



# **Legislative Committee on Education**

*Legislative Counsel Bureau*

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**LEGISLATIVE COMMITTEE ON EDUCATION**

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## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION

*Nevada Revised Statutes 218.5352*

The following is a summary of the recommendations adopted by the Legislative Committee on Education (LCE) at its August 21, 2008, meeting and further developed at its meeting on October 7, 2008. A bill draft request (BDR) number corresponds to each recommendation for legislation.

#### **STATEWIDE TESTING OF PUPILS AND REPORTING OF RESULTS**

The members of the LCE adopted the following proposals relating to statewide testing of pupils and reporting of the results.

1. Amend the statutes to require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year. Require schools, school districts, and the State Board of Education to apply the model and report findings, based on the use of the model, in their annual accountability reports along with the measures used to determine adequate yearly progress. **(BDR 34-294)**
2. Amend the statutes to provide that a pupil may be eligible to obtain a high school diploma, according to alternative criteria, if the pupil has failed the writing portion of the high school proficiency examination at least twice before beginning Grade 12, rather than as existing statute requires that the pupil must have failed the writing portion at least three times. **(BDR 34-294)**

#### **FUNDING AND BUDGET REDUCTIONS**

The members of the LCE took the following actions with regard to proposals relating to funding and budget reductions.

3. Amend the statutes to provide for a waiver of required expenditures for textbooks, instructional hardware, and instructional supplies, which includes a process for application by a school district, a definition of economic hardship, a limitation on the length of time of the waiver, and prohibitions on the use of money that would have been required to be expended as maintenance of effort. **(BDR 34-295)**
4. Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support as funds become available for restoration and continued funding of the

staff positions in the Department of Education provided by the 74th Legislature and the 23rd Special Session, including the following positions:

- Parent involvement coordinator;
  - Gifted and talented coordinator; and
  - Empowerment coordinator.
5. Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support as funds become available for restoration and continued funding for specific educational programs provided by the 74th Legislature and the 23rd Special Session, including the following programs:
- Expansion of full-day kindergarten;
  - Planning for and establishment of empowerment schools;
  - Biennial funding of educational technology;
  - Expansion of career and technical education programs;
  - Support for gifted and talented programs;
  - Allocations to the school districts in meeting electricity, heating, and cooling costs; and
  - Appropriations to the Account for Programs for Innovation and the Prevention of Remediation to be awarded as grants by the Commission on Educational Excellence.
6. Amend the statutes and appropriate funds as follows:
- a. Provide an appropriation from the State General Fund to the Distributive School Account for transfer to the four school districts serving as fiscal agents for the continuation of the four Regional Professional Development Programs (RPDPs). Provide an appropriation to the RPDP Statewide Coordinating Council for statewide administrator training. Also provide an appropriation for the Legislative Bureau of Educational Accountability and Program Evaluation to evaluate RPDPs. **(BDR 34-296)**
- b. Provide the following with regard to educational technology:
- (1) Provide an appropriation from the State General Fund to the Department of Education to allow the Commission on Educational Technology to continue the grants to the school districts for educational technology **(BDR 34-296)**; and
  - (2) Amend the statutes to require each school district to submit in its application to the Commission on Educational Technology the following: its priorities for purchasing and maintaining educational

technology, whether the funding is for the continuation of a program or for the establishment of a new program, and all funds requested and received from all other sources for the same or similar proposals. **(BDR 34-296)**

- c. Provide an appropriation from the State General Fund to the Interim Finance Committee to continue contractual services to provide a Web-based program designed to provide parents with individualized criterion-referenced test results and resources aimed at improving student performance. **(BDR 34-296)**

### **CHARTER SCHOOLS**

The members of the LCE took the following actions with regard to proposals relating to charter schools.

7. Amend the statutes to establish a charter school institute as an independent entity, including provisions creating a board, repealing the authority of the State Board of Education to sponsor charter schools, the payment of administrative fees, and an appropriation for initial costs. **(BDR 34-297)**
8. Amend the statutes to provide that a sponsor of a charter school may appoint one member of a charter school governing body in addition to those required by statute. **(BDR 34-298)**
9. Amend the statutes to provide that the current yearly payment of administrative fees from the charter school to its sponsor shall be changed to quarterly payments. **(BDR 34-298)**
10. Amend the statutes to require the submission of a charter school's renewal application not less than 120 days prior to the expiration of the current charter. **(BDR 34-298)**
11. Amend the statutes to require each regional training program to provide services to teachers and administrators who are employed in charter schools sponsored by the State or the Nevada System of Higher Education, or in any university school for profoundly gifted pupils, if the school is located in the region of the training program. **(BDR 34-298)**

## **SCHOOL AND CAMPUS SAFETY**

The members of the LCE adopted the following proposal relating to school and campus safety.

12. Amend the statutes to define bullying and include bullying in the training, data collection, and reporting required of school districts for a safe and respectful learning environment. **(BDR 34-303)**

## **COMMISSION ON EDUCATIONAL EXCELLENCE**

The members of the LCE adopted the following proposal relating to the Commission on Educational Excellence.

13. Amend the statutes to require that in funding commercially available remediation programs, the Commission on Educational Excellence must only approve grant applications that include approved programs on the list of effective remedial programs. **(BDR 34-299)**
14. Amend the statutes to provide that the Legislative Auditor shall include in his biennial audit of the programs funded by the Commission on Educational Excellence a study that reviews the movement of funds from the Commission to the grant recipients, a determination whether the funds were used at the school or consortia level for the program for which the funds were received, and recommendations for the most efficient use of State funds at the school or consortium level. **(BDR 34-299)**
15. Amend the statutes to provide for the following changes to the grant application: require an applicant to indicate whether the funding is for the continuation of a program or for the establishment of a new program and list all funds requested and received from all other sources for the same or similar proposals. **(BDR 34-299)**

## **EDUCATIONAL PERSONNEL**

The members of the LCE took the following actions with regard to proposals relating to school personnel.

16. Send letters to the deans and heads of the colleges, schools, and departments of education at the institutions of the Nevada System of Higher Education and to the State Board of Education, asking them to work together to ensure that teacher

education programs, at all levels of licensure and in all subject endorsements, include instruction in specific areas. Require them to report on the status of this request to the Legislature and the chairs of the standing committees on education by December 1, 2008.

17. Amend the statutes to eliminate the requirement that an applicant for licensure from another state, pursuant to a reciprocal agreement, must have previous experience in teaching or other educational functions, if the applicant has successfully completed licensing examinations that are substantially equivalent to the exams required in Nevada. **(BDR 34-300)**
18. Amend the statutes to require the Commission on Professional Standards in Education provide regulations on training programs for substitute teachers. Include a waiver for those applicants for substitute licenses that hold a current or expired Nevada teaching license or hold a license from another state. Provide that a regional training program shall provide instruction for substitute teachers for the member school districts of the region and that a school district, providing an equivalent program, may opt out of the program provided by the regional training program. Require the Department of Education to record completion of a training program on a substitute teacher's license. Require an individual seeking licensure as a substitute to complete a training program and prohibit a school district from employing a substitute who has not completed a training program. **(BDR 34-300)**
19. Take the following actions regarding incentives to recruit and retain teachers:
  - a. Provide an appropriation to continue a program of signing bonuses in the amount of \$2,000 to newly hired teachers. **(BDR 34-296)**
  - b. Provide for a transitory section directing the Superintendent of Public Instruction to conduct a study of the effectiveness of signing bonuses. **(BDR 34-296)**
  - c. Send a letter to the Superintendent of Public Instruction expressing the intent of the Committee that he monitor the impact of signing bonuses and that he report to the Committee before the beginning of the 75th Session of the Legislature.
20. Take the following actions regarding teacher pay-for-performance programs:
  - a. Send a letter to the Governor, with copies to the chairs of the of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for

the pilot program of performance pay and enhanced compensation program for the recruitment and retention of licensed teachers provided by the 23rd Special Session.

- b. Provide for a transitory section clarifying that the component of career leadership advancement options to maximize the retention of teachers in the classroom includes the support of a teacher mentoring program. **(BDR 34-300)**
21. Amend the statutes to require that school district boards of trustees and the State Board of Education report in their annual accountability reports the ratio of pupils to counselors at each school level. **(BDR 34-300)**
22. Take the following actions regarding training for teachers to qualify to teach Advanced Placement (AP) courses:
- a. Send a letter to each of the regional training programs, urging the governing body to determine the need in the region for teachers to be trained to teach AP courses offered by the College Board. Urge them to set aside funds for the purpose of providing support for teachers in the region to obtain training to qualify to teach AP courses.
  - b. Amend the statutes to include in the annual report of the regional training program the estimated need and the actual number of teachers who participated in the AP training program and a description of the training received by teachers that year. **(BDR 34-300)**

#### **STATEWIDE GOVERNANCE OF ELEMENTARY AND SECONDARY EDUCATION**

The members of the LCE took the following action with regard to a proposal relating to the statewide governance structure for elementary and secondary education.

23. Request a resolution calling for a study of the system of public education in Nevada during the 2009-2010 Interim. **(BDR 34-301)**

#### **MIDDLE SCHOOL AND HIGH SCHOOL**

The members of the LCE took the following action with regard to a proposal relating to middle school and high school.



24. Amend the statutes to require the Commission on Educational Excellence to give priority to grant applications to fund certain summer school programs for certain pupils who are deficient in credits necessary to be promoted from eighth grade to ninth grade. **(BDR 34-302)**
25. Provide an appropriation from the State General Fund for a research study to measure the alignment of assignments in certain mathematics courses in Grades 8 and 9 to standards upon which portions of the high school proficiency examination are based. **(BDR 34-296)**



# **REPORT TO THE 75th SESSION OF THE NEVADA LEGISLATURE BY THE LEGISLATIVE COMMITTEE ON EDUCATION**

## **I. INTRODUCTION**

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act (NERA), the Committee is responsible for reviewing statewide programs in accountability, the statewide student information system, class size reduction, progress toward achieving the goals of the federal No Child Left Behind Act (NCLB) of 2001, and any other fiscal or policy concerns associated with public education. The creation of the Committee, its membership, and powers and duties are codified in NRS 218.5352 and 218.5354. (See Appendix A for a copy of these statutes).

The following legislators served on the Legislative Committee on Education during the 2007-2008 Interim:

Assemblywoman Bonnie Parnell, Chair  
Senator William J. Raggio, Vice Chair  
Senator Barbara K. Cegavske  
Senator Bernice Mathews  
Senator Maurice E. Washington  
Assemblyman Moises (Mo) Denis  
Assemblyman Harvey J. Munford  
Assemblyman Lynn D. Stewart

Legislative Counsel Bureau (LCB) staff services for the Committee were provided by Carol M. Stonefield, Supervising Principal Research Analyst, Melinda Martini, Senior Research Analyst, and Maryann Elorreaga, Senior Research Secretary, of the Research Division; Joi Davis, Program Analyst, of the Fiscal Analysis Division; and Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, and Sara Partida, Senior Deputy Legislative Counsel, of the Legal Division.

The Committee held ten meetings during the 2007-2008 Interim. Pursuant to the Committee's charge as provided in NRS 218.5354, the Committee considered a wide range of topics relating to elementary and secondary education.

The Committee received information on the statewide testing options as well as the status of Nevada's application to the United States Department of Education for implementation of a student growth model to measure adequate yearly progress (AYP). It received information on

the AYP status of schools and school districts resulting from the administration of standardized tests in the 2006-2007 school year. The list of designations of schools, including those in need of improvement, was also provided to the Committee. The Committee also recommended the list of effective remedial programs.

The Committee received several presentations from the Department of Education (DOE) and representatives of the school districts on various programs that received funding for the 2007-2009 biennium. In addition, it received presentations on the impact of budget reductions on those programs.

It also received testimony on Nevada's Second Parent Involvement Summit and the Parent Involvement Network. Reports were provided concerning the System for Accountability Information for Nevada and the Youth Risk Behavior Survey. It also received presentations on the transition from middle school to high school.

The Committee focused attention on school personnel. It received testimony on teacher pay-for-performance plans, recruitment incentives, working conditions surveys, and preparation and licensing. It considered the roles and duties of school counselors and the preparation and licensing of substitute teachers.

Finally, the Committee met at the Andre Agassi College Preparatory Academy in Las Vegas to receive testimony on charter school authorization.

Members of the Committee adopted 25 proposals with regard to public education in Nevada, including statewide testing, expenditures for instructional materials, charter schools, the Commission on Educational Excellence, licensed educational personnel, and statewide governance structures for elementary and secondary education. Major recommendations include proposals to:

- Establish an independent charter school institute as a statewide entity with authority to sponsor charter schools and repeal the grant of authority to the State Board of Education;
- Require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year;
- Establish a process to enable a school district experiencing an economic hardship to seek a waiver of all or a portion of the maintenance of effort required for textbooks, instructional hardware, and instructional supplies;
- Urge the Governor and chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means to restore funding for staff positions at the Department of Education and for specific education programs that were eliminated or reduced due to the budget reductions;

- Define bullying within the context of a safe and respectful learning environment;
- Require the Commission on Educational Excellence to use the list of effective remedial programs when approving grant applications and require applicants for grants to list all funds requested and received from all other funding sources;
- Require training for substitute teachers;
- Urge an interim study of statewide public school governance; and
- Request funding for the regional training programs, educational technology, signing bonuses for newly hired teachers, and a study of the alignment of curriculum in algebra and geometry to state academic standards.

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

### **A. Adequate Yearly Progress and School Designations**

#### **1. The Federal No Child Left Behind Act of 2001**

In January of 2002 President George W. Bush signed the NCLB, the revised and reauthorized Elementary and Secondary Education Act of 1965 (ESEA). Among its many provisions, NCLB requires deadlines for expansion of student testing, the redesign of accountability systems, guarantees of classroom staffing by highly qualified teachers, and the demonstration of annual progress in raising student performance in reading and math and in narrowing the test score gap between identifiable groups of students.

Title I of the ESEA is known as Improving the Academic Achievement of the Disadvantaged. According to NCLB, each state's Title I plans must include a single statewide accountability system for defining AYP for all public school students. States must define AYP so that all students achieve proficiency on state academic standards by the end of the 2013-2014 school year. Each state is authorized to set its own standards, subject to approval of the state plan by the U.S. Department of Education, but AYP requires annual targets in English and mathematics in grades 3 through 8 and one year in grades 10 to 12. The student assessment data must be disaggregated into the following groups: economically disadvantaged students, major racial or ethnic groups, students with disabilities, and English language learners. A school or school district will have achieved AYP for a school year if it tests 95 percent of the students in each group and if the scores of no group fall below the minimum set for AYP growth. In addition to student achievement on standardized tests linked to state academic standards, states must identify other indicators of progress. Failure to achieve AYP requires corrective action in Title I schools and districts. States are required to produce report cards at the state, district, and school levels.

## 2. School Designations

At the meeting on November 15, 2007, Carol Crothers, Director, Office of Assessments, Program Accountability, and Curriculum, Department of Education, provided the Committee with the most recent school designations based on student performance in the 2006-2007 school year.

She reported that 69.7 percent of schools made AYP, while 30.3 percent did not. The number making AYP increased from 395 schools in 2006 to 440 schools in 2007. She reported that 15.1 percent of schools failed to achieve AYP in both English language arts and mathematics. Failure to achieve AYP in English language arts occurred in 5.5 percent of schools; 25 of the 35 schools in this category were elementary. Failure to achieve AYP in mathematics occurred in 7 percent of schools; of the 44 schools in this category, 17 were elementary and 15 were middle schools. (For a copy of Ms. Crothers' presentation, "A Guide to Adequate Yearly Progress: Analyses in Nevada," see the [minutes](#) of the November 15, 2007, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us). (For the 2007 AYP Summary Results, see Appendix B of this bulletin.)

### **B. Budget Reductions**

In its 74th Session and 23rd Special Session in 2007, the Nevada Legislature approved a General Fund operating budget for the 2007-2009 biennium in excess of \$6.8 billion. Appropriations to education totaled \$3.7 billion, 54.4 percent of appropriations. The portion allocated to elementary and secondary education was \$2.35 billion. The share marked for the Nevada System of Higher Education (NSHE) was \$1.32 billion. Other education programs were to receive \$32.6 million.

The Governor and the Legislature are required to use the estimates of Nevada's Economic Forum to develop and approve a biennial budget for the state. The Economic Forum was created by the Legislature in 1993 and charged with forecasting the state's revenues.

Within months of the Legislature's adjournment, the revenues to the General Fund began to decline, resulting in an estimated shortfall for the biennium of approximately \$1.2 billion, due to various factors contributing to a state and national economic downturn. In response, the Governor ordered budget reductions and the Legislature, in the 24th Special Session in 2008, enacted changes in the 2007-2009 budget to generate savings.

