



POLICY AND PROGRAM REPORT

Elementary-Secondary Education

April 2016



Nevada's Department of Education (NDE) supervises and regulates public elementary and secondary education in the State and is headed by the Superintendent of Public Instruction. The Department is responsible for regulating and supporting the State's 17 school districts and its public schools. In Nevada, responsibility for the education of elementary and secondary students is divided or shared among the State, local school districts, and charter schools.

CONSTITUTIONAL BASIS AND HISTORY

The *Nevada Constitution*, Article 11, Section 2, makes the State responsible for the establishment of the public school system.

In general, the Nevada Legislature has four primary responsibilities for public education: (1) providing for a uniform system of common schools; (2) prescribing the manner of appointment and duties of the Superintendent of Public Instruction; (3) indicating specific programs and courses of study; and (4) maintaining overall budget authority and establishing guaranteed per pupil funding.

Over the years, the Nevada Legislature has adopted a body of law within Title 34 ("Education") of *Nevada Revised Statutes* (NRS) regarding the system of public schools. Sections of Title 34 address the State administrative organization; the local administrative organization; financial support of the school system; the system of public instruction; examinations, courses, standards, and diplomas; textbooks; personnel; pupils; school property; and the education of pupils with disabilities.

During its biennial sessions, the Legislature acts upon numerous policy and fiscal measures dealing with public education. The two standing committees dealing with policy matters are the Senate Committee on Education and the Assembly Committee on Education. Bills requiring substantive funding are processed by the two appropriations committees—the Senate Committee on Finance and the Assembly Committee on Ways and Means. During the interim period between legislative sessions, fiscal matters related to education are managed by the Interim Finance Committee; both education fiscal and policy issues are discussed by the Legislative Committee on Education.

TABLE OF CONTENTS

Constitutional Basis and History	1
Governance and Oversight	2
Enrollment Trends and Characteristics	2
Financing	4
Charter Schools	5
Graduation Standards	8
History of Testing in Nevada Public Schools	8
Educational Personnel	9
Additional References.....	11
Research Staff Contact.....	12

GOVERNANCE AND OVERSIGHT

State Board of Education and the Superintendent of Public Instruction

The State Board of Education consists of voting members elected by the voters in each of the State's four congressional districts, and three members appointed by the Governor. In addition to the voting members, the Board includes four nonvoting members appointed by the Governor after being nominated by various entities specified in the statute.

The Governor appoints the Superintendent of Public Instruction from a list submitted by the State Board of Education. The Superintendent has the authority to enforce the K through 12 education laws in Nevada and ensure the duties and responsibilities of various councils and commissions are carried out.

School Districts

Under the authority granted to it by the *Nevada Constitution*, the Legislature established a system of school districts to provide for a mechanism of local control. The Nevada Legislature, in a Special Session held in 1956, made extensive changes to the structure of Nevada's public school system. Among other changes, the Legislature eliminated the 208 legally active local school districts that had existed in Nevada and replaced them with just 17 districts, each of which is coterminous with county boundaries.

Under current law, boards of trustees are composed of either five or seven members; districts with more than 1,000 pupils have seven-member boards. Members serve four years, and vacancies are filled by the remaining trustees at a public meeting with the appointee serving until the next general election. Except in certain circumstances, members of Nevada's 17 local school boards are elected "at large" in each school district. Nevada school district boards of trustees carry out a number of policy roles, which include: (1) approving curriculum; (2) enforcing courses of study prescribed by statute and administering the State system of public instruction; (3) establishing district policies and procedures; and (4) providing oversight of the school district's funds and budget.

