

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

**Seventy-Third Session  
May 16, 2005**

The Committee on Education was called to order at 3:50 p.m., on Monday, May 16, 2005. Chairwoman Bonnie Parnell presided in Room 3142 of the Legislative Building, Carson City, Nevada, and, via simultaneous videoconference, in Room 4401 of the Grant Sawyer State Office Building, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Ms. Bonnie Parnell, Chairwoman  
Mrs. Debbie Smith, Vice Chairwoman  
Mrs. Sharron Angle  
Mr. Joe Hardy  
Mr. Brooks Holcomb  
Mr. William Horne  
Mr. Garn Mabey  
Mr. Mark Manendo  
Mr. Bob McCleary  
Mr. Harvey J. Munford

**COMMITTEE MEMBERS ABSENT:**

Mr. Kelvin Atkinson (excused)

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Kristin Roberts, Principal Deputy Legislative Counsel  
Carol Stonefield, Committee Policy Analyst  
Rachel Pilliod, Committee Manager  
Gregory Sharry, Committee Attaché

**OTHERS PRESENT:**

Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada (UCCSN), Reno, Nevada  
Tyler Trevor, Assistant Vice Chancellor, Academic and Student Affairs, and Director of Institutional Research, University and Community College System of Nevada (UCCSN), Reno, Nevada  
Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada

**Chairwoman Parnell:**

[Meeting called to order and roll called.] I will open the hearing on S.B. 32.

**Senate Bill 32 (1st Reprint): Makes various changes relating to qualifications for free tuition and loans for certain students at institutions of University and Community College System of Nevada. (BDR 34-158)**

**Daniel J. Klaich, Vice Chancellor of Legal Affairs, University and Community College System of Nevada (UCCSN), Reno, Nevada:**

This is a fairly simple piece of legislation, but it is an extremely important piece of legislation to both the University and Community College System of Nevada (UCCSN) and to the state of Nevada. We are asking you to make the waiting period or the measuring period for residency 12 months within the state of Nevada. This is a period that is very common throughout the United States and, probably more importantly, common in our sister states. We are concerned about, among other things, the cost of education soaring and with enrollments being capped in institutions in sister states, we think it is our duty with the tax dollars that this Legislature allocated to us to take care of Nevada students first.

We want to be sure that our residency requirements are not out of sync with national standards and with those of the states around us, so that we would essentially become a dumping ground for those who can more easily come to Nevada and get an education on our nickel. We are asking you to bring these residency requirements in line. The Board of Regents has endorsed this. We came out of sync with state law in the mid-1990s. We are asking you to bring that back into line.

**Chairwoman Parnell:**

In Section 1, where it says, "Matriculation has the meaning ascribed to it in regulations adopted by the board," is that a change? Because it is new language. The new language of the definition of "matriculation" concerned me a little bit.

**Daniel Klaich:**

Yes. This is new language. I think that you are requesting and directing the board to set very clear policies on when those entry dates are, so that those who wish to rely on the measuring periods that you set in statutes have policies to rely upon.

**Chairwoman Parnell:**

The board has not adopted those, so those may change from the existing definition?

**Daniel Klaich:**

There are policies in effect now, but, yes, they could change.

**Chairwoman Parnell:**

I was reading this, and I must be missing where it references the nurses. I don't see it in the text of the bill. The nurses would still only have to be in state six months before they would gain in-state tuition?

**Daniel Klaich:**

That is in the statute, and it is still here. This is one of those situations where you have another policy decision to make, and we leave that policy decision to you. You have directed us, in prior sessions, that the increasing of the nursing profession here in Nevada is a critical need of the state of Nevada to be addressed. We have not requested that it be changed here. That is the reason. It is a specific policy choice for this profession, as opposed to others. We leave it to your discretion to accept or reject that policy decision.

**Assemblywoman Smith:**

Along those lines, part of my question is about the nursing program. Do we even have enough slots in a nursing program to make this a valuable component in statute? I do have the question about the other shortage areas that we have. Has there ever been any discussion about teaching, as an example?