The targets provided by the Budget Division, Department of Administration, encompassed all State revenues appropriated to elementary and secondary education, including the Distributive School Account (DSA) funds. The school districts and the DOE were required to reduce budgets by 4.5 percent in each year of the biennium for a total of \$92.7 million. Additional reversions were enacted by the Legislature in the special session. Specific reductions identified by the DOE and the school districts to meet those targets and subsequent reversions required by the Legislature in the 24th Special Session include the following:

- Expanded full-day kindergarten: \$13,631,760;
- Empowerment schools: \$8,897,200;
- Educational technology: \$10,010,000;
- Career and technical education: \$4,000,000;
- Teacher performance pay: \$10,000,000;
- Utilities shortfall funds: \$7,636,160;
- Remediation and innovation grant funds: \$8,298,543;
- Textbook funding reversion: \$47,995,714; and
- Distributive School Account reductions: \$36,400,000

Approximately \$25 million in other programs cuts, determined by school districts and charter schools individually, were also reverted to meet the required target. The Committee was informed that additional budget reductions may be required in preparing the budgets for the 2009-2011 biennium.

The Committee received status reports on the budget reductions at its meetings on January 10, March 27, and June 19, 2008. Information was provided by Keith W. Rheault, Ph.D., Superintendent of Public Instruction, DOE, several school district superintendents, and representatives of the various associations concerned with elementary and secondary education in Nevada. A report on Nevada school district budget cuts can be viewed at: [http://www.nvasb.org/Publications/Communications/school\\_district\\_budget\\_cuts.pdf](http://www.nvasb.org/Publications/Communications/school_district_budget_cuts.pdf)

### **C. Report on Curriculum Alignment to Standards**

As a result of its study in the 2005-2006 interim, the Legislative Committee on Education recommended that the 2007 Legislature fund a study of the alignment of student assignments to academic standards. Enacted as Senate Bill 184 (Chapter 420, *Statutes of Nevada 2007*), the study called for the collection and analysis of student assignments in English language arts and mathematics in grades 3 through 8. The contract was awarded through a request for proposal process to The Standards Company, which presented its findings to the Committee at its October 7, 2008, meeting.

The researchers of The Standards Company reported the following conclusions, based on their analysis:

- Alignment to standards was poor in both English language arts and in mathematics;
- The most marked drop in alignment for English language arts occurred in sixth grade;
- Mathematics featured a consistent and marked decrease in alignment as the grade level increased;
- With few exceptions, the depth-of-knowledge levels in mathematics were significantly lower for low-performing schools than for high-performing schools;
- Letter grades received by students residing in areas of low socioeconomic status were significantly higher than their more affluent counterparts;

- Assignments in grades 3 through 5 featured more tests and quizzes than grades 6 through 8; and
- Student groups formed to complete assignments were not used extensively while independently completed assignments represented roughly 80 percent of assignments collected.

The Committee requested that the results be forwarded to the members of the Council to Establish Academic Standards in Education, the school district superintendents, the regional training programs, the Statewide Coordinating Council, and the deans and heads of the colleges and departments of education at the institutions of the NSHE. The Committee also asked the Superintendent of Public Instruction to develop a plan of action to address the findings. ([Link to Executive Summary The Standards Company](#). The Summary is also available as Exhibit B in the minutes of the October 7, 2008 meeting of the LCE at [www.leg.state.nv.us](http://www.leg.state.nv.us)).

#### **D. Committee Study: Issues**

##### **1. Testing**

###### *a. Overview*

At its meeting on December 13, 2007, the Committee received an overview of testing, presented by Joanne L. Jensen, Ph.D., Director of Test Development, WestEd. To answer the question of the most effective way to determine if students have learned, Dr. Jensen discussed the difference between norm-referenced tests (NRTs) and criterion-referenced tests (CRTs). She said the keys to interpreting NRT results are to understand how well the content of academic standards maps to the test questions and to learn the composition of the norm reference group. The CRT assessments are designed to provide a sample of content, assuming that the sample is representative of the content.

Dr. Jensen also suggested that a state should develop a balanced assessment system which combines summative assessments, such as CRTs, with formative assessments. Aligned with state standards, formative assessments are administered periodically throughout the school year. Formative assessments should evaluate the breadth of the content standards and assist in targeting instruction. They can be used for diagnosis rather than evaluation.

Approximately half of the states administer separate NRTs and CRTs, according to Dr. Jensen. Others augment an NRT to reflect content standards. Most states have designed custom CRTs. Dr. Jensen said that no single test can measure all aspects of student performance. She said that a policymaking body must identify what it wants to know about its curriculum. assessments. (For a copy of Dr. Jensen's Microsoft PowerPoint presentation, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit B at [www.leg.state.nv.us](http://www.leg.state.nv.us).)



*b. Senate Bill 110*

In 2007, the Legislature enacted S.B. 110 (Chapter 229, *Statutes of Nevada*) to limit district-wide standardized tests to those required by federal or State law, or those adopted by school districts before July 1, 2007. This moratorium expires on January 1, 2009. In adopting district-wide examinations, S.B. 110 requires the school district board of trustees to review its testing program periodically and limit assessments to those that can be demonstrated to provide a direct benefit to pupils or to assist teachers in improving instruction.

The bill also requires all school districts to submit to the LCE a report concerning testing of pupils in the 2006-2007 school year. The report is to include information on the number of hours that pupils, teachers, and other licensed personnel spend in testing, best practices for using testing time efficiently, and recommendations for legislation to change the testing of pupils. (For a copy of S.B. 110, see the Legislature's website at: [http://www.leg.state.nv.us/74th/Bills/SB/SB110\\_EN.pdf](http://www.leg.state.nv.us/74th/Bills/SB/SB110_EN.pdf).)

*c. State and District Assessments*

At its June 19, 2008, meeting, the Committee received a summary of the district reports, required by S.B. 110, from Committee staff member Melinda M. Martini, Senior Research Analyst, LCB. Ms. Martini reported that pupils and proctors appeared to spend the greatest amount of time on testing in grades 4, 7, and 8. Other education personnel spent the most time on testing in grades 4 and 5.

Ms. Martini said that several school districts suggested the NRTs were not valuable for measuring student progress and proficiency. Gloria Dopf, Deputy Superintendent, Office of Instructional, Research, and Evaluative Services, DOE, testified that the National Assessment of Educational Progress, a nationally mandated test in which all states must participate at particular grade levels, provided a ranking potential even better than an NRT, which is typically not normed on a national level. (For a copy of Ms. Martini's memorandum and report to the Committee summarizing time on testing by grade level and recommendations from the school districts regarding standardized testing, see the [minutes](#) of the June 19, 2008, meeting of the LCE, Exhibit H, at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Dr. Keith Rheault also provided a list of assessments mandated by the State to comply with requirements of the federal NCLB. In addition, he provided a list of mandated tests by school district that includes the purpose of the assessment, the estimated percent of students tested, and the time for preparation and administration. (For a copy of Dr. Rheault's lists of mandated examinations, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit C at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*d. Growth Model*

The Committee received information from Carol Crothers, Director, Office of Assessments, Program Accountability, and Curriculum, DOE, about the status of Nevada's application to the U.S. Department of Education to implement a growth model for measuring student achievement and to determine AYP for compliance with NCLB. Ms. Crothers said that such models recognize growth all along the curricular continuum. They enable schools to measure student improvement over time by tracking individual student achievement from year to year. Rather than set expectations for annual achievement based on demographic groups or school characteristics, growth models facilitate measurement of student growth, some of which is far below or far above standards.

Ms. Crothers said that Nevada's application had not been approved because the U.S. Department of Education's panel of evaluators had concerns about capabilities of the State's data system to track students across schools and over time. It also had reservations about the application's proposal to exclude students with the most significant cognitive disabilities. Further, the panel had concerns about the high school proficiency examination (HSPE), administered at the tenth grade and used in determining AYP at the tenth grade. Ms. Crothers said that the standards upon which the HSPE is based will be revised; until then she did not anticipate approval of Nevada's application for a growth model. Nevertheless, she said the DOE intends to collect and use growth information. (For a copy of the letter from the U.S. Department of Education, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit E at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*e. Computerized Testing*

At the LCE meeting on December 13, 2007, members of the Committee received information on computerized testing. Dr. Joanne Jensen identified questions that should be addressed as a state considers moving to the use of computers in large-scale assessments, including the technology limitations at the school and district levels: Is there adequate bandwidth? How many students can be tested simultaneously? Dr. Jensen also suggested that considerations must be given to the familiarity of students with technology so that students with limited access to computers are not disadvantaged. (For a copy of Dr. Jensen's Microsoft PowerPoint presentation, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit B at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

In addition, at that meeting Dr. Keith Rheault provided a price quotation for a pilot administration of the HSPE via online testing. The estimate was provided for a pilot in the 2006-2007 school year at a total cost of \$748,868 to include program management and system setup, training, technical support, a comparability study, and test administrations. (For a copy of the price quotation submitted by Dr. Rheault, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

## 2. Charter School Authorization

### *a. State Board of Education Moratorium*

Section 386.515 of NRS provides that school district boards of trustees and the colleges and universities of the NSHE may sponsor charter schools. The State Board of Education shall sponsor charter schools whose applications it has approved. However, by the start of the 2007-2008 school year, few districts and no higher education institutions were sponsoring new charter schools, leaving only the State Board of Education to sponsor additional charter schools.

At its meeting on November 15, 2007, the Committee discussed the proposal before the State Board of Education at its upcoming meeting to impose a moratorium on approving any new charter school applications. In anticipation of such an act, the Committee voted to send a letter to the President of the State Board of Education, reminding the State Board of its statutory responsibilities with regard to review of applications from committees to form charter schools. It also informed the Board of the Committee's intentions to review charter school authorization at a future meeting. (See Appendix C for a copy of the letter from Chairwoman Parnell to the President of the State Board of Education.)

At its meeting on November 30 to December 1, 2007, the State Board of Education voted to suspend temporarily approval of new charter school applications until the DOE determined it could effectively carry out its statutory responsibilities to sponsor charter schools or until the DOE received adequate funding, staffing and support. (For a summary of the State Board of Education's proceedings, see the Action Report for December 2007 at [http://nde.doe.nv.gov/Board\\_Reports.html](http://nde.doe.nv.gov/Board_Reports.html).)

Senator E. Maurice Washington read into the record of the December 13, 2007, meeting of the Committee a list of questions relating to the actions taken by the State Board. At the Committee's meeting on February 21, 2008, President Marcia Washington responded to the questions raised by Senator Washington. President Washington said the Board interpreted its statutory authority to mean that a review of an application's technical completeness and compliance did not compel the Board to approve an application. (For a copy of President Washington's response to the questions raised by Senator Washington, see the [minutes](#) of the February 21, 2008, meeting of the LCE, Exhibit G at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

### *b. Department of Education's Role and Responsibilities*

Dr. Keith Rheault presented information on the role and responsibilities of the DOE in reviewing charter school applications and in overseeing charter schools sponsored by the State Board of Education at the Committee's February 21, 2008, meeting. Dr. Rheault reviewed the types of charter schools operating in Nevada and their AYP designations for

the 2006-2007 school year. He also reviewed the number of pending applications, stating that the DOE needed additional staff to assist with special education, auditing, and school data accountability.

Dr. Rheault said that the State Board of Education's moratorium did not extend to review of applications, which the DOE will continue to do. He stated that the refusals by Clark County School District (CCSD) and Washoe County School District (WCSD) to sponsor charter schools signified a problem that should be investigated.

William Arensdorf, Director, Office of Fiscal Accountability, DOE, explained the process to review applications for completeness, at which time the applications may be submitted to the intended sponsors for approval. Mr. Arensdorf also gave examples of administrative support provided by the DOE specifically to State Board-sponsored charter schools. He outlined additional staff needed to meet the existing and projected responsibilities, if the State Board is likely to be the sponsor of all new charters. He provided activity logs to document the amount of time spent by DOE staff providing services to all charter schools and the annual costs associated with providing services. Mr. Arensdorf said the process to revoke a charter was time-consuming. He recommended that a charter school authorizer be given the resources to function properly. (For a copy of the presentation by Dr. Rheault and Mr. Arensdorf, see the [minutes](#) of the February 21, 2008, meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*c. Colorado Charter School Institute*

The Committee received information on the background and functions of the Colorado Charter School Institute from Keith King, Administrator, Colorado Springs Early Colleges, at its February 21, 2008, meeting. Mr. King said the Institute was the local education agency for the schools it authorized. It also conducted a more extensive review than any of the other Colorado school districts and did not exist to make a profit from the schools it served. Mr. King said the Colorado General Assembly had a philosophical discussion about whether to have the State Board of Education be a charter school authorizer and decided to create a separate board because the State Board would not have had the time, energy, or budget to be an authorizer.

Mr. King suggested that Nevada could make a one-time appropriation to assist a new board with start-up costs. Alternatively, if Nevada moved all existing charters to a statewide board, that board would have sufficient funds to start the functioning of the board. He said the Nevada Legislature compromised the State Board of Education's position by asking it to be the charter school authorizer in addition to all of the other tasks it performs. The Legislature should consider an alternative authorizer. (For a copy of Mr. King's Microsoft PowerPoint presentation entitled "Review of the Colorado Charter School Institute as a Model for Charter School Authorization and Sponsorship," see the [minutes](#) of the February 21, 2008, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*d. National Trends in Charter School Authorization*

George Perreault, Ph.D., Professor, Department of Education Leadership, College of Education, University of Nevada, Reno (UNR), reviewed the potential advantages, potential disadvantages, and policy considerations for three types of alternative charter school authorizers: a state board of education or department of education, regional educational entities, and independent charter boards.

Dr. Perreault noted potential disadvantages of state boards of education and state departments of education as charter school authorizers. He said such agencies are regulatory and, therefore, focus on compliance. They have heavy workloads and may not have the capacity to direct, oversee, and authorize charter schools. (For a copy of Dr. Perreault's report entitled "Considerations in Charter School Authorization and Management," see the [minutes](#) of the February 21, 2008, meeting of the LCE, Exhibit C at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*e. Nevada Charter School Leadership Team*

Ricci Rodriguez-Elkins, Project Director for the Nevada State Charter School Leadership Team, informed the Committee at its meeting on February 21, 2008, that six states, including Nevada, had been awarded grants from the U.S. Department of Education's Charter Schools Program. The purpose of the grants is to assist in increasing the number of states with charter school laws that provide for the development of high quality charter schools and to implement improved state charter school laws and increase public understanding of charter schools.

Ms. Rodriguez-Elkins provided information regarding the Team, which met with other state leadership teams at a workshop in Albuquerque, New Mexico, in September 2007. She summarized the Team's goals to include strengthening state charter school legislation and increasing public understanding of charter schools. According to Ms. Rodriguez-Elkins, the Team also determined its key activities and priorities. She noted that 16 of 20 charter schools that responded to a poll indicated they would prefer to be in a separate school district for charter schools. (For a copy of Ms. Rodriguez-Elkins' presentation, see the [minutes](#) of the February 21, 2008, meeting of the LCE, Exhibit E at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

3. Personnel

*a. Efforts to Recruit Students Into Teacher Education Programs*

At its meeting on January 10, 2008, the Committee received information about the Student to Teacher Enlistment Project Undergraduate Program (STEP UP), a partnership between the CCSD, the Clark County Education Association (CCEA) Community Foundation, the College of Southern Nevada (CSN), and Nevada State College (NSC). The CCEA Community Foundation provides to eligible students grants equivalent to a \$20,000 college scholarship, which covers all fees, tuition, and books.

Michelle Panik, Project Facilitator said the STEP UP program is a teacher education program that gives students the opportunity to begin their teaching degree while they are still in high school and to accelerate their course work so they would actually be teaching in their own classrooms within three and one-half years of high school graduation. Upon successful completion of the program and obtaining necessary qualification, students would be eligible to teach in the CCSD. (For an overview of STEP UP, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit J at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Lori Navarrete, Ph.D., Associate Dean, School of Education, NSC, the STEP UP coordinator, presented additional information to the Committee about STEP UP at the April 17, 2008, meeting. The CCSD students complete their associate of arts degree through CSN and transfer to NSC to complete their baccalaureate degrees. She said she provides through bridge programs a smooth transition for STEP UP students. Dr. Navarrete said students have about 100 hours of field experience at completion of the program. Since the program is intended to serve high risk high schools, the program recruits in eight high schools considered to be high risk.

Carol A. Lucey, Ph.D., President, Western Nevada College (WNC), provided information to the Committee about the partnership between WNC and NSC to recruit community college students into baccalaureate programs in teacher education, at its meeting on April 17, 2008. Dr. Lucey said WNC represented seven counties and had numerous campuses. She said WNC had partnered with NSC to establish an elementary education preparation program in rural communities. She said NSC provided interactive television classes, Web-based instruction, and traveling instructors who visit the rural communities and offer face-to-face encouragement to students.

Fred Maryanski, Ph.D., President, NSC, said the partnership between NSC and WNC represented a “grow-your-own” program. He said, in any discipline, individuals who are from a community and complete their degree in that community are more likely to stay than people brought in from other areas.

