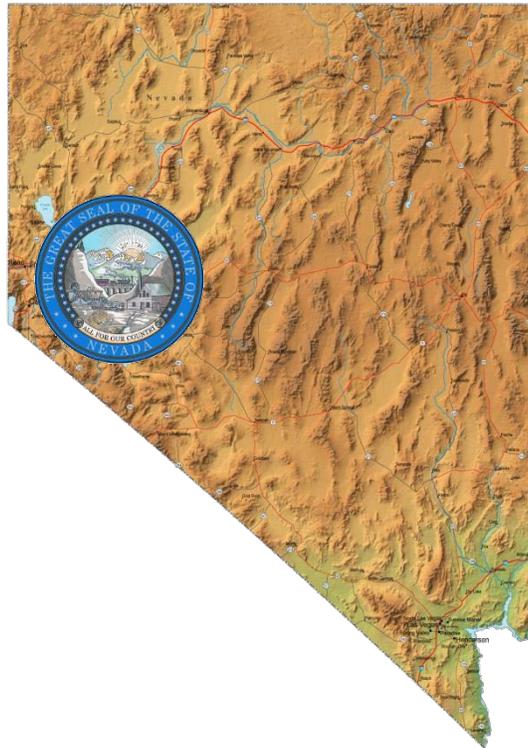


# Education

## BULLETIN NO. 15-9





**LEGISLATIVE COMMITTEE ON EDUCATION**

**BULLETIN NO. 15-9**

**JANUARY 2015**



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## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION

*Nevada Revised Statutes 218E.605*

The following is a summary of recommendations adopted by the Legislative Committee on Education (LCE, Committee) at the August 5, 2014, meeting. The Committee submits the following recommendations and bill draft requests (BDRs) to the 78th Session of the Nevada Legislature.

#### PROPOSALS RELATING TO SCHOOL SAFETY

1. **School Safety Planning**—Propose legislation relating to State-level planning, coordination, and responding to crisis and emergency situations, requiring school districts to submit their emergency plans to Nevada’s Department of Education (NDE, Department) instead of the State Board of Education (SBE, Board). The proposed changes require NDE to develop a sample emergency plan, with specified contents, for use by Nevada’s school districts. **(BDR 34–404)**
2. **Bullying Prevention**—Send a letter to the Nevada Association of School Superintendents and the Nevada Association of School Boards encouraging their members to consider implementing the student bullying survey, a tool used annually by the White Pine County School District, which has received national recognition for its effectiveness.

#### PROPOSAL RELATING TO CHARTER SCHOOLS

3. **Equal Access to Public Funds**—Include a statement in the final report that NDE should provide the governing body of each charter school in this State equal notice of opportunity to apply for funding when opportunities are made available to school districts.

#### PROPOSALS RELATING TO PERSONNEL

4. **Educator Professional Development Governance**—Propose legislation to conduct an interim study of professional development for teachers and administrators in Nevada to include, but not limited to, content delivery, governance, program quality and evaluation, required funding, and standards. The study is to address professional development provided by school districts, charter schools, and the Regional

Professional Development Programs (RPDPs), as well as the relationship of each to NDE. Further, the study will determine the impact of professional development on instruction and achievement. The results of the study will be reported to the 2017 Nevada Legislature. **(BDR S-406)**

5. **Teacher Reemployment Notices**—Propose legislation to allow local school boards, in odd-numbered years, to extend from May 1 to May 15 the deadline to notify post-probationary employees of their reemployment status for the next school year. Further, require notice of such an extension be provided by April 1 to the recognized employee organization that represents the employee, or directly to an unrepresented post-probationary employee. For any licensed employee receiving notice under this optional extension, the deadline shall be extended from May 10 to May 25 for the employee to notify the local school board of his or her acceptance of the employment offer. **(BDR 34-405)**
6. **Long-Term Substitute Teachers**—Include a statement in the final report urging Nevada’s school districts to track both the number and duration of long-term substitute teachers employed in the classroom so this data may be used to determine the impact of substitute teachers on student or school performance.
7. **Personnel Demographic Data**—Include a statement in the final report urging school districts, whenever practical and possible, to track and report school-level personnel demographic data.
8. **Teacher Preparation**—Send a letter from the Committee to the SBE encouraging the Board, through policy or regulation, to:
  - a. Link the State’s databases on teacher licensure and teacher performance evaluation;
  - b. Create minimum performance standards for courses of study and training for the education of teachers based upon metrics that consider graduate effectiveness;
  - c. Prescribe improvement plans for teacher preparation programs not meeting performance standards; and
  - d. Collect and report qualitative feedback from individuals enrolled in teacher preparation programs.
9. **Training for Paraprofessionals**—Include a statement in the final report urging Nevada’s school districts and the RPDPs, whenever possible and practical, to deliver paraprofessional training simultaneously to the paraprofessional and the teacher with whom he or she works.