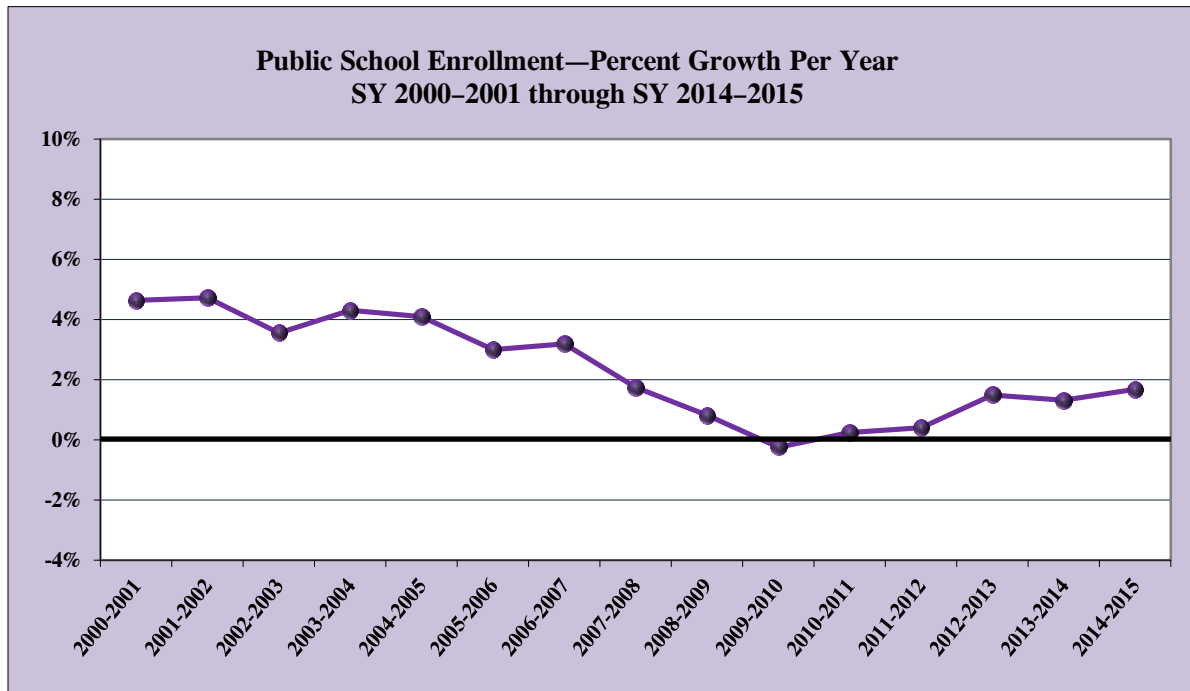
History of the Governance Structure in Nevada

Historical information about the structure of Nevada's public school system may be found in the Legislative Counsel Bureau's (LCB's) issue paper titled, *History of Selected Components of Nevada's Public Elementary-Secondary Education Governance Structure*. This document may be accessed in the Research Library of the LCB or at the following website: <http://www.leg.state.nv.us/Division/Research/Publications/ResearchBriefs/HistoryEdGovernStruct.pdf>.

ENROLLMENT TRENDS AND CHARACTERISTICS

According to NDE, in School Year (SY) 2014-2015 there were 459,172 pupils enrolled in public schools. Charter school enrollment represents 28,975 of these students. According to the National Center for Education Statistics (NCES) of the United States Department of Education, from school years 2012 to 2025, Nevada's pre-K through 12 enrollments in public schools is expected to increase by 26 percent. Enrollment growth has had a profound impact upon both district staffing and

infrastructure in Nevada, especially in Clark County. Throughout the 1990s until SY 2001-2002, enrollment in Nevada grew by an average of 5 percent per year. In SY 2002-2003, enrollment growth began to level off, with 4 percent growth in SY 2002-2003. Since then, enrollment has increased at an average rate of approximately 1 percent per year.



Source: NDE.

Part of Nevada's enrollment growth has involved an increase in ethnic minority student populations, particularly those requiring special instruction to gain language proficiency, referred to as English language learners (ELLs). An ELL is an individual who was not born in the U.S., whose native language is a language other than English, who comes from an environment where a language other than English is dominant, or who is an American Indian or Alaska Native and who comes from an environment where a language other than English has had a significant impact on his or her level of English language proficiency.

