

**MINUTES OF THE MEETING OF
THE TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING
Senate Bill 500, 2013 Legislature
June 30, 2014**

The fifth and final meeting of the Task Force on K-12 Public Education Funding was held at 9:00 a.m. on Monday, June 30, 2014, at the Grant Sawyer State Office Building, 555 East Washington Avenue, Room 4401, Las Vegas, with videoconference to the Nevada Legislative Building, 401 South Carson Street, Room 4100, Carson City, Nevada.

COMMITTEE MEMBERS PRESENT IN LAS VEGAS:

Senator Moises Denis, Chairman
Assemblywoman Lucy Flores, Vice Chair
Senator Michael Roberson
Assemblyman Pat Hickey
Bob Burnham
Denette Corrales
Marc Hechter
Adrienne Lawrence
Pedro Martinez
James McIntosh
Stephanie Smith
Julia Teska for Dale Erquiaga

COMMITTEE MEMBERS PRESENT IN CARSON CITY:

Andrew Fromdahl
Dawn Miller

COMMITTEE MEMBERS ABSENT:

Judy Osgood

STAFF:

Mark Krmpotic, Senate Fiscal Analyst, Fiscal Analysis Division
Cindy Jones, Assembly Fiscal Analyst, Fiscal Analysis Division
Julie Waller, Senior Program Analyst, Fiscal Analysis Division
Wayne Thorley, Program Analyst, Fiscal Analysis Division
Eileen O'Grady, Chief Deputy Legislative Counsel
Kristin Roberts, Senior Principal Deputy Legislative Counsel
Donna Thomas, Committee Secretary

EXHIBITS:

[Exhibit A:](#) Meeting Packet and Agenda
[Exhibit B:](#) Latino Leadership Council – Public Testimony – Sylvia Lazos, Co-Chair
Education Committee, Latino Leadership Council

I. ROLL CALL.

Chair Moises Denis called the meeting to order at 9:19 a.m. The secretary called roll; all members were present, except for Judy Osgood, who was absent/excused. Chair Denis added that Julia Teska was representing Superintendent Erquiaga, who was attending a meeting in Washington D.C.

Mr. Fromdahl acknowledged students from the Douglas County School District in attendance at the meeting.

II. OPENING REMARKS.

Chair Denis stated that at the May 22, 2014, Task Force meeting, Senator Woodhouse, Chair of the Technical Advisory Committee (TAC), provided a status report on the preliminary recommendations of the TAC. The TAC completed its work at its final meeting on June 5, 2014, and staff would present the final TAC recommendations for consideration by the Task Force. The Task Force would review and discuss the recommendations and decide whether to adopt, change, reject or further consider the recommendations as the committee developed a plan for revising and implementing the state's K-12 funding formula in a manner that would equitably account for the needs and costs to educate pupils based upon individual needs and demographic characteristics of pupils. Pursuant to Senate Bill 500 (S.B.500), the plan would be compiled into a written report for submission to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 78th Session of the Nevada Legislature for inclusion in The Executive Budget prepared for the 2015-17 biennium.

III. PUBLIC COMMENT.

Erin Cranor, President, Clark County School Board of Trustees, and president-elect of the Nevada Association of School Boards, stated that she was co-presenting with Superintendent Jeff Zander. Ms. Cranor stated that approximately two years ago a current member of the Task Force initiated work for statewide unity around the weighted funding formula concept and she would present the culmination of that work at the meeting. She stated that the School Board of Trustees was pleased to have a unanimous vote from the Board of Directors of the Nevada Association of School Boards, which represented all 17 counties in the state, in addition to all 17 superintendents, of a resolution presented as backup for the meeting (page 63 of [Exhibit A](#)). Ms. Cranor stated that a change to the current funding formula was not an easy topic and the Board of Trustees was extremely pleased that there was unity across the state around the issue of inadequate funding of public education. She referenced page 63 of [Exhibit A](#), which showed not only the resolutions adopted by the Nevada Association of School Boards and all 17 superintendents, but also the resolutions adopted by every individual board in the state, except for Mineral County, which was forthcoming. She said the resolutions were truly a historic statewide unity around an opportunity for Nevada students. Ms. Cranor emphasized that the members of the Nevada Association of School Boards agreed with encouraging the Nevada State

Legislature to take all revenues collected from the citizens of Nevada that were intended to fund public education, and allocating the money for that purpose only. She said the Nevada Association of School Boards agreed with encouraging the Nevada State Legislature to revise the education funding formula that includes funding for the base and recognized the actual costs of personnel, professional development, technology, and classroom materials, and further resolve that the new formula must include weighed funding for students facing roadblocks to learning, including, but not limited to, English language acquisition, special education needs and poverty.

Concluding, Ms. Cranor said that a few other points that she hoped would serve as a guideline and resource as decisions were made was that school districts, Board of Trustees and superintendents were united in the belief that all students in Nevada deserved to be successful. She said that the public education system was significantly impacted by the recent recession and many districts were still recovering and utilizing rainy day fund reserves. Ms. Cranor stated that it was an honor to be a co-presenter of the resolutions and she hoped that the unanimity and unity would serve as a great resource to decision makers going forward and that Nevada would take advantage of the wonderful opportunity for students to succeed.

Jeff Zander, Superintendent, Elko County School District, stated that he appreciated the opportunity to share the resolutions with the committee. He introduced Lisa Noonan, current president, Nevada Association of School Superintendents (NASS). As the outgoing president, Mr. Zander stated that he and Ms. Noonan participated in the development of the resolutions with the Nevada Association of School Boards, and to the best of his recollection, it was the first time there was unity from 17 districts and superintendents on the issue of inadequate funding for public education.