Francine Mayfield, Ed.D., Dean of Education, NSC, said any course that a student took at WNC would transfer into NSC’s four-year program. Students interested in teaching were tested to assess their ability to read and write, and to perform mathematical computations. Once students passed those tests, they were eligible to enter the School of Education and begin working toward a baccalaureate degree in elementary education. Dr. Mayfield said the baccalaureate degree required, among other things, 12 credits in mathematics, 12 credits in reading and language, and 12 credits in teaching English as a second language.

#### *b. Teacher Education Programs*

At its meeting on April 17, 2008, the Committee received information on the process to approve teacher education programs in Nevada higher education institutions. Dr. Keith Rheault said 11 teacher education programs have been approved by the State Board



of Education, pursuant to the authority provided in NRS 391.037 and 391.038. Dr. Rheault said that, prior to 1995, approval was only required for the programs at UNR and the University of Nevada, Las Vegas (UNLV). That year, the Legislature required all teacher education programs to be approved by the State Board of Education, according to Dr. Rheault. Program approval enables a student to be licensed in Nevada upon confirmation from the authorized representative of the program that the student has completed the requirements satisfactorily.

In addition, Jerry Barbee, Director, Office of Teacher Licensure, DOE, explained that the process for approving teacher training courses was a joint effort of the National Council for Accreditation of Teacher Education (NCATE) and a review team appointed by the State Board of Education. He discussed Chapter 391 of the *Nevada Administrative Code* (NAC), which governs licensing, endorsement, and special requirements necessary for a teacher education program; NCATE accredited institutions; the preliminary visit protocol; and applicant fees. (For a summary of the approval process as presented by Mr. Barbee, see the [minutes](#) of the April 17, 2008, meeting of the LCE, Exhibit B at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Dr. Rheault also provided the Committee with a brief overview of the results of the survey of the 2005-2006 program completers from Nevada's approved teacher education programs. He said the data collected provided valuable information for establishing criteria for improving teacher education programs throughout Nevada.

The report indicates the elementary education license was held by more than 48 percent of respondents, while those holding secondary education licenses accounted for 25 percent of respondents. Respondents agreed that their teacher education programs had prepared them to assume the role of classroom teacher, to develop lesson plans, and to use a variety of teaching methods. Statewide, respondents rated with the lowest average score the preparation they received to work with parents and families. Another question, relating to preparation to teach students with disabilities in a regular classroom, also rated a low average score. (For a copy of "The 2006-2007 Follow-up of the 2005-2006 Program Completers in Nevada's Approved Teacher Education Programs," see the [minutes](#) of the April 17, 2008 meeting of the LCE, Exhibit C at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Teachers currently in their second year of teaching in Nevada public schools were invited to the April 17, 2008 meeting to comment about their first year of teaching. Based on those experiences in the classroom, they provided information and observations on subject areas that they thought should have been taught in their college courses. Among their observations, they noted that they had not felt prepared to teach students with limited English skills or students in regular classrooms with individualized education plans. While teacher education students are taught to write a lesson plan, one teacher noted that they needed more instruction in planning. Another observed that teacher education students are not taught classroom management or ethics.

### *c. Licensing of Educators*

The Committee received information from Gloria Dopf on the role of the Commission on Professional Standards in Education in setting the licensing standards for Nevada educators. She said the Commission is required by statute to set standards for examinations for licensing and for the license renewal process. (For a copy of Ms. Dopf's document entitled "Fact Sheet: Commission on Professional Standards in Education," see the [minutes](#) of the April 17, 2008, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Dr. Keith Rheault provided information on the regulatory structure for licensing educational personnel in Nevada and statistical information about licensed personnel in Nevada. He said the Commission on Professional Standards has full authority over all licensing regulatory issues for all licensed personnel including administrators, counselors, and teachers in Nevada. The State Board of Education is responsible for the approval of teacher education programs for institutions; is responsible for the review, evaluation, and approval of teacher education programs; has limited authority to disapprove regulations adopted by the Commission; and has the authority to suspend or revoke the licenses of educational personnel. He noted the Superintendent of Public Instruction issues all licenses prescribed by regulations adopted by the Commission and has limited discretion in denying an initial license based on the criminal history of an applicant. Dr. Rheault offered suggestions for possible legislation to address the authority to waive certain requirements, recognize alternate routes to licensure from other states, testing requirements for licensure, and teaching experience required for reciprocity with other states. (For a copy of Dr. Rheault's presentation materials, see the [minutes](#) of the April 17, 2008, meeting of the LCE, Exhibit E at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

### *d. Recruitment*

Melinda Martini reported to the Committee at its January 10, 2008, meeting on the results of the staff's quick poll of school districts regarding teacher recruitment methods. She said the survey, submitted to all 17 Nevada school districts, posed seven questions regarding teacher recruitment. She said all of the districts responded. Most districts reported that as a recruitment tool they were most satisfied with Teachers-Teachers.com, a free online service that enables school districts to list vacancies and teachers to submit applications and résumés. They were least satisfied with local or national newspapers and job fairs.

The school districts also reported the average number of teachers they must recruit each year ranges from more than 2,000 in CCSD to 40 or fewer in other districts. The most vacancies occur for endorsements in mathematics, special education, and science. The CCSD estimates it spends \$1.5 million on recruitment costs (excluding the salaries of CCSD employees in human resources) while most other districts reported spending \$10,000 or less. (For a copy of the results of the staff quick poll survey of school districts, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit H at [www.leg.state.nv.us](http://www.leg.state.nv.us).)



Gloria Dopf gave a brief overview of the results of the recruitment efforts of Teachers-Teachers.com. She said that the site is a live link through the DOE website. All 17 school districts can participate because the DOE absorbed the cost of participation in Teachers-Teachers.com through Title II federal funds. For a cost of \$52,000 the districts received approximately 3,300 applications, resulting in 668 hired licensed educators. She reported that for the 2006-2007 school year, 18 percent of new employees were recruited through this vehicle. The cost equaled \$78 per new employee. (For a copy of "Teachers-Teachers.com Nevada Education Recruitment Initiative Year Three Report," see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit I at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Dr. Keith Rheault provided the Committee with a review of the history of the signing bonus at the January 10, 2008, meeting. Since the bonus was initially funded by the Legislature in 2001, approximately \$46 million has been appropriated to the program. He discussed the recommendation of the 2006 audit report (LA06-19), conducted by the Legislative Auditor, that DOE create an electronic database to track individuals receiving the bonus. He said until the audit DOE had not gathered or tracked data on this program. (For a copy of Dr. Rheault's materials, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit K at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Martha Tittle, Chief Human Resources Officer, CCSD, reported on signing bonuses in the district. She said the district has hired approximately 2,500 new teachers each year for the past six years. Over 50 percent are hired from outside Nevada to fill vacant positions created by growth and resignations or retirements. Ms. Tittle said CCSD must compete with other states which offer hiring incentives such as assistance with moving costs, housing subsidies, and student loan forgiveness. The signing bonus program had provided significant support for the recruitment of teachers during a period of a national teacher shortage. A survey of new teachers indicated the signing bonus impacted their decision to accept employment with the CCSD. (For a copy of Ms. Tittle's prepared remarks, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit L at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*e. Mentoring*

At the April 17, 2008, meeting, Melinda Martini reviewed the results of the quick poll survey regarding teacher mentoring programs, conducted by the Committee staff. The school districts were asked for information regarding their mentoring programs, including the design and goals of their programs, the role of mentors, qualifications needed for teachers to become mentors, incentives provided to mentors, and the effectiveness of the programs. Ms. Martini reported that 14 of the 17 school districts responded. Eight of the districts provide beginning teachers with the services of a mentor. Retention and support of new teachers were the stated goals of most responding districts. Providing guidance and support were the most common roles of mentors. Six districts reported that a financial stipend was provided to the mentor teacher as an incentive. (For a copy of the results of the quick poll survey on teacher mentoring programs, see the [minutes](#) of the April 17, 2008 meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Karyn Wright, Director, Teacher Induction and Mentoring, CCSD, discussed the district's New Teacher Induction Program. She reviewed professional development for beginning and experienced teachers and on-site mentoring programs. Patricia Helbert, Mentor Facilitator, Clifford Lawrence Junior High School, CCSD, described how the mentoring team assisted new teachers at Lawrence. (For a copy of Ms. Wright's Microsoft PowerPoint presentation entitled "New Teacher Induction Program," see the [minutes](#) of the April 17, 2008 meeting of the LCE, Exhibit G at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Martha Young, Ph.D., Professor, Curriculum and Instruction, UNLV, said she and CCSD participated in several research studies that had examined the effects of mentoring on retention, teacher satisfaction, and the number of teachers in critical needs areas. She said, as the result of implementing mentoring programs, the attrition rate was reduced by 19.9 percent, teacher satisfaction increased by more than 10 percent, and retention of teachers in critical needs positions increased by more than 25 percent.

Sharyn Appolloni, Ed.D., Staff Development Services Administrator, WCSD, discussed different aspects of the district's program such as: its mission statement; its goals and objectives; and the New Teacher Academy. (For a copy of Dr. Appolloni's Microsoft PowerPoint presentation entitled "Induction and Mentoring Program," see the [minutes](#) of the April 17, 2008, meeting of the LCE, Exhibit H at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

*f. Working Conditions*

At its meeting on January 10, 2008, the Committee received information about the results of the teacher working conditions survey, conducted in the CCSD with the assistance of the Center for Teaching Quality. Mary Ella Holloway, President, Clark County Education Association (CCEA), said the CCEA and the CCSD had collaborated over the last six years to design and create new programs that benefited students. She said the Teaching and Learning Conditions Survey and the Teaching and Learning Conditions Team (TLC) were developed by the CCSD and the CCEA because there is a connection between working conditions at a school and student performance and teacher retention. She said the TLC Team was able to use the survey results to help school administrators and staff improve working conditions and student performance. Ms. Holloway said the CCEA was committed to ensuring a quality education for all CCSD students.

Vikki Courtney, Project Facilitator, TLC Team, presented a report on how the TLC Team used the results of the Teaching and Learning Conditions Survey to assist schools in need of improving school climate. She told the Committee that the instrument is a perceptions survey. The results of the district-wide survey are provided to all licensed personnel at any school with a minimum participation rate of 35 percent. Ms. Courtney reported that two significant factors of working conditions that correlate to teacher retention are leadership and empowerment. She said 47 percent of principals reported using the data from the previous survey. (For a copy of Ms. Courtney's prepared remarks, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Barnett Berry, Founder and President, Center for Teaching Quality, reviewed the four findings of the CCSD survey:

1. CCSD teachers are committed to teaching but seek more support and opportunities to lead;
2. Novice teachers face pressures both in and out of school that are likely to have an impact on retention;
3. Educator perceptions of almost every facet of teaching and learning conditions differ, based on school level; and
4. Teachers and administrators view the world of teaching and learning conditions very differently.

(For a copy of Mr. Berry's Microsoft PowerPoint presentation entitled "Findings from the Clark County NV 2007 Teaching and Learning Conditions Survey," see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit G at [www.leg.state.nv.us](http://www.leg.state.nv.us). The full report titled "Final Report on the 2007 CCSD Teaching and Learning Conditions Survey" is available on the Center for Teaching Quality website at <http://www.teachingquality.org/legacy/NV2007final.pdf>.)

*g. Performance Pay*

Assembly Bill 3 (Chapter 10, *Statutes of Nevada 2007, 23rd Special Session*) appropriated \$10 million for the 2007-2009 biennium to fund the pilot programs of performance pay and enhanced compensation for the recruitment and retention of licensed teachers. The bill provides that each school district's pilot program must focus on pupil achievement and consider implementation in at-risk schools, which are defined in the measure. An approved program may include career leadership advancement options, professional development, group incentives, and multiple assessments of individual teachers with primary emphasis on individual pupil academic achievement. The measure provides that a teacher may not receive more than \$3,000 per year. Each school district shall evaluate the effectiveness of the program and may recommend changes. The pilot program established pursuant to A.B. 3 modified and continued the pilot program provided pursuant to Assembly Bill 580 (Chapter 482, *Statutes of Nevada 2005*). As noted in subsection b of this section, because the funds for this pilot program were reverted to the State General Fund to meet budget reduction targets, this program was not implemented pursuant to legislation.

At the Committee's meeting on January 10, 2008, Gloria Dopf reviewed pilot programs funded in compliance with A.B. 580, which appropriated \$10 million for the 2005-2007 biennium for grants of money to school districts that adopted such programs. Ms. Dopf said overall the various programs implemented by the school districts had been effective in the recruitment and retention of teachers. (For a copy of Ms. Dopf's chart entitled "Performance Pay and Enhanced Compensation Grant Summary Evaluation Report," see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Karlene McCormick-Lee, Ed.D, Associate Superintendent of Schools, CCSD, told the Committee that the district designed its pay for performance plan around the provisions of A.B. 3. She identified critical components to include in a pilot program. With a focus on academic achievement, at-risk schools, and recruitment and retention of licensed personnel, Dr. Lee said the components include career leadership, professional development, group incentives, and multiple assessments of teachers. Dr. McCormick-Lee was joined by Hugh Anderson, Las Vegas Chamber of Commerce and member of the CCSD Pay for Performance Advisory Committee. Mr. Anderson said pay for performance needed to emanate from a key focus on the teachers and their impact on student achievement and on the campus in general. (For a copy of Dr. McCormick-Lee's Microsoft PowerPoint presentation entitled "CCSD Pay-For-Performance Advisory Board," see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit E at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Richard Stokes, Associate Superintendent of Human Resources, Carson City School District, told the Committee that the district had three goals for its pay for performance program. He said the program should:

1. Use measured achievement levels to recognize and reward staff;
2. Maintain an increased student, parent, and teacher achievement; and
3. Recognize and celebrate growth in targeted areas.

Mr. Stokes said, rather than considering the performance of individual teachers, the district would take a staff or school or department approach.

At its meeting on January 10, 2008, the Committee also received from Barnett Berry a brief overview of the history of the merit pay issue and a review of the performance pay plans of Denver, Colorado; Minneapolis, Minnesota; and Austin, Texas. In designing a performance pay program in Nevada, Mr. Berry suggested that a program should not place a cap on teacher rewards or limit the rewards only to those teachers who teach subjects that are tested. He said rewards should not be tied only to gains in student test scores, although this could be one of several considerations. He suggested that additional pay should not be awarded for all professional development; rather, performance pay should be targeted to desired professional development activities. Blanket offers of extra pay only to teachers of specific subjects, while excluding teachers of other subjects, should not be made. He said that compensation plans should not be overhauled without participation from teachers, nor should the base-pay system be overlooked. (For a copy of Mr. Berry's Microsoft PowerPoint presentation entitled "Performance Pay for Nevada's Teachers," see the [minutes](#) of the January 10, 2008 meeting of the LCE, Exhibit B at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Valdine McLean, a teacher at Pershing County High School, appeared with Mr. Berry at the Committee's January meeting. Ms. McLean was a member of the TeacherSolutions Team, which researched and authored a report recommending the design of a pay for performance plan. Ms. McLean discussed the four components which should be included in a pay for performance program. She said, to be effective, a program should:

1. Help students learn more;
2. Develop and use relevant new knowledge and skills;
3. Meet special needs in the local labor market; and
4. Provide school and community leadership for student success

(For a copy of the Executive Summary of the TeacherSolutions report, see the [minutes](#) of the January 10, 2008, meeting of the LCE, Exhibit C available at [www.leg.state.nv.us](http://www.leg.state.nv.us). The full report, “Performance-Pay for Teachers—Designing a System that Students Deserve,” is available at the Center for Teaching Quality website: <http://www.teachingquality.org/legacy/TSP4P2008.pdf>.)

#### *h. Substitute Teachers*

At its June 19, 2008, meeting, Carol M. Stonefield, Supervising Principal Research Analyst, Research Division, LCB, reported to the Committee the results of a staff research project on the licensing and training of substitute teachers in other states. She summarized the statutory requirements of several other states, including the various kinds of authorizations provided in states. Ms. Stonefield also described the paths to substitute teacher licensing available in Nevada. She presented the results of a quick poll surveying the Nevada school districts about training provided to substitute teachers. She also presented options for policies relating to the licensing and training of substitute teachers available to the Committee. (For a copy of Ms. Stonefield’s memorandum and attachments, see the [minutes](#) of the June 19, 2008 meeting of the Legislative Committee on Education, Exhibit J at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

#### *i. Counselors*

In 2007, the Legislature enacted Assembly Bill 212 (Chapter 439, *Statutes of Nevada 2007*), which required the board of trustees of a school district to adopt a policy setting out the duties, roles, and responsibilities of school counselors. The policy must be designed to allocate sufficient time so that counselors may carry out counseling activities and to limit the amount of time that counselors spend in administrative duties, including test administrations. The bill requires the boards to adopt policies by October 1, 2007, and to evaluate the effectiveness of the policies by December 1, 2008. The DOE is required to report the district findings to the 2009 Session of the Legislature.