**Daniel Klaich:**

No. There has not been any discussion on other shortage areas. We simply have not taken it to that. With respect to the particular nursing loan program that is referred to in this statute, it is essentially a dead program at this point. We had

a little bit of seed money in the program from the Legislature when it was first funded. I think the hope was that there would come a time when you would have a revolving fund, with payments back in and loans back out. The initial principal amount of the program was really not enough to get that cycle going. There are no loans going out at this point. We've got loans out, but there is nothing in the bank to make new loans.

**Assemblywoman Smith:**

So this cash only refers the loan process, not the residency for tuition purposes for nursing students?

**Daniel Klaich:**

Yes.

**Assemblyman Mabey:**

What is the tuition for an out-of-state student at the university?

**Tyler Trevor, Assistant Vice Chancellor, Academic and Student Affairs, and Director of Institutional Research, University and Community College System of Nevada (UCCSN), Reno, Nevada:**

The nonresident tuition, on top of a per-credit fee of \$91, is approximately \$5,000 per year at the universities. The community colleges are roughly half of that.

**Assemblyman Mabey:**

Let's say a resident of Arizona moved to Nevada and they have only been here for two months and they enroll. They would pay a \$5,000 fee per semester, plus the \$91 per credit?

**Tyler Trevor:**

It would be \$5,000 annually.

**Assemblyman Mabey:**

So, \$2,500 per semester?

**Tyler Trevor:**

Right.

**Assemblyman Mabey:**

What if one of our students went to Arizona? What would be the equivalent?

**Tyler Trevor:**

We rank toward the bottom of the WICHE [Western Interstate Commission for Higher Education] states, in terms of nonresident tuition. We are a pretty low-cost state. I can't tell you exactly what Arizona would be.

**Assemblyman Mabey:**

Let's talk about resident tuition. Many of them are on the Millennium Scholarship. Let's say that they didn't apply for that. They would pay the \$91 per credit now?

**Tyler Trevor:**

Yes.

**Assemblyman Mabey:**

What is the average in the area?

**Tyler Trevor:**

We are at the bottom of the WICHE in terms of in-state tuition or fees. We are very low.

**Assemblyman Holcomb:**

What are the numbers or the percentages of out-of-state students attending UNR [University of Nevada, Reno]?

**Tyler Trevor:**

Fifteen percent of our student population is nonresident.

**Assemblyman Holcomb:**

That is through the four years of the institution?

**Tyler Trevor:**

It varies based upon institutional type. However, in general, the system aggregate is 15 percent in any one semester. It is basically snapshot data.

**Assemblyman Holcomb:**

Of the whole four-year program, about 15 percent of your students are out-of-state?

**Tyler Trevor:**

That is correct.

**Assemblyman Munford:**

When you say tuition, does that also mean activity fees, or is tuition separate?

**Tyler Trevor:**

Tuition for the state of Nevada is only a term applied to nonresidents. We assess registration fees, which are the per-credit fees for residents. Then we have other additional fees.

**Assemblyman Munford:**

Then other additional costs, like activities?

**Tyler Trevor:**

Yes. Exactly.

**Assemblyman Munford:**

That is all attached to the cost of attending?

**Tyler Trevor:**

That would be in addition to the tuition that you would pay as a nonresident.

**Assemblyman Munford:**

Those are all of these schools that are listed?

**Tyler Trevor:**

Yes. That is correct.

**Assemblyman Munford:**

They would all be paying the same?

**Tyler Trevor:**

The registration fees vary by institutional type. Universities are \$91 per credit, \$70 per credit for a state college, and \$50 at the community college. Each individual institution can set individual fees, such as an advising fee or a student union fee. Typically, the community colleges don't have any, and the universities have employed more of those types of fees.

**Assemblyman Mabey:**

It seems to me that if we are the lowest and we are worried about more funds, why haven't we asked for an increase in tuition or in the per-credit?