Lisa Noonan, president, NASS, thanked Mr. Zander for his leadership and said that everyone involved in education owed him a debt of gratitude for his service to students over the past year. She stated that the Nevada Association of School Boards was proud of the united presentation on the inadequate funding of public education. In addition, she thanked the members of the Task Force and the TAC for their commitment to ensuring that all students in Nevada were successful and provided with a quality education. Ms. Noonan stated, "all means all" and was not about certain populations or a particular school district and any decisions made had to benefit all students in Nevada who were counting on adults to ensure students were successful. She stated that public education was significantly impacted by the recent recession, and Nevada school districts were still recovering from cuts, deferrals and reductions, which she hoped the committee kept in mind when making high stake decisions regarding the funding formula. Ms. Noonan stated that school boards and their superintendents lacked the ability to generate funding, but were responsible for operating schools using funds allocated by the Legislature, which she hoped the committee would keep in mind as they moved forward in making difficult decisions.

Mr. Zander added that on behalf of the Nevada Association of School Superintendents, moving to higher educational expectations and more rigorous Nevada Academic Content Standards required funding related to enhanced professional development, updated technology and the appropriate classroom materials. He said that these basic expenses were known as base educational costs and the simple redistribution of inadequate funding was not adequate. The revision of the current funding formula would not be successful if adequate base funding was not also addressed. Mr. Zander noted that data indicated Nevada was on track to improve graduation rates, thereby allowing more students to reach the level of achievement envisioned by the Legislature, and in order to continue on this path, funding for education had to become a higher priority. The reallocating of funds without growing those funds would prohibit adequate opportunities for learning and achievement for every Nevada student. Nevada school board trustees and superintendents were committed to working with educators, parents, community and business leaders, superintendents, and legislative policymakers to bring about a positive change in funding for public education that would make a difference for each student.

Concluding, Mr. Zander said that he appreciated the opportunity to share the resolutions with the Task Force. He said the Nevada Association of School Boards and superintendents understood the scope and impact of the decisions that the Legislature had to make during the 2015 Legislative Session, and it was their hope that there were no losers in Nevada and every student gained through the process. He added that the Board of Trustees and superintendents in Nevada were more than willing to provide insight and input to the committee if needed.

Sylvia Lazos, Professor of Law, University of Nevada, Las Vegas (UNLV) and Co-chair, Education Committee, Latino Leadership Council, congratulated the work of the Task Force and the TAC on the difficult task of reviewing the current funding formula in the state. She said it was immensely gratifying to see the unity behind the idea that the state needed to dispose of the *Nevada Plan* and come up with a new funding formula that was more equitable and able to give all students a chance to succeed. She indicated that the recently published *Kids Count 2013* report, UNLV Center of Business and Economic Research, indicated that Nevada ranked 48th for the welfare of children and 47th in terms of family indicators, which implied that Nevada needed to do something to improve the chance of success for students in the state. She stated that in 5 years, Las Vegas would probably have a situation where Latino children were the majority of students, and within 10 to 15 years, it was estimated that Las Vegas would be majority Latino, so what was currently being done was to build for the future. Las Vegas could not afford to have such a large demographic sector without an equal opportunity to succeed. Ms. Lazos said that the Latino Leadership Council was in full support of the recommendations of the Task Force of phasing in a new funding formula and specifically funding English Language Learners (ELL) and free and reduced lunch (FRL) children.

Continuing, Ms. Lazos pointed out that it was the perspective of the Latino Leadership Council that the state was in a crisis and funding for ELL and FRL students should be implemented quickly. Ms. Lazos believed that the proper weight for ELL should be in the 1.7 percent to 1.9 percent range, although she agreed with the recommendation of the

TAC of a weight not less than 1.5 percent. However, she thought that the committee should be thinking about higher weights. She reiterated that the state was in a crisis, students were not graduating and there was no other state in the country with as many ELL students doing as poorly, which was an economic disaster in addition to a racial disaster with such large segments of a racial minority unable to succeed. She stated that 1.7 weight was not out of line with more recent estimates of a proper weight for ELL students – the state grew very quickly and the appropriate infrastructure was never implemented. Senate Bill 504 was implemented two years ago, yet Nevada has seen high growth in the last ten years. Currently, the high growth sector in the state was the demographics of minority children, particularly immigrant children. She stated that another issue was the pre-K and full-day kindergarten students. She thought that every stakeholder in Nevada agreed that pre-K and full-day kindergarten provided children behind in terms of social and economic advantages, a chance for an even playing field once they started first grade. She said that the wonderful thing about Zoom Schools was that the children currently attending pre-K Zoom Schools were able to identify letters, sight words and sounds, which were things that every child needed to know. The state needed to go beyond two pre-K classes in 14 schools and give every child in Nevada the chance to succeed.

Ms. Lazos said that the TAC was very concerned about double-counting and offered two recommendations – not to give an additional weight for high-density poverty ELL students, and not go to additional weights for FRL and ELL children. She said that perhaps members of the TAC could provide their concerns with double-counting and why it should override policy concerns and good pedagogy. She said everyone was aware that poor policies that address poor children were different from policies that address ELL students, and while they sometimes blend, they were simply different. She said that there should be different weights and funding for poor students in ELL, and as a whole, ELL does not equal FRL. She further noted that only 75 to 80 percent of ELL children are FRL, so there was a portion of students that would not be covered.

Concluding her presentation, Ms. Lazos indicated that there were schools that were basically 40 percent ELL, all Latino and African American, and 100 percent poverty and every principal in those schools would say they had a tough job – children had needs that principals and teachers were scrambling to meet and it was 24 hours a day, 7 days a week unrelenting work. She said that the parental problems were tremendous and research showed that a child would not succeed from this type of environment. Fortunately, the people of Nevada did not believe that a zip code was a destiny and principals should have an extra measure of support and flexibility to do the miracles that were needed so all Nevadans could succeed in the future.