At its meeting on December 13, 2007, the Committee received a report from Garry Wyatt, Career Education Consultant, Office of Career, Technical, and Adult Education, DOE, on the results of a survey of the school districts on their implementation of the components of A.B. 212. At that time, a number of districts had not yet implemented a policy to limit counselor duties. (For a copy of Mr. Wyatt’s memorandum and survey results, see the [minutes](#) for the December 13, 2007, meeting of the Legislative Committee on Education, Exhibit G at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

The Committee was provided with an update of the implementation of counselor policies at its May 22, 2008, meeting. Of the districts that reported subsequent policy adoptions, several reported that counselors will continue to administer standardized tests, according to Gloria Dopf. (For a copy of Ms. Dopf's presentation, see the [minutes](#) of the May 22, 2008, meeting of the Legislative Committee on Education, Exhibit C at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

At its meeting on June 19, 2008 Carol Stonefield told the Committee that neither the NRS nor the *Nevada Administrative Code* (NAC) specifically defined counseling services nor required a school district to provide a counseling program, although both the NRS and the NAC referred to school counselors among other licensed educational personnel. She reviewed the standards for school counseling programs which were adopted by the State Board of Education in 2002 as well as school counseling mandates in other states. She then reviewed policy options which could be considered by the Committee. (For a copy of Ms. Stonefield's memorandum and attachments, see the [minutes](#) of the June 19, 2008, meeting of the LCE, Exhibit I at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

#### 4. Middle School and High School

##### *a. Ninth Grade Academic Plans*

Assembly Bill 212 (Chapter 439, *Statutes of Nevada 2007*) also required the board of trustees of a school district to adopt a policy to develop a four-year academic plan for each ninth grade pupil. The academic plan is required to set out the specific educational goals that the pupil intends to achieve before graduation from high school, including a career pathway.

In testimony to the Committee at its May 22, 2008, meeting, Gloria Dopf reported on the results of a quick poll of the school districts, conducted by DOE. All districts providing instruction in grades 9 to 12 reported that policies were currently in place or would be implemented by the 2008-2009 school year. (For a copy of the results of the quick response poll, see the [minutes](#) of the May 22, 2008, meeting of the LCE, Exhibit D at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

In addition, Kim Boyle, Director, Guidance and Counseling, CCSD, demonstrated the district's online educational planning tool for ninth graders. Information on the academic plan is available from the CCSD in various transitional planning guides. (For a paper version of the online tool, see the [minutes](#) of the December 13, 2007, meeting of the LCE, Exhibit H at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

##### *b. Promotion to High School*

Senate Bill 184 (Chapter 420, *Statutes of Nevada 2007*) was sponsored by the LCE as a result of its study in the 2005-2006 interim. At that time the Committee had received testimony regarding a change in regulations in 1999 requiring that a pupil must earn a passing grade only in one and one-half units of mathematics and one and one-half units of language. Dr. Rheault



told the Committee that some middle school students had entered high school with transcripts reflecting passing grades in those courses only. He suggested that the State Board of Education may reconsider the provisions of NAC 389.445. The Committee subsequently recommended that the NRS be amended to require the State Board of Education to provide for promotion from eighth grade to ninth grade by specifying requirements in the subjects of science and social studies as well as English language arts and mathematics.

At the May 22, 2008, meeting, Dr. Keith Rheault explained the revisions to NAC 389.445, which require that a pupil must earn a unit of credit in science and in social studies, in addition to the required units in mathematics and English, in order to be promoted to the ninth grade. This will apply beginning with seventh graders entering in the 2008-2009 school year. (For a copy of Dr. Rheault's documents, see the [minutes](#) of the May 22, 2008, meeting of the LCE, Exhibit E at [www.leg.state.nv.us](http://www.leg.state.nv.us).) For a summary of the Committee's study in the 2005-2006 interim, see the Committee report, [Bulletin 07-14](#).)

In the 2007 Legislature, S.B. 184 was amended to provide that the board of trustees of each school district shall adopt a policy that allowed pupils who have not completed the courses of study or credits required for promotion to high schools to be placed on academic probation and to enroll in high school. Alternatively, a parent or legal guardian may elect not to place the child on academic probation and to retain the child in eighth grade.

Melinda Martini provided the Committee with the results from a quick poll of the school districts regarding their policies for promoting students to high school on academic probation. She reported that mathematics was the most common subject in which eighth grade students lacked credits. The districts estimated that the number of students eligible for promotion on academic probation ranged from a low in the rural districts of less than 15 pupils to a high in CCSD of approximately 400 pupils each year. The districts also projected that between 75 percent and 100 percent of parents would elect to place the child on academic probation and allow the child to be promoted to ninth grade. Seven of the districts reported their plans to allow a student to take the eighth grade remedial courses while attending ninth grade courses. Four districts reported plans to provide remediation in summer school between the eighth and ninth grades. The most common response from districts supporting promotion while on probation is that it allows a student to remain with peers, which is a motivation. The primary argument against promotion on probation, noted by district respondents, is that it is difficult for a student to complete both deficient eighth grade course work and keep up with ninth grade work. (For a copy of the results of the quick response poll, see the [minutes](#) of the May 22, 2008, meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

### *c. Uniform Grading Policy*

Assembly Bill 212 also required the State Board of Education to promulgate regulations establishing a uniform grading scale for grades 9 to 12, including a uniform scale for advanced placement and honors courses. Dr. Rheault presented information to the Committee on his notification to the school district superintendents and the charter school administrators.

According to Dr. Rheault, the State Board of Education had adopted a uniform scale that outlined standards for course point range, grade, and value. The proposed rule also established a value-added grading scale for successful completion of honors courses, Advanced Placement (AP) courses, and International Baccalaureate (IB) courses. (For a copy of Dr. Rheault's memorandum and the rule proposed by the State Board of Education, see the [minutes](#) of the May 22, 2008, meeting of the LCE, Exhibit B at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

The Committee raised questions about the equality of opportunity since some high school students have access to AP courses, successful completion of which qualifies them to obtain college credit while still in high school. Bill Hanlon, Director, Southern Nevada Regional Professional Development Program, informed the Committee that he had obtained from the College Board approval of the training program offered by the Silver State AP Institute, which does not charge tuition for Nevada teachers. The only costs incurred by the teachers are for transportation and housing.

## 5. Campus Safety

At its meeting on March 27, 2008, Catherine Cortez Masto, Nevada Attorney General, told the Committee that, while campus safety had always been an important issue, it had become even more significant in the wake of the tragedy at the Virginia Polytechnic Institute and State University. The school shooting reconfirmed to schools and campuses around the nation that safety and security are paramount and, even as security has been tightened, incidents continue to happen.

General Masto gave a brief history of the National Association of Attorneys General Task Force on School and Campus Safety and discussed the Task Force's recommendations for violence prevention. The recommendations addressed issues such as:

- Establishing systems for threat reporting and assessment;
- Sharing information, including mental health information, in consideration of the Health Insurance Portability and Accountability Act of 1996 and the Family Education Rights and Privacy Act;
- Violence response and preparation;
- Access to firearms;
- Crisis communication; and
- Teaching tolerance task forces.

General Masto said some states had implemented a statewide hotline which students could call to report anonymously possible threats to school safety. She said she is interested in establishing a similar hotline in Nevada. (For a copy of General Masto's Microsoft PowerPoint presentation entitled "School and Campus Safety — Applying National Recommendations to Nevada's Schools and Campuses" and the report of the



National Association of Attorneys General Task Force on School and Campus Safety, see the [minutes](#) of the March 27, 2008, meeting of the LCE, Exhibits B and C at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

## 6. Commission on Educational Excellence

### a. *Grants*

At the Committee's March 27, 2008, meeting, Caroline McIntosh, Chairwoman, Commission on Educational Excellence, presented an overview of the process for distribution of funds from the Account for Programs for Innovation and the Prevention of Remediation to schools and consortia of schools for the 2007-2009 biennium. Ms. McIntosh said that the Commission had received an appropriation of more than \$80 million to be awarded through grants to schools and consortia of schools, pursuant to the provisions of Senate Bill 185 (Chapter 451, *Statutes of Nevada 2007*). More than \$55.9 million was awarded to schools and an additional \$17.6 million was awarded to consortia of schools. An additional \$8 million was held in reserve to be awarded to new schools in the 2008-2009 school year.

Ms. McIntosh also reported on the results of the statewide evaluation of the programs, funded through the Commission on Educational Excellence during the 2005–2007 biennium. The school superintendents jointly chose the Leadership and Learning Center to conduct the mandated evaluations. She said the report of the evaluation revealed the largest one-year gain in achievement from 2006 to 2007 and that the gains were consistent across all subpopulations. (For a copy of Ms. McIntosh's document entitled "SB 185 Funding and Grant Distribution Annual Report," see the [minutes](#) of the March 27, 2008, meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

A memorandum from Ms. Martini, noting concerns with the evaluation of the 2005-2007 biennium, was distributed to members of the Committee prior to the March 27, 2008, meeting. Because the Committee is required, pursuant to NRS 385.379, to approve the consultant and the plan for evaluation, the Committee tabled the proposal for a contract to evaluate the grant program in the 2007-2009 biennium. It subsequently requested staff to develop jointly with DOE and Chairwoman McIntosh recommendations for a revised work plan, timeline, and payment schedule, which were approved by the Committee at its April 17, 2008, meeting. (For copies of Ms. Martini's memoranda to the Committee concerning the evaluations, see Appendix D.)

At the October 7, 2008, meeting of the Committee, Chairwoman McIntosh provided a summary of the funds allocated to the schools and consortia of schools that included the funds returned by school districts to meet their budget reduction targets. In addition to the reversion of the \$8 million in undistributed funds, she estimated that the school districts would return more than \$24 million of the \$73.6 million allocated. (To view Ms. McIntosh's report on the funds allocated and returned, follow [this link](#). The report is also available as Exhibit C in the minutes of the October 7, 2008, meeting of the LCE at [www.leg.state.nv.us](http://www.leg.state.nv.us)).

*b. List of Effective Remedial Programs*

The Legislature established the Legislative Committee on Education as a component of the NERA. Among its responsibilities, the Committee is to recommend to the DOE programs of remedial study for each subject tested on the norm-referenced tests administered statewide, pursuant to NRS 218.5354. When the Legislature established the Commission on Educational Excellence and directed it to award grants from the Account for Programs for Innovation and the Prevention of Remediation, it provided in NRS 385.3787 that the Commission shall review and consider the programs recommended by the Committee.

At the November 15, 2007, meeting, Joi Davis, Program Analyst, Fiscal Analysis Division, LCB, presented recommendations from the Legislative Bureau of Educational Accountability and Program Evaluation that no programs be added or deleted from the List of Effective Remedial Programs at that time. Ms. Davis also noted that only 19 of the 48 programs funded through grants from the Commission during the 2005-2007 biennium were included on the List.

Ms. Davis presented information to the Committee at its March 27, 2008, meeting concerning the process by which the Commission on Educational Excellence approved grant applications for State remediation funding. At this meeting, Dr. Keith Rheault explained that the Commission had available to it only those programs approved for inclusion on the List, not the programs that had specifically been denied. Ms. Davis reviewed options for the Committee to consider when determining whether the DOE or the Committee should oversee the List of Effective Remedial Programs. (For a copy of Ms. Davis' memorandum to the Committee, see the [minutes](#) of the March 27, 2008, meeting of the LCE, Exhibit H at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

7. Technology Needs Assessment

At the meeting on June 19, 2008, Dr. Keith Rheault told the Committee that S.B. 184 required the Commission on Educational Technology to conduct an assessment of the needs of each school district relating to educational technology. He said the following research questions were developed to address the assessment requirements:

- (a) What is the current status of the State and district educational technology plans?
- (b) In what ways can educational technologies, such as computer-based assessments, laptop computers, and web-based tools, improve instructional development, delivery and assessment in Nevada?
- (c) What is the current capacity of schools in Nevada to impact positively the achievement of students through the use of educational technologies?
- (d) How prepared are Nevada teachers to integrate technology into the classroom?

Dr. Rheault said the results of a survey of teachers indicated almost every classroom in the State had at least one computer connected to the Internet, which could be used for teacher-led

instruction but very few classrooms were equipped for student-centered instruction utilizing computers. Teachers were well prepared to use technology in the classroom but professional development opportunities were limited because of time and budget constraints. Additionally, inconsistency in funding made it difficult to have a long-range technology plan within the schools. (For a copy of the Executive Summary of the “Nevada Schools Educational Technology Needs Assessment,” see the [minutes](#) of the June 19, 2008, meeting of the LCE, Exhibit F at [www.leg.state.nv.us](http://www.leg.state.nv.us).)

Joining Dr. Rheault in presenting the results of the technology needs assessment was Kendall Hartley, Ph.D., Associate Professor, College of Education, UNLV. Dr. Hartley said, to address the questions cited by Dr. Rheault, a research plan with a focus on Nevada classrooms was developed and implemented. He said the data were gathered through the use of a teacher survey, a technology coordinator survey, and a limited number of interviews. He said other sources of information included the State technology plan, district technology plans, the Nevada accountability report website, and district applications for State technology implementation funds. He noted the difficulty experienced in gathering the needed information reinforced the recognition of the need for a single data source, such as the automated System of Accountability Information for Nevada. Dr. Hartley said the results of the needs assessment were divided into four sections of the report:

- (a) State and district technology plans;
- (b) Findings regarding specific initiatives;
- (c) A description of the available technology in Nevada schools and classrooms; and
- (d) Teacher preparation and professional development in the area of technology integration.

Dr. Hartley said for professional development to be effective, it must be systematic, long-term, and recurring in order to assess effectiveness. He noted that a number of initiatives and experiences had prompted Nevada educators to be optimistic that technology could prove to be a valuable tool in addressing classroom challenges. (See the full report to Nevada’s Commission on Educational Technology and the Nevada Department of Education at [http://www.doe.nv.gov/Technology/Resources/Ed Tech Needs Assessment Final.pdf](http://www.doe.nv.gov/Technology/Resources/Ed_Tech_Needs_Assessment_Final.pdf).)

### **III. RECOMMENDATIONS**

The LCE held its work session on August 21, 2008, to consider recommendations in compliance with the September 1, 2008, deadline for interim committee bill draft requests (BDRs) as set forth in NRS 218.2429. The Committee met again on October 7, 2008, to refine selected BDRs and take other actions with regard to specific topics. Members of the Committee adopted 25 proposals geared toward improving student achievement.

#### **A. Proposals Relating to Statewide Testing of Pupils and Reporting of Results**

The amount of statewide testing conducted in the public schools was of interest to legislators in the 2007 Session of the Legislature. Senate Bill 110 required the school districts to report to

the Committee on the number of hours spent on testing by pupils, teachers, and other licensed and support staff. It also established a moratorium on any new tests administered by a school district between July 1, 2007, and January 1, 2009. It required the local boards of trustees to consider any findings and recommendations of this Committee. In addition, Senate Bill 4 (Chapter 4 *Statutes of Nevada 2007, 23rd Special Session*) provided that the Committee should consider studying statewide testing during the interim.

The Committee received information about testing at its November and December 2007 meetings, including a presentation from the Director of Test Development at WestEd. It also received an update on the status of Nevada's application to the U.S. Department of Education for approval of a growth model to measure performance and adequate yearly progress.

#### 1. Adoption of a Growth Model

Growth models track individual student achievement from one year to the next, giving schools credit for the student's academic improvement over time. At the time of the Committee meetings, the U.S. Department of Education had approved selected state plans for growth model pilots under the federal NCLB. Although the State of Nevada had applied to implement a growth model, it is not in compliance with requirements of the U.S. Department of Education, which has reservations about Nevada's HSPE program and the Nevada Alternative Scales of Academic Achievement for students in special education. The DOE has signed a compliance agreement with the U.S. Department of Education, enabling the State to continue to receive federal funding while it works to address these concerns. As a result, Nevada's growth model proposal may be considered for approval by the federal government in the 2010-2011 school year.

Without federal approval to utilize a growth model, The Nevada DOE and school districts will continue to calculate adequate yearly progress on the basis of the statewide assessments administered through the Nevada Proficiency Examination Program (NPEP). Because of its interest in moving toward a growth model to comply with NCLB, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to require the Department of Education to adopt an official model to measure and report pupil academic growth from year to year. Require schools, school districts, and the State Board of Education to apply the model and report findings, based on the use of the model, in their annual accountability reports along with the measures used to determine adequate yearly progress. The Department of Education shall adopt the model by July 1, 2010. (BDR 34-294)**

#### 2. Writing Portion of the High School Proficiency Examination

In 2007 the Legislature enacted Senate Bill 312 (Chapter 289, *Statutes of Nevada*) to provide that a student, who has failed the writing portion of the HSPE at least three times before beginning grade 12, may successfully complete an alternative assessment and receive

a standard high school diploma. During the interim, the staff of the DOE informed the Committee staff that the existing schedule provided a student only two opportunities for administration of the writing portion of the HSPE prior to the beginning of grade 12.