**Daniel Klaich:**

We do regularly raise tuition. There is a set policy for the review of tuition and raising of tuition. We try, simply for students' planning and budgetary purposes, not to raise it too much in any one jump. We are, to some extent, shooting at a moving target here. Everyone else is moving their tuition here around us as well.

There is a set review process. We could supply to staff, if you wish, the raises in tuition over the past review processes. We do it on a regular basis.

**Chairwoman Parnell:**

When I first read through this, I had a little concern that it would possibly cut off the obligation that you all have to pay back the individuals who were overcharged. To make sure that we were clear, you have two handouts ([Exhibit B](#) and [Exhibit C](#)). The amendment ([Exhibit B](#)) that I am offering to this bill would read: "The provisions of Section 1 of this act are not intended to affect, impair, or eliminate any existing obligation of the Board of Regents to pay refunds to students who were charged tuition but who were bona fide residents of the State of Nevada for at least 6 months prior to matriculation between 1995 and Spring 2004 that was established by the Board of Regents at its meeting which was held on March 18 and 19, 2004." This is a clarification that this in no way would cut off the action ongoing the tuition payments.

**Daniel Klaich:**

We have no problem with this amendment at all. We have an obligation to people who were improperly charged, and if those people come forward, we will honor that obligation.

**Chairwoman Parnell:**

It does have that cutoff date.

**Assemblyman Horne:**

For those parents that have children that live out of the state but pay more than half of that child's rearing, would they be considered in-state for tuition? Here it said physical presence.

**Daniel Klaich:**

I think your children are residents of the state of your residence. I think that is in existing Board of Regents policy, and I think that is existing law for purposes of determining residence. I think the short answer is that it doesn't affect children of resident parents.

**Chairwoman Parnell:**

I had an experience similar to this with the state of Arizona. As long as the other parent has resided in that other state and meets the residency requirements, then their child can get the in-state tuition in that other state as well.

**Daniel Klaich:**

In determining who is a resident for purposes of tuition, a dependent person whose spouse, family, or legal guardian is a bona fide resident of the state of Nevada at the date of matriculation. Mr. Horne, if you are a resident of the state of Nevada when your dependent child matriculates to the UCCSN, that person is determined to be a resident at that date as well.

**Assemblyman Manendo:**

I need to disclose that I work for the UCCSN in southern Nevada, but this bill will not affect me any differently than any other employee. I will be voting and participating.

I have a question on page 3, lines 13 through 15. Could you give me an example of what the regents are thinking as far as who they would be including? I'm assuming nurses, probably.

**Daniel Klaich:**

We had a very brief discussion before you came, and I think nurses are the best example. This allows the board some flexibility in responding to the needs of the state, with respect to luring or attracting desirable groups to the state. With respect to other groups that the regents might have taken into account or discussed, I don't have any specific references other than that. I would say in Las Vegas, in particular, health care professionals would be critical. We have also in the past indicated that teachers moving to the state would immediately move into the category of residents, as would their dependents. We are looking at those areas where the state has a demonstrated need to bring professionals in. We are trying to give them a break to attract them here.

**Assemblyman Manendo:**

I don't have a problem with that. In fact, I don't think I will be supporting the bill anyway. I think we should keep it at six months. I am wondering: the board can say, "We like Dr. Mabey, and we'll keep him at six months, but that Mark Manendo guy, we don't know. We'll make him at twelve months." I don't know how they can pick and choose. I have a big concern about that.

**Daniel Klaich:**

I think the statute refers to persons who have a specific benefit to the economy of the state of Nevada, and I think, by extension, to groups of persons. Although I appreciate the question, I think that you are pointing to a difficult example, if you were get that narrow. I would note that the board has established only a couple of categories that fall into these exceptions, and they apply not to individuals, but professions with demonstrated needs.



