that Nevada already participates in an NRT through the use of NAEP; however, NAEP is technically not an NRT. Furthermore, NAEP can only be used to compare state and regional performance. Because it is based on a sampling of schools and students, district, school, and student results are not currently reported. Yet, there is value in knowing how student performance in Nevada compares to national measures.

NRTs are expressly designed so that half the students will do well and half will do poorly. If every student in the normed group did well on the test, questions that most students got right would be removed and harder ones would be added so that half of the students would do well and half would not. That is how NRTs are designed. It is impossible for every child to do well on an NRT.

Therefore, the superintendents and school boards support using CRTs in grades 3 through 8 as the primary indicators for annual AYP designations and NRTs only in grades 4, 8, and 10.

**Augmented NRTs are not Supported**

Nevada's superintendents and school boards oppose the use of augmented NRTs to comply with the assessment requirements of No Child Left Behind. By "augmented NRTs," we refer to an off-the-shelf NRT to which items aligned with Nevada's standards, developed by the vendor and/or state, have been added and are reported in conjunction with some of the NRTs' items.

Of the five state plans approved by the U.S. Department of Education to date (Colorado, Indiana, New York, Massachusetts, and Ohio), our understanding is that none is using this approach. We believe Nevada's Legislature has been on the right track in recognizing the value of independent CRTs and NRTs.

Although it is tempting to assume that a nationally developed NRT would assess all of a state's standards, experience is already showing that is not the case. One state, Maryland, has been considering use of an augmented NRT for No Child Left Behind. Maryland has reportedly found that 50-70% of their standards are not tested on the selected NRT. As a result, Maryland's option is to accept a very long augmented NRT or cut some of the NRT items that do not align with Maryland's standards. There is no indication that any national vendor will allow items to be cut from its NRT because doing so invalidates the norms for the NRT.

An augmented NRT increases testing time significantly because it would require giving an NRT in every grade 3 through 8 and, in a second administration, the augmented component that is aligned to Nevada's standards. This means that time for teaching and learning would be reduced. Requiring every student in grades 3 through 8 to answer a significant number of questions not aligned to Nevada's standards is a poor use of time and contributes to impatience of the public with "too much testing." Trying to create a hybrid merely results in doing neither job well.

Experience in Texas has shown that releasing test items to the public after their CRT has been given has been critical to improving student achievement. Since the standards are public knowledge, giving teachers, parents, and students examples of questions previously used on the test serves as a valuable preparation tool and contributes to public confidence in the assessment system. This would not be possible with an augmented NRT, since any items part of the original NRT must be kept confidential.

There are three major concerns with using augmented NRTs to track progress of Nevada's students for the next twelve years.

1. Using NRT scores results in half the students performing above average and half performing below average. Therefore, an NRT cannot be used for AYP information because schools will always fail.
2. NRTs will change. NRTs are modified and re-normed on approximately 6- to 7-year cycles. This will cause a significant break in AYP calculations in about 6 years, if they are based on NRT norms.

3. NRT vendors may change half-way through the 12 years of No Child Left Behind, if the state continues its current practice of limiting contracts to fewer than 6 years.

Finally, augmented NRTs make the state-mandated testing program more vulnerable to breaches of test security than do CRTs. Typically, there is only one or perhaps two form(s) of an off-the-shelf NRT, which would be augmented for Nevada. If test security is violated, then credibility in the results of that version of the NRT is lost. That is not an issue with multiple versions of the CRTs.

The superintendents and school boards believe that the most efficient and dependable system for measuring achievement of Nevada's standards is a stand-alone CRT. We also believe that a stand-alone NRT in grades 4, 8, and 10 will give valuable comparative information.

#### **Spring Administration of CRTs and Fall Administration of NRTs**

**Nevada's superintendents and school boards support administration of the CRTs in the spring in order to provide the most useful information to improve instruction and provide help to struggling students. We support administration of the NRTs in the fall.**

The superintendents and school boards strongly recommend that the CRT-based assessments in grades 3 through 8 be administered to students in the spring of the school year. There are several factors that underlie this recommendation. These include issues pertinent to sound educational practice and compliance with the No Child Left Behind Act.

First, Nevada content standards are focused on end-of-grade academic expectations for students. For example, as a child enters the 3<sup>rd</sup> grade, there is a set of expectations (3<sup>rd</sup> grade content standards) regarding what the student will know and be able to do by the end of the 3<sup>rd</sup> grade. Instruction throughout the school year should target those expectations.

Second, with spring testing, the whole year is based on learning that grade's standards with review just before the test. With fall testing, over 6 weeks at the start of school may be focused on the previous year's standards, leaving less time for instruction of the current year's standards.