In order to align the provisions of NRS 389.805 with existing practices in the NPEP, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide that a pupil may be eligible to obtain a high school diploma, according to alternative criteria, if the pupil has failed the writing portion of the HSPE at least twice before beginning grade 12, rather than as existing statute requires that the pupil must have failed the writing portion at least three times. (BDR 34–294)**

### **B. Proposals Relating to Funding and Budget Reductions**

The Committee received presentations throughout the interim on the impact of budget reductions. In January and March, the Superintendent of Public Instruction and some of the district superintendents reported to the Committee. In June, the Committee received a document from the Nevada Association of School Boards that compiled the budget reductions made in each school district.

The Committee also received presentations on requests for funding of programs that in the past have been included in BDRs from this Committee.

### **3. School District Economic Hardship**

In the 20th Special Session, the Nevada Legislature enacted Senate Bill 8 (Chapter 5, *Statutes of Nevada 2003*) to require the development of a formula for determining the minimum amount of money a school district must expend annually for textbooks, instructional supplies and instructional hardware. The DOE is instructed to determine compliance. Section 387.206 of NRS provides for a reduction in a school district's basic support allocations for failure to comply.

Because of the budget reductions required in the 2007-2009 biennium, the WCSD suggested an amendment to the statute to establish a process that would enable a school district experiencing an economic hardship to apply for a waiver of all or a portion of the minimum expenditure required. The Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide for a waiver of required expenditures for textbooks, instructional hardware, and instructional supplies, which includes a process for application by a school district, a definition of economic hardship, a limitation on the length of time of the waiver, and prohibitions on the use of money that would have been required to be expended as maintenance of effort. (BDR 34–295)**

#### 4. Support for Funding for DOE Positions as Available

In 2007, the Legislature provided funding to the DOE for three new coordinator positions. Due to the hiring freeze that was imposed on the Executive Branch departments as part of the initial budget reductions, these positions were not filled.

Because of the Committee's interest in adequate staffing in the DOE to encourage the development of specific programs, it agreed to the following action:

- **Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding of the staff positions in the Department of Education provided by the 74th Legislature and the 23rd Special Session. State that the Committee recognizes the State's extraordinary fiscal situation and that it strongly supports rescinding the hiring freeze and restoring these funds as State General Fund revenues allow. Include in the letter the following positions:**
  - **Parent involvement coordinator;**
  - **Gifted and talented coordinator; and**
  - **Empowerment coordinator.**

#### 5. Support for Funding for the Expansion or Creation of Programs as Available

Although the Legislature also provided funding for the expansion of existing programs or the creation of new programs in the 2007 Session, most of the funding for these programs was reduced to meet the targets established by the Governor. The balance in the Account for Programs for Innovation and the Prevention of Remediation to be awarded by the Commission on Educational Excellence was reverted to the General Fund as a result of actions in the 24th Special Session.

The Committee expressed concern that the creation or expansion of these programs might be overlooked in budget discussions in the 2009 Session of the Legislature. Because the Committee wished to relay to the Governor and the Legislature its priorities for funding, the Committee agreed to the following action:

- **Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for specific educational programs provided by the 74th Legislature and the 23rd Special Session. State that the Committee recognizes the State's extraordinary fiscal situation and that it strongly supports restoring these funds as State General Fund revenues allow. Include in the letter the following programs:**



- Expansion of full-day kindergarten;
- Planning for and establishment of empowerment schools;
- Biennial funding of educational technology;
- Expansion of career and technical education programs;
- Support for gifted and talented programs;
- Allocations to the school districts in meeting electricity, heating, and cooling costs; and
- Appropriations to the Account for Programs for Innovation and the Prevention of Remediation to be awarded as grants by the Commission on Educational Excellence.

#### 6. Continued Support of Certain Programs

- a. In 2001, the Legislature established the regional training programs for the professional development of teachers and administrators with the enactment of Senate Bill 3 (Chapter 13, *Statutes of Nevada 2001, 17th Special Session*). Since that time, the Committee has included among its bill draft requests continued funding for the four regional professional development programs (RPDPs). In the intervening years, funding has expanded to include an appropriation to the Statewide Coordinating Council for statewide administrator training. It has also included an outside review of the self-evaluations conducted by each regional program through an appropriation. In the 2007-2009 biennium, the contract with a vendor to review the evaluations of the regional programs was not awarded in an effort to reduce the LCB budget.

To maintain support for educator professional development and to ensure that programs are meeting the needs of teachers and administrators, the Committee recommended that the Legislature in 2009:

- **Provide an appropriation from the State General Fund to the DSA for transfer to the four school districts serving as fiscal agents for the continuation of the four RPDPs. The estimated cost in Fiscal Year (FY) 2010 is \$13,500,741 and in FY 2011 is \$13,647,070;**
- **Provide an appropriation from the State General Fund to the DSA for transfer to the Statewide Coordinating Council to continue statewide training for educational administrators. The estimated cost in the 2009-2011 biennium is \$100,000 annually for administrator training; and**
- **Provide an appropriation from the State General Fund to the DSA for allocation to the Legislative Bureau of Educational Accountability and Program Evaluation to contract with a consultant to review the evaluations of the RPDPs. The estimated cost for evaluation in the 2009-2011 biennium is also \$100,000 per fiscal year. (BDR 34-296)**

- b. The Commission on Educational Technology was created and funded in 1997 as part of NERA. That year, the Legislature appropriated \$36 million for educational technology. In 1999, the Legislature funded \$9.95 million for educational technology. Although the Legislature provided this amount in 2001, due to a decline in state revenues, the Governor froze the distribution of these funds. In 2005, the Governor included educational technology in the Executive Budget. The Commission did not distribute its appropriation of \$10.78 million for infrastructure, technical support, professional development, high quality content programs, and pilot programs in the area of educational technology in the 2007-2009 biennium, due to the budget reductions. The Committee recommended that the Legislature in 2009:
- **Provide an appropriation from the State General Fund to the DOE to allow the Commission on Educational Technology to continue the grants to the school districts for educational technology. For the 2009-2011 biennium, the total appropriation would be \$10.78 million to enable the districts to provide infrastructure, technical support, professional development, high quality content programs, and pilot programs in the area of educational technology. (BDR 34-296)**

Last interim the Committee recommended that the educational technology needs assessment be conducted in the school districts in the spring of even-numbered years. In 2007, the Legislature enacted S.B. 184 to require that the results of a needs assessment be reported to the Committee early enough in the interim so that requests and recommendations could be considered for action. The needs assessment, reported in 2008, showed a statewide educational technology need of more than \$223 million. The Committee determined that in the future school districts should indicate their priorities among their identified needs. The Committee also wished to prevent duplication of funding from multiple sources for the same or similar proposals. Without this information, the granting authority considering the request may have no information that another granting authority has also received a similar proposal. The Committee recommended that the Legislature in 2009:

- **Amend the statutes to require each school district to submit in its application to the Commission on Educational Technology its priorities for purchasing and maintaining educational technology including, but not limited to, infrastructure, technical support, professional development, high quality content programs, and pilot programs in the area of educational technology. The Commission shall include the list of priorities, by school district, in the assessment of needs prepared by the Commission. Each school district shall also indicate in its application for a grant whether the funding is for the continuation of a program or for the establishment of a new program. In addition, the applicant shall identify and list all funds requested and received, as the case may be, from all other sources for the same or similar proposals as the program for which funding is requested from the Commission on Educational Technology. (BDR 34-296)**
- c. Upon recommendation from the Committee, funding was first provided by the Legislature in 2003 for contractual services to provide web-based information to parents.



The Committee has included some kind of funding proposal in a BDR in every following interim. Funding was reauthorized in 2005 and 2007, although the nature of the services has changed somewhat over the years.

In the 2007-2009 biennium, The Grow Network developed the Nevada Parent Network, a web-based program designed to provide parents with individualized CRT results together with resources aimed at improving student performance. Based on estimates from the Grow Network, the Committee recommended that the Legislature in 2009:

- **Provide an appropriation from the State General Fund to the Interim Finance Committee (IFC) to continue contractual services to provide a web-based program designed to provide parents with individualized CRT results and resources aimed at improving student performance. For the 2009-2011 biennium, The Grow Network estimates the cost would be \$475,000 in each fiscal year of the biennium. (BDR 34-296)**

### **C. Proposals Relating to Charter Schools**

During the 2005-2006 interim, the Committee received testimony regarding the sponsorship of charter schools. Based on that testimony, it recommended in BDR 34-417 that the Committee form a subcommittee to study charter school governance, including structure, organization, accountability, and funding during the 2007-2008 interim. Although the Committee did not establish a subcommittee, it did devote one entire meeting to discussion of charter school authorization.

#### **7. Establishment of a Charter School Institute**

In 2005, the Legislature granted the State Board of Education the discretion to approve or deny an application to form a charter school, when it enacted Assembly Bill 168 (Chapter 320, *Statutes of Nevada*). The Committee discussed charter school authorization at its February 21, 2008, meeting at the Andre Agassi College Preparatory Academy in Las Vegas. The Committee was aware that, at its November 30-December 1, 2007, meeting, the State Board of Education had adopted a moratorium on approving new charter school applications to remain in place until the Department of Education receives adequate support. This moratorium followed actions by the boards of trustees of WCSD and CCSD to declare their intentions not to sponsor more charter schools.

In February 2008, the Committee received presentations from Keith King, an administrator of a charter school in Colorado and a former member of the Colorado General Assembly. He provided information on the Colorado Charter School Institute. Other presentations were received from the Department of Education, the Nevada Charter School Leadership Team, the State Board of Education, WCSD, CCSD, and selected charter schools.

During the period between the meeting in February 2008 and the Committee's work session in August 2008, the following events occurred:

- The IFC approved a management analyst position at the DOE to be funded with revenues from administrative fees;
- The DOE was slated to lose the federal funding for one full-time equivalent employee at the end of September 2008; and
- In early August, the State Board of Education voted to lift its moratorium on approving new charter school applications.

Based on its deliberations regarding charter school authorization, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to establish a charter school institute as an independent entity, to be operational in the 2010-2011 school year. The board of the institute will have rule-making authority. Further amend the statutes to repeal the grant of authority to the State Board of Education to sponsor charter schools, effective in the 2010-2011 school year. The charter school institute shall consist of seven members, appointed for staggered terms, including:**
  - **Two members appointed by the Senate Majority Leader (not to be legislators);**
  - **Two members appointed by the Speaker of the Assembly (not to be legislators);**
  - **Two members appointed by the Governor; and**
  - **One member appointed by a state charter school association.**

**Appointing authorities shall ensure that appointees include among the members individuals with knowledge of elementary and secondary education, school finance, management, assessment, technology, and charter school law. Unless the Committee prescribes a different term, except for initial appointments, a term will be four years.**

**The institute shall serve as a local education agency for its sponsored charter schools. It may receive applications from charter school committees and may approve them for sponsorship. It may revoke a charter for the reasons currently available to other charter school sponsors. It may refuse to renew a charter if it determines it is not in the best interest of pupils to do so.**

**AND**

- **Provide for a transitory section for an orderly transition by providing:**
  - **An appropriation from the State General Fund in the 2009-2011 biennium to the charter school institute to fund staff positions for the assistance, monitoring, and oversight of charter schools, office space and equipment, and other operational expenses, provided that this is a one-time appropriation in an estimated amount of \$76,253 in FY 2009-2010 and \$140,063 in FY 2010-2011 for costs associated with starting the institute and that future funding derives from administrative fees; and**
  - **Sponsorship of charter schools currently sponsored by the State Board of Education shall be transferred to the charter school institute board in the 2010-2011 school year.**

**AND**

- **Amend the statutes to provide that administrative fees paid by charter schools sponsored by the charter school institute shall be credited to the institute beginning in FY 2010-2011. Authorize the institute board to accept gifts, grants, and bequests on behalf of the institute and to expend those funds for operations of the institute.**

**AND**

- **Amend the statutes to provide that the charter school institute may receive up to 2 percent of the total amount of money apportioned to the charter school in each year pursuant to NRS 387.124. (BDR 34-297)**

#### **8. Governing Body Membership**

Provisions of NRS 386.549 provide that a governing body must have as members the following:

- Three teachers, who have current licenses and two years of experience, or
- Two teachers that meet those requirements and no more than one who previously held a license, such as a retired teacher.

The governing body may also include parents and representatives of nonprofit organizations and businesses. No more than two people may represent the same organization or business. A majority of members must reside in the State. There is no limit on the number of members of a governing body.

The Superintendent of Public Instruction testified to the Committee that a sponsor of a charter school would be in a position to judge if a governing body might benefit from participation from another member with expertise in a particular area. With that in mind, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide that a sponsor of a charter school may appoint one member of a charter school governing body in addition to those required by NRS 386.549. (BDR 34–298)**

#### 9. Resources for Sponsors of Charter Schools

Provisions of NRS 386.570 provide that the sponsor may request reimbursement from the governing body upon completion of the school year. In practice this reimbursement occurs months later, when all year-end adjustments to the computations are completed. The DOE estimated at the February 2008 meeting that it will receive \$152,000 in fees from the five charter schools sponsored by the State Board.

Because the sponsors invest staff time and resources throughout the school year, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to change the current yearly payment to quarterly payments of administrative fees from the charter school to the sponsor. (BDR 34–298)**

#### 10. Renewal Application

Provisions of NRS 386.530 provide that the application to renew a charter must be submitted to the sponsor not less than 90 days prior to the expiration of the current charter. The WCSO requested that the Committee consider increasing that period because of the extensive review that is required to be conducted by the sponsor. Since questions arise and the time is limited, the charter school is frequently given limited time to respond. It would be beneficial to both parties to submit the application for renewal earlier, according to WCSO. Based on this request, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to require the submission of the renewal application not less than 120 days prior to the expiration of the current charter. (BDR 34–298)**

#### 11. Professional Development

The State Board of Education noted to the Committee that existing statutes do not identify who is to provide professional development for teachers in charter schools sponsored by the State Board of Education or any institution of the NSHE. To date, no charter schools have been sponsored by higher education institutions, although the university school for the profoundly gifted is located on the campus of the University of Nevada, Reno. The Committee recommended that the Legislature in 2009:

- **Amend the statutes to require each regional training program to provide services to teachers and administrators who are employed in charter schools sponsored by the**

**State or the NSHE or in any university school for profoundly gifted pupils, if the school is located in the region of the training program. (BDR 34–298)**

#### **D. Proposals Relating to School and Campus Safety**

12. Nevada Attorney General Catherine Cortez Masto presented the Committee with an overview and recommendation from the National Association of Attorneys General Task Force on School and Campus Safety. She told the Committee that in most incidents of school and campus violence the perpetrator has been an avenger; that is, someone who is responding to a real or perceived injustice and seeking vengeance. She said that research has shown that a majority of perpetrators felt bullied, threatened, or otherwise persecuted by others prior to the attack. Based on General Masto’s presentation, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to define bullying as follows: a student is being bullied or victimized when he or she is exposed, repeatedly and over time, to negative actions on the part of one or more students. Negative actions may include such low-level nonverbal harassment as stares and glares as well as cruel teasing, social ostracism, malicious gossip, sexual harassment, ethnic slurs, unreasonable territorial bans, destruction of property, extortion, and serious physical assault. Further amend the statutes to include bullying in the training, data collection, and reporting required of school districts for a safe and respectful learning environment. (BDR 34–303)**

#### **E. Proposals Relating to the Commission on Educational Excellence**

The Commission on Education Excellence was established by Senate Bill 404 (Chapter 437, *Statutes of Nevada 2005*) for the purpose of awarding grants from the Account for Programs for Innovation and the Prevention of Remediation. In the 2007-2009 biennium it was authorized to distribute approximately \$76 million from the Account for grants to schools and consortia of schools, pursuant to the provisions of Assembly Bill 627 (Chapter 343, *Statutes of Nevada 2007*).

