

# Legislative Committee on Education



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**LEGISLATIVE COMMITTEE ON EDUCATION**

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## **SUMMARY OF RECOMMENDATIONS**

### **LEGISLATIVE COMMITTEE ON EDUCATION (NEVADA REVISED STATUTES 218.5352) ADOPTED AT THE MEETING OF THE COMMITTEE ON AUGUST 27, 2002**

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education for transmittal to the 72<sup>nd</sup> Session of the Nevada Legislature.

- 1. Amend the statutes to provide for revisions to the educational accountability system, to the statewide achievement and proficiency testing system, and to the teacher licensing provisions, and to add minimum requirements for the qualifications and licensing of educational paraprofessionals, and related matters, in order to comply with the Federal No Child Left Behind Act of 2001 insofar as it requires a single statewide system of school accountability; annual testing in reading or language arts and mathematics; periodic testing in science; a supporting data management system; state and district report cards; teacher quality requirements; financial accountability systems; remedial programs, sanctions, and rewards; and other matters. (BDR 34-635)**
- 2. Appropriate to the Nevada Department of Education from the Distributive School Account, for transfer to schools, for funding in the amount of \$6.75 million to be allocated as follows:**
  - a. \$5.25 million for each of the fiscal years for the 2003-05 biennium, for continued state support of remedial programs for schools needing improvement (see NRS 385.389) and other eligible schools; and**
  - b. \$1.5 million for each of the fiscal years for the 2003-05 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time to pass or reach a level considered proficient. Programs provided under this section must be conducted before or after school, on weekends, during summer, or between sessions in schools with year-round calendars.**

**The Department is authorized to exercise flexibility in use of the funds for either: (a) school remediation under NRS 385.389; or for (b) programs of remedial education or tutoring for individual students who need additional instructional time to pass or reach a level considered proficient,**

although a minimum of \$1.5 million shall be allocated for subsection b. (BDR 34-636)

3. Include a statement of support in the final report of the Committee for inclusion in the statewide testing program components needed to implement a value-added reporting system. The components may include annual test data from either local assessments or statewide tests, or both. The components may be modeled on the Tennessee Value-Added Assessment System (TVAAS) as set forth in *Tennessee Statutes* § 49-1-601 et. seq. Further, include a statement of support for consideration of amendment of the statutes to provide that estimates of specific teacher effects are not public records (similar to *Tennessee Statutes* § 49-1-606[2]).
4. Appropriate from the State General Fund \$1.25 million for Fiscal Year 2003-04 and \$1.25 million for Fiscal Year 2004-05 to the Clark County School District and the Washoe County School District, for the purchase of test score reporting brochures and related services for the statewide norm-referenced tests in 4<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> grades and the criterion-referenced tests in 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> grades, or selected grades subject to changes made to comply with the Federal No Child Left Behind Act and the availability of legislative funding. (BDR 34-636)
5. Appropriate from the Distributive School Account for funding in the amount of \$9,665,939 for Fiscal Year 2003-04 and \$9,788,445 for Fiscal Year 2004-05, to the Department for transfer to the four host school districts (Clark, Douglas, Elko, and Washoe) as follows:

Regional Professional Development Programs	FY 2003-04 Combined	FY 2004-05 Combined
Southern (Clark County School District)	\$5,133,725	\$5,133,725
Western (Douglas County School District)	\$1,194,347	\$1,229,475
Northeastern (Washoe County School District)	\$1,314,597	\$978,710
Northwestern (Elko County School District)	\$2,023,270	\$1,248,926
LBEAPE Evaluation	\$100,000	\$100,000
Total Fiscal Year (with evaluation dollars)	\$9,765,939	\$9,888,445

for the operation of the four Regional Professional Development Programs (RPDPs) and for the continuation of the Nevada Early Literacy Intervention Program. Further, appropriate \$100,000 in each year of the biennium from

- the Distributive School Account to the Legislative Bureau of Educational Accountability and Program Evaluation (LBEAPE) to contract for an evaluation of the RPDPS, to include an evaluation of the Nevada Early Literacy Intervention Program. (BDR 34–636)
6. **Require by statute that the Regional Professional Development Programs facilitate and coordinate the provision of introductory level training in suicide signs to teachers and administrators. (BDR 34–644)**
  7. **Provide the RPDPs with statutory authorization to enter into statewide partnerships and to allocate a portion of their budgets for the purpose of providing matching funds to permit the receipt of grant funds and to otherwise permit the receipt of grant funds from state, federal, or other sources, donations, or gifts. Note: Grant funds will be available to the states under the Federal No Child Left Behind Act to support certain professional development. (BDR 34–636)**
  8. **Amend the statutes to provide for the compensation of Statewide Coordinating Council members for travel and per diem expenses provided to state officers and employees generally for attendance at Statewide Coordinating Council meetings and while otherwise engaged in the work of the Statewide Coordinating Council. The expenses will be paid from the budgets of the respective RPDPs. Further, add a representative to the Council selected by the Nevada State Education Association. (BDR 34–636)**
  9. **Amend the statutes to require the boards of trustees of school districts to pay for a 5 percent salary increase for a secondary teacher who teaches mathematics or science and has an endorsement in the fields of mathematics or science, and for a teacher who is assigned to teach pupils with disabilities and who has an endorsement in that field. Also, require the State Board of Education to identify the endorsements in the fields of mathematics and science that qualify for the salary increase. Further, make the amendment effective on July 1, 2004. (BDR 34–636)**
  10. **Appropriate \$207,000 over the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,300 of the related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,300 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. (BDR 34–636)**

11. Amend the statutes to direct the Commission on Professional Standards to adopt regulations providing for alternative routes to a teacher's license for qualified persons with a bachelor degree or higher in a subject area. The intent of the alternative certification procedure is to encourage qualified retired persons or persons desiring a career change to enter the teaching profession. Components of the alternative certification would include six to eight weeks of an intensive training seminar covering pedagogy, classroom management and related subjects, mentoring during the first year of teaching, and a short training seminar after the first year of teaching as follow-up. The alternative certification program would still require licensing applicants to pass the examinations currently required of teachers. (BDR 34-637)
12. Include a statement in the final report of the Committee noting that there are issues that were brought to the Committee's attention by the Legislative Commission's Subcommittee to Study the Prevention of Suicide but were not adequately addressed during the 2001-03 interim due to a lack of time. At the request of the Subcommittee to Study the Prevention of Suicide, the Committee intends to review the issue of suicide prevention in schools in the 2003-05 interim. The issue is the potential need for additional personnel in public schools, at the elementary, middle, and secondary level, to work to prevent suicide, including consideration of the role of school social workers and psychologists.
13. Amend the statutes to clarify that the prohibition on retaining a pupil more than one time in the same grade does not apply to retention of pupils in the 8<sup>th</sup> grade who fail to meet the credit requirement for promotion to high school. This amendment is consistent with an opinion letter of the Nevada Attorney General, intended to resolve an apparent conflict primarily at NRS 392.033 and 392.125. (BDR 34-639)
14. Amend the statutes to permit early admission to kindergarten or first grade for students within six months of the pertinent age cut-off, upon the request of a parent or guardian, based upon an assessment by the school district of the student's readiness for school. (BDR 34-639)
15. Include a statement of support in the final report of the Committee and send a letter to Clark and Washoe County School Districts urging them to provide the services and support needed for homeless children to succeed in school and to make specialized services available to such children to address the unique needs of the homeless.

16. Amend the statutes to authorize school districts to provide access to community college courses and to offer independent study for exceptionally gifted students. Access to community college courses would include the arrangement of enrollment; reimbursement by the district to the community college for appropriate costs; and provision of appropriate instructional materials, supplies, and equipment. School districts would be directed to adopt policies for implementation of such access for exceptionally gifted students. (BDR 34–640)
17. Send a letter of support to the Senate Committee on Finance and the Assembly Committee on Ways and Means recommending that funding in the amount of \$20,000 per year be allocated within the budget for the Legislative Committee on Education, for the use of the Council to Establish Academic Standards for Public Schools in establishing and supporting teams to review and revise, as needed, the academic standards initially developed in 1998, with the understanding that the first subject area to be reviewed will be the science standards and that the other standards will be reviewed consistent with the textbook adoption cycle. The allocated funds would be used for travel, per diem, and other costs of the teams established for the review and revision of one subject area per fiscal year. In addition, the letter would recommend continuation of current levels of funding for the operating budget of the Council within the budget of the Nevada Department of Education.
18. Amend the statutes to provide that the term of a member of the Council to Establish Academic Standards for Public Schools continues until the appointing authority makes a new appointment. (BDR 34–638)
19. Amend the statutes to provide that the term of each member of the Commission on Educational Technology is two years, commencing on January 1 of the year they are appointed and expiring on December 31 of the next calendar year. Five of the members shall be appointed in even numbered years and six of the members shall be appointed in odd numbered years. A member shall continue in his office until a successor is appointed. (BDR 34–638)
20. Send a letter of support to the Clark County School District for the purchase of laptop computers for disadvantaged students to use at home, on a temporary basis, during the school year. Further, include a statement of support in the final report of the Committee encouraging funding for educational technology.

- 21. Include a statement of support in the final report of the Committee for the implementation of a statewide initiative to provide broadband connections for all schools and school districts, as well as the higher education community, similar to the statewide systems in place in Iowa, South Dakota, and Utah.**
- 22. Amend the statutes relating to school transportation as follows:**

  - a. To provide an exception for physically disabled students from participation in practice drills for emergency evacuations, as defined by regulation of the State Board, and also require the State Board of Education to provide for alternative safety procedures for such students, by regulation.**
  - b. To delete “or a bus used for extracurricular activities”; to increase the required training hours from 10 to 20 hours for both operating a vehicle and in the specified subjects; to add CPR leading to certification and student management to the required training subjects; and to delete the provision permitting student drivers.**
  - c. To delete the exemption for vehicles used for extracurricular activities, thereby disallowing the use of 15 passenger vans.**
  - d. To provide exceptions to the requirement for flashing red lights, as defined by regulation of the State Board, for buses transporting students with special needs who are individually loaded and unloaded. Also delete the “to or from school” limitation so that the flashing red light system is activated at all times the bus is transporting students.**
  - f. To require that trainers of school bus drivers be qualified as set forth in regulation by the State Board of Education.**
  - g. To clarify that charter schools must comply with the school transportation statutes/regulations when transporting charter school students.**

**(BDR 34–641)**
- 23. Amend the statutes to provide that the Nevada Department of Education shall make up the difference from the Distributive School Account between the statewide average per-pupil payment and the district per-pupil payment, for state-sponsored charter schools. (BDR 34–642)**

24. Amend the statutes to require nonlicensed employees at charter schools to be fingerprinted and subject to background checks prior to employment. Further, with regard to hiring a teacher or administrator with a felony conviction, allow the governing body to make an offer of employment if the conviction is unrelated to the employment position. (BDR 34–642)
25. Amend the statutes to require charter schools to pay for retesting of their students in the event of a failure to test a sufficient percentage of students or in the event of a testing irregularity. (BDR 34–642)
26. Include a statement in the final report of the Committee urging the superintendents of the school districts to review their district priorities in curricula to ensure that the districts’ efforts are focused on the most critical subject areas in order to promote student achievement, and to provide the Legislative Committee on Education in 2004 with a list of the state mandates and programs that the districts cannot reasonably accomplish due to funding or time constraints.
27. Amend the statutes to revise the licensure requirements related to distance education courses for public schools to permit university or college personnel to teach distance education courses in the core academic subjects. (BDR 34–642)
28. Amend the distance education statutes to permit a committee to form a charter school to file an application for approval of a distance education program. (BDR 34–642)
29. Amend the statutes to revise the September 1 and January 1 deadlines for filing written agreements regarding the enrollment of pupils in programs of distance education to October 1 and February 1, respectively. (BDR 34–642)
30. Include within the appropriation bill for the class-size reduction funds, provisions that allow school districts the additional option to use their class size reduction funds to implement class size reduction in kindergarten through grade 6 by permitting student-to-teacher ratios of up to 22 students per teacher. (BDR 34–643)
31. Send a letter from the Committee to the Board of Regents requesting their review of the scope of the costs of education and the expenditures of scholarship funds by recipients of a Millennium Scholarship.

- 32. Include a statement in the final report of the Committee noting there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make the issue of the creation of smaller high schools to address drop-out rates and to improve student achievement a priority in the 2003-05 interim.**
- 33. Include a statement in the final report of the Committee noting there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make a priority in the 2003-05 interim of the following issue; namely, the effective implementation of a P-16 effort to reduce the gap between high school and postsecondary education, including the reduction of remediation at the college level, facilitating progression to postsecondary study, and improvements in workforce preparation.**



# **REPORT TO THE 72<sup>ND</sup> SESSION OF THE NEVADA LEGISLATURE BY THE LEGISLATIVE COMMISSION'S COMMITTEE ON EDUCATION**

## **I. INTRODUCTION**

In 1997 the Legislature enacted Senate Bill 482 (Chapter 473, *Statutes of Nevada*), creating a new statutory committee – the Legislative Committee on Education. The bill, known as the Nevada Education Reform Act (NERA), establishes a permanent eight-member Legislative Committee on Education to provide for legislative review of the education reform process. The Committee is charged with reviewing statewide programs in accountability, the automated student record (SMART) program, class size reduction, and any other fiscal or policy concerns associated with public education in the state. The Committee has met for three interim periods since its creation. The Committee held a total of 12 meetings this interim: one in 2001, ten in 2002, and one in January of 2003. The creation of the Committee, its membership, and powers and duties are codified in *Nevada Revised Statutes* 218.5352 and 218.5354, contained within Appendix A.

Members of the Committee during the 2001-03 interim included the following legislators:

Senator William J. Raggio, Chair, Reno  
Assemblyman Wendell P. Williams, Vice Chair, Las Vegas  
Senator Bernice Mathews, Sparks  
Senator Ann O'Connell, Las Vegas  
Senator Maurice E. Washington, Sparks  
Assemblywoman Dawn Gibbons, Reno  
Assemblyman Marcia de Braga, Fallon  
Assemblyman Mark A. Manendo, Las Vegas

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The members heard a series of in-depth briefings on the Federal No Child Left Behind Act of 2001 including presentations by the National Conference of State Legislatures and the Education Commission of the States. Members received a series of presentations and policy briefings concerning other national and state education reform activities, including the Federal Reading Excellence Act, *American Diploma Project*, the Tennessee Value-Added Assessment System (TVAAS), the Milken Family Foundation teacher advancement program (TAP), the Grow Network test score reports, education data systems such as Maryland's Web site for school accountability and Just for the Kids, and research on reading and literacy.

The members also reviewed Nevada's current accountability and school improvement programs; the impact of remediation funds on at-risk schools; the state's Class Size Reduction Program and Elko's pilot program; the In\$ite financial reports; as well as the status of the SMART program. Other issues on which the Committee heard testimony included teacher education programs in Nevada, teacher licensing, an evaluation of charter schools, distance education regulations, the Millennium Scholarship Program, closed campus policies, test development activities, the Nevada Association of School Superintendents funding proposal – iNVest, achievement level tests, parental involvement, and school construction. As required by statute, the Committee recommended a list of remedial education programs that have proven to be successful in increasing the academic achievement of pupils and forwarded that list to the Nevada Department of Education for adoption.

The Committee on Education also received regular progress reports from two other entities created by NERA: (1) the Council to Establish Academic Standards for Public Schools; and (2) the Commission on Educational Technology. Regular reports from the RPDPs also were reviewed, including updates on the Nevada Early Literacy Intervention Program (NELIP).

Members of the Committee considered a number of proposals with regard to public education in Nevada, including issues involving compliance with the Federal No Child Left Behind Act, training and recruitment incentives for Nevada teachers, accountability, kindergarten, class size, and testing. Major recommendations adopted include proposals to:

- Revise the state's accountability and assessment system to comply with federal education law;
- Continue funding for the RPDPs, including the NELIP, and expand the authority of the Statewide Coordinating Council;
- Appropriate funds to continue to provide remedial programs for students in low-performing schools and for individual students needing assistance;

- Implement class size reduction through grade 6 by permitting a student-teacher ratio of 22:1;
- Encourage teachers to become certified by the National Board for Professional Teaching Standards;
- Provide an alternative route to teacher licensing;
- Encourage recruitment and licensing of teachers in certain subject areas;
- Fund a pilot program in Clark and Washoe County School Districts for test score reporting and related services, including linkages to academic standards;
- Revise the membership provisions of the Council to Establish Academic Standards and the Commission on Educational Technology;
- Update school transportation provisions;
- Revise certain charter school and distance education statutes;
- Make provisions for suicide awareness training and study the need for additional personnel in public schools to prevent suicide; and
- Permit early admission to kindergarten for certain students and authorize access to certain classes for exceptionally gifted students.

Subsequent sections of this report contain detailed descriptions and background information for each of these recommendations, along with relevant appendices. Copies of Committee bill draft requests (BDRs) are contained within Appendix K. Copies of the letters sent at the direction of the Legislative Committee on Education are contained in Appendix B.

## **II. REVIEW OF MAJOR ISSUES AND COMMITTEE ACTIVITIES**

The Legislative Committee on Education considered a number of issues relating to education reform at the federal level, as well as in Nevada and other states. A significant portion of the Committee's time involved oversight of the Nevada Education Reform Act of 1997 and ongoing education programs and activities. As in previous years, statutory education entities and other organizations associated with school improvement efforts provided periodic status reports to the Committee. Due to the enactment of the sweeping education reforms at the federal level in the No Child Left Behind Act (NCLBA) of 2001, the Committee focused much of its effort on reviewing the provisions of the NCLBA and investigating options for implementation.

Many of the Committee's presentations were relevant to the implementation of the new federal act and addressed issues of national concern including teacher quality, data reporting, and assessments.

#### **A. FEDERAL NO CHILD LEFT BEHIND ACT OF 2001**

In January 2002, President George W. Bush signed the reauthorization of the Elementary and Secondary Education Act (ESEA) into law. The new federal education bill, called the No Child Left Behind Act of 2001, is also known as H.R. 1. The bill contains several major federal education initiatives aimed at closing the achievement gap and ensuring that all students reach proficiency by 2014. Improved literacy and teacher quality are at the heart of the bill, along with annual assessments and sanctions for failing to make adequate yearly progress (AYP) towards proficiency for all students. A table from the National Governors' Association showing the timeline of state action required under the NCLBA is attached as Appendix C.

At the request of the Chairman, staff of the Legislative Committee on Education prepared a series of briefings on the key provisions of the Federal No Child Left Behind Act. The Committee heard briefings on teacher quality, assessment and reporting, accountability and sanctions, inclusion policies, and flexibility. In addition, staff arranged for overview briefings by the National Conference of State Legislatures and the Education Commission of the States on various aspects of the Act.

At its August 2002, work session, the Committee reserved a bill draft request to accommodate the changes needed to bring Nevada's accountability and assessment system into compliance with the federal law. To develop the blueprint for the bill, the Chair directed a working group, in consultation with members of the Committee, to recommend revisions to the current Nevada reform structure. The working group's recommendations were presented to the Committee at its November 20, 2002, meeting. The Committee voted to approve the recommendations subject to certain amendments and additions.

##### **1. Major Findings**

In order to implement the federal education act and after considering the recommendations of the working group, the Legislative Committee on Education directed that:

- Augmented norm-referenced tests shall be developed for School Year 2005-06 for grades 3 through 8 in reading/language arts and mathematics, and for School Year 2007-08 in science. The 8<sup>th</sup> grade writing test shall be moved to 7<sup>th</sup> grade and shall be part of the accountability system.

- The High School Proficiency Examination (HSPE) shall be used for accountability purposes in the 10 through 12 grade span and the Preliminary Scholastic Aptitude Test (PSAT) shall be administered in grade 10, but shall not be part of the accountability system.
- Current statutes permitting emergency hiring of teachers shall be amended to prohibit the hiring of teachers who are not highly-qualified in low-performing schools, and districts will be required to maintain the balance of experienced teachers in their low-performing schools at the same or higher level as other schools.
- Exemptions from testing for Limited English Proficient (LEP) and special education students shall be deleted and minimum testing requirements (95 percent) shall be set.
- A license shall be created for middle school teachers and the State Board of Education shall adopt regulations and required tests for paraprofessionals.
- Information regarding teacher qualifications and paraprofessionals shall be collected and reported at all levels.
- The role of the RPDPs in school improvement and teacher quality initiatives shall be strengthened.
- The statutes shall include references to the three components of the state's revised accountability system: (1) meeting an absolute target; (2) making relative growth; and (3) narrowing the achievement gap between subgroups.
- The State Board of Education and Nevada Department of Education shall specify proficiency levels, the method of calculating AYP, the annual determinations of AYP for schools and districts, and exceptions (e.g., safe harbor).
- Policies for prioritization and direction of state remediation funding shall be included to ensure that schools with the greatest need receive funding.
- In general, the same four categories that exist under NERA—schools needing improvement, adequate, high achieving, and exemplary—will be modified to reflect the AYP designations.
- School support teams shall substitute for the academic panels currently in law and provisions for recognition of schools making substantial progress towards closing the achievement gap or exceeding AYP shall be included.

- Consequences for low-performing schools that are Title I-served schools shall be consistent with federal law and state actions for non-Title I schools shall be handled via school support teams.
- The process for school improvement shall require an annual review of all schools and two-year improvement plans shall be required for all schools.
- Low-performing districts will be required to revise their improvement plans and the statutes will list the corrective actions that may be taken by the state, including deferral of funding, new curricula, replacement of staff, establishment of alternative governance, appointment of a trustee, or abolition or restructuring of the district.
- The priorities for state support shall be: (1) districts with schools subject to corrective action and assistance to those schools in a district that has failed to carry out its responsibilities; (2) districts with schools identified for improvement; and (3) other districts and schools that need it.
- Report cards at the state, district, and school level shall be required and disseminated. The school accountability technical advisory committee (TAC) shall make recommendations on the format of the reports to achieve uniformity and on inclusion of additional items.
- The final *List of Effective Remedial Programs* shall include programs designed to increase the achievement and language proficiency of LEP students.
- Data collected shall be disaggregated by subgroups as required in federal law and the statewide data system shall have the capacity to report the required information and to calculate and report AYP.
- The statewide data reporting system shall contain unique student identifiers to lay the foundation for a value-added analysis.
- The school districts shall establish plans for safe and drug-free schools and the State Board shall determine the definition of a “persistently dangerous” school and provide for transfer options.
- The Governor, Legislative Committee on Education, and LBEAPE shall be provided with reports and information on the accountability and assessment systems.

## **B. REPORTS TO THE COMMITTEE**

The Committee has certain statutory duties with regard to the state's accountability system. In addition, a number of entities are required, and others are requested, to provide the Committee with regular status reports. Appendix D lists the bodies required to submit reports under the *Nevada Revised Statutes*. Further, the 2001 Legislature enacted a series of bills requiring that various reports be submitted to the Committee. These measures included:

- **Assembly Bill 214** (Chapter 266, *Statutes of Nevada 2001*) – The Nevada Department of Education is required to submit its annual report on test security incidents by September 1, 2002, and September 1 of each year thereafter. In addition, the school districts and the Nevada Department of Education are required to submit test security plans by September 1 of each year.
- **Assembly Bill 671** (Chapter 569, *Statutes of Nevada 2001*) – The Class Size Reduction Program appropriation bill again required the Elko County School District to prepare an interim report for the Committee by February 15, 2002, on its pilot program authorized under the bill and to submit a final report to the full legislature by February 15, 2003.
- **Senate Bill 3** (Chapter 13, *Statutes of Nevada 2001 Special Session*) – The bill requires the RPDPs to submit budgets to the Committee annually. Sections 18 and 19 require the governing bodies of the RPDPs and each school district board of trustees to submit annual reports to the Committee.
- **Senate Bill 311** (Chapter 290, *Statutes of Nevada 2001*) – The bill requires the Clark County School District to create a planning committee to study the construction of smaller schools and to submit an interim report by November 1, 2002, and a final report by November 2004.
- **Senate Bill 399** (Chapter 599, *Statutes of Nevada 2001*) – Section 69 requires the Nevada Department of Education to submit the proposed regulations for distance education programs to the Committee no later than January 1, 2002, for its review and comment prior to action by the State Board of Education.
- **Senate Bill 427** (Chapter 574, *Statutes of Nevada 2001*) – Section 3 provides for an interim evaluation report from the consultant on educational technology grants.
- **Senate Bill 585** (Chapter 565, *Statutes of Nevada 2001*) – Section 12 requires the submittal of NELIP reports. Section 13 provides for submission of the NELIP evaluation report by January 19, 2003. Section 17 requires an annual report on the effectiveness of early childhood grant programs.

The Committee received information from these bodies and from other committees that make periodic status reports concerning their activities. Following is a summary of the significant activities of the Statewide Management of Automated Record Transfer system; the consultant's review of school district accountability reports; the Regional Professional Development Programs; the Council to Establish Academic Standards for Public Schools; the Commission on Educational Technology; and the Elko Class Size Reduction Pilot Program.

1. Nevada's Automated Student Record Program – SMART

The Statewide Management of Automated Record Transfer (SMART) System is an electronic data system that was designed to increase educational accountability, to provide student record management and transfer capacities to school and district offices statewide, and to establish an electronic repository of statewide student records at the Nevada Department of Education. When fully operational, SMART is expected to provide data useful to school staff and policymakers and will increase the quantity and quality of information regarding the actual status of education in Nevada.

In 1995, the Nevada State Legislature provided funding to support Phase I of SMART. This phase included, among other things, development of: (1) a data dictionary for the standardization of state and federal reporting; (2) a student administrative technology plan for the 17 school districts and the Department; (3) standards/procedures for collection and transmission of data; and (4) data conversion/translation software. Phase I also included pilot programs in five school districts (Churchill, Elko, Lincoln, Pershing, and Washoe Counties).

The 1997 and 1999 Nevada Legislatures provided additional funding to support Phases II and III. Phase II activities included full implementation of SMART in the 11 non-pilot school districts, and substantial implementation of SMART in the Clark County School District. Although several districts had difficulties meeting the Phase II benchmarks, the school districts report making substantial progress in the implementation of Phase III. Phase III activities included: (1) submission of SMART data from all school districts to the Department; (2) additional customization of school and district office student information system software; (3) data integrity analysis to detect problems with data collection/transmission procedures and/or software; (4) continued implementation of SMART in Clark County; and (5) improvement of the state level system/repository.

In order to facilitate the continued implementation of SMART into Phase IV, the 2001 Legislature approved funding in the Department's budget for a full-time consultant and one part-time consultant. Further, the districts each received funding for a district administrator to oversee data accuracy and integrity. Phase IV also includes: (1) the submission of SMART data from all school districts to the Department;



(2) completion of implementation in secondary schools in the Clark County School District; (3) continued analysis of data integrity; (4) problem solving for issues with data collection, management or transmission; and (5) continued improvement to the state level system and repository. An overview of the history of SMART is attached in Appendix E.

During the 2001–03 interim, the 17 district superintendents met to discuss the implementation of SMART and the respective responsibilities of the districts and the Department. Under the leadership of the new Superintendent of Public Instruction, the Department has renewed its commitment to being the lead agency in the successful implementation of SMART.

With the enactment of the NCLBA, the Committee expressed concerns regarding the capacity of SMART and whether the system can support the additional requirements of collection and reporting imposed by federal law. According to reports from the Department to the Committee, SMART will be fully operational, with data available for research and reporting purposes, by March of 2003, and has the capacity to support the additional demands for data by the federal government.

At the Committee’s final meeting in January 2003, the Nevada Department of Education responded to a final request for information on the status of SMART. The Department’s response addresses questions raised in a December 31, 2002, letter from the Legislative Counsel Bureau (LCB) and provides details on SMART’s capacity and future needs, as well as its ability to comply with the NCLBA. The LCB’s letter and the Department’s response are attached as Appendix F.

## 2. Consultant Review of School District Accountability Reports

Each year, the Legislative Bureau of Educational Accountability and Program Evaluation (LBEAPE) contracts for an independent evaluation of school district accountability programs. The contract has been awarded to George “Gus” Hill, Associate Professor, Educational Leadership Department, University of Nevada, Reno (UNR), as editor and chairman of a group of UNR and the University of Nevada, Las Vegas (UNLV), professors of education, for the past three years. The accountability review panel performs a review to determine how well school districts are complying with the state accountability law. Many of the reviewers have been involved since the inception of the accountability review process and have noted many positive changes over time. Each reviewer is assigned one or more district accountability reports to review, and a secondary reviewer also reviews each district. The process includes:

- Reviewing the districts’ accountability reports;

- Determining how the districts complied with both the spirit and letter of state law;
- Evaluating the state accountability handbook by which districts are charged with preparing reports;
- Comparing the state accountability handbook with the district reports;
- Determining whether the information in the districts' reports is consistent with the statewide data tables;
- Ascertaining whether Part III, which contains plans for improvement on areas with exceptional results, is congruent with Part I, which is the building report typically prepared by the principal;
- Determining the compliance status of charter schools (a new component of the report); and
- Assessing the use of accountability data by the Nevada Department of Education and the State Board of Education (a new component of the report).

a. *Recommendations of the 2001 Report*

The 2001 report noted that all the school districts are making an earnest effort to comply with the accountability laws and that the districts' reports are improving in quality. However, charter schools in the state are submitting only minimally compliant reports and the panel noted that is to be expected given their relative inexperience. The panel found that most school districts are using the accountability reports and data to improve schools and student achievement. With regard to the Nevada Department of Education and the State Board, the panel did not find any evidence that school accountability data was being used at the state level. The primary findings and recommendations of the 2001 report are:

- Uniformity is lacking in the reporting of school violence and discipline;
- School safety issues should be addressed and improved;
- Continued assistance should be given to schools in which over 40 percent of the students are scoring in the bottom quartile in one or more subject areas on the statewide norm-referenced test (NRT);
- The rules relating to the status of 10<sup>th</sup> graders for purposes of administering the NRT in that grade should be clarified;

- The Legislature should require additional variables, such as socioeconomic status, to be analyzed along with test scores when reporting data;
- The districts should be encouraged to fully utilize the services of the regional professional development programs;
- School districts should report on special practices or programs to inform other educators and state policymakers of the effectiveness of such programs;
- School districts should report data from the University and Community College System of Nevada (UCCSN) on remedial enrollments of recent high school graduates (rather than district-compiled information);
- Districts should be encouraged to report progress toward alignment of curricula with state academic standards and particularly how accountability data are being used;
- Both the Nevada Department of Education and the districts should provide more assistance to charter schools in complying with accountability laws;
- The Legislature should clarify the law related to habitual truancy; and
- The districts should ensure the accuracy of data reported to the public.

The 2001 panel also noted that certain recommendations from their prior report remained relevant and worth repeating:

- The process for validation of test scores at the school level in instances where wide variations occur from year to year needs to be formulated and implemented consistently;
- Part III reporting requirements for charter schools need to be aligned with district reporting requirements; charter schools' reports tend to contain more financial data than student achievement data;
- Improvement in mathematics curricula at both the elementary and secondary levels continues to be a theme of the current review and the RPDs should be engaged in this effort;
- Student attendance rates are an ongoing issue and attention should be given to incentives for increasing attendance;
- Data in the Part III reports needs to be current school year data;

- Efforts to reduce the student-to-computer ratio and achieve Internet connections for all schools should continue;
- Results on the 4<sup>th</sup> grade writing test should not be misinterpreted as this test is both new and diagnostic in focus;
- District superintendents and local school boards should give a high priority to high quality professional development; and
- The Department and State Board should begin to report the extent to which they are using accountability data to inform their practice and policies.

Finally, the 2001 report contained recommendations on the review process itself, including: (1) the need of some rural districts for consultants to assist in the preparation of the accountability reports; (2) districts should continue to make the district's goals focused on student achievement and school site goals should be aligned with district goals; (3) curriculum alignment should continue along with use of the new criterion-referenced tests (CRTs) as benchmarks for curriculum; and (4) districts should report the assessment results on their local assessments and ensure that local assessments are aligned with state standards.

b. *Recommendations of the 2002 Report*

The Committee received a preview of the 2002 report from Dr. Hill. The Committee learned that three new data elements had been included: (1) percentage of classrooms with networked computers; (2) percentage of pupils with 30 minutes or more of computer instruction; and (3) percentage of credit-deficient pupils. Further, Dr. Hill advised the Committee that the final report would include a comparison of the No Child Left Behind Act to the Nevada Education Reform Act, as well as a comparison of Nevada's accountability system with California, Tennessee, and Texas.

The reported findings of the panel included:

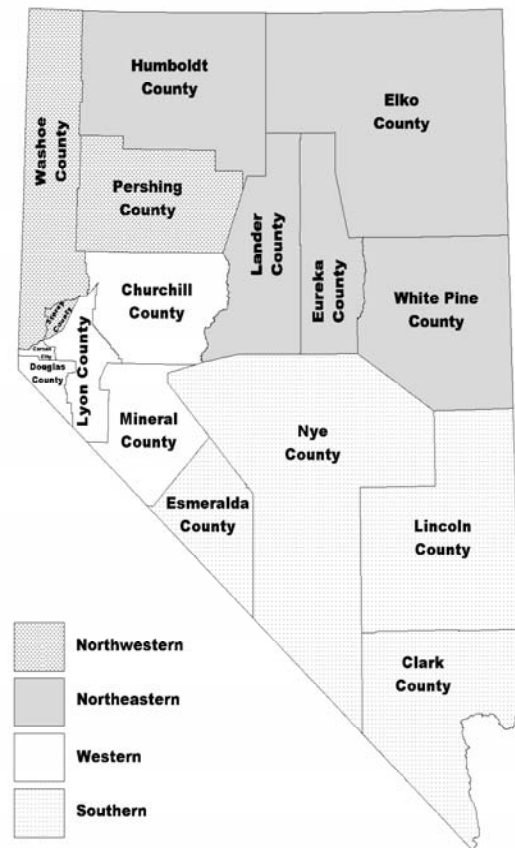
- All districts have made strong efforts to comply and most reports are high-quality;
- Most districts are using data for improvement as intended by the Legislature;
- Charter school reports continue to be minimally compliant, with one exception;
- Districts still appear to be ignoring other important issues; and
- There is little of evidence of preparation for the NCLBA.

In addition to several continuing recommendations such as validation of test scores, improvement of attendance, and attention to mathematics instruction, the panel also advised the Committee that the final report would contain several recommendations related to the NCLBA. Finally, the panel stated that, “While the review panel firmly believes that it has made a contribution to the improvement of public schools of Nevada, there is also a strong belief that it is time for a change. The final report will contain a detailed recommendation for a state level review process that is contemporary in the era of NCLB.” The final report will be available on February 28, 2003.

### 3. Regional Professional Development Programs

In response to a series of regional workshops conducted by the Committee during the 1997-99 interim period, teachers, administrators, and others proposed a regional professional development model to help educators to teach the new state academic standards. The mission of the RPDPs is to provide professional training for administrators and teachers in order to implement Nevada’s high standards.

As part of the Nevada Education Reform Act, Senate Bill 585 of the 2001 Legislative Session provides \$10 million over the biennium to continue the operation of the four regional training programs established in the 1999 Session by Senate Bill 555 (Chapter 559, *Statutes of Nevada 1999*). The RPDPs are charged with preparing teachers to teach to new, more rigorous academic standards, and to evaluate the effectiveness of such programs. The four regional training programs serve the school districts identified in the map.



In the 2001 Session, the mission of the RPDPs was expanded to include implementation of the Nevada Early Literacy Intervention Program, an initiative of the Governor aimed at increasing literacy in grades K through 3 by giving teachers training in strategies for teaching reading. Senate Bill 585 appropriated \$8.87 million to implement NELIP and to conduct an evaluation of the effectiveness of the program.

Senate Bill 3 from the 17<sup>th</sup> Special Session of the Nevada Legislature formalized the existence of the RPDPs in statute. In addition, S.B. 3 created the Statewide Coordinating Council, a group that had been meeting informally since shortly after the creation of the RPDPs. The

Statewide Coordinating Council consists of eight members: the four directors of the regional programs and one representative from each of the regional governing bodies. The Statewide Coordinating Council must meet at least quarterly and is charged with:

- Adopting standards for evaluating the training provided by the RPDPs;
- Coordinating the dissemination of information to school districts, administrators, teachers, and the RPDPs;
- Conducting long-range planning for professional development needs; and
- Adopting uniform evaluation procedures.

a. *Training Content*

Implementation of each RPDP is overseen by a governing body composed of superintendents of schools, representatives of the UCCSN, teachers, and employees of the Nevada Department of Education. It is the responsibility of the governing body to assess the training needs of teachers in the region and adopt priorities of training based upon the assessment of needs.

Based upon the assessment of needs for training within the region and the priorities of training adopted by the governing body, each RPDP must provide at least one of the following types of training: (1) new state standards; (2) assessment and measurement of pupil achievement and the effective methods to analyze the test results and scores of pupils to improve the achievement and proficiency of pupils; (3) specific content areas to enable teachers to provide a higher level of instruction in their respective fields of teaching; and (4) basic skills for students, such as providing reading instruction with the use of phonics and basic mathematics computation.

During Fiscal Years 2001-02 and 2002-03, the RPDPs have provided training focused on academic standards, assessment, instructional methods, and core subject matter content. The training has been provided by a variety of means, including outside experts, regional trainers, and site trainers at the schools.

b. *Participation of Teachers and Administrators*

Approximately 15,000 teachers and administrators have participated in over 2,000 RPDP-sponsored training sessions. Teachers and administrators have generally rated RPDP training to be of high quality.

c. *Evaluation*

In addition to providing funds for the implementation of the RPDPs, Senate Bill 585 of the 2001 Legislative Session authorizes the four RPDPs to form a consortium and to receive up to \$65,000 in each year of the biennium from the State Distributive School Account to hire a qualified, independent consultant to conduct an evaluation of the effectiveness of the professional development programs that are offered. For the 2001-03 biennium, the evaluation of the effectiveness of the programs is again being conducted by WestEd, an independent, nonprofit educational research, development, and service agency. The evaluation will be submitted to the 72<sup>nd</sup> Legislature.

The WestEd evaluation uses a number of methods to collect data, including:

- Logging of training events;
- Surveys of teachers and administrators;
- Feedback evaluations on RPDP-sponsored events;
- Interviews with key stakeholders; and
- Classroom observations in the five largest school districts (Clark, Washoe, Elko, Douglas, and Carson).

Based on the results of the classroom observations, it appears that teachers vary widely in their competency levels and the quality of instruction has not yet met standards of excellence with regard to standards-based instruction; however, progress is being made. The evaluation concludes that no inferences can be drawn between RPDP training and student achievement.

The evaluation report contained several recommendations:

- Putting a process in place to ensure high-quality of RPDP training;
- Differentiating professional development services among teachers;
- Clarifying the service delivery model;
- Increasing evaluation efforts;
- Continuing efforts to enlist support from site administrators;
- Staffing the Statewide Coordinating Council;

- Developing system-wide goals and performance indicators; and
- Planning for an active RPDP role in the implementation of federal legislation, the No Child Left Behind Act of 2001.

4. Council to Establish Academic Standards For Public Schools

a. *History*

As part of the Nevada Education Reform Act, the Legislature created a nine-member Council to Establish Academic Standards for Public Schools in 1997. The Council was required to review and recommend statewide standards in English, mathematics, and science before September 1, 1998. The Council convened a series of statewide writing teams for each of these topics, with team members consisting of educators, community members, parents, and others. In addition, several focus groups of parents and teachers addressed issues related to academic standards that guided the work of the writing teams and the Council. The State Board, in a joint meeting with the Council, adopted standards and the statewide tests linked to these standards in August 1998. The standards for English, mathematics, and science took effect within the public schools during the 1999-2000 School Year. During Phase II of the Council's activities, statewide writing teams consisting of teachers, other educators, parents, and community members drafted standards in the arts, computer education, health/physical education, and social studies. The Council adopted standards for these subjects in March 2000, effective for public school students during the 2000-01 school year.

Senate Bill 466 (Chapter 621, *Statutes of Nevada 1999*) of the 1999 Legislative Session made the Council permanent and it now consists of an eight-member panel, with four members appointed by the Governor, including two parents and two licensed educators. The remaining four members are appointed by legislative leadership and include two legislators, one from each house, and two business or industry representatives.

b. *Expenditure Of Funds On Academic Standards*

Since its inception in 1997, the Council has used the staff and services of the Nevada Department of Education and the Washington, D.C.-based Council for Basic Education (CBE) to carry out its mission. For the 1997-99 biennium, over \$500,000 was expended on development of the core academic standards and an engagement plan to educate the public. In the 1999-2001 biennium, an additional \$352,795 was expended to finish the core academic standards, and to develop the non-core standards. For the current biennium, the Council has continued to use the services of the CBE to keep abreast of the national and state issues in education relating to their mission, including the No Child Left Behind Act and its impact on state standards and testing.



The following chart provides more detail on the expenditures for the Council to Establish Academic Standards although the current biennium expenditures are not final:

<b>FUNDS</b>	<b>BIENNIUM 1997-1999</b>	<b>BIENNIUM 1999-2001</b>	<b>BIENNIUM 2001-2003</b>	<b>SIX-YEAR TOTAL</b>
<b>State – Operational Costs</b>	<b>\$23,950</b>	<b>\$33,000</b>	<b>\$28,059</b>	<b>\$85,009</b>
<b>State – Contractor (CBE)</b>	<b>253,325</b>	<b>90,995</b>	<b>22,890</b>	<b>367,210</b>
<b>State Department of Education</b>	<b>89,094</b>	<b>0</b>	<b>0</b>	<b>89,094</b>
<b>State Funds – Subtotal</b>	<b>366,369</b>	<b>123,995</b>	<b>50,949</b>	<b>541,313</b>
<b>Federal funds</b>	<b>184,256</b>	<b>228,800</b>	<b>20,000</b>	<b>433,056</b>
<b>TOTAL</b>	<b>\$550,625</b>	<b>\$352,795</b>	<b>\$70,949</b>	<b>\$974,369</b>

Note that these funds do not include the indirect contributions associated with the assistance of the Nevada Department of Education staff, teachers, postsecondary personnel, parents, and business people. The Nevada Department of Education estimates the indirect contributions to be several hundred thousand dollars. In the first biennium, state funds were the primary funding source, but in the second biennium, state funds comprised less than one-third of the funds spent on the standards. Now in the third biennium, state funds comprise slightly more than one-half of the funds spent.

c. *Activities of the Council*

As required by S.B. 466 and as set forth at *Nevada Revised Statutes* (NRS) 389.520, 389.540, and 389.570, the Council is charged with:

- Adopting standards of content and performance for the eight specified subjects;
- Assigning priorities to the standards;
- Establishing a schedule for the periodic review of the standards and, if necessary, their revision;
- Reviewing and evaluating the results of the pupils on the examinations required to measure the achievement and proficiency of students in selected grades on the standards (e.g., CRTs);
- Comparing the progress of students on the CRTs from year to year;
- Determining whether the standards require revision; and

- Working in cooperation with the State Board to prescribe the required examinations.

The Council's work plans for Fiscal Years 2001-02 and 2002-03 addressed many of these issues. As required, the Council established grade-by-grade standards in mathematics and English in grades K through 8 and 12. The standards were prioritized into one of three categories: (1) E – Enduring Knowledge; (2) I – Important to Know; and (3) W – Worth Knowing. The Council addressed the issue of a schedule for the periodic review of existing standards and generally agreed to link the revision schedule to the textbook adoption cycle and to target the science standards as the first standards to be reviewed in FY 2003-04 so that any recommendations for revision can be incorporated into textbook decisions in 2004-05.

In April 2002, the Council invited the school districts throughout the state to advise the Council about any implementation issues with regard to standards and held a roundtable discussion. Based on the testimony received, it appears that all the standards have been fully implemented but the issue was not directly addressed. Questions from the Council focused on professional development issues, use of local and state assessment data, the level of cooperation between administrators and teachers, and suggestions to improve the process.