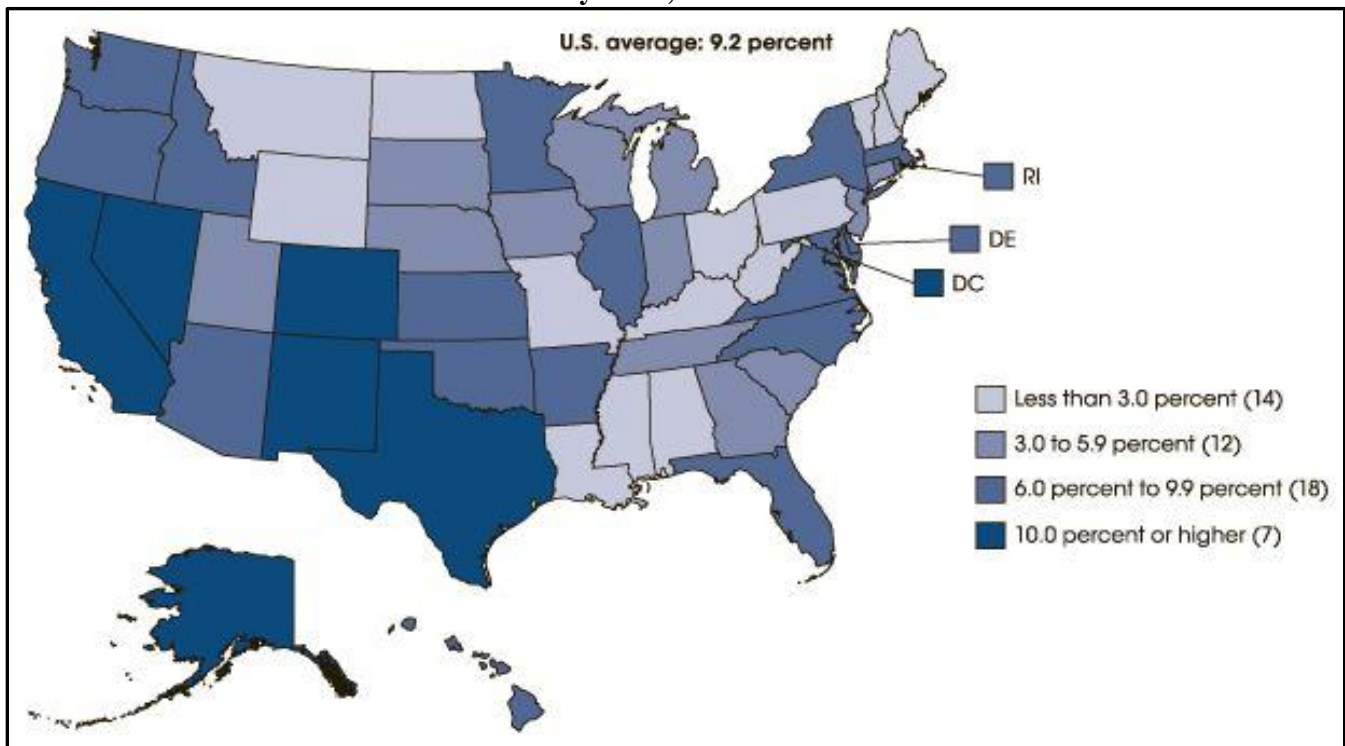
As of SY 2013-2014, 19 percent of Nevada students were classified as ELLs. The Legislature sought to address this issue through the passage of Senate Bill 504 (Chapter 515, *Statutes of Nevada 2013*). This legislation:

- Provided for a comprehensive program targeting the needs of ELLs;
- Created a 16-member English Mastery Council, tasked with providing recommendations to policy-making entities;
- Required the establishment and implementation of policies to support the successful education of ELLs; and

- Appropriated approximately \$50 million over the 2013-2015 Biennium to support ELL programs.

The 2015 Nevada Legislature built upon this foundation of support for ELLs by creating a new Victory schools program with the passage of S.B. 432 (Chapter 389, *Statutes of Nevada*); expanding the Zoom schools program with the passage of S.B. 405 (Chapter 335, *Statutes of Nevada*) to include middle and high schools and increasing funding for the program to a total of \$100 million; and creating the “Read by Three” program with the passage of S.B. 391 (Chapter 334, *Statutes of Nevada*).

**Students—Limited English Proficient Enrollment
Percentage of Public School Students Who Are
ELL by State, SY 2012-2013**



Source: U.S. Department of Education, NCES, Common Core of Data (CCD), “Local Education Agency Universe Survey,” 2012-2013. See *Digest of Education Statistics 2014*, at: http://nces.ed.gov/programs/coe/indicator_cgf.asp#info.

FINANCING

The *Nevada Plan* is the means used to finance elementary and secondary education in the State’s public schools. The document may be accessed in the Research Library of the LCB or at the following website: http://www.leg.state.nv.us/Division/Fiscal/NevadaPlan/Nevada_Plan.pdf.

Through the *Nevada Plan*, the State develops a guaranteed amount of funding for each of the local school districts, and the revenue, which provides the guaranteed funding, is derived from both State and local sources. On average, this guaranteed funding contributes approximately 75 percent to 80 percent of school districts’ general fund resources. The *Nevada Plan* funding for the districts

consists of State support received through the Distributive School Account¹ (DSA) and locally collected revenues from the Local School Support Tax (sales tax) and the Ad Valorem Tax (property tax).