Third, assessment in the spring can provide evidence with respect to the learning that has occurred during that school year. This timely summative information is the foundation of the accountability system and AYP designations. It is also the primary source of information to be used at the school level to improve instructional practice. It is possible to wait until the fall of the 4<sup>th</sup> grade to measure 3<sup>rd</sup> grade end-of-grade standards, but there are significant problems associated with this practice. Of primary concern is the time lag of summer vacation between instruction and the administration of the assessment measuring instruction and providing accountability.

Fourth, the results of the spring assessment of 3<sup>rd</sup> grade students can provide critical information regarding student strengths and weaknesses relative to 3<sup>rd</sup> grade standards. If the spring test results could be returned to parents before the school year ends, there might be an opportunity to help parents remediate deficiencies over the summer. This would not be an option with fall testing.

Fifth, as noted above, a critical feature of Nevada's standards-based assessment system is that tests could be linked from grade to grade with a common scale. This will allow the state to focus attention on continuous student growth and school effectiveness. If the tests are administered in the fall, vertical linking can still be accomplished, but annual growth expectations will be confused by the lag of time between instruction and the reporting of the fall assessment results.

Sixth, another concern is the effect of transiency on fall test results. Although under No Child Left Behind schools are not accountable for test results of students who have attended the school less than a year, districts will still be accountable for those students. Given the significant number of families moving in the summer, fall testing would be less likely than spring testing to demonstrate the district's impact on a child's learning. The district would be accountable for learning that took place elsewhere in the previous school year.

Finally, fall administration of CRTs, or any assessment used to determine AYP, will mean that AYP determinations for middle schools will not reflect instruction in that school. Fall test results will reflect the teaching in the feeder elementary schools for the first middle school grade, which means that one-third to one-half of the data used to determine AYP for a middle school will reflect the feeder elementary schools and not the middle school itself. At the same time, the effectiveness of measuring the achievement of 8<sup>th</sup> grade standards in 7-8 or 6-8 middle schools will not be assessed at all if fall administration is used for No Child Left Behind tests. The clear intent of both NERA and No Child Left Behind is that schools be held accountable for their own performance, not that of their feeder schools.

A technical conflict with the intent of No Child Left Behind arises with fall testing. No Child Left Behind requires testing in grades 3 through 8, aligned with the standards of that grade. A 3<sup>rd</sup> grade fall test would have to test 2<sup>nd</sup> grade standards. To test 8<sup>th</sup> grade standards in the fall would require a test in 9<sup>th</sup> grade. Can and would Nevada test in one extra grade—3 through 9—just to accommodate a fall test schedule?

For these reasons, we recommend that the CRTs be administered in the spring of the school year. Timelines must be developed to ensure that the information required by federal law can be provided before the start of the school year.

The NRTs in selected grades could continue to be administered in the fall. Changing those to the spring at this time would break the continuity begun with the fall 2002 administration of the Iowa Test of Basic Skills/Iowa Test of Educational Development. Keeping administration of the NRTs in the fall would also permit the distribution of NERA school improvement funding to continue on the same time cycle it has been on since 1998.

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"No Child Left Behind"**  
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The superintendents and school boards strongly recommend that standards-based assessment of Nevada's students be administered in the spring of the school year with a CRT and that NRTs in grades 4, 8, and 10 be administered in the fall.

## Attachment 1

### **THE ASSESSMENT\* MUST:**

1. Test student mastery of prioritized state standards;
2. Provide results for teachers and administrators that can be easily understood with sufficient detail (e.g., benchmark/indicators, item analysis reports) about mastery of the standards so that the reports can be used to make meaningful decisions to improve instruction and affect the achievement of individual students and disaggregated NCLB subgroups;
3. Report scores that demonstrate "value-added" or growth by student, class, school, district, and state;
4. (a) Be built on the same continuous and consistent scale over the 12-year course of NCLB;  
(b) Be built from an item pool large enough to assess the depth and breadth of the prioritized state standards;
6. Consist of items that are reliable and that lend themselves to valid interpretations about mastery of standards;
7. Be built from an item pool deep enough to guarantee multiple forms and to guarantee that representative items are released periodically;
8. Include ALL students so that they can demonstrate their mastery of state standards through appropriate accommodations or modifications;
9. (a) Provide results without jargon that can be easily understood with sufficient detail about mastery of the standards so that the reports are useful to parents in a consistent format over 12 years;  
(b) Provide electronic and hard copy formatted results that can be easily used for data analysis;
11. Consider a time benefit analysis relative to informed instruction decision making and increased student achievement;
12. Provide results back to districts within 2 weeks; and
13. Include a norm-referenced component.

\*These criteria are listed in rank order with ties shown as (a) and (b).