The Council reviewed the results of the pilot CRTs in the spring of 2001 and the revised standards-based version of the HSPE. The Council recommended that scores be reported in an understandable and useful format and be disaggregated. The Council also addressed a number of test-related issues including, but not limited to:

- Constructed responses should be included but only if turn-around times for scoring would be less than 30 days;
- Assessments should provide longitudinal data, be fair, and aligned with standards;
- Professional development should be provided to help teachers interpret assessment results and reports;
- Reporting should occur at all levels, including Web access to reports, and delay of reports to permit time to review for errors; and
- Teacher access to data should be extensive to gain the maximum benefit.

The Council continues to meet regularly and has begun to establish priorities for the English/language arts and mathematics standards in grades 4, 6, and 7 in anticipation of the annual assessments required by the NCLBA.

## 5. Nevada's Commission on Educational Technology

The Legislature's 1997 Nevada Education Reform Act also contains a significant commitment to technology in the classroom. The measure created an 11-member Commission on Educational Technology charged with developing and updating a statewide plan for the use of educational technology within the public schools. Members serve two-year terms and must have knowledge and experience in the use of educational technology. The Commission includes representatives of the private sector, public libraries, parents, UCCSN, educational personnel, and the Legislature. The Governor must select seven members, with the remaining four members appointed by legislative leadership.

The state technology plan contains recommendations to incorporate technology within the schools, increase pupil access to the Internet, increase teacher access to continuing education opportunities through technology, improve pupil achievement, and incorporate teacher-training needs associated with the new technology. In addition, the Commission makes recommendations for the distribution of funds from the Trust Fund for Educational Technology and develops technical standards for educational technology and uniform specifications to ensure statewide compatibility. The final plan was completed by December 1999 and annual updates have been produced.

The 1997 Legislature provided a \$27.5 million one-time appropriation for educational technology for schools for purchasing and installing hardware, software, and electrical wiring for computer laboratories; upgrading computer software; and purchasing additional computers and other technology for instructional purposes in the classroom. The 1997 appropriation contained an additional \$8.6 million for school districts for costs associated with educational technology including: (1) training; (2) repair; (3) maintenance; (4) replacement; and (5) contracting for technical support. The Commission distributed this funding based upon applications submitted by the school districts.

The 1999 Legislature appropriated an additional \$4.2 million for the 1999-2000 biennium to be distributed by the Commission for assistance to local school districts in bringing schools up to a minimal technological level, for school library databases, and for maintenance contracts for software. That allocation also has been distributed to the districts.

Senate Bill 427 of the 2001 Session appropriated \$9.95 million for:

- The acquisition of the minimal level of educational technology that includes a networked computer in each classroom (\$1,250,000 each year of the biennium);
- The repair, replacement, or upgrade of computer hardware and software (\$2,500,000 each year of the biennium);

- Hardware, software, and contracting services for educational technology technical support (\$625,000 each year of the biennium);
- Pilot programs that demonstrate best practices for the use of educational technology to improve the academic achievement of pupils (\$150,000 in each year of the biennium);
- The continuation and expansion of distance learning satellite service (\$400,000); and
- The continuation and expansion of educational technology for school libraries (\$500,000).

In order to receive a grant of money for educational technology, a school district must complete and submit applicable forms, including a plan for how the requested funds for educational technology will be used to improve the instruction and academic achievement of pupils. Determination of the amount of money distributed to each school district is based upon the needs and wealth of the school district, relative to other school districts in Nevada.

Senate Bill 427 also appropriates \$50,000 for use by the LBEAPE to hire a qualified, independent consultant to conduct an evaluation of the effectiveness of educational technology in improving the academic achievement of pupils, identify issues relating to the implementation of educational technology, and identify best practices with technology for improving student achievement.

Due to budget shortfalls during the current biennium, the appropriation for educational technology was not released; no funds were expended. The bill draft request for the No Child Left Behind Act includes an identical appropriation to restore the funding in the upcoming biennium.

a. *Activities of the Commission*

Since 1995, Nevada has been working to provide its public schools with the hardware, software, and network systems needed to incorporate educational technology into the school day. Beginning with a multimillion-dollar appropriation in 1995 and the creation of the Commission on Educational Technology in 1997, Nevada has continued its commitment to improving technology in the public schools. State appropriations have approximated an expenditure of \$156 per student over a six-year period, averaging \$26 per year per student.

The Commission meets regularly and spent a significant amount of time reviewing grant applications from the school districts for the S.B. 427 funding. The long-time Chair of the Commission, Fred Dugger, resigned in 2002, and a new chairman has yet to be named. The Commission continues to work on collection of data regarding the

level of technology within the public schools through a comprehensive survey known as Nevada Online Technology Information Surveys (NOTIS). Upon completion of the survey, Nevada will be able to accurately report its student-to-computer ratio and connectivity status.

The most recent Education Week report on technology - *Technology Counts 2002* - reports that Nevada's ratio of students per instructional computer is 5.5 to 1 as compared to the national average of 4.2 students per computer. Nevada also fares well in the percent of schools with Internet access with 90 percent of Nevada public schools having access as compared to the national average of 92 percent. Among schools with one or more classrooms connected to the Internet, 86 percent of the classrooms in those Nevada schools have Internet access as compared to 84 percent of such schools nationally.

b. *Evaluation*

Although the funding was not released, an evaluation was conducted to determine what role technology plays in Nevada schools and how state funding supports technology. Further, the evaluation report includes recommendations on future funding and other issues related to student performance, teaching practice, and administrative decision-making. The evaluation was based on previously collected data as well as original research conducted for the report.

Summary findings are:

- The Nevada Legislature has made a valuable investment by appropriating funds through the Commission on Educational Technology;
- With technology in place, more emphasis should now be placed on integrating technology into instruction and evaluating the benefits of such integration; and
- There is a lack of consistent information and benchmark measurements of technological development in schools.

The recommendations include:

- The provision of more consistent funding for instructional technology and support for school districts;
- The alignment of technology standards to national professional standards;
- Adoption of the 12-point framework incorporating the major elements of instructional technology;

- Revision of the Nevada Online Technology Information Survey (NOTIS) to reflect the 12-point framework;
- Issuance of an annual report based on NOTIS analyses; and
- Provision of guidance and a framework for district and state-level plans.

#### 6. Class Size Reduction Pilot Program

In the 1999 Session, Assembly Bill 700 (Chapter 543, *Statutes of Nevada 1999*) authorized a class size reduction demonstration project for the Elko County School District. The demonstration project consists of the elimination of team-teaching in grades 1 through 5 and implements a student-teacher ratio of 22:1 for two school years. At the request of the Elko County School District, the demonstration project was adjusted to include grade 6. Seven schools were transitioned to the 22:1 ratio in the first year and the remaining four elementary schools were converted in SY 2000-01.

The Legislature also required an evaluation of the effectiveness of the demonstration project in improving student achievement and a report on the findings to the Legislature by February 15, 2001. The evaluation included the collection of data from test scores, classroom observations, interviews and surveys of teachers, principals and parents, and parent focus groups. The evaluation was modeled after the Student Achievement Guarantee in Education (SAGE) program at the University of Wisconsin. Training costs for the pilot program in 1999-2001 were approximately \$15,000 and facilities costs for the construction or lease of additional classrooms were \$655,248.

The findings of the 2001 evaluation will provide a baseline for future evaluations and were generally as follows:

- Many of the goals of reduced class size occurred in grades 3 through 6 previously at a ratio of 30:1;
- For the majority of the classroom behaviors there was little difference between classrooms previously at 16:1 and now at 22:1;
- There was little support for 1<sup>st</sup> and 2<sup>nd</sup> graders from 16:1 classrooms performing better on NRTs than students from 22:1 classrooms;
- Although no significant improvement was found, there was a consistent pattern of improved performance on NRTs by 3 through 6 grade classrooms at 22:1;
- The majority of parents believed that reduced class size and student-teacher ratios were beneficial, but parents were split on the advantages/disadvantages of team-teaching;

- The majority of parents experienced an improvement in parental involvement in school;
- Teachers were more likely to find positive or no effects rather than negative effects;
- The vast majority of teachers in grades 3 through 6 found positive effects in every area; and
- The majority of principals reported positive effects.

In the 2001 Legislative Session, Assembly Bill 671 continued the reauthorization for the Elko demonstration project and formalized the inclusion of 6<sup>th</sup> grade. The bill again required an evaluation of the effectiveness of the demonstration project in improving student achievement. An interim evaluation report was presented to the Legislative Committee on Education at its March 20, 2002, meeting. The Great Basin College is again conducting the evaluation. A final report will be presented to the 2003 Legislature by February 15, 2003.

#### **C. OTHER COMMITTEE ACTIONS**

In addition to numerous reports and briefings, the Committee approved a list of effective remedial education programs, and adopted a committee policy and procedure regarding review of programs to be added to the list.

##### **1. Reports, Briefings, and Contract Services**

Members received a series of policy briefings concerning national and state education reform activities, including the Tennessee Value-Added Assessment System, the Federal No Child Left Behind Act of 2001, the achievement level tests published by Northwest Evaluation Association, Reconnecting Youth – a program for at-risk youth, the Milken Family Foundation Teacher Advancement Program, the *American Diploma Project*, test score reports as developed by the Grow Network, and various statewide data reporting systems, including Just for the Kids and Maryland's school accountability Web site. Committee members also heard presentations by the Nevada Department of Education on state level activities, including state and federal grants for early childhood education and the Federal Reading Excellence Act. The members also reviewed Nevada's current accountability and school improvement programs; the status of remediation funds for at-risk schools and pupils; the statewide proficiency testing program; the Millennium Scholarship Program; the state's Class Size Reduction Program; as well as the automated student record program – SMART.

The Committee on Education received regular updates from the two other entities created by the NERA: (1) the Council to Establish Academic Standards for Public Schools; and (2) the Commission on Educational Technology. The Committee approved a consultant contract for the Council to assist in the continuation of its work. The Commission on Educational Technology presented information on its grant review process to distribute the funds appropriated in Senate Bill 427 but, due to the budget shortfall resulting from the events of September 11, 2001, the educational technology funding of \$9.95 million was not released by the Governor.

The Committee also received a report on the evaluation from the consultant retained by LBEAPE of the five oldest charter schools in Nevada, all of which were in at least their third year of operation. Further, as directed in Senate Bill 399, Section 69, the Committee reviewed and commented on the proposed distance education regulations prior to action by the State Board of Education.

## 2. List of Approved Remedial Programs

Under NRS 218.5354, the Legislative Committee on Education must approve a recommended list of programs of remedial study for adoption by the Nevada Department of Education. These programs must be available to provide remedial assistance to schools classified as needing improvement. The staff of the LBEAPE prepares such a list annually and, after receiving the approval of the Legislative Committee on Education, submits the *List* to the Nevada Department of Education for adoption.

The 31 programs from the previous year's *List* remained on the 2002 *List* and one new program – *Lexia Learning Systems* – was added. Two programs remained on the *List* but on a probationary status with a mandate to attend program fairs and make a genuine effort to promote the programs. The two programs recommended for probationary status were: *Core Knowledge* and *Help One Student to Succeed (HOSTS)*. The reasons for the probationary status were: (1) the programs have been on the *List* for three consecutive years; (2) have not been used in any school district in Nevada; and (3) have not used the state's remediation funds.



The following *List* was approved by the Committee at its January 9, 2002, hearing:

<b><i>List of Effective Remedial Programs</i></b> <b><i>January 2002</i></b>	
<ul style="list-style-type: none"> <li>• <i>Accelerated Math</i></li> <li>• <i>Accelerated Reader</i></li> <li>• <i>Brainchild</i></li> <li>• <i>Bridges</i></li> <li>• <i>California Early Literacy Learning (CELL/ExLL)</i></li> <li>• <i>Compass Learning</i></li> <li>• <i>Computer Curriculum Corporation (CCC)</i></li> <li>• <i>Core Knowledge</i></li> <li>• <i>Direct Instruction</i></li> <li>• <i>Everyday Mathematics</i></li> <li>• <i>Fast ForWord</i></li> <li>• <i>Full Option Science System (FOSS)</i></li> <li>• <i>Help One Student to Succeed (HOSTS)</i></li> <li>• <i>Image-Making Within the Writing Process</i></li> <li>• <i>Lexia Learning Systems</i></li> <li>• <i>Lightspan</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>MathWings</i></li> <li>• <i>NovaNET</i></li> <li>• <i>Read 180</i></li> <li>• <i>Reading Counts</i></li> <li>• <i>Reading Recovery</i></li> <li>• <i>Read Right</i></li> <li>• <i>Read XL</i></li> <li>• <i>Saxon Math</i></li> <li>• <i>Saxon Phonics</i></li> <li>• <i>Science and Technology</i></li> <li>• <i>Soar to Success</i></li> <li>• <i>Success for All</i></li> <li>• <i>Thinking Maps</i></li> <li>• <i>Voyager</i></li> <li>• <i>Waterford Early Reading</i></li> <li>• <i>WiggleWorks</i></li> </ul>

During the 2001-03 interim, two additional programs were added to the *List* at the direction of the Legislative Committee on Education: *Voyager Universal Literacy System* was added at the April 24, 2002, meeting, and *Leapfrog School House* was added at the June 19, 2002, meeting. The Committee expressed concern about the need for a structured review of programs for the *List* and, at its August 27, 2002, meeting directed that review of programs would comply with the schedule set forth in the policy and procedure attached in Appendix G. The policy contains an exception to the schedule for good cause shown.

The following *List* was approved at the Committee's January 13, 2003, meeting and forwarded to the Nevada Department of Education for its approval:

<p align="center"><b><i>List of Effective Remedial Programs</i></b>  <b><i>January 2003</i></b></p>	
<ul style="list-style-type: none"> <li>• <i>Accelerated Math</i></li> <li>• <i>Accelerated Reader</i></li> <li>• <i>Brainchild</i></li> <li>• <i>Breakthrough to Literacy</i></li> <li>• <i>Bridges</i></li> <li>• <i>California Early Literacy Learning (CELL/ExLL)</i></li> <li>• <i>Compass Learning</i></li> <li>• <i>Computer Curriculum Corporation (CCC)</i></li> <li>• <i>Direct Instruction</i></li> <li>• <i>Earobics</i></li> <li>• <i>ELLIS</i></li> <li>• <i>Everyday Mathematics</i></li> <li>• <i>Fast ForWord</i></li> <li>• <i>Full Option Science System (FOSS)</i></li> <li>• <i>Help One Student to Succeed (HOSTS)</i></li> <li>• <i>Image-Making Within the Writing Process</i></li> <li>• <i>Into English</i></li> <li>• <i>Leapfrog School House</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Lexia Learning Systems</i></li> <li>• <i>Lightspan</i></li> <li>• <i>MathWings</i></li> <li>• <i>NovaNET</i></li> <li>• <i>Orchard</i></li> <li>• <i>Plato Learning System</i></li> <li>• <i>Read 180</i></li> <li>• <i>Reading Counts</i></li> <li>• <i>Reading Recovery</i></li> <li>• <i>Read Right</i></li> <li>• <i>Read XL</i></li> <li>• <i>Saxon Math</i></li> <li>• <i>Saxon Phonics</i></li> <li>• <i>Science and Technology</i></li> <li>• <i>Soar to Success</i></li> <li>• <i>Success for All</i></li> <li>• <i>Thinking Maps</i></li> <li>• <i>Voyager</i></li> <li>• <i>Voyager Universal Literacy System</i></li> <li>• <i>Waterford Early Reading</i></li> <li>• <i>WiggleWorks</i></li> <li>• <i>Wilson Reading System</i></li> </ul>

In 2003, the Committee added seven new programs and deleted *Core Knowledge* from the *List*.

#### **D. TEACHER QUALITY ISSUES**

A key focus of the No Child Left Behind Act of 2001 is the importance of highly-qualified teachers. Under the new federal law, all teachers of core academic subjects must be highly-qualified by the 2005-06 School Year. Studies reviewed by the Committee show that, regardless of socioeconomic factors, students who have effective teachers make significantly more progress than students with less effective teachers. The same studies conclude that schools need to have the best teachers possible in every classroom to maximize the educational opportunities for all students. The issue of teacher quality was a matter of concern for the Committee last interim as well as the current interim.

However, Nevada is not alone in the challenges it faces in its efforts to recruit and retain high quality teachers. As in other states, Nevada, suffers from a shortage of qualified teachers for certain subjects, such as mathematics, science, and bilingual and special education, and in certain geographic areas, usually rural school districts or high-poverty urban schools. Nationally, many teachers are poorly prepared, often lacking both adequate subject-matter knowledge and good teaching skills. The situation is even worse in high-poverty schools, which also tend to have a higher proportion of less-experienced teachers. Under actions taken to comply with the NCLBA, the percentage of experienced teachers in high-poverty or low-performing schools must be similar to the percentage in wealthier and high-achieving schools.

Nevada initiatives with regard to teacher quality have revolved around licensing, induction programs, national board certification, and bonuses. Despite isolated teacher shortages in certain subjects or rural areas, Nevada has not had significant problems with staffing its schools. Clark County School District continues to experience double digit growth and has the most voracious demand for new teachers each year. District recruiting efforts, as well as state initiatives such as reciprocity for licensed teachers from out-of-state and hiring bonuses for new teachers, have combined to avoid any serious problems with staffing.

Teachers' salaries continue to be a hotly-debated issue in Nevada. Senate Bill 458 (Chapter 555, *Statutes of Nevada 2001*) in the 2001 Session appropriated \$34 million for a 3 percent cost of living bonus for educational personnel. Senate Bill 585 from the 2001 Legislative Session provided for a 2 percent salary increase in SY 2002-2003; Assembly Bill 673 (Chapter 571, *Statutes of Nevada 2001*) provided for additional salary increases of 1 to 2 percent contingent on certain revenue projections. Due to an increasingly bleak financial situation statewide after September 11, 2001, the contingent salary increase was not triggered. An unsuccessful initiative in 2001 that would have created a gross receipts tax to increase education funding was struck down by the Nevada Supreme Court on constitutional grounds. The most recent salary reports from the National Education Association (NEA) and the American Federation of Teachers (AFT) rank Nevada 24<sup>th</sup> and 15<sup>th</sup>, respectively, for average teachers' salaries. However, the school districts note that the average starting teacher's salary in Nevada is lower than the national average. Consideration of other recruiting factors, such as a lower cost of living, lack of state income taxes, and benefit packages, also enter into the debate.

#### 1. Teacher Education Programs in Nevada

Another issue related to teacher quality is teacher preparation. Teacher education programs in Nevada are offered at UNR and UNLV. A degree in elementary education is offered at the Great Basin College in Elko, and the Sierra Nevada College, a private, nonprofit college in Incline Village, which offers teaching degrees in elementary and

secondary education. The new Nevada State College will be offering a teaching degree and opened its doors in September 2002.

According to information from the Nevada Department of Education and the Clark County School District, approximately 80 percent of Nevada's new teachers come from out-of-state. The Committee had a presentation by the deans of the colleges of education from UNR and UNLV at its August 2002 meeting. The deans addressed the recent reports on the quality of teacher preparation required by Title II of the Federal Higher Education Act, as amended in 1998. The reports contain the pass rates for the graduates of teaching programs on the state licensing examinations – Praxis I (pre-professional skills test) and Praxis II (pedagogy and content area tests). The deans cautioned that the reports were only a partial picture and expressed confidence that the performance assessments under the National Council on Accreditation of Teacher Education (NCATE) would provide additional data. The incorporation of the state academic standards and standards-based teaching into the colleges of education was discussed. Also discussed was the need for the colleges of education to prepare teachers to teach reading using scientifically-based methods. Both university programs provided examples of their support of education initiatives at the school district level and in the arena of professional development.

Noting that approximately 31 percent of the graduates do not enter the teaching profession and the high staff/teacher turnover rate (almost 50 percent) at low-performing schools, the deans cited low entry pay and prestige issues as a few of the causes. Concern was also expressed about the new demands of the federal education legislation and the finite resources of the universities and school districts.

## 2. Teacher Licensing

A facet of teacher quality that will be directly affected by the NCLBA is teacher licensing. The federal definition of “highly-qualified” is based, in part, upon successful completion of licensing examinations. In addition, the federal law now requires new and existing middle school teachers to demonstrate subject matter knowledge in the subjects they teach.

The Commission on Professional Standards in Education updated the members of the Committee about recent Nevada activities with regard to licensing of teachers. The Commission was created by the Legislature in 1987 with semi-independent authority to prescribe licensing qualifications for teachers in Nevada. The State Board of Education may, under certain conditions, disapprove a regulation adopted by the Commission. The Commission is charged with:

- Adopting regulations for the qualifications of licenses for teachers, administrators, and other educational personnel;

- Adopting procedures for the issuance and renewal of licenses; and
- Adopting the regulations deemed necessary by the Commission for its own governance and to carry out its statutory duties.

The Commission is composed of nine members appointed by the Governor: four are classroom teachers (one each from elementary, middle/junior high, secondary school, and special education); one school counselor or psychologist; two administrators (one must be a principal); one dean from the colleges of education; and one representative of the general public. Further, one of the nine members must be employed by a private school.

A major focus of the Committee was the appropriateness of the cut-off scores for licensing in Nevada on the Praxis I and II examinations. Reiterating the concerns raised with the deans of the colleges of education, the Committee expressed its desire for high-quality teachers with strong content knowledge. The Commission members concurred but qualified their response by noting that quantity was a competing concern with quality and that the Commission strives to balance the two.

The Commission reported that it had adopted new regulations to prohibit the issuance of licenses to persons whose license had been suspended or revoked in another state and to grant reciprocity to out-of-state teachers meeting certain qualifications (as authorized by Assembly Bill 223 (Chapter 22, *Statutes of Nevada 2001*). Regulations relating to early childhood and school counselor endorsements were enacted, and limited provisional licenses were eliminated, with the exception of special education. However, the Commission acknowledged that some licensing tests had been eliminated or the cut-off scores set lower than recommended by its competency testing review committee.

The Committee asked the Commission to be mindful of the importance, at both the state and federal levels, of highly-qualified teachers with strong content knowledge. The Commission asked the Committee to support authority for the Commission to have direct responsibility for teacher education programs and authority to waive licensure requirements in unique situations.

### 3. Performance Pay for Teachers

A recurring theme in the discussions about teacher quality and the recruitment and retention of teachers is the potential benefit of so-called “performance pay” for teachers. In Nevada, as in most school districts, teachers’ pay scales are based primarily on the amount of teaching experience and the level of education attained. While merit pay has been debated as a means of attracting more and better qualified candidates to the field of teaching, detractors argue that competition among teachers for pay will destroy the collegiality and cooperation required to make schools work.

One of the foremost proponents of performance pay is the Milken Family Foundation (MFF), a nonprofit educational foundation based in California. Using grant funding from the MFF, several school districts and states have implemented performance pay programs modeled on the Teacher Advancement Program (TAP) promoted by the MFF. The TAP has five major tenets:

1. Performance-based assessment of teachers;
2. Ongoing professional development;
3. Expanded pool of quality teachers;
4. Multiple career paths (inductees/beginning teachers, career teachers, mentor teachers, and master teachers); and
5. Market-driven compensation.

The Committee was advised that the TAP model was not implemented in a school unless 75 percent of the teachers voted to bring the program to the school.

To explore the potential applicability of such a program in Nevada, Senator Raymond D. Rawson, Clark County Senatorial District No. 6, worked with representatives from the Clark and Washoe County School Districts and the Nevada State Education Association (NSEA) on a possible Nevada program based on the TAP model, attached as Appendix H. Noting the amount of money that would be expended by the state over the next few years for the traditional “across the board” raises for teachers, Senator Rawson urged the Committee to consider creating a system to encourage improved teacher performance and advancement opportunities within the teaching profession.

The cost of such a program was discussed and the MFF suggested that, in their pilot schools, the average cost of implementation was \$400 per student. However, that cost could be adjusted based on the scope of the program and the structure of the pay incentives. It was also noted that the NCLBA contained grant funding to encourage the development of merit pay programs and also contained funding for professional development.

#### **E. TESTING ISSUES**

Since 1997, the Legislature has required statewide testing to measure the achievement of Nevada’s pupils as compared to those in other states and the nation as a whole. Over the past few legislative sessions, the testing requirements have been modified and currently include:

- A standardized, NRT in reading, language arts, mathematics, and science in grades 4, 7, and 10;
- A state-designed, direct writing assessment in grades 4 and 8;
- Criterion-referenced tests based on new academic standards in grades 3 and 5 in reading and mathematics; and
- A HSPE in grades 10 through 12 covering reading, mathematics, and writing.

The 3<sup>rd</sup> and 5<sup>th</sup> grade CRTs were administered for the first time in the spring of 2002 and the CRT for grade 8 in reading and mathematics will be administered for the first time in the spring of 2003. Science will be added to the HSPE beginning with the class of 2005 and will be added to the 5<sup>th</sup> and 8<sup>th</sup> grade CRTs. Students are required to pass the HSPE to obtain a standard diploma.

The NRT administered since 1997 was the *TerraNova* published by CTB/McGraw-Hill. The Nevada Education Reform Act established a procedure for ranking schools on the basis of the NRT scores. Schools designated “in need for improvement” on the test are required to prepare plans for improvement and to adopt proven remedial education programs based upon needs identified in the tests.

At the expiration of the contract with CTB/McGraw-Hill, a new vendor (Riverside Publishing) was selected to administer a different NRT (the *Iowa Test of Basic Skills* or ITBS). The *ITBS* was administered for the first time in the fall of 2002.

The impact of the NCLBA will be felt directly and immediately in the state assessment system. Compliance with the federal directive for annual tests in grades 3 through 8 that are aligned with state standards will necessitate changes to the current tests and administration schedules. The following tables illustrate Nevada’s current system versus the proposed 2005 test structure:

### CURRENT SYSTEM (16 TESTS)

Grades	3	4	5	6	7	6	7	8	9	10	11	12
Norm-Referenced Test– <i>Iowa Test of Basic Skills</i>												
National Assessment of Education Progress ( <i>NAEP</i> ) (sample only)												
Writing Exam (4 <sup>th</sup> grade is diagnostic only)												
High School Proficiency Exam												
Nevada Criterion-Referenced Test												

### 2005 TEST SYSTEM APPROVED BY THE COMMITTEE FOR BDR (19 TESTS)

Grades	3	4	5	6	7	6	7	8	9	10	11	12
<b>Augmented Norm-Referenced Test</b>												
PSAT (Preliminary SATs)												
National Assessment of Education Progress ( <i>NAEP</i> ) [sample]												
<b>Writing Exam</b> (HSPE portion grades 8, 11, 12 only is part of AYP)												
<b>High School Proficiency Exam</b>												



## 1. Value-Added Analyses of Assessment Data

The primary purpose of testing is to provide data on student achievement. Use of that data to improve instruction has long been a focus of the Legislature as evidenced by the emphasis on data-driven instruction in the professional development priorities for the RPDs. The NCLBA also demands assessment data that can be used to improve student achievement. Sensitive to testing critics who claim “snapshot” testing puts undue importance on single test scores and is not an accurate measure of a school’s performance, more and more statewide accountability systems are using longitudinal data collection to provide better information about student achievement and school performance. A prime example of such a system is the Tennessee Value-Added Assessment System that was implemented by Tennessee as part of its education reform package in 1992.

The Committee heard from Dr. William Sanders, currently with SASinSchool, a computer software development company in North Carolina, about the value-added analysis model he developed while with the University of Tennessee. The TVAAS uses student test scores to determine how much a student has learned over the course of a year and then ranks districts based on the extent of student gains over time rather than the test scores. Tennessee gives tests each spring to all grades in three subjects (mathematics, reading, and language). The scores of the students are tabulated into a statistical model developed by Dr. William Sanders at the University of Tennessee and the score gains are averaged over three years. The results are reported at a school district level showing whether the students in the district made the normal gains (100 percent) or greater or lesser gains. This value-added assessment model shows the amount the students learned each school year or the “value-added.”

Most states use a traditional “snapshot” report showing the current achievement level of its students. Under the TVAAS, if a third grade student started the year doing work at the second grade level but rose a grade level by the end of the year, the report would show the student as a success with a 100 percent gain even though the student was still a grade level behind the other students in the class. Under a “snapshot” school accountability system, the same student would be given a negative rating and placed in the bottom quartile due to his scores remaining below grade level despite the academic gain.

Dr. Sanders is of the opinion that the historical misuse of test scores has created much of the backlash against testing and has resulted in two camps of test adherents: CRTs versus NRTs. The value-added model is about measuring rates of progress of individual students rather than attainment levels at a given point in time. For inputs into a value-added model, assessments must meet three criteria: (1) be highly correlated with curricular objectives; (2) include appropriate “stretch” to measure achievement of both high- and low-achieving students; and (3) be reliable.

Another facet of the value-added model is the ability to determine teacher effectiveness. Using student scores and Dr. Sanders' statistical model, information about teacher effects can be derived. Dr. Sanders has used his value-added assessment model to evaluate teacher quality and the effect on student learning. The Committee was advised that, of all the factors studied, the one that most affects student learning is the effectiveness of the individual classroom teacher. Conversely, Dr. Sanders points out that ineffective teachers can deprive students of the normal gains in a school year and correspondingly reduce their overall performance levels. According to his research, a teacher can impact a student for four years after the student leaves his classroom. Under Tennessee law, the classroom level results of TVAAS may be used by school administrators for teacher evaluation, but is not required. Furthermore, teacher effect results are not public records and are not reported.

Dr. Sanders urged the Committee to be especially concerned about the high percentage of inexperienced teachers in high-poverty or low-performing schools. Noting that his studies have shown teachers steadily increase their effectiveness over their first ten years of teaching, he suggested that legislative initiative was needed to ensure that low-performing schools were assigned experienced teachers.

Pilot programs in Nevada school districts with annual assessment data were suggested as a way to introduce the concept and to begin the professional development needed to educate teachers and administrators about the diagnostic uses of the value-added assessment model.

## 2. High School Proficiency Examination and CRTs

High School Proficiency Examination: Nevada instituted the HSPE in 1977. Initially the test was a minimum competency test and has been revised over the years to conform to the course of study adopted by the State Board of Education. With the implementation of the academic standards, the HSPE has been revised from the version based on the 1994 course of study to align with the 1998 state standards. The initial administration of the standards-based HSPE was to 11<sup>th</sup> grade students in October of 2001. The graduating class of 2002 continued to take the 1994 version of the examination and the dual testing will continue for adult students through the 2002-03 School Year. The science portion of the HSPE will be ready for administration in the spring of 2003 in accordance with the legislative directive to include science as a graduation requirement beginning with the class of 2005.

As also directed by Senate Bill 3 from the 17<sup>th</sup> Special Session, the Department has contracted with a nationally-recognized testing company to "develop, print and score" the HSPE. After issuing a request for proposals, the State Board selected Harcourt Educational Management to assist in the management of the HSPE. The contract is from January 1, 2001, through June 30, 2003, and may be extended if its performance is satisfactory, through June 30, 2008. The Department also advised the Committee

that the State Board had set the passing scores for the HSPE based, in part, on the recommendations from panels assembled by the Department to review the test questions. Based on the cut-off scores, 83 percent of 11<sup>th</sup> grade students passed the reading test and 48 percent passed the mathematics test, on the first try.

The Department reported on the changes to the administration schedule: 10<sup>th</sup> graders would take the test in the spring; 11<sup>th</sup> graders would take the test in the spring and summer prior to their senior year; and 12<sup>th</sup> graders would have four opportunities to take the exam. In addition, school districts have the option of a fifth administration two weeks before graduation for seniors and adult education students.

The Committee expressed concern about the level of proficiency required to pass the exam and noted the high rates of remedial education for Nevada high school graduates attending UCCSN institutions.

Later during the interim, the Committee learned of delays in test results by the new contractor Harcourt Educational Management. The contractor and Department felt that the transition between the old and new contractors was partially responsible and that problems should diminish. However, a scoring error on the April administration of the HSPE resulted in 736 juniors being told they had failed when in fact they had passed the exam. A settlement was reached between the contractor and the Nevada Department of Education that included a cash discount of \$275,000, services to the districts in the amount of \$100,000, and materials for the school districts totaling \$50,000. An independent oversight body would be engaged to monitor Harcourt's future performance, at Harcourt's expense, and any future breach of significance would result in the termination of the contract. Members of the Committee asked that district and student expenses incurred as a result of the error be reimbursed and that the Department contact any students who may have dropped out of school as a result of the error. Concerns about the capacity of Harcourt to fulfill the terms of its contract were discussed especially in view of the increased testing demands that would result from the federal education legislation.

Criterion-Referenced Tests: Members of the Committee learned that the school districts had received their score reports from the spring 2001 pilot administration of the 3<sup>rd</sup> and 5<sup>th</sup> grade CRTs over six months late. The contractor – CTB/McGraw Hill – had technical difficulties with the score reports and was unable to resolve them in a timely manner. The Department continued to work with the contractor on the reports, but the expiration of CTB/McGraw Hill's contract in January 2002 hampered resolution of the problems. The new CRT contractor – Harcourt – also had problems with CRT score reports from the spring 2002 administration as those reports were not received until December 2002, over three months after the due date of August 2002.

### 3. American Diploma Project

During the interim, Nevada was selected, along with four other states including: Indiana, Kentucky, Massachusetts, Nevada, and Texas, to participate in the *American Diploma Project*. The *American Diploma Project* (ADP) represents a unique collaboration of four national educational reform groups: The Hewlett Foundation in affiliation with Achieve, Inc.; The Education Trust; the Thomas B. Fordham Foundation; and the National Alliance of Business, that granted funding to five states. The partner state leaders include: governors, department chiefs, higher education executives, and business leaders. There is agreement among the leaders for support of current standards-based systems and participation in reviewing current state standards and assessments. Additionally, the partner states have agreed to consider the use of standards-based assessments in college admissions and placement processes, and employers have agreed to consider the data from these assessments in the hiring process.

Some of the key assumptions of the ADP are that a high school diploma does not guarantee students success in studies of higher education or in the workplace; the preparation and teaching of high school graduates is inconsistent; and there is a need to establish a standardized measurement of student achievement for colleges, employers, and the military, which all accept recent graduates.

The Committee learned that students do not always associate doing well on standards-based tests with success after high school. In response, the *American Diploma Project* made an effort to quantify the demands of employers, college educators, and the military. The substance of these demands/needs is then conveyed to state educators for evaluation and alignment with current standards and assessments, and to establish a benchmark against expectations. The benchmarks assist states to modify and/or reinforce current standards-based systems, and establish a method of analyzing the quality of current standards.

Noting that the U.S. Department of Education statistics reveal that 75.2 percent of current high school students are immediately attending some form of post-secondary education and that remediation and training costs have dramatically increased in all three of the target sectors, the ADP is trying to address these issues at the source.

The research conducted has focused on effectively using data to define: (1) the expectations for high-growth new economy jobs in the workplace; (2) expectations required for higher education with immediate entry into credit-bearing coursework; and (3) assisting partner states to address legal issues with implications that may affect a K-16 system and the use of standards-based testing. The consideration of data may be used differently in each of the five states. The technical assistance has included setting up effective K-16 councils to analyze standards and assessments and brokering information among the states in order to provide successful models. State policy panels

have been implemented to research, review, and then classify the suitability of high school exit standards. Communication support consists of research papers, model legislation, and instructional tools for associates from the business sectors.

In January 2002, Nevada participated with representatives from the partner states, which included educators of English and mathematics in grades K through 12 and higher education faculties, in assessment of a varied range of examinations. The tests included the HSPE, the ACT, Scholastic Aptitude Test (SAT), and the General Educational Development (GED), as well as national and state college placement tests. In addition to the English and mathematics evaluation, the *American Diploma Project* is convening members from Nevada's higher education faculties drawn from studies involving humanities, sciences, and social sciences to evaluate the HSPE. The purpose of the study is to identify the alignment of current standards to the state proficiency tests and to detect any disparities in content, thus providing additional assurance that the content of the standards-based tests is actually what higher education institutions anticipate.

During its second year, the *American Diploma Project* will conclude the "state-based phase" and proceed with a "cross-state advisory process." This phase incorporates involvement from the five partner states and moves forward to establish a national panel of policy and content experts to evaluate the efforts of the partner states and define and approve a set of mathematical, reading, and writing benchmark standards to be utilized by all states. The members of the Committee were told that many state educators and policymakers are specifically requesting some type of "resource benchmark standards" to assess the quality of their own current standards-based systems.

Emerging state issues that Nevada's policymakers may wish to consider include: (1) diversifying state economies; (2) establishing a required "college preparatory" high school curriculum; and (3) using data effectively to track performance of students in higher education relative to their standards-based assessment scores. "Nevada's Progress Report" outlined the need to:

- Examine the content of the HSPE and other college entrance and placement assessments and redefine the content of the HSPE to reflect workplace and higher education expectations;
- Establish a new P-16 Council to make necessary recommendations for admissions/placement and hiring policy changes; and
- Analyze the alignment between HSPE and state content and performance standards.

Of concern to Committee members was the statement in the “Executive Summary” of the *Nevada Test Gap Analysis, Study Highlights* that reviewers of the English Language Arts portion of the HSPE found the overall level too low (e.g., 74 percent of the test questions of the reading portion are set at the 4<sup>th</sup> to 8<sup>th</sup> grade level) to indicate readiness for college which also implied the level of the HSPE was too low to indicate readiness for entering the job market for those individuals not planning to attend college.

#### 4. Test Score Reporting

As noted earlier, the most significant value of test scores is their use in improving instruction, thereby increasing student achievement. Test scores that are incomprehensible or not adapted to diagnostic uses are of little value to teachers, administrators, and parents. Making assessment data useful and accessible to educational personnel is an ongoing issue in professional development and school improvement processes. In Nevada, the NRT scores are used to identify schools needing improvement in order to provide additional funding for remediation. Getting teachers and administrators to use the test data to target instruction and remediation at the individual or classroom level has remained an elusive goal.

Related to this issue are the new federal requirements for reporting test data at the state, district, and school level. Data must be disaggregated by a number of subgroups. The future demands on statewide data collection and reporting systems will be great. According to the Education Commission of the States, only a few states currently have the capacity to meet the federal requirements and Nevada is not one of them. The Committee heard several presentations during the interim about statewide or similar programs that report test data in a usable and functional way.

##### a. *Grow Network*

The Grow Network has developed student assessment reports to assist teachers in understanding their students’ test scores and enhance classroom instruction. During the previous two years, the program has provided test reports and instructional materials to 450,000 school children and 40,000 teachers in the New York school system, and is expanding into the Los Angeles School District and the Chicago area. The Grow Network was founded on the concept of identifying the areas where children would benefit most and the areas they most need to learn. While assessment results are consistently used for accountability measures, the results are often not used as a tool to understand what children know, or to identify areas in which children should gain knowledge.

The Grow Network evaluates assessments, then links the information with standards, instruction, professional development, and technology, which is integrated into a system tailored for easy use by school principals and teachers, including a Web site that allows teachers and administrators access at any time and allows them to sort

assessment data in different ways to determine appropriate classroom or school level strategies for improvement. Grow Network does not provide curriculum or lesson planning; however, emphasis is given to providing data meant to generate discussion and compel teachers to implement different strategies while recognizing the variety of ability levels.

The Grow Network has attempted to create an integrated system for three categories of users and the integrated system depicts the information on each student's progress or problem areas and tailors the information to the type of print report. Thus, principals and district leaders receive results specific to their school or district; parents receive results that reflect their own child's assessment report; and teachers are provided with print results detailed to the students in their classes. Specifically:

- The information contained in the Grow Network report is broken out further in a clear, intuitive manner that encourages the teacher to be imaginative and strive to help students grow.
- The reports provided to teachers, present the standards aligned to a “higher-level, over-arching topic area” which encourages teachers to consider more intuitive tools and techniques in their teaching strategies.
- The results enable the teacher to determine where the students need additional instruction. Tools and techniques are broken down into subtopics, which are also aligned to the standards; the results indicate to the teacher the percentage of correct answers from her students, or the percentage by other students in the district.
- The teaching tools suggest ability-appropriate strategies for the teacher and instructional insights to help their students grow.
- The printed report is an invitation for the teacher to go to the Web site where information is linked to the curriculum and to view each student's performance.
- The “print reports” currently include English, Language Arts (ELA), and mathematics.
- The principal's “print report” includes the same information, refined to illustrate performance level of the entire school; it is an effective professional development tool.
- A parent's “print report” clearly defines whether a child meets the state standard, in each ELA subject.

- Educational standards vary from state-to-state; the Grow Network tailors each program according to the state's adopted standards.
- All "print reports" contain an action step. For instance, in the parent's report, if a child is below standard in reading, the action step provides the address of the closest public library to the school, and suggests appropriate books to help the student improve according to the child's reading level.
- Each print report and action step is as personalized and tailored as possible, to permit each teacher, parent, or principal to acquire a clear understanding of the student's challenges.
- In late June, reports are delivered to parents that contain suggestions for summer activities and suggested reading materials. Parents are encouraged at every opportunity to meet with the child's teacher.
- The beginning of September, another report is issued with a review of students' performance the previous year. Since the Grow Network reports are linked to attendance databases, the report includes the name of the teacher for the upcoming school year, the school's telephone number, and guidelines for making appointments with counselors and teachers.

The members of the Committee were asked to consider a pilot program in a limited number of school districts that would be strictly aligned with Nevada's educational standards as well as the CRT and the NRT. The proposal for Nevada would include working with results from the 4<sup>th</sup> and 7<sup>th</sup> grade NRTs, and the 3<sup>rd</sup> and 5<sup>th</sup> grade CRTs.

b. *Maryland State Department of Education*

The Maryland State Department of Education (MSDE) designed its data collection and reporting system to promote the state's accountability and school improvement programs. Using grant funding and with the support of the Maryland Business Roundtable, the MSDE created a Web site accessible by the public, teachers, and administrators. Online report cards are available that contain data on the performance level of each school and district in the state and state level performance. The Web site contains a wealth of information for teachers and administrators on accessing and using the data to improve student achievement.

The members of the Committee were advised that the Web site guides teachers through the process of data analysis and how to apply it effectively in a classroom setting. In addition to the supplemental resources and tools on the Web site, MSDE staff visit onsite with teachers and administrators to provide further professional development. The Committee learned that each school in Maryland has a school improvement team comprised of community members, parents, teachers, and the



principal. Utilization of the assessment data and the Web site resources is an important part of the team's responsibility to lead the school staff in the improvement process.

The data is collected from each of the 25 school districts and then entered into a central data warehouse. The data is updated annually and the MSDE does a thorough job of checking the data from each district to ensure the integrity of the data. The reported average number of users of the site in February 2002 was over 4,000 persons.

Maryland is seeking to improve its data system to yield information at the individual student level. The NCLBA will compel Maryland to revise its system since the current statewide testing system does not measure individual student scores or growth. However, the current system has been effective in helping a large urban school district (Baltimore City) significantly improve student achievement. Using "data-driven reform" with a historically challenged population and focusing on critical data to plan classroom instruction more effectively has resulted in remarkable success for the Baltimore City School District.

c. *Just For The Kids*

Just For The Kids (JFTK) is a state-based academic analysis and research process created in Texas in 1999. The program is now available in several states and Texas is often acknowledged as one of the models for the No Child Left Behind Act of 2001. The joint efforts of JFTK, the Education Commission of the States, and the University of Texas at Austin, launched the National Center for Educational Accountability (Center). The JFTK model is intended to concentrate on the positive characteristics and policies of a state's individual school districts to provide comprehensive and straightforward methods each district may employ to benefit from the analysis and research.

The members of the Committee were advised that attention is centered on the strengths or weaknesses and academic potential of each school in every district throughout the state. By concentrating first on student level performance, then grade level, and finally subject area, the system connects similar schools throughout the state in an effort to benchmark and transfer best practices to each other. The Center accommodates over 12 million student records from five states and works to link student records to accurately depict school performance. The performance data is used to identify best practices and conduct research to identify high-performing schools.

The JFTK program has developed two approaches to establishing the standards in a particular state. The type of data collected at the statewide level determines the entry point for establishment of the JFTK model in a given state. The component which differentiates the quality of the JFTK data collection model from other research systems is the "student level data picture" and includes:

- Precisely tracing the effects of specific state policies;
- Recognizing how student mobility impacts a school's performance;
- Identifying consistently high-performing schools and pinpointing their effective best practices;
- Providing a fair comparison between middle and high schools based on preparedness of students; and
- Recognizing the early learning practices that contribute to later student success.