## PROPOSALS RELATING TO STUDENT LITERACY

10. **Expand Student Demographic Reporting**—Propose legislation to require the annual report of accountability, prepared by the board of trustees of each school district, to include information regarding pupils in each reported racial demographic group, including those who are identified as multi-racial and who are eligible for Free and Reduced Lunch under federal guidelines. The information reported about such pupils shall include their:
  - a. Overall number and percentage;
  - b. Achievement and proficiency in comparison to the general student population;
  - c. Retention rate;
  - d. Graduation rate;
  - e. Dropout rate;
  - f. Average grade point averages; and
  - g. Average scores on examinations administered pursuant to *Nevada Revised Statutes* (NRS) 389.550, 389.805, and 389.807. **(BDR 34–407)**
  
11. **A. Home Language Survey**—Propose legislation to require the SBE to adopt regulations requiring a single, statewide home language survey protocol to be used by public school districts and charter schools to evaluate whether a pupil is required to be screened for classification as an English Language Learner (ELL). **(BDR 34–408)**  
  
**B. Prekindergarten Program Evaluation**—Propose legislation to require the SBE to adopt regulations requiring consistent, statewide quality and evaluation measures for public and private prekindergarten programs and requiring the use of appropriate assessment tools to identify Dual Language Learners (DLL). The regulations shall further require that prekindergarten pupils identified, upon enrollment for kindergarten, as DLL, be screened for identification as ELL and be classified as either ELL or English proficient according to the screening results.  
  
Additionally, the SBE must request, on the proposed regulations, the input of the State Public Charter School Authority (SPCSA) and those school districts with more than 10 percent of enrolled students classified as ELL. **(BDR 34–408)**
  
12. **Federal Support of Prekindergarten DLL**—Send a letter from the Committee to Nevada’s Congressional Delegation urging them to propose or support legislation providing federal funding for language services and supports, including those for prekindergarten DLL, and highlighting Nevada’s concerns about ELL accountability related to forthcoming federal sanctions.

## PROPOSAL RELATING TO THE NEVADA SYSTEM OF HIGHER EDUCATION

13. **College Readiness**—Send a letter from the Committee to the Nevada System of Higher Education, NDE, each school district, and each charter school encouraging them to collaboratively produce and make available a document that shows pupils and parents the courses and test scores necessary in high school, to ensure a pupil will not need to enroll in remedial courses in college.

## PROPOSAL RELATING TO FUNDING OF EDUCATION

14. **K–12 Public Education Stabilization Account**—Redraft Senate Bill 435 from the 2013 Legislative Session to establish the K–12 Public Education Stabilization Account. Funding reverting to the Distributive School Account (DSA) at the end of odd-numbered years would be transferred to the Stabilization Account. Authorize the Superintendent of Public Instruction to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. **(BDR 31–409)**

## PROPOSALS RELATING TO MISCELLANEOUS MATTERS

15. **Committee Alternates**—Send a letter from the Committee to the Legislative Commission urging them to propose legislation requiring the appointment of alternate members to the LCE.
16. **Disparities in Student Discipline**—Include a statement in the final report urging the LCE to study, during the 2015–2016 Interim, disparities in the frequency and severity of discipline among various demographic groups in Nevada’s K–12 schools.
17. **Student Advancement**—Include a statement in the final report emphasizing the necessity for students to demonstrate grade-level competency in English language arts by the end of third grade and mathematics by the end of sixth grade.
18. **Student Advancement**—Include a statement in the final report and send letters to the SBE, the SPCSA, and Nevada’s school districts encouraging the lengthening of the school day and school year to better enable schools to meet the educational achievement needs of each pupil. Further, urge consideration of school day start and finish times that are responsive to the research showing pupils perform better when receiving adequate rest.

19. **Pupil Wellness**—Send a letter from the Committee encouraging the SPCSA and Nevada’s school districts to make student wellness information available to the public on the Internet. Such information should include:
  - a. Whether the school district has a wellness policy;
  - b. Whether the district completed the Nevada State Wellness Policy Evaluation;
  - c. If available, the district’s Nevada State Wellness Policy Evaluation score for the most recent year; and
  - d. The district’s plan for improving or maintaining the wellness of pupils.
20. **End-of-Course Exams**—Send a letter from the Committee to NDE urging the Department to include in its vendor contract(s) for end-of-course exams a requirement the vendor provide parallel constructed materials; these may include practice exams and other materials. Furthermore, the letter shall encourage NDE to share such materials with those entities providing professional development to education professionals in Nevada for use in training and the development of further support materials for teachers and students.
21. **School Facilities**—Include a statement in the final report:
  - a. Urging the Legislature to explore a State-level public school capital construction fund, similar to those created in Colorado and New Mexico;
  - b. Urging the Legislature to explore a per-pupil facilities allowance for each charter school in Nevada based upon historical school facilities costs in the State; and
  - c. Expressing the Committee’s opinion that no State or local entity should impose any facility- or site-related requirements on a charter school that are stricter than those applied to traditional public schools.
22. **Teacher Evaluation**—Propose legislation to reduce, from 50 percent to 40 percent, the percentage of pupil achievement data that must be accounted for in each performance evaluation of a school administrator or licensed education personnel. This provision shall expire July 1, 2017. **(BDR 34-410)**



**REPORT TO THE 78TH 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 218E of *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 LCE reviews and monitors the condition of public elementary and secondary education. It may recommend legislation in a number of areas, including statewide programs in accountability, student performance, teacher preparation, compliance with federal requirements, the statewide student information system, class-size reduction, and any other fiscal or policy concerns associated with public education. The creation of the LCE, its membership, and powers and duties are codified in NRS 218E.600 through 218E.620. (See Appendix A for a copy of these statutes.)