Joyce Haldeman, Clark County School District (CCSD), thanked the Task Force for their hard work. She said that S.B. 500, which was the reason the committee existed, came from a bill draft request (BDR) brought forth by the CCSD during the 2013 Legislative Session. She stated that the district was pleased that the BDR that was envisioned has come to fruition and that this conversation was happening. She was aware that some people believed that it was a Southern Nevada issue, but the work of the TAC indicated

that it was an issue about children and students across the state that were ELL, FRL, and special education, and the weighted funding would help all students in Nevada. She said that the CCSD was in full support of the recommendations of the TAC. Ms. Haldeman believed that the weight was enough to get started and she hoped the implementation would start sooner rather than later. She further stated that the CCSD did not have any objections to a study or inventory of actual costs as they moved forward, because the weights might need to be adjusted upward in the future.

In conclusion, Ms. Haldeman expressed her gratitude for the work being done and encouraged the Task Force to move forward in developing a plan for revising and implementing the state's public education funding formula, in addition to implementing the suggestions of the TAC so that students that needed help could get it sooner rather than later.

Craig Stevens, Nevada State Education Association (NSEA), thanked the committee for their hard work on this issue and for moving toward implementing an equitable public education funding formula. He said that the NSEA was happy with the initial recommendation of keeping the money outside of the funding formula for an initial phase, but then working hard to get it into the funding formula. He added that there was concern with the "fencing off" of that funding for collective bargaining. He stated that items a. through n. under Implementation of Modifications to the State's K-12 Funding Model for ELL and At-Risk Students, page 60, [Exhibit A](#), dealt with educators and he thought it was wrong not to have educators at the table to determine how some of that money was funded. Mr. Stevens stated that he did not like to see funding excluded from collective bargaining, because when an ELL student improved, 80 percent of that work was the result of a teacher in the classroom. He reiterated that it was wrong to exclude funding from collective bargaining so teachers did not have a say in how it was used.

Victor Wakefield, Executive Director, Teach for America Las Vegas Valley, stated that in his capacity he supported 300 first and second year pre-k through grade 12 teachers who teach across 60 Title I qualified schools in Southern Nevada. He said that two-thirds of the teachers provided instruction in district-identified high-need subject areas, special education, and secondary math and science, as well as secondary English. Teach for America was committed to diversity recruitment in the Las Vegas Valley region and half of the teachers identify people of color. In addition, Teach for America operated in 46 unique communities across the country and were incredibly careful about making any public policy-related statements since what was shared publicly on the record impacted colleagues in other states. Mr. Wakefield stated that this issue was a "no brainer" and was logical, strategic and morally right to suggest that resource allocations should match the needs for students and it was time for Nevada to evolve their systems. He thanked the Task Force for their leadership and support of the recommendations being presented at the meeting.

Continuing, Mr. Wakefield said that in order to show his support he would speak to the need for an appropriate level of urgency and clarity in the decision-making process. Mr. Wakefield stated that he would like to reinforce his previous testimony shared with

the TAC that the 2014 School Fairness Report Card found Nevada had the most regressive funding allocation of any state, which meant that the state spent more dollars on average for students above the poverty line than for students at or below the poverty line when compared to other states in the nation. He stated that the current system of funding distribution in Nevada was designed when there was a fundamentally different set of needs. The time has passed to make fundamental changes to the formula to serve its intended purpose; therefore, it was critical that changes made were transformational and not incremental. Mr. Wakefield applauded the work of the Task Force and the TAC for being so clear on the appropriate recommendations. During a time of adaptive change, clarity of principle was critical and recommendations were needed based on facts, research, need, and not on politics. He applauded the Task Force's orientation to study trends from other states with a more progressive funding distribution and supported the work to study local interventions that were working and supporting children who were high poverty, ELL, or children with disabilities. In addition, Mr. Wakefield was excited to affirm a new development that he observed and supported, which was the TAC's consideration of the testimony from the community. He said that Teach for America, along with other nonprofit partners, such as Three Square and Communities in Schools, joined forces with the Latino Leadership Council, Clark County Black Caucus, and the CCSD, in advocating for consideration of student need during the past two TAC meetings. He said that it was encouraging to see the TAC recommendation of a weighted floor of 1.5 percent for FRL and ELL, in addition to revising the six-year cap on ELL supports, actually rescinding a prior recommendation, which was a fantastic sign of progress. He believed it was powerful to see this level of community dialogue. Finally, and particularly, he supported the committees' careful consideration of the body of research, which points to the additional barriers for children in poverty, ELL students and students with disabilities. He added that as a former middle school teacher at a Title I qualifying school, and as a leader for a program solely focused on serving high-poverty schools and children, the universal experience of educators, children and families was clear that children with additional barriers required additional resources and supports in order to have an equal playing field in education.

Concluding, Mr. Wakefield commented that he did not envy the task of the committee. According to the National Report on School Funding Fairness, the dimensions to consider when discussing funding fairness included, 1) funding level, 2) funding distribution, 3) funding effort, and 4) funding coverage. He said it was hard to discuss how weights were applied to funds and how the pie was sliced without the conversation about adequacy and the appropriate size of the pie, which was intellectually and politically difficult to do as well. After reviewing S.B. 500, Mr. Wakefield understood that the focus of the committee was not looking at the size of the funding pie. He believed the work and the recommendations of the TAC marked an unprecedented sign of progress for Nevada and was the first step in the effort to ensure adequacy and better alignment to the funding distribution in order to reach children, especially where there were high needs. He believed the committee set the tone for the process and the rationale for those recommendations set the bar for the rest of the process through the 2015 Legislative Session. He said that a study of the adequate levels of funding needed to be conducted – children needed to be successful and equally important, policies,

systems, structures and people needed to be aligned with that need. He said when they reflect why this mattered, especially considering the current outcomes for students in poverty and ELL; they had no choice but to get it right. He applauded the committee for their leadership and asked them to think with urgency and clarity, because that was what students and families deserved.