Once the data is interpreted and coordinated into an accurate portrayal of the performance proficiencies based upon student demographic information and the state standards, JFTK begins to establish methods of sharing the best practices of the highest-achieving schools. The JFTK data system identifies sustained high performance in districts, schools, and classrooms throughout the state; then, by conducting survey research through site visits, JFTK also identifies what the administrators and teachers are doing differently. These results are shared through various programs, on-line, and through "e-learning programs" designed for educator and public audiences. The on-line information accessible on high-performing districts, schools, and classroom data is categorized very efficiently so educators may duplicate or replicate the practices according to instructional and administrative strategies used with that specific best practice. An additional benefit of the program is that other studies can be carried out with the longitudinal data compiled, which would serve to link student performance to student enrollment over multiple years.

The Committee learned that funding is different from state-to-state but the initial start-up cost for Nevada was estimated to be \$100,000 for the first year.

##### 5. Test Security Issues

During the 1999-2001 interim, the Committee conducted a thorough investigation of test security practices and enforcement. During the 2001 Session, Assembly Bill 214 addressed a number of test security issues and strengthened the enforcement of test security measures. The Department reported on the implementation status of the provisions of A.B. 214. The members of the Committee were advised the districts and state had developed test security plans in substantial conformance with the legislative directives and the required training was being provided at all levels. In addition, notices were sent to school personnel regarding whistleblower protections.

An important component of A.B. 214 was the reporting and monitoring of testing irregularities by the Department. The first annual report was submitted to the Committee in the fall of 2002 and the Committee noted that most of the irregularities

were minor in nature with the exception of a particularly egregious incident in the Clark County School District for which a teacher lost his license. In response to a letter of intent from the standing committees on education, the Department identified a potential problem related to the administration of the HSPE by private schools. Many of the testing protocols and sanctions for violations were not easily enforced against private schools or private school personnel and the Department was concerned about future compromises of the HSPE due to the high-stakes nature of the test.

## **F. REMEDIATION ISSUES**

An important focus of Nevada's accountability system has always been identification of schools that need extra help in achieving the new academic standards for student learning. However, the state has been careful to select remediation programs that have been proven effective in raising student achievement so that funds will be well spent.

The Committee has continued to monitor student remediation issues in considerable depth this interim, receiving reports concerning the need to provide remedial courses for recent Nevada high school graduates at institutions of the UCCSN, as well as detailed reports concerning remediation programs and funding for public schools.

### **1. Remedial Enrollments At The University And Community College System Of Nevada**

As part of the Nevada Education Reform Act, the UCCSN has been tracking the number of recent high school graduates enrolled in a Nevada community college or university who require remedial courses. The percentage of high school graduates requiring remedial courses has increased steadily (from 24.8 percent in 1998, to 36 percent in 2001) over the four years for which data is available. When the data is disaggregated between the universities and community colleges, the community colleges show an 11 percent increase in the number of students enrolling in remedial courses over the last three years, while the universities show a 10 percent increase over the same time period.

The UCCSN has mandated that each institution identify the reasons for remedial placement and is working in partnership with the school districts to modify course-taking patterns and to identify deficits in learning as early as possible. Also identified as potential sources of solutions were the *American Diploma Project* and a P-16 Council. At the UCCSN level, the Board of Regents is reviewing policies regarding testing, placement, and remediation requirements and looking for ways to reduce the demand and costs for remediation.

### **2. Reading Excellence Act Grant**

In 2001, Nevada received a grant from the federal government under the Reading Excellence Act (REA) totaling \$26,189,248. The mission of the REA is a partnership

to improve reading in Nevada schools so that every child in Nevada will read by the end of third grade. While the grant targets low-income, high risk students, the mission is to reach every child. Funding was allocated to:

- 52 Local Reading Improvement (LRI) subgrants for two years (over \$21 million) for site-based plans that include professional development, family literacy, and tutorial assistance for the most at-risk students;
- Approximately 35 tutorial subgrants each year for three years (approximately \$3 million);
- An evaluation of the program (approximately \$500,000); and
- Administration and indirect expenses (approximately \$750,000).

Through high quality professional development, the goal is to help teachers understand and apply scientifically-based research to improve literacy instruction in phonemic awareness, systematic phonics, spelling and vocabulary, comprehension, reading fluency, and writing. In addition, teachers, parents, and early childhood educators/providers will demonstrate an understanding of the language and literacy development of the children they teach and use that understanding in their efforts to promote literacy learning activities that provide children with the readiness skills to learn to read once they enter school. Eligible local education agency (LEA) districts will expand the number of exemplary family literacy programs and will provide children who are experiencing reading difficulties with early intervention and assistance with readiness skills and support their need to become successful readers. Further, eligible schools will provide additional support, including tutoring for students having difficulty learning to read and write, and students with disabilities or limited or no English proficiency.

The statewide REA partnership consists of: (1) the Nevada Department of Education; (2) the UCCSN; (3) NELIP; (4) the Las Vegas/Clark County and Washoe County Library Systems; (5) the Nevada State Library and Archives; and (6) the Nevada State Education Association. The statewide network of university and district teacher partners will provide on-line professional cohorts, regional meetings and conferences, virtual library of teaching resources, and publication of state activities. Assessments will utilize the CRTs, the ITBS; and the Phonological Awareness Literacy Screening (PALS). Multiple assessments will provide the data needed to make sound student decisions. In particular, the PALS assessment is intended to drive instruction by providing benchmarks for pre-kindergarten through third grade levels based on national norms. A benefit of PALS is that once student data is entered, teachers and parents can access links on-line to assist with student instruction. Additionally, development of a Nevada PALS within the state is anticipated, with emphasis placed on limited English proficient students.

The Committee was also advised about the studies illustrating how NELIP and Nevada REA are aligned in objectives, assessments, goals, and evaluations.

### 3. Nevada Early Literacy Intervention Program

Section 13 of Senate Bill 585 of the 2001 Session authorizes over \$4.4 million in each year of the biennium for the development and implementation of the NELIP. As a component of the RPDs, the purpose of the NELIP is to provide training for teachers, who teach kindergarten through grade three, on methods to teach fundamental reading skills including: phonemic awareness, phonics, vocabulary, fluency, comprehension, and motivation. The goal of the NELIP is that all pupils can read at grade level by the end of third grade. The Committee received reports from the four RPDs regarding the implementation of the NELIP in their regions.

In addition, the Legislature authorized \$65,000 in each year of the biennium for LBEAPE for an evaluation of the NELIP. The LBEAPE has contracted with Mid-continent Research for Education and Learning (McREL) to conduct the evaluation. The evaluation has been designed to include a statewide evaluation of NELIP training and outcomes, and consultation and feedback to the RPDs on collecting and using data to improve each NELIP. The evaluation will also include: (1) identification of the common core of NELIP outcomes to determine pupil progress; and teacher knowledge and practices; (2) development of instruments to measure pupil progress; (3) collection and analysis of data; and (4) drafting and finalizing the evaluation report.

The proposed instrument for measuring pupil progress and achievement in the statewide evaluation of NELIP is PALS. The PALS is an appropriate assessment of pupil achievement in relationship to NELIP participation in that it is:

- Aligned with Nevada English language arts standards;
- Consistent with the Nevada REA assessment and is an instrumental tool for monitoring student progress;
- A test of word recognition; word recognition is a reasonable, valid, well-documented predictor of reading comprehension; and
- It is designed to assess achievement in the grades that NELIP is targeting and has the advantage of assessing the impact of the grades in which NELIP is focused.

The NELIP evaluation as conducted by McREL, one of the federal regional education laboratories, was designed to answer two questions:

1. Was the funding provided by the Legislature for NELIP used efficiently?
2. To what extent was each of the four regional NELIPs effective in designing and implementing a program that advances changes in teachers' early literacy practices?

The evaluation concludes that the NELIP funds were used efficiently and that the professional development included research-based knowledge and practices in early literacy. The evaluation also found that NELIP teacher-participants:

- Demonstrated high levels of awareness about early literacy;
- Exhibited basic and advanced levels of proficiency in teaching phonics;
- Used primarily question and answer interactions with children to teach vocabulary and comprehension rather than research-based, explicit, and systematic instruction; and
- Reported that the NELIP has reinforced best practices, created a common language, and focused faculty discussions and sharing on literacy.

The final evaluation report will be available for the 72<sup>nd</sup> Session of the Legislature.

#### 4. Early Childhood Education

Section 17 of Senate Bill 585 from the 2001 Session appropriated \$7 million over the biennium for early childhood education grants to school districts and community-based organizations and requires an annual written report to the Legislative Committee on Education. The Committee learned that the Nevada Early Childhood Education Comprehensive Plan went through a formal request process and funds were awarded to successful applicants in January 2002. During Fiscal Year 2002, a total of \$2,095,583 was awarded to: Carson City, Churchill, Clark, Douglas, Humboldt, Pershing, Washoe, and White Pine County School Districts; Great Basin College; and Sunrise Children's Hospital Foundation.

Members of the Committee also heard testimony on a literacy pilot project partnered by the Department, Clark and Washoe County School Districts, the Center for Accelerating Student Achievement, the Governor's office, the RPDs, and Riverdeep Interactive Learning Ltd. The program uses technology to teach literacy concepts in early childhood. The Committee expressed some concern about this program and questioned its relationship to NELIP and the RPDs. Other programs presented by the Department were Nevada EvenStart (NEST) and Classroom on Wheels (COW). The

Committee also learned that, statewide, the ten early childhood programs had a waiting list of over 300 children. An outside evaluator will prepare the final evaluation report.

#### 5. School Profiles For Low-Performing Schools

Each year under the state accountability statutes, schools that have over 40 percent of their students scoring below the 26<sup>th</sup> percentile (the lowest quarter) on the NRT in all four subject areas (reading, language, mathematics, and science) are designated as “needing improvement” and targeted for remediation funding and assistance.

The Committee received a report profiling the five schools that received such a designation in the 1998-99 School Year: Booker Elementary, Fitzgerald Elementary, Lunt Elementary, and Madison Elementary in the Clark County School District, and Schurz Elementary in the Mineral County School District. Three of the five schools (Booker, Fitzgerald, and Madison) had been designated for two consecutive years. All five schools had high poverty levels, excessive student transience, and a high rate of staff turnover.

Members of the Committee were advised that four of the five had made significant improvements in student achievement over the past two years and data shows that the remedial programs are positively related to the schools’ improvement. The five schools received a total of \$948,886 in state remediation funding during the 1999-2000 and 2000-01 School Years.

#### 6. Academic Probation For Low-Performing Schools

Schools that are designated as “needing improvement” for two or more consecutive years are required to have a panel appointed to review the school improvement plan and make recommendations for further actions. The panels consist of nine members: two from UCCSN, two parents, a representative from the private sector, a member of the board of trustees, and three educators (two from out of the district). The panel is charged with:

- Reviewing the school plan for improvement;
- Identifying and investigating problems and factors contributing to designation;
- Holding public meetings to discuss recommended actions;
- Adopting written revisions to the plan, if deemed necessary; and
- Preparing a written report of findings, including the district’s response to the report draft, and school statistics and demographics.

Members of the Committee learned that the projected number of designated schools based on fall 2001 test scores was ten; representing an increase over the previous year's total of eight designated schools. However, only one panel was expected to be convened for academic probation of a school in the 2002-03 School Year. The Committee received reports on the academic probation panels convened for the 2001-02 School Year for Fitzgerald Elementary (designated for four years), and Martin Middle School (designated for two years), located in the Clark County School District.

In 2001, Fitzgerald Elementary had improved its students' test scores significantly in language arts and mathematics and, to a lesser degree, in reading and science. Greater improvements were expected in the fall of 2002.

Martin Middle School reported significant improvement in students' scores in language arts, mathematics, and science and marginal improvements in reading scores. Reading is a significant issue at Martin Middle School due to the high population of limited English proficient (LEP) students and the challenges of dealing with reading problems at the older age level.

## 7. State Remediation Funds For Schools

State and federal programs are the primary sources of remedial funding for Nevada schools, including Title I funds received under the ESEA; federal funds from the Comprehensive School Reform Demonstration program; state remediation funds for low-performing schools; and (as of 1999) state remediation funds for at-risk pupils (for programs outside the regular school day).

### a. *State Remediation Funds For Low-Performing Schools*

The NERA provided, for the first time, remediation funds for low-performing schools. These funds must be used to purchase programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. Remediation programs that schools must select from are published annually in Nevada's *List of Effective Remedial Programs* (see the 2003 *List* on page 26).

***Distribution:*** During Fiscal Year (FY) 1997-98, schools that were designated as demonstrating "need for improvement" were eligible for funding (designations are made when more than 40 percent of the pupils enrolled in a school score in the bottom quarter (below the 26<sup>th</sup> percentile) in all four subject areas tested on the norm-referenced examination (previously the *TerraNova*; now the *Iowa Test of Basic Skills*).

During the 1999 Legislative Session, funding was expanded to include certain schools that have been designated as having adequate achievement as follows:



- A school that did not receive a designation because the school had too few pupils enrolled in a grade level that is tested (i.e., fewer than ten pupils), but the test scores of the pupils indicate the school would have received a designation as demonstrating need for improvement;
- A school that has more than 40 percent of the pupils enrolled in the school with an average score in the bottom quarter in three of four subjects tested (also known as “Bubble Schools” or low-performing schools);
- A school that has more than 40 percent of the pupils enrolled in the school with an average score in the bottom quarter in one or more of four subjects tested (also known as low-performing schools); and
- A school that was designated as demonstrating need for improvement in the immediately preceding school year.

During the 2001 Session, eligibility for remediation funding was eliminated for schools designated as needing improvement due to average daily attendance lower than 90 percent of the students (Section 3 of Senate Bill 165 [Chapter 317, *Statutes of Nevada 2001*]).

Schools that are eligible for state remediation funds submit an application to the Nevada Department of Education on May 1 of each year. A review committee, which includes representatives of the Nevada Department of Education, Budget Division and LBEAPE, is convened to examine the requests and make recommendations on the amount of funding needed by each school. Recommendations for funding are reviewed by the State Board of Examiners and approved by the Interim Finance Committee. Schools receive remediation funding in July of each year and implement the funded remediation program(s) in the fall.

**Funding:** The following table presents the total amount of state remediation funding made available to schools in the State of Nevada and the total number of schools eligible during FYs 1998-1999 through 2002–2003:

	1998-99 Allocation	1999-00 Allocation	2000-01 Allocation	2001-02 Allocation	2002-03 Allocation
<b>Funding</b>	\$3,000,000	\$3,300,000	\$3,300,000	\$5,750,000	\$5,750,000
<b>Number of Schools</b>	23	36	30	80	80*

\* Five schools not funded

The following table presents a breakdown of the number of schools funded by the different categories of eligible schools:

	In Need For Improvement			Adequate 2 <sup>nd</sup> Year Schools			Low-Performing Schools		
	1998-1999	1990-2000	2000-2001	1998-1999	1999-2000	2000-2001	1998-1999	1999-2000	2000-2001
<b>Number of Schools</b>	23	6	10	NA	14	3	NA	16	17
	2001-2002	2002-2003		2001-2002	2002-2003		2001-2002	2002-2003	
<b>Number of Schools</b>	9	10*		8	1		63	69	

\*ICDA designated based on low attendance but not eligible for funding.

b. *State Remediation Funds For At-Risk Pupils*

In addition to authorizing state remediation funds for low-performing schools, the 1999 Legislature authorized, for the first time, remediation funds for remedial education programs or tutoring for pupils who need additional instructional time in order to pass or to reach a level considered proficient. This funding was continued by the 2001 Legislature. Programs may be targeted to any age group (i.e., elementary, middle, or high school), but must be conducted before or after school, on weekends, during the summer, or between sessions in schools with year-round school calendars. In addition, these funds must be used to provide remedial education programs or tutoring programs that have been approved by the Nevada Department of Education as being effective in improving pupil achievement.

***Distribution:*** Any school district or charter school in the State of Nevada is eligible to apply for state remediation funds for at-risk pupils. A review committee, which includes representatives of the Nevada Department of Education, Budget Division, and LBEAPE, is convened to examine the requests and make recommendations on the amount of funding needed by each school district. Recommendations for funding are reviewed by the State Board of Examiners and approved by the Interim Finance Committee. School districts receive remediation funding in July of each year and implement the funded remediation program(s) in the fiscal year in which the funds are received.

The following table presents the total amount of state remediation funding made available to school districts in the State of Nevada during FYs 2000 through 2003:

	<b>1999-2000 ALLOCATION</b>	<b>2000-2001 ALLOCATION</b>	<b>2001-2002 ALLOCATION</b>	<b>2002-2003 ALLOCATION</b>
<b>Funding</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>	<b>\$1,000,000</b>
<b>Number of School Districts/ Charter Schools</b>	<b>8 School Districts; 1 Charter School</b>	<b>12 School Districts; 3 Charter Schools</b>	<b>4 School Districts; 2 Charter Schools</b>	<b>14 School Districts; 9 Charter Schools</b>

It is interesting to note that while this funding may be targeted to any age group, at least half of the remediation funding for at-risk pupils during the four years funded was directed toward assisting pupils to pass the HSPE.

#### **G. MISCELLANEOUS EDUCATION ISSUES**

##### **1. Millennium Scholarship Program**

The Committee was updated on the progress of the Millennium Scholarship Program (MSP). Members of the Committee were also advised about the college savings plans available to Nevada families. The MSP is located in the Office of the Treasurer, but the UCCSN Board of Regents develops policies and procedures for daily administration of the scholarship program. The Committee learned that the number of eligible high school graduates increased approximately 7.5 percent, from School Year 2000 to School Year 2001, and Nevada's student eligibility and retention rates have steadily increased, with four in five students maintaining eligibility after the first year of involvement with the MSP.

The MSP has undertaken the task of data collection to better understand the impacts of the program. Baseline data will be collected for future assessment to determine if the scholarship opportunity has an effect on student academic performance at the high school level, students' intentions to attend college, and student academic performance at the college level. After soliciting proposals to obtain and maintain the baseline data, the contract was awarded to the UNR Center for Applied Research.

##### **2. Financial Analysis Model – In\$ite**

In the 1999 Session under Senate Bill 466, the Legislature appropriated \$300,000 to conduct a financial analysis program in each school district designed to track educational expenditures to individual schools. Prior to In\$ite, the majority of financial reports for education were only tied to the district level. Another requirement of the bill was use of common definitions in analyzing financial information, thus enabling

comparisons among school districts and down to the school level across schools. The Legislature continued funding for a financial analysis model (In\$ite) in 2001. A second appropriation of \$304,127 in 2001 (Senate Bill 2 from the 17<sup>th</sup> Special Session) continued the system and directed that charter schools be included, as well as revenue and full time equivalent (FTE) reports.

The contractor for the In\$ite model is Fox River Learning (FRL), who is a member of EDmin.com, which was founded in 1989 and is a provider of learning management solutions which enable school districts and teachers to accelerate student learning and improve performance. Fox River Learning is currently using In\$ite in five statewide implementations and in over 400 districts throughout the United States. Additionally, FRL has obtained contracts with the U. S. Department of Education as well as the U.S. General Accounting Office to research educational expenditures for Title I schools in six different school districts in the United States, one of which is Douglas County School District.

The Committee was provided with information regarding the number and variety of reports (285) that are available through the In\$ite program. Legislators will have access to the reports beginning November 2002, and will be able to retrieve reports during the 2003 Legislative Session. The FRL obtains general ledger files from each of the school districts, the charters schools, and the NDE. They also acquire the financial audits and databases for each of the three entities, which include student enrollments as well as the various types of programs utilized in the school districts. Financial audits provide a comparison of ending fund balances, which ensure there are no discrepancies. For FY 2001, the financial audits and general ledger files of the Washoe County and Clark County School Districts were extremely close. A number of smaller school districts, however, did experience larger discrepancies. The FRL determined that many of the rural school districts were not adjusting journal entries based upon audits. This method of accounting will be rectified for future audit reports.

The Committee also learned that, under the NCLBA, school districts are required to review resource allocations for those schools identified as low-performing. In\$ite's report "Comparative by Function – Total Spending" provides "outlier" information that enables a school or district to determine their per-pupil spending. This function will likely be a tremendous asset to a school district for those schools identified as low-performing. Further, as the reporting requirements of the Act take effect, the school districts will find it necessary to revise their reporting requirements. Eventually, the state may require including In\$ite reports in the state accountability reports.

### 3. Charter Schools

Charter schools were first authorized in Nevada by Senate Bill 220 (Chapter 480, *Statutes of Nevada 1997*). The first charter school opened in the Washoe County School District in September 1998 – I Can Do Anything Charter High School. Bills in

both the 1999 and 2001 Sessions amended the charter school provisions to address various issues that have arisen. In the 2002-03 School Year, 13 charter schools are in operation. There are four charter schools in Clark County School District, eight in Washoe County School District, and one in Churchill County School District.

The LBEAPE commissioned an evaluation of charter schools after the 2001 Session and the contract was awarded to Dr. George Perreault, Associate Professor, Department of Educational Leadership at UNR. The evaluation covered the five oldest charter schools in the state. The Committee was advised of the major findings from the evaluation, which revealed that charter schools:

- Take about three years to get established;
- Face enormous fiscal challenges;
- Often purchase “off the shelf” programs instead of developing their own instructional program;
- Have low student-teacher ratios;
- Focus on personalized approaches;
- Tend to have a decentralized decision-making structure with more parent and teacher involvement than in traditional public schools; and
- May have troublesome relationships with their sponsor, especially in smaller school districts.

Members of the Committee were reminded that the 2002-03 School Year will be the fifth year of charter school operations in Nevada and that policies are evolving at both the legislative and administrative level to deal with problems. Fiscal support continues to be the single biggest obstacle cited by reports.

#### 4. School Transportation

The transportation directors of the school districts brought a range of school transportation issues to the Committee’s attention. The Committee was advised about concerns ranging from safety drills for disabled students to the use of small passenger vans to speed limits on highways for school buses. The transportation directors were asked to present their suggestions to the State Board of Education for its consideration prior to the Committee’s work session.



### III. FINDINGS AND RECOMMENDATIONS

The Legislative Committee on Education held its primary work session on August 27, 2002, to consider recommendations in compliance with the September 1, 2002, deadline for interim committee bill draft requests (BDRs) as set forth in NRS 218.2429. Members of the Committee adopted 33 proposals with regard to public education in Nevada, including issues involving the Federal No Child Left Behind Act of 2001, the RPDs, teachers, the Council to Establish Academic Standards, educational technology, pupils, charter schools, school transportation, distance education, class size reduction, suicide prevention, as well as recommendations involving homeless students, P-16 efforts, and smaller schools.

#### A. NO CHILD LEFT BEHIND ACT OF 2001

The Committee approved a number of recommendations directed at or related to the implementation of the No Child Left Behind Act of 2001. The proposals forwarded to the 2003 Legislature include significant revisions to the statewide accountability and assessment system, continued funding for the regional professional development programs and remediation programs, as well as laying the foundation for the future in test score reporting and value-added analyses.

##### 1. No Child Left Behind Act

The enactment of the NCLBA had a significant impact upon the Committee's deliberations throughout the interim. The Committee immediately ordered a series of briefings on the federal bill, starting with a presentation by the Education Commission of the States (ECS) in February 2002. In conjunction with the ECS briefing, LCB staff made a presentation on the achievement gap in Nevada and nationally, based on the findings of the Education Trust in its report *Dispelling the Myth Revisited*. Over the next few meetings, the Committee received briefings prepared by LCB staff on teacher quality, assessment and reporting, accountability and sanctions, inclusion policies, and flexibility. In June of 2002, the National Conference of State Legislatures provided a briefing to the Committee on the unfunded mandates and fiscal impacts of the NCLBA.

Throughout the interim, the Committee requested information from other presenters on the impacts of the NCLBA. Presentations on statewide data reporting systems and test score reporting, as well as presentations from the Nevada Department of Education, were relevant to the issues raised by the federal law. Data reporting in the federal law was of special concern and the Committee focused attention on models in other states as well as the status of the Nevada system – SMART. The Committee also made note of the progress in implementation of the revised HSPE and the 3<sup>rd</sup> and 5<sup>th</sup> grade CRTs. Presentations by the *American Diploma Project* and the Nevada Department of Education identified issues and areas of concern with the statewide proficiency testing

program. Information regarding the new vendor for the NRT, the ITBS, by Riverside Publishing Company, was not available before the beginning of the session.

At its August 2002 work session, the Committee reserved a BDR to accommodate the changes needed to bring Nevada's accountability and assessment system into compliance with the federal law. To develop the blueprint for the bill, the Chair directed a working group, in consultation with members of the Committee, to recommend revisions to the current Nevada reform structure. The working group's recommendations were presented to the Committee at its November 20, 2002, meeting.

A table summarizing the Current and Proposed State Accountability Systems is attached as Appendix I.

The Committee voted to approve the recommendations subject to certain amendments and additions made at the request of the Chairman. The modifications to the recommendations included using augmented NRTs for the statewide proficiency system to achieve the dual purposes of demonstrating proficiency in meeting state standards while still providing national norms for comparison purposes. Although all states will be participating in the National Assessment of Educational Progress (NAEP) under the directive of the NCLBA, these national examinations are only given every other year and do not provide school level information across the state. An addition to the recommendations was an appropriation of \$10 million to the Commission on Educational Technology to replace the funding appropriated last session that was not released. Funding for educational technology is critical to maintain Nevada's progress in connectivity and use of computers to enhance student achievement. Educational technology is also recognized by the NCLBA as having an important role in education today. The Legal Division was directed to investigate the feasibility of defining a "school year" for purposes of the Act to address the difficulties in compliance for year-round schools or other nontraditional schedules. A pilot program for bonuses for teachers and administrators in certain low-performing schools was added, as was a requirement to include NAEP scores in the annual state report card. The determination was made to not change state statutes related to teacher liability so that the new federal provisions would apply to the extent of any inconsistency but without reducing or eliminating any current protections granted by state law. Finally, an appropriation of \$287,427 over the next biennium was included to continue the financial analysis model to provide fiscal accountability information to the districts, state, and Legislature.

The concept paper, as revised and adopted by the Committee, is attached as Appendix J. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to provide for revisions to the educational accountability system, to the statewide achievement and proficiency testing system, and to the teacher licensing provisions, and to add minimum requirements for the qualifications and licensing of educational paraprofessionals, and related**



**matters, in order to comply with the Federal No Child Left Behind Act of 2001 insofar as it requires a single statewide system of school accountability; annual testing in reading or language arts and mathematics; periodic testing in science; a supporting data management system; state and district report cards; teacher quality requirements; financial accountability systems; remedial programs, sanctions, and rewards; and other matters. (BDR 34-635)**

## **2. Remediation Funding**

As in prior years, the Committee heard testimony on the use of state remediation funds throughout Nevada for both school-wide remediation in low-performing schools and individual remediation for students needing additional assistance to become proficient.

*Low-performing Schools Remediation:* As part of the NERA, the Legislature provided, for the first time, remediation funds for low performing schools. These funds are used to purchase programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. Remediation programs that schools must select from are published annually in Nevada's *List of Effective Remedial Programs* (see page 26 for the 2003 *List*).

Initially, schools that were designated as demonstrating "need for improvement" were eligible for funding (designations are made when more than 40 percent of the pupils enrolled in a school score in the bottom quarter in all four subject areas tested on the state-required norm-referenced examination). During the 1999 Legislative Session, funding was expanded to include certain schools that that have been designated as having adequate achievement; these schools are as follows:

- A school that did not receive a designation because it had too few pupils enrolled in a grade level that is tested (i.e., fewer than ten pupils), but the test scores of the pupils indicate that the school would have received a designation as demonstrating need for improvement;
- A school that has more than 40 percent of the pupils enrolled in the school with an average score in the bottom quarter in one or more of four subjects tested; and
- A school that was designated as demonstrating need for improvement in the immediately preceding school year.

In the 2001 Legislature, eligibility for funding was removed for schools that had been designated due to low average daily attendance (Section 3 of S.B. 165 [Chapter 317, *Statutes of Nevada 2001*]). Provided that the school still had low scores in at least one

of the four subjects tested or met other criteria, including having matching funds in the third year of funding, the Legislature agreed to provide continued remediation funding to sustain their success.

*Individual Remediation:* In the 1999 Legislative Session, parents, educators, and others expressed concerns about individual student performance, especially with regard to students having difficulties with the HSPE. Therefore, the 1999 Legislature authorized, for the first time, remediation funds for remedial education programs or tutoring for pupils who need additional instructional time in order to pass or to reach a level considered proficient. Programs may be targeted to any age group (such as elementary, middle, or high school), but must be conducted before or after school, on weekends, during the summer, or between sessions in schools with year-round school calendars. In addition, these funds must be used to provide remedial education programs or tutoring programs that have been approved by the Nevada Department of Education as being effective in improving pupil achievement. For the past two biennia, these remediation funds have been used by the school districts primarily to provide remediation at the high school level.

The Committee acknowledged remediation funds had again been well spent by the schools that had applied for them, and there was substantial evidence that remediation programs have played a significant role in improving pupil achievement levels. The Committee also received a recommendation through the Council to Establish Academic Standards to allow flexibility for the Nevada Department of Education in the allocation of remediation funds to address potential increased demand for individual remediation funds and to increase the minimum for the individual remediation portion to \$1.5 million (up from \$1 million). The Committee endorsed the continuation of the remediation funding and incorporated the Council's recommendations on flexibility and allocations. The Committee recommends that the 2003 Legislature:

- **Appropriate to the Nevada Department of Education from the Distributive School Account, for transfer to schools, for funding in the amount of \$6.75 million to be allocated as follows:**
  - a. **\$5.25 million for each of the fiscal years for the 2003-05 biennium, for continued state support of remedial programs for schools needing improvement (see NRS 385.389) and other eligible schools; and**
  - b. **\$1.5 million for each of the fiscal years for the 2003-05 biennium, for continued state support of approved remedial education or tutoring programs outside the school day for pupils at any grade level who need additional instructional time to pass or reach a level considered proficient. Programs provided under this section must be conducted before or after school, on weekends, during summer, or between sessions in schools with year-round calendars.**

**The Department is authorized to exercise flexibility in use of the funds for either: (a) school remediation under NRS 385.389; or for (b) programs of remedial education or tutoring for individual students who need additional instructional time to pass or reach a level considered proficient, although a minimum of \$1.5 million shall be allocated for subsection b. (BDR 34-636)**

### **3. Value-Added Analysis**

At the April 2002 meeting, the Committee heard a presentation by Dr. William Sanders from SASinSchool in Cary, North Carolina. Dr. Sanders is well-known for his work in value-added assessment systems conducted while he was with the University of Tennessee. The State of Tennessee incorporated Dr. Sanders' value-added model into their education reform and school accountability legislation in 1992. The TVAAS uses students' test scores to determine how much an individual student learned over the course of a school year and then ranks districts based on the extent of student gains over time, rather than a snapshot of student achievement levels at a single point in time. The model averages test scores over a three-year period to reduce variability.

The value-added model also permits the evaluation of teacher effectiveness by looking at the student gains in a particular classroom. Administrators in Tennessee may, but are not required to, use the information on teacher effectiveness in personnel evaluations. Dr. Sanders advised the Committee that, in order to use assessments for value-added analysis, the tests must: (1) be highly correlated with curricular objectives; (2) contain sufficient "stretch" to measure progress at all levels of achievement (high and low); and (3) be reliable. Dr. Sanders also recommended that if Nevada adopted such a model that it amend its public records law to exempt disclosure of teacher effect data.

Finally, Dr. Sanders stressed the critical link between teacher quality and student achievement and urged policymakers to find ways to get experienced teachers into the schools with high percentages of low-achieving students. The Committee also received testimony that certain school districts in the state were administering achievement level tests (ALTs) to all the elementary grades in the fall and spring of each year and therefore had the data needed for a value-added analysis. For additional information on this topic, please refer to page 33 of this report. The Committee considered a proposal to implement pilot programs in a limited number of counties but instead adopted a recommendation to:

- **Include a statement of support in the final report of the Committee for inclusion in the statewide testing program components needed to implement a value-added reporting system. The components may include annual test data from either local assessments or statewide tests, or both. The components may be modeled on the Tennessee Value-Added**

**Assessment System (TVAAS) as set forth in *Tennessee Statutes* § 49-1-601 et. seq. Further, include a statement of support for consideration of amendment of the statutes to provide that estimates of specific teacher effects are not public records (similar to *Tennessee Statutes* § 49-1-606[2]).**

4. Test Score Reporting

Use of assessment data in decision-making continued to be an issue this interim. The RPDs are charged with providing training in this subject area and the Statewide Coordinating Council heard a presentation from a company in New York that prepares test score reports for teachers and administrators designed to facilitate data-based decision-making and focuses on individual student needs as related to a state's academic standards. The Grow Network also made a presentation to the Committee on its test score reports that are currently in use in the New York City public schools and are being developed for the Los Angeles and Chicago schools. The Committee also heard about the development of parent reports designed to better inform parents about their child's strengths and weaknesses and provide suggestions about how to help improve their child's achievement levels.

The test score reports evaluate test results and then link the results to a state's standards, provide guidance on instruction, and link to professional development. The test score results are made available on the company's Web site so a teacher or administrator can access the records electronically, sort results by individuals, classes or schools, and view links to instructional materials and other helpful resources. The four primary functions that make the Grow Network product successful were presented as:

1. Score reports that are comprehensible, encourage teachers to help students grow, and are instructionally useful.
2. Links for the printed reports to Web sites that enable parents, principals, and teachers to go on-line for information on specific classes, schools, and students. The Web site tools are user friendly and provide access to student-level performance.
3. The instructional materials provided are designed to further teacher understanding of the standards and urge teaching strategies which are tailored to the data.
4. The professional development-training program is all-encompassing and illustrates to district leaders and principals how to effectively use Grow Network tools to improve their school's performance and set priorities.

The proposal from the Grow Network was to work with the Clark County School District and the Washoe County School District on their test results from the 4<sup>th</sup> and 7<sup>th</sup> grade NRTs and the 3<sup>rd</sup> and 5<sup>th</sup> grade CRTs to implement a demonstration program. For additional information on this topic, please refer to page 38 of this report. The Committee therefore recommends that the 2003 Legislature:

- **Appropriate from the State General Fund \$1.25 million for Fiscal Year 2003-04 and \$1.25 million for Fiscal Year 2004-05 to the Clark County School District and the Washoe County School District, for the purchase of test score reporting brochures and related services for the statewide norm-referenced tests in 4<sup>th</sup>, 7<sup>th</sup>, and 10<sup>th</sup> grades and the criterion-referenced tests in 3<sup>rd</sup>, 5<sup>th</sup>, and 8<sup>th</sup> grades, or selected grades subject to changes made to comply with the Federal No Child Left Behind Act and the availability of legislative funding. (BDR 34-636)**

## **B. PROFESSIONAL DEVELOPMENT**

### **1. Regional Professional Development Programs**

In response to a series of regional workshops conducted by the Committee during the 1997-99 interim period, teachers, administrators, and others proposed a regional professional development model to help educators teach the new state academic standards. The mission of the RPDPs is to provide professional training for administrators and teachers in order to implement Nevada's high standards. As part of the NERA, the Legislature has provided funding for the past two sessions in the amount of over \$17 million to establish and operate four regional training programs to prepare teachers to teach to new, more rigorous academic standards, and to evaluate the effectiveness of such programs.

Survey information and testimony from teachers and district superintendents indicate the RPDPs have been effective in providing high-quality, standards-based professional development to Nevada teachers and school administrators. The first evaluation report in 2001 concluded that the RPDPs have provided significant assistance to schools implementing Nevada's academic standards, and have met or exceeded their goals in providing quality training for district educators.

Based on an initiative of Governor Kenny C. Guinn, the Legislature also funded professional development to help early elementary (K-3) teachers improve the literacy of school children. Senate Bill 585, Section 12, appropriated \$4,435,000 in each year of the biennium to fund the Nevada Early Literacy Intervention Program (NELIP) and directed that the program be coordinated through the RPDPs. Funding in the amount of \$65,000 for each year of the biennium was appropriated for an evaluation of the program's effectiveness.

The Committee acknowledged the success of both programs and endorsed the regional approach for providing effective professional development. The Committee also heard testimony about the efficacy of combining the funding for the RPDs and NELIP to reduce administrative costs. At the direction of the Committee during the August 2002 work session, the RPDs submitted revised budgets based on incorporating the NELIP into the regional programs. The revised budgets were significantly less than the original budgets. The Committee would like to continue and strengthen the programs for the upcoming biennium and, therefore, recommends that the 2003 Legislature:

- **Appropriate from the Distributive School Account for funding in the amount of \$9,665,939 for Fiscal Year 2003-04 and \$9,788,445 for Fiscal Year 2004-05, to the Department for transfer to the four host school districts (Clark, Douglas, Elko, and Washoe) as follows:**

<b>Regional Professional Development Programs</b>	<b>FY 2003-04 Combined</b>	<b>FY 2004-05 Combined</b>
<b>Southern (Clark County School District)</b>	<b>\$5,133,725</b>	<b>\$5,133,725</b>
<b>Western (Douglas County School District)</b>	<b>\$1,194,347</b>	<b>\$1,229,475</b>
<b>Northeastern (Washoe County School District)</b>	<b>\$1,314,597</b>	<b>\$978,710</b>
<b>Northwestern (Elko County School District)</b>	<b>\$2,023,270</b>	<b>\$1,248,926</b>
<b>LBEAPE evaluation</b>	<b>\$100,000</b>	<b>\$100,000</b>
<b>Total Fiscal Year (with evaluation dollars)</b>	<b>\$9,765,939</b>	<b>\$9,888,445</b>

**for the operation of the four Regional Professional Development Programs (RPDPs) and for the continuation of the Nevada Early Literacy Intervention Program. Further, appropriate \$100,000 in each year of the biennium from the Distributive School Account to the Legislative Bureau of Educational Accountability and Program Evaluation (LBEAPE) to contract for an evaluation of the RPDPS, to include an evaluation of the Nevada Early Literacy Intervention Program. (BDR 34-636)**

After the 2001 Session, the Legislative Commission created the Subcommittee to Study Suicide Prevention. For many years Nevada has ranked first among the 50 states for its suicide rate. In the 1998-99 rankings, Nevada was reported to have a suicide rate of 22.3 persons per 100,000 population as compared to the national rate of 10.7. Suicide is a problem in both urban and rural areas, and among all age groups and socioeconomic classes. The Subcommittee reported it learned that the Surgeon General has identified teachers and other educational staff as key gatekeepers in suicide prevention. The Subcommittee also reported that teachers and other school personnel

in Nevada currently are not receiving training to recognize pupils at risk of suicide and are not being trained in the appropriate interventions for suicidal persons.

At its final meeting and work session, the Subcommittee considered, but did not adopt, a proposal for legislation to require school personnel to report pupils at high risk of suicide to their parents/guardians and the appropriate mental health agencies. Instead of requiring such reporting in statute, the Subcommittee members asked the Legislative Committee on Education to consider a bill draft directing that the Nevada Department of Education should assist the school districts in providing information to teachers and other school personnel regarding identifying and appropriately responding to pupils at high risk of suicide. Because the RPDs are the statewide providers of teacher training, it was suggested that such training be facilitated and coordinated by the RPDs, recognizing that the RPDs have competing priorities and that suicide prevention training would be made available to the extent feasible. The Committee considered issues regarding such training including a requirement for such training as a condition of relicensure and the creation of liability on the part of schools and teachers. Balancing the need for such training with the limited resources available, the Committee recommends that the 2003 Legislature:

- **Require by statute that the Regional Professional Development Programs facilitate and coordinate the provision of introductory level training in suicide signs to teachers and administrators. (BDR 34-644)**

2. Statewide Coordinating Council

One of the recommendations of the 2001 evaluation of the RPDs was to formalize the Statewide Coordinating Council that had been meeting since the inception of the four regional programs. Senate Bill 3 from the 17<sup>th</sup> Special Session implemented that recommendation and the Committee received testimony from the RPDs and others regarding the need for specific authority to enter into partnerships for funding purposes and to receive gifts and grants. An example of such a partnership is that suggested by the Nevada Council on Economic Education to apply for grant funding under the Federal No Child Left Behind Act of 2001 (see Title V, Part D, Subpart 13). The Committee recommends that the 2003 Legislature:

- **Provide the RPDs with statutory authorization to enter into statewide partnerships and to allocate a portion of their budgets for the purpose of providing matching funds to permit the receipt of grant funds and to otherwise permit the receipt of grant funds from state, federal, or other sources, donations, or gifts. Note: Grant funds will be available to the states under the Federal No Child Left Behind Act to support certain professional development. (BDR 34-636)**

The Committee was concerned about an oversight in the legislation relating to reimbursement for costs of travel to Statewide Coordinating Council meetings. The 2001 legislation did not permit governing board members appointed to the Statewide Coordinating Council to be reimbursed for travel which discouraged attendance at council meetings. In addition, in testimony before the Committee, the NSEA requested that a representative of NSEA be appointed to the Council. Therefore, the Committee recommends that the 2003 Legislature:

- **Amend the statutes to provide for the compensation of Statewide Coordinating Council members for travel and per diem expenses provided to state officers and employees generally for attendance at Statewide Coordinating Council meetings and while otherwise engaged in the work of the Statewide Coordinating Council. The expenses will be paid from the budgets of the respective RPDs. Further, add a representative to the Council selected by the Nevada State Education Association. (BDR 34-636)**

### **C. TEACHERS**

#### **1. Highly-Qualified Teachers**

The difficulty of finding adequate numbers of experienced and licensed teachers in certain high-demand subjects was again raised by the Committee. The Committee heard testimony on the critical importance of well-qualified and experienced mathematics teachers to student achievement and the disastrous results if students were subjected to one or more years of inadequate instruction in mathematics. Although the NSEA has consistently opposed such legislation and a similar bill failed in 2001, the Committee recommends that the 2003 Legislature:

- **Amend the statutes to require the boards of trustees of school districts to pay for a 5 percent salary increase for a secondary teacher who teaches mathematics or science and has an endorsement in the fields of mathematics or science, and for a teacher who is assigned to teach pupils with disabilities and who has an endorsement in that field. Also, require the State Board of Education to identify the endorsements in the fields of mathematics and science that qualify for the salary increase. Further, make the amendment effective on July 1, 2004. (BDR 34-636)**

The National Board for Professional Teaching Standards (NBPTS) is an independent, nonprofit, nonpartisan organization whose mission is to establish high and rigorous standards for what accomplished teachers should know and be able to teach. The NBPTS operates a national, voluntary system to assess and certify teachers who meet these standards. In the last few years, certification by the NBPTS has been generally recognized as a method of producing a body of high quality, master level teachers. The Committee heard testimony that the incentive program adopted during the



1999 Legislative Session had been a success and continued the program in the 2001 Session. In addition to providing for an additional 5 percent salary differential for certified teachers, the Legislature approved funding to offset the cost of applying for certification for teachers who were successful in obtaining certification. Out of over 50 Nevada teachers who applied in 2000 to become nationally certified, 24 were successful. In 2001, 40 out of 78 teachers were successful and there are currently 69 candidates for certification. Based upon input from the Nevada Department of Education, the Committee learned that the application fee has been raised from \$2,000 to \$2,300 and that the funding appropriated in 2001 was more than sufficient to cover the demand. Accordingly, the Department suggested a reduction in the amount of funding noting that the proposed funding would cover the application costs for up to 90 teachers over the biennium.

Recognizing the strong commitment of the NBPTS to quality teaching and acknowledging the value in encouraging Board certification for Nevada teachers, the Committee recommends that the 2003 Legislature:

- **Appropriate \$207,000 over the biennium to the Nevada Department of Education for the purpose of reimbursing up to \$2,300 of the related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards. Teachers wishing to obtain such reimbursement must file a statement of intent with the school district at least one year prior to anticipated certification; upon completion and certification, the school district shall notice the Department to reimburse the teacher up to \$2,300 of the costs directly related to applying for and receiving National Board for Professional Teaching Standards certification. (BDR 34-636)**

## 2. Alternative Routes to Licensure

Although teacher shortages were not a significant issue before the Committee this interim, the members heard testimony from a number of sources on the importance of high quality teachers. High quality teachers are defined, in part, by their strong content knowledge. Many states and districts are reaching out to mid-career or retired professionals, and recent college graduates with bachelors' degrees, in an attempt to lure them into the teaching profession. Nationally, programs such as Troops to Teachers or Teach for America provide such persons with the opportunity to obtain their teaching licenses while working in schools. According to various reports, persons who enter the teaching profession in this manner are more likely to remain than graduates of teacher education programs.