Members of the LCE during the 2013–2014 Interim included the following legislators:

Senator Joyce Woodhouse, Chair  
Assemblyman Elliot T. Anderson, Vice Chair  
Senator Moises (Mo) Denis  
Senator Aaron D. Ford  
Senator Scott T. Hammond  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Harvey J. Munford  
Assemblyman Lynn D. Stewart

Legislative Counsel Bureau (LCB) staff services were provided by:

Todd M. Butterworth, Senior Research Analyst, Research Division  
Diane C. Thornton, Senior Research Analyst, Research Division  
Risa B. Lang, Chief Deputy Legislative Counsel, Legal Division  
Karly O'Krent, Deputy Legislative Counsel, Legal Division  
Andrea McCalla, Program Analyst, Fiscal Division  
Tarron L. Collins, Senior Research Secretary, Research Division  
Christina Harper, Senior Research Secretary, Research Division

## II. COMMITTEE ACTIVITIES

The LCE held seven meetings during the 2013–2014 Interim—once each month January through August 2014, with no meeting in June. Because all members resided in Clark County, meetings were held in Las Vegas at the Grant Sawyer State Office Building and videoconferenced to the Legislative Building in Carson City.

Pursuant to the Committee’s charge as provided in NRS 218E.615, the LCE considered a number of topics relating to elementary and secondary education and received presentations concerning: the needs of English Language Learners and students struggling with literacy; the administration of examinations, including Nevada’s participation in the Smarter Balanced Assessment Consortium; school and student safety; the Nevada Academic Content Standards (originally adopted as the Common Core State Standards); student data privacy; security and use of the statewide performance evaluation systems for teachers and administrators, and for schools; teacher licensure; the professional development needs of teachers and administrators educational technology, Class Size Reduction, and several other existing K–12 education programs; charter schools; and issues relating to the Nevada System of Higher Education (NSHE), including teacher preparation and student remediation.

At its work session on August 5, 2014, the Committee approved 7 proposals for drafting legislation to be considered by the 78th Session of the Nevada Legislature and another 15 proposals for issuing correspondence or including position statements in its final report. Bill draft requests (BDRs) relate to the following topics:

- School safety;
- Personnel;
- Student literacy;
- Funding of education; and
- Miscellaneous matters.

For a listing of BDRs recommended by the LCE for consideration by the 2015 Legislature, please see Appendix C.

At the conclusion of the 2011–2012 Interim the LCE recommended ten BDRs to the 2013 Legislature. The legislative action resulting from those proposed bills is outlined in Appendix B.

### III. DISCUSSION OF TESTIMONY AND RECOMMENDATIONS FOR THE STATE OF NEVADA

Several topics were reviewed and discussed at the meetings of the LCE. This section provides background information and discusses only those issues for which the LCE made recommendations. These issues relate to:

1. School Safety;
2. Charter Schools;
3. Educational Personnel;
4. Student Literacy;
5. NSHE;
6. Funding of Education; and
7. Miscellaneous Matters in Education.

#### 1. School Safety

School Safety Planning—School safety has been an issue of primary concern in the United States since the shooting at Colorado’s Columbine High School in 1999. After an October 2013 school shooting resulted in the death of Sparks Middle School teacher Michael Landsberry, and the December 2013 suicide of 13-year-old Hailee Lamberth of Henderson, concern for school safety among Nevada’s policymakers has been particularly acute.

At its January 22, 2014, meeting, the LCE heard presentations from a variety of school districts regarding their strategies and policies for maximizing the safety of students and school personnel, and the Department of Health and Human Services shared information about its Safe Schools, Healthy Students federal grant. Nevada’s Department of Education (NDE) and Division of Emergency Management offered insights into the current State school safety framework and suggestions for revising the statutes to improve the framework’s submittal and approval processes.

Based upon the testimony received and Committee discussion, the LCE agreed to:

**Propose legislation relating to State-level planning, coordination, and responding to crisis and emergency situations, requiring school districts to submit their emergency plans to NDE instead of the State Board of Education (SBE). The proposed changes require NDE to develop a sample emergency plan, with specified contents, for use by Nevada’s school districts. (BDR 34–404)**

Bullying Prevention—At its May 28, 2014, meeting the LCE held a discussion concerning bullying in Nevada’s schools. The topic was introduced by Senator David R. Parks, Assemblywoman Ellen B. Spiegel, and former Senator Valerie Wiener, who provided a legislative overview. Pat Skorkowsky, Superintendent, Clark County School District (CCSD), presented a report recently completed by a bullying task force commissioned by the CCSD. He outlined several steps being taken by the CCSD to prevent bullying and to ensure early intervention when incidents occur.

Bob Dolezal, Superintendent, White Pine County School District, presented information about a new student bullying survey that his district implemented as a tool to prevent bullying; the survey has received national attention and recognition for its effectiveness. Public comment was offered by Jason Lamberth, parent of Hailee Lamberth, who suggested traditional bullying should be treated as a crime, at least to the same level as provided in statute for cyber-bullying. A former CCSD student talked about his experiences in being bullied and how those experiences now affect him as an adult.