#### **13. List of Effective Remedial Programs**

In reviewing the evaluation of the distribution of grant funds in the 2005-2007 biennium, the Committee learned that the Commission funded remedial programs that were not approved for inclusion on the list of effective remedial programs. The Superintendent of Public Instruction told the Committee that the Commission had the list of approved programs but did not have access to information about programs that had been rejected. Although the Superintendent recommended that the Commission assume responsibility for maintaining the list, the Committee agreed to retain maintenance of the list and to make recommendations to DOE and the Commission regarding programs for remediation. The Committee recommended that the Legislature in 2009:

- **Amend the statutes to require that in funding commercially available (off-the-shelf) remediation programs, the Commission on Educational Excellence must only approve grant applications that include approved programs on the list of effective remedial programs. (BDR 34–299)**

#### 14. Audit

Although NRS 385.3789 requires the Legislative Auditor to conduct a biennial audit of the programs funded by the Commission on Educational Excellence, it does not provide specific guidelines for the audit. To ensure that the biennial audit includes a review of the flow of funds from the Commission to the grant recipients, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide that the Legislative Auditor shall include in his biennial audit of the programs funded by the Commission on Educational Excellence a study that reviews the movement of funds from the Commission to the grant recipients. The study shall include a review of the length of time it takes for schools or consortia of schools to receive funding as approved by the Commission. Further require the Legislative Auditor to determine if the funds were used at the school or consortia level for the program for which the funds were received. The Legislative Auditor’s report must include recommendations for the most efficient use of State funds at the school or consortium level. (BDR 34–299)**

#### 15. Contents of Application

As a result of the discussion concerning the evaluation of the effectiveness of programs funded by the Commission, when considered in conjunction with the discussion of funding educational technology grants by the Commission on Educational Technology, the Committee became aware of the potential for applicants to request funding from multiple sources for the same or similar projects. In many instances, the Commission reviewing the request has no knowledge that another group may have received and funded a similar request. This could create a situation where money awarded for one purpose could be redirected to purposes other than that for which it was intended by the grantor. In order to prevent that from happening, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to require an applicant for a grant to indicate in its application for a grant whether the funding is for the continuation of a program or for the establishment of a new program. In addition, the application shall identify and list all funds requested and received, as the case may be, from all other sources for the same or similar proposals as the program for which funding is requested from the Commission on Educational Excellence from the Account for Programs for Innovation and the Prevention of Remediation. (BDR 34–299)**

## **F. Proposals Relating to Educational Personnel**

The Committee received presentations on personnel issues at the meetings in January, April, and June 2008. Topics included teacher preparation and licensing, teacher recruitment and compensation, the duties of school counselors, and the preparation of substitute teachers.

### **16. Teacher Preparation**

Teachers in their second year of teaching in Nevada public schools were invited to testify to the Committee at the May 22, 2008, meeting on their observations as beginning teachers. Based on their experience in the classroom, they provided information and recommendations on topics that they thought would have been worthwhile to teach in their college courses. The Committee agreed to the following action:

- **Send letters to the deans and heads of the colleges, schools, and departments of education at the institutions of the NSHE and to the State Board of Education, asking them to work together to ensure that teacher education programs, at all levels of licensure and in all subject endorsements, include instruction in the following:**
  - **Strategies for teaching students from culturally diverse backgrounds;**
  - **Strategies for teaching limited English proficient students;**
  - **Strategies for teaching students who have individualized education programs;**
  - **Recognizing and managing gang activities;**
  - **Understanding the ethics of teaching;**
  - **Understanding and working with parents of students;**
  - **Using technology in instruction;**
  - **Managing a classroom;**
  - **Methods for instructing reading; and**
  - **Integrating curriculum.**

**Require them to report on the status of this request to the Legislature and the chairs of the standing committees on education by December 1, 2008.**

### **17. Teacher Licensing**

Existing statutes permit the Commission on Professional Standards in Education to exempt an applicant from another state from having to take the examinations for initial licensure if the licensed applicant has previous teaching experience. The Commission promulgated NAC 391.054 to require successful teaching in the applicant's subject area in three of the last five years.

The Committee received a proposal from the Superintendent of Public Instruction to eliminate the required previous teaching experience if the applicant has successfully passed examinations in another state that are substantially equivalent to those required in Nevada. He said he

receives approximately 500 to 700 complaints per year regarding this requirement. The Committee recommended that the Legislature in 2009:

- **Amend the statutes to eliminate the requirement that an applicant for licensure from another state pursuant to a reciprocal agreement must have previous experience in teaching or in performing other educational functions in another state, if the examinations required by that state are substantially equivalent to all of the examinations required by the Commission on Professional Standards in Education. The determination of equivalency shall be made by the Commission on Professional Standards. (BDR 34-300)**

#### 18. Substitute Teachers

Because some of Nevada's school districts have in recent years experienced rapid enrollment increases, some have relied on both long-term and short-term substitute teachers to fill vacancies in classrooms. Training for substitute teachers was an issue of interest to Committee members. Committee staff polled the school districts and learned that 10 districts provide some form of training for substitutes. Another indicated that it plans to implement a program in Fall 2008. In response to an inquiry from Committee staff, two of the four RPDPs reported that they provide training for substitute teachers upon request. One reported that it did not provide that training. To address its concerns that substitute teachers have some level of training before assuming responsibilities for instruction and classroom management, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide that the Commission on Professional Standards shall promulgate regulations on training programs for substitute teachers. At minimum, the training should include classroom management, curriculum, and academic standards. Further provide that the Commission shall report to the LCE on the provisions of the training program by March 1, 2010, and the plan shall be in place by July 1, 2010. Further amend the statutes to provide that the Commission on Professional Standards shall provide for a waiver of the training requirement to any individual who holds a current or expired Nevada teaching license or presents evidence of licensure in a state with a reciprocal agreement with Nevada.**

**AND**

- **Further amend the statutes to provide that a regional training program shall provide this training for the member school districts of that region. A school district may opt out of the training provided by a regional training program but must offer a training program in accordance with the program approved by the Commission. Provide that the DOE shall record the completion of a substitute training program by a substitute teacher licensee.**

**AND**



- **Amend the statutes to provide that an individual seeking to be licensed as a substitute teacher must complete the training program. Further provide that after July 1, 2011, a school district shall not employ as a long-term substitute teacher or a short-term substitute teacher, as defined in NRS 385.3469, any individual who has not received the training. (BDR 34–300)**

#### 19. Teacher Recruitment and Retention

The Committee received testimony from the Superintendent of Public Instruction that the Legislative Auditor suggested the Department create a database so that it can track recipients of the signing bonuses to ensure that individuals do not receive more than one bonus. Another use of the database would be to conduct a longitudinal analysis of teacher retention. Over a period of years the Department would be able to determine the number of recipients who complete their first year of teaching and the number who sign a contract for the following year.

The Legislature has funded signing bonuses for newly hired teachers since 2001. The first year the bonus was capped in statute at \$2,500 although the actual amount awarded was \$2,000. Each year since the amount of the bonus has been \$2,000. To maintain support for recruitment incentives and to establish a database to enable a study of the effectiveness of the bonus in recruiting new teachers, the Committee recommended that the Legislature in 2009:

- **Send a letter to the Superintendent of Public Instruction expressing the intent of the LCE that he monitor the impact of teacher signing bonuses. Ask him to report to the Committee by January 1, 2009, on the cohort of teachers who received signing bonuses in the 2007-2008 school year, the number of those in the cohort who completed the school year, and the number of those in the cohort who signed a contract to teach in the 2008-2009 school year. If these data are unavailable, express the intent of the Committee that the Superintendent begin to collect these data so that he can report the requested information by July 1, 2010.**

**AND**

- **Provide an appropriation from the State General Fund to the Department of Education for transfer to the school districts for continued support of signing bonuses in the amount of \$2000 for newly hired teachers. For the 2009-2011 biennium, the total appropriation would be approximately \$12.2 million for 6,200 new teachers.**

**AND**

- **Provide for a transitory section directing the Superintendent of Public Instruction to conduct a study of the effectiveness of the signing bonus. Establish for the study a cohort of newly hired teachers each school year who receive the signing bonus.**

**Determine the number who complete the first year of employment in a Nevada school district, the number who are retained by the original school district for a second year of employment and for subsequent years as data are available. Report on those who exit the initial district for employment in another Nevada school district or who leave the State. Submit the report to the LCE and the Legislature in July 2010. (BDR 34-296)**

## **20. Teacher Performance Pay Programs**

The Legislature appropriated \$10 million in 2007 for teacher pay-for-performance pilot programs. These funds were not distributed to the school districts in order to meet the targets for budget reductions established by the Governor. Because of the Committee's interest in supporting such pilot programs, the Committee agreed to the following action:

- **Send a letter to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding of the pilot program of performance pay and enhanced compensation program for the recruitment and retention of licensed teachers funded pursuant to the provisions of A.B. 3. State that the Committee recognizes the State's extraordinary fiscal situation and that it strongly supports restoration of these funds as State General Fund revenues allow.**

In 2005, the Legislature enacted A.B. 580, which established the first pilot program of performance pay and enhanced compensation. That program specifically included increased pay for teachers who serve as mentors. In 2007, A.B. 3 did not specify mentoring, however. As a result some districts interpreted that to mean that mentoring could not be included in the pay-for-performance plans they designed. To clarify that mentoring could be a career leadership activity for a teacher participating in a pay-for-performance plan, the Committee recommended that the Legislature in 2009:

- **Provide for a transitory section which, if funding is provided for the establishment of a pilot program of performance pay and enhanced compensation based on the provisions of A.B. 3, clarifies that the component of career leadership advancement options to maximize the retention of teachers in the classroom includes the support of a teacher mentoring program. (BDR 34-300)**

## **21. Ratio of Pupils to School Counselors**

The Committee received a report on the compliance by school districts with the requirement provided in A.B. 212 to establish policies to limit the amount of time that counselors spend on test administration and other non-counseling functions. The Committee also received a staff report at its June 2008 meeting on activities in other states to limit or define counselor responsibilities. The Committee received information in the staff report that the American School Counselor Association recommends a counselor to pupil ratio of 1:250. Although the

Committee did not vote to support proposals to require school districts to develop plans to establish such ratios or to urge them to do so, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to require school districts and the State Board of Education to include in their accountability reports the ratio of counselors to pupils by elementary, middle, and high school level. (BDR 34–300)**

## 22. Training to Teach AP Courses

The Committee discussed honors and dual credit courses in the context of providing to students equal opportunity to earn college credit while in high school. At that time, it learned of AP courses and the Silver State AP Institute, operated by the Southern Nevada Regional Professional Development Program. Advanced Placement is a program of the College Board. It consists of a prescribed curriculum and set of standardized examinations. If a student achieves an acceptable score, the student earns college credit at the 100 level. To be eligible to teach AP courses, a teacher must complete an approved course. The Committee was told that the institute meets the approval of the College Board. Teachers who complete this program may teach AP courses and their students may sit for the AP exams. The Committee agreed to the following action:

- **Send a letter to each of the regional training programs, established pursuant to NRS 391.500 et seq., urging its governing body to determine the need in the region for teachers to be trained to teach AP courses offered by the College Board and to determine the cost of assisting these teachers to become trained. The governing body is encouraged, as needed, to set aside funds for the purpose of providing support (travel, per diem, registration, and so forth) for teachers in the region to obtain training to qualify to teach AP courses.**

Because the regional training programs are required to provide professional development training opportunities that meet the needs of teachers of the region, based on the surveys required by statutes, the Committee was interested in tracking both the need for AP training and the services provided to meet that need. It recommended that the Legislature in 2009:

- **Amend the statutes to include in the annual report of the regional training program the estimated need and the actual number of teachers who participated in the AP training program that year. In addition, the regional training program shall describe where the training was received by teachers. (BDR 34-300)**

## **G. Proposals Relating to Statewide Governance of Elementary and Secondary Education**

### **23. Study of Statewide Governance**

In 2007, the Legislature enacted S.B. 4, which directed the Committee to consider studying governance of public schools, including a review of the system to ensure the structure is organized for efficiency and to meet the educational needs of Nevadans.

Although the Committee held no hearings on governance, it recommended that the Legislature in 2009:

- **Request a resolution calling for a study of the system of public education in Nevada during the 2009-2010 Interim. (BDR R-301)**

## **H. Proposals Relating to Middle School and High School**

The Committee continued its interest in transitions from middle school to high school, begun in the 2005-2007 interim. The 2007 Legislature, through the passage of S.B. 184, amended the statutes to require school districts to adopt a policy that would allow a student who has not completed the courses of study or credits required for promotion to high school to be placed on academic probation and to enroll in high school. While in high school, the student would be required to complete appropriate remediation in the subject areas he failed to pass.

### **24. Funding for Summer School Prior to Enrolling in Ninth Grade**

The Committee received results of a poll of school districts indicating that in some cases, a student faces difficulty completing both eighth grade course work in which he is deficient and keeping up with ninth grade work. Yet, the districts also suggested that allowing a student to remain with his or her class peer group is a motivator to stay in school. One way to address this situation is to provide a student with remediation in summer school prior to enrolling in ninth grade. Although the Legislature has not required the establishment of summer school nor has it historically provided State funding specifically for summer school, the Committee recommended that the Legislature in 2009:

- **Amend the statutes to provide that, to the extent money is available for grants to programs for grades 7 to 12 from the Account for Programs for Innovation and the Prevention of Remediation, the Commission on Educational Excellence shall allocate funds first to proposals from schools to establish summer school programs to assist eighth grade students who have not completed the courses required for promotion to ninth grade. Provide that eligible grants may include the cost of providing instruction as well as the cost of transportation. Further provide in the transitory section that if applications exceed the allocated amounts, the Commission may award grants on a pro rata basis. (BDR 34-302)**

## 25. Research Study

In the 2007 Session of the Legislature, the Committee requested funding for a study of the alignment of classroom assignments to statewide academic standards in language arts and mathematics in grades 3 to 8. As a result of the findings of that study, the Committee received a proposal to examine the classroom assignments in high school mathematics courses in grades 8 and 9 with the standards upon which the HSPE is based. The Committee recommended that the Legislature in 2009:

- **Provide an appropriation from the State General Fund to the IFC to fund a research study through a competitive request for proposals process to measure the alignment of assignments in courses titled Algebra, including Algebra I, in grades 8 and 9 to standards upon which portions of the HSPE are based. The proposed study would involve approximately 190 schools and include observations of 20 full-period classroom sessions. A cost estimate of \$198,000 was been provided by The Standards Company, which conducted the alignment of student assignments to State standards in elementary grades during the 2007-2008 Interim. This cost estimate includes a study of courses titled Geometry and Geometry I. (BDR 34-296)**

#### IV. SELECTED REFERENCES

American School Counselor Association

- <http://www.schoolcounselor.org/>

Center for Teaching Quality

- <http://www.teachingquality.org/>

Colorado Charter School Institute

- <http://www.csi.state.co.us/>

Education Commission of the States

- <http://www.ecs.org/>

Legislative Committee on Education

- <http://www.leg.state.nv.us/74th/Interim/StatCom/Education/index.cfm?CommitteeName=Legislative%20Committee%20on%20Education>

National Association of Attorneys General

- <http://www.naag.org/>

Nevada Annual Reports of Accountability

- <http://www.nevadareportcard.com/>

Nevada's Budget Division, Department of Administration

- <http://budget.state.nv.us/>

Nevada Department of Education

- <http://www.doe.nv.gov/>

No Child Left Behind Act of 2001

- <http://www.ed.gov/nclb/landing.jhtml?src=pb>

## **V. ACKNOWLEDGEMENTS**

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:

- The Department of Education, with special thanks to Dr. Keith Rheault, Superintendent of Public Instruction; Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services; and Carol Crothers, Director, Office of Assessments, Program Accountability, and Curriculum;
- The school districts and superintendents for their presentations to the Committee, for responses to polls and other requests for updates, and for permitting their staff members and students to testify before the Committee, with special thanks to Joyce Haldeman, Executive Director, Community and Government Relations, CCSD, and to Bryn Lapenta, Senior Director, Office of Public Policy, Accountability, and Assessment, WCSD, for providing information and assistance; and
- The staff and students of the Andre Agassi College Preparatory Academy, for hosting a meeting of the Committee, with special thanks to Roy Parker, Elementary and Middle School Principal.