**Assemblyman Manendo:**

I want to make that clear for the record. I knew that was right, but I wanted to make sure we had that on record. The other thing is trying to determine what is to the benefit of the state for the economy of the state; I know there is such a shortage in numerous fields: auto mechanics, dentists, health care professionals, et cetera. I'm wondering where we draw the line that says you are more important of a student for the benefit of our state than somebody else, because we need nurses. We also need to drive our cars to get to work, and that is important too. I have a problem with us picking and choosing. I want to throw that out there for the Committee to think about.

**Chairwoman Parnell:**

I will close the hearing on S.B. 32 and we will go to the work session ([Exhibit D](#)) on S.B. 133.

**Senate Bill 133: Revises provisions regarding refund policies and bonding requirements of private postsecondary educational institutions. (BDR 34-407)**

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 133 relates to refund policies and bonding requirements of private postsecondary education institutions. It has three individual provisions. In current law, there are two cancellation refund policies—one for accredited institutions and one for non-accredited institutions. Senate Bill 133 would repeal the existing law relating to accredited institutions and then amend NRS [*Nevada Revised Statutes*] 394.449 to establish one policy for all types of private postsecondary institutions. It also makes some changes to the refund policies of these institutions. It increases the percentage of the program that a student may have completed and still remain eligible for a refund from 40 percent to 60 percent. It shortens the period for issuing a refund from 60 working days to 15 calendar days. It requires that the institution issue a separate refund to students for unused books and other materials. It makes changes to the filing of surety bonds.

The proponents testified that the federal government has changed the refund policies regarding financial aid through Title IV. The bonding requirement is suggested for elimination, because the U.S. Department of Education will cancel the loans if the default rate reaches a certain point. Also, forcing large bonds actually causes some private postsecondary institutions to close. There were no opponents. There was no fiscal impact estimated, and there were no amendments offered.

ASSEMBLYMAN MABEY MOVED TO DO PASS SENATE BILL 133.

ASSEMBLYWOMAN SMITH SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Atkinson, Assemblyman Hardy, Assemblyman Horne, and Assemblyman McCleary were not present for the vote.)

**Chairwoman Parnell:**

We'll now open the work session on S.B. 368.

**Senate Bill 368 (1st Reprint): Revises provisions regarding professional development of teachers and administrators. (BDR 34-1092)**

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 368 relates to professional development for teachers and administrators. The bill requires the plans to improve the achievement of pupils to include strategies for the professional development of teachers and administrators that directly addresses the needs of pupils. The bill specifies that scheduled professional development days must primarily focus upon the improved achievement of pupils enrolled the school district. Additionally, the measure requires the governing body of each regional training program to make an assessment of training needs for the professional development of teachers and administrators to review certain plans to improve the achievement of pupils.

The proponents testified that professional development days provided by the State could be used to instruct teachers in ways to improve pupil achievement. Teachers should be given time to share strategies with each other, and teachers who attend the RPDP [Regional Professional Development Program] workshops and training sessions should be allocated time to share what they learn with others. Professional development should be based on all academic standards adopted by the Council and not just on what is tested. There were no opponents. Most districts did not estimate that the bill would have any fiscal impact. There was a small estimate from Lincoln County School District, and there were no amendments offered.

ASSEMBLYWOMAN SMITH MOVED TO DO PASS  
SENATE BILL 368.

ASSEMBLYMAN MABEY SECONDED THE MOTION.

THE MOTION CARRIED. (Assemblyman Atkinson, Assemblyman Hardy, and Assemblyman McCleary were not present for the vote.)

**Chairwoman Parnell:**

We'll now open the work session on S.B. 459.

**Senate Bill 459 (1st Reprint): Requires instruction in financial responsibility in public high schools. (BDR 34-1093)**

**Carol Stonefield, Committee Policy Analyst, Legislative Counsel Bureau:**

Senate Bill 459 relates to instruction in financial responsibility in the public high schools in the state. This bill would require that each school district board of trustees and charter school governing board that operates a high school would ensure instruction in financial responsibility. The instruction must be included in a course that all students are required to complete for graduation. A student must complete the instruction of financial responsibility in order to receive a diploma.