Linda Burkhardt stated that she was a former teacher with a master's degree in education and English as Second Language (ESL). She taught in a top performing state, Minnesota. In addition, she is a first generation American. Ms. Burkhardt stated that she would like to see the standards raised for ESL teachers in Nevada, which only required 17 graduate credits to teach ESL; 34 graduate credits were required in Minnesota. She said that raising the requirements should help Nevada teachers to be better equipped for teaching ESL students. She indicated that a very important aspect of a child's learning started with parents, guardians, environment and attitudes toward learning. She taught at a Title I elementary school in St. Paul Minnesota, which offered ESL classes for parents to help them with basic survival skills, such as shopping and balancing a checking account. However, there was also the need for adult literacy classes so parents had the opportunity to learn how to read an L1 (two academic subjects taught through the primary language), because it would increase the success of ESL students. Ms. Burkhardt said there was no cost for school districts for the classes – classes were provided by outside entities, such as Catholic Charities and Parent Teacher Organizations. In addition, there were potlucks with ethnic food before classes for parents attending. The school provided special training for ELL teachers in reading, math and science so they could teach ELL through the content areas. Ms. Burkhardt said that she looked at the Transparent Nevada website to view the different types of teacher training companies in the CCSD. She thought that the companies listed on the website were not training teachers properly or requiring them to receive quality training from other state resources, such as Hamline University in St. Paul, Minnesota or the University of Minnesota in Minneapolis. She stated that the CCSD needed to use more creative programs to improve child literacy for ELL students, in addition to having greater accountability.

Staci Pratt, Legal Director, American Civil Liberties Union (ACLU) of Nevada, stated that she wanted to speak to the urgency and importance of the task before the committee. She thought that this was not only a matter of essential public policy and reform, but also one of a constitutional dimension. The Nevada Supreme Court emphasized that each student in the State of Nevada had a fundamental right to an education. Article 11 of the state constitution emphasized that the Legislature shall provide for a uniform system of common schools, which she believed meant that the Legislature shall provide an adequate education for every student in the State of Nevada. Therefore, the work before the committee was profound and the speakers at the meeting have rightly emphasized the critical nature of the outcomes the state was facing in education today. In addition, she stressed that this was a matter of fundamental constitutional responsibility that fell on the shoulders of the Legislature. Ms. Pratt applauded the committee for their hard work and hoped when they meet in the larger session that they would remember their responsibility to every student in the state.

IV. APPROVAL OF MINUTES OF THE FEBRUARY 28, 2014, MEETING.

MS. SMITH MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 28, 2014, MEETING OF THE TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION CARRIED UNANIMOUSLY.

V. REVIEW AND DISCUSSION OF THE REPORT OF THE TECHNICAL ADVISORY COMMITTEE OF THE TASK FORCE ON K-12 PUBLIC EDUCATION FUNDING, INCLUDING FINAL RECOMMENDATIONS ADOPTED BY THE TECHNICAL ADVISORY COMMITTEE.

Chair Denis recognized Senator Joyce Woodhouse, who was the chair of the Technical Advisory Committee (TAC).

Senator Woodhouse stated that she wanted to recognize the members of the TAC: Jim McIntosh, Chief Financial Officer, Clark County School District; Mike Schroeder, Budget Director, Washoe County School District; Jeff Zander, Superintendent, Elko County School District; Mike Alastuey, Education Financial Consultant; Dr. Jay Chambers, American Institutes for Research; Stephanie Day, Deputy Director, Department of Administration; Paul Johnson, Chief Financial Officer, White Pine County School District; Dr. Jesse Levin, American Institutes for Research; Dr. Walt Ruffles, former superintendent, Clark County School District; and, Julia Teska, Department of Administration. In addition, Senator Woodhouse recognized the exceptional work of the Fiscal Division, Legislative Counsel Bureau – Julie Waller, Senior Program Analyst, Wayne Thorley, Program Analyst, and Mark Krmpotic, Senate Fiscal Analyst.

Senator Woodhouse stated that the TAC conducted five intense meetings from March to June with committee members assisting in the research, sharing their expertise, and working together for the best recommendations for a funding formula that would provide students with a quality education. She said the TAC hoped the Task Force reviewed the initial recommendations of the TAC and the changes that were made as the meetings progressed. She said the TAC strongly believed that the funding formula proposal was the next best step for moving forward for a revised K-12 public school funding formula. Senator Woodhouse stated that the members of TAC were honored to have served in this endeavor and staff would be walking the committee through the final report and recommendations, which were critical in order to move forward on behalf of the students in the State of Nevada.

Chair Denis stated that he did not believe that there was ever a group of individuals in the history of Nevada with as much knowledge, experience, and expertise in K-12 public school finance helping the committee with their task.

Assemblywoman Flores acknowledged that the individuals who have put time and effort into this cause were not being paid or compensated in any way for their years of talent and expertise. She said it was important to acknowledge the work of the committee, because the members truly cared about the future of the children in Nevada and what was best for the state. She reiterated that the members were public servants and volunteered their time. She added that their hard work and dedication was appreciated.