## VI. APPENDICES

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## APPENDIX A

*Nevada Revised Statutes* 218.5352 and 218.5354



## APPENDIX A

### **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) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to [NRS 385.361](#);

(4) Methods of financing public education;

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

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

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

(8) 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 the State Board of Education, school districts and public schools 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.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to [NRS 385.384](#). In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in [NRS 385.3785](#), recommend to the Commission on Educational Excellence created by [NRS 385.3784](#) programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(Added to NRS by 1997, 1776; A [2003, 19th Special Session, 82](#); [2005, 1982](#))

## APPENDIX B

Adequate Yearly Progress Summary Results, Based on the 2007-2008 School Year





| 2007 AYP Summary Results               | Elementary | Middle | High | State | 2007 AYP Summary Results               | Elementary | Middle | High  | State  |
|--|------------|--------|------|-------|--|------------|--------|-------|--------|
| Number of Schools                      | 365        | 135    | 131  | 631   | Number of Schools                      | 57.8%      | 21.4%  | 20.8% | 100.0% |
| AYP Results                            |            |        |      |       | AYP Results                            |            |        |       |        |
| Made AYP                               | 287        | 78     | 75   | 440   | Made AYP                               | 78.6%      | 57.8%  | 57.3% | 69.7%  |
| Fail AYP                               | 78         | 57     | 56   | 191   | Fail AYP                               | 21.4%      | 42.2%  | 42.7% | 30.3%  |
| Reason For Failure                     |            |        |      |       | Reason For Failure                     |            |        |       |        |
| Fail ELA Only                          | 25         | 7      | 3    | 35    | Fail ELA Only                          | 6.8%       | 5.2%   | 2.3%  | 5.5%   |
| Fail Math Only                         | 17         | 15     | 12   | 44    | Fail Math Only                         | 4.7%       | 11.1%  | 9.2%  | 7.0%   |
| Fail Other Indicator Only              | 0          | 4      | 2    | 6     | Fail Other Indicator Only              | 0.0%       | 3.0%   | 1.5%  | 1.0%   |
| Fail ELA & Math                        | 36         | 30     | 29   | 95    | Fail ELA & Math                        | 9.9%       | 22.2%  | 22.1% | 15.1%  |
| Fail ELA & OI                          | 0          | 0      | 3    | 3     | Fail ELA & OI                          | 0.0%       | 0.0%   | 2.3%  | 0.5%   |
| Fail Math & OI                         | 0          | 0      | 0    | 0     | Fail Math & OI                         | 0.0%       | 0.0%   | 0.0%  | 0.0%   |
| Fail ELA, Math, & OI                   | 0          | 1      | 7    | 8     | Fail ELA, Math, & OI                   | 0.0%       | 0.7%   | 5.3%  | 1.3%   |
| Reason For ELA Failure                 |            |        |      |       | Reason For ELA Failure                 |            |        |       |        |
| Fail ELA Participation Only            | 0          | 4      | 16   | 20    | Fail ELA Participation Only            | 0.0%       | 3.0%   | 12.2% | 3.2%   |
| Fail ELA Status Only                   | 60         | 30     | 18   | 108   | Fail ELA Status Only                   | 16.4%      | 22.2%  | 13.7% | 17.1%  |
| Fail ELA Participation & Status        | 1          | 4      | 8    | 13    | Fail ELA Participation & Status        | 0.3%       | 3.0%   | 6.1%  | 2.1%   |
| Reason For Math Failure                |            |        |      |       | Reason For Math Failure                |            |        |       |        |
| Fail Math Participation Only           | 0          | 1      | 7    | 8     | Fail Math Participation Only           | 0.0%       | 0.7%   | 5.3%  | 1.3%   |
| Fail Math Status Only                  | 53         | 39     | 31   | 123   | Fail Math Status Only                  | 14.5%      | 28.9%  | 23.7% | 19.5%  |
| Fail Math Participation & Status       | 0          | 6      | 10   | 16    | Fail Math Participation & Status       | 0.0%       | 4.4%   | 7.6%  | 2.5%   |
| AYP School Designations                |            |        |      |       | AYP School Designations                |            |        |       |        |
| Exemplary                              | 20         | 1      | 2    | 23    | Exemplary                              | 5.5%       | 0.7%   | 1.5%  | 3.6%   |
| High Achieving - Growth                | 35         | 8      | 0    | 43    | High Achieving - Growth                | 9.6%       | 5.9%   | 0.0%  | 6.8%   |
| High Achieving - Status                | 31         | 10     | 13   | 54    | High Achieving - Status                | 8.5%       | 7.4%   | 9.9%  | 8.6%   |
| Adequate                               | 158        | 45     | 52   | 255   | Adequate                               | 43.3%      | 33.3%  | 39.7% | 40.4%  |
| Watch List                             | 31         | 17     | 17   | 65    | Watch List                             | 8.5%       | 12.6%  | 13.0% | 10.3%  |
| In Need of Improvement (Year 1 - Hold) | 25         | 7      | 1    | 33    | In Need of Improvement (Year 1 - Hold) | 6.8%       | 5.2%   | 0.8%  | 5.2%   |
| In Need of Improvement (Year 2 - Hold) | 6          | 3      | 6    | 15    | In Need of Improvement (Year 2 - Hold) | 1.6%       | 2.2%   | 4.6%  | 2.4%   |
| In Need of Improvement (Year 3 - Hold) | 9          | 4      | 1    | 14    | In Need of Improvement (Year 3 - Hold) | 2.5%       | 3.0%   | 0.8%  | 2.2%   |
| In Need of Improvement (Year 4 - Hold) | 3          | 0      | 0    | 3     | In Need of Improvement (Year 4 - Hold) | 0.8%       | 0.0%   | 0.0%  | 0.5%   |
| In Need of Improvement (Year 5 - Hold) | 0          | 0      | 0    | 0     | In Need of Improvement (Year 5 - Hold) | 0.0%       | 0.0%   | 0.0%  | 0.0%   |
| In Need of Improvement (Year 1)        | 8          | 3      | 8    | 19    | In Need of Improvement (Year 1)        | 2.2%       | 2.2%   | 6.1%  | 3.0%   |
| In Need of Improvement (Year 2)        | 22         | 9      | 5    | 36    | In Need of Improvement (Year 2)        | 6.0%       | 6.7%   | 3.8%  | 5.7%   |
| In Need of Improvement (Year 3)        | 9          | 11     | 16   | 36    | In Need of Improvement (Year 3)        | 2.5%       | 8.1%   | 12.2% | 5.7%   |
| In Need of Improvement (Year 4)        | 7          | 14     | 10   | 31    | In Need of Improvement (Year 4)        | 1.9%       | 10.4%  | 7.6%  | 4.9%   |
| In Need of Improvement (Year 5)        | 1          | 3      | 0    | 4     | In Need of Improvement (Year 5)        | 0.3%       | 2.2%   | 0.0%  | 0.6%   |



## APPENDIX C

Letter Sent to the Chairman of the State Board of Education From the Chairwoman of  
the Legislative Committee on Education Regarding the Moratorium on Approval of  
Charter School Applications





BONNIE PARNELL  
ASSEMBLYWOMAN  
District No. 40



COMMITTEES:  
Chairman  
Education  
Member  
Government Affairs  
Health and Human Services

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November 26, 2007

Dr. Cliff Ferry, President  
State Board of Education  
288 West Cedar Street  
Elko, Nevada 89801

Dear President Ferry:

The agenda for the November 30-December 1, 2007 meeting of the State Board of Education contains an item that is of interest to members of the Legislative Committee on Education. Specifically, Item No. 14 proposes placing a moratorium on the approval of all future applications for state-sponsored charter schools or amendments to charters of schools currently sponsored by the State Board.

*Nevada Revised Statutes* (NRS) 386.515 provides that the State Board of Education shall sponsor charter schools whose applications have been approved pursuant to the provisions of NRS 386.525. While NRS 386.515 appears to permit local school district boards of trustees the discretion of participating in charter school sponsorship, such discretion when applied to the State Board is not so obvious.

For that reason, the Committee voted at its meeting on November 15, 2007, to send this letter to remind the State Board of its statutory responsibilities with regard to review of applications from committees to form charter schools. Specifically, NRS 386.525 provides that the Board must send written notice of the reasons for the denial of an application and provide an applicant with time to correct deficiencies in an application. As you are aware, following a subsequent denial by the Board, an applicant may appeal to the district court.

Dr. Cliff Ferry, President

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November 26, 2007

I fully expect that charter school sponsorship will be placed on an agenda of a meeting of the Legislative Committee on Education during this interim. This will afford the State Board an opportunity to engage in a discussion of this matter with the members. In the meantime, on behalf of the Committee I request that you make this letter a part of the permanent record of the Board's proceedings relating to Item No. 14.

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Parnell".

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W80036

Cc: Keith Rheault, Superintendent of Public Instruction  
Members, Legislative Committee on Education  
Dr. James E. Irvin, Deputy Attorney General

## APPENDIX D

### Memoranda From Melinda M. Martini to Members of the Legislative Committee on Education





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RANDOLPH J. TOWNSEND, *Senator, Chairman*  
Lorne J. Malkiewich, *Director, Secretary*

INTERIM FINANCE COMMITTEE (775) 684-6821  
MORSE ARBERRY JR., *Assemblyman, Chairman*  
Mark W. Stevens, *Fiscal Analyst*  
Gary L. Ghiggeri, *Fiscal Analyst*

LORNE J. MALKIEWICH, *Director*  
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PAUL V. TOWNSEND, *Legislative Auditor* (775) 684-6815  
DONALD O. WILLIAMS, *Research Director* (775) 684-6825

## MEMORANDUM

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DATE: March 21, 2008

TO: Assemblywoman Bonnie Parnell, Chair, Legislative Committee on Education  
(*Nevada Revised Statutes* 218.5352)

FROM: Melinda Martini, Senior Research Analyst  
Research Division

SUBJECT: **Commission on Educational Excellence—Evaluation Concerns**

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You asked to be informed of the actions of the Commission on Educational Excellence, especially with regard to any concerns that might be raised about evaluation and funding issues. This memorandum reviews the evaluation of the programs funded through the Commission and notes some potential concerns with the findings of the evaluation.

### BACKGROUND

On March 12, 2008, Carol Stonefield, Supervisory Principal Research Analyst, Research Division, Legislative Counsel Bureau (LCB), and I attended a meeting of the Commission on Educational Excellence. The primary topic of the meeting was to listen to the overview and results of the evaluation of the programs funded through the Commission during the 2005-2007 biennium. As you may recall, The Center for Performance Assessment (now The Leadership and Learning Center) was awarded the contract to perform the statewide evaluation of the programs during the 2005-2007 biennium; the cost of the statewide evaluation was \$448,400. Founded by Douglas B. Reeves, Ph.D., The Leadership and Learning Center is a professional development, publishing, and consulting organization that works with schools to improve student achievement and educational equity.

The 2007 Legislature, through the passage of Senate Bill 185 (Chapter 451, *Statutes of Nevada*) amended *Nevada Revised Statutes* (NRS) 385.379 to authorize the Commission to spend up to \$450,000 each biennium for the statewide evaluation. *Nevada Revised Statutes* 385.379 also requires the Commission receive approval from the Legislative Committee on Education for the consultant and work plan prior to awarding a

contract for the evaluation. At the March 27, 2008, meeting of the Committee, the Commission will be requesting approval to continue the evaluation contract with The Leadership and Learning Center. Finally, NRS 385.379 requires the evaluator to identify programs funded by the Commission that did not improve the achievement of pupils, as well as identify schools and consortiums of schools that did not implement the programs funded.

## **EVALUATION OF PROGRAMS FUNDED BY THE COMMISSION**

Enclosed is a copy of the executive summary for the 2005-2007 biennium evaluation titled, *Innovation and Remediation Executive Summary, An Analysis of Nevada Senate Bill 404, January 2008* (Attachment I). The following summarizes the methodology and findings from the evaluation that may be questionable:

### **METHODOLOGY**

According to page 6 of the *Executive Summary*, the evaluation is based upon two primary measures, degree of program implementation and performance on the State Criterion-Referenced Tests (CRTs). Although this methodology appears reasonable, there are two concerns:

1. **Identification of Program Quality:** As noted previously, NRS 385.379 specifically requires the evaluation to identify programs that did not improve the achievement of pupils. According to the presentation by Dr. Reeves at the Commission meeting, the evaluation conducted by The Leadership and Learning Center is a “brand neutral evaluation.” Instead of naming the programs that were not effective, the evaluation indicates the level of implementation of a program, noting that if the program is not fully implemented, it will not be effective. It is logical that full implementation of a program is necessary for increased effectiveness; however, there are some programs that may be fully implemented and not be effective.

Providing a “brand neutral evaluation” appears to be in conflict with the original intent of the Nevada Education Reform Act (NERA). *Nevada Revised Statutes* 218.5354 requires the Legislative Committee on Education to recommend programs of remedial study to the Department of Education and the Commission on Educational Excellence that have been found to be effective in increasing the academic achievement of pupils. The purpose of having this list of programs (called the *List of Effective Remedial Programs*) is to ensure, to the extent possible, that State funds are directed to programs that have been researched and found to be effective and to get away from funding ineffective programs. Since the evaluation performed by The Leadership and Learning Center is a “brand neutral evaluation,” it will not offer data to support new programs to be added to the *List* or identify established programs to be removed from the *List*.

**Possible Considerations:** Clarify to the Commission that a “brand neutral” evaluation does not meet that the intent of NRS 385.379. A list of names of programs funded by the Commission that are found to be effective and not effective in increasing the academic achievement of pupils is desired.

Currently, NRS 385.3785 requires the Commission to review and consider the programs of remedial study recommended by the Committee and approved by the Department of Education. There is no requirement for the Commission to utilize the *List* in approving grants of funds for programs. One consideration to increase the Commission’s commitment to utilizing the *List* more consistently would be to move the development of the *List* from the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape) to the Commission. In so doing, require the Commission to recommend programs to the Committee for approval; recommendations would be based upon findings from the evaluation of programs. NOTE: It is anticipated that this will be one recommendation presented by Joi Davis, LeBeape Coordinator, Fiscal Analysis Division, LCB, for approving the revised *List* at the March 27, 2008, meeting of the Legislative Committee on Education.

2. **Performance on CRTs:** The review of performance on CRTs is one method that could be utilized to look at effectiveness of implemented programs. Unfortunately, according to Dr. Reeves, the evaluation performed by The Leadership and Learning Center only reviewed CRT performance at a district level; the evaluation did not review performance at the school or class level. Because of this, the evaluation lacks data on the effectiveness of a specific program.

**Possible Considerations:** Clarify to the Commission that a utilization of CRT data only at the district level is not acceptable. Although staff concurs that a review of every program funded by the Commission at every school would be an overwhelming task, the evaluator could review a sample of programs at the school level. For example, on page 18 of the *Executive Summary*, the most commonly selected programs by schools are noted. The evaluator could, at a minimum, review the top ten commonly selected programs and review school level CRT data and other assessment data to determine the effectiveness of the programs.

## **FINDINGS**

There are findings reported throughout the *Executive Summary* that are disturbing, as follows:

1. **Program Emphasis (Page 16):** The chart located on page 16 of the *Executive Summary* displays the areas of emphasis for the funds distributed by the Commission during the 2005-2007 biennium. Review of the chart shows instructional support as the first area of emphasis, followed by miscellaneous programs, administrative, and personnel. The least priority areas are those of reading, math, writing, and science. According to the report, “. . . recipients were much more apt to devote S.B. 404 resources to personnel or administrative support than to direct instruction or even professional development.”

**Concerns:** Should the priorities for these funds be devoted primarily to personnel, miscellaneous programs, and administrative rather than to direct instruction? For additional information concerning miscellaneous programs, see Item 2 below.

2. **Miscellaneous Programs Funded (Page 16 and Attachment II):** Since miscellaneous programs were noted as the second highest priority for communities and schools, staff reviewed the list of miscellaneous programs included in the evaluation report titled, *Innovation and Remediation, An Analysis of Nevada Senate Bill 404, January 2008* (Attachment II). Some of the more questionable items included in the list of miscellaneous programs are: bus drivers, fuel for buses, school fees, general supplies, notebooks, facility rental, copy machines, publishing supplies, nutritional supplies, office furniture, miscellaneous expenses, breakfast on test days, shipping, paper, tuition for interns, et cetera. Some of the more questionable items included in the list of miscellaneous computer/technology programs are: Windows licenses, camcorders, LCD projectors, network and laser printers, laptop computers, peripheral computer items, palm pilots, et cetera.

**Concerns:** Should these funds be utilized for miscellaneous expenses, such as those identified above? Why are all funds not tied to a specific subject area (i.e., reading, writing, math, or science)?

With regard to computer equipment, does the Commission on Educational Excellence work closely with the Commission on Educational Technology to determine the need for and appropriateness of the requests? NOTE: The Legislature appropriated nearly \$10 million over the 2005-2007 biennium for the educational technology needs of school districts. For the 2007-2009 biennium, the Legislature appropriated nearly \$11 million.

3. **Innovative Programs (Page 11):** Duties of the Commission include determining whether programs are innovative. *Nevada Revised Statutes* 385.3789 requires the Commission to include a description of programs that are considered innovative by the Commission. On page 11 of the *Executive Summary*, it is noted that “Innovations such as the addition of SMART Boards, ‘Parent Nights,’ and a school/community library during summer hours are just some illustrations of the overall benefits of SB 404 funding.”

**Concerns:** Staff understands that the Commission allows the schools to determine if a program is innovative; the Commission does not make a judgment on whether they consider a program to be innovative. Is the use of SMART Boards or having parent nights innovative?

4. **Programs Funded (Page 11):** On page 11 of the *Executive Summary*, it is noted that White Pine County used funds for the salary of an English as a second language (ESL) Coordinator, even though the school district does not yet have a large influx of ESL students. The report notes that the funds received “allowed White Pine to establish a

second-language program with the district now, so this school district will be ready to meet the needs of these future student.”

**Concerns:** Should these funds be utilized for future needs?

5. **State Policy Recommendations (Page 14):** One of the State Policy Recommendations included in the *Executive Summary* is that these funds should be utilized to “eliminate/raise salary caps for SB 404-funded positions.”

**Concerns:** Is this an appropriate use of these funds or the responsibility of this Commission? The 2007 Legislature, through the passage of Assembly Bill 3 (Chapter 10, *Statutes of Nevada, 23<sup>rd</sup> Special Session*) appropriated \$5 million in each fiscal year of the 2007-2009 biennium for a pilot program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers.