Proponents argue that teenagers are leaving high school without a sound understanding of personal financial management. There were no opponents. The fiscal impact varied somewhat. Some course materials as presented to the Committee would be made available free of charge. Some materials and professional development for teachers would be available for purchase, according to testimony. There were no amendments.

**Assemblywoman Smith:**

I was in another hearing the day that this bill was heard. I just wanted to check in about this. I think the standards cover the issues that were brought forth in this bill. In the social studies standards, we have the economics section that covers this issue. I wondered if the Committee discussed that and what the intent was to move forward.

**Chairwoman Parnell:**

What I would prefer to do, just the same as we did with Mr. Munford's Nevada history—I discussed this at the time of the hearing—and Assemblyman Sherer's bill on flag etiquette, is that we would send a letter to the Council to Establish Academic Standards. We would stress, again, the importance of this in that letter, instead of doing what we did on the other two. We've been exposed to a number of programs that the teachers could use, that would really facilitate the teaching of personal management, and probably put it in a little more user-friendly format.

[Chairwoman Parnell, continued.] One thing that we noticed was that the language in this bill really corresponds with the business education curriculum more than it does the economics part within the social studies curriculum. We'll probably address that. With the pleasure of the Committee, I would really prefer that the motion on this particular bill be that you would encourage the Committee Chair to send a letter to the Council on Academic Standards, and we would take care of that in that manner.

ASSEMBLYMAN HORNE MOVED TO ENCOURAGE THAT A LETTER BE SENT TO THE COUNCIL ON ACADEMIC STANDARDS.

ASSEMBLYMAN MUNFORD SECONDED THE MOTION.

**Chairwoman Parnell:**

Is there discussion?

**Assemblywoman Angle:**

I guess I'm not clear on why we would go that direction and why wouldn't we just go ahead and require it as the bill asks for. Could you go through why we wouldn't want to do this? To me, this is really pretty foundational stuff, when it comes to life skills.

**Assemblywoman Smith:**

The way that I see the bill, I think that it is directing curriculum. For one thing, we don't normally do that in statute. We direct the standards, which are the broad overview of what students are expected to know and be able to do. These issues covered in this bill are already in our state law, in the standards. It is really an issue—as we hear in other areas as well—of whether it is being taught. Since we already have the standards in state law, it seems to me that what we really want to do is try to figure out a mechanism to strengthen the directive that these particular standards need to have a focus on. This is really more curriculum, and we don't normally do that in legislation. It is already there.

**Chairwoman Parnell:**

It is already identified in curriculum in this point in time. It is letting teachers know some of the programs that can be used. It is not like it doesn't exist already in the standards. It is already part of the standards. I think that is the reason, we thought, rather than duplicating a standard through statute, we would simply write the letter.

**Assemblywoman Angle:**

That was my point. We are not getting to the end that we desired. We do need to strengthen this. What stronger point can we make than to make it statutory?

We need to make it as strong as we can, because we have been directing and we are not seeing the results.

**Assemblywoman Smith:**

I hear your frustration, but I also think we could say that about other subject areas. I would say that if we start going down this path of putting this type of directive into law or passing these bills, I could see where we could do this in many areas. Much of the problem is really about what is tested. When we aren't testing certain subject areas—we hear it all the time in Committee—they tend to not have a focus, even though in the standards we have identified priorities. Certainly, all of the standards are expected to be taught. I would be concerned about going down the path of saying that one thing is more important than another, so we pass a bill when it is already in the standards, rather than figuring out what we need to do at the district and school site levels to encourage those pieces of the standards to be taught and have a focus.

**Assemblywoman Angle:**

That is where I'm going. I'm not saying that this is more important than anything else. To me, reading is the most important thing, and I would like to put that into statute. That isn't the statute we have before us; we have this one. Perhaps if we put this one in, then perhaps they will pay attention and say that these things that we are telling them to do are truly important. If we don't do them, then they will get into statute also.