Julie Waller directed the committee to page 55 of the meeting packet ([Exhibit A](#)) the report of the TAC recommendations that were approved at the meetings, with the last meeting occurring on June 5, 2014. Ms. Waller stated that two members of the TAC were part of the American Institutes for Research (AIR), which conducted the 2011-12 Interim study. As such, these members did not participate in TAC votes, but rather served in an advisory capacity to the committee. Ms. Waller stated that the TAC met five times wherein the committee reviewed and discussed several policy matters regarding modifications to the state's funding formula for students identified as ELL, students at risk of low academic achievement (At-Risk) and students with disabilities. Ms. Waller stated that the TAC approved the following recommendations for consideration by the Task Force at its final meeting on June 30, 2014.

Nevada's Existing School Finance Model

The TAC unanimously recommended that the Nevada Department of Education (NDE) convene a working group to discuss and address the base funding formula issues and recommendations that were included in Chapter 5 of the AIR Report entitled "Study of a New Method of Funding for Public Schools in Nevada" published on September 2012, (page 125, Bulletin No. 13-07) including:

1. Review and revise the Teacher Allotment Tables and Attendance Areas;
2. Update the Full-Time Equivalent (FTE) Staffing and Expenditure Data used in Distributive School Account (DSA) calculations;
3. Replace the implicit wage differential adjustment in the DSA with a more objective measure of geographic labor cost variation, such as the Comparable Wage Index (CWI);
4. Reconsider the way the DSA groups districts for calculations; and
5. Consider alternatives to the current "single count day" approach to determining the enrollment on which school funding allocations are based.

English Language Learners

Wayne Thorley stated the second recommendation of the TAC was regarding English Language Learners (ELLs), located on page 56 ([Exhibit A](#)). The four recommendations were:

1. Concerning the identification of ELL students, the TAC unanimously approved the use of data currently collected by school districts, charter schools and the NDE at its

meeting on May 8, 2014, on the number of ELL students within a particular school district.

Mr. Thorley indicated that this data was already collected and reported annually by all school districts, charter schools and the NDE as part of the Title III requirements of the federal No Child Left Behind Act.

2. At its May 21, 2014, meeting, the TAC, in a 5 to 3 vote (1 member absent), recommended a weight for ELL students of not less than 1.50 until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the ELL weight would be applied, the TAC also recommended to include all state and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation.

Mr. Thorley said that as requested by the Task Force at its May 22, 2014, meeting, the TAC further discussed its ELL weight recommendation during its final meeting on June 5, 2014. After discussion of the issue, the TAC unanimously recommended to maintain an ELL weight of no less than 1.50 until a cost study was conducted.

In response to the Task Force request, the TAC members noted that their original rationale for recommending a weight of no less than 1.50 for ELL students was that sufficient Nevada specific cost data or research was not available to support a different weight. Moreover, absent such data, the TAC recommended the same weight floor of 1.50 for both ELL and At-Risk students so that the TAC would not be setting an arbitrary rate that would be inadvertently discriminatory to one student population or another. With the same weight floor of 1.50 for both student populations, the TAC indicated identification issues would also be less likely to arise.

Mr. Thorley stated that the TAC also pointed out that by recommending both state and local funding be considered as the base to which both an ELL or At-Risk weight would be applied, the total dollar amount will be higher than if a weight were to be applied solely to a base comprised of only state funding. Lastly, TAC members reiterated that the recommended 1.50 weight for ELL and At-Risk students was a floor and could be increased when information from a cost study provided data specific to Nevada to support a higher weight.

3. At the May 8, 2014, TAC meeting, in a unanimous vote, the TAC did not support an additional ELL funding adjustment based on the density of ELL students within a school district. As requested by the Task Force at its May 22, 2014, meeting, the TAC further discussed this issue at its final meeting on June 5, 2014; however, the TAC reaffirmed its prior decision to not recommend an ELL density adjustment.

Mr. Thorley indicated that sufficient data was not currently available to determine a density factor or a threshold for Nevada school districts and charter schools. Absent

sufficient data, the TAC recommended that the state should continue to gather data related to what a future density adjustment might be.

4. At its meeting on May 8, 2014, the TAC recommended weighted funding for ELL students for up to six years or until the student reclassifies as non-ELL, with an additional two years of reduced maintenance funding.

Mr. Thorley said that the TAC revisited this issue at its June 5, 2014, meeting, in which the TAC unanimously approved rescinding its prior recommendation to limit ELL funding to six years or until the student reclassifies as non-ELL, with an additional two years of reduced maintenance funding. Additionally, the TAC recommended that the NDE further review how to address this issue, particularly in cases where a school district or charter school's program for ELL students was not effective.

Mr. Thorley stated that the TAC heard testimony regarding concerns the public and education stakeholders had with limiting the funding for ELL students to six years, and as a result, the motion was rescinded and there was no longer a recommendation about the duration of ELL funding.

Assemblyman Hickey asked staff to elaborate on reconsidering the way the DSA grouped districts for calculations. When a new formula was recommended for ELL funding, he asked if those formulas extended to all 17 districts or would certain districts be identified in terms of the way the calculations were created.

Ms. Waller replied that the groupings related to the existing way the DSA operated were grouped by rural, small, medium, and large districts, which was done a while ago. Therefore, to be sure that those districts were still appropriately classified in the right groupings, the recommendation was to revisit the groupings every five years to ensure that nothing significantly changed that would move one district into a higher group. For instance, a district in a rural county with significant enrollment growth could be regrouped with another classification.

Assemblyman Hickey said that since the committee was revising a formula that has not been changed since 1967, they might also want to look at the categorizations of how districts were defined.