In Nevada, each school district's guaranteed level of funding is determined by multiplying the basic support per pupil by weighted enrollment. Weighted enrollment (used to distribute DSA funds to school districts) equals a full count of pupils enrolled in grades 1 through 2, net of transfers, and including children with disabilities enrolled in special education programs within a district or charter school, and six-tenths of the count of pupils enrolled in kindergarten or programs for three- and four-year-olds with disabilities. Special need preschoolers are counted as six-tenths of a pupil because they typically attend school for half of a day or less.

In addition to revenue guaranteed through the *Nevada Plan*, school districts receive other revenue considered "outside" the *Nevada Plan*. Revenues outside the formula, which are not part of the guarantee but are considered when calculating each school district's relative wealth, include the following: 50 cents of the Ad Valorem Tax on property; the share of basic government services tax distributed to school districts; franchise tax; interest income; tuition; unrestricted federal revenue, such as revenue received under Public Law 81-874 in lieu of taxes for federally impacted areas; and other local revenues.

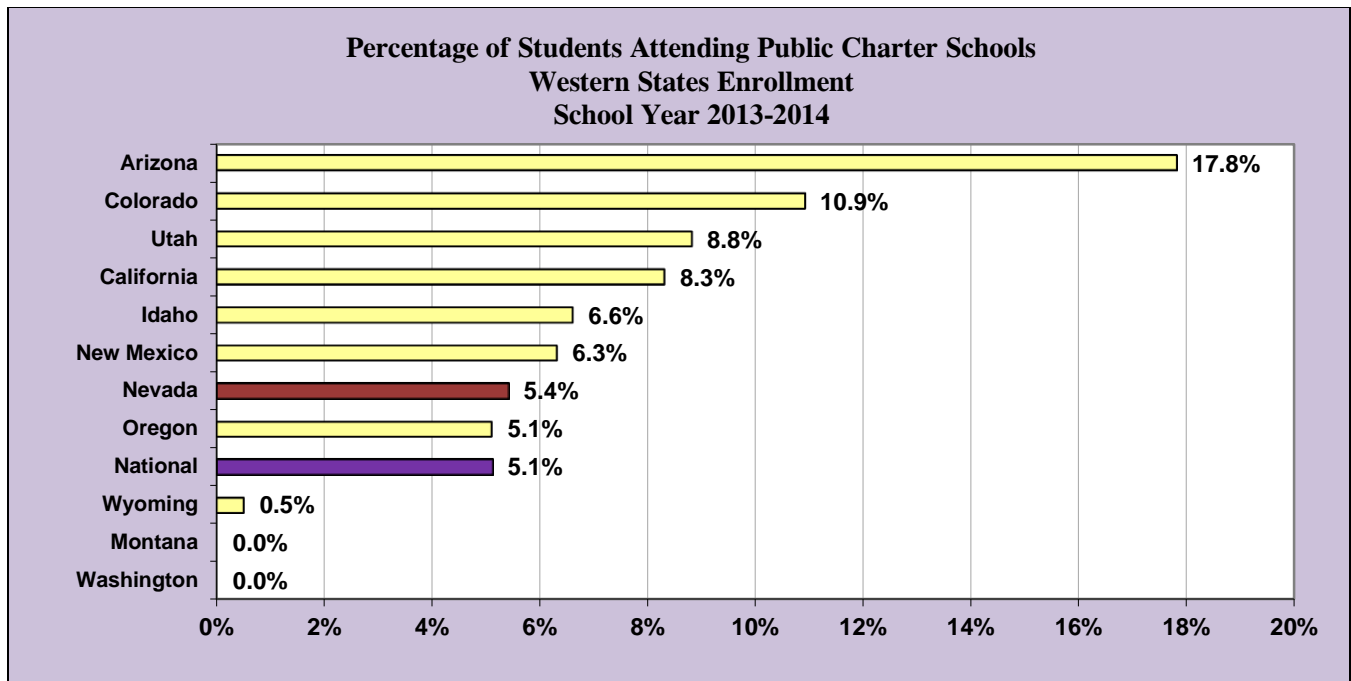
In addition to revenues recognized by the *Nevada Plan*, school districts receive "categorical" funds from the federal government, State, and private organizations that may only be expended for designated purposes. Examples include the State-funded Class-Size Reduction program, Early Childhood Education, remediation programs, and student counseling services. Federally funded programs include the Title I program for disadvantaged youngsters, the No Child Left Behind Act, the Race to the Top program, the National School Lunch program, and the Individuals with Disabilities Education Act. Categorical funds must be accounted for separately in special revenue funds. Funding for capital projects, which may come from the sale of general obligation bonds, "pay-as-you-go" tax levies, or fees imposed on the construction of new residential units also are accounted for in separate funds (the Capital Projects Fund and Debt Service Fund).²

CHARTER SCHOOLS

Charter schools are independent public schools, responsible for their own governance and operation. In exchange for this independence, there is increased accountability for their performance. The first charter school legislation in Nevada was enacted in 1997 through the passage of S.B. 220 (Chapter 480, *Statutes of Nevada*), and Nevada's charter school law was substantially amended in subsequent sessions. While private schools can "convert" to a charter school, homeschools may not.