The Committee concurred with the importance of high quality teachers and noted the link to the new federal law that makes provisions for alternative certification routes in its demand for high quality teachers. Teach for America is an example of a

successful program currently in use in cities and school districts in over 15 states. The Teach for America program takes persons with existing careers and bachelor's degrees and prepares them to teach in six weeks, usually under a provisional or other temporary license. The requirements for Teach for America program participants to obtain a teaching license differ from state to state and, in some instances, may require additional college courses or passing certain examinations. The Teach for America program requires a two-year teaching commitment and reports that up to 80 percent of its graduates remain in the teaching profession. Applicants come from all walks of life and vary in age from 25 to 60. The Committee also heard that there are other models for alternative certification that can be considered and that such programs are an effective way to eliminate the teacher shortage and to ensure that all students have highly-qualified teachers. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to direct the Commission on Professional Standards to adopt regulations providing for alternative routes to a teacher's license for qualified persons with a bachelor degree or higher in a subject area. The intent of the alternative certification procedure is to encourage qualified retired persons or persons desiring a career change to enter the teaching profession. Components of the alternative certification would include six to eight weeks of an intensive training seminar covering pedagogy, classroom management and related subjects, mentoring during the first year of teaching, and a short training seminar after the first year of teaching as follow-up. The alternative certification program would require licensing applicants to pass the examinations currently required of teachers. (BDR 34-637)**

### 3. School Counselors

As part of its review, the Legislative Commission's Subcommittee to Study Suicide Prevention reported it learned more funding is needed for counseling positions in Nevada's public schools because the current ratio of students to counselors is 400 to 1 in high school and 500 to 1 in middle school. Testimony before the Subcommittee indicated there are no state funds for counselors at the elementary school level and also noted the important role of school counselors in suicide prevention, intervention, and treatment. In addition, the Nevada Department of Education's *2001 Nevada Youth Risk Behavior Survey* found that nearly 20 percent of Nevada's high school students have seriously considered suicide; over 16 percent of high school students have made a suicide plan; and nearly 11 percent of high school students attempted suicide one or more times. The Subcommittee further reported that this survey shows a similar pattern among middle school pupils and advised the Committee about three recent examples of Nevada students who committed suicide — a 12-year-old in Virginia City, a 13-year-old in Gardnerville, and a 16-year-old in Las Vegas. The Committee recommends that the 2003 Legislature:

- **Include a statement in the final report of the Committee noting that there are issues that were brought to the Committee's attention by the Legislative Commission's Subcommittee to Study the Prevention of Suicide but were not adequately addressed during the 2001-03 interim due to a lack of time. At the request of the Legislative Commission's Subcommittee to Study the Prevention of Suicide, the Committee intends to review the issue of suicide prevention in schools in the 2003-05 interim. The issue is the potential need for additional personnel in public schools, at the elementary, middle, and secondary level, to work to prevent suicide, including consideration of the role of school social workers and psychologists.**

#### **D. PUPILS**

##### **1. Retention of Students**

The Committee heard a report from the Clark County School District on the issue of retaining pupils and related concerns. In 1997 at the time of the Nevada Education Reform Act, the Legislature acted to stop "social promotion" and to require the State Board of Education to set criteria for promotion to high school. A preexisting statute prohibited retaining a student in a grade for more than one year. The Attorney General's Office has issued an opinion that reconciles the two statutes, but a further endorsement of the importance of meeting certain standards prior to the commencement of high school is appropriate. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to clarify that the prohibition on retaining a pupil more than one time in the same grade does not apply to retention of pupils in the 8<sup>th</sup> grade who fail to meet the credit requirement for promotion to high school. This amendment is consistent with an opinion letter of the Nevada Attorney General, intended to resolve an apparent conflict primarily at NRS 392.033 and 392.125. (BDR 34-639)**

##### **2. Kindergarten**

Current statutes limit entrance to kindergarten and first grade to children reaching a certain age by September 30 and provide for no exceptions. Parents desiring individual consideration for their children who wish to enter school at an earlier age routinely contact legislators. Many other states provide some flexibility to school districts to determine readiness for school on an individual basis. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to permit early admission to kindergarten or first grade for students within six months of the pertinent age cut-off, upon the request of a parent or guardian, based upon an assessment by the school district of the student's readiness for school. (BDR 34-639)**

### 3. Homeless Students

The Nevada Department of Education gave an overview of its many activities and grants to the Committee at the February 2002, meeting. The Superintendent of Public Instruction made certain observations regarding Nevada's student population, including the high levels of growth, the low percentages of student proficiency on the NAEP, and the associated budget challenges. Committee members expressed concerns about the quality of education and specifically commented on a model program for homeless students in Arizona. The Committee therefore adopted a recommendation to:

- **Include a statement of support in the final report of the Committee and send a letter to Clark and Washoe County School Districts urging them to provide the services and support needed for homeless children to succeed in school and to make specialized services available to such children to address the unique needs of the homeless.**

### 4. Gifted Students

The Committee received testimony on the need to provide challenging curricula to all students, including exceptionally gifted children. Further, the Committee was advised of a bill in the California Legislature (Assembly Bill 2626 from the 2001-02 regular session) that would provide increased access to higher education courses for exceptionally gifted students. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to authorize school districts to provide access to community college courses and to offer independent study for exceptionally gifted students. Access to community college courses would include the arrangement of enrollment; reimbursement by the district to the community college for appropriate costs; and provision of appropriate instructional materials, supplies, and equipment. School districts would be directed to adopt policies for implementation of such access for exceptionally gifted students. (BDR 34-640)**

## E. **STATE EDUCATIONAL ENTITIES**

### 1. Council to Establish Academic Standards for Public Schools

In accordance with NRS 389.520, the Council to Establish Academic Standards for Public Schools is charged with developing a schedule for the periodic review of the

standards and working in coordination with the State Board of Education to prescribe the standards-based examinations and the resulting level of achievement. Therefore, the Council adopted a periodic review schedule for the standards based on the textbook review cycle. The Council also reviewed the newly-developed CRTs for grades 3 and 5, as well as the revised, standards-based HSPE. The Council also heard briefings on the NCLBA and its requirements for annual assessments in reading/language arts and mathematics for grades 3 through 8. The Council noted its lack of priorities for grades 4, 6, and 7 and the need to reassemble the priority-setting teams prior to the development of additional annual tests under the NCLBA. The Council continues to assist in the implementation of the NERA and is an integral part of the education community in Nevada. For additional information on this topic, please refer to page 16 of this report. The Committee adopted a recommendation to:

- **Send a letter of support to the Senate Committee on Finance and the Assembly Committee on Ways and Means recommending that funding in the amount of \$20,000 per year be allocated within the budget for the Legislative Committee on Education, for the use of the Council to Establish Academic Standards for Public Schools in establishing and supporting teams to review and revise, as needed, the academic standards initially developed in 1998, with the understanding that the first subject area to be reviewed will be the science standards and that the other standards will be reviewed consistent with the textbook adoption cycle. The allocated funds would be used for travel, per diem, and other costs of the teams established for the review and revision of one subject area per fiscal year. In addition, the letter would recommend continuation of current levels of funding for the operating budget of the Council within the budget of the Nevada Department of Education.**

To address concerns about continuity and efficiency, the Council to Establish Academic Standards for Public Schools recommended the Committee consider amending the membership statutes to provide that the members of the Council would continue to serve past the expiration of their term until new appointments were made. The Council advised the Committee of the delay encountered in previous years waiting for appointments to be made and of the difficulty in meeting certain deadlines or work plan goals when seats on the Council were empty. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to provide that the term of a member of the Council to Establish Academic Standards for Public Schools continues until the appointing authority makes a new appointment. (BDR 34-638)**

## 2. Commission on Educational Technology

To address concerns about continuity and efficiency, the Commission on Educational Technology recommended that the Committee consider amending the membership statutes to provide that the members of the Commission would continue to serve past the expiration of their term until new appointments were made and that terms would be staggered between odd and even years, as is done with most other commissions. The Commission advised the Committee of the delay encountered in previous years waiting for appointments to be made and of the difficulty in meeting certain deadlines or work plan goals when seats on the Commission were empty. The Commission also expressed concerns about the lack of continuity on the Commission due to all members' terms running simultaneously. Finally, the Commission desired the appointments to run on a calendar year to permit members to advocate legislative initiatives and then remain on the Commission after the legislative session to work on the implementation of the successful bills. Therefore, the Committee recommends that the 2003 Legislature:

- **Amend the statutes to provide that the term of each member of the Commission on Educational Technology is two years, commencing on January 1 of the year they are appointed and expiring on December 31 of the next calendar year. Five of the members shall be appointed in even numbered years and six of the members shall be appointed in odd numbered years. A member shall continue in his office until a successor is appointed. (BDR 34-638)**

The Committee received a presentation by the Clark County School District on its educational technology programs, including a middle school program at Von Tobel Middle School. A middle school science teacher and his students testified on and demonstrated the effectiveness of educational technology in the classroom. The Committee also received several reports from the Commission on Educational Technology on the importance of continuing Nevada's efforts to improve the accessibility of computers and the Internet for students and schools. Therefore, the Committee adopted a recommendation to:

- **Send a letter of support to the Clark County School District for the purchase of laptop computers for disadvantaged students to use at home, on a temporary basis, during the school year. Further, include a statement of support in the final report of the Committee encouraging funding for educational technology.**

During the interim, the Committee received testimony from the public and the Commission on Educational Technology on the issue of connectivity within the state. Members of the public from Nye County and other rural locations testified on the importance of distance education offerings and presented information about broadband connectivity in other states. Therefore, the Committee adopted a recommendation to:

- **Include a statement of support in the final report of the Committee for the implementation of a statewide initiative to provide broadband connections for all schools and school districts, as well as the higher education community, similar to the statewide systems in place in Iowa, South Dakota, and Utah.**

## **F. SCHOOL DISTRICT ISSUES**

### **1. School Transportation**

The Committee received a presentation from a representative of the school district transportation directors regarding a number of proposed changes to the statutes relating to school transportation, affecting both private and public schools. The changes include deleting obsolete provisions, amending provisions that require unduly burdensome practices, and strengthening provisions related to driver training. At the direction of the Committee, the requested transportation amendments were presented to the State Board of Education for their consideration and endorsement. Based on the State Board's review and further consultation between the staff of the Legislative Counsel Bureau, the Nevada Department of Education, and a school district representative, a modified version of the original recommendations was presented to the Committee at its work session. For additional information on this topic, please refer to page 53 of this report. The Committee recommends that the 2003 Legislature:

- **Amend the statutes relating to school transportation as follows:**
  - a. **To provide an exception for physically disabled students from participation in practice drills for emergency evacuations, as defined by regulation of the State Board, and also require the State Board of Education to provide for alternative safety procedures for such students, by regulation.**
  - b. **To delete “or a bus used for extracurricular activities”; to increase the required training hours from 10 to 20 hours for both operating a vehicle and in the specified subjects; to add CPR leading to certification and student management to the required training subjects; and to delete the provision permitting student drivers.**
  - c. **To delete the exemption for vehicles used for extracurricular activities, thereby disallowing the use of 15 passenger vans.**
  - d. **To provide exceptions to the requirement for flashing red lights, as defined by regulation of the State Board, for buses transporting students with special needs who are individually loaded and unloaded.**

**Also delete the “to or from school” limitation so that the flashing red light system is activated at all times the bus is transporting students.**

- f. To require that trainers of school bus drivers be qualified as set forth in regulation by the State Board of Education.**
- g. To clarify that charter schools must comply with the school transportation statutes/regulations when transporting charter school students.**

**(BDR 34-641)**

## **2. Charter Schools**

During the 2001 Session, Senate Bill 399 enacted extensive amendments to the charter school laws, including the addition of state board sponsorship of charter schools. As part of this change, the per-pupil support provisions in Chapter 387 of the NRS were modified. Testimony from the Clark County School District (CCSD) was received that noted the unforeseen impact of the provisions relating to per-pupil support for state-sponsored charter schools. As noted by the CCSD, the current statute would require the District to expend funds on behalf of charter schools in the county that are sponsored by the state. This results in a negative impact upon school districts by requiring them to incur costs for students that the district is not serving. The school districts do not believe they should be required to ensure that state-sponsored charter schools receive a larger per-pupil payment than students within the district. The Committee recommends that the 2003 Legislature:

- Amend the statutes to provide that the Nevada Department of Education shall make up the difference from the Distributive School Account between the statewide average per-pupil payment and the district per-pupil payment, for state-sponsored charter schools. (BDR 34-642)**

The Committee received a request to make the requirements for fingerprinting and background checks for charter schools more similar to other public schools. Charter schools may employ nonlicensed teachers and administrators, who are not subject to the criminal background checks that licensed personnel must undergo. Citing the importance of ensuring that adults working with children in charter schools have not been convicted of a serious crime, or at least requiring notice of a criminal record before a hiring decision is made, the Committee was asked to impose a requirement for fingerprinting of all charter schools employees. Further, the suggestion was made to make the hiring parameters for persons with felony convictions the same for charter schools as for other public schools. The Committee recommends that the 2003 Legislature:

- Amend the statutes to require nonlicensed employees at charter schools to be fingerprinted and subject to background checks prior to employment.**



**Further, with regard to hiring a teacher or administrator with a felony conviction, allow the governing body to make an offer of employment if the conviction is unrelated to the employment position. (BDR 34-642)**

In the 2001 Session, Assembly Bill 214 enacted various measures to ensure the security of the statewide proficiency tests. One such measure was the inclusion of a requirement to retest students in the event of repeated test irregularities. Since the enactment of the retesting requirements in A.B. 214, no schools have been required to retest its students due to test security problems. Further, the Committee learned that a charter school had failed to test 90 percent of their students and was, therefore, required to retest their students. Current statutory language requires the cost of retesting to be borne by the school districts despite their lack of control over testing security or procedures at charter schools. Testimony from certain school districts was received asking that the cost of retesting be borne by the charter school, not the district. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to require charter schools to pay for retesting of their students in the event of a failure to test a sufficient percentage of students or in the event of a testing irregularity. (BDR 34-642)**

### 3. District Priorities

With the adoption of the academic standards in 1998, the school districts began the task of revising curricula to align with the standards. The school districts have reported that their curricula are aligned with the standards for the core academic subjects and most have completed alignment of the other standards as well. The NCLBA has a primary focus on adequate yearly progress in reading and mathematics and, failure to make AYP subjects schools and districts to various sanctions. The Committee also heard testimony on budget cuts being undertaken in both Clark and Washoe County School Districts and the difficulties faced by school districts in fulfilling the competing demands on district resources. Further, the Committee heard testimony from the Nevada Association of School Superintendents (NASS) regarding its iNVEST proposal to restore cut programs and implement additional educational programs and initiatives. The cost of the iNVEST proposal is estimated at almost \$900 million.

The Committee also heard testimony regarding the incremental addition of responsibilities to schools over the past few decades, noting some additional duties have been funded and some have not. Noting that the amount of time in a school day has not been proportionately increased to include the additional duties, concerns were raised regarding the ability of the schools and districts to meet all the state, and now the federal, requirements. The Committee heard that schools are required by the statutes or regulations to teach a variety of subjects for a certain amount of time and such directives often result in an inability to effectively teach the “basics.” The testimony suggested that schools and districts needed to review the requirements and programs

currently imposed upon them and identify the true priorities and the marginal programs or requirements that should be considered for elimination. Therefore, the Committee adopted a recommendation to:

- **Include a statement in the final report of the Committee urging the superintendents of the school districts to review their district priorities in curricula to ensure that the districts' efforts are focused on the most critical subject areas in order to promote student achievement, and to provide the Legislative Committee on Education in 2004 with a list of the state mandates and programs that the districts cannot reasonably accomplish due to funding or time constraints.**

#### 4. Distance Education

As part of Senate Bill 399 in the 2001 Session, the Legislature authorized the provision of distance education in Nevada and required the State Board of Education to adopt regulations implementing the review of distance education programs. Prior to adoption of the regulations by the State Board, Section 69 of S.B. 399 required the Nevada Department of Education to submit the proposed regulations to the LCE for its review and comment. At the January 2002 meeting during the review of the regulations, an issue was raised with respect to the requirement that teachers of distance education courses for the core academic subjects must be licensed. Noting that university professors and instructors seldom have teaching licenses, the Committee expressed concern that the current statute limited the participation of higher education institutions in distance education programs and courses. The Nevada Department of Education also pointed out that high schools and postsecondary institutions were currently authorized to grant dual credit for K-12 students taking classes at postsecondary institutions, but that under the distance education statutes such courses could not be included in distance education programs. Therefore, the Committee recommends that the 2003 Legislature:

- **Amend the statutes to revise the licensure requirements related to distance education courses for public schools to permit university or college personnel to teach distance education courses in the core academic subjects. (BDR 34-642)**

The Committee also received testimony regarding the ability of a governing body and a school district to file an application for a distance education program. However, as enacted in 2001, S.B. 399 did not include a committee to form a charter school within the entities that might apply for a distance education program. The Nevada Department of Education testified that at least one charter school application was to operate a distance education program through a charter school and that the statute apparently prohibited a new charter school from proposing a distance education program as part of its application. Noting that there was no basis for such a distinction, the Nevada

Department of Education suggested correcting the statutory provision. The Committee recommends that the 2003 Legislature:

- **Amend the distance education statutes to permit a committee to form a charter school to file an application for approval of a distance education program. (BDR 34–642)**

During the 2001 Session, the Legislature addressed the issue of distance education and virtual schools in Nevada. The White Pine County School District had posed several unique questions to the Department and the courts regarding the operation and financing of the Nevada Virtual High School in Ely. Of particular concern was the enrollment of students in a virtual school from outside the county and the impact on charter schools. In order to provide a statewide structure and to address the fiscal issues, the Legislature enacted Senate Bill 399 during 2001. Senate Bill 399 created a structure for the approval and implementation of distance education programs by public schools across Nevada, including charter schools. The State Board was directed to adopt regulations implementing the provisions of the bill no later than April 1, 2002. Prior to the State Board acting on those regulations, S.B. 399 required the Department to present draft regulations to the Legislative Committee on Education for its review and comment. The Committee heard testimony from the Department regarding the initial problems with the deadlines for filing written agreements to enable the per-pupil payments to follow the pupils. The Department recommended revision of the deadlines to make the system more realistic and functional. The Committee recommends that the 2003 Legislature:

- **Amend the statutes to revise the September 1 and January 1 deadlines for filing written agreements regarding the enrollment of pupils in programs of distance education to October 1 and February 1, respectively. (BDR 34–642)**

##### 5. Class Size Reduction Flexibility

The Committee has received reports during the past two interims on the progress of the Elko County School District (ECSD) demonstration project for class size reduction (CSR). In the 1999 Session, the ECSD approached the Legislature with a proposal to permit the district to increase class sizes in the lower elementary grades to 22:1 in conjunction with a decrease in class size in the upper elementary grades to 22:1. One of the primary goals of the proposal was to eliminate team teaching in the lower elementary grades. The ECSD proposed a plan that was fiscally neutral in terms of CSR funding and that addressed immediate facilities needs through the use of modular classrooms. Declining and flat enrollment projections also reduced facilities needs and capital costs. The evaluations on the Elko demonstration project conducted at the direction of the Legislature have shown beneficial impacts from reducing class sizes in

the upper elementary grades (grades 4 through 6) and no significant adverse impacts from the increase in class size in grades 1 through 3.

The Committee initially considered a proposal to also permit CSR funds to be used for full-day kindergarten, but made the bill draft request for such flexibility contingent upon additional information from the school districts on fiscal and facilities impacts. Based upon a poll of the school districts, the use of CSR funds for full-day kindergarten was not brought forward by the Chairman but several districts indicated an interest in the option to increase class size ratios in the lower grades to enable a reduction in class size in the upper elementary grades (the Elko model). Therefore, the Committee recommends that the 2003 Legislature:

- **Include within the appropriation bill for the class-size reduction funds, provisions that allow school districts the additional option to use their class size reduction funds to implement class size reduction in kindergarten through grade 6 by permitting student-to-teacher ratios of up to 22 students per teacher. (BDR 34–643)**

## **G. MISCELLANEOUS EDUCATION MATTERS**

### **1. Millennium Scholarship Program**

The Committee received a report from the Millennium Scholarship Program about its activities and the number of students participating since its inception in 2000. The MSP has seen increased eligibility and retention rates with four in five students retaining eligibility for the scholarship after their first year with the program. The MSP has also undertaken to collect baseline data to determine the impact of the program on students' intentions to attend colleges and students' performance at the high school level. Information was also received about the outreach efforts at the middle and high school levels to advise students and their families about the MSP and the requirements.

The Committee also received information about the America's College Savings Plan that consists of two Internal Revenue Service-qualified "529 Plans": the Nevada Prepaid Tuition Plan and the College Savings Plan. Under the 529 Plans, the purchaser of the plan (e.g., the parent) retains control of the funds; however, the scholarship funds remaining after tuition and other costs of attendance billed by the institution are disbursed to the students. Several members of the Committee were concerned about the possible use of scholarship funds for non-educational purposes. *Nevada Revised Statutes* 396.934 provides that the MSP funds shall be administered as other scholarship funds are and permits funds to be used for the "costs of attendance" that may include meals, room and board, transportation, and other fees. Representatives of the Treasurer's Office and the UCCSN advised the Committee that students with scholarships other than the MSP might receive a disbursement of MSP funds in the form of a check to use for other "costs of attendance." The Committee was assured

that students do not receive funds in excess of the “cost of attendance” as determined by the institution and federal guidelines. The Committee asked that this policy area be reviewed and strengthened to prevent inappropriate situations. Therefore, the Committee adopted a recommendation to:

- **Send a letter from the Committee to the Board of Regents requesting their review of the scope of the costs of education and the expenditures of scholarship funds by recipients of a Millennium Scholarship.**

## 2. Smaller Schools

The issues relating to smaller high schools were identified by the 2001 Legislature in the passage of Senate Bill 311, which directed the CCSD to form a committee to study the construction of smaller schools and to submit an interim report by November 1, 2002, and a final report by November 2004. However, the Committee heard testimony that the issue should also be addressed in the other counties as well. The CCSD submitted its report on smaller schools to the Committee at its November 2002 meeting and identified several problems with constructing smaller schools in Clark County. However, the report went on to note that there were alternative ways to create “smaller schools” without constructing additional facilities.

Citing the Baltimore City public schools as a possible model, the Committee heard testimony about the success of schools within a school. In Baltimore, creating smaller schools has shown initial promise in the reduction of negative indicators while staying within budget. The goals of smaller schools is to ensure that high school students feel connected to their school and specifically to at least one faculty member. Many smaller schools are set up with 300 to 900 students and may have a separate administration or use a “principal teacher” as the functional administrator. Creation of smaller schools can also be accomplished by leasing or purchasing vacant facilities. Although sports programs are often cited as a reason for not breaking up schools, there are ways to decrease school size, increase student-to-faculty ratios, and maintain competitive sport programs. Noting the increasing at-risk populations in Nevada and the increasing achievement gap, smaller schools have been shown to be an effective way of reducing dropout rates and improving student achievement. Therefore, the Committee adopted a recommendation to:

- **Include a statement in the final report of the Committee noting that there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make the issue of the creation of smaller high schools to address drop-out rates and to improve student achievement a priority in the 2003-05 interim.**

### 3. P-16 Council

The Committee also heard testimony about the current effort underway in Nevada to coordinate educational efforts between pre-kindergarten through grade 12 and postsecondary institutions. In the presentation at the September 2002 meeting by the *American Diploma Project*, the Committee was advised that creation of a P-16 council was an important step in aligning high school curricula and exit requirements to college preparation and the workforce demands. In her presentation to the Committee on remedial enrollments in the UCCSN by recent high school graduates, Dr. Jane Nichols, Chancellor of UCCSN, advised the Committee about the joint efforts of the UCCSN and the Nevada Department of Education to form a P-16 council. The P-16 council will be comprised of representatives from the full spectrum of education, including pre-kindergarten through 12 administrators and educators, higher education administrators, legislators, the business community, parents, and parent-teacher associations. Dr. Nichols opined that the confluence of the ADP efforts and the P-16 council efforts should reduce the need for remedial education of Nevada high school graduates. For additional information on this topic, please refer to page 43 of this report. Therefore, the Committee adopted a recommendation to:

- **Include a statement in the final report of the Committee noting that there are issues that were not adequately addressed during the 2001-03 interim due to a lack of sufficient time and the imperatives of the No Child Left Behind Act of 2001. Although not addressed by the Committee during this interim, the Committee intends to make a priority in the 2003-05 interim of the following issue; namely, the effective implementation of a P-16 effort to reduce the gap between high school and postsecondary education, including the reduction of remediation at the college level, facilitating progression to postsecondary study, and improvements in workforce preparation.**

#### IV. SELECTED REFERENCES

##### Print Resources:

“Elementary and Secondary Education: Reconsideration of the Federal Role by the 107<sup>th</sup> Congress,” Updated February 27, 2002, Congressional Research Service (CSR) Issue Brief.

*Dispelling the Myth Revisited: Preliminary Findings from a Nationwide Analysis of “High-Flying” Schools*; Education Trust, 2001.

Education Commission of the States (ECS) (March 2002). *No State Left Behind: The Challenges and Opportunities of ESEA 2001*.

*No Child Left Behind: A Desktop Reference 2002*, prepared by the United States Department of Education.

##### Useful Web sites:

- No Child Left Behind Act of 2001: [www.nochildleftbehind.gov](http://www.nochildleftbehind.gov)
- National Assessment of Educational Progress: <http://nces.ed.gov/nationsreportcard>.
- Grow Network: [www.grow.net](http://www.grow.net)
- Maryland Department of Education School Improvement: [www.mdk12.org](http://www.mdk12.org)
- Just for the Kids: [www.jftk.org](http://www.jftk.org)
- Milken Family Foundation Teacher Advancement Program: [www.mff.org/tap/tap.taf](http://www.mff.org/tap/tap.taf)
- Education Commission of the State: [www.ecs.org](http://www.ecs.org)





## V. ACKNOWLEDGMENTS

The Legislative Counsel Bureau would like to acknowledge the efforts of the following persons and entities for assisting the Committee during its deliberations, and for providing information included in this report:

- To the Nevada Department of Education, special thanks to Jack McLaughlin, Superintendent of Public Instruction; Bill Arensdorf, Director, Fiscal Accountability; Carol Crothers, Education Consultant, Assessments, Program Accountability, and Curriculum; Gloria Dopf, Assistant Deputy Superintendent, Special Education, ESEA, and School Improvement; Mark Knudson, Education Consultant, Technology and Innovative Programs; Paul La Marca, Director, Assessments, Program Accountability, and Curriculum; Terry Owens, Education Consultant, Special Education, ESEA, and School Improvement; Denise Quon, Education Consultant, Assessments, Program Accountability, and Curriculum; Keith Rheault, Deputy Superintendent, Instructional, Research, and Evaluative Services; Kathleen St. Clair, Education Consultant, Special Education, ESEA, and School Improvement; David Smith, Education Consultant, Assessments, Program Accountability, and Curriculum; and Joan Taylor, Education Consultant, Assessments, Program Accountability, and Curriculum.
- To the State Treasurer's Office, especially Susan K. Moore, Executive Director of Millennium Scholarship Program, and Janice A. Wright, Deputy of Education Programs.
- To the University and Community College System of Nevada, especially the Chancellor's Office, Jane Nichols, Chancellor, and Sherwin Iverson, Associate Vice Chancellor, Academic and Student Affairs.
- To the University of Nevada, Reno, especially William E. Sparkman, Dean, College of Education, and Gus Hill, Associate Professor, Education Leadership Department.
- To the University of Nevada, Las Vegas, especially Gene E. Hall, Dean, College of Education, and Robert McCord, Assistant Professor, Educational Leadership.
- To all 17 school districts and the superintendents for their presentations to the Committee, responses to polls, and other requests for updates, and special thanks to Craig Kadlub, Director, Public Affairs, and Joyce Haldeman, Executive Director, Community and Government Relations, at the Clark County School District; and Dotty Merrill, Director, Public Policy, Accountability, and Assessment, and Steve Williams, School Planning and Public Policy, at the Washoe County School District.

- To Stanley Chow, Director, Regional Services, WestEd, San Francisco, California.
- To Fred Dugger, Chair of the Commission on Educational Technology, and the following Commission members:
  - Senator Mark E. Amodei, Carson City
  - Jhone Ebert, Las Vegas
  - David Flatt, Las Vegas
  - Dori Jensen, Sparks; Jeffrey Johnston, Gardnerville
  - Sara Jones, Carson City
  - Bart Mangino, Las Vegas
  - Assemblyman David R. Parks, Las Vegas
  - Ranson Webster, Reno
  - Davan Weddle, Las Vegas
- To Debbie Smith, Chair of the Council to Establish Academic Standards for Public Schools and the following Council members:
  - Evelyn Allred, Elko
  - Sharon Beatty, Las Vegas
  - Assemblywoman Vonne Chowning, North Las Vegas
  - Scott Craigie, Reno
  - Benjamin Hart, Las Vegas
  - Senator Ann O'Connell, Las Vegas
  - Elaine Wynn, Las Vegas
- With special thanks to Lynn Sawyer, Chair of the Statewide Coordinating Council and Coordinator of the Northwestern Nevada RPDP, and the following members of the Statewide Coordinating Council:
  - Roy Casey, Coordinator Western Nevada RPDP
  - Dorothy Todd, Board Representative Western Region
  - Bill Hanlon, Coordinator Southern Nevada RPDP
  - Teresa Jordan, Board Representative Southern Region
  - Nancy Remington, Coordinator Northeastern Nevada RPDP
  - Andrea Trow, Board Representative Northeastern Region
  - Lisa Noonan, Board Representative Northwestern Region
- To Steve Henick, President, Commission on Professional Standards in Education, and Hardy McNew, Member, Commission on Professional Standards in Education.

## VI. APPENDICES

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## APPENDIX A

*Nevada Revised Statutes* 218.5352 and 218.5354  
Legislative Committee on Education



*NEVADA REVISED STATUTES*

LEGISLATIVE COMMITTEE ON EDUCATION

**NRS 218.5352 Legislative Committee on Education: Creation; membership; chairman and vice chairman; vacancies.**

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the committee consists of:

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the Legislative Commission shall select the chairman and vice chairman of the committee from among the members of the committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the Legislature.

4. A vacancy on the committee must be filled in the same manner as the original appointment.

(Added to NRS by 1997, 1775)

**NRS 218.5354 Legislative committee on education: Powers and duties.**

1. The committee may:

(a) Evaluate, review and comment upon issues related to education within this state, including, but not limited to:

(1) Programs to enhance accountability in education;

(2) Legislative measures regarding education;

(3) Methods of financing public education;

(4) The condition of public education in the elementary and secondary schools;

(5) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700, 388.710 and 388.720;

(6) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and

(7) Any other matters that, in the determination of the committee, affect the education of pupils within this state.

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the legislative counsel bureau assist in the research, investigations, hearings and reviews of the committee.

(d) Make recommendations to the legislature concerning the manner in which public education may be improved.

2. The committee shall:

(a) In addition to any standards prescribed by the department of education, prescribe standards for the review and evaluation of the reports of school districts pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, recommend to the department of education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

(Added to NRS by 1997, 1776)



## APPENDIX B

### Letters Sent to Entities at the Direction of the Legislative Committee on Education



WILLIAM J. RAGGIO

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

COMMITTEES:

*Chairman*

Finance

*Vice Chairman*

Government Affairs

*Member*

Legislative Affairs and Operations



# State of Nevada Senate

December 30, 2002

DISTRICT OFFICE:

P.O. Box 281

Reno, Nevada 89504-0281

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LEGISLATIVE BUILDING:

401 S. Carson Street

Carson City, Nevada 89701-4747

Office: (775) 684-1419 or 684-1401

Fax No.: (775) 684-6522

Carlos Garcia, Superintendent  
Clark County School District  
2832 East Flamingo Road  
Las Vegas, Nevada 89121-5205

Dear Mr. Garcia:

The purpose of this letter is to advise the Clark County School District with regard to the support of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) for implementation of a district program to loan laptop computers to disadvantaged students. During the 2001-03 interim, the Committee heard a presentation by a middle school science teacher about the value of using technology to support and enhance learning in the classroom. The Committee also learned that other states had implemented programs to loan laptop computers to disadvantaged students to provide more equal opportunities for all students.

The Committee has included an appropriation of almost \$10 million for educational technology for schools in its bill draft request to implement the No Child Left Behind Act of 2001. As you are aware, the funds appropriated for educational technology for the current biennium in Senate Bill 427 (Chapter 574, *Statutes of Nevada* 2001) were not released by the Governor's office due to fiscal concerns. In addition, there are federal grant opportunities to support educational technology that the district may be able to access. Therefore, the members of the Committee urge the Clark County School District to review its educational technology plan and consider implementation of a program to loan laptop computers to disadvantaged students.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio".

Senator William J. Raggio

Chairman, Legislative Committee on Education



**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

**COMMITTEES:**

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Carlos Garcia, Superintendent  
Clark County School District  
2832 East Flamingo Road  
Las Vegas, Nevada 89121-5205

Dr. James L. Hager, Superintendent  
Washoe County School District  
425 East Ninth Street  
Reno, Nevada 89520-2800

Dear Mr. Garcia and Dr. Hager:

The purpose of this letter is to advise the Clark County School District and the Washoe County School District with regard to the support of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) for district efforts to assist homeless students. During the 2001-03 interim, the Committee heard testimony about the plight of homeless children who attend school and the successful model of the Thomas J. Pappas School in Arizona. The Committee learned that the No Child Left Behind Act of 2001 prohibits new schools based on the Pappas model but that federal assistance for homeless students will continue to be available.

The Committee wishes to express its support for existing district programs for homeless students and for the provision of the services and support needed for homeless children to succeed in school. The Committee further wishes to urge the districts to make specialized services available to such children to address the unique needs of students without homes.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio".

Senator William J. Raggio

Chairman, Legislative Committee on Education



WILLIAM J. RAGGIO

SENATOR

Washoe No. 3



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Office: (775) 786-5000

Fax No.: (775) 323-8534

MAJORITY FLOOR LEADER

COMMITTEES:

Chairman

Finance

Vice Chairman

Government Affairs

Member

Legislative Affairs and Operations

## State of Nevada Senate

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Carson City, Nevada 89701-4747

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Fax No.: (775) 684-6522

December 30, 2002

Assemblyman Morse Arberry Jr., Chairman  
Assembly Committee on Ways and Means  
2551 South Fort Apache Road, Suite 102  
Las Vegas, Nevada 89117-8700

Dear Assemblyman Arberry:

The Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) has directed that the chairs of the legislative committees be advised that the Committee supports the continuation of the prior level of appropriation for the budget of the Council to Establish Academic Standards for Public Schools (NRS 389.510 et seq). In my capacity as Chair of the Senate Committee on Finance, I will be sharing the intent of the Legislative Committee on Education with the other committee members.

As you may know, the Council was created in 1997 as part of the Nevada Education Reform Act (Senate Bill 482, Chapter 473, *Statutes of Nevada* 1997). The Council is charged with developing and monitoring academic content and performance standards for Nevada's public schools. The Council is also charged with consulting with the State Board of Education on the development of assessment to measure achievement of the standards and to periodically review the standards and make recommendations on revisions. The Legislative Committee on Education wishes to express its support for continued legislative appropriations to maintain the Council's budget thereby enabling it to continue its work and meet its statutory mandates.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio".

Senator William J. Raggio

Chairman, Legislative Committee on Education

WJR/rd:W24033

cc: Debbie Smith, Chairman, Council to Establish  
Academic Standards for Public Schools  
Gary Ghiggeri, Fiscal Analysis Division  
Mark Stevens, Fiscal Analysis Division





**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

**COMMITTEES:**

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*Vice Chairman*

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December 30, 2002

Douglas Seastrand  
Chair, UCCSN Board of Regents  
6440 Spanish Garden Court  
Las Vegas, Nevada 89110-4037

Dear Mr. Seastrand:

The purpose of this letter is to advise the Board of Regents concerning the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions concerning certain provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act – ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address the various requirements of the Act.

As you may be aware, the federal law now requires that paraprofessionals in public schools receiving Title I funding must meet the federal definition of “qualified” by January 8, 2006. New hires must meet these requirements immediately. The law specifies that to be qualified an employee must have an associate’s degree in certain subjects, or two years of postsecondary education, or successfully pass a competency test by the state or district.

The draft legislation approved by the Committee provides for the regulation of all instructional paraprofessionals, not just those in Title I programs. The State Board of Education is directed to specify test(s) for statewide qualifications for instructional paraprofessionals to facilitate portability and to consider reciprocity with other states. In addition, the bill will specify that future data on paraprofessional qualifications and school assignments will be collected and reported at the school, district, and state level.

The members of the Legislative Committee on Education noted the additional training requirements that will be needed to address this issue, and would like to urge the Board to give favorable consideration to expanding or adding paraprofessional programs within the system’s institutions. Further, since employees will need to receive this training while continuing to

Doug Seastrand  
Page 2  
December 30, 2002

work, we also encourage flexibility in scheduling these programs to accommodate work schedules.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio", written in a cursive style.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30206  
cc: Dr. Jane Nichols, University and Community  
College System of Nevada  
Dr. Jack McLaughlin, Nevada Department of  
Education

WILLIAM J. RAGGIO

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

COMMITTEES:

Chairman

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Vice Chairman

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Fax No.: (775) 684-6522

Douglas Seastrand  
Chair, UCCSN Board of Regents  
6440 Spanish Garden Court  
Las Vegas, Nevada 89110-4037

Dear Mr. Seastrand:

As Chairman of the Legislative Committee on Education, I wish to advise the Board of Regents with regard to concerns of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) about the Millennium Scholarship Program (MSP). During the 2001-03 interim, the Committee heard testimony about the possible misuse of MSP funds by students, specifically the potential use of MSP funds for non-educational purposes. The Committee also heard presentations by Dr. Susan K. Moore, Executive Director of the MSP, Office of the Treasurer, regarding the procedures and policies relating to MSP funds. The Committee members expressed concerns about the disbursement of residual MSP funds to students.

As you know, *Nevada Revised Statutes* (NRS) 396.934 limit the use of MSP funds as follows:

- (a) For the payment of registration fees and laboratory fees and expenses;
- (b) To purchase required textbooks and course materials; and
- (c) For other costs related to the attendance of the student at the eligible institution.

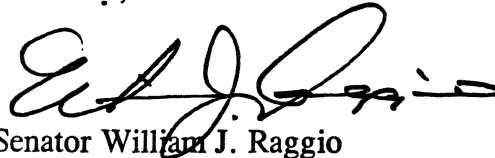
As explained by Dr. Sherwin Iverson, Associate Vice Chancellor for Academics and Student Affairs, at the University and Community College System of Nevada, each institution applies students' financial aid funds (MSP and other scholarship funds) toward tuition and other costs of attendance. Costs of attendance are determined in accordance with federal guidelines and may differ from institution to institution. Further, some "hard" costs of attendance, such as dormitory charges or bookstore expenses, may not be billed through the institution. Dr. Iverson further explained that, in accordance with federal guidelines and common practice in financial aid, financial funds remaining after payment of the costs of attendance are disbursed to the student.

Douglas Seastrand  
Page 2  
December 30, 2002

Committee members are mindful of the intent that MSP funds be spent on educational costs but have heard from constituents that such is not always the case. Subsequent to the presentations, the Committee was provided with information from Dr. Moore regarding additional steps being taken by the MSP to address the issue of reimbursements and the appropriate use of residual MSP funds. The members of the Legislative Committee on Education noted the efforts being made to address this issue and the need to remain consistent with federal guidelines for financial aid, but ask that the Board be aware of the Committee's concerns and monitor the issue of possible expenditure of MSP funds for non-educational purposes.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio", with a stylized flourish at the end.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W24036

cc: Dr. Sherwin Iverson, UCCSN  
Dr. Susan K. Moore, Office of the Treasurer

WILLIAM J. RAGGIO  
SENATOR  
Washoe No. 3

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December 30, 2002

John P. Comeaux, Director  
Budget Division  
Department of Administration  
209 East Musser Street, Room 200  
Carson City, Nevada 89701-4298

Dear Mr. Comeaux:

The purpose of this letter is to advise the Budget Division concerning the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions regarding certain provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act – ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address the various requirements of the Act.

As you may be aware, the federal law now requires that paraprofessionals in public schools receiving Title I funding must meet the federal definition of “qualified” by January 8, 2006. New hires must meet these requirements immediately. The law specifies that to be qualified an employee must have an associate’s degree in certain subjects, or two years of postsecondary education, or successfully pass a competency test by the state or district.

The draft legislation approved by the Committee provides for the regulation of all instructional paraprofessionals, not just those in Title I programs. The State Board of Education is directed to specify test(s) for statewide qualifications for instructional paraprofessionals to facilitate portability and to consider reciprocity with other states. In addition, the bill will specify that future data on paraprofessional qualifications and school assignments will be collected and reported at the school, district, and state level.

The members of the Legislative Committee on Education noted the additional training requirements that will be needed to address this issue, and have urged the Board of Regents of the University and Community College System to make the needed program changes within

Perry Comeaux  
Page 2  
December 30, 2002

their institutions. However, it was also the sense of the Committee that these additional requirements may have future budget impacts due to possible salary adjustments to compensate these employees for their enhanced training and education. While Title I does pay for paraprofessionals directly involved in Title I programs, there are other instructional paraprofessionals operating with our public schools that may not be funded by federal programs; thus, the districts will have to pick up any additional costs. The purpose of this letter is to alert you to this issue and its potential impact upon the budget for the future biennia.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio", with a stylized flourish at the end.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30205  
cc: Mindy Braun, Fiscal Analysis Division

**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

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**Dr. Jack McLaughlin**  
Superintendent of Public Instruction  
Nevada Department of Education  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. McLaughlin:

As Chairman of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352), I wish to advise the Nevada Department of Education of several concerns of the Committee relating to implementation of the Federal No Child Left Behind Act of 2001. As you are aware, the Committee is submitting a bill draft for consideration by the 2003 Legislature that is intended to bring Nevada into compliance with the federal act and to restructure our state accountability and assessment systems. In the adoption of the Committee's concept paper on the No Child Left Behind Act bill draft at the November 20, 2002, meeting, members of the Committee directed that certain issues would be best handled through a letter of intent.

While taking its oversight role seriously, the Committee strives to avoid legislation that unduly interferes with administrative matters that should be handled by the Department or the State Board of Education. To that end, the Committee has several requests of the Department that will not be included in the bill draft, but rather are being communicated through this letter.

First, the Committee would like the Department to review the High School Proficiency Examination (HSPE) as to the level of difficulty and setting of the cut score. If the HSPE is to be part of the assessment system under the No Child Left Behind Act, then Nevada must be sure that the test is valid and appropriate as required by the federal act. Further, the members of the Committee feel strongly that the HSPE must be a meaningful test that gives value to a Nevada high school diploma. The *American Diploma Project* and others have raised some issues regarding the HSPE that must be addressed to ensure confidence in the examination, for students, parents, educators, the business community, higher education, and the Legislature. The Department should conduct the review in consultation with the Council to Establish Academic Standards, especially as to consideration of the HSPE alignment with exit standards.

Second, the Committee is of the opinion that the best forum for resolving various technical issues affecting reporting at the state, district, and school levels, is the school accountability technical advisory committee (TAC). Specifically, the Committee members ask the Department to convene the school accountability TAC and have it review and make recommendations on: (1) the need for additional items in the state, district and school level reports required by the federal act; (2) revisions to the Part III reports currently required by NRS 385.347; and (3) uniform formats for district reports and, within a district, for school reports. Although the federal act contains numerous reporting requirements, Nevada must consider what additional information, if any, it needs to collect to guide educational policy and decision-making, at all levels of our educational system. Also, the No Child Left Behind Act requires uniformity for district and school reports to facilitate comparisons and use by the public. While the Committee is mindful of the desire on the part of school districts and schools to design their own reports, this consideration must be balanced with the federal act requirements and statewide priorities.