At Risk of Low Academic Achievement

Ms. Waller referenced page 57 of [Exhibit A](#), the recommendations for students at risk of low academic achievement.

1. The TAC unanimously recommended to use free and reduced-price lunch (FRL) data to identify students at risk of low academic achievement or when FRL data is

not available for a school or a charter school, an alternative measure approved by the NDE may be used.

Ms. Waller stated that the information was easy to collect, because it is data already required to be reported to the federal government by school districts participating in the FRL program. Because the number of FRL students decrease as students grow older, and a number of rural schools and charter schools do not operate a school lunch program, the TAC recommended that the NDE approve an alternative measure to identify At-Risk students under these circumstances.

2. At its May 21, 2014, meeting, in a 5 to 3 vote (1 member absent), the TAC approved a weight of not less than 1.50 for At-Risk students until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the At-Risk weight would be applied, the TAC also recommended to include all state and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation.

Ms. Waller stated that the TAC members noted that the recommended 1.50 weight for At-Risk students was a floor and could be increased until such time a cost data specific to Nevada indicated that a higher weight be adopted. She said that the committee believed that setting a floor of 1.50 weight would be a good start and the weight could be raised as information becomes available to indicate the weight should be higher. She said that it would be more difficult to lower the weight once it was implemented should a cost study deem necessary. In addition, the higher base amount, which included the local revenue, as well as the state basic support per pupil, would provide increased funding for these students.

Implementation of Modifications to the States K-12 Funding Model for ELL and At-Risk Students

Ms. Waller referenced page 58 of [Exhibit A](#), which showed the recommendations for Implementation of Modifications to the State's K-12 Funding Model for ELL and At-Risk Students.

1. Concerning students who qualified for multiple weight categories (excluding students with disabilities), the TAC unanimously recommended that the highest single weight be applied to a student who qualified as both ELL and at risk, based upon an unduplicated count of students.

Ms. Waller said that testimony provided indicated similar support services were utilized in both programs for ELL and At-Risk students to boost student achievement.

2. With respect to the inclusion of the weight to allocate funding for ELL and At-Risk students inside or outside the K-12 funding formula, the TAC unanimously recommended to initially provide weighted funding for these students as a

categorical grant program outside the state funding formula with a transition to inside the funding formula at a date to be determined in the future.

Additionally, the TAC recommended that the NDE develop performance benchmarks and reporting requirements tied to the ELL and At-Risk funding and develop a plan to transition the funding to inside the state's funding formula for review and consideration by the Nevada Legislature prior to implementation.

Lastly, the TAC recommended that school districts and charter schools eligible to receive ELL and/or At-Risk funding be required to submit a plan, for review and approval by the NDE that outlines how the funding would be utilized to increase the academic performance of those student populations.

Background: TAC members supported initially providing funding for ELL and At-Risk students as categorical funding with a shift to providing the funding inside the formula after a phase-in period. The TAC also discussed the need to be able to measure performance and track results.

3. In a 5 to 3 vote (1 member absent), the TAC, at its May 21, 2014, meeting, recommended an implementation plan for modifications to the state's K-12 funding model for ELL and At-Risk students that would hold districts harmless for the 2015-17 biennium by only distributing new funding approved by the Nevada Legislature and the Governor through the modified K-12 funding model for ELL and At-Risk students. Beginning in FY 2018, the TAC recommends a full phase-in over a four-year period through FY 2021, with 10 percent of the total calculated funding change implemented in the first year, 30 percent in the second year, 60 percent in the third year, and 100 percent in the fourth year.

Ms. Waller stated that the TAC expressed support for an implementation plan that would phase-in increases or decreases over a specified period to allow school districts and charter schools time to adjust to the fiscal increases or decreases that may occur utilizing the modified K-12 funding formula for ELL and At-Risk students.

4. For purposes of determining the funding adjustments for ELL and At-Risk student populations, the TAC unanimously recommended that the immediate prior year count be used for those student populations.

According to the NDE, current year counts for ELL and At-Risk students are available by December 1 of each school year, several months after payments from the state are distributed to the school districts and charter schools for a given school year. For this reason, the TAC recommended utilizing the immediate prior year count for ELL and At-Risk student populations as the basis for ELL and At-Risk funding allocations.

5. As recommended by the TAC, in the first two years of the implementation plan, the term "new funding" would be defined as enhanced state funding approved by the

Legislature for ELL and/or At-Risk programs. Thereafter, as the modified funding model is phased-in, the term “new funding” would refer to all funding including funding for enrollment growth and funding provided for the two percent roll-ups for movement on the salary scale for licensed professional staff.

In order to effectively implement a two-year hold harmless, the TAC unanimously agreed that for the first two years of the implementation plan “new funding” should only include funding enhancements approved by the Legislature and the Governor. Thereafter, all new funding, including funding for enrollment growth and/or funding provided for the two percent “roll-up” for movement on the salary scale for licensed staff, should be included. Ms. Waller indicated that the reason for the two-year hold harmless was the recommendation of AIR that any modifications to the funding formula be phased in over a period of time so not to significantly harm any districts and to allow the opportunity to plan and adjust for the changes in the funding that they might receive.