¹The DSA is financed by legislative appropriations from the State General Fund and other revenues, including a 2.25-cent tax on out-of-state sales, an annual slot machine tax, mineral land lease income, and interest from investments of the State Permanent School Fund.

²Fiscal Analysis Division, LCB, 2012.



Source: U.S. Department of Education, NCES, *Digest of Education Statistics*, September 2015.

Until the 2011 Legislative Session, local school boards, the State Board of Education, and institutions of the Nevada System of Higher Education were authorized to be sponsors of charter schools in Nevada. Through the passage of S.B. 212 (Chapter 381, *Statutes of Nevada*), the 2011 Legislature created the State Public Charter School Authority (SPCSA) to replace the State Board as a sponsor. In addition to sponsoring charter schools, the SPCSA is expected to act as a model of best practices for all charter schools in Nevada.

Each charter school is overseen by a governing body, which must include teachers and may include parents or representatives of nonprofit organizations, businesses, or higher education institutions. The 2013 Legislature passed Assembly Bill 205 (Chapter 484, *Statutes of Nevada*), requiring Nevada's charter schools to begin operating under performance-based contracts, rather than written charters. Critical to accountability, charter school contracts include performance measures for student achievement and proficiency, attendance and re-enrollment rates, graduation rates, financial and governance outcomes, and indicators that are specific to a school's mission.

The 2015 Legislature enacted S.B. 509 (Chapter 516, *Statutes of Nevada*), giving the SPCSA limited regulatory authority, which is intended to improve the quality and diversity of Nevada's charter schools. Some of the bill's provisions include:

- Allowing nonprofit charter management organizations—which are among some of the most effective charter school operators nationally—to operate in Nevada;
- Providing additional options when a charter school persistently underperforms; and

- In the event it is necessary to terminate a school's contract or charter, allowing the reconstitution of the school's board of directors and the retention or termination of employees.

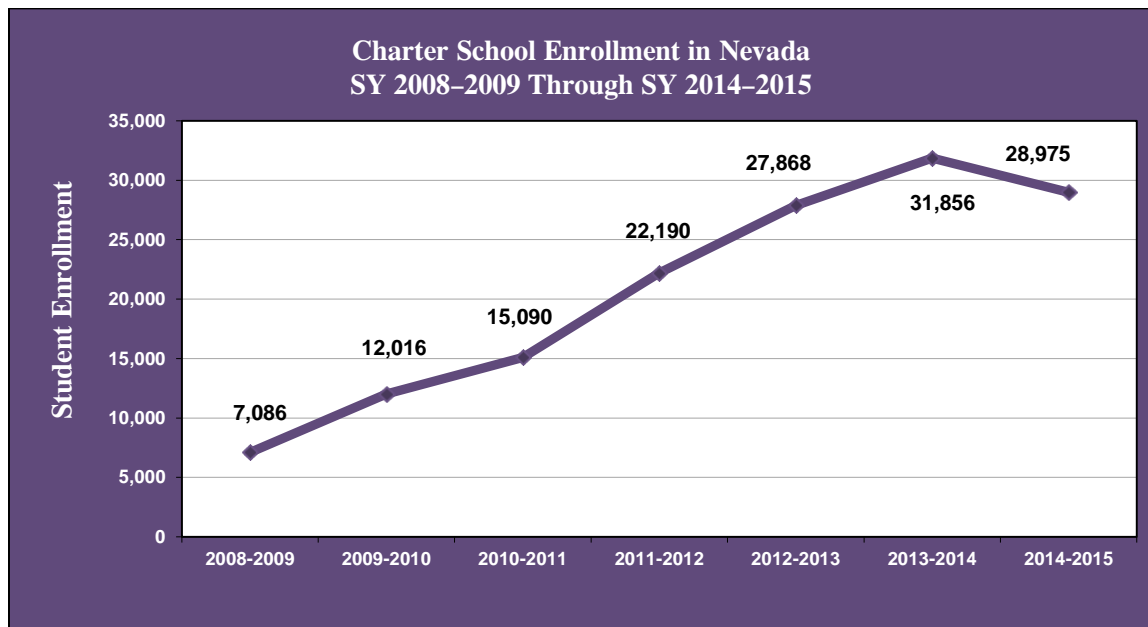
Charter schools receive the full per-pupil State funding for their students. School districts are obligated to share any State or federal funds, such as for special education students, on a proportional basis. There is no tuition to attend a charter school, but students may pay fees for certain activities—just as they would in a traditional school.