Following deliberation on this issue, the LCE approved the following action:

**Send a letter to the Nevada Association of School Superintendents and the Nevada Association of School Boards encouraging their members to consider implementing the student bullying survey, a tool used annually by the White Pine County School District, which has received national recognition for its effectiveness.**

## **2. Charter Schools**

Equal Access to Public Funds—During a discussion about digital education at the May 28, 2014, LCE meeting, Kathleen Conaboy, Director, State Public Charter School Authority (SPCSA), offered public comment expressing concern that charter schools can be overlooked in discussions about school districts and urged charter schools be given equal access to funding opportunities offered to school districts.

Based upon this information, the LCE agreed to:

**Include a statement in the final report that NDE should provide the governing body of each charter school in this State equal notice of opportunity to apply for funding when opportunities are made available to school districts.**

## **3. Educational Personnel**

Educator Professional Development Governance—In correspondence and discussion, Superintendent of Public Instruction Dale Erquiaga advised that statewide coordination of education reform would be enhanced by centralizing the coordination of professional development activities undertaken by school districts and the Regional Professional Development Programs (RPDPs). The Superintendent also advised that program effectiveness

would be improved by ensuring a better linkage between education program intent and professional development content. Echoing the thoughts of Superintendent Erquiaga, correspondence from the Guinn Center for Public Policy indicates current law (NRS 391.520) requires the Statewide RPDP Council to adopt uniform standards for use by the regional governing bodies. However, this provision only applies to training provided by the RPDPs and not by school districts. The Guinn Center and the Department believe the RPDPs and school districts should both use the same, rigorous standards to better coordinate their professional development efforts.

**Following deliberation on this issue, the LCE approved the following action:**

**Propose legislation to conduct an interim study of professional development for teachers and administrators in Nevada to include, but not limited to, content delivery, governance, program quality and evaluation, required funding, and standards. The study is to address professional development provided by school districts, charter schools, and the RPDPs, as well as the relationship of each to NDE. Further, the study will determine the impact of professional development on instruction and achievement. The results of the study will be reported to the 2017 Nevada Legislature. (BDR S-406)**

Teacher Reemployment Notices—During the July 15, 2014, LCE meeting testimony was offered by the Nevada Association of School Boards (NASB) explaining when school districts plan their employee notifications of the districts’ intent to rehire, that exceptions to the current May 1 deadline are often necessary during legislative years. This is because the funding decisions of the Legislature can impact the hiring decisions of the school districts. The NASB further testified that amending the statutes as proposed would avoid the necessity of special legislative action to extend the deadline during odd-numbered years.

Based upon this information, the LCE agreed to:

**Propose legislation to allow local school boards, in odd-numbered years, to extend from May 1 to May 15 the deadline to notify post-probationary employees of their reemployment status for the next school year. Further, require notice of such an extension be provided by April 1 to the recognized employee organization that represents the employee, or directly to an unrepresented post-probationary employee. For any licensed employee receiving notice under this optional extension, the deadline shall be extended from May 10 to May 25 for the employee to notify the local school board of his or her acceptance of the employment offer. (BDR 34-405)**

Long-Term Substitute Teachers—The Nevada State Education Association (NSEA) testified during the July 15, 2014, LCE meeting that evidence shows the extensive use of long-term substitute teachers may have a negative impact on student and school performance. The NSEA further testified that with the recent implementation of the Nevada School Performance

Framework, the addition of data on long-term substitutes may offer useful policy insights for supporting and improving underperforming schools.

Based upon this information, the LCE agreed to:

**Include a statement in the final report urging Nevada’s school districts to track both the number and duration of long-term substitute teachers employed in the classroom, so this data may be used to determine the impact of substitute teachers on student or school performance.**

Personnel Demographic Data—The Latino Leadership Council testified during the January 22, 2014, LCE meeting that the demographic profiles of students and personnel are *dissimilar at many schools, particularly those schools classified as at-risk or Title I*. The Council further testified that adult role-modeling and overall educator cultural competence are enhanced when the demographics of school staff are reflective of the student body.

Following deliberation on this issue, the LCE approved the following action:

**Include a statement in the final report urging school districts, whenever practical and possible, to track and report school-level personnel demographic data.**

Teacher Preparation—Nationally, there has been an increased focus on the quality of teacher preparation programs and an emphasis on improving program accountability. In 2013, the National Council for Accreditation of Teacher Education merged with the Teacher Education Accreditation Council to form the Council for the Accreditation of Educator Preparation. This new organization is in the process of developing new standards to improve the nation’s schools of education.

The Committee heard testimony during its March 26, 2014, meeting from StudentsFirst that State regulations require the SBE to annually evaluate Nevada’s teacher preparation programs and publish the evaluation online. Regulations also allow the disapproval of programs; however, the decommissioning process is not based upon the teaching effectiveness of program graduates. StudentsFirst believes the SBE is best positioned to make transparent the quality of Nevada’s teacher preparation programs, and improved transparency will serve both teaching candidates in choosing a school and district leaders who are hiring graduates for the classroom.