Third, with regard to transmission of reports prepared by the Department for the United States Department of Education, the Committee would like to receive copies of certain of those reports without need of statutory directives. Specifically, the Committee asks that the Department provide copies of the reports it submits to the U.S. Department of Education for: (1) accountability; (2) teacher qualifications; (3) drop-outs; (4) Limited English Proficiency (LEP) students; and (5) safe schools, to the Governor, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation.

Fourth, recognizing that the achievement gap is the primary focus of the No Child Left Behind Act and is also of great concern to the Legislature, the Committee requests that the Department undertake a review of the achievement gap between Nevada students especially as it relates to LEP and special education students. Determining the scope of the problem and identifying potential solutions are critical to the future success of Nevada's public schools.

Fifth, the federal law requires the consideration of producing state, district, and school level reports in languages other than English "to the extent practicable" that a parent can understand. Given the continuing increases in minority enrollment in the Clark County School District and others, the Department, in consultation with the State Board of Education, should review this issue while keeping in mind the fiscal and administrative implications.

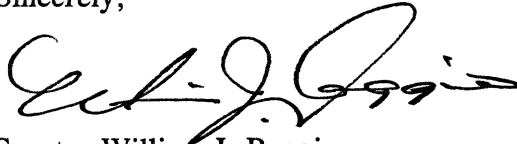
The members of the Legislative Committee on Education note the significant efforts being made by the Department to address the mandates of the No Child Left Behind Act and commends the work done to date. Compliance with the act, both administratively and educationally, will require the cooperation of all branches of government. The members of the Committee look forward to working with the Department to implement the No Child Left Behind Act and to reach the 2013 goal of proficiency for all Nevada students.



Dr. Jack McLaughlin  
Page 3  
December 30, 2002

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Raggio". The signature is fluid and cursive, with the first name "William" and last name "Raggio" being the most prominent parts.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30210  
cc: David C. Sheffield, State Board of Education



**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3

MAJORITY FLOOR LEADER

**COMMITTEES:**

*Chairman*

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# State of Nevada Senate

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December 30, 2002

Dr. Jack McLaughlin  
Superintendent of Public Instruction  
Nevada Department of Education  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. McLaughlin:

As Chairman of the Legislative Committee on Education, I am writing to you and to all 17 school district superintendents in Nevada to provide you with a clear statement of the Committee's intent with regard to the application of certain provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act). As you know, Nevada's schools, districts, and the state itself must meet specific academic achievement growth targets each year to make "adequate yearly progress." Furthermore, each student subgroup specified in the Act must meet these growth targets or certain interventions will be imposed. The specific goal of the legislation is to ensure that all groups of students become proficient by 2013.

The law provides states and districts some flexibility in the allocation of funds from other Titles contained in the Act to help meet annual Adequate Yearly Progress targets – for example, transfer authority is contained in the Act's innovative program funds and teacher professional development grants. In fact, the U.S. Secretary of Education Rod Paige's letter of July 24, 2002, states, "... the statute gives States and LEAs flexibility in how they can direct Title I school improvement funds to schools that need the most improvement."

At its November 20, 2002, meeting, the Legislative Committee on Education approved a letter of intent with regard to this option, that school districts and the state should, to the extent permitted by the federal act, prioritize remediation funding to support AYP-related programs. I think you will agree that the time has come to marshal all our scarce resources more efficiently to provide for the most effective programs designed to address these AYP growth targets. To that end, the Committee is asking the districts to assign this funding to programs that are most likely to help schools and the district meet AYP growth targets, or for addressing

Dr. Jack McLaughlin

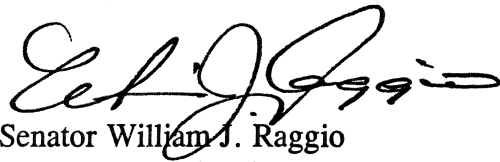
Page 2

December 30, 2002

the academic needs of schools or subgroups that have not achieved AYP. Likewise, the Nevada Department of Education should assign a high priority to programs that assist schools and districts to meet AYP targets.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio", with a stylized flourish at the end.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30208

cc: Randy Robison, Nevada Association  
of School Boards  
School District Superintendents

**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3



MAJORITY FLOOR LEADER

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# State of Nevada Senate

December 30, 2002

Dr. Steven E. Henick, President  
Commission on Professional Standards in Education  
9113 Kettle Creek Drive  
Las Vegas, Nevada 89117-7030

Dear Dr. Henick:

The purpose of this letter is to advise the Commission on Professional Standards in Education of the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions concerning provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act – ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address various requirements of the Act.

As you are aware, the federal law now requires that all teachers will meet the federal definition of highly qualified in the subjects they teach by the end of the 2005-06 school year. According to the federal law, to be highly qualified a teacher must hold a baccalaureate degree. In addition, new high school and middle school teachers must demonstrate competency in each of the academic subjects taught or complete an academic major or coursework equivalent to a major. New elementary teachers must demonstrate subject knowledge and teaching skills through competency testing. Currently licensed teachers must also meet the degree requirements and demonstrate competency.

The draft legislation approved by the Committee provides for the amending of *Nevada Revised Statutes* 391.031 to include a middle school license to teach. The bill will further direct the Commission to review and modify licensing regulations to address content knowledge to meet federal requirements.

In keeping with the spirit of No Child Left Behind, the Committee desires that Nevada public school teachers be highly qualified. It is incumbent upon those of us in policymaking positions to ensure that they meet this requirement. Our schoolchildren deserve no less.

Dr. Steven E. Henick  
Page 2  
December 30, 2002

Yet, in reviewing the current status of teacher competency testing in Nevada, the Committee has learned that the cut scores for passing, as set by the Commission, are so low as to allow an extraordinary number of test takers to pass the exam. Since these basic skills exams are reportedly set at the high school level, there is concern that some of those who pass may not have the content knowledge necessary to be highly qualified within the meaning of the federal statute. The members of the Legislative Committee on Education, therefore, urge the Commission on Professional Standards in Education to consider establishing higher cut scores on competency tests.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Raggio", with a stylized flourish at the end.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30209

cc: Dr. Jack McLaughlin, Nevada Department of Education  
Dr. Keith Rheault, Nevada Department of Education

WILLIAM J. RAGGIO  
SENATOR  
Washoe No. 3

MAJORITY FLOOR LEADER

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Fax No.: (775) 684-6522

Dr. Gene E. Hall, Dean  
College of Education  
University of Nevada, Las Vegas  
4505 South Maryland Parkway  
Las Vegas, Nevada 89154-3001

Dear Dean Hall:

The purpose of this letter is to advise the deans and the department chair of education at the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Great Basin College of the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions concerning provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act – ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address various requirements of the Act.

As you are aware, the federal law now requires that all teachers will meet the federal definition of highly qualified in the subjects they teach by the end of the 2005-06 school year. According to the federal law, to be highly qualified a teacher must be fully licensed or certified by the state. The intent of the federal law is to avoid placing teachers in classrooms, who lack the necessary credentials or who have not demonstrated content knowledge.

In reviewing the current status of teacher competency testing in Nevada, the Committee has learned that teacher education graduates from the institutions of the University and Community College System of Nevada may be recommended to the Nevada Department of Education for certification without passing all of the competency tests, including those in pedagogy and in their respective subject areas. Further, the Committee has learned that such graduates may receive a license to teach in the public schools of Nevada with a grace period of three years in which to pass these examinations. The members of the Legislative Committee on Education, therefore, urge the colleges and department of education at the respective UCCSN institutions to consider requiring the successful completion of the appropriate Praxis examinations, or their successor examinations, prior to graduation. In this way, we can ensure that Nevada will comply with No Child Left Behind.

Dr. Gene E. Hall, Dean  
Page 2  
December 30, 2002

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "W. J. Raggio". The signature is fluid and cursive, with the last name "Raggio" being more prominent.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30209-2

cc: Dr. William E. Sparkman, University of Nevada, Reno  
Leonardo Sanchez-Saenz, Great Basin College  
Danny Gonzales, Great Basin College  
Dr. Jane Nichols, UCCSN  
Jack McLaughlin, Nevada Department of Education  
Keith Rheault, Nevada Department of Education  
Dr. Steven Henick, Commission on Professional  
Standards In Education



**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3

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Dr. William E. Sparkman, Dean  
College of Education  
University of Nevada, Reno  
Mailstop 283  
Reno, Nevada 89557-0201

Dear Dean Sparkman:

The purpose of this letter is to advise the deans and the department chair of education at the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Great Basin College of the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions concerning provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act – ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address various requirements of the Act.

As you are aware, the federal law now requires that all teachers will meet the federal definition of highly qualified in the subjects they teach by the end of the 2005-06 school year. According to the federal law, to be highly qualified a teacher must be fully licensed or certified by the state. The intent of the federal law is to avoid placing teachers in classrooms, who lack the necessary credentials or who have not demonstrated content knowledge.

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Dr. William E. Sparkman, Dean  
Page 2  
December 30, 2002

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Raggio". The signature is fluid and cursive, with the first name "William" and last name "Raggio" being the most prominent parts.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30209-1

cc: Dr. Gene E. Hall, University of Nevada, Las Vegas  
Leonardo Sanchez-Saenz, Great Basin College  
Danny Gonzales, Great Basin College  
Dr. Jane Nichols, UCCSN  
Jack McLaughlin, Nevada Department of Education  
Keith Rheault, Nevada Department of Education  
Dr. Steven Henick, Commission on Professional  
Standards In Education

**WILLIAM J. RAGGIO**

SENATOR

Washoe No. 3



**MAJORITY FLOOR LEADER**

**COMMITTEES:**

*Chairman*

Finance

*Vice Chairman*

Government Affairs

*Member*

Legislative Affairs and Operations

# State of Nevada Senate

December 30, 2002

**DISTRICT OFFICE:**

P.O. Box 281

Reno, Nevada 89504-0281

Office: (775) 786-5000

Fax No.: (775) 323-8534

**LEGISLATIVE BUILDING:**

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Carson City, Nevada 89701-4747

Office: (775) 684-1419 or 684-1401

Fax No.: (775) 684-6522

Dr. Leonardo Sanchez-Saenz, Chair  
Elementary Education Department  
Great Basin College  
1500 College Parkway  
Elko, Nevada 89801-9930

Dear Mr. Sanchez-Saenz:

The purpose of this letter is to advise the deans and the department chair of education at the University of Nevada, Reno, the University of Nevada, Las Vegas, and the Great Basin College of the intent of the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) with regard to its actions concerning provisions of the Federal No Child Left Behind Act (the 2001 Congressional reauthorization of the Elementary and Secondary Education Act - ESEA). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address various requirements of the Act.

As you are aware, the federal law now requires that all teachers will meet the federal definition of highly qualified in the subjects they teach by the end of the 2005-06 school year. According to the federal law, to be highly qualified a teacher must be fully licensed or certified by the state. The intent of the federal law is to avoid placing teachers in classrooms, who lack the necessary credentials or who have not demonstrated content knowledge.

In reviewing the current status of teacher competency testing in Nevada, the Committee has learned that teacher education graduates from the institutions of the University and Community College System of Nevada may be recommended to the Nevada Department of Education for certification without passing all of the competency tests, including those in pedagogy and in their respective subject areas. Further, the Committee has learned that such graduates may receive a license to teach in the public schools of Nevada with a grace period of three years in which to pass these examinations. The members of the Legislative Committee on Education, therefore, urge the colleges and department of education at the respective UCCSN institutions to consider requiring the successful completion of the appropriate Praxis examinations, or their successor examinations, prior to graduation. In this way, we can ensure that Nevada will comply with No Child Left Behind.

Leonardo Sanchez-Saenz

Page 2

December 30, 2002

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,

A handwritten signature in black ink, appearing to read "William J. Raggio". The signature is fluid and cursive, with the first name "William" and last name "Raggio" clearly distinguishable.

Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30209-3

cc: Dr. Gene E. Hall, University of Nevada, Las Vegas  
Dr. William E. Sparkman, University of Nevada, Reno  
Dr. Jane Nichols, UCCSN  
Jack McLaughlin, Nevada Department of Education  
Keith Rheault, Nevada Department of Education  
Dr. Steven Henick, Commission on Professional  
Standards In Education  
Danny Gonzales, Great Basin College

WILLIAM J. RAGGIO  
SENATOR  
Washoe No. 3

MAJORITY FLOOR LEADER

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Chairman  
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## State of Nevada Senate

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Fax No.: (775) 684-6522

December 30, 2002

Chairman Bob Crowell and Board Members  
Carson City School Board  
P.O. Box 1000  
Carson City, Nevada 89702-1000

Dear Chairman Crowell:

The purpose of this letter is to provide you with a clear statement of the Legislative Committee on Education's (*Nevada Revised Statutes* 218.5352) intent with regard to its actions concerning certain provisions of the Federal No Child Left Behind Act (the 2001 reauthorization of the Elementary and Secondary Education Act). As you may know, the Committee is submitting a bill draft for consideration by the 2003 Legislature to address the various requirements of the Act.

A key portion of the federal law concerns a structured, research-based approach to school improvement planning and implementation. While school improvement plans have been a part of Nevada's school accountability law in the past, this new law provides for a much more formal approach, while also providing some federal funding for the effort.

As you know, Nevada's schools, districts, and the state itself must meet specific academic achievement growth targets each year to make "adequate yearly progress," (AYP). Furthermore, each student subgroup specified in the Act must meet these growth targets or certain interventions will be imposed. The explicit goal of the legislation is to ensure that all groups of students become proficient by 2013. The school improvement process will now be linked directly to those academic achievement targets that are part of AYP. In addition, schools will need to include specific actions within their improvement plans that target professional development efforts, school and student remedial programs, and so on, utilizing research-based programs and methodologies. To accomplish these tasks, school boards will need the ability to reallocate resources effectively; to that end, I expect the In\$ite system that we have established over the previous biennium will be particularly useful. I would suggest that your superintendent or chief fiscal officer demonstrate the reports that are available from that system, if they have not already done so.

Chairman Crowell and Board Members

Page 2

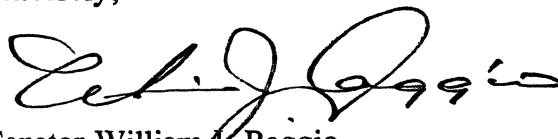
December 30, 2002

Although Title I schools will be receiving the most focused attention concerning school improvement planning, preliminary projections by the Nevada Department of Education indicate that within the next three to five years, many or most schools in your district will be affected by the incremental nature of the AYP system. As a result, a significant number of your schools will be subject to the structured school improvement planning process. While federal funds are likely to be sufficient to address the planning and implementation needs of Title I schools, it is likely that the districts will need to devote additional resources to these activities for non-Title I schools.

The members of the Legislative Committee on Education noted the additional focus upon school improvement, while also acknowledging the probable impact upon more and more schools as the AYP process continues. While resources for these activities appear to be sufficient for the near term, members asked that the boards of trustees be notified that future district and state budget considerations will need to address this issue. You may wish to make your future budget plans accordingly.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, Pepper Sturm, Chief Principal Research Analyst, Research Division of the Legislative Counsel Bureau, at (775) 684-6825.

Sincerely,



Senator William J. Raggio  
Chairman, Legislative Committee on Education

WJR/rd:W30207

c. Jack McLaughlin, Nevada Department of Education  
Doug Thunder, Nevada Department of Education  
Randy Robison, Nevada Association of School Boards  
Senator William J. Raggio, Chairman, Senate  
Committee on Finance  
Assemblyman Morse Arberry, Jr., Chairman, Assembly  
Committee on Ways and Means

## APPENDIX C

### No Child Left Behind Timeline





## No Child Left Behind: Timeline

National Governors Association's summary of the timeline requirements of No Child Left Behind.

### Standards

Key Dates	NCLB Provision
Immediately	Standards and grade level expectations must be developed for reading and math in grades 3-8.
May, 2003	States must submit evidence of reading and mathematics content standards and grade level achievement (performance) standards.
2005-06	States must implement reading and math 3-8 grade level academic achievement standards.
2005-06	Science academic content standards must be developed for elementary, middle and high school.
May, 2006	States must submit evidence of science content standards and grade level achievement standards.
December, 2006	States must submit evidence of implementing reading and math academic achievement standards.
2007-08	States must implement science academic achievement standards.
December, 2008	States must submit evidence of implementing science academic achievement standards.

### Assessment/Testing

Key Dates	NCLB Provision
2002-03	States must administer tests in reading and math at least once in grade spans 3-5, 6-9, 10-12.
2005-06	States must administer tests every year in grades 3-8 (and at least once in grades 10-12) in reading and math.
December, 2006	States must submit evidence of implementing reading and math assessments in grades 3-8.
2007-08	States must administer tests in science at least once in grade spans 3-5, 6-9, 10-12.
December, 2008	States must submit evidence of implementing science assessments.

### Public School Choice

Key Dates	NCLB Provision
Immediately	New parental choice options available for parents whose children attend schools in need of improvement.

### Supplemental Services

Key Dates	NCLB Provision
Beginning of 2002-03 school year	States must identify approved providers of supplemental services
2002-03	Low performing schools will have to offer supplemental services for eligible students.

### Highly-Qualified Teachers

Key Dates	NCLB Provision
Beginning January 8, 2002	New Title I paraprofessionals must meet No Child Left Behind's paraprofessional requirements.
Beginning of 2002-03 school year	All newly-hired Title I teachers of core academic subjects must meet highly-qualified teacher requirements.
2005-06	All teachers of core academic subjects must meet highly-qualified teacher requirements.

### Consolidated State Applications/Plans

Key Dates	NCLB Provision
June 12, 2002	Consolidated state applications due to U.S. Department of Education.
January 31, 2003	Preliminary description of how the state calculated its "starting point" as required for Adequate Yearly Progress (AYP), the state definition of AYP and the minimum number of students the state has determined to be sufficient to yield statistically reliable information will be due.
May 1, 2003	State performance targets related to the Consolidated application's Goals and Indicators are due.
May 1, 2003	Baseline data for non-AYP performance targets are due.

Key Dates	NCLB Provision
May 1, 2003	Description of how the state calculated its “starting point” as required for Adequate Yearly Progress (AYP), the state definition of AYP and the minimum number of students the state has determined to be sufficient to yield statistically reliable information will be due.

#### NAEP Assessment

Key Dates	NCLB Provision
Starting in 2002-03, continuing every other year	The U.S. Department of Education will pay for a state to participate in the NAEP reading and math assessment for 4 <sup>th</sup> and 8 <sup>th</sup> graders every other year.

#### LEP Student Assessment

Key Dates	NCLB Provision
Starting in 2002-03	States must ensure that districts administer annual assessments of English proficiency to LEP students.

#### Report Cards

Key Dates	NCLB Provision
Beginning of 2002-03	States disseminate annual state report cards.
Beginning of 2002-03	Districts disseminate annual local report cards.

Source: Printed from the NGA Web site: [http://www.nga.org/center/divisions/1,1188,C\\_ISSUE\\_BRIEF^D\\_4767,00.html](http://www.nga.org/center/divisions/1,1188,C_ISSUE_BRIEF^D_4767,00.html)



## APPENDIX D

### Statutory Reports to the Legislative Committee on Education



**STATUTORY REPORTS TO THE LEGISLATIVE COMMITTEE ON EDUCATION**

<b>SECTION</b>	<b>DESCRIPTION OF STATUTORY REPORTS</b>	<b>REPORTING PERIOD/DATE</b>
NRS 385.351	School district boards to submit individual school accountability reports. District to submit district school improvement report.	April 15  June 15
NRS 385.369	Department to notify Committee of schools designated as needing improvement.	April 1
NRS 385.371	Initial designation of a school needing improvement – district to submit plan for improvement.	February 15
NRS 385.373	For schools designated as needing improvement for two years, school district to submit copy of its plan for improvement.	February 15
NRS 385.375	For schools designated as needing improvement for three years, Department to submit copy of its plan for improvement. School district to make reports about its efforts to improve such schools.	Not specified  Quarterly
NRS 385.378	Waiver from appointment of panel to supervise school needing improvement - Department must report such waivers.	February 15 of each year
NRS 385.381	If school is designated as needing improvement two years in a row, the panel to supervise school's probation will submit its findings (report).	April 1 of year appointed
NRS 385.389	Department to consider recommendations of Committee for programs of remedial study [i.e., list of effective remedial programs].	No set date
NRS 385.386	If the State Superintendent of Public Instruction appoints an administrator for a school on academic probation, the administrator shall report on the school's progress.	Quarterly
NRS 386.605	Charter schools required to submit written reports.	Before June 15 annually
NRS 389.012	National Assessment of Educational Progress (NAEP) – Department to report results of exams.	Approx. every two years





## APPENDIX E

### History of SMART



**STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU**

**LEGISLATIVE COMMISSION (775) 684-6800**  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

**CARSON CITY OFFICE:**

Legislative Building, 401 S. Carson Street  
Carson City, Nevada 89701-4747  
Fax No.: (775) 684-6600

LORNE J. MALKIEWICH, *Director* (775) 684-6800  
PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830



**INTERIM FINANCE COMMITTEE (775) 684-6821**  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

**LAS VEGAS OFFICE:**

555 E. Washington Avenue, Room 4400  
Las Vegas, Nevada 89101-1049  
Fax No.: (702) 486-2810  
BRIAN L. DAVIE, *Legislative Services Officer* (702) 486-2800

**MEMORANDUM**

---

DATE: November 13, 2002

TO: Mindy Braun, Education Program Analyst  
Fiscal Analysis Division

FROM: Lu Chen, Education Research Statistician *LC*  
Fiscal Analysis Division

SUBJECT: **History of SMART**

---

You requested a comprehensive history of the SMART (Statewide Management of Automated Records Transfer) system.<sup>1</sup>

**Feasibility Study of SMART**

In 1993, the Nevada Department of Education received a grant from the National Center for Education Statistics (NCES) to analyze the feasibility of automating student records statewide. The results of the analysis were presented in the September 1994 report titled *SMART Plan*. The primary benefit of the SMART system, as indicated in the report, would be to "allow the ready and convenient access of student information for legislators and school, district, and state administrators, as well as state and local school boards. This would enable each to make proactive rather than reactive educational and administrative decisions.

**Phase I of SMART**

Based on the feasibility study, the SMART system was established by Senate Bill 204 of the 1995 Legislative Session and funded during the 1995, 1997, 1999 and 2001 Sessions, with a total of about \$21.3 million from the state General Fund. During the 1995-97 biennium, the SMART system was started in six pilot school districts using a \$1.814 million appropriation contained in Senate Bill 204 of the 1995 Session. The six pilot school districts with the amounts of funding received were: Churchill, \$588,164; Clark, \$300,000; Elko, \$180,084; Lincoln, \$456,480; Pershing, \$164,272; and Washoe, \$125,000. The 1995-97 biennium is referred to as Phase I of

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<sup>1</sup> The term "SMART" used in this memorandum includes the student information systems implemented in the school districts as well as the hardware and software installed in the Nevada Department of Education.

Mindy Braun  
November 12, 2002  
Page Two

implementation of the SMART system. The funds for five of the six pilot districts were mainly spent on hardware, software and implementation services. The funding received by Clark County was used for planning during Phase I.

### **Phase II of SMART**

Phase II, which occurred over the 1997-99 biennium, was a critical period for implementation of SMART. During this phase, SMART was expanded to all of the 11 non-pilot school districts. The objectives of SMART Phase II were to establish standards, procedures and protocols and pilot school-to-school transcript exchange; conduct security analysis of SMART statewide and at the Nevada Department Education; and improve ExPRESS.nv (software to make the data comparable among the school districts) and web-based applications.<sup>2</sup>

Assembly Bill 469 of the 1997 Session appropriated \$12,710,354 to accomplish these objectives. Most of the funds (\$11,010,136) were allocated for purchasing hardware, software, training and related services. The remainder of the funds (\$1,700,218) was allocated by the Nevada Department of Education for contractual services necessary to install and maintain hardware and software for the SMART system, to provide technical support to the school districts, and to support an advisory committee (see Attachment I).

Pursuant to Section 4 of Assembly Bill 469, an advisory committee was created for the SMART system. The advisory committee consists of one representative from each of the 17 school districts, two representatives from the State Board of Education, one representative from the Budget Division, and two members of the Legislature. Although there were no provisions in Assembly Bill 469 concerning the duties of the advisory committee, it appears, based on observing the committee's meetings, that the committee provides recommendations to the Nevada Department of Education regarding standards, procedures and protocols for data collection and data format, as well as recommendations regarding technical assistance and funding needed to implement and maintain the SMART system.

Through the passage of Assembly Bill 469, it was anticipated that SMART would be operational in all of the non-Clark school districts by the end of the 1997-99 biennium. However, the objectives set forth for Phase II were not accomplished; no SMART data were available for practical use. Senate Bill 555 of the 1999 Session authorized the activities contained in Assembly Bill 469 of the 1997 Session to continue over the 1999-2001 biennium, which is referred as Phase III of implementation of the SMART system.

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<sup>2</sup> *Statewide Management of Automated Record Transfer (SMART) System, Presentation Prepared for the Superintendents' Meeting, 6/19/01, Nevada Department of Education.*

### **Phase III of SMART**

The 1999 Legislature provided \$4 million for Phase III through Senate Bill 555. Most of the funds (\$3.4 million) were allocated to the Clark County School District for full implementation of SMART in the district, with an agreement that no additional funding for implementing the district's SMART system would be provided by the Legislature in the future. The remainder of the funds (\$600,000) was to be spent by the Nevada Department of Education for contractual services, technical support to the school districts, and support of the advisory committee.

When the 1999-2001 biennium concluded, the SMART system was still not able to provide statewide student information for policy-making at the state level. It appeared that the delay was partly attributable to technical problems of the student information systems implemented to collect and maintain student records in the school districts. As a result, two school districts decided to convert to a new student information system (Pershing and Lyon Counties), and the Lyon County School District returned to the 2001 Session for additional funding to cover the costs incurred by the conversion. Problems found in Extract and ExPRESS.nv software used to pull out selected data elements from the student information systems of the 17 school districts and make the data comparable, also attributed to the delay. As a result, Extract and ExPRESS.nv would be revised and updated in the 2001-03 biennium in order to obtain reliable and comparable data.

### **Phase IV of SMART**

During Phase IV, which is over the 2001-03 biennium, implementation of SMART is continuing, with an authorization contained in Senate Bill 399 of the 2001 Session that the SMART system will be expanded to include charter schools. The 2001 Legislature provided a total of \$2,767,333 (see Attachment II) through the budget of the Nevada Department of Education for Phase IV. However, a letter of intent from the 2001 Legislature to the Nevada Department of Education indicates that the funding approved for hardware, software and personnel costs to support the SMART system during the 2001-03 biennium is one-time in nature and should not be considered as an ongoing, continuing responsibility of the state.

The activities during Phase IV and the amounts of funding allocated for the activities are: repair and upgrade of hardware and software (\$697,300); SMART administrators for all school districts except for Clark and Esmeralda Counties (\$1,244,610); 1.5 FTE consultant positions for SASIxp and Chancery (software for student information systems) users; revisions of SMART modules, Extract and ExPRESS.nv (\$469,900); and Lyon County's conversion from MacSchool to PowerSchool (\$165,023).<sup>3</sup> Although the advisory committee is not authorized for the current biennium, the committee has been continued with the funds approved for contractual services.

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<sup>3</sup> *Statewide Management of Automated Record Transfer (SMART) System, Presentation Prepared for the Superintendents' Meeting, 6/19/01, Nevada Department of Education.*

Mindy Braun  
November 12, 2002  
Page Four

### **Conclusion**

According to the Nevada Department of Education, the SMART system is operational in all of the non-Clark school districts, except for the Esmeralda County School District. It is anticipated that the Clark County School District will fully implement the system by the end of 2002 and transmit all data elements in prescribed format to the Nevada Department of Education in March 2003. It is also anticipated that the revisions of Extract and ExPRESS.nv will be completed by January 2003. Prior to the end of the 2001-03 biennium, no student information is available through the SMART system for policy-making at the state level.

I hope this answers your questions. If you need further information, please let me know.

### **Attachments**

cc: Mark Stevens, Assembly Fiscal Analyst  
Gary Ghiggeri, Senate Fiscal Analyst  
Bob Atkinson, Program Analyst  
Pepper Sturm, Research Division  
Susan Scholley, Research Division  
Carol Stonefield, Research Division

## 135

Advisory Committee \$ 22,000  
\$12,710,354

Attachment II  
**SMART Phase IV**  
**Funding for Districts - FY 2002 & 2003**

The following table outlines the total maintenance request (Budget 2699-18, M-200) for non-Clark School Districts statewide and by district:

Districts	Repair, Maintenance, Replacement, & Upgrade	Staffing or Personnel	Implementation	Total '01-'02 Biennium Request
Carson City	43,290	82,974		126,264
Churchill	29,050	82,974		112,024
Douglas	45,790	82,974		128,764
Elko	80,020	82,974		162,994
Esmeralda	6,600	0		6,600
Eureka	10,210	82,974		93,184
Humboldt	38,660	82,974		121,634
Lander	20,420	146,474 <sup>1</sup>		166,894
Lincoln	28,600	82,974		111,574
Lyon	0	82,974	165,023	432,964
Mineral	15,180	82,974		98,154
Nye	50,950	82,974		133,924
Pershing	12,160	82,974		95,134
Storey	12,160	82,974		95,134
Washoe	278,150	209,974 <sup>2</sup>		488,124
White Pine	26,060	82,974		109,034
<b>Per District Totals</b>	<b>697,300</b>	<b>1,435,110</b>	<b>165,023</b>	<b>2,297,433</b>
<b>Statewide Vendor Costs to Modify the NV SMART Modules and for Travel for Full and Half-Time Consultant</b>				<b>469,900</b>
<b>TOTAL for Non-Clark Districts</b>				<b>2,767,333</b>

This request is to fund the on-going maintenance of SMART within all non-Clark School Districts. Specifically, the SMART System will require: 1) a full-time SMART administrator (annual salary \$41,487) within each school district, except Esmeralda County, to coordinate all the necessary school and district activities associated with

<sup>1</sup> \$63,500 for one half-time consultant to assist districts with SMART-WinSchool issues. Among other responsibilities, the consultant will implement WinSchool in Esmeralda.

<sup>2</sup> \$127,000 for one full-time consultant to assist non-Clark districts with SMART-SASixp issues.



## APPENDIX F

### Correspondence Addressing Issues and Concerns Regarding the Statewide Management of Automated Record Transfer (SMART) System



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewicz, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

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PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

December 31, 2002

Dr. Jack McLaughlin  
Superintendent of Public Instruction  
Nevada Department of Education  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. McLaughlin:

In anticipation of the January 13, 2003, presentation by you or your staff concerning the Statewide Management of Automated Record Transfer (SMART) to the Legislative Committee on Education, it would be helpful if you could address certain issues and concerns about the program that have been raised in the past.

***GENERAL CONSIDERATIONS***

Please be prepared to provide the Committee with the following:

- The date the state level SMART system will be fully operational – whether policymakers can expect to have access to the complete database, including statewide assessments, for all districts;
- In general, have test vendors been successful in uploading individual student achievement data from statewide testing into either the local or state level system; additionally, have or will the test vendors provide classroom-level assessment data in a format useful to teachers;
- The projected usefulness of the local or state level system to the classroom teacher, especially access to classroom assessment results – as we have discussed previously (see my letter to you of May 23, 2001), since each district is allowed to have a different software program to support local needs, there is some confusion as to:

- ▶ Whether the districts understand teacher needs for information to make better decisions for individual students, create improved lessons/lesson plans, and address student needs, et cetera;
  - ▶ whether the district software system is capable of generating these reports, and if the districts intend to generate them; and
  - ▶ whether the Nevada Department of Education has established reporting standards ensuring this capability.
- The status of including charter schools within the system;
  - Your observations and recommendations for a single student information system to be used by districts, especially Web-based systems;
  - The status of transferability of student records among districts;
  - Whether there are any anticipated delays or cost overruns;
  - Projected future costs of the system, both which NCLB will fund and costs that may not be covered under the act, including (possibly), ongoing maintenance costs; and finally
  - The extent to which the system does or does not fully comply with the additional reporting requirements specified and implied under H.R. 1, the Federal No Child Left Behind (NCLB) Act of 2001 (see also next section for more detail) – for example, has NCLB expanded the system’s “data dictionary”?

### ***NO CHILD LEFT BEHIND CONSIDERATIONS***

As you know, the Federal No Child Left Behind Act has sweeping implications for how states collect, analyze, and use data about school and system performance. The new federal requirements – including a broader collection of information and a speedy turnaround of state assessment data to local districts – require states to improve the usability of their data systems. The law does not explicitly require states to have specific database structures, but it endorses databases that link students’ test scores, the length of time they’ve been enrolled in given schools, and graduation records over time. As you are aware, each school district and the state must issue annual “report cards” containing certain information concerning the status of students under that jurisdiction. Please comment about these matters, especially with regard to whether state and local systems can calculate and report adequate yearly progress (AYP) along with calculating and reporting other required objectives.

Additionally, Nevada's Department of Education is required to submit regular reports to the United States Secretary of Education concerning accountability (Sec. 1111[h][4]), teacher qualifications (Sec. 1119[b][1][B]), dropouts (Sec. 1907), LEP students (Sec. 3121), and safe schools (Sec. 4116); further, states must make several of these reports available within the state. Please indicate whether the system has the capacity to provide these reports, as well.

#### District Level Systems that Support SMART

Prior to NCLB, the local student information system (SIS) could exist for whatever purposes the local district had, as long as the required information was provided to the state-level SMART part of the system. As you are aware, NCLB imposes a number of requirements upon local school districts with regard to reporting and school improvement processes. Since the local SIS is the foundation of the state system, it is a significant policy issue as to whether each local SIS is adequate to support local needs under the act, independent of how well the system provides needed state level information.

Enclosed is a copy of a memorandum from Lu Chen of the Legislative Counsel Bureau's Fiscal Analysis Division to the members of the Legislative Committee on Education, concerning local school district capacity to comply with certain requirements of NCLB. Please note that at the time, only 12 districts had systems in place that they thought were capable for tracking student academic growth. This information raises concerns about district knowledge of the NCLB requirements, as well as capacity issues for their local systems. Therefore, please be prepared to describe the extent to which the local systems and the state system are capable of supporting the required reporting and school improvement efforts.

#### State Level SMART System

A number of states have begun the process of establishing data requirements for their responses to NCLB. At this time, the Committee does not need a detailed "data element" description of what may be required. However, a general review of key policy items would be in order. Enclosed is a copy of a chart titled "Characteristics Needed in a State's (Or a District's) Education Information System to Support Compliance with the Requirements of H.R. 1."

This document was recommended within one of the Education Commission of the States' student information system policy briefs. Please note the characteristics of such systems are listed in the left column – compliance levels are then listed in adjacent columns. Please indicate where Nevada's state-level SMART system is with regard to each of these characteristics? It may be easiest to circle the description that best describes our level of compliance on the chart itself.

***CONCLUDING REMARKS***

Please respond to these questions at or before the January 13, 2003, meeting. If you have any written materials to present to Committee members, they should be submitted to Roxanne Duer by January 8 for inclusion in the Committee members' final packet. Please note that the Committee approved certain related concepts be contained in BDR No. 635; a copy of the concept document is attached with the appropriate sections highlighted.

Thank you for your continuing assistance with this and other Nevada Department of Education programs. If you have any questions or concerns, please let me know.

Sincerely,



H. Pepper Sturm  
Chief Principal Research Analyst  
Research Division

HPS/rd:W30619

c: Senator William J. Raggio  
Dr. Paul LaMarca, Nevada Department of Education  
Denise Quon, Nevada Department of Education  
Gary L. Ghiggeri, Legislative Counsel Bureau  
Mark W. Stevens, Legislative Counsel Bureau  
Mindy Braun, Legislative Counsel Bureau

**CHARACTERISTICS NEEDED IN A STATE'S (OR A DISTRICT'S) EDUCATION INFORMATION SYSTEM  
TO SUPPORT COMPLIANCE WITH THE REQUIREMENTS OF HR1**

<b>Requirement (HR1 Reference)</b>	<b>Standard</b>		
	<b>Target</b>	<b>Interim</b>	<b>Missing</b>
<b>Academic Standards</b> (HR1 Requirement: Reading/Language Arts, Mathematics, and by 2005-06 Science)	The state has a well-conceived and accepted set of learning standards across grade levels and areas of knowledge and skills.	The state has gaps or lack of specificity in their set of learning standards across grade levels and areas of knowledge and skills.	The state has not adopted learning standards.
<b>Student Performance Measures</b> (HR1 Requirement: Reading & Math 3-8; by 2007-08 Science elementary, middle, & high school)	Multiple performance measures are collected and reported annually to indicate gains for individual students.	Statewide assessments are administered with individual student records linkable across years.	No statewide assessment exists or the assessment has gaps in years without the capacity to track individual student progress.
<b>Actionable Accountability Reports</b> (HR1 Requirement: State, District, and School Annual Report Cards by beginning of 2002-03 school year)	The official state or other accountability reports provide comparisons among and ratings of schools that inform decision making for school improvement (adequate yearly progress).	Data are available in a descriptive school report card system.	No school accountability reports are produced by the state or other entities.
<b>Actionable Diagnostic Reports</b> (HR1 Requirement: Assessment reports to schools prior to school year)	State and local assessments are supplemented with diagnostic measures that inform prescriptive instructional interventions.	Standards are defined well enough for local districts and schools to build their own diagnostic measures.	Standards are broadly defined and diagnostic measures can only be related to them in a general manner.
<b>Automated Data Collection Systems</b> (Management Efficiency Requirement)	All data submitted to the SEA are in electronic files, or data collections are electronic with internal validation of entries.	Major data collections are electronic; electronic submission options are available for most others.	Paper submissions are the standard for SEA collections.
<b>Data Standards</b> (Management Efficiency Requirement; USED Standards Provided for Reporting)	A common data dictionary for all applications has been adopted, and compliance is universal by schools, districts, and the state.	A data dictionary has been adopted for all district-to-state reporting.	No authoritative data dictionary is adopted, and translations must be made whenever data are exchanged.

<b>Requirement (HR1 Reference)</b>	<b>Standard</b>		
	<b>Target</b>	<b>Interim</b>	<b>Missing</b>
<b>Linkable Individual Student Records</b> (HR1: Optional Methodology)	A statewide student ID system links individual records across schools, districts, years, and data sources.	Student IDs link individual records within databases but are not unique across databases.	No statewide student ID system has been implemented.
<b>Longitudinal Data Points</b> (HR1 Requirement: Two-year trends for assessments in report cards)	Data sources are comparable and linkable for individual students across multiple measurement times.	Data are linkable for groups across multiple measurement times.	Data are not available for more than one time period.
<b>Course Data</b> (Management Efficiency HR1 Requirement: "Highly qualified teachers" by class; optional class size reporting)	A statewide course numbering system and catalogue are followed by schools, districts, and the SEA; the system is cross-walked to national course numbers.	A statewide course numbering system and catalogue are established.	No statewide course numbering system or catalogue exists.
<b>Program Participation Data</b> (HR1 Requirement: Migrant, IEP, LEP assessment performance)	Individual student records (with a statewide unique, permanent ID) are maintained for participation in major programs.	Program participation data are maintained either only for groups or for individuals for one year.	Program participation data are not maintained.
<b>Enrollment Data</b> (HR1 Requirement: Graduation, inclusion in assessments; promotion/retention optional)	A complete enrollment history is maintained electronically for each student in the state, from which accurate longitudinal graduation, dropout, and mobility statistics can be generated.	Individual districts maintain enrollment records for students and can calculate graduation, dropout, and mobility statistics.	Student enrollment records are not maintained historically and only annual graduation, dropout, and mobility counts are possible.
<b>Background and Demographic Data</b> (HR1 Requirement: Subgroups reporting for assessments and AYP)	Background and demographic data for individual students are maintained electronically and linked to enrollment, demographic, and program data.	Background and demographic data for individual students are maintained at the school or district level for generation of aggregate reports.	Minimal background and demographic data are maintained on paper.
<b>Staff Data</b> (HR1: "Highly qualified" teachers reporting)	Individual electronic, historical staff records are maintained with the capacity to link them to programs, classes, and students for analysis.	Individual electronic, historical staff records are maintained, but cannot be linked to programs, classes, or students for analysis.	Staff records are maintained on paper.



<b>Requirement (HR1 Reference)</b>	<b>Standard</b>		
	<b>Target</b>	<b>Interim</b>	<b>Missing</b>
<b>Financial Data</b> (HR1 Requirement: Grant accountability, maintenance of effort)	Program and school level financial accounting is linkable to student outcomes and programs.	Program and school level financial accounting is reported.	Financial accounting is at the state and district levels only.
<b>Authority to Access Data and Reports</b> (HR1: Protection of personally identifiable data)	Multiple user access levels are created so the public can access appropriate data while parents and school staff with a need to know can access appropriate confidential data.	Public data are provided in a public system. Confidential data are provided in separate school, district, or state systems.	Public data are available on request. Confidential data are managed on paper.
<b>Electronic Exchange of Student Records</b> (Management Efficiency; Value-added benefit)	An official state-approved student academic transcript is exchanged electronically between schools, districts, and other states whenever a student moves.	An official state-approved student academic transcript has been adopted.	Schools and districts make independent decisions on the content of records exchanged for mobile students.
<b>Network Connectivity</b> (Management Efficiency Requirement)	All schools in the state are connected with a network and the capability to access information using it.	Individual districts and schools have established networking capacity.	Schools and districts are typically not connected to a network beyond their own buildings.

**Source:** Glynn D. Ligon, Ph.D., Evaluation Software Publishing, Incorporated  
(<http://interact.uoregon.edu/wrrc/nochild.html>)

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MEMORANDUM

DATE: March 19, 2002

TO: Legislative Committee on Education

FROM: ✓ Lu Chen, Education Research Statistician *LC*  
Fiscal Analysis Division

SUBJECT: **Capability of School Districts' Student Information Systems in Tracking Student Academic Growth**

As you know, the new Elementary and Secondary Education Act (ESEA) requires that school districts demonstrate yearly progress in student achievement measured by statewide assessments. In order to understand the extent to which Nevada school districts are capable of tracking student academic growth, a poll of the school districts was completed by the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape).

According to the poll, teachers in 12 school districts currently have the capability to track the progress of students within their schools, either through student information systems implemented in these school districts for SMART, or through other student information systems. These school districts are: Carson City, Churchill, Clark, Douglas, Elko, Esmeralda, Lincoln, Lyon, Nye, Pershing, Storey, and Washoe County School Districts. One school district, Lander County, will be able to track student academic growth by the next year. The remaining four school districts do not currently have a student information system to track student academic growth. The four school districts are Eureka, Humboldt, Mineral, and White Pine County Schools Districts.

In addition, some of the school districts that are able to track student academic growth within schools, including Clark County School District, do not have the capability of tracking student records across schools. The test vendors of the new statewide assessments have agreed to provide the test results to all of the 17 school districts in a format that can be integrated into the student information systems currently used. As a result, school districts may be able to track student growth across schools in the future.

If you have any questions regarding the above information, please contact me at 684-6476.

cc: Mark Stevens, Assembly Fiscal Analyst  
Gary Ghiggeri, Senate Fiscal Analyst  
Mindy Braun, Education Program Analyst  
Pepper Sturm, Chief Principal Research Analyst  
Susan Scholley, Senior Research Analyst

January 8, 2003

**MEMORANDUM:**

TO: Legislative Committee on Education

FROM: Jack McLaughlin

RE: Statewide Management of Automated Record Transfer (SMART)

The following information is provided in response to the December 31, 2002 document submitted by H. Pepper Sturm, Chief Principal Research Analyst, Legislative Council Bureau:

- 1. Provide the date the state level SMART system will be fully operational--whether policymakers can expect to have access to the complete database, including statewide Assessments, for all districts;*

The SMART system will be operational by March 31<sup>th</sup>, 2003. By that time, all districts will have transmitted their individual student records using their improved student information extracts. The SMART repository will contain student level information. Access to student records is prescribed and limited by the Family Education Rights and Privacy Act (FERPA). In general under this act, as a third party agent, the NDE is prohibited from sharing this level of data with any one outside the Department. However, the Department has developed an Ad Hoc Query Tool that can be used by authorized parties, such as LCB, that will allow the user to generate reports using the student level data. If greater access is required, it may be necessary to provide such authority through state statute.