The SPCSA was created as a Local Education Agency (LEA), as defined in federal law, for the schools it sponsors. This LEA status allows it to receive and distribute State and federal categorical aid, such as Title I funds for disadvantaged students, to its State-sponsored charter schools. Under Nevada's previous structure, federal law prohibited our State-sponsored charter schools from receiving such funding.

To provide more access to funding resources for charter schools, the 2013 Legislature enacted S.B. 384 (Chapter 335, *Statutes of Nevada*), which provides charter schools access to the public bond market, enabling them to raise capital for improved facilities and to repay their debt over longer periods.

The 2015 Legislature enacted A.B. 351 (Chapter 412, *Statutes of Nevada*), requiring existing charter schools seeking bond funding to be rated three-star or better, for two consecutive school years, before being able to access public bonds.

Nevada has more than 40 charter schools in operation, the majority of which are sponsored by the SPCSA. The SPCSA is effectively Nevada's third largest school district. It also is the State's fastest growing district and is projected to surpass Washoe County in size by 2019.



Source: NDE.

GRADUATION STANDARDS

Default Curriculum

Pursuant to NRS 389.018, high school pupils must enroll in four credits of English; four credits of mathematics, including Algebra I and geometry; three credits of science, including two laboratory courses; and three credits of social studies, including American government, American history, and world history or geography. This default curriculum includes more credits than are required for a diploma, but a pupil may request a modified course of study as long as it satisfies at least the requirements for a standard high school diploma or an adjusted diploma, as applicable.

Diplomas

There are currently four types of high school diplomas granted in Nevada: (1) standard; (2) advanced; (3) adult; and (4) adjusted. A standard diploma is awarded upon successful completion of 22.5 units (15 credits for required courses and 7.5 elective credits) and passage of the High School Proficiency Examination (HSPE)—for students graduating before SY 2017—or a series of end-of-course exams for students graduating thereafter. Beginning with SY 2014-2015, each pupil enrolled in grade 11 also is required to take the college and career readiness assessment administered pursuant to NRS 389.807.

Graduation Rate

According to data released by NDE, the statewide public high school graduation rate is 70.77 percent for the class of 2015, which is slightly higher than the rate of 70 percent for the class of 2014. Nevada's graduation rate is calculated using a formula known as the adjusted cohort graduation rate; this formula is used by all states to enable comparability. As detailed in the NCES publication, *The Condition of Education*, across the U.S., an average of 81 percent of high school students graduate on time with a regular diploma. This publication is available at: <http://nces.ed.gov/programs/coe/indicator/coi.asp>.

HISTORY OF TESTING IN NEVADA PUBLIC SCHOOLS

Following several sessions of discussion, the 1977 Legislature adopted a mandated student testing program—the Nevada Proficiency Examination—to provide a statewide measure of student accountability that was not previously available. Since 1977, the Legislature has required statewide testing.

Nevada Education Reform Act

The 1997 Nevada Education Reform Act (NERA) increased testing requirements as a part of the revised accountability program for public schools. The NERA also established a policy linkage between the proficiency testing program and school accountability by creating a procedure for ranking schools based on their average test scores. Schools designated “in need of improvement” were required to prepare plans for improvement and to adopt proven remedial education programs based upon needs identified using the average test scores. In the 1999 Session, the Legislature added a requirement for criterion-referenced tests (CRTs) linked to the academic standards for selected grades and required that the HSPE be revised to measure the performance of students on the newly adopted academic standards starting with the class graduating in 2003.

No Child Left Behind Act of 2001

To comply with the federal No Child Left Behind Act (NCLB), the Legislature enacted S.B. 1 (Chapter 1, *Statutes of Nevada, 19th Special Session*) during a special session in 2003. The measure modified the NERA to add tests aligned to the State academic standards in reading and mathematics for grades 3 through 8. Further, the Legislature made substantive revisions to the linkage between these tests and the State accountability system to meet federal requirements for making Adequate Yearly Progress and imposing sanctions on schools and school districts that are consistently unsuccessful in meeting their target increases in student progress. The standards-based CRTs required by NCLB are linked to the school accountability program and are considered “high stakes” for schools and districts. The standards-based CRTs have been expanded to include a science examination at grades 5 and 8.