Following deliberation on this issue, the LCE approved the following action:

**Send a letter from the Committee to the SBE encouraging the Board, through policy or regulation, to:**

- a. Link the State’s databases on teacher licensure and teacher performance evaluation;**

- b. **Create minimum performance standards for courses of study and training for the education of teachers based upon metrics that consider graduate effectiveness;**
- c. **Prescribe improvement plans for teacher preparation programs not meeting performance standards; and**
- d. **Collect and report qualitative feedback from individuals enrolled in teacher preparation programs.**

Training for Paraprofessionals—During its July 15, 2014, meeting the LCE heard testimony that the effectiveness of the partnership between teachers and paraprofessionals in their classroom is enhanced, as is the effectiveness of their teaching strategies, when they jointly attend professional development activities. When these partnering professionals are trained separately, the concepts learned and skills gained in the training are more difficult to carry out in the classroom.

Given this concern, the LCE approved the following action:

**Include a statement in the final report urging Nevada’s school districts and the RPDPs, whenever possible and practical, to deliver paraprofessional training simultaneously to the paraprofessional and the teacher with whom he or she works.**

#### **4. Student Literacy**

Expand Student Demographic Reporting—The LCE heard testimony during its July 15, 2014, meeting that many of Nevada’s African-American students experience literacy challenges that are similar to those of traditional English Language Learners (ELL). However, students whose native language is English do not receive language supports similar to those of their ELL peers. By tracking African-American students who receive Free and Reduced Lunch in school district accountability reports, advocates believe schools and policymakers would be equipped with information needed to target interventions to this group and to measure the impact of new or existing programs on student performance.

After deliberation on this issue, the LCE agreed to:

**Propose legislation to require the annual report of accountability, prepared by the board of trustees of each school district, to include information regarding pupils in each reported racial demographic group, including those who are identified as multi-racial and who are eligible for Free and Reduced Lunch under federal guidelines. The information reported about such pupils shall include their:**

- a. **Overall number and percentage;**

- b. Achievement and proficiency in comparison to the general student population;
- c. Retention rate;
- d. Graduation rate;
- e. Dropout rate;
- f. Average grade point averages; and
- g. Average scores on examinations administered pursuant to NRS 389.550, 389.805, and 389.807. (BDR 34–407)

Home Language Survey and Prekindergarten Program Evaluation—In correspondence to the LCE, NDE advised the State needs a consistent, statewide Home Language Survey but it would be impractical to require one in statute. The Department also advised that authorizing NDE to determine a survey protocol through regulation would meet this need, would be consistent with the statute for the selection of a State English Language Proficiency Assessment, and would enable recommendations from the English Mastery Council to be implemented by NDE. The Department also stated that enabling SBE regulation of a Home Language Survey would provide the necessary flexibility to augment the survey process as the World-Class Instructional Design and Assessment protocols are normed and proposed. Related to prekindergarten program evaluations, the Department’s correspondence advised:

*Recognize that prekindergarten children who speak a language other than English are developmentally ‘dual language learners.’ Instructional practice and parent engagement must be designed to recognize and enrich each child’s English and native language development. . . . Acknowledging dual language learning can also help to redefine the ‘deficit model’ of ‘second language interference,’ to an awareness of the potential academic benefits for bilingual and bi-literate children.*

Based upon this information, the LCE agreed to:

**Propose legislation to require the SBE to adopt regulations requiring a single, statewide home language survey protocol to be used by public school districts and charter schools to evaluate whether a pupil is required to be screened for classification as an ELL. (BDR 34–408)**

AND

**Propose legislation to require the SBE to adopt regulations requiring consistent, statewide quality and evaluation measures for public and private prekindergarten programs and requiring the use of appropriate assessment tools to identify Dual**

**Language Learners (DLL).** The regulations shall further require that prekindergarten pupils identified, upon enrollment for kindergarten, as DLL be screened for identification as ELL and be classified as either ELL or English proficient according to the screening results.

**Additionally, the SBE must request, on the proposed regulations, the input of the SPCSA and those school districts with more than 10 percent of enrolled students classified as ELL. (BDR-408)**

## **5. Nevada System of Higher Education**

College Readiness—The Nevada Manufacturers Association stated in correspondence to the LCE that a high school student can avoid remediation in postsecondary education by achieving specified scores on required high school assessments. However, a majority of Nevada’s high school students who enter one of the State’s public higher education institutions require remedial course work. Such course work often serves as a barrier to college completion because it delays a student’s entry into credit bearing classes. If a student and his or her parents are aware of the specific requirements to avoid college remediation, they would be better equipped when preparing for the applicable high school assessments and better informed when undergoing the higher education placement process.

The LCE approved the following action:

**Send a letter from the LCE to NSHE, NDE, each school district, and each charter school encouraging them to collaboratively produce and make available a document that shows pupils and parents the courses and test scores necessary in high school to ensure a pupil will not need to enroll in remedial courses in college.**

## **6. Funding of Education**

K-12 Public Education Stabilization Account—The LCE received extensive testimony detailing the need to protect K-12 funding during economic downturns. Similar to the Rainy Day Fund used to stabilize Nevada’s State General Fund, past Nevada Legislatures have considered, but not instituted, a stabilization account specific to K-12 public education. As contemplated, such an account would be funded by unspent dollars in the Distributive School Account (DSA), which are typically reverted at the end of odd-numbered fiscal years.