The NDE has developed report templates that cover a wide range of information. Policymakers can be provided with reports that are based on these templates using SMART data. A list of templates is available upon request. If the Legislative Committee on Education or other policymakers require any additional reports the Department will work with LCB staff early in the session on requests for customized reports.

- 2. In general, have test vendors been successful in uploading individual student achievement data from statewide testing into either the local or state level system; additionally, have or will test vendors provide classroom-level assessment data in a format useful to teachers;*

The contracts with each of the testing vendors require that the vendors provide data in electronic format to enable the uploading of student level information into the four

separate student information systems. These uploads are dependent on modifications to the SIS systems. Data uploads for the High School Proficiency Examination (HSPE) testing program from Harcourt are in the process of being tested and are expected to be uploaded and available by the March 31<sup>th</sup> date. Because Norm-Reference Test (NRT) data from Riverside publishing has just been released statewide early in January, the uploading of these data elements has not yet been tested but is expected to be available by March 31<sup>th</sup> as well.

Test vendors provide student level information in both paper copy and in various electronic formats. Test vendors also provide school level, district level, and state level assessment summaries in paper copy. Classroom level reports useful to teachers can be generated through each of the SIS Systems student level databases.

3. *The projected usefulness of the local or state level system to the classroom teacher, especially access to classroom assessment results...since each districts is allowed to have a different software program to support local needs, there is some confusion as to:*
  - a. *Whether the districts understand teacher needs for information to make better decisions for individual students, create improved instructional/lesson plans, and address students needs, et cetera;*

It is the opinion of the NDE that school districts are well aware of teacher information needs and the importance that assessment results hold for student level decision-making and instructional change. School districts are at varying stages in establishing methods for data dissemination to schools and in providing useful linkages to classroom-based materials to assist in instructional planning.

- b. *Whether the district software system is capable of generating classroom reports, and if the districts intend to generate them; and*

Student information systems have the capacity to provide, through software extensions, various assessment result reporting options. Districts are at varying stages in exploring and implementing the use of the available software. To support district efforts, NDE is in the process of establishing a web-based reporting tool to facilitate delivery of assessment results through Department assessment contracts. We anticipate this reporting component will deliver assessment results in two steps. The first step will consist of assessment data and certain demographic information collected directly from the tests and generated by the test vendors. This information initially will not be verified by the districts or linked to additional SMART information. The accuracy of this information is dependent on the accuracy of the coded information provided directly to the test vendors. In the second step, the assessment data will be imported into the SIS

systems and matched with existing students prior to loading into SMART. The 'cleansed' data will then be incorporated into the web-based reporting tool.

It is clear to the NDE that the generation of student level and classroom level reports is desired and intended by school districts. Subsequent development, anticipated for the next phase of SMART as described in Item 8, will focus on tools for School-level administrators and should allow principals and teachers to access student level results to produce individual student and classroom-based assessment reports.

There are limitations associated with depending solely on assessment and accountability information provided by the test vendors. Both the accuracy of information coded on student score sheets and the limit on the amount of information that can be collected on a score sheet, underscore the need to tie assessment reporting back to data captured and corrected in the SMART system.

*c. Whether the Nevada Department of Education has established reporting standards ensuring this capability.*

NDE has established policy on the administration of assessments but does not prescribe nor disallow that the identity of teachers be coded or tied to student level results. A change to this policy may be necessary to aid in the production of classroom-based reports.

Through the production of a web-based delivery system, reporting standards will be established. Note that through its assessment contracts, NDE does have established reporting standards for paper reports at the student, school, district, and state levels.

*4. The status of including charter schools within the system;*

Three school districts (i.e., Clark, Washoe, and Churchill) currently have charter schools. With the assistance and guidance of their sponsoring school district, all eight charter schools in Washoe and the one charter school in Churchill have implemented the appropriate student information systems, entered SMART data into their systems, and transmitted SMART data to their sponsoring district. There will be data for each of the charter schools in these districts in the December SMART district downloads to the NDE. The completeness and accuracy of the charter school data is the responsibility to the individual charter school and is yet to be determined or evaluated.

Clark County School District (CCSD) has three charter schools. CCSD is moving forward to revoke the license of Keystone Academy and will not be providing information for that school. Odyssey Elementary/Secondary School has worked with CCSD to address the technical issues with providing data and is currently entering student data. CCSD expects that Odyssey data will be included in the end-

of-year download for the district. Andre Agassi and CCSD are in the midst of addressing a number of technical issues. Andre Agassi is required to provide data to CCSD by the end of this fiscal year and Andre Agassi has indicated that it will comply with the state requirement.

5. *Observations and recommendations for a single student information system to be used by districts, especially Web-based systems;*

The use of multiple student information systems at the local level has been challenging in moving the SMART system from its inception to an operational stage. It is clear that a single local system would have eliminated many barriers confronted by SMART. However, it is also the case that school districts in Nevada are quite diverse and have different needs and desires.

NDE would recommend a single NCLB system for the purposes of providing student assessment data and all data elements specified through the No Child Left Behind Act. The tool that is expected to provide local access to statewide data, envisioned as a web portal, is discussed in Item 8 of this document.

NDE is developing a single web-based reporting tool. It is anticipated that this tool will include all NCLB elements specific to student assessment and accountability. The inclusion of “teacher quality” elements is envisioned as part of a comprehensive data warehouse, to be included in the next phase of SMART development.

6. *The status of transferability of student records among districts;*

Schools in Nevada have the capacity to ensure that a child’s data is transferred from one school to another. The SMART system supports and the student level information systems are capable of exporting student transcripts and of importing transcript data within a district. The NDE has collected information from all of the districts to establish the standards for a state approved transcript and will establish the standards for district use by 3/31/03.

7. *Whether there are any anticipated delays or cost overruns;*

There are no projected delays or cost overruns for the SMART project.

8. *Projected future costs of the system, both which NCLB will fund and costs that may be covered by the act, including (possibly), ongoing maintenance costs;*

Following State Board of Education approval, the Department of Education submitted its 2004 and 2005 budget to the state budget office on September 3, 2002. The \$3.3 million budget maintains the current system. This funding provides for district and state level technical and administrative support and provides funding to maintain contractual relationships for the management of the system. It also covers costs associated with limited expansion to the data dictionary.

To comply with new NCLB assessment and accountability related reporting requirements, the Department has earmarked approximately \$425,000 in federal funding in each year of the biennium. Approximately \$400,000 will be dedicated to the ongoing development and maintenance of the web-based reporting tool mentioned in item 5 above. In addition to providing public access to school, district, and state level assessment and accountability results, the tool will provide principals, teachers, district and state administrators access to classroom level assessment reports. Approximately \$25,000 will be dedicated to collecting, storing, and reporting teacher quality information.

During the next biennium, the Department of Education will explore through a "Request for Information" process (RFI), the costs associated with expanding the web-based delivery system. Expansion would allow incorporation of the additional SMART data elements, integrating the teacher quality data with student data, and providing classroom links to instructional materials.

Based on the RFI and state needs, the Department will submit a budget outlining the necessary costs to cover the 2005-2006 biennium.

9. *The extent to which the system does or does not fully comply with the additional reporting requirements specified and implied under H.R. 1, the Federal No Child Left Behind (NCLB) Act of 2001...for example, has NCLB expanded the system's "data dictionary"?*

The SMART system positions the state of Nevada very well with respect to NCLB requirements. With few exceptions, SMART currently collects the information necessary to comply with NCLB reporting requirements.

NDE does anticipate making various changes to the SMART data dictionary as part of the ongoing maintenance budget to accommodate NCLB reporting by Fall of 2003. For example, NCLB requires tracking of Limited English Proficient (LEP) students as they progress through the educational system. Although the SMART dictionary currently collects information regarding LEP status, modification of this element will better enable SMART to track LEP students reporting.

The SMART system will also have data elements to adapt to deal with required teacher quality elements. As is clear, SMART and the local systems are student-based, not teacher based. Whether collected through SMART or a separate data

collection effort, SMART will be adapted to tie teacher-based information with student-based information. NDE is exploring temporary solutions for the collection of mandated teacher information. However, a temporary or partial solution could be to identify High School students by the courses that they are enrolled in.

- a. *Not required to have state database but NCLB endorses databases that link students' test scores, the length of time they've been enrolled in given schools and graduation records over time.*

While NCLB does not require longitudinal tracking of students as they progress from grade to grade, and in fact disallows value-added growth in determining adequate yearly progress (AYP), NDE feels strongly that the only way to support students and schools successfully is through longitudinal tracking of student progress. NDE has begun to lay the groundwork for a value-added longitudinal accountability system by establishing a statewide student ID law/system and by developing a statewide student-level information system that has a wide range of information.

- b. *Can state and local systems calculate and report adequate yearly progress (AYP) along with calculating and reporting other required objectives?*

The SMART system and the local student information systems have limited statistical functionality that allows some calculation and reporting of required objectives. Although not complex, AYP calculations require multiple steps in term of both data organization and statistical analysis. Formal AYP analyses are expected to be conducted outside the SMART system. Informal AYP analyses can be conducted and reported using the NDE web-based delivery component system.

- c. *Does the system have the capacity to provide reports necessary to submit to the USDOE regarding accountability (Sec. 1111), teacher qualifications (Sec 1119), dropouts (Sec. 1907), LEP students (Sec. 3121) and safe schools (Sec. 4116); States must also make several of these reports available within the state?*

The reports generated through the SMART system were designed to enable the state of Nevada to comply with federal reporting requirements. With slight modification, the SMART system can adapt to new NCLB reporting requirements.

*10. Is each local SIS adequate to support local needs under the act?*

The local student information systems, when enhanced through available software, are adequate to meet district needs under the act. Efforts need to be made to ensure that school districts have the requisite knowledge and skill base to take advantage of available systems. Moreover, the augmentation of SMART and the local systems



with what NDE anticipates providing with respect to web-based report delivery, should help to satisfy NCLB reporting requirements.

The local student information systems, augmented with what NDE anticipates providing with respect to web-based delivery, should satisfy the NCLB requirements. As noted earlier, the inclusion of teacher quality elements is something that requires particular scrutiny.

*11. Describe the extent to, which the local systems and the state system are capable of supporting the required reporting and school improvement efforts.*

The SMART system, local systems, the compliment of assessment reports currently provided by test vendors, and the anticipated web-based delivery system provide the necessary capacity for most school improvement processes. It is clear that schools and districts need to be able to link state level information with classroom-based and teacher-based data sources to complete the cycle.

The SMART system and the local systems and the compliment of assessment reports currently provided by test vendors and the anticipated web-based delivery system should provide the necessary capacity for some school improvement processes. It is clear that schools and districts will need to be able to link state level information with classroom based information as a secondary step.

*12. What are the 'Key policy items" with regard to establishing data requirements for Nevada's response to NCLB?*

NDE has received a letter of intent from Chairman Raggio with respect to accountability reporting required through the NCLB act. In the letter, NDE has been directed to meet with the accountability technical advisory committee to discuss uniform reporting and report specifications. NDE contemplates similar advisory group meetings with assessment and information technology directors to address necessary data collection changes.

*13. Where is Nevada's state-level SMART system with regard to the characteristics listed in the Education Commission of the States' student information system policy brief?*

Attached is a table that of the Characteristics Needed in a State's Education Information System to Support Compliance with the Requirements of HR1 by Glynn D. Ligon, Ph.D. ( contractor to the USDE to conduct a series of activities that will result in guidance regarding state readiness for NCLB). Information on Nevada's status has been added to this table. Of the 11 applicable categories, SMART met the target for HR1 in 6 of the categories (i.e., Automated Data Collection System, Data Standards, Course Data, Program Participation Data, Enrollment Data, and Background and Demographic Data). Of the remaining five categories (i.e., Linkable Individual Student Records, Longitudinal Data Points, Authority to Access Data and Reports, Electronic Exchange of Student Records and Network Connectivity),

SMART is at an Interim level for compliance. There are no categories in which SMART is considered Missing.

Since the NDE has been asked to gauge SMART's readiness to comply with HR1 as specified in Dr. Ligon's guidelines and Dr. Ligon's was one of the original architects/contracts to design and develop SMART and the SMART Data Dictionary, the NDE has requested Dr. Ligon's evaluation of SMART's readiness as compared to other states. Dr. Ligon's comments are noted in the first column of the attached table.

*14. Are there additional concepts needed in BDR No. 635 in order to comply with NCLB? In order to provide the school improvement needed to comply with NCLB?*

As part of the Student Reporting System section of the BDR, the addition of the following concepts are strongly supported by the P-16 Council:

1. The need to develop a system of unique student identification numbers for all K-12 students in Nevada that can be used to link the electronic transfer of a students' high school transcript with UCCSN college admissions.
2. The need and statutory authority to standardized student data linkage between Nevada's K-12 and higher education institutions or the capability of the data systems for K-12 and higher education to interact electronically for the exchange of common student data elements using the unique student identification numbers for K-12 students established in concept number 1 above.????

**CHARACTERISTICS NEEDED IN A STATE'S (OR A DISTRICT'S) EDUCATION INFORMATION SYSTEM  
TO SUPPORT COMPLIANCE WITH THE REQUIREMENTS OF HR1**

HR1 Requirement	Ligon's Comments	STANDARD		
		Target (Meeting Target)	Interim (In-Progress)	Missing
	SMART had the right vision about a decade before HR1 was drafted. The need for individual student records, based upon clearly defined data standards, and exchanged electronically was seen then as the solution to managing the reporting burden on schools while providing the Department of Education the flexibility to calculate new indicators as demands changed over time. The demands changed with HR1, and SMART provides Nevada with the infrastructure to respond without shifting this new reporting burden onto the schools.			
<b>Academic Standards</b> (HR1 Requirement: Reading/Language Arts, Mathematics, and by 2005-06 Science)		<p align="center">✓</p> <p>The state has a well-conceived and accepted set of learning standards across grade levels and areas of knowledge and skills.</p> <p>.....</p> <p>Statewide standards have been established.</p>	The state has gaps or lack of specificity in their set of learning standards across grade levels and areas of knowledge and skills.	The state has not adopted learning standards.
<b>Student Performance Measures</b> (HR1 Requirement: Reading & Math 3-8; by 2007-08 Science elementary, middle, & high school)	Nevada has been assessing students statewide for many years to provide both annual and longitudinal views of progress. The current assessment system is built upon the experience gained from this historical foundation.	Multiple performance measures are collected and reported annually to indicate gains for individual students.	Statewide assessments are administered with individual student records linkable across years.	<p align="center">✓</p> <p>No statewide assessment exists or the assessment has gaps in years without the capacity to track individual student progress.</p>

<p><b>Actionable Accountability Reports</b>  <i>(HR1 Requirement: State, District and School Annual Report Cards by beginning 2002-03 school year)</i></p>	<p>Nevada schools and districts have published annual report cards for a decade with summary indicators of programs and performance. SMART provides additional reports to meet federal mandates and state information needs. These provide a source for the data and a foundation for the modifications required by HR1.</p>	<p>The official state or other accountability reports provide comparisons among and ratings of schools that inform decision making for school improvement (adequate yearly progress).</p>	<p>✓  Data are available in a descriptive school report card system.  .....  The official state or other accountability reports are available to provide comparisons among and ratings of schools.</p>	<p>No school accountability reports are produced by the state or other entities.</p>
<p><b>Actionable Diagnostic Reports</b>  <i>(HR1 Requirement: Assessment reports to school prior to school year.</i></p>		<p>State and local assessments are supplemented with diagnostic measures that inform prescriptive instructional interventions</p>	<p>✓  Standards are defined well enough for local districts and schools to build their own diagnostic measures  .....  Data are available in a descriptive school report card system. State level diagnostic reports are provided. Supplemental diagnostic tests are not.</p>	<p>Standards are broadly defined and diagnostic measures can only be related to them in a general manner.</p>
<p><b>Automated Data Collection Systems</b>  <i>(Management Efficiency Requirement)</i></p>	<p>SMART has established for Nevada the infrastructure and data contents required for efficient responses to HR1 requirements. Nevada is at the front of states that have already established for their schools and districts the hardware and software foundation for automated reporting. The key characteristic of SMART is the collection of individual student records at the state education agency. This allows NDE to calculate indicators for adequate yearly progress and the annual report cards instead of placing that additional burden on the schools and districts.</p>	<p>✓  All data submitted to the SEA are in electronic files, or data collections are electronic with internal validation of entries.  .....  Once fully operational, in SMART, all data is submitted to the SEA are in electronic files, or data collections are electronic with internal validation of entries. Note that SMART is in its final phase of implementation and data integrity checking.</p>	<p>Major data collections are electronic; electronic submission options are available for most others.</p>	<p>Paper submissions are the standard for SEA collections.</p>

<b>Data Standards</b> <i>(Management Efficiency Requirement; USEI) Standards Provided for Reporting)</i>	<p>The SMART data definitions and standards established in the early 1990's have the same origin as the data standards now being implemented by the U.S. Department of Education for HR1. Data foundations in SPEEDE/ExPRESS and the NCES data handbooks have allowed Nevada to remain aligned with HR1 requirements.</p>	<p>✓</p> <p>A common data dictionary for all applications has been adopted, and compliance is universal by schools, districts, and the state.</p> <p>.....</p> <p>The SMART data dictionary contains over 90 data elements (with detailed definitions and codes) and the dictionary has been adopted and compliance is universal by schools, districts and the state.</p>	<p>A data dictionary has been adopted for all district-to-state reporting.</p>	<p>No authoritative data dictionary is adopted, and translations must be made whenever data are exchanged.</p>
<b>Linkable Individual Student Records</b> <i>(HR1: Optional Methodology)</i>	<p>The key characteristic of SMART is the collection of individual student records at the state education agency. This allows NDE to calculate indicators for adequate yearly progress and the annual report cards instead of placing that additional burden on the schools and districts.</p>	<p>A statewide student ID system links individual records across schools, districts, years, and data sources.</p>	<p>✓</p> <p>Student IDs link individual records within databases, but are not unique across databases.</p> <p>.....</p> <p>Nevada has adopted a statewide student ID system pursuant to NAC 385.650. This law mandates that, in general, the identification number assigned to a pupil must be the pupil's social security number. Social security numbers are the most reliable form of linkable numbers over time. Nevada is one of a handful of states that have been able to pass such a law.</p> <p>The Student IDs are unique across databases; however, additional technical</p>	<p>No statewide student ID system has been implemented.</p>

			processes could be added at the state level to insure the accurate matching of student records using these ID numbers over time.	
<b>Longitudinal Data Points</b> <i>(HRI Requirement: Two-year trends for assessments in report cards)</i>	SMART's linkable student records and Nevada's history of assessments provide the longitudinal data points recommended.	Data sources are comparable and linkable for individual students across multiple measurement times.	✓ Data are linkable for groups across multiple measurement times. ..... Data is gathered at the individual student level. Matching records will be dependent upon universal adherence to accurate coding of identification information and additional resources to conduct matching activities.	Data are not available for more than one time period.
<b>Course Data</b> <i>(Management Efficiency HRI Requirement: "Highly qualified teachers" by class; optional class size reporting)</i>	SMART established a statewide course numbering system. The missing link at this time is between teachers and the classes they teach.	✓ A statewide course numbering system and catalogue are followed by schools, districts, and the SEA; the system is cross-walked to national course numbers. ..... SMART requires that all courses be crosswalked to the national course numbers.	A statewide course numbering system and catalogue are established.	No statewide course numbering system or catalogue exists.

<b>Program Participation Data</b> <i>(HR1 Requirement: Migrant, IEP, LEP assessment performance)</i>	SMART has collected program participation data for individual student since its beginning.	✓ Individual student records (with a statewide unique, permanent ID) are maintained for participation in major programs.  ..... SMART requires that the individual student records include program participation data for all major state and federal programs.	Program participation data are maintained either only for groups or for individuals for one year.	Program participation data are not maintained.
<b>Enrollment Data</b> <i>(HR1 Requirement: Graduation, inclusion in assessments; promotion/retention optional)</i>	SMART has collected enrollment data for individual student since its beginning.	✓ A complete enrollment history is maintained electronically for each student in the state, from which accurate longitudinal graduation, dropout, and mobility statistics can be generated.  ..... SMART requires that the individual student records include enrollment history, graduation data, and dropout information.	Individual districts maintain enrollment records for students and can calculate graduation, dropout, and mobility statistics.	Student enrollment records are not maintained historically and only annual graduation, dropout, and mobility counts are possible.
<b>Background and Demographic Data</b> <i>(HR1 Requirement: Subgroups reporting for assessments and AYP)</i>	SMART has collected background and demographic data for individual student since its beginning.	✓ <i>Background and demographic data for individual students are maintained electronically and linked to enrollment, demographic, and program data.</i>  ..... In addition, SMART requires that the individual student records include background and	Background and demographic data for individual students are maintained at the school or district level for generation of aggregate reports.	Minimal background and demographic data are maintained on paper.

		demographic data. Any of the 90+ data elements can be group in any combination.		
<b>Staff Data</b> (HR1: "Highly qualified" teachers reporting)		Individual electronic, historical staff records are maintained with the capacity to link them to programs, classes, and students for analysis.	✓ <i>Individual electronic, historical staff records are maintained, but cannot be linked to programs, classes, or students for analysis. .</i> ..... Limited teacher information is collected and stored electronically	Staff records are maintained on paper.
<b>Financial Data</b> (HR1 Requirement: Grant accountability, maintenance of effort)		Program and school level financial accounting is linkable to student outcomes and programs.	Program and school level financial accounting is reported.	✓ Financial accounting is at the state and district levels only.
<b>Authority to Access Data and Reports</b> (HR1: Protection of personally identifiable data)	SMART established separate public and private access processes from its inception.	Multiple user access levels are created so the public can access appropriate data while parents and school staff with a need to know can access appropriate confidential data.	✓ <i>Public data are provided in a public system. Confidential data are provided in separate school, district, or state systems. .</i> ..... SMART provides limited publicly accessible reports	Public data are available on request. Confidential data are managed on paper.
<b>Electronic Exchange of Student Records</b> (Management Efficiency; Value-added benefit)	SMART was designed with electronic transcript exchange in mind. The basic software originally used for SMART was developed for SPEEDE/ExPRESS compliant electronic transcripts. The issue is making the move to the implementation of electronic exchanges.	An official state-approved student academic transcript is exchanged electronically between schools, districts, and other states whenever a student moves.	✓ <i>An official state-approved student academic transcript has been adopted.</i> ..... Elements critical for transcript exchange have been identified and could be	Schools and districts make independent decisions on the content of records exchanged for mobile students.



			submitted for statewide adoption. Note that all four student information systems within the state/SMART are capable of sending transcript data. Import of transcript data into receiving school system is extremely difficult and not considered cost effective in Nevada since far less than one percent of the transfers that occur within the state occur between school districts. All other transfers come from within districts or between Nevada and another state. In addition, importing of electronic transcript records between school districts is only performed in only a small number of states (e.g., Florida and Delaware) in the nation.	
<b>Network Connectivity</b> <i>(Management Efficiency Requirement)</i>		All schools in the state are connected with a network and the capability to access information using it.	<p>✓ <i>Individual districts and schools have established networking capacity.</i></p> <p>.....</p> <p>Individual districts and schools have established networking capacity and all districts/school have access to the Internet.</p>	Schools and districts are typically not connected to a network beyond their own buildings



## APPENDIX G

### *List of Effective Remedial Programs* – Policy and Procedure



STATE OF NEVADA  
LEGISLATIVE COUNSEL BUREAU

LEGISLATIVE BUILDING  
401 S. CARSON STREET  
CARSON CITY, NEVADA 89701-4747  
Fax No.: (775) 684-6600



LEGISLATIVE COMMISSION (775) 684-6800  
RICHARD D. PERKINS, *Assemblyman, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
WILLIAM J. RAGGIO, *Senator, Chairman*  
Gary L. Ghiggeri, *Fiscal Analyst*  
Mark W. Stevens, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
(775) 684-6800

PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
ROBERT E. ERICKSON, *Research Director* (775) 684-6825  
BRENDA J. ERDOES, *Legislative Counsel* (775) 684-6830

MEMORANDUM

DATE: August 12, 2002  
TO: Legislative Committee on Education  
FROM: Mindy Braun, Education Program Analyst  
Fiscal Analysis Division  
SUBJECT: *List of Effective Remedial Programs - Policy and Procedure*

During the Legislative Committee on Education meeting on June 19, 2002, the Chairman requested a policy and procedure be developed concerning approval of programs for the *List of Effective Remedial Programs (List)*. The following provides a summary of legislation concerning the *List* and a draft policy and procedure is attached for your consideration and approval.

**Legislation**

NRS 218.5354

Pursuant to NRS 218.5354, the Legislative Committee on Education recommends to the Department of Education programs of remedial study to assist low performing schools increase student academic achievement in the subject areas of language arts, mathematics and science.

NRS 385.389

Pursuant to NRS 385.389, the Department must consider the recommendations of the Committee in adopting programs of remedial study to be included on the List of Effective Remedial Programs.

## List of Effective Remedial Programs - Draft Policy and Procedure

### Draft Policy

Pursuant to NRS 218.5354, the Legislative Committee on Education shall review and make recommendations concerning programs of remedial study on an annual basis. In the event that a program requires review at a time other than that designated as the annual review, the Chairman of the Legislative Committee on Education may, for good cause shown, call for a review of programs at a time unassociated with the annual review.

### Draft Procedure

Timeline	Activity	Staff Involved
February – October	Vendors submit program materials to the Legislative Bureau of Educational Accountability and Program Evaluation (Bureau) for the <i>List of Effective Remedial Programs</i> issued the following February.	<ul style="list-style-type: none"> <li>• Bureau</li> </ul>
November	Team reviews program materials and makes recommendations regarding programs to be recommended to the Legislative Committee on Education.	<ul style="list-style-type: none"> <li>• Bureau</li> <li>• Department of Education</li> <li>• University of Nevada Representative</li> </ul>
December	Draft <i>List of Effective Remedial Programs</i> is developed.	<ul style="list-style-type: none"> <li>• Bureau</li> </ul>
January	<ul style="list-style-type: none"> <li>• Draft <i>List of Effective Remedial Programs</i> is presented to the Legislative Committee on Education.</li> <li>• Committee recommends programs to the Department of Education.</li> <li>• Department adopts remedial programs, based upon Committee recommendations.</li> </ul>	<ul style="list-style-type: none"> <li>• Bureau (representing the Review Team)</li> <li>• Legislative Committee on Education</li> <li>• Department of Education</li> </ul>
February	Summaries of adopted programs are developed and the booklet – <i>List of Effective Remedial Programs</i> – is distributed to schools and school districts.	<ul style="list-style-type: none"> <li>• Bureau</li> </ul>

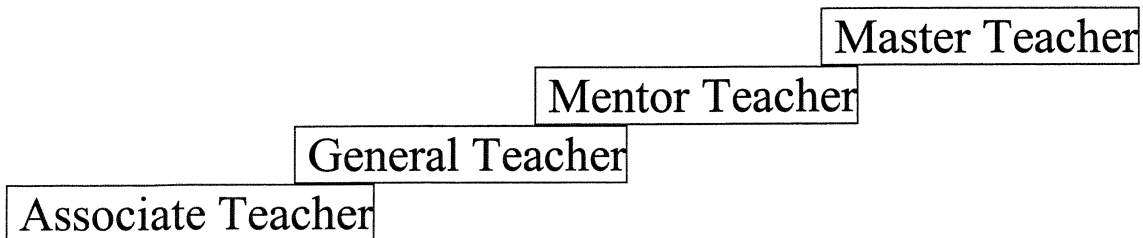
## APPENDIX H

### Teacher Advancement Program Model





NTAP:  
PROPOSAL FOR NEVADA  
PROGRAM ADAPTING THE MILKEN  
FAMILY FOUNDATION'S TEACHER  
ADVANCEMENT PROGRAM (TAP)



PRESENTATION  
TO THE  
LEGISLATIVE  
COMMITTEE ON EDUCATION

MAY 22, 2002

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## STATEMENT OF PURPOSE

### ■ PROFESSIONAL RESTRUCTURING ■ RESTRUCTURING TEACHER PAY ■ ENSURING TEACHER QUALITY

- Payment for skills, knowledge, and responsibility.
- Provides a targeted strategy to improve teacher quality.
- Creates a cohesive structure for professional advancement through multiple career paths.
- Assures the high caliber of Nevada's teachers through criteria for licensing (general, mentor, master).
- The program furthers the process started by the formation of the Commission on Professional Standards In Education in 1987, and continues the work of the Nevada Education Reform Act of 1997.

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## NEED FOR COMPREHENSIVE APPROACH

According to studies cited by the National Commission for Teaching and America's Future, the Education Trust, the Milken Foundation and many others, teacher quality is the single most important factor in improving teacher performance.

The structure of the current system:

- Does not offer sustained opportunities for professional growth;
- Does not provide competitive compensation; and
- The profession does not command the respect it deserves.

The critical issues faced by all states are how to attract, train, and retain qualified teachers. Nationally, we will need 2.45 million new teachers by the end of the decade, but the U.S. will be 900,000 (or one-third) short. It is almost universal among the states that the lowest paid school administrators earn more than the highest paid teachers, so teachers must leave the profession to earn better salaries. Yet, at the same time, research shows us that every dollar spent improving teacher quality results in greater improvements in student achievement – significantly more than money spent on any other education resource.

Further, it is generally observed that the teacher compensation system has not changed for the past 50 years and is based on years of service and educational attainment. Teachers' average starting salaries are lower than other comparable college graduates, and professions with similar education levels typically earn 75 percent more than teachers. Teacher tenure is perceived as necessary to offset the low salaries associated with the profession.

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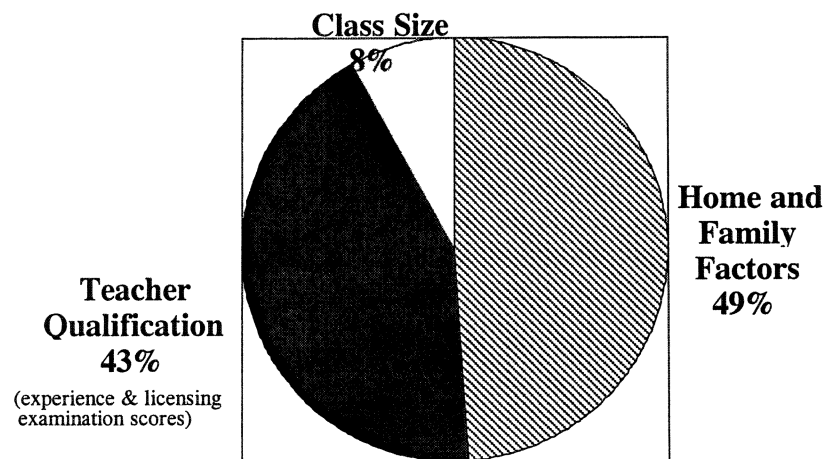
## NEED FOR COMPREHENSIVE APPROACH

(CONTINUED)

### ➤ TEACHERS MAKE A PROFOUND DIFFERENCE

- In his 1991 study, Ronald Ferguson found that 43 percent of math test score gains in grades 3 to 5 could be explained by teacher qualifications;

### Influence of Teacher Qualifications on Student Achievement



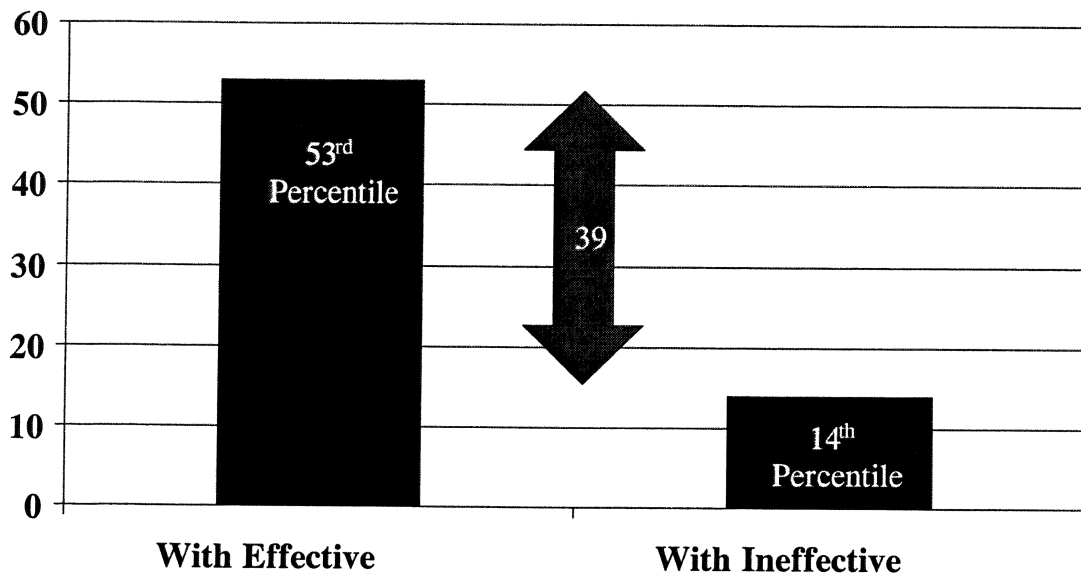
(Ferguson, 1991)

- Similarly, Mary Snow, in her 2001 Nevada Class Size evaluation pilot study found that there is a significant relationship between teacher experience and test scores.

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➤ **TEACHERS MAKE A PROFOUND DIFFERENCE**

## Performance of Low-Achieving Students After One Year



(Sanders, 1998)

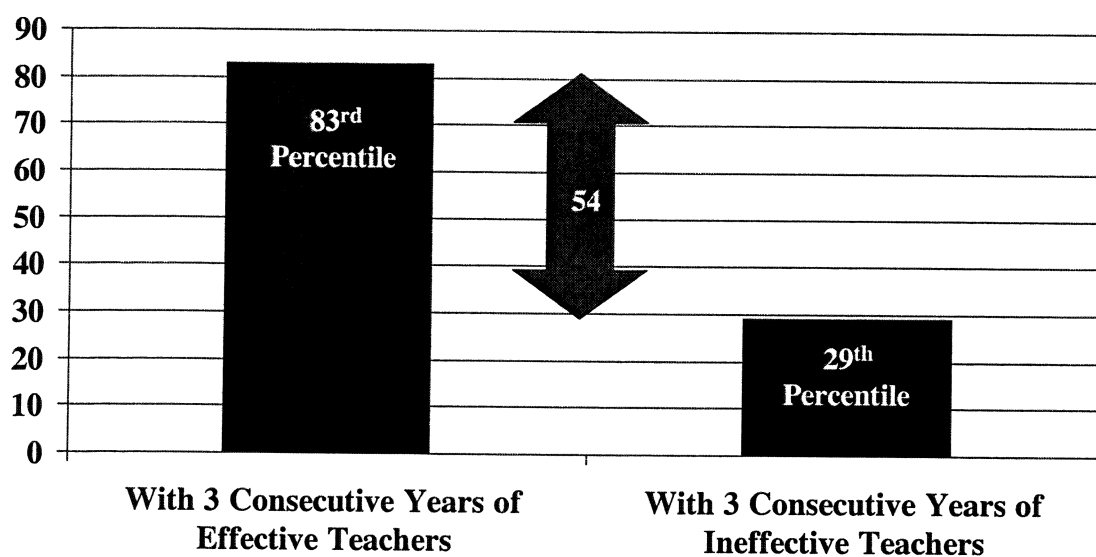
- William Sanders' 1998 study reported that low-achieving students with an effective teacher, scored in the 53<sup>rd</sup> percentile after one year, while students with an ineffective teacher scored in the 14<sup>th</sup> percentile.

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➤ **TEACHERS MAKE A PROFOUND DIFFERENCE**

## Student Performance

### 5<sup>th</sup> Grade Math Students Over Three Years



(Sanders, 1998)

- Sanders' 1998 study also concluded that 5<sup>th</sup> grade math students who had three consecutive years of effective teachers, scored in the 83<sup>rd</sup> percentile – students with three years of ineffective teachers, scored in the 29<sup>th</sup> percentile.

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# RESTRUCTURING THE PROFESSION

## ➤ MULTIPLE CAREER PATHS & APPROXIMATE RATIOS

- **Associate/Adjunct Teacher** – Initial license and probationary employees (one to two years; at *secondary* level 18% of total).
- **General Teacher** – Postprobationary teachers (*Elementary*-when combined with Associates = 46% of total; *secondary*-59% of total).
- **Mentor Teacher** – *Elementary* - 46% of teachers employed; *secondary*-16%.
- **Master Teacher** – *Elementary* - 6% of teachers employed; *secondary* 8.3%.

## ➤ OBJECTIVE CRITERIA & QUALIFICATIONS

- Criteria & qualifications set by Commission for Professional Standards in Education using TAP.
- Commission must adopt prior to April 1, 2004.

## ➤ “GRANDFATHER” CLAUSE – POSTPROBATIONARY TEACHERS LICENSED PRIOR TO JULY 1, 2003, DEEMED TO BE “GENERAL” CATEGORY

## ➤ GRADUAL PHASE-IN PERIOD FOR REMAINING PROVISIONS

- Application cycle for mentor & master positions begins November 2003.
- Augmented salary for mentor & master teachers begins 2004-2005 school year.

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## **RESTRUCTURING TEACHER PAY**

### **➤ ADDRESSES ANTIQUATED COMPENSATIONS SYSTEM**

- Teachers judged to be the best are given additional or different work and paid more accordingly (in contrast with the current model of being paid more for doing the same work “better”).
- Mentors and masters have a reduced class schedule but longer contract years.
- Includes flexibility to negotiate salaries and sets the stage for professional quality control, such as peer evaluations. Pay differentiation among ranks.

### **➤ SALARIES ARE INDEXED TO “GENERAL TEACHER” CLASSIFICATION**

#### **ELEMENTARY LEVEL (TARGET SALARIES)**

- **Associate Teacher** – District sets salary
- **General Teacher** – District sets average for base
- **Mentor Teacher** – Averages 1.5 times the base salary
- **Master Teacher** – Averages 2.4 times the base salary

#### **SECONDARY LEVEL (TARGET SALARIES)**

- **Adjunct Teacher** – District sets salary
- **General Teacher** – District sets average for base
- **Mentor Teacher** – 1.4 times the base salary
- **Master Teacher** – 2.4 times the base salary

### **➤ AUGMENTED SALARY TRANSFERABLE AMONG NEVADA SCHOOL DISTRICTS**

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## **ENSURING TEACHER QUALITY**

### **➤ PROGRAM REALIGNS POSITIONS TO REFLECT THE PROFESSION**

- Objective criteria to establish qualifications, roles, and responsibilities linked directly to the license.

### **➤ PROGRAM DIRECTS FUNDING TO MAINTAINING QUALITY TEACHERS**

- Encourages individual effort to become a better teacher, to maximize individual skills, and to be compensated for the extra work and responsibility.
- Provides differentiated pay as incentive to teachers and helps to recruit and retain quality teachers.
- Keeps good teachers in the classroom – do not have to move into administration to increase salary.
- Puts NTAP teachers on professional par with the business sector.
- Improves teacher quality in schools, which will improve student achievement.

### **➤ PROGRAM FOSTERS PROFESSIONAL GROWTH**

- Mandated, salaried induction period for teachers with access to mentors.
- Classifications lend themselves to school-based programs to foster collaboration (less isolation).

## SUMMARY OF COSTS

- **WOULD USE SALARY RANGES SIMILAR TO WHAT IS PROPOSED FOR TAP USING RATIOS FROM PAGE 7.**
- **FISCAL IMPACT IS IDENTICAL TO COST OF LIVING RAISES PROPOSED BY TEACHERS OF 5% FOR FISCAL YEAR (FY) 03 AND ANOTHER 5% FOR FY 04.**
- **SUCH DOLLARS WOULD BE USED TO AUGMENT SALARIES ACCORDING TO RATIOS ON PAGE 7. ANY SHORTFALL TO BE MADE UP WITH FY 04 INCREASE, AND LATER FY BALANCES TO BE GIVEN TO INCREASE GENERAL & ASSOCIATE/ADJUNCT CATEGORIES.**

<b>ELEMENTARY MODEL</b>	
<b>NUMBER TEACHERS</b>	<b>FISCAL EFFECT FY 03</b>
5,009 Associate/General	
5,009 Mentor	
833 Master	
<b>10,851 Total</b>	<b>\$19.91 million*</b>

\* Based upon 5% raise for current Elementary Total 10,017 (excludes special education and vocational)

<b>SECONDARY MODEL</b>	
<b>NUMBER TEACHERS</b>	<b>FISCAL EFFECT FY 03</b>
1,296 Adjunct	
4,346 Associate/General	
1144 Mentor	
610 Master	
<b>7,396 Total</b>	<b>\$12.435 million**</b>

\*\* Based upon a 5% raise for current Secondary Total 6,099 (excludes special education and vocational)

## APPENDIX I

### Current and Proposed State Accountability Systems



## Current State Accountability System

	Pupils	Schools	Districts	State
Academic Achievement Indicators	<p>Middle school students must meet state-defined criteria to be promoted to high school.</p> <p>High school students must:</p> <ul style="list-style-type: none"> <li>□ Earn specified number of Carnegie Units to graduate; and</li> <li>□ Pass HSPE.</li> </ul>	<p>Assessments (NRTs) are given in grades 4, 7, and 10.</p> <p><b>Schools</b> are ranked based upon average score in grades so tested.</p>		
Non-Academic Achievement Indicators	Each district sets attendance levels for pupils sufficient for promotion to next grade.	A school's average daily attendance rates need to be at high level to receive highest school accountability classifications.		
External Accountability		Panel review of schools needing improvement.	Legislative Counsel Bureau reviews state accountability system (NRS 385.359)	Superintendent provides biennial overview of state public education system to legislature (more of a program review)
Support / Improvement	<p>State requires districts to provide remediation to low-performing students.</p> <p>State provides funds for before and after school program available for students needing remediation.</p>	<p>State requires improvement plan for all schools; special attention to plan for low performing schools.</p> <p>State provides funds for remedial programs for low-performing schools.</p> <p>State provides recognition of high achieving schools.</p>	Consultant performing accountability review provides feedback & recommendations to districts and LCE for system improvement.	

# Proposed State Accountability System – (Complies with H.R. 1)

(Bold represents new material)

	Pupils	Schools	Districts	State
Academic Achievement Indicators	<p>Elementary students are categorized as proficient, etc. based upon CRT achievement levels.</p> <p>Middle school students must meet state-defined criteria to be promoted to high school.</p> <p>High school students must:</p> <ul style="list-style-type: none"> <li>□ Earn specified number of Carnegie Units to graduate; and</li> <li>□ Pass HSPE.</li> </ul>	<p>Augmented NRTs are given in grades 3 through 8.</p> <p><u>Schools</u> are ranked (using four previous categories) based upon whether each required subgroup meets AYP.</p>	Districts reports AYP for all required subgroups in district.	State reports AYP for all required subgroups in State.
Nonacademic Achievement Indicators	Each district sets attendance levels for students sufficient for promotion to next grade.	<p>High school graduation rate for all required subgroups used as indicator for accountability.</p> <p>Elementary / middle schools use average daily attendance for all subgroups as indicator for accountability.</p>	<p>District high school graduation rate for all required subgroups used as indicator for accountability.</p> <p>District elementary / middle school's average daily attendance for all subgroups used as indicator for accountability.</p>	<p>State high school graduation rate for all required subgroups used as indicator for accountability.</p> <p>State elementary / middle school's average daily attendance for all subgroups used as indicator for accountability.</p>
External Accountability	Limited: Students in Title I schools receiving supplementary services enter into agreements with service providers that include achievement goals, measurement criteria, and a timetable for improving achievement.	Panel (OR School Support Teams) review of schools needing AYP improvement.	<p>State conducts annual review make report of district accountability &amp; district AYP, as well as state AYP.</p> <p>Legislative Counsel Bureau reviews state accountability system (NRS 385.359).</p>	Superintendent provides annual report to U.S. Department of Education, Governor, and Legislature concerning accountability goals & AYP.