Since 1979, the HSPE has been a “high stakes” test for individual students since a passing score is required as a condition for high school graduation and for eligibility in the State’s Governor Guinn Millennium Scholarship Program. Historically, the HSPE included math, reading, and writing examinations; however, beginning with the class of 2010, a science test was included in the examination. The 2013 Legislature enacted A.B. 288 (Chapter 506, *Statutes of Nevada*), resulting in: (1) the phase-out of the HSPE; and (2) the addition of required end-of-course exams.

The system of student assessments in Nevada’s K through 12 schools is in the midst of a significant transformation. With the 2013 Legislature’s action to eliminate the HSPE, the State Board of Education outlined a plan to transition from the current system to a new one, under the basic tenet that a student’s testing requirements (i.e., the assessment and standards of performance or “cut scores”) should not be changed while he or she is in high school. Therefore, although the transition to new assessments in grades 3 through 8 can take place in one year, the transition to new high school graduation requirements will require time.

Common Core State Standards

The adoption of the Common Core State Standards (CCSS, also referred to as the Nevada Academic Content Standards) by Nevada in 2010 prompted reconsideration of the State’s overall testing scheme. Nevada joined the Smarter Balanced Assessment Consortium (SBAC), a multi-state organization united in developing computer-adaptive assessments that are aligned with the CCSS. Criterion-referenced tests are designed to measure student achievement against an objective criteria, instead of against the performance of other students, as is the case with norm-referenced tests. For many years, Nevada has administered a series of CRTs to students in grades 3 through 8.

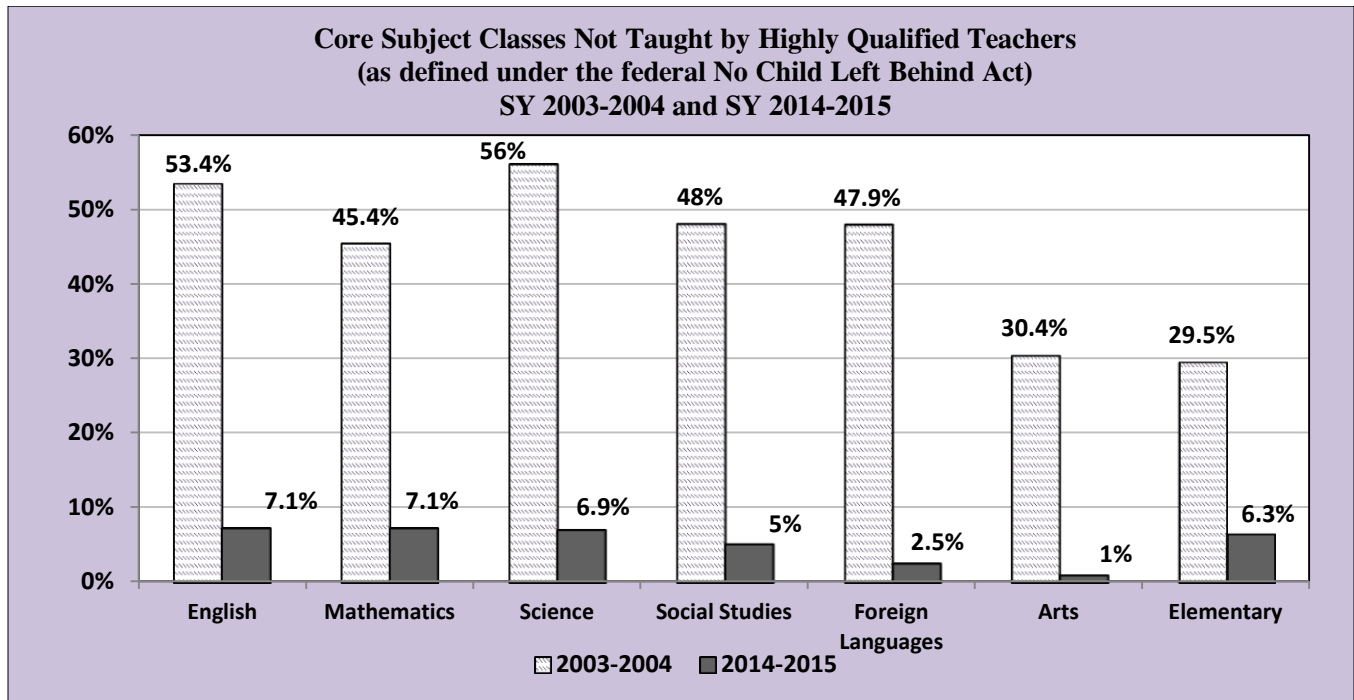
Beginning with SY 2014-2015, Nevada’s legacy system of CRTs has been replaced with assessments created through the SBAC for English (including writing) and mathematics.