I think the other point is that we don't need to test everything to make it important. I think testing begins to crowd out the important things of a day. The more we test, the less time we have to teach. I would rather not do it by testing, but just say that this is something that is important to us and we want to see it done. Perhaps by sending that strong of a message through a statute, they will pay attention.

**Assemblyman Holcomb:**

Isn't the province of school curriculum the school district? The state does not. Regardless of whether we may like it or not, that is not our area that we should be dictating to a school district, which courses that they need to offer.

**Chairwoman Parnell:**

That would be my take. I think the school district people in the audience would agree. When we created the Council to Establish Academic Standards at that point in time, that is who was granted that authority. That is why we chose, as a Committee, to do the letter to the Council with regard to Nevada history—which a lot of people feel passionately about—and why we did the letter concerning flag etiquette. I think with anything that has come through this

Committee, we have tried to be sensitive to the fact that the Council has that authority and every meeting we could send another piece of curriculum on to the school districts, which really becomes burdensome.

[Chairwoman Parnell, continued.] I think we all are dedicated to the fact that our students need this—and I think that even, probably, much more so than when that was initially put in as a standard. With identity theft that we talked about, new bankruptcy laws, and a lot of the things that are going on, our students must have access to this information. I feel pretty strongly that we need to communicate that information to the Council. We may even suggest ways that information could be communicated without a lot of research by the teacher. We have Scholastic, and we have the two programs that were presented at the hearing.

It is a tough one, because we all feel so passionately about different things. As Mrs. Angle said, she'd have something on reading. I'd probably have something on participatory democracy or involvement with students. If we went around this Committee, we would probably have 11 different topics that we wanted to tell those schools that they had to find time to do that. That's the dilemma with issues when we are talking about curriculum.

THE MOTION CARRIED, WITH ASSEMBLYWOMAN ANGLE VOTING NO. (Assemblyman Atkinson, Assemblyman Hardy, and Assemblyman McCleary were not present for the vote.)

**Chairwoman Parnell:**

We have one more item. You have a couple of letters. One is to the Honorable Morse Arberry ([Exhibit E](#)), and the other to the Honorable William Raggio ([Exhibit F](#)). These letters are in response to the work session regarding the creation of a statewide social studies coordinator. It was part of the Democracy Day presentation that we had. They asked us, as a Committee, to write a letter supporting the creation of this statewide social studies coordinator in the Department of Education. We have drafted these letters, and I wanted you all to see them before they were delivered to the chairman of Ways and Means and the chairman of Senate Finance. Make sure that you agree with the intent in the letters, and we will be sure to get that to the chairmen prior to tomorrow's committee meetings so that they know we are supportive of them granting and funding this position. Hearing no objection, that will be done in the morning. That concludes our work session.

**Assemblyman Manendo:**

We have been hearing—at least in southern Nevada—that students who are taking the HSPE [High School Proficiency Examination] are having trouble with

getting the results back. Now, there was an article in Saturday's paper that 150 seniors at Western High School had math portion of their tests lost. This is getting out of hand. I believe that this is the second time. I don't know what we can do or if we have any control over anything, but this is just absolutely ridiculous. These kids need to graduate. They are taking the test and they are studying, then they are lost. It is like saying, "Sorry, I lost your car; you can't get to work tomorrow." This is their life and their future. I'm thoroughly disgusted.

**Chairwoman Parnell:**

Mrs. Smith and I were talking about this today. The other thing that many of us received emails on last week was that there was a delay in one of the high schools in Clark County with getting the test results back. They were supposed to be back the day before the student had to decide whether or not to take the very final exam, which I think is today or tomorrow. I would hope that the State Board of Education—I know that they are the ones that deal with this and have the authority—are taking it as seriously as many of us are.

Maybe we need to do a presentation before the Board of Education or something, but we are getting a lot of emails and a lot of concern from parents and students, especially the seniors. If you are a sophomore and taking it, that is one thing, but it is the middle of May, and if you are a senior and you don't know what is going on with your graduation plans—especially in the districts that don't allow the student to walk, and I happen to represent one of those—they really get in a bind. I think we'd all like to see some resolution to this.

**Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education, State of Nevada:**

Let me start by addressing the lost tests first. That one was a shipping problem. There were two schools in Clark County, Odyssey Charter and one from the school district. There a couple in Reno and one in Elko. They were all located at Measured Progress and I think all of them have their scores as of this morning. It tells me that they are required to ship them UPS [United Parcel Service] so that they could be tracked in case there were similar problems that occurred this last week. I don't know who to point the finger at yet, other than it is going to be under review to see where the glitch was in finding it. Whether it was packed with tests, or they didn't put the test sheets in the right envelope, I don't know at this point.

It does point out a glitch in the mailing when the scoring might point out, as required by statute, to be done by an outside vendor, not the State Department of Education or anybody else. That part is in statute that we must do that. The only difference is that the last chance test that is coming up. It may be the end

of this week. I have through May 24; I think there is a test window. In this case, since it is only seniors that get to take the last test, we have built that into the contract—like we've done previous years—to where Measured Progress has shipped their scanning equipment here to the state and it is only seniors. We don't have to sort out sophomores and juniors. Those scores will be scanned and out within one week.

[Keith Rheault, continued.] Measured Progress said they can take care of it in three days. We try to use a test that has already been equated so that you don't have to get the whole batch in before you equate the scores to previous tests. Those we will have in one week, because there are some schools that are graduating at the end of May. I think Lincoln County is one example. The very last test will be scored in-state and back out within one week. We try to address it that way. The real problem is giving three test periods within a three-month period to seniors when there is a 21-day turnaround by contract.

You give tests in February, April, and May—to get it scored, equated, and back out—then, if you have any glitches at all, like we had last Wednesday and Thursday, then you do run into those problems. I do not know what the answer is. I don't think any of us want to cut back on the opportunities. An easy way would be to do away with the April test so that there is more time for scoring, but then you have eliminated one extra opportunity for a student to take the test before they are scheduled to graduate.

**Chairwoman Parnell:**

The contract with the testing company: are they dinged as far as payment if something like this happens?

**Keith Rheault:**

There are penalty clauses, and we have evoked them on the previous test contractors. I don't have all of the facts as to who to point the finger at this time. Whether there are fingers pointing in both directions or whether it was a clear logistical glitch at the contractors—that they missed the tests that were packaged in the UPS box—they were on site, so we know they got them.

**Chairwoman Parnell:**

Do you know off the top of your head what the contract amount is, yearly, for the testing company?

**Keith Rheault:**

They do the HSPE and all of the CRTs [Criterion Reference Tests]. It is in the several millions of dollars when you do all of the CRTs and the HSPE. There are penalty clauses if we find that it was an error on their part that shouldn't have



occurred. Right now, I can't tell you whether it will happen or not until I get the facts.

**Chairwoman Parnell:**

Are there additional matters to come before the Committee?

**Assemblyman McCleary:**

I want to apologize to the Committee. I was detained with another bill in the Senate. I would like make a reference, for the record, on the work session document ([Exhibit D](#)). I would like to say me too, me too, and I agree.

**Chairwoman Parnell:**

We are adjourned [at 4:37 p.m.].

RESPECTFULLY SUBMITTED:

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Paul Partida  
Transcribing Attaché

APPROVED BY:

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Assemblywoman Bonnie Parnell, Chairwoman

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

**EXHIBITS**

**Committee Name:** Committee on Education

**Date:** May 16, 2005

**Time of Meeting:** 3:50 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A	*****	Agenda
	B	Chairwoman Parnell	Proposed amendment
	C	Chairwoman Parnell	Tuition update for UCCSN
	D	Carol Stonefield / LCB	Work session document
	E	Chairwoman Parnell	Letter to Assemblyman Arberry
	F	Chairwoman Parnell	Letter to Senator Raggio