	Pupils	Schools	Districts	State
Support / Improvement	<p>State requires districts to provide remediation to low-performing students (<b>students not proficient</b>).</p> <p>State provides <u>funds to school districts</u> for before and after school programs available for individual students needing remediation.</p> <p><b><u>Schools</u> may tap Before and After school programs funds for programs for students in subgroups that did not make AYP.</b></p>	<p>Districts required to provide <b>technical assistance to low-performing schools.</b></p> <p><b>State school-wide remediation funds for schools in which school wide AYP is not met, or in which a fixed percentage of students are in a category not making AYP.</b></p> <p>State requires improvement plan for all schools; special attention to plan for low-performing schools.</p> <p>State provides funds for remedial programs for low-performing schools.</p>	<p>State provides <b>technical assistance to districts not meeting AYP &amp; imposes corrective action.</b></p> <p>Consultant performing accountability review provides feedback &amp; recommendations to districts and LCE for system improvement.</p>	<p><b>State not making AYP receives technical assistance from U.S. Department of Education.</b></p>





## APPENDIX J

### No Child Left Behind Concept Document (Final Version)



**FINAL VERSION**

**APPROVED BY THE  
LEGISLATIVE COMMITTEE ON EDUCATION  
November 20, 2002**

**CONCEPTS FOR  
BILL DRAFT REQUEST NO. 635  
CONCERNING REVISIONS TO THE  
NEVADA EDUCATION REFORM ACT  
TO CONFORM WITH THE  
FEDERAL NO CHILD LEFT BEHIND ACT OF 2001**

The accountability provisions of the Federal No Child Left Behind Act can be summarized as having three primary goals: (1) reducing the achievement gap; (2) improving the quality of teachers in poor schools; and (3) improving the use of proven interventions. Consistent with those goals and to retain eligibility for federal funding of educational programs in Nevada, the Committee has adopted a bill draft request that will amend Nevada's current accountability and assessment system to comply with the federal law.

Therefore, this document contains recommendations to revise Nevada's current accountability statutes, adds required teacher licensing provisions, includes minimum requirements for qualifications in licensing of paraprofessionals, and creates a single statewide system of school accountability. The proposed changes merge Nevada's existing public school accountability system with the federal model, which requires, among other things, annual testing in reading/language arts and mathematics, periodic testing in science, and a data management system to report information regarding those tests. Additionally, the changes address state, district, and school report cards; teacher quality; financial accountability systems; remedial programs; and accountability sanctions and rewards.

Whenever possible, the existing system will be retained and revisions will, to the extent possible, be designed to fit with the purpose of the current system. While making needed changes, the revisions also retain the emphasis upon assisting schools and districts with school improvement and upon providing policymakers at all levels with information needed to make decisions with regard to public education as contained in the Nevada Education Reform Act (NERA) of 1997. To the extent possible, the recommendations are nonspecific with regard to federal statutory language, but specific with regard to the concepts needed to establish a statewide system of standards-based accountability linked to state assessments and to specific school and school district improvement processes.

## **ACCOUNTABILITY & ADEQUATE YEARLY PROGRESS**

This section proposes the most extensive changes to NERA. The federal act contains specific provisions that states must adopt with regard to school, district, and state accountability requirements. While most of the federal sanctions apply only to schools receiving Title I funds, other sanctions apply to districts receiving Title I funds (all 17 districts). Reporting requirements apply to all schools and therefore, along with the requirement for a single state accountability system, determine the structure of the new reporting system.

The following section addresses required accountability components, including: (1) academic standards; (2) adequate yearly progress requirements for schools, districts, and the state; (3) consequences for schools and districts; (4) school support and improvement processes; and (5) school recognition.

### ***Academic Standards***

**Explanation:** States must adopt challenging academic standards in reading, mathematics, and by 2005-06, in science.

No significant changes are needed to provisions concerning the adoption and review of statewide academic standards. However, the Legislative Committee on Education (LCE) should ask the Council to Establish Academic Standards for Public Schools (Council) to review the rigor of the high school proficiency examination (HSPE) and alignment of the test with the exit standards. Further, the LCE by letter should ask the Nevada Department of Education (NDE) to review (using an outside evaluator) and possibly revise the difficulty level of the HSPE and/or review the passing scores for the tests.

### ***Adequate Yearly Progress For Schools***

**Explanation:** States must demonstrate a single accountability system for defining “adequate yearly progress” or AYP. AYP must be set so that all students meet a state-defined level of proficiency by 2013-14. AYP must also be met for all subgroups (Special Education status, Limited English Proficient, income status, and five racial/ethnic classifications: White, Black, Hispanic, Asian, and Native American).

Nevada’s accountability statutes should make general reference to the three components of the state’s revised accountability system: (1) meeting an absolute target; (2) making relative growth; and (3) narrowing the achievement gap among subgroups. The statutes should also include a statement that the accountability system applies to all students, but keep statement broad enough to accommodate future changes in federal law.

Specify in statute that the State Board of Education (State Board) will determine proficiency levels for the purpose of AYP, but make no reference to cut scores. Further, specify that the NDE or State Board will define AYP and refer generally to establishing the AYP starting point, defining a timeline for progress, and setting increasing performance objectives over time. In addition, require that 95 percent of students, and 95 percent of each subgroup, take state examinations or it is an automatic failure to make AYP. Additionally, the Council may need to be directed to revise terminology for state performance standards from “meets

standards” to “proficient.” A number of technical changes and adjustments will need to be made, including deleting testing/accountability exceptions for Limited English Proficiency (LEP) and special education students (*Nevada Revised Statutes* [NRS] 389.017), and retest provisions (NRS 385.368) to include retesting subgroups.

Require that the additional indicator required by NCLB shall be the high school graduation rate for high school, and average daily attendance for middle/elementary levels. The NDE shall determine the method of calculating AYP (may use an averaging option), but yearly reports concerning AYP must still be made. The statutes shall specify the process for the districts and the NDE to make the required annual determination of school AYP, including establishing deadlines, for review for errors, and for notification of the LCE, the Legislative Bureau of Educational Accountability and Program Evaluation (LBEAPE), and the Governor. The NDE shall establish exceptions (i.e., safe harbor) as permitted by federal law. The NDE shall specify federal AYP requirements for LEP students (to highlight importance and focus), including participation in AYP and assessments, tracking time in programs, and annual achievement objectives for development of language proficiency. The Committee should require that LBEAPE develop prioritization and direction of state remediation funding to schools with the greatest need, based on the number of subgroups failing. Finally, the LCE should send a letter of intent to the NDE and to school districts stressing prioritization of all remediation funding to AYP-related programs.

### ***Consequences For Low-Performing Schools***

**Explanation:** Federal law sets forth sanctions for Title I – served schools failing to make AYP. State accountability system must be unitary but need not apply Title I sanctions to all schools. State and districts have parallel responsibilities for school improvement.

Revise statutes (generally within NRS Chapter 385) to incorporate new accountability provisions that follow:

- After two consecutive years of failure to make AYP, school districts must designate all such schools for improvement and provide technical assistance, including professional development, and reallocation of school budgets, and for Title I–served schools only – offer school choice options as specified in the federal act;
- After three consecutive years of failure, school districts will continue actions stated above for year two, and for Title I–served schools only – offer supplemental services as required in the federal act;
- After four consecutive years of failure, school districts must continue above actions stated for years two and three and for Title I–served schools only – take corrective action per federal law; and
- After five consecutive years of failure, school districts must restructure Title I–served schools only (nontitle I schools continue at level of intervention for year four designation).

Schools may exit from corrective status if they make AYP for two consecutive years. Students who have opted to transfer from those schools may remain, but districts only are obligated to fund their transportation while their home schools are low-performing. State actions for nontitle I schools after two years will be handled through school support teams.

In order to determine the number of schools that would be classified as low-performing under this BDR, and based upon the need to devise categories for schools that can guide school improvement efforts to help prioritize the work of the school support teams, staff of the Legislative Counsel Bureau and NDE shall examine a series of simulations concerning the numbers of schools that would be identified as low-performing under various assumptions [setting the initial proficiency at different levels, and with different subgroups failing to meet AYP (adequate yearly progress) targets, and so on]. After running these models, criteria will be assigned to these categories, in statute, so that for the first year, there will be approximately the same number of low-performing schools identified for these focused services as were identified under NERA. In addition, LBEAPE will provide details to the bill drafter with regard to that structure for school funding purposes. In general, the same four categories that exist under NERA—schools needing improvement, adequate, high achieving, and exemplary—will be modified to reflect the AYP designations.

### ***School Improvement***

**Explanation:** Districts receiving Title I funds (that includes all districts in Nevada) must use state assessments to determine schools' AYP and develop plans to assist low-performing schools.

Specify within statute that all districts shall make an annual review of all public schools within the district to determine if schools are making AYP, including deadlines and reporting; two-year improvement plans shall be developed for all schools. Specify that within three months of identifying a school as not making AYP, the two-year improvement plans must be revised that target problem areas, incorporating strategies from scientifically-based research, and adopt policies and practices designed to meet the AYP goals of having all students at proficient or advanced levels in 12 years. The statutes shall also include specific components of school improvement plans, to include: using scientifically based strategies; containing annual measurable objectives relative to AYP; requiring that the plan be implemented expeditiously; requiring that the district have a peer review process for school plans; requiring the district to provide technical assistance in data and problem analysis for the school plan development; and so on, as noted in the federal law. Further, specify that districts and/or state will provide identified schools with technical assistance, including analyzing data, professional development, and scientifically-based strategies. The RPDs are authorized to accept federal school improvement and professional development funds and participate in school improvement planning and assistance. Finally, the LCE, LBEAPE, the State Board, and the Governor shall receive copies of the plans annually.

### ***AYP For School Districts***

**Explanation:** States must set and apply AYP definition to districts.

Require NDE to review districts annually to determine if schools are achieving AYP and the district is complying with school improvement, parental involvement, and teacher quality. Specify that if **any** of the disaggregated groups do not meet the measurable objectives at the district level, then the district will be considered as failing to make AYP. Require the NDE to: identify for improvement any district that, for two years (including two consecutive years

immediately preceding enactment of the No Child Left Behind Act), has failed to make AYP, and identify for corrective action any district that was in corrective action status under the prior Title I rules. Specify that NDE must provide the district with a review process concerning the academic assessment data used to make the identification. Provide that NDE must publicize the results of the review and disseminate them to districts, teachers, and other staff, students, and the community. Additionally, the state must notify “promptly” parents of every child who attends a school in the district identified for improvement about the results of the review, the reasons why the district has been identified, and how parents can participate in upgrading the quality of the local educational agency.

### ***Identification Of Low-Performing Districts For Improvement***

**Explanation:** States must identify timeline and consequences for districts failing to make AYP.

Specify the NDE will identify low-performing districts and list general requirements for plans and names for categories of districts, et cetera. For failing districts, require that within three months, the district will revise its plan in consultation with staff and parents and will implement it no later than the beginning of the next school year. Specify deadlines and receipt of plans, including LCE, LBEAPE, Governor, and State Board. Specify contents of district improvement plans in accordance with federal provisions, including scientifically-based research strategies, professional development, parent involvement, measurable achievement goals, fundamental teaching/learning needs, extended learning time, and responsibilities for technical assistance from the state. Provide generally that technical assistance to districts will be provided by the NDE and others (LBEAPE). The federal definition of corrective actions for districts should be referenced. Specify in statute (to highlight) the corrective actions that may be taken by the state, including deferral of funding, new curricula, replacement of staff, establishment of alternative governance, appointment of a trustee, or abolition or restructuring of the district; also include notice and hearing provisions that must be made prior to implementing corrective action.

### ***State System Of School Support***

**Explanation:** State must establish a statewide system of intensive and sustained support for schools and districts, and shall include school support teams.

Consistent with federal requirements, specify within statute a statewide system of school support. This system shall give priority in the following order to:

- Districts with schools subject to corrective action and assistance to those schools in a district that have failed to carry out their responsibilities;
- Districts with schools identified for improvement; and
- Other districts and schools that need it.

The RPDs, the federal regional education labs, and UCCSN are specifically authorized to participate in the system and work as partners, and state remediation funds are referenced as part of the statewide system of support.

Consistent with federal requirements, specify that the NDE assist each school to:

- “Develop the capacity to comply” with the requirements pertaining to school wide programs and targeted assistance schools;
- Provide additional assistance to students needing help in meeting state standards; and
- Ensure that poor and minority students are not taught at higher rates than other children by inexperienced, unqualified, or out-of field teachers.

*School Support Teams Substitutes for Panels in Current Law:* Establish school support teams, with the composition as set forth in federal law, for all schools after two years of failure to make AYP. School support teams may consider all facets of school operations; shall cooperate with parents, RPDPs, LBEAPE, Title I coordinators, and staff in the design and implementation of the school improvement plan; may evaluate the school personnel; and make other recommendations. School support teams shall also report their recommendations to the LCE, the State Board, the Governor, and LBEAPE. Finally, it is recommended that the LCE send a letter to the Senate Committee on Finance and the Assembly Committee on Ways and Means, and school district boards of trustees alerting them to the need for future capacity to sustain school improvement efforts as numbers of identified schools increase over time. Reference optional corrective actions and restructuring similar to federal law.

*Supplemental Services:* Establish authority within statute for the participation of LCE and LBEAPE in determination of supplemental service providers required for Title I schools not making AYP.

### ***AYP For State***

**Explanation:** States are also accountable to the Federal Government for making statewide progress.

Add a reference in statutes regarding Nevada’s accountability to the Federal Government for establishing and achieving the education goals contained within NCLB. As to federal funding and assistance, require that the LCE be kept informed and that funding issues be addressed by the Interim Finance Committee or the full Legislature (if in session).

### ***School Recognition***

**Explanation:** State must establish program for academic achievement awards to schools closing achievement gap or exceeding AYP objectives for two or more consecutive years.

Make minor revisions to existing statutes to provide that Nevada’s Superintendent of Public Instruction may make academic achievement awards (without money) to recognize schools that either significantly close the achievement gap among subgroups or exceed AYP for two or more consecutive years. Also authorize LBEAPE to consult with the NDE on identifying and publicizing low-performing schools that become high performing.



## ASSESSMENT

Assessments are linked to the Adequate Yearly Progress requirements under NCLB. Changes are required to the type and frequency of Nevada's proficiency testing requirements; current exceptions to testing (special education status and limited English status), must be removed and revised; and additional provisions made concerning the National Assessment of Education Progress (NAEP) tests.

### *State Assessments*

**Explanation:** States must implement high quality assessments to use in determining AYP in reading/language arts in grades 3-8, and grade span 10-12 by 2005-06, and in science for grade spans 3-5, 6-9, and 10-12 by 2007-08. These tests must be linked to state academic standards.

Make general reference in statutes to federal assessment requirements. Delete current student assessment exemptions from statutes (primarily NRS 389.015; NRS 389.017; and NRS 385.364) and direct NDE/State Board to adopt regulations on the participation of all students in the statewide proficiency program.

*Grades 3-8:* Replace current statewide proficiency tests with augmented NRTs in grades 3 through 8. Provide that the augmented portion linked to our state standards are, to the extent practicable, designed to achieve vertical alignment and lay a foundation for value-added analyses. Specify the status of current writing tests as part of the reading/language arts assessment – 4<sup>th</sup> grade is not part of accountability/AYP, and the 8<sup>th</sup> grade test is part of accountability/AYP. Further, move the 8<sup>th</sup> grade writing test to 7<sup>th</sup> grade (spring).

*High School:* Specify that the state will use the High School Proficiency Exam for the reading/mathematics/science assessment required in grade span 10-12. Eliminate the current NRT in grade 10 and substitute the PSAT. The PSAT would not be part of accountability/AYP determination, but used as a student diagnostic and course-taking correction, and districts/schools shall use data in school improvement process to determine quality of curriculum.

*Science:* Continue to include the science assessment in the current CRTs in grades 5 and 8, but do not include as part of accountability/AYP unless required in 2007-08. Further, delay incorporation of science into HSPE (it has already been delayed once before), until 2007-08 (federal deadline).

### *Assessment And Reporting Of Limited English Proficient (LEP) Students*

**Explanation:** States must include all students in state assessments, including LEP students, and LEP students must be tested in English after three years in the U.S., with possible extensions totaling two years. States must give annual assessments in language proficiency (oral, writing, reading) and track progress.

Make general reference to inclusion policies in state accountability statutes (as noted in AYP portion) and direct NDE to: provide definitions of LEP, et cetera; adopt regulations on requirements and extensions for testing; review need for tests in other languages; develop standard notification forms and procedures for parental notice; and review English as a

Second Language (ESL) programs and make recommendations on statewide programs and best practices.

In addition, require tracking of LEP students and reporting to LCE, Governor, and LBEAPE, including evaluation reports under Title III. The LCE should also send a letter of intent to the NDE recommending review of achievement gap issues for LEP students.

### ***Assessment And Reporting Of Special Education Students***

**Explanation:** States must include special education students in state assessments with appropriate accommodations. Alternate assessments must be developed for students who cannot participate in state assessments.

Refer in statute to the need for statewide policy on inclusion of special education students in state assessments. Additionally, the LCE should send a letter of intent to the NDE recommending review of achievement gap issues for special education students in combination with review of LEP students as noted above.

### ***NAEP Testing***

**Explanation:** All states must participate in biennial NAEP testing.

Amend statutes to require the NDE to present analysis and comparison of Nevada and national NAEP results to corresponding statewide assessments.

## **QUALITY OF TEACHERS & PARAPROFESSIONALS**

Although Nevada complies with much of NCLB's requirements with regard to teachers and paraprofessionals, a number of changes are recommended for areas in which the state does not comply. Recommendations are made relating to teacher and paraprofessional qualifications, the required disclosures of these qualifications, and high quality professional development.

### ***Qualification Of Teachers***

**Explanation:** All teachers in the core academic subjects are required to meet the federal definition of "highly qualified" by the end of the 2005-06 school year. Highly qualified requires bachelor's degree and: (1) subject area degree for high school; (2) subject area competency for middle school; or (3) competency testing for elementary school. There are "phase-in" requirements to achieve a highly qualified teaching workforce, with an emphasis upon first targeting Title I schools.

Due to the new requirements, revise emergency hire statute (primarily at NRS 391.125) to prohibit hiring of teachers who are not highly qualified in low-performing schools. Further, prohibit the use of "out of field" teachers at such schools in core academic subjects. School districts will be required to maintain the balance of experienced teachers in its low-performing schools at the same or higher level as in other schools within the district.

For new middle school teachers, amend NRS 391.031 to recognize a middle school license; direct the Commission on Professional Standards in Education to review/modify licensing regulations to address content knowledge to meet federal requirements. For existing middle school teachers, make no change in statutes, but direct the Commission (NRS 391.019) to adopt regulations for subject matter competency to move Nevada toward compliance (part of state plan). In general, the Commission and schools of education will be asked through letters of intent from the LCE to improve and streamline competency testing.

### ***Qualifications Of Paraprofessionals***

**Explanation:** All paraprofessionals under Title I are required to meet the federal definition of "qualified" by January 8, 2006. New hires must meet immediately. Qualified requires associate's degree; OR two years of postsecondary; OR competency testing by state or district.

Since Nevada had not previously regulated education paraprofessionals, these additions will be new. The State Board is directed to specify test(s) for statewide qualifications for instructional paraprofessionals to facilitate portability and to consider reciprocity with other states. Data on paraprofessional qualifications and school assignments will be collected and reported at the school, district, and state level. Finally, letters will be directed to Budget Division advising of fiscal impact of the NCLB Act on paraprofessional positions in Nevada, and to the University and Community College System of Nevada (UCCSN) urging consideration of paraprofessional programs and incorporation of flexibility in scheduling programs.

## ***Disclosure Of Teacher Qualifications***

**Explanation:** The act also requires notice to parents of their right to request information on teacher qualifications. Notice also is required in Title I schools if a student is taught more than four weeks by unqualified teachers.

Amend Nevada accountability statutes to include teacher qualification data in school, district, and state level reports. Further, amend statutes to include data collection and reporting on high quality, experienced teachers in low-income, Title I, and low-performing schools. Amend statutes to require notice to ALL parents of requests for teacher qualifications; direct the State Board to determine district response times to parent inquiries, and how data is to be collected and reported. Further, amend statutes to require Title I and low-performing schools to send notice to parents if a student is taught more than four weeks by an unqualified teacher, and direct the State Board to adopt regulations concerning timely responses and consider the need for reconciliation with long-term substitute regulations.

## ***Professional Development***

**Explanation:** Professional development must be high quality to achieve highly qualified teachers and qualified paraprofessionals and to assist in school improvement.

Amend statutes (at NRS 391.520 and elsewhere) to include a role for RPDPs in school improvement efforts; specify that professional development in low-performing schools must be high quality per the federal definition. Additionally, amend statutes to authorize RPDPs to provide professional development to paraprofessionals, within budget limits. Further, require the NDE to prepare a state plan for meeting the highly qualified teacher goal for core subjects (including measurable objectives and annual increases in percentage) and relate the plan to the federal definition of high quality professional development. In order to keep the focus of the RPDPs upon student achievement and school improvement, amend statutes to further define RPDP role to avoid districts/others from co-opting their time and claiming their involvement in proposed programs or grants without their formal permission. The Committee should also consider increasing RPDP budgets to reflect these new requirements and provide authority to act as a grantee and to contract with districts to provide district professional development.

## ***Teacher Liability Protection***

**Explanation:** Federal law (Title II, Sec. 2366) provides limited immunity for teachers and preempts state law (except state may provide greater immunity) unless state acts to make subpart inapplicable.

Nevada has its own statutes concerning limited immunity from liability. The decision by the Committee was to not propose any changes to state law, which would mean that the federal immunity provisions preempt state law to the extent that the state law is inconsistent.

## **REPORTING & STUDENT INFORMATION SYSTEM REQUIREMENTS**

The federal No Child Left Behind Act has sweeping implications for how states collect, analyze, and use data about school and system performance. The new federal requirements – including a broader collection of information and a speedy turnaround of state assessment data to local districts – require states to improve the usability of their data systems. The law does not explicitly require states to have specific database structures, but it endorses databases that link students’ test scores, the length of time they’ve been enrolled in given schools, and graduation records over time.

This section contains recommendations about the technical and reporting structures that support the previous sections of this document. Specific sections include state, district, and school level report cards; selected reports to the Federal Government; the statewide student reporting system; and Safe and Drug Free Schools provisions.

### ***State Level Report Cards***

**Explanation:** Beginning in the 2002-03 school year, states and school districts that receive Title I funds must “prepare and disseminate” annual report cards.

Provide in statute for a state level report card and a state level plan for improvement. Require the Superintendent of Public Instruction’s report (NRS 385.230) to include findings from the state report card. Further, direct the State Board to adopt a minimum sample size for reporting. Specify in statute, in general terms, the contents of the state report card as described in the federal act, allowing for the report to contain other items. By letter, direct the NDE to convene the school accountability technical advisory committee to recommend to the State Board and to the LCE additional items for state report card, if any. Finally, include Nevada’s NAEP results in the state level accountability report.

### ***District Level Report Cards***

**Explanation:** The state is required to ensure that, beginning in 2002-03 school year, each school district collects appropriate data and issues an annual report card for the district. States may continue to use existing report cards so long as the required data is included.

Revise current statutes to adjust the dates for Nevada school districts to issue district level report cards, consistent with federal deadlines for such reports. In addition, provide in statute that district report cards will be uniform in format and direct the school accountability technical advisory committee to review the format and make recommendations to LCE. Direct, by letter, the NDE/State Board to review the need for district level reports in other languages. Further, direct the State Board to adopt a minimum number of students for the sample size required for reporting purposes. Specify in statute, in general terms, the contents of the district report card as described in the federal act, allowing for the report to contain other items. By letter, direct that the NDE convene the school accountability technical advisory committee to recommend to the State Board and to the LCE additional items for district report card, if any. Further, direct the advisory committee to make recommendations to the State Board and to the LCE on revisions to the Part III reports currently required under statute. Staff is requested to review the concept of establishing a defined school year

beginning September 1 of each year for reporting and school choice purposes, and include it if it is feasible and consistent with federal law.

### ***School Level Report Card***

**Explanation:** The state is required to ensure that, beginning in 2002-03 school year, each school district collects appropriate data and issues an annual report card for each school in the district. States may continue to use existing report cards so long as the required data is included.

Revise current statutes to adjust the dates for Nevada school districts to issue school level report cards, consistent with federal deadlines for such reports. In addition, provide in statute that these school report cards will be uniform in format within a district; direct by letter that the NDE and the State Board review the format and make recommendations to LCE. Direct, by letter, that the NDE and the State Board review the need for district level reports in other languages. Further, direct the State Board to adopt a minimum number of students for the sample size required for reporting purposes. Specify in statute, in general terms, the contents of the school report card as described in the federal act, allowing for the report to contain other items. By letter, direct that the NDE convene the school accountability technical advisory committee to recommend to the State Board and to the LCE additional items for the school level report card, if any. Require each school, regardless of AYP status, to prepare a school improvement plan and to monitor progress towards the goals. Further, require the outcomes to be included in subsequent plans. Finally, reconcile school improvement plan requirements with current Part III reports to avoid duplication.

### ***Related State Reports to the Federal Government (Selected)***

**Explanation:** Each State Department of Education is required to submit regular reports to the Secretary concerning accountability (Sec. 1111[h][4]), teacher qualifications (Sec. 1119[b][1][B]), dropouts (Sec. 1907), LEP students (Sec. 3121), and safe schools (Sec. 4116); further, states must make several of these reports available within the state.

Direct a letter of intent to the NDE/State Board that selected reports required to be submitted to the Federal Government concerning accountability, teacher qualifications, dropouts, Limited English Proficient (LEP) students, and safe schools also be submitted to the Governor, the LCE, and LBEAPE. In addition, require by statute that the NDE and/or the State Board adopt regulations regarding the reporting of effectiveness of instructional programs for LEP students. Finally, provide within the statutes that the approved list of programs of remedial study shall also include programs designed to increase the academic achievement and language proficiency of LEP students.

### ***Student Reporting System***

**Explanation:** AYP requirements state that goals must be set, achievement data collected and disaggregated, and progress tracked to demonstrate achievement growth. States are also required to calculate AYP by at least eight subgroups: White, African-American, Hispanic, Asian, Native American, special education, LEP, and socio-economic status.

Provide in statute (primarily at NRS 386.650 *et seq.*) that the statewide student reporting system have the capacity to meet state and federal reporting requirements, including the ability to disaggregate data by the subgroups specified in reporting and AYP requirements; specifically provide that student achievement results must be disaggregated as defined by federal law. Provide that the statewide reporting system will use unique student identifiers to enable student tracking over time and across districts. (Note: this is the foundation for establishing a “value-added” model to track individual student academic growth over time.) Provide authority within statute for multiple user access levels within the statewide system to accountability data for state and local policymakers, school and district administrators, teachers, parents, and others, as appropriate.

Further, revise statutes to require that the Superintendent of Public Instruction prescribe to the school districts their student information system, which may include standardized software or format. In addition, specify that the statewide student information system’s data collection model will provide for inclusion of quasi-longitudinal or longitudinal comparisons in student reporting.

Direct the staff of the NDE, the Legislative Counsel Bureau, and other stakeholders to consider:

- Centralization versus decentralization of the statewide student reporting system;
- The need for electronic transfers of student transcripts;
- The issues of collecting data on course taking, program participation, enrollment, background/demographics, and staff;
- The issue of network connectivity for all schools (in conjunction with the Commission on Educational Technology); and
- Report any findings and recommendations to LCE and the State Board.

### ***Safe and Drug-Free Schools and Communities***

**Explanation:** In order to receive funds for the federal grant programs – Safe and Drug Free Schools Program and the 21<sup>st</sup> Century Learning Centers Program – NCLB requires the state to establish a statewide policy requiring that a student who is attending a “persistently dangerous” elementary or secondary school or who becomes a “victim of violent criminal offense,” be allowed to attend a “safe” school within the district.

Require by statute that school districts establish a plan for safe and drug-free schools and, to the extent practicable, avoid duplication with existing requirements for discipline policies and crises plans. Require by statute that the NDE and/or State Board adopt a definition of “persistently dangerous” school. Further, require the NDE and/or State Board to adopt regulations regarding the safe schools transfer option, consistent with the federal law. By letter, direct the NDE to convene the school accountability technical advisory committee to more clearly define incidents of violence, drug/alcohol use, et cetera, to ensure that collected data is meaningful, uniform, and comparable across districts. Specify in statute that the report the state is required to send to the Federal Government concerning this program also be submitted to the Governor, the LCE, and LBEAPE.

### *Miscellaneous Reporting Requirements from Other Meetings*

**Explanation:** Issues related to parental notification of schools identified for school improvement and the reporting of AYP status were held over from the Accountability meeting.

Provide by statute that schools identified for school improvement shall notify parents concerning the identification and shall describe the proposed plan to address improvement. Further, consistent with the federal act, require by statute that the NDE/State Board adopt regulations regarding the publicizing of the NDE's review of district AYP results and for the prompt notification by the NDE of parents of students in schools within a district identified for improvement.



## **ADDITIONAL CONSIDERATIONS**

### ***Regulatory Review***

Further, specify the LCE will review and comment on the NDE's regulations for implementation of the NCLB Act. Establish a review process for regulations adopted pursuant to this BDR (and other regulations related to the No Child Left Behind Act), for the LCE similar to the process provided to the Legislative Committee on Health Care in NRS 439B.225.

### ***Appropriations***

Include an appropriation within the bill in the amount of \$287,427 over the 2003-05 biennium for the continuation of the state's fiscal accountability program. Further, specify in statutes that program and school level financial accounting shall be linkable to student outcomes and programs by utilizing a financial accountability system across school districts.

Include an appropriation within the bill in the amount of \$10 million to the Commission on Educational Technology – essentially, a redraft of the provisions from S.B. 427 (Chapter 574, Statutes of Nevada 2001) of the 2001 Session.

Provide for a pilot program to provide bonuses for experienced teachers and administrators who teach in low-performing schools, limiting the program to schools that have been consistently identified as low-performing under NERA and under the new federal requirements. Utilize applicable portions of the program proposed to the State Board. Appropriate \$705,000 for FY 2003-04 increasing to \$943,000 in FY 2004-05 (based on four schools being designated as pilot schools in FY 2003-04). The administrators, teachers, and instructional staff shall be paid a state-funded bonus for each school year as follows, subject to availability of legislative appropriations:

	<i>First Year</i>	<i>Second Year</i>	<i>Third Year</i>
<i>Administrator</i>	<i>\$6,000</i>	<i>\$8,000</i>	<i>\$10,000</i>
<i>Licensed Teachers</i>	<i>\$3,000</i>	<i>\$4,000</i>	<i>\$5,000</i>
<i>Other Instructional Staff</i>	<i>\$1,000</i>	<i>\$2,000</i>	<i>\$3,000</i>

### **Drafting Considerations**

In addition, staff will work with the chairman on questions that might arise concerning details the Committee has not considered, and other related details that may arise in drafting this measure.



## APPENDIX K

### Suggested Legislation

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**BDR 34-635**

This BDR will be available at the beginning of the 2003 Legislative Session.



**BDR 34-636**

This BDR will be available at the beginning of the 2003 Legislative Session.





SUMMARY—Provides for alternate route to teacher licensure. (BDR 34-637)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to educational personnel; requiring the Commission on Professional Standards in Education to adopt regulations that provide for an alternate route to a teacher's license for persons with certain qualifications; requiring the State Board of Education to adopt regulations prescribing the courses of study and training for such persons; requiring boards of trustees of school districts and governing bodies of charter schools to assign mentors to persons who are licensed through an alternate route and employed as teachers; providing for expiration of a license obtained through an alternate route if a person does not satisfy certain requirements; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

**Sec. 2. A person who is licensed pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019:**

**1. May be licensed to teach elementary or secondary education, as set forth in paragraphs (a) and (b) of subsection 1 of NRS 391.031.**

**2. Shall comply with all applicable statutes and regulations.**

**3. Except as otherwise provided by specific statute, is entitled to all benefits, rights and privileges conferred by statutes and regulations on licensed teachers.**

**4. Except as otherwise provided by specific statute, if he is employed as a teacher by the board of trustees of a school district or the governing body of a charter school, is entitled to all benefits, rights and privileges conferred by statutes and regulations on the licensed employees of a school district or a charter school, as applicable.**

**Sec. 3. 1. The State Board shall prescribe by regulation the contents of:**

**(a) An intensive course of study and training in the principles and methods of teaching and classroom management which the State Board determines will provide sufficient preparation for a person who desires to obtain a license pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019; and**

**(b) A brief course of study and training in advanced principles and methods of teaching and classroom management which is designed to enhance the course completed pursuant to paragraph (a) and is to be taken in the year after the initial year of teaching. The course may not require more than 2 consecutive weeks of instruction.**

*2. Each person who desires to obtain a license pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019 must submit with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training that satisfies the requirements of the State Board adopted pursuant to paragraph (a) of subsection 1.*

*3. Each person who desires to maintain a license issued pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019 must submit, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed:*

*(a) A course of study and training that satisfies the requirements of the State Board adopted pursuant to paragraph (b) of subsection 1; and*

*(b) One year of employment as a teacher with a school district or charter school.*

*4. Except as otherwise provided in this subsection, the proof required by subsection 3 must be submitted not later than 15 months after the date on which the initial license was issued. The Superintendent of Public Instruction may, for good cause shown, grant one reasonable extension of time for a licensee to submit the proof required by paragraph (a) of subsection 3 if the licensee requests an extension before the date on which the submission of proof is otherwise required.*

*5. If a licensee submits the proof required pursuant to subsection 3 within the time prescribed in subsection 4 or, if an extension was granted pursuant to subsection 4, within the*

*time prescribed by the Superintendent of Public Instruction, the notation on his license indicating that the license was obtained through an alternate route must be removed. If a licensee does not submit the proof required pursuant to subsection 3 within the time prescribed in subsection 4 or, if an extension was granted pursuant to subsection 4, within the time prescribed by the Superintendent of Public Instruction, his license shall be deemed expired and the procedures for revocation of a license do not apply.*

**Sec. 4.** *If the board of trustees of a school district or the governing body of a charter school employs a teacher who is licensed pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019, the board of trustees or the governing body, as applicable:*

- 1. Shall assign at least one licensed teacher whom the board of trustees or the governing body determines is qualified to serve as a mentor to the teacher who is licensed through the alternate route for his first year of employment with the school district or charter school.*
- 2. May not require the teacher who is licensed through the alternate route to complete a probationary period that is more than the period set forth in NRS 391.3197.*

**Sec. 5.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

FIRST  
PARALLEL  
SECTION

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

*(6) Prescribing the qualifications for licensing as teachers persons who hold at least a bachelor's degree in a field other than education from an accredited college or university and the procedures for the issuance and renewal of such licenses. The regulations adopted pursuant to this subparagraph must require a person to:*

*(I) Complete a course that complies with the standards established pursuant to paragraph (a) of subsection 1 of section 3 of this act for initial licensure;*

*(II) Pass all the examinations required for initial licensure as a teacher pursuant to this chapter; and*

*(III) Complete a course that complies with the standards established pursuant to paragraph (b) of subsection 1 of section 3 of this act and satisfactorily complete 1 year of employment as a teacher with a school district or charter school to maintain his license.*

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

**Sec. 6.** NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the Commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Except as otherwise provided in NRS 391.125, requiring teachers to obtain from the Department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

SECOND  
PARALLEL  
SECTION

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language, including, without limitation, being qualified to engage in the practice of interpreting pursuant to subsection 3 of NRS 656A.100.

***(6) Prescribing the qualifications for licensing as teachers persons who hold at least a bachelor's degree in a field other than education from an accredited college or university and the procedures for the issuance and renewal of such licenses. The regulations adopted pursuant to this subparagraph must require a person to:***

***(I) Complete a course that complies with the standards established pursuant to paragraph (a) of subsection 1 of section 3 of this act for initial licensure;***

***(II) Pass all the examinations required for initial licensure as a teacher pursuant to this chapter; and***

***(III) Complete a course that complies with the standards established pursuant to paragraph (b) of subsection 1 of section 3 of this act and satisfactorily complete 1 year of employment as a teacher with a school district or charter school to maintain his license.***

(7) Except as otherwise authorized by subsection 4 of NRS 656A.100, requiring teachers and other educational personnel to satisfy the qualifications set forth in subsection 3 of NRS 656A.100 if they:

(I) Provide instruction or other educational services; and

(II) Concurrently engage in the practice of interpreting, as defined in NRS 656A.040.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the Commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

**Sec. 7.** NRS 391.031 is hereby amended to read as follows:

391.031 **1.** There are the following kinds of licenses for teachers and other educational personnel in this state:

~~{1-}~~ (a) A license to teach elementary education, which authorizes the holder to teach in any elementary school in the State.

~~{2-}~~ (b) A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the Commission.

~~{3-}~~ (c) A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.



*2. A license issued to a person pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019 must, for the first year of licensure, contain a notation that the license is issued pursuant to those regulations. If the licensee fulfills the requirements of subsection 3 of section 3 of this act, he must be issued a license that:*

*(a) Is identical to a license issued pursuant to paragraph (a) or (b) of subsection 1, as applicable; and*

*(b) Does not contain a notation which indicates that the license was obtained through an alternate route in a prior year.*

**Sec. 8.** NRS 391.033 is hereby amended to read as follows:

FIRST  
PARALLEL  
SECTION

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

*3. An application for the issuance of a license pursuant to the regulations adopted by the Commission in accordance with subparagraph (6) of paragraph (a) of subsection 1 of NRS 391.019 must include a notation that the applicant is applying pursuant to those regulations.*

4. Every applicant for a license must submit with his application a complete set of his fingerprints and written permission authorizing the Superintendent to forward the fingerprints to

the Federal Bureau of Investigation and to the Central Repository for Nevada Records of Criminal History for their reports on the criminal history of the applicant.

~~{4.}~~ 5. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if he determines that the applicant is otherwise qualified.

~~{5.}~~ 6. A license must be issued to an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district for which the applicant applied; and

(c) The applicant submits the statement required pursuant to NRS 391.034.

**Sec. 9.** NRS 391.037 is hereby amended to read as follows:

391.037 1. The State Board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions.

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. ~~Every~~ *Except as otherwise provided in section 3 of this act, each* applicant for a license as a teacher or administrator or to perform some other educational function must submit with his application, in the form prescribed by the Superintendent of Public Instruction, proof that he has satisfactorily completed a course of study and training approved by the State Board ~~[-]~~ *pursuant to subsection 1.*

**Sec. 10.** NRS 391.038 is hereby amended to read as follows:

391.038 1. The State Board, in consultation with educational institutions in this state which offer courses of study and training for the education of teachers, the board of trustees of each school district in this state and other educational personnel, shall review and evaluate a course of study and training offered by an educational institution which is designed to provide the education required for:

- (a) The licensure of teachers or other educational personnel;
- (b) The renewal of licenses of teachers or other educational personnel; or
- (c) An endorsement in a field of specialization.

FLUSH If the course of study and training meets the requirements established by the State Board, it must be approved by the State Board. The State Board shall not approve a course of study ~~for~~ *and* training unless the course of study and training provides instruction, to the extent deemed

necessary by the State Board, in the standards of content and performance prescribed by the Council to Establish Academic Standards for Public Schools pursuant to NRS 389.520.

2. The State Board may review and evaluate such courses of study and training itself or may recognize a course of study and training approved by a national agency for accreditation acceptable to the Board.

3. The State Board shall adopt regulations establishing fees for the review by the Board of a course of study and training submitted to the Board by an educational institution.

4. The State Board, in consultation with educational institutions in this state which offer courses of study and training for the education of teachers and other educational personnel, and the Nevada Association of Colleges for Teacher Education and the Nevada Association of Teacher Educators, shall adopt regulations governing the approval by the State Board of courses of study and training which are accredited by the National Council for Accreditation of Teacher Education, and those which are not so accredited.

5. If the State Board denies or withdraws its approval of a course of study or training, the educational institution is entitled to a hearing and judicial review of the decision of the State Board.

***6. The provisions of this section do not apply to a course of study and training prescribed by the State Board pursuant to section 3 of this act.***

**Sec. 11.** 1. On or before January 1, 2004, the Commission on Professional Standards in Education shall adopt regulations pursuant to section 5 of this act.

2. On or before January 1, 2004, the State Board of Education shall adopt regulations pursuant to section 3 of this act.

**Sec. 12.** 1. This section and sections 1 and 11 of this act become effective on July 1, 2003.

2. Section 3 of this act becomes effective on July 1, 2003, for the purpose of adopting regulations and on January 1, 2004, for all other purposes.

3. Section 5 of this act:

(a) Becomes effective on July 1, 2003, for the purpose of adopting regulations and on January 1, 2004, for all other purposes.

(b) Expires by limitation on June 30, 2005.

4. Sections 2, 4 and 7 to 10, inclusive, of this act become effective on January 1, 2004.

5. Section 6 of this act becomes effective at 12:01 a.m. on July 1, 2005.



SUMMARY—Revises provisions governing terms of members of Commission on Educational Technology and Council to Establish Academic Standards for Public Schools.  
(BDR 34-638)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to education; revising the provisions governing the terms of members of the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 388.790 is hereby amended to read as follows:

388.790 1. The Commission on Educational Technology, consisting of *2 members who serve ex officio and* 11 members ~~and~~ *who are appointed*, is hereby created. The Superintendent of Public Instruction and the Director of the Department of Information Technology shall serve ex officio as nonvoting members of the Commission.

2. The Governor shall appoint the following voting members to the Commission, at least two of whom must reside in a county whose population is less than 100,000:

(a) One administrator in a public school who possesses knowledge and experience in the general application of technology;

(b) One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;

(c) One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;

(d) One representative of public libraries who possesses knowledge and experience in the general application of technology;

(e) One representative of the University and Community College System of Nevada who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The ~~{Senate}~~ Majority Leader *of the Senate* shall appoint two voting members to the Commission:

(a) One of whom is a member of the Senate; and

(b) One of whom is employed in the field of technology.

4. The Speaker of the Assembly shall appoint two voting members to the Commission:

(a) One of whom is a member of the Assembly; and



(b) One of whom is employed in the field of technology.

5. The Governor shall appoint a Chairman among the voting members of the Commission.

6. ~~{The}~~ *After the initial terms, the* term of each member of the Commission is 2 years, commencing on ~~{July 1 of each odd-numbered}~~ *January 1 of the year he is appointed* and expiring on ~~{June 30}~~ *December 31* of the immediately ~~{succeeding odd-numbered}~~ *following* year. *A member shall continue to serve on the Commission until his successor is appointed.* Upon the expiration of a term of a member, he may be reappointed ~~{}~~ if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

7. The person or entity who appoints a member to the Commission may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the Commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The Commission shall hold at least four regular meetings each year ~~{}~~ and may hold special meetings at the call of the Chairman.

9. Members of the Commission who are not Legislators serve without compensation, except that for each day or portion of a day during which a member of the Commission attends a meeting of the Commission or is otherwise engaged in the business of the Commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. For each day or portion of a day during which a member of the Commission who is a Legislator attends a meeting of the Commission or is otherwise engaged in the work of the Commission, except during a regular or special session of the Legislature, he is entitled to receive the:

- (a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218.2207.

FLUSH The compensation, per diem allowances and travel expenses of the legislative members of the Commission must be paid from the Legislative Fund.

**Sec. 2.** NRS 389.510 is hereby amended to read as follows:

389.510 1. The Council to Establish Academic Standards for Public Schools, consisting of eight members, is hereby created. The membership of the Council consists of:

- (a) Four members appointed by the Governor in accordance with subsection 2;
- (b) Two members appointed by the Majority Leader of the Senate in accordance with subsection 3; and
- (c) Two members appointed by the Speaker of the Assembly in accordance with subsection 3.

2. The Governor shall ensure that:

(a) Two of the members whom he appoints to the Council are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this state.

(b) Two of the members whom he appoints to the Council are licensed educational personnel.

(c) Insofar as practicable, the members whom he appoints to the Council reflect the ethnic and geographical diversity of this state.