EDUCATIONAL PERSONNEL

Highly Qualified Teachers

A key focus in Nevada is the importance of highly qualified teachers. Highly qualified teachers must have: (1) a bachelor’s degree; (2) full State certification or licensure; and (3) proof that they know each subject they teach. Under NCLB, all teachers of core academic subjects were to be highly

qualified by SY 2005-2006. For SY 2014-2015, approximately 94 percent of core class teachers in Nevada met the criteria for highly qualified teachers. For elementary schools, 94 percent of teachers met the criteria.



Source: NDE, *Nevada Annual Reports of Accountability*, <http://www.NevadaReportCard.com>.

Average Teacher Salaries

Teacher pay is often viewed as a major factor in attracting qualified people to the profession. Statewide actual average teacher salaries for FY 2014 were \$53,095 (\$74,077 with benefits). Teacher salaries are budgeted at an average of \$55,240 (\$76,908 with benefits) in FY 2016 and \$56,345 (\$78,308 with benefits) in FY 2017, based on a 2 percent increase in average salaries related to merit increases for attaining additional education and for additional years of service. Average teacher salaries are impacted by the number of teachers who leave service, the number of new teachers hired, the number of teachers who are no longer eligible for merit adjustments, and collective bargaining agreements.

Collective Bargaining

The State budget often funds pay raises for education personnel. Salary increases used by the Legislature to construct the budget, however, are not necessarily passed on to school district employees. Rather, salaries for teachers are set at the school district level, utilizing the collective bargaining process outlined in Chapter 288 (“Relations Between Governments and Public Employees”) of NRS. Following the lead of other states, the Nevada Legislature adopted the Local Government Employee-Management Relations Act in 1969 to regulate collective bargaining between local units of government and their employees, including school districts and teachers. The requirements for recognition of an employee organization and definitions of bargaining units are set forth in Chapter 288 of NRS. There are 17 organizations representing teachers, 1 in each school district.

	Nevada Teaching Personnel and Student Enrollment SY 2004–2005 through SY 2013–2014									
	2004– 2005	2005– 2006	2006– 2007	2007– 2008	2008– 2009	2009– 2010	2010– 2011	2011– 2012	2012– 2013	2013– 2014
Total Teaching Personnel (full-time equivalent)*	20,950	21,744	22,908	23,423	21,993	22,104	21,839	21,132	20,695	21,921
Total Teaching Personnel: Percent Change From Previous Year	3.5	3.8	5.4	2.2	-6.1	0.5	-1.2	-3.2	-2.1	5.9
Total Public Student Enrollment	400,083	412,395	424,766	429,362	433,371	428,947	437,149	439,634	445,707	451,831
Total Public Student Enrollment: Percent Change From Previous Year	3.8	3.1	3	1.1	0.9	-1	1.9	0.6	1.4	1.4

*Teaching Personnel includes elementary school teachers, middle school teachers, secondary school teachers, special education teachers, and occupational teachers.

Source: U.S. Department of Education, NCES, *Digest of Education Statistics*, <https://nces.ed.gov/programs/digest/>.

ADDITIONAL REFERENCES

- The 2015 Bulletin of the Legislative Committee on Education may be ordered from LCB's Publications Office (LCB Bulletin No. 15-9, *Education, January 2015*). The Bulletin may also be found online at: <http://leg.state.nv.us/Division/Research/Publications/InterimReports/2015/Bulletin15-09.pdf>.
- Nevada's Department of Education website features a number of resources related to the implementation of legislation passed in the 2015 Legislative Session. This data may be found online at: <http://www.doe.nv.gov/Legislative/Materials/>.
- Data concerning Nevada's public education system, including national and western states comparisons may be found in the *Nevada Education Data Book*, available through LCB's Publications Office, or online at: <http://www.leg.state.nv.us/Division/Research/Publications/EdDataBook/>.
- Additional data specific to Nevada schools and districts may be found at NDE's accountability website ("Nevada Report Card"): <http://www.nevadareportcard.com/>.

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