6. For purposes of calculating a school districts or charter schools base year funding level, the TAC recommended that the fiscal year immediately preceding the implementation of the funding adjustment for ELL and At-Risk students (FY 2017) be used as the base-year funding for each school district and charter school.
7. With regard to the eligible uses of categorical funding directed for ELL or At-Risk students, the TAC unanimously recommended that the eligible uses of the categorical funding directed to students identified as ELL and at risk of low academic achievement include, but not be limited to, the following list, page 60 ([Exhibit A](#)) and that such funding be excluded from collective bargaining:
 - a. *Classroom teachers to reduce class sizes or for ELL instruction;*
 - b. *Before and/or afterschool academic programs, including transportation to and from programs;*
 - c. *Pre-kindergarten programs;*
 - d. *Tutors, teachers’ aides, counselors, social workers, nurses, and curriculum specialists;*
 - e. *Parent education and/or parental engagement;*
 - f. *Summer or intersession programs, including transportation to and from programs;*
 - g. *Early intervention programs;*
 - h. *Materials, supplies, and equipment, including technology used in approved programs or for approved purposes;*
 - i. *Funding a longer school day;*
 - j. *Funding a longer school year;*
 - k. *Remediation programs and/or partnering with higher education institutions.*
 - l. *Assessment activities;*
 - m. *Community liaison staff with language and cultural skills appropriate to the ELL population; and*
 - n. *Professional development activities.*

Ms. Waller indicated that items a. through n. identified eligible uses that would be permissible. The TAC recommended that the language would include, but was not limited to the list, so if there were specific programs or items that a school district was using that was not on the list, would be permissible.

Ms. Waller stated that the TAC noted that with the requirement that a school district or charter school submit a spending plan for review and approval by the NDE, together with the list of suggested eligible uses, would provide additional assurances that the ELL and At-Risk funding would be used for its intended purposes.

Students With Disabilities

Mr. Thorley stated that the recommendations regarding students with disabilities made by the TAC at its final meeting on June 5, 2014, were new recommendations that had not been previously submitted to the Task Force. The first recommendation was:

1. Approve a weighted student funding model that would apply a 2.0 weight to students with disabilities, with a funding cap of 13 percent of a school district or charter school's enrollment of students with disabilities, based on a current year count of students with disabilities. The weight would be an unduplicated count so students with multiple disabilities would be available for one weight at 2.0, and in order to mitigate any issues of over-identification, the TAC also recommended that funding for students with disabilities be capped at an identification rate of 13 percent. While reviewing the issue, the TAC discussed two options – the weighted funding approach that they ultimately approved. In addition, the TAC considered a census-based approach funding for students with disabilities as allocated based on total enrollment. However, some members of the TAC believed that charter schools with few or no students with disabilities would receive a disproportionate amount of special education funding under this model, and as a result, they chose to recommend the weighted model with a 2.0 weight. In order to mitigate some over-identification concerns, a funding cap was put at 13 percent of the school district or charter school's total enrollment of students with disabilities.
2. The TAC unanimously approved the creation of a contingency fund for exceptionally high-cost students with disabilities and recommended that the NDE develop a plan for the operational guidelines of the fund for presentation to the 2015 Legislature. The plan should include how much money to allocate to the fund and how the fund would operate. The TAC also recommended that the NDE study the possibility of transferring the existing NRS Chapter 395 program into the new contingency fund program.

Mr. Thorley stated that members were supportive of the creation of a contingency fund, particularly to assist small districts and charter schools with high-cost students with disabilities.

3. With regard to funding for students with disabilities inside or outside the K-12 funding formula, the TAC unanimously approved initially providing funding for students with disabilities as a categorical grant program outside the state funding formula with a transition to inside the funding formula at a date to be determined in the future.

In making the recommendation, the TAC noted that providing funding initially outside of the funding formula would assist school districts and charter schools in determining their maintenance of effort (MOE) requirements. In addition, TAC members indicated that it might take time to determine the implications of a formula change to the MOE requirements at both the state and local levels. The TAC also supported the retention of a separate fund (at the local level) for students with disabilities, which is currently required by statute (NRS Chapter 387.047).

4. The TAC unanimously decided to not recommend an implementation plan for modifications to the state's K-12 funding model for students with disabilities, but rather recommended that the NDE work to develop an implementation plan for submission to the 78th Session of the Legislature, which includes a hold harmless provision and takes into account the MOE requirements at both the state and local levels.

In making the recommendation the TAC members recognized that additional work would be required to revise the funding formula for students with disabilities in order to assure a reasonable MOE transition occurred for the state and local school districts and charter schools. As such, the TAC recommended that the NDE, in conjunction with experts from local school districts and charter schools, develop the details of an implementation plan for modifications to the state's K-12 funding model for students with disabilities for submission to the 2015 Legislature.

VI. STATUS REPORT FROM THE NEVADA DEPARTMENT OF EDUCATION RELATING TO THE DEPARTMENT'S WORKING GROUP CONVENED TO EXAMINE BASE FUNDING FORMULA ISSUES AND RECOMMENDATIONS INCLUDED IN THE AMERICAN INSTITUTES FOR RESEARCH REPORT ENTITLED "STUDY OF A NEW METHOD OF FUNDING FOR PUBLIC SCHOOLS IN NEVADA" PUBLISHED ON SEPTEMBER 25, 2012.

Mindy Martini, Deputy Superintendent, Business and Support Services, Nevada Department of Education, stated that the study conducted by the American Institutes for Research (AIR) during the 2011-13 biennium made several recommendations relating to Nevada's current public school financing system. One of the recommendations was for the NDE to review the data elements every five to six years that were utilized in the 12 modules that support the school finance model. She said that AIR determined that some of the modules had not been updated since 2004. Some of the data elements included a review of the attendance areas and teacher allotment tables, school district expenditures overall, including teacher salaries, groupings of the school districts based on size and location, in addition to a separate study on count day alternatives.

Ms. Martini stated that based upon this information, the Task Force recommended that the NDE convene a working group to review these data points and make some decisions.