Based upon the information received, the LCE agreed to:

**Redraft S.B. 435 from the 2013 Legislative Session to establish the K-12 Public Education Stabilization Account. Funding reverting to the DSA at the end of odd-numbered years would be transferred to the Stabilization Account. Authorize the Superintendent of Public Instruction to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. The request would be made of the Legislature when in session or of the Interim Finance Committee during the interim period between sessions. (BDR 31-409)**

## 7. Miscellaneous Matters in Education

Committee Alternates—The appointment of alternate committee members by the Legislative Commission makes it easier for an interim committee to conduct its business, should regular members be unable to attend a meeting. This was not a significant issue for the LCE during the 2013–2014 Interim, but having alternate members would help avoid problems in future interim periods. The Legislative Committee on Public Lands (NRS 218E.510) provides a model for the appointment and use of alternate members.

The LCE agreed to:

**Send a letter from the LCE to the Legislative Commission urging them to propose legislation requiring the appointment of alternate members to the LCE.**

Disparities in Student Discipline—The LCE heard testimony during its January 22, 2014, meeting describing substantial differences in the rates of discipline among students in a variety of demographic categories, and research was cited showing the negative impact of unnecessary discipline on a student’s long-term academic performance.

The LCE took action to:

**Include a statement in the final report urging the LCE to study, during the 2015-2016 Interim, disparities in the frequency and severity of discipline among various demographic groups in Nevada’s K–12 schools.**

Student Advancement—Correspondence received from the Nevada Manufacturers Association discussed the individual and societal difficulties caused when schools promote to the subsequent grade a student who has failed to demonstrate competency in key subjects. The Association suggested that competency gateways be placed in third grade for English Language Arts and in sixth grade for mathematics. Research has shown that competency-based retention policies can have a positive impact on long-term student achievement when accompanied by early identification measures and intensive student support well in advance of the gateway assessment.

Based upon this information, the LCE agreed to:

**Include a statement in the final report emphasizing the necessity for students to demonstrate grade-level competency in English Language Arts by the end of third grade and mathematics by the end of sixth grade.**

Student Advancement—The Nevada Manufacturers Association also advocated for the abolishment of the traditional school schedule. The Association believes self-paced advancement through courses would benefit both the student and teacher. Such a system would ensure struggling students receive all the support needed to achieve mastery, even if it requires longer than a standard school year, and would enable high-performing students to

move on to greater challenges instead of being forced to advance only when all of their peers are ready. Teachers would benefit by being freed from continued instruction and management of students who have advanced out of their classroom, and by being able to provide more time and focused instruction to students needing greater support.

The Association also referred to research showing that flexibility in the length of the school day and school year enables further customization of instruction to individual student needs, as well as studies that espouse later school day start times to ensure students come to school adequately rested.

Based upon this information, the LCE agreed to:

**Include a statement in the final report and send letters to the SBE, the SPCSA, and Nevada’s school districts, encouraging the lengthening of the school day and school year to better enable schools to meet the educational achievement needs of each pupil. Further, urge consideration of school day start and finish times that are responsive to the research showing pupils perform better when receiving adequate rest.**

Pupil Wellness—In testimony and correspondence, the American Heart Association described linkage between the wellness of pupils and their academic performance in school. The Association suggested that increasing the transparency of district and school wellness policies and programs could help advocates to further engage communities in discussions concerning wellness and provide programmatic support to schools and families.

After deliberation, the LCE agreed to:

**Send a letter from the LCE encouraging the SPCSA and Nevada’s school districts to make student wellness information available to the public on the Internet. Such information should include:**

- a. Whether the school district has a wellness policy;**
- b. Whether the district completed the Nevada State Wellness Policy Evaluation;**
- c. If available, the district’s Nevada State Wellness Policy Evaluation score for the most recent year; and**
- d. The district’s plan for improving or maintaining the wellness of pupils.**

End-of-Course Exams—Correspondence from the Southern Nevada RPDP described the challenge of preparing teachers and students for tests when sample materials are not available. The program recommended making parallel constructed materials (test questions that are similar to those on the exam but are not on the exam) available to professional development providers to assist in creating training materials for teachers and preparation materials for students.

As a result of this recommendation, the LCE agreed to:

**Send a letter from the Committee to NDE urging the Department to include in its vendor contract(s) for end-of-course exams a requirement the vendor provide parallel constructed materials; these may include practice exams and other materials. Furthermore, the letter shall encourage NDE to share such materials with those entities providing professional development to education professionals in Nevada for use in training and the development of further support materials for teachers and students.**

School Facilities—The Committee received correspondence from the SPCSA describing the challenges of charter schools securing and paying for appropriate facilities. Many charter schools rent or own building space that is much smaller than those occupied by traditional public schools or that lack a kitchen, gymnasium, library, or science and computer labs. A significant factor in this facility disparity is that charter schools must fund their physical plant through the per-pupil funding allocation, unlike traditional schools which are generally provided a paid-for building that has been constructed with public funding. The SPCSA suggested three key strategies to address these facilities challenges.