6. **Number of Initiatives Funded (Page 25):** According to the *Executive Summary*, the number of initiatives funded at a school ranged from one to seven. The evaluation found that for the elementary school level, schools that attempted multiple initiatives experienced less growth than their peer schools that pursued one initiative. For the middle school level, no difference was found on the effect of the number of initiatives implemented. At the high school level, the greater number of initiatives, the greater the likelihood of gains.

**Concerns:** Is the provision of funds for multiple programs at a school an efficient use of funds?

7. **Program Implementation Analysis (Pages 28 and 29):** On page 28 of the *Executive Summary* it is noted that a four-point scale was utilized in the evaluation to determine the extent to which school districts and school implemented funded programs during the 2005-2007 biennium. According to the report, a score of “4” represents the highest level of implementation, “3” represents full implementation, “2” represents partial implementation, and “1” represents initial implementation.

The table located on page 29 of the report displays the school-level average implementation by school district. Review of the table shows the range of scores during the second year of implementation from 1.61 (Eureka County School District) to 3.72 (Carson City School District). Seven of the 17 school districts received a score below 3.0 (full implementation) in the second year of implementation.

**Concerns:** After two years of implementation, why are all programs not fully implemented?

As noted previously, at the March 27, 2008, meeting of the Legislative Committee on Education, the Commission will be requesting approval to continue the evaluation contract with The Leadership and Learning Center and its work plan for the evaluation. I hope this memorandum serves to update you on the 2005-2007 evaluation performed by The Leadership and Learning Center and notify you of some concerns with the evaluation.

If you have any questions concerning this information, please do not hesitate to contact me at 775-684-6841.

MM/rd:W80596

Enc.

cc: H. Pepper Sturm, Research Division  
Carol M. Stonefield, Research Division  
Bob Atkinson, Fiscal Analysis Division  
Julie Diggins, Fiscal Analysis Division  
Joi Davis, Fiscal Analysis Division  
Kristin C. Roberts, Legal Division  
Paul V. Townsend, Audit Division  
Shawn Heusser, Audit Division



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## MEMORANDUM

DATE: April 15, 2008

TO: Chairwoman Parnell, and Members, Legislative Committee on Education

FROM: Melinda Martini, Senior Research Analyst  
Carol Stonefield, Supervising Principal Research Analyst  
Research Division

SUBJECT: **Follow-Up: Commission on Educational Excellence—Evaluation Concerns**

At the request of Chairwoman Bonnie Parnell, this memorandum serves to update you on current actions taken by the Department of Education and the Commission on Educational Excellence to reduce concerns with the evaluation of the programs funded through the Commission. As you will recall, the evaluation for the 2005-2007 Biennium was conducted by The Leadership and Learning Center under the direction of Douglas B. Reeves, Ph.D. Approval of the work plan for the evaluation will be considered by the Legislative Committee on Education again at the April 17, 2008, meeting.

### REVISED WORK PLAN FOR THE EVALUATION

On April 2, 2008, Chairwoman Parnell and Committee staff met with the Department of Education staff; Caroline McIntosh, Chairwoman, Commission on Educational Excellence, was present via telephone conference. At this meeting, potential remedies to the concerns expressed by Committee members at the March 27, 2008, meeting were discussed. In response to this meeting, the Department has submitted a revised work plan for the evaluation that addresses the following concerns (see Attachment I):

- The study will no longer be a “brand neutral evaluation.” The contractor will identify programs that did not improve the achievement of pupils. In identifying the programs, the contractor will list the schools that implemented the program; provide achievement data to support the conclusion that the program did not improve achievement; and will present recommendations for continued funding of these programs in the future.

- The study will continue to identify schools that did not implement funded programs appropriately; however, the study will now describe the level of implementation and the related effect upon the academic achievement of pupils.
- The study will now include recommendations, if any, for continued funding of programs that appear to be effective in increasing the academic achievement of pupils in one or more populations.

### **REVISED TIMELINE AND PAYMENT SCHEDULE FOR THE EVALUATION**

Attachments II and III of this memorandum provide a revised timeline and payment schedule for the contractor. As you will recall, the Department originally requested a contract for the evaluation in the amount of \$450,000 to cover the evaluation of programs funded during the 2007-2009 Biennium. The revised request is for a contract in the amount of \$210,000 to cover the evaluation for the programs funded during the 2007-2008 school year. If the 2007-2008 school year evaluation report is approved by the Committee, a new request for a contract in the amount of \$210,000 to cover the evaluation of the programs funded during the 2008-2009 school year would be requested by the Department.

NOTE: The payment schedule located in the Committee packet of information for the April 17, 2008, meeting shows a contract amount of \$225,000 for the 2007-2008 school year evaluation. Due to concerns expressed with the cost for the evaluator to attend five meetings at \$30,000 (\$6,000 per meeting), the payment schedule was revised to reflect the cost at \$15,000 for five meetings (\$3,000 per meeting). This reduces the amount of the contract to \$210,000, a savings of \$15,000 for the 2007-2008 school year evaluation.

### **CONCLUSION**

Based upon the revised work plan submitted by the Department, it appears that the next evaluation report submitted by The Leadership and Learning Center will reflect the requirements as stipulated in Senate Bill 185 (Chapter 451, *Statutes of Nevada 2007*). As you will recall, this legislation amended NRS 385.379, which concerns the evaluation of the programs funded through the Commission on Educational Excellence.

We hope this information is useful. If you have any questions, please let us know. We can be reached at 775-684-6825.

MM/av:W80712

Enc.

cc: Kristin Roberts, Senior Principal Deputy Legislative Counsel, Legal Division  
Joi Davis, Program Analyst, Fiscal Division  
Julie Diggins, Program Analyst, Fiscal Division



## APPENDIX E

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



BONNIE PARNELL  
ASSEMBLYWOMAN  
District No. 40



COMMITTEES:  
Chairman  
Education  
  
Member  
Government Affairs  
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December 8, 2008

The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352), regarding the funding of certain staff positions in the Department of Education. Copies of this letter have been sent to Assemblyman Morse Arberry and Senator William J. Raggio, the Chair and Vice Chair of the Interim Finance Committee, at the request of the Committee.

In the 74<sup>th</sup> Session and the 23<sup>rd</sup> Special Session, the Legislature funded three new coordinator positions in the Department, all of which have not been filled in compliance with the hiring freeze and budget reductions instituted to alleviate the decline in state revenues. These positions include the parent involvement coordinator, provided in Assembly Bill 2 (Chapter 9, *Statutes of Nevada 2007, 23<sup>rd</sup> Special Session*). In addition, funding for the gifted and talented coordinator and the empowerment school coordinator positions was provided in budget accounts included in Assembly Bill 628 (Chapter 350, *Statutes of Nevada 2007*).

The programs represented by these coordinator positions reflect some of the priorities of the 2007 Session of the Legislature. Sponsoring legislation in the last several sessions, including the Advisory Council on Parental Involvement, the members recognize the important role of outreach to families to encourage active participation by parents in the education of children. In addition, with the creation of a coordinator for gifted and talented programs, legislators hoped to support expansion of programs for this underserved population of students. Finally, because the establishment of empowerment schools was one of your educational proposals in the 2007 Session of the Legislature, the coordinator was viewed by legislators as a resource for schools and districts that wished to establish such programs.

As Chair of the Committee, I wish to convey to you that the members recognize the State's extraordinary fiscal crisis. With that in mind, the members voted at the Committee's meeting

The Honorable Jim Gibbons


Page 2

December 8, 2008

on August 21, 2008, to support rescinding the hiring freeze and restoring these funds as State General Fund revenues allow. As you work with the members and staff of the Interim Finance Committee to develop *The Executive Budget* for the 2009-2011 biennium, I trust you will bear in mind this recommendation from the Committee.

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

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Parnell".

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W81606

cc: Assemblyman Morse Arberry, Jr., Chairman, Interim Finance Committee  
Senator William J. Raggio, Vice Chairman, Interim Finance Committee

BONNIE PARNELL  
ASSEMBLYWOMAN  
District No. 40



COMMITTEES:  
Chairman  
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Member  
Government Affairs  
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December 8, 2008

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Keith W. Rheault, Ph.D.,  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. Rheault:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education ((*Nevada Revised Statutes* (NRS) 218.5352), regarding signing bonuses used as an incentive to recruit new teachers to Nevada school districts.

As you are aware, the Legislature has provided funding for signing bonuses, beginning in the 2001 Session. The Committee received testimony during its 2007-2008 interim study that approximately \$46 million has been appropriated to this program since its inception. Indeed, at the Committee's meeting on January 10, 2008, a representative of the Clark County School District testified that the district hires an estimated 2,500 new teachers each year; 50 percent of those are not residents of Nevada at the time they contract for employment with the District. According to that testimony, this program is an important tool in filling its vacancies. The signing bonus program had provided significant support for the recruitment of teachers during a period of national teacher shortage.

Nevertheless, to achieve accountability for expenditures of public revenues, the Committee voted at its meeting on October 7, 2008, to request that you monitor the impact of the signing bonus on teacher recruitment and retention. Based on your testimony before the Committee that in 2006 the Legislative Auditor recommended the creation of an electronic database, the Committee understands the Department of Education has the capability of tracking recipients of the bonus. We therefore request that you report on the cohort of teachers who received the signing bonus in the 2007-2008 school year, the number of those in the cohort who completed the school year, and the number of those in the cohort who signed a contract to teach in the 2008-2009 school year. Please provide this information to the Committee members prior to the beginning of the 2009 Session of the Legislature or as soon thereafter as possible.

Keith W. Rheault, Ph.D.

Page 2

December 8, 2008

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

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Parnell".

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W81607



BONNIE PARNELL  
ASSEMBLYWOMAN  
District No. 40



COMMITTEES:  
Chairman  
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Member  
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December 8, 2008

The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

The model for teacher compensation, unchanged for most of the last century, was designed to promote pay equity and to reward individuals who pursued advanced academic degrees. Over the past several years Nevada's legislators have come to believe that new and different ways of compensating teachers will offer challenges and opportunities to our brightest teachers and encourage the development of teaching as a profession.

In 2005, the Legislature provided for the first pilot program of performance pay with the enactment of Assembly Bill 580 (Chapter 307, *Statutes of Nevada*). The Legislature renewed its support of such compensation programs with the passage of Assembly Bill 3 (Chapter 10, *Statutes of Nevada 2007, 23<sup>rd</sup> Special Session*). As you know, the appropriated funds for the continuation of the performance pay programs in the 2007-2009 biennium reverted to the State General Fund due to Nevada's fiscal emergency. Even so, programs eligible for funding would have advanced the teaching profession and supported efforts to retain highly qualified teachers. Such programs included the following:

- Career leadership advancement options;
- Professional development;
- Group incentives; and
- Assessments of teachers, such as portfolios of instruction, leadership, and professional growth.

The Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) devoted considerable time this interim to the study of the teaching profession. As a result, members are confident that pay-for-performance plans will improve teacher retention and student achievement. While the members are well aware of the State's current fiscal crisis, they nonetheless voted at the Committee's meeting on October 7, 2008, to recommend the

The Honorable Jim Gibbons

Page 2

December 8, 2008

restoration and continued funding of the pilot program as provided by the Legislature in 2007. As Chair of the Committee, my purpose in sending this letter is to urge you to consider our recommendation as you work with the members and staff of the Interim Finance Committee to develop *The Executive Budget* for the 2009-2011 biennium.

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

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Parnell".

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W81608

CC: Assemblyman Morse Arberry, Jr., Chairman, Interim Finance Committee  
Senator William J. Raggio, Vice Chairman, Interim Finance Committee





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December 8, 2008

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The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

At its meeting on August 21, 2008, the Legislative Committee on Education (*Nevada Revised Statutes* 218.5352) voted to recommend the restoration and continued funding for specific educational programs, provided by the 74<sup>th</sup> Session and the 23<sup>rd</sup> Special Session of the Legislature. The Committee also requested that copies of this letter be sent to Assemblyman Morse Arberry and Senator William J. Raggio, the Chair and Vice Chair of the Interim Finance Committee.

In 2007, the Legislature provided funding for the establishment or expansion of the following programs, which represent some of your funding priorities as well as those of some legislators:

- Expansion of full-day kindergarten;
- Planning for and establishment of empowerment schools;
- Funding of educational technology;
- Expansion of career and technical education programs;
- Support for gifted and talented programs;
- Allocations to the school districts in meeting electricity, heating, and cooling costs; and
- Appropriations to the Account for Programs for Innovation and the Prevention of Remediation to be awarded as grants by the Commission on Educational Excellence.

The Committee members are well aware of the present fiscal crisis in Nevada. Nevertheless, as Chair of the Committee, I am sending this letter to convey the Committee's recommendation that the funding to these programs be restored as funds are available. As you work with the members and staff of the Interim Finance Committee to develop *The Executive Budget* for the 2009-2011 biennium, I urge you will consider this recommendation from the Committee.

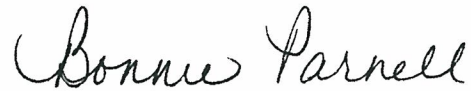
The Honorable Jim Gibbons

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December 8, 2008

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

Sincerely,

A handwritten signature in cursive script that reads "Bonnie Parnell".

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W81609

cc: Assemblyman Morse Arberry, Jr., Chairman, Interim Finance Committee  
Senator William J. Raggio, Vice Chairman, Interim Finance Committee

BONNIE PARNELL  
ASSEMBLYWOMAN  
District No. 40



COMMITTEES:  
Chairman  
Education  
Member  
Government Affairs  
Health and Human Services

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December 8, 2008

Roy J. Casey, Director  
Western Nevada Regional Training Program  
1805 Mathe Drive  
Carson City, NV 89701

Dear Mr. Casey:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education ((*Nevada Revised Statutes* (NRS) 218.5352), regarding the need in your region for teachers to receive training to teach Advanced Placement (AP) courses offered by the College Board. A similar letter has been sent to each of the directors of the other regional training programs, established pursuant to NRS 391.512.

In the 2007-2009 Interim, the Committee considered the opportunities for high school students in Nevada to participate in honors and dual credit classes. In the course of this study, the Committee members learned that such opportunities are not uniform throughout the State. Indeed, many students do not have access to courses that will enable them to earn college credit while still in high school.

The Committee also learned of the Silver State Advanced Placement Institute, operated by the Southern Nevada Regional Professional Development Program. The Committee was informed that the institute meets the approval of the College Board. Teachers who complete this program may teach AP courses and their students may sit for the AP exams, which will allow them to earn college credit if their scores meet requirements.

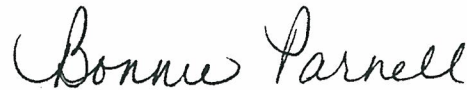
At its meeting on October 7, 2008, the Committee voted to urge the governing bodies of the regional training programs to determine the need for AP training among the teachers of their respective regions. The Committee also suggests that each regional training program set aside funds to support expenses incurred by teachers in attending the Silver State Advanced Placement Institute in Las Vegas, as the need arises.

Roy J. Casey  
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December 8, 2008

The Committee is mindful that, pursuant to NRS 391.540, each regional training program is to assess the needs of teachers and administrators and adopt training priorities based on that assessment. Nevertheless, the members have approved the submission of a bill draft request in the 2009 Session of the Legislature to include in the annual report of each regional training program the estimated need and the actual number of teachers who participate in the AP training program during the fiscal year.

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

Sincerely,

A handwritten signature in black ink that reads "Bonnie Parnell". The signature is written in a cursive, flowing style.

Bonnie Parnell, Chairwoman  
Legislative Committee on Education

BP/me: W81610

cc: Eric Feeney, Director, Northwestern Nevada RPDP  
Bill Hanlon, Director, Southern Nevada RPDP  
Hugh Rossolo, Director, Northeastern Nevada RPDP

## APPENDIX F

### Suggested Legislation



## APPENDIX F

### Suggested Legislation

The following Bill Draft Requests will be available during the 2009 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/75th2009/BDRList/>

- BDR 34-294**     Revises provisions governing testing and reporting of results of pupils.
- BDR 34-295**     Revises provisions governing expenditures by school districts for textbooks, instructional supplies and instructional hardware.
- BDR 34-296**     Revises provisions governing education and makes appropriations.
- BDR 34-297**     Revises provisions governing sponsorship of charter schools.
- BDR 34-298**     Revises provisions governing charter schools and university schools for profoundly gifted pupils.
- BDR 34-299**     Revises provisions governing the Commission on Educational Excellence.
- BDR 34-300**     Revises provisions governing education.
- BDR R-301**      Revises provisions governing the system of public education in this State.
- BDR 34-302**     Revises provisions governing the award of grants of money by the Commission on Educational Excellence.
- BDR 34-303**     Revises provisions governing safe and respectful learning environments in public schools.