3. The Majority Leader of the Senate and the Speaker of the Assembly shall each ensure that:

(a) One of the members whom he appoints to the Council is a member of the House of the Legislature to which he belongs.

(b) The other member whom he appoints to the Council is a representative of a private business or industry that may be affected by actions taken by the Council.

4. Each member of the Council must be a resident of this state.

5. After the initial terms, the term of each member of the Council is 4 years. The person who appoints a member to the Council may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. A vacancy in the membership of the Council must be filled for the remainder of the unexpired term in the same manner as the original appointment. *A member shall continue to serve on the Council until his successor is appointed.*

6. The Governor shall select a Chairman from among the membership of the Council in accordance with this subsection. The Governor shall not select as Chairman a member of the Council who is affiliated with the public school system in this state, except that this subsection

does not preclude the Governor from selecting a parent or legal guardian of a pupil as Chairman if the parent or legal guardian is not otherwise affiliated with the public school system in this state. Once selected by the Governor, the Chairman holds that office for 2 years.

7. For each day or portion of a day during which a member of the Council who is a Legislator attends a meeting of the Council or is otherwise engaged in the work of the Council, except during a regular or special session of the Legislature, he is entitled to receive the:

(a) Compensation provided for a majority of the members of the Legislature during the first 60 days of the preceding session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218.2207.

FLUSH The compensation, per diem allowances and travel expenses of the legislative members of the Council must be paid from the Legislative Fund.

8. Members of the Council who are not Legislators serve without salary, but are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

**Sec. 3.** 1. Notwithstanding the provisions of NRS 388.790, the terms of the appointed members of the Commission on Educational Technology who are incumbent on December 31, 2003, expire on that date.

2. On or before January 1, 2004:

(a) The Governor shall appoint to the Commission on Educational Technology pursuant to subsection 2 of NRS 388.790:

(1) Four members whose initial terms commence on January 1, 2004, and expire on December 31, 2004.

(2) Three members whose initial terms commence on January 1, 2004, and expire on December 31, 2005.

(b) The Majority Leader of the Senate shall appoint to the Commission on Educational Technology pursuant to subsection 3 of NRS 388.790:

(1) One member whose initial term commences on January 1, 2004, and expires on December 31, 2004.

(2) One member whose initial term commences on January 1, 2004, and expires on December 31, 2005.

(c) The Speaker of the Assembly shall appoint to the Commission on Educational Technology pursuant to subsection 4 of NRS 388.790:

(1) One member whose initial term commences on January 1, 2004, and expires on December 31, 2004.

(2) One member whose initial term commences on January 1, 2004, and expires on December 31, 2005.

**Sec. 4.** This act becomes effective on July 1, 2003.



SUMMARY—Revises provisions governing pupils in public schools. (BDR 34-639)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State: Yes.

AN ACT relating to pupils; revising provisions governing admission of certain pupils to kindergarten and the first grade; requiring the boards of trustees of school districts to administer developmental screening tests to determine early admission to kindergarten and the first grade; clarifying that a pupil may be retained more than once in the same grade under certain circumstances; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 392.040 is hereby amended to read as follows:

392.040 1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 17 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides.

2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. ~~[[~~ ***Except as otherwise provided in subsection 7, if*** a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.

3. Except as otherwise provided in ~~[subsection 4,]~~ ***subsections 4, 7 and 8,*** a child who is 6 years of age on or before September 30 of a school year must:

(a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or

(b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year,

FLUSH and his enrollment must be counted for purposes of apportionment. ~~[[~~ ***Except as otherwise provided in subsections 7 and 8, if*** a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.

4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.



5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

6. A child who is 7 years of age on or before September 30 of a school year must:

(a) If he has completed kindergarten and the first grade, be admitted to the second grade.

(b) If he has completed kindergarten, be admitted to the first grade.

(c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection ~~[7]~~ 10 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.

FLUSH The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.

*7. The parents, custodial parent, guardian or other person having control or charge of a child who will be at least 4 1/2 years of age but less than 5 years of age on September 30 of a school year may request that the school district administer before the beginning of that school year a developmental screening test to the child pursuant to subsection 9 to determine whether the child is prepared developmentally to be admitted to kindergarten. If the results of such a*

*test indicate that a child is prepared developmentally to be admitted to kindergarten, the child must be admitted to kindergarten. If the child completes kindergarten that school year, he must be admitted to the first grade the following year and does not need to be admitted pursuant to subsection 8. If the child subsequently completes the first grade, he must be admitted to the second grade in the following year. If the results of the test indicate that a child is not prepared developmentally to be admitted to kindergarten, the child must not be enrolled in public school until the beginning of the next school year. The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.*

*8. The parents, custodial parent, guardian or other person having control or charge of a child who has not attended kindergarten and who will be at least 5 1/2 years of age but less than 6 years of age on September 30 of a school year may request that the school district administer before the beginning of that school year a developmental screening test to the child pursuant to subsection 10 to determine whether the child is prepared developmentally to be admitted to the first grade. If the results of such a test indicate that a child is:*

*(a) Prepared developmentally to be admitted to the first grade, the child must be admitted to the first grade. If the child completes the first grade that school year, he must be admitted to the second grade the following year.*

*(b) Not prepared developmentally to be admitted to the first grade, the child may be admitted to kindergarten pursuant to subsection 2.*

FLUSH

*The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.*

**9. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child whose parents, custodial parent, guardian or other person having control or charge of the child has requested such a test pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to kindergarten. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.**

**10. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child {:**

~~—(a) Who is 7 years of age on or before September 30 of the next school year; and~~

~~—(b) Whose parents waived his attendance from kindergarten}~~ pursuant to **paragraph (c) of subsection {4,} 6 or pursuant to subsection 8** to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

~~{8,}~~ **11.** A child who becomes a resident of this state after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

~~{9,}~~ **12.** As used in this section, “kindergarten” includes:

(a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;

(b) A kindergarten established by the governing body of a charter school; and

(c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.

**Sec. 2.** NRS 392.125 is hereby amended to read as follows:

392.125 1. Except as otherwise provided in subsection 4, before any pupil enrolled in a public school may be retained in the same grade rather than promoted to the next higher grade for the succeeding school year, the pupil's teacher and principal must make a reasonable effort to arrange a meeting and to meet with his parents or guardian to discuss the reasons and circumstances.

2. The teacher and the principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.

3. ~~[No]~~ *Except as otherwise provided in subsection 2 of NRS 392.033 for the promotion of a pupil to high school, no* pupil may be retained more than one time in the same grade.

4. This section does not apply to the academic retention of pupils who are enrolled in a charter school.

**Sec. 3.** On or before January 1, 2004, the board of trustees of each school district shall select a developmental screening test required to be administered pursuant to subsection 9 of section 1 of this act, to determine developmental preparedness for early admission to kindergarten.

**Sec. 4.** The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

**Sec. 5.** 1. This section and sections 2, 3 and 4 of this act become effective on July 1, 2003.

2. Section 1 of this act becomes effective on July 1, 2003, for the purpose of selecting a developmental screening test to determine early admission to kindergarten and on January 1, 2004, for all other purposes.



SUMMARY—Authorizes boards of trustees of school districts to provide access to classes at community colleges for gifted and talented pupils and establish program of independent study for gifted and talented pupils. (BDR 34-640)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to pupils; authorizing the board of trustees of a school district to establish a program to provide access to classes at a community college for gifted and talented pupils; requiring a board of trustees that establishes a program to arrange the enrollment and pay for certain fees and expenses related to participation in the program; authorizing the board of trustees of a school district to establish a program of independent study for gifted and talented pupils; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

**Sec. 2. 1. The board of trustees of a school district may establish a program for gifted and talented pupils pursuant to which a gifted and talented pupil who is enrolled full time in a school within the district may attend a course at a community college in this state if that course is not offered at the school which the pupil attends or is not otherwise available within the pupil's zone of attendance.**

**2. If the board of trustees of a school district establishes such a program for gifted and talented pupils, the school district shall, for each pupil who participates in the program:**

**(a) Assist the pupil with enrolling in one or more courses at a community college;**

**(b) Pay the registration fees, laboratory fees and related expenses for the pupil to attend the course; and**

**(c) Provide for any textbooks and course materials required for the pupil to attend the course.**

**3. Any credit earned by a pupil in a course which he attends through a program established pursuant to this section must be accepted and applied towards the coursework required for advancement to the next grade or graduation from high school.**

**Sec. 3. 1. The board of trustees of a school district may establish a program for gifted and talented pupils pursuant to which gifted and talented pupils who are enrolled full time in a school within the district may complete any required or elective course by independent study outside the normal classroom setting. A program of independent study provided pursuant to this section may be offered through a program of distance education pursuant to NRS 388.820 to 388.874, inclusive.**



***2. If the board of trustees of a school district establishes a program pursuant to subsection 1, the program must:***

***(a) Require that the teacher of the course assign to the pupil the work assignments necessary to complete the course;***

***(b) Require that the pupil and the teacher meet or otherwise communicate with each other at least once each week during the course to discuss the pupil's progress; and***

***(c) If the program offers independent study to gifted and talented pupils enrolled in high school, comply with the regulations of the State Board adopted pursuant to NRS 389.155.***

**Sec. 4.** NRS 388.440 is hereby amended to read as follows:

**388.440** As used in NRS 388.440 to 388.5315, inclusive ~~[and]~~ , ***and sections 2 and 3 of this act:***

1. "Gifted and talented pupil" means a person under the age of 18 years who demonstrates such outstanding academic skills or aptitudes that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

2. "Pupil with a disability" means a person under the age of 22 years who deviates either educationally, physically, socially or emotionally so markedly from normal patterns that he cannot progress effectively in a regular school program and therefore needs special instruction or special services.

**Sec. 5.** NRS 388.829 is hereby amended to read as follows:

**388.829** "Program of distance education" means a program comprised of one or more courses of distance education that is designed for pupils who:

1. Are participating in a program for pupils who are at risk of dropping out of high school pursuant to NRS 388.537.

2. Are participating in a program of independent study pursuant to NRS 389.155 ~~[-]~~ **or section 3 of this act.**

3. Are enrolled in a public school that does not offer advanced or specialized courses.

4. Have a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050.

5. Would otherwise be excused from compulsory attendance pursuant to NRS 392.080.

6. Are otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675.

7. Are otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that special circumstances warrant enrollment for the pupil.

8. Are otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that special circumstances warrant enrollment for the pupil.

**Sec. 6.** NRS 388.850 is hereby amended to read as follows:

388.850 1. A pupil may enroll in a program of distance education only if the pupil satisfies the requirements of any other applicable statute and the pupil:

(a) Is participating in a program for pupils at risk of dropping out of high school pursuant to NRS 388.537;

(b) Is participating in a program of independent study pursuant to NRS 389.155 ~~[-]~~ **or section 3 of this act.**

(c) Is enrolled in a public school that does not offer certain advanced or specialized courses that the pupil desires to attend;

(d) Has a physical or mental condition that would otherwise require an excuse from compulsory attendance pursuant to NRS 392.050;

(e) Would otherwise be excused from compulsory attendance pursuant to NRS 392.080;

(f) Is otherwise prohibited from attending public school pursuant to NRS 392.264, 392.4642 to 392.4648, inclusive, 392.466, 392.467 or 392.4675;

(g) Is otherwise permitted to enroll in a program of distance education provided by the board of trustees of a school district if the board of trustees determines that the circumstances warrant enrollment for the pupil; or

(h) Is otherwise permitted to enroll in a program of distance education provided by the governing body of a charter school if the governing body of the charter school determines that the circumstances warrant enrollment for the pupil.

2. In addition to the eligibility for enrollment set forth in subsection 1, a pupil must satisfy the qualifications and conditions for enrollment in a program of distance education adopted by the State Board pursuant to NRS 388.874.

3. A child who is exempt from compulsory attendance and receiving equivalent instruction authorized by the State Board pursuant to subsection 1 of NRS 392.070 is not eligible to enroll in

or otherwise attend a program of distance education, regardless of whether he is otherwise eligible for enrollment pursuant to subsection 1.

4. If a pupil who is prohibited from attending public school pursuant to NRS 392.264 enrolls in a program of distance education, the enrollment and attendance of that pupil must comply with all requirements of NRS 62.405 to 62.485, inclusive, and 392.251 to 392.271, inclusive.

5. If a pupil is eligible for enrollment in a program of distance education pursuant to paragraph (c) of subsection 1, he may enroll in the program of distance education only to take those advanced or specialized courses that are not offered at the public school he otherwise attends.

**Sec. 7.** NRS 389.160 is hereby amended to read as follows:

389.160 1. A pupil enrolled in high school, including, without limitation, a pupil enrolled in grade 9, 10, 11 or 12 in a charter school, who successfully completes a course of education offered by a community college or university in this state which has been approved pursuant to subsection 2, must be allowed to apply the credit received for the course so completed to the total number of credits required for graduation from high school or the charter school in which the pupil is enrolled.

2. With the approval of the State Board, the board of trustees of each county school district and the governing body of each charter school shall prescribe the courses for which credits may be received pursuant to subsection 1, including occupational courses for academic credit, and the amount of credit allowed for the completion of those courses.

*3. If a pupil enrolled in high school is concurrently enrolled in a course at a community college pursuant to section 2 of this act, credit for successful completion of that course must be applied in the manner set forth in subsection 3 of section 2 of this act.*

**Sec. 8.** This act becomes effective on July 1, 2003.



**BDR 34-641**

This BDR will be available at the beginning of the 2003 Legislative Session.





SUMMARY—Revises provisions governing charter schools and distance education programs.

(BDR 34-642)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: Yes.

AN ACT relating to education; requiring a charter school to pay for an additional administration of achievement and proficiency examinations under certain circumstances; requiring certain applicants for employment with a charter school to submit fingerprints as a condition to employment; revising provisions governing the employment of teachers and administrators of charter schools; revising provisions governing the apportionments made to a charter school sponsored by the State Board of Education; revising provisions governing programs of distance education; requiring the Central Repository for Nevada Records of Criminal History to investigate the criminal history of applicants for employment with a charter school; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 385.368 is hereby amended to read as follows:

385.368 1. If the Department does not designate a school pursuant to NRS 385.364 and, in the immediately succeeding school year, less than 90 percent of the pupils enrolled in the school who are required to take the examinations administered pursuant to NRS 389.015 take the examinations, the Department shall designate the school as demonstrating need for improvement and the provisions of NRS 385.373 apply.

2. If the Department designates a school as demonstrating need for improvement pursuant to subsection 1:

(a) The school shall, within the same school year, administer examinations to the pupils in the school who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015. The examinations must be the same examinations that are administered to a national reference group of pupils in the same grade. ~~{The}~~ *Except as otherwise provided in this paragraph, the* school district shall pay for all costs related to the administration of examinations pursuant to this paragraph. *If a charter school is required to administer examinations pursuant to this paragraph, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.*

(b) The Department or its designee shall monitor at the school the administration of the examinations that are required pursuant to NRS 389.015 and ensure that all eligible pupils who are in attendance on the day of the administration of the examinations are given an opportunity to take the examinations until the school receives a designation as demonstrating exemplary achievement, high achievement or adequate achievement pursuant to NRS 385.365.

3. A school that is designated as demonstrating need for improvement pursuant to subsection 1 is not eligible to receive money for remedial programs made available by legislative appropriation for the purposes of NRS 385.389.

4. If the Department designates a school as demonstrating need for improvement pursuant to subsection 1 for 2 or more consecutive years, the provisions of NRS 385.375 and 385.378 apply.

**Sec. 2.** Chapter 386 of NRS is hereby amended by adding thereto a new section to read as follows:

*Each applicant for employment with a charter school, except a licensed teacher or other person licensed by the Superintendent of Public Instruction, must, as a condition to employment, submit to the governing body of the charter school a full set of his fingerprints and written permission authorizing the governing body to forward the fingerprints to the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History for their reports on the criminal history of the applicant.*

**Sec. 3.** NRS 386.590 is hereby amended to read as follows:

386.590 1. Except as otherwise provided in this subsection, at least 70 percent of the teachers who provide instruction at a charter school must be licensed teachers. If a charter school is a vocational school, the charter school shall, to the extent practicable, ensure that at least 70 percent of the teachers who provide instruction at the school are licensed teachers, but in no event may more than 50 percent of the teachers who provide instruction at the school be unlicensed teachers.

2. A governing body of a charter school shall employ:

(a) If the charter school offers instruction in kindergarten or grade 1, 2, 3, 4 or 5, a licensed teacher to teach pupils who are enrolled in those grades.

(b) If the charter school offers instruction in grade 6, 7, 8, 9, 10, 11 or 12, a licensed teacher to teach pupils who are enrolled in those grades for the following courses of study:

(1) English, including reading, composition and writing;

(2) Mathematics;

(3) Science; and

(4) Social studies, which includes only the subjects of history, geography, economics and government.

(c) In addition to the requirements of paragraphs (a) and (b):

(1) If a charter school specializes in arts and humanities, physical education or health education, a licensed teacher to teach those courses of study.

(2) If a charter school specializes in the construction industry or other building industry, licensed teachers to teach courses of study relating to the industry if those teachers are employed full time.

(3) If a charter school specializes in the construction industry or other building industry and the school offers courses of study in computer education, technology or business, licensed teachers to teach those courses of study if those teachers are employed full time.

3. A charter school may employ a person who is not licensed pursuant to the provisions of chapter 391 of NRS to teach a course of study for which a licensed teacher is not required pursuant to subsection 2 if the person has:

(a) A degree, a license or a certificate in the field for which he is employed to teach at the charter school; and

(b) At least 2 years of experience in that field.

4. A charter school may employ such administrators for the school as it deems necessary. A person employed as an administrator must possess:

(a) A master's degree in school administration, public administration or business administration; or

(b) If the person has at least 5 years of experience in administration, a baccalaureate degree.

***5. A charter school may employ a teacher or administrator whose criminal history from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History indicate that the applicant has been convicted of a felony or an offense involving moral turpitude if the governing body of the charter school determines that the conviction is unrelated to the position with the charter school for which the applicant applied.***

A charter school shall not employ a person pursuant to this section if his license to teach or provide other educational services has been revoked or suspended in this state or another state.

6. On or before November 15 of each year, a charter school shall submit to the Department, in a format prescribed by the Superintendent of Public Instruction, the following information for each licensed employee who is employed by the governing body on October 1 of that year:

(a) The amount of salary of the employee; and

(b) The designated assignment, as that term is defined by the Department, of the employee.

**Sec. 4.** NRS 387.124 is hereby amended to read as follows:

387.124 Except as otherwise provided in this section and NRS 387.528:

1. On or before August 1, November 1, February 1 and May 1 of each year, the Superintendent of Public Instruction shall apportion the State Distributive School Account in the State General Fund among the several county school districts and charter schools in amounts approximating one-fourth of their respective yearly apportionments less any amount set aside as a reserve. The apportionment to a school district, computed on a yearly basis, equals the difference between the basic support and the local funds available pursuant to NRS 387.1235, minus all the funds attributable to pupils who reside in the county but attend a charter school and all the funds attributable to pupils who reside in the county and are enrolled full time or part time in a program of distance education provided by another school district or a charter school. No apportionment may be made to a school district if the amount of the local funds exceeds the amount of basic support. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by NRS 388.854, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

2. Except as otherwise provided in subsection 3, the apportionment to a charter school, computed on a yearly basis, is equal to the sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides minus all the funds attributable to pupils who are enrolled in the charter school but are

concurrently enrolled part time in a program of distance education provided by a school district or another charter school. If the apportionment per pupil to a charter school is more than the amount to be apportioned to the school district in which a pupil who is enrolled in the charter school resides, the school district in which the pupil resides shall pay the difference directly to the charter school.

3. Except as otherwise provided in this subsection, the apportionment to a charter school that is sponsored by the State Board, computed on a yearly basis, is equal to:

(a) The sum of the basic support per pupil in the county in which the pupil resides plus the amount of local funds available per pupil pursuant to NRS 387.1235 and all other funds available for public schools in the county in which the pupil resides; or

(b) The statewide average per pupil amount for pupils who are enrolled full time,

FLUSH whichever is greater. If the calculation set forth in paragraph (a) is less than the calculation pursuant to paragraph (b), the ~~[school district in which the charter school is located]~~ **Department** shall pay the difference directly to the charter school. If a charter school provides a program of distance education pursuant to NRS 388.820 to 388.874, inclusive, the apportionment to the charter school for pupils who are enrolled in the program of distance education must be calculated as set forth in subsection 2 or 4, as applicable.

4. In addition to the apportionments made pursuant to this section, an apportionment must be made to a school district or charter school that provides a program of distance education for each pupil who is enrolled part time in the program if an agreement is filed for that pupil

pursuant to NRS 388.854 or 388.858, as applicable. The amount of the apportionment must be equal to the percentage of the total time services are provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides.

5. The governing body of a charter school may submit a written request to the Superintendent of Public Instruction to receive, in the first year of operation of the charter school, an apportionment 30 days before the apportionment is required to be made pursuant to subsection 1. Upon receipt of such a request, the Superintendent of Public Instruction may make the apportionment 30 days before the apportionment is required to be made. A charter school may receive all four apportionments in advance in its first year of operation.

6. If the State Controller finds that such an action is needed to maintain the balance in the State General Fund at a level sufficient to pay the other appropriations from it, he may pay out the apportionments monthly, each approximately one-twelfth of the yearly apportionment less any amount set aside as a reserve. If such action is needed, the State Controller shall submit a report to the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau documenting reasons for the action.

**Sec. 5.** NRS 388.838 is hereby amended to read as follows:

388.838 1. The board of trustees of a school district or the governing body of a charter school may submit an application to the Department to provide a program of distance education.  
*In addition, a committee to form a charter school may submit an application to the*



*Department to provide a program of distance education if the application to form the charter school submitted by the committee pursuant to NRS 386.520 indicates that the charter school intends to provide a program of distance education.*

2. An applicant to provide a program of distance education may seek approval to provide a program that is comprised of one or more courses of distance education included on the list of courses approved by the Department pursuant to NRS 388.834 or a program that is comprised of one or more courses of distance education which have not been reviewed by the Department before submission of the application.

3. An application to provide a program of distance education must include:

(a) All the information prescribed by the State Board by regulation.

(b) Except as otherwise provided in this paragraph, proof satisfactory to the Department that the program satisfies all applicable statutes and regulations. The proof required by this paragraph shall be deemed satisfied if the program is comprised only of courses of distance education approved by the Department pursuant to NRS 388.834 before submission of the application.

4. ~~{The}~~ *Except as otherwise provided in this subsection, the* Department shall approve an application submitted pursuant to this section if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations. *The Department shall deny an application submitted by a committee to form a charter school if the application to form the charter school submitted by the committee has been denied.* The Department shall provide written notice to the applicant of the Department's approval or denial of the application.

5. If the Department denies an application, the Department shall include in the written notice the reasons for the denial and the deficiencies of the application. The applicant must be granted 30 days after receipt of the written notice to correct any deficiencies identified in the written notice and resubmit the application. The Department shall approve an application that has been resubmitted pursuant to this subsection if the application satisfies the requirements of NRS 388.820 to 388.874, inclusive, and all other applicable statutes and regulations.

**Sec. 6.** NRS 388.854 is hereby amended to read as follows:

388.854 1. Except as otherwise provided in this subsection, before a pupil may enroll full time or part time in a program of distance education that is provided by a school district other than the school district in which the pupil resides, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. Before a pupil who is enrolled in a public school of a school district may enroll part time in a program of distance education that is provided by a charter school, the pupil must obtain the written permission of the board of trustees of the school district in which the pupil resides. A pupil who enrolls full time in a program of distance education that is provided by a charter school is not required to obtain the approval of the board of trustees of the school district in which the pupil resides.

2. If the board of trustees of a school district grants permission pursuant to subsection 1, the board of trustees shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the board of trustees of the school district in which the pupil resides indicating that the board of trustees understands that the Superintendent of Public Instruction will make appropriate adjustments in the apportionments to the school district pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) If the pupil plans to enroll part time in the program of distance education, contain a statement prepared by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the board of trustees of the school district in which the pupil resides and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the State Board by regulation.

3. On or before ~~{September}~~ **October** 1 of each year or ~~{January}~~ **February** 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled full time in a program of distance education provided by a school district other than the school district in which the pupil resides. On or before ~~{September}~~ **October** 1 or ~~{January}~~ **February** 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of

Public Instruction for each pupil who is enrolled in a public school of the school district and who is enrolled part time in a program of distance education provided by a charter school. If an agreement is not filed for a pupil who is enrolled in a program of distance education as required by this section, the Superintendent of Public Instruction shall not apportion money for that pupil to the board of trustees of the school district in which the pupil resides, or the board of trustees or governing body that provides the program of distance education.

**Sec. 7.** NRS 388.858 is hereby amended to read as follows:

388.858 1. If a pupil is enrolled in a charter school, he may enroll full time in a program of distance education only if the charter school in which he is enrolled provides the program of distance education.

2. Before a pupil who is enrolled in a charter school may enroll part time in a program of distance education that is provided by a school district or another charter school, the pupil must obtain the written permission of the governing body of the charter school in which the pupil is enrolled.

3. If the governing body of a charter school grants permission pursuant to subsection 2, the governing body shall enter into a written agreement with the board of trustees or governing body, as applicable, that provides the program of distance education. A separate agreement must be prepared for each year that a pupil enrolls in a program of distance education. The written agreement must:

(a) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled indicating that the governing body understands that the Superintendent of Public

Instruction will make appropriate adjustments in the apportionments to the charter school pursuant to NRS 387.124 to account for the pupil's enrollment in the program of distance education;

(b) Contain a statement prepared by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education setting forth the percentage of the total time services will be provided to the pupil through the program of distance education per school day in proportion to the total time services are provided during a school day to pupils who are counted pursuant to subparagraph (2) of paragraph (a) of subsection 1 of NRS 387.1233 for the school district in which the pupil resides;

(c) Be signed by the governing body of the charter school in which the pupil is enrolled and the board of trustees or governing body that provides the program of distance education; and

(d) Include any other information required by the State Board by regulation.

4. On or before ~~{September}~~ **October** 1 or ~~{January}~~ **February** 1 of each year, as applicable for the semester of enrollment, a written agreement must be filed with the Superintendent of Public Instruction for each pupil who is enrolled in a charter school and who is enrolled part time in a program of distance education provided by a school district or another charter school. If an agreement is not filed for such a pupil, the Superintendent of Public Instruction shall not apportion money for that pupil to the governing body of the charter school in which the pupil is enrolled, or the board of trustees or governing body that provides the program of distance education.

**Sec. 8.** NRS 388.866 is hereby amended to read as follows:

388.866 1. The board of trustees of a school district or the governing body of a charter school that provides a program of distance education shall ensure that, for each course offered through the program, a teacher:

(a) Provides the work assignments to each pupil enrolled in the course that are necessary for the pupil to complete the course; and

(b) Meets or otherwise communicates with the pupil at least once each week during the course to discuss the pupil's progress.

2. If a course offered through a program of distance education is a core academic subject, as defined in NRS 389.018, the teacher who fulfills the requirements of subsection 1 must be a ~~[licensed teacher.]~~ :

(a) *Licensed teacher; or*

(b) *Teacher, instructor or professor who provides instruction at a community college or university.*

**Sec. 9.** NRS 388.874 is hereby amended to read as follows:

388.874 1. The State Board shall adopt regulations that prescribe:

(a) The process for submission of an application by a person or entity for inclusion of a course of distance education on the list prepared by the Department pursuant to NRS 388.834 and the contents of the application;

(b) The process for submission of an application by the board of trustees of a school district ,  
{or} the governing body of a charter school *or a committee to form a charter school* to provide a  
program of distance education and the contents of the application;

(c) The qualifications and conditions for enrollment that a pupil must satisfy to enroll in a  
program of distance education, consistent with NRS 388.850;

(d) A method for reporting to the Department the number of pupils who are enrolled in a  
program of distance education and the attendance of those pupils;

(e) The requirements for assessing the achievement of pupils who are enrolled in a program  
of distance education, which must include, without limitation, the administration of the  
achievement and proficiency examinations required pursuant to NRS 389.015 and 389.550; and

(f) A written description of the process pursuant to which the State Board may revoke its  
approval for the operation of a program of distance education.

2. The State Board may adopt regulations as it determines are necessary to carry out the  
provisions of NRS 388.820 to 388.874, inclusive.

**Sec. 10.** NRS 389.632 is hereby amended to read as follows:

389.632 1. Except as otherwise provided in subsection 8, if the Department determines:

(a) That at least one irregularity in testing administration occurred at a school, including,  
without limitation, a charter school, during 1 school year on the examinations administered  
pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) That in the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

FLUSH the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. ~~{The}~~ ***Except as otherwise provided in this subsection, the*** school district shall pay for all costs related to the administration of examinations pursuant to this subsection. ***If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.***

2. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;



(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

FLUSH the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. ~~[The]~~ *Except as otherwise provided in this subsection, the* school district shall pay for all costs related to the administration of examinations pursuant to this subsection. *If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.*

3. If the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.550; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

FLUSH the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.550 or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. ~~[The]~~ *Except as otherwise provided in this subsection, the* school district shall pay for all costs related to the administration of examinations pursuant to this subsection. *If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.*

4. Except as otherwise provided in subsection 8, if the Department determines that:

(a) At least one irregularity in testing administration occurred at a school, including, without limitation, a charter school, during 1 school year on the examinations administered pursuant to NRS 389.550;

(b) In the immediately succeeding school year, at least one additional irregularity in testing administration occurred at that school on the examinations administered pursuant to NRS 389.015, excluding the high school proficiency examination; and

(c) Based upon the criteria set forth in subsection 5, that the irregularities described in paragraphs (a) and (b) warrant an additional administration of the examinations,

FLUSH the Department shall notify the school and the school district in which the school is located that the school is required to provide for an additional administration of the examinations to pupils who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015, excluding the high school proficiency examination, or to the pupils the Department determines must take the additional administration pursuant to subsection 6. The additional administration must occur in the same school year in which the irregularity described in paragraph (b) occurred. ~~[The]~~ ***Except as otherwise provided in this subsection, the*** school district shall pay for all costs related to the administration of examinations pursuant to this subsection. ***If a charter school is required to administer examinations pursuant to this subsection, the charter school shall pay for all costs related to the administration of the examinations to pupils enrolled in the charter school.***

5. In determining whether to require a school to provide for an additional administration of examinations pursuant to this section, the Department shall consider:

(a) The effect of each irregularity in testing administration, including, without limitation, whether the irregularity required the scores of pupils to be invalidated; and

(b) Whether sufficient time remains in the school year to provide for an additional administration of examinations.

6. If the Department determines pursuant to subsection 5 that a school must provide for an additional administration of examinations, the Department may consider whether the most recent irregularity in testing administration affected the test scores of a limited number of pupils and require the school to provide an additional administration of examinations pursuant to this section only to those pupils whose test scores were affected by the most recent irregularity.

7. The Department shall provide as many notices pursuant to this section during 1 school year as are applicable to the irregularities occurring at a school. A school shall provide for additional administrations of examinations pursuant to this section within 1 school year as applicable to the irregularities occurring at the school.

8. If a school is required to provide an additional administration of examinations pursuant to subsection 2 of NRS 385.368 for a school year, the school is not required to provide for an additional administration pursuant to subsection 1 or 4 in that school year. The Department shall ensure that the information required pursuant to paragraph (b) of subsection 3 of NRS 389.648 is included in its report for the additional administration provided by such a school pursuant to subsection 2 of NRS 385.368.

**Sec. 11.** NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the Superintendent of Public Instruction pursuant to regulations adopted by the Commission and as otherwise provided by law.

FIRST  
PARALLEL  
SECTION

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his application a complete set of his fingerprints and written permission authorizing the Superintendent to forward the fingerprints to the Federal Bureau of Investigation and to the Central Repository for Nevada Records of Criminal History for their reports on the criminal history of the applicant.

4. The Superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History if he determines that the applicant is otherwise qualified.

5. A license must be issued to an applicant if:

(a) The Superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the Central Repository for Nevada Records of Criminal History:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the Superintendent determines that the conviction is unrelated to the position within the county school district *or charter school* for which the applicant applied; and

(c) The applicant submits the statement required pursuant to NRS 391.034.

**Sec. 12.** NRS 179A.075 is hereby amended to read as follows:

179A.075 1. The Central Repository for Nevada Records of Criminal History is hereby created within the Nevada Highway Patrol Division of the Department.

2. Each agency of criminal justice and any other agency dealing with crime or delinquency of children shall:

(a) Collect and maintain records, reports and compilations of statistical data required by the Department; and

(b) Submit the information collected to the Central Repository in the manner recommended by the Advisory Committee and approved by the Director of the Department.

3. Each agency of criminal justice shall submit the information relating to sexual offenses and other records of criminal history that it creates or issues, and any information in its possession relating to the genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913, to the Division in the manner prescribed by the Director of the Department. The information must be submitted to the Division:

(a) Through an electronic network;

(b) On a medium of magnetic storage; or

(c) In the manner prescribed by the Director of the Department,

FLUSH within the period prescribed by the Director of the Department. If an agency has submitted a record regarding the arrest of a person who is later determined by the agency not to be the person who committed the particular crime, the agency shall, immediately upon making that determination, so notify the Division. The Division shall delete all references in the Central Repository relating to that particular arrest.

4. The Division shall, in the manner prescribed by the Director of the Department:

(a) Collect, maintain and arrange all information submitted to it relating to:

(1) Sexual offenses and other records of criminal history; and

(2) The genetic markers of a biological specimen of a person who is convicted of an offense listed in subsection 4 of NRS 176.0913.

(b) When practicable, use a record of the personal identifying information of a subject as the basis for any records maintained regarding him.

(c) Upon request, provide the information that is contained in the Central Repository to the State Disaster Identification Team of the Division of Emergency Management of the Department.

5. The Division may:

(a) Disseminate any information which is contained in the Central Repository to any other agency of criminal justice;

(b) Enter into cooperative agreements with federal and state repositories to facilitate exchanges of information that may be disseminated pursuant to paragraph (a); and

(c) Request of and receive from the Federal Bureau of Investigation information on the background and personal history of any person whose record of fingerprints the Central Repository submits to the Federal Bureau of Investigation and:

(1) Who has applied to any agency of the State of Nevada or any political subdivision thereof for a license which it has the power to grant or deny;

(2) With whom any agency of the State of Nevada or any political subdivision thereof intends to enter into a relationship of employment or a contract for personal services;

(3) About whom any agency of the State of Nevada or any political subdivision thereof has a legitimate need to have accurate personal information for the protection of the agency or the persons within its jurisdiction; or

(4) For whom such information is required to be obtained pursuant to NRS 449.179.

6. The Central Repository shall:

(a) Collect and maintain records, reports and compilations of statistical data submitted by any agency pursuant to subsection 2.

(b) Tabulate and analyze all records, reports and compilations of statistical data received pursuant to this section.

(c) Disseminate to federal agencies engaged in the collection of statistical data relating to crime information which is contained in the Central Repository.

(d) Investigate the criminal history of any person who:

(1) Has applied to the Superintendent of Public Instruction for a license;

(2) Has applied to a county school district *or charter school* for employment; or

(3) Is employed by a county school district ~~or~~ *or charter school*,

FLUSH and notify the superintendent of each county school district, *the governing body of each charter school* and the Superintendent of Public Instruction if the investigation of the Central Repository indicates that the person has been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude.



(e) Upon discovery, notify the superintendent of each county school district *and the governing body of each charter school* by providing ~~him with~~ a list of all persons:

(1) Investigated pursuant to paragraph (d); or

(2) Employed by a county school district *or charter school* whose fingerprints were sent previously to the Central Repository for investigation,

FLUSH who the Central Repository's records indicate have been convicted of a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395, or convicted of a felony or any offense involving moral turpitude since the Central Repository's initial investigation. The superintendent of each county school district *or the governing body of a charter school, as applicable*, shall determine whether further investigation or action by the district *or governing body* is appropriate.

(f) Investigate the criminal history of each person who submits fingerprints or has his fingerprints submitted pursuant to NRS 449.176 or 449.179.

(g) On or before July 1 of each year, prepare and present to the Governor a printed annual report containing the statistical data relating to crime received during the preceding calendar year. Additional reports may be presented to the Governor throughout the year regarding specific areas of crime if they are recommended by the Advisory Committee and approved by the Director of the Department.

(h) On or before July 1 of each year, prepare and submit to the Director of the Legislative Counsel Bureau, for submission to the Legislature, or the Legislative Commission when the

Legislature is not in regular session, a report containing statistical data about domestic violence in this state.

(i) Identify and review the collection and processing of statistical data relating to criminal justice and the delinquency of children by any agency identified in subsection 2, and make recommendations for any necessary changes in the manner of collecting and processing statistical data by any such agency.

7. The Central Repository may:

(a) At the recommendation of the Advisory Committee and in the manner prescribed by the Director of the Department, disseminate compilations of statistical data and publish statistical reports relating to crime or the delinquency of children.

(b) Charge a reasonable fee for any publication or special report it distributes relating to data collected pursuant to this section. The Central Repository may not collect such a fee from an agency of criminal justice, any other agency dealing with crime or the delinquency of children which is required to submit information pursuant to subsection 2 or the State Disaster Identification Team of the Division of Emergency Management of the Department. All money collected pursuant to this paragraph must be used to pay for the cost of operating the Central Repository.

(c) In the manner prescribed by the Director of the Department, use electronic means to receive and disseminate information contained in the Central Repository that it is authorized to disseminate pursuant to the provisions of this chapter.

8. As used in this section:

(a) “Advisory Committee” means the Committee established by the Director of the Department pursuant to NRS 179A.078.

(b) “Personal identifying information” means any information designed, commonly used or capable of being used, alone or in conjunction with any other information, to identify a person, including, without limitation:

(1) The name, driver’s license number, social security number, date of birth and photograph or computer generated image of a person; and

(2) The fingerprints, voiceprint, retina image and iris image of a person.

**Sec. 13.** This act becomes effective on July 1, 2003.



SUMMARY—Revises provisions governing class-size reduction program. (BDR 34-643)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to education; authorizing school districts to develop alternative plans for the reduction of pupil-teacher ratios in certain grades; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** NRS 387.304 is hereby amended to read as follows:

387.304 The Department shall:

1. Conduct an annual audit of the count of pupils for apportionment purposes reported by each school district pursuant to NRS 387.123 and the data reported by each school district *pursuant to NRS 388.710* that is used to measure the effectiveness of the implementation of ~~[the]~~ *a* plan developed by each school district ~~[to reduce the pupil-teacher ratio in kindergarten and grades 1, 2 and 3,]~~ as required by NRS ~~[388.710.]~~ **388.720.**
2. Review each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS

387.303, and report the findings of the review to the State Board and the Legislative Committee on Education, with any recommendations for legislation, revisions to regulations or training needed by school district employees. The report by the Department must identify school districts which failed to comply with any statutes or administrative regulations of this state or which had any:

- (a) Long-term obligations in excess of the general obligation debt limit;
- (b) Deficit fund balances or retained earnings in any fund;
- (c) Deficit cash balances in any fund;
- (d) Variances of more than 10 percent between total general fund revenues and budgeted general fund revenues; or
- (e) Variances of more than 10 percent between total actual general fund expenditures and budgeted total general fund expenditures.

3. In preparing its biennial budgetary request for the State Distributive School Account, consult with the Superintendent of Schools of each school district or a person designated by the Superintendent.

4. Provide, in consultation with the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, training to the financial officers of school districts in matters relating to financial accountability.

**Sec. 2.** NRS 388.700 is hereby amended to read as follows:

388.700 1. Except as otherwise provided in subsections 2, 3 and 6, after the last day of the first month of the school year, the ratio in each school district of pupils per class ~~in kindergarten~~

~~and grades 1, 2 and 3~~ per licensed teacher designated to teach those classes full time ~~{must not exceed 15 to 1}~~ in classes where core curriculum is taught ~~{ }~~ :

*(a) In kindergarten and grades 1, 2 and 3, must not exceed 15 to 1; or*

*(b) If a plan is developed by a school district pursuant to subsection 2 of NRS 388.720, in grades 1 to 6, inclusive, must not exceed 22 to 1.*

FLUSH In determining this ratio, all licensed educational personnel who teach ~~{kindergarten or grade 1, 2 or 3}~~ *a grade level specified in paragraph (a) or (b), as applicable for the school district*, must be counted except teachers of art, music, physical education or special education, counselors, librarians, administrators, deans and specialists.

2. A school district may, within the limits of any plan adopted pursuant to NRS 388.720, assign a pupil whose enrollment in a grade occurs after the last day of the first month of the school year to any existing class regardless of the number of pupils in the class.

3. The State Board may grant to a school district a variance from the limitation on the number of pupils per class set forth in subsection 1 for good cause, including the lack of available financial support specifically set aside for the reduction of pupil-teacher ratios.

4. The State Board shall, on or before February 1 of each odd-numbered year, report to the Legislature on:

(a) Each variance granted by it during the preceding biennium, including the specific justification for the variance.

(b) The data reported to it by the various school districts pursuant to subsection 2 of NRS 388.710, including an explanation of that data, and the current pupil-teacher ratios per class in

~~{kindergarten and grades 1, 2 and 3.}~~ *the grade levels specified in paragraphs (a) and (b) of subsection 1, as applicable, for each school district.*

5. The Department shall, on or before November 15 of each year, report to the Chief of the Budget Division of the Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau:

(a) The number of teachers employed;

(b) The number of teachers employed in order to attain the ratio required by subsection 1;

(c) The number of pupils enrolled; and

(d) The number of teachers assigned to teach in the same classroom with another teacher or in any other arrangement other than one teacher assigned to one classroom of pupils,

FLUSH during the current school year in ~~{kindergarten and grades 1, 2 and 3.}~~ *the grade levels specified in paragraphs (a) and (b) of subsection 1, as applicable, for each school district.*

6. The provisions of this section do not apply to a charter school or to a program of distance education provided pursuant to NRS 388.820 to 388.874, inclusive.

**Sec. 3.** NRS 388.710 is hereby amended to read as follows:

388.710 1. The State Board, in consultation with the trustees of the school districts and the recognized associations representing licensed educational personnel, after receiving comments from the general public, shall determine the data that must be monitored by each school district and used to measure the effectiveness of the implementation of ~~{the}~~ *a* plan developed by each school district ~~{to reduce the pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3.}~~ *pursuant to NRS 388.720.*



2. Each school district shall report the data to the State Board as required by the State Board.

**Sec. 4.** NRS 388.720 is hereby amended to read as follows:

388.720 ~~{Each}~~

*1. Except as otherwise provided in subsection 2, each* school district together with the recognized associations representing licensed educational personnel shall develop a plan to reduce the district's pupil-teacher ratio per class in kindergarten and grades 1, 2 and 3 within the limits of available financial support specifically set aside for this purpose and submit that plan to the State Board.

*2. In lieu of complying with the pupil-teacher ratio prescribed in paragraph (a) of subsection 1 of NRS 388.700, a school district may, in consultation with recognized associations representing licensed educational personnel, develop a plan to reduce the district's pupil-teacher ratios per class in grades 1 to 6, inclusive, to 22 to 1, within the limits of available financial support specifically set aside for the reduction of pupil-teacher ratios in kindergarten and grades 1, 2 and 3. A plan developed pursuant to this subsection must be submitted to the State Board.*

**Sec. 5.** This act becomes effective on July 1, 2003.



SUMMARY—Authorizes regional training programs for the professional development of teachers and administrators to facilitate access to information concerning issues related to suicide among pupils. (BDR 34-644)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State: No.

AN ACT relating to education; authorizing regional training programs for the professional development of teachers and administrators to facilitate access to information concerning issues related to suicide among pupils; providing that receipt of or access to such information does not create an additional duty; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN  
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

**Section 1.** Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. The governing body of a regional training program may facilitate and coordinate access to information by teachers and administrators concerning issues related to suicide among pupils. Such information must be offered for educational purposes only.*

**2. *Receipt of or access to information pursuant to subsection 1 does not create a duty for any person in addition to those duties otherwise required in the course of his employment.***

**Sec. 2.** NRS 391.500 is hereby amended to read as follows:

391.500 As used in NRS 391.500 to 391.556, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 391.504 and 391.508 have the meanings ascribed to them in those sections.

**Sec. 3.** This act becomes effective on July 1, 2003.