The LCE agreed to:

**Include a statement in the final report:**

- a. Urging the Legislature to explore a State-level public school capital construction fund, similar to those created in Colorado and New Mexico;**
- b. Urging the Legislature to explore a per-pupil facilities allowance for each charter school in Nevada based upon historical school facilities costs in the State; and**
- c. Expressing the Committee’s opinion that no State or local entity should impose any facility- or site-related requirements on a charter school that are stricter than those applied to traditional public schools.**

Teacher Evaluation—A research study by the Bill and Melinda Gates Foundation, which began in 2009, has shown that student performance weights between 33 and 50 percent of a teacher’s performance evaluation, combined with multiple other measures, result in the most accurate prediction of future performance. Based upon this research many states, including Nevada, instituted student performance weights in their statewide teacher evaluation systems. The Nevada Educator Performance Framework (NEPF) is currently configured as follows:

- **Student Outcomes**—students’ performance growth (35 percent), students’ proficiency (5 percent), reduction in the performance gaps of at-risk students (10 percent). These percentages are applied differently based upon a teacher’s assignment and the availability of student data.

- Instructional Practice—teacher’s classroom work (35 percent).
- Professional Responsibilities—teacher’s work outside the classroom (15 percent).

The experience of states in implementing performance-based evaluation systems, and more recent research—including a current validation study of the NEPF—have revealed problems in using student performance on standardized tests as measures of teacher effectiveness. As a result, many states including Nevada are delaying implementation of their new evaluation systems and changing the proportion of student performance that must be included in an evaluation.

After deliberation on this issue, the LCE took action to:

**Propose legislation to reduce, from 50 percent to 40 percent, the percentage of pupil achievement data that must be accounted for in each performance evaluation of a school administrator or licensed education personnel. This provision shall expire July 1, 2017. (BDR 34–410)**

#### IV. CONCLUSION

This report presents a summary of the bill drafts requested by the LCE for discussion before the 2015 Nevada Legislature and other actions to express its position on important education matters. Persons wishing to have more specific information concerning these issues may find it useful to review the “Summary Minutes” and related exhibits for each of the LCE meetings at: <http://www.leg.state.nv.us/Interim/77th2013/Committee/Scheduler/committeeIndex.cfm?ID=61>.

The LCE wishes to thank the many testifiers, including citizens, stakeholders, and subject-matter experts who generously gave of their time and expertise to make this interim period productive for education. A particular thanks is offered to representatives of the Nevada System of Higher Education, Nevada’s Department of Education, and the State’s many school districts who provided in-depth testimony on multiple occasions.



**V. APPENDICES**

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**APPENDIX A**

*Nevada Revised Statutes* 218E.600 through 218E.620



*Nevada Revised Statutes*

**NRS 218E.600 “Committee” defined.** As used in [NRS 218E.600](#) to [218E.625](#), inclusive, unless the context otherwise requires, “Committee” means the Legislative Committee on Education.

(Added to NRS by [1997, 1775](#))—(Substituted in revision for NRS 218.5351)

**NRS 218E.605 Creation; membership; budget; officers; terms; 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. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

3. The Legislative Commission shall select the Chair and Vice Chair of the Committee from among the members of the Committee. Each Chair and Vice Chair holds office for a term of 2 years commencing on July 1 of each odd-numbered year. The office of Chair of the Committee must alternate each biennium between the Houses. If a vacancy occurs in the office of Chair or Vice Chair, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

4. A member of the Committee who is not a candidate for reelection or who is defeated for reelection continues to serve after the general election until the next regular or special session convenes.

5. A vacancy on the Committee must be filled in the same manner as the original appointment for the remainder of the unexpired term.

(Added to NRS by [1997, 1775](#); A [2009, 1150, 1560](#); [2011, 3230](#))—(Substituted in revision for NRS 218.5352)

**NRS 218E.610 Meetings; quorum; compensation, allowances and expenses of members.**

1. Except as otherwise ordered by the Legislative Commission, the members of the Committee shall meet not earlier than November 1 of each odd-numbered year and not later than August 31 of the following even-numbered year at the times and places specified by a call of the Chair or a majority of the Committee.

2. The Director or the Director’s designee shall act as the nonvoting recording Secretary of the Committee.

3. Five members of the Committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the Committee.

4. Except during a regular or special session, for each day or portion of a day during which a member of the Committee attends a meeting of the Committee or is otherwise engaged in the business of the Committee, the member is entitled to receive the:

(a) Compensation provided for a majority of the Legislators during the first 60 days of the preceding regular session;

(b) Per diem allowance provided for state officers and employees generally; and

(c) Travel expenses provided pursuant to NRS 218A.655.

5. All such compensation, per diem allowances and travel expenses must be paid from the Legislative Fund.

(Added to NRS by 1997, 1775; A 2009, 1150; 2011, 3230)—(Substituted in revision for NRS 218.5353)

**NRS 218E.615 General powers.** The Committee may:

1. Evaluate, review and comment upon issues related to education within this State, including, but not limited to:

(a) Programs to enhance accountability in education;

(b) Legislative measures regarding education;

(c) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the statewide system of accountability for public schools;

(d) Methods of financing public education;

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

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

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

(h) Any other matters that, in the determination of the Committee, affect the education of pupils within this State.

2. Conduct investigations and hold hearings in connection with its duties pursuant to this section and exercise any of the investigative powers set forth in NRS 218E.105 to 218E.140, inclusive.

3. Request that the Legislative Counsel Bureau assist in the research, investigations, hearings and reviews of the Committee.

4. Make recommendations to the Legislature concerning the manner in which public education may be improved.

(Added to NRS by 1997, 1776; A 2003, 19th Special Session, 82; 2005, 1982; 2011, 2378; 2013, 1937, 2640, 3291, 3750)—(Substituted in revision for NRS 218.5354)

**NRS 218E.620 Administration of oaths; deposition of witnesses; issuance and enforcement of subpoenas.** Repealed. (See chapter 550, Statutes of Nevada 2013, at page 3759.)

**NRS 218E.600 “Committee” defined.** As used in NRS 218E.600 to 218E.625, inclusive, unless the context otherwise requires, “Committee” means the Legislative Committee on Education.

(Added to NRS by 1997, 1775)—(Substituted in revision for NRS 218.5351)

## **APPENDIX B**

Outcome of Suggested Legislation from the 2011–2012 Interim



## APPENDIX B

### Outcome of Suggested Legislation from the 2011-2012 Interim

<b>Bill</b>	<b>Outcome</b>	<b>Summary</b>	<b>Provisions (If Passed)</b>
A.B. 79	Passed, Chapter 114 ( <i>Statutes of Nevada</i> )	Establishes in statute the Nevada Early Childhood Advisory Council	The Council was originally created under Executive Order and was scheduled to sunset in 2013. Under A.B. 79, members of the Council are Governor appointed. The Council is required to strengthen State-level coordination of early childhood programs, conduct periodic needs assessments, assess the effectiveness of higher education institutions in preparing early childhood educators, develop recommendations for increasing student participation, develop core elements and standards, establish statewide professional development, and increase parental involvement.
A.B. 205	Passed, Chapter 484	Charter school performance contracts and enrollment preferences	A.B. 205 requires Nevada’s charter schools to operate under performance-based contracts, rather than written charters, and it specifies certain performance measures that the contracts must include. It prescribes the grounds for termination of a charter contract, which may include persistent underperformance, and clarifies the process for a sponsor’s review and approval of a charter application. The bill requires the Department of Education to adopt regulations in its role as an authorizer of charter school sponsors and expands the availability of charter school enrollment preferences.
A.B. 259	Passed, Chapter 139	Revises P-16 Council	A.B. 259 changes the name of the Council to the “P-20 W Advisory Council,” adds the Director of DETR as an ex officio member, broadens the role of the Council in using the statewide longitudinal data system, and ensures that representative(s) of early childhood education serve on the Council.

A.B. 414	Passed, Chapter 411	Provides for CPR and AED instruction	A.B. 414 requires a course of study in health education, in both public and private secondary schools, including instruction in CPR and the use of an automated external defibrillator. Students with disabilities and those enrolled in a distance education program are exempt.
A.B. 459	Passed, Chapter 315	Allows school district property to be donated to other districts	A.B. 459 authorizes Nevada's school districts to donate to, and receive from other districts, surplus personal property without complying with notice, bidding, and other requirements for the disposal of a local government's personal property.
A.B. 460	Passed, Chapter 365	Requires compliance with federal school accountability laws	A.B. 460 removes the statutory school accountability provisions and requires the Department of Education to establish a single statewide system of accountability for all public schools, regardless of their Title I status. This enables Nevada to remain flexible in complying with the changing requirements of federal law, but also sets forth certain elements that must be included in the system.
A.J.R. 8	Failed in Assembly	Adds a student member to the Board of Regents	
S.B. 207	Failed in Senate	Amends or eliminates several programs and reports.	
S.B. 435	Failed in Senate	Creates the K-12 Public Education Stabilization Account	
S.B. 447	Passed, Chapter 342	RPDP budget, governance, requirements; computer lab monitoring	S.B. 447 amends the budget submission process for the Regional Professional Development Programs and requires they be reviewed by their statewide Council and included in the Department of Education's budget. Membership of the statewide Council is expanded and all new members appointed as of June 30, 2013. The bill also expands the types of training provided and the outcomes to be reported. S.B. 447 also authorizes paraprofessionals to monitor computer laboratories and district attendance officers to issue citations for habitual truancy.

## **APPENDIX C**

### **Suggested Legislation**



## APPENDIX C

### Suggested Legislation

**The following bill draft requests (BDRs) will be available during the 2015 Legislative Session, or can be accessed after “Introduction” at the following website: <http://www.leg.state.nv.us/Session/78th2015/BDRList/page.cfm?showAll=1>**

- BDR 34-404 Revises provisions relating to plans for schools to use in responding to a crisis or emergency.
- BDR 34-405 Revises provisions relating to reemployment of employees of school districts.
- BDR S-406 Provides for the creation of an interim study regarding professional development for teachers and school administrators.
- BDR 34-407 Revises provisions relating to information included in the annual report of accountability prepared by school districts and sponsors of charter schools.
- BDR 34-408 Requires the State Board of Education to adopt regulations regarding screening and assessing the English proficiency of certain pupils.
- BDR 31-409 Creates the K-12 Public Education Stabilization Account.
- BDR 34-410 Revises provisions relating to the evaluation of licensed educational personnel and administrators.