Continuing, Ms. Martini stated that in response to this request, the NDE convened a working group to discuss and address the base funding formula issues. The NDE established a working group consisting of 14 members – 7 of the members were either on the Task Force or the TAC, which included, Jim McIntosh, Clark County School District; Marc Hecther, Clark County School District; Jeff Zander, Elko County School District; Pedro Martinez, Superintendent, Washoe County School District; Paul Johnson, White Pine County School District; Adrienne Lawrence, Charter School Authority; and Mike Alastuey, Education Finance Consultant. The working group included Julie Waller, Fiscal Division; Susan Brown, Department of Administration Budget Division; and, two members of the public from the Las Vegas Global Economic Alliance – Glenn Christenson, and Michael Vannozzi. In addition, the representatives from the NDE included herself, Robin Pawley, Director of District Support Services, who actually performed the calculations for the DSA, and Stephanie Hogan, who was responsible for the NRS 387.303 report, which included many of the data elements that go into calculating the DSA.

Ms. Martini stated that the committee met on June 25, 2014, which was the planning “kick-off” meeting. The committee would meet again in early August in Las Vegas for a day-long meeting of analyzing the DSA and then begin to make recommendations. She believed the committee would meet two to three times and then provide their recommendations to Dale Erquiaga, State Superintendent, by October 2014 with recommendations being built into the formula by November 2014.

VII. REVIEW AND DISCUSSION OF THE RECOMMENDATIONS OF THE TASK FORCE FOR A PLAN TO REVISE THE K-12 FUNDING FORMULA TO ACCOUNT FOR PUPILS WITH VARYING EDUCATIONAL NEEDS AND DEMOGRAPHIC CHARACTERISTICS, INCLUDING, WITHOUT LIMITATION, PUPILS FROM LOW-INCOME FAMILIES, PUPILS WITH DISABILITIES AND PUPILS WHO HAVE LIMITED PROFICIENCY IN THE ENGLISH LANGUAGE.

Ms. Waller reiterated that as the Task Force reviewed and discussed the recommendations of the TAC, they could decide whether to adopt, change, reject or further consider the recommendations as the Task Force develops the plan for revising and implementing modifications to the states K-12 funding formula. The TAC unanimously recommended that the NDE convene a working group to discuss and address the base funding formula issues and recommendations included in the AIR report. The NDE started the process of a working group assuming that the Task Force would approve the recommendation of the working group. Ms. Waller stated that the Task Force needed to approve the recommendation so that the working group could continue their work and make their final recommendations to the state superintendent for inclusion in the recommended budget.

MS. TESKA MOVED TO APPROVE THE RECOMMENDATION FOR THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DISCUSS AND ADDRESS THE BASE FUNDING FORMULA ISSUES AND RECOMMENDATIONS THAT WERE INCLUDED IN CHAPTER 5 OF THE AIR REPORT STUDY OF A NEW METHOD OF FUNDING FOR PUBLIC SCHOOLS IN NEVADA. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION CARRIED UNANIMOUSLY.

English Language Learners

Recommendation 1

Concerning the identification of ELL students, at its meeting on May 8, 2014, the TAC unanimously approved the use of data currently collected by school districts, charter schools and the NDE on the number of ELL students within a particular school district.

Mr. Thorley stated that first recommendation from the TAC was concerning the identification of ELL students. The TAC unanimously approved the use of data currently collected by school districts and the NDE as part of the federal requirements under Title III for students identified as ELL. He said that there was no alternative discussion by the TAC about identifying ELL students.

MS. SMITH MOVED TO APPROVE THE USE OF DATA CURRENTLY COLLECTED BY SCHOOL DISTRICTS, CHARTER SCHOOLS AND THE NDE ON THE NUMBER OF ELL STUDENTS WITHIN A PARTICULAR SCHOOL DISTRICT. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

Ms. Teska commented that she was in support of the motion. She stated that the motion would keep the districts consistent in identifying ELL students, both at the state level and in the same way it was reported at the federal level, which would provide clarity for the districts.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 2

At its May 21, 2014, meeting, the TAC, in a 5 to 3 vote (1 member absent), recommended a weight for ELL students of not less than 1.50 until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the ELL weight would be applied, the TAC also recommended to include all state and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation.

Mr. Thorley stated that the second recommendation from the TAC regarding ELL students was to establish a weight of not less than 1.50 until such time as a cost study may be conducted. In addition to this recommendation, the TAC also recommended that for purposes of calculating the base amount, upon which the ELL weight would be applied, to include all state and local funding within the funding formula per-pupil calculation, but exclude federal funding and categorical funding.

Ms. Teska asked if there would be discussion at the meeting regarding the performance measures around this weight. Mr. Thorley replied that he believed that there would be an opportunity for the Task Force to address the issue of performance measures under the implementation and modification to the state's K-12 funding model.

Ms. Waller clarified that the recommendation from the TAC was that any individual school district or charter school applying for funding would have to submit a plan, including the intended uses of the funding. The NDE would require benchmarks and performance measures, as well as reporting, which would be included in the plans.

Ms. Corrales asked if districts and charter schools had to submit a plan for use of the funding even though the funding formula was the same regardless of their performance. She asked if the committee was establishing criteria or whether the percentage received went up or down based on the schools performance to their plan.

Ms. Waller said that was correct. Basically, the districts and charter schools would submit their plan for the use of the funding and would still receive funding, but the NDE had to approve the plan. She stated that essentially they were trying to hone in on the best practices of things that research showed were working and they could work with the districts or charter schools to revise and fine tune those plans, but their level of funding would not be impacted.

Ms. Lawrence said that she wanted to address the future density adjustment. Currently, size grouping was part of the DSA calculations and she wondered if size grouping, which was currently being used, was already factored in the formula with density.

Ms. Waller replied that the size issue was factored in; however, currently within the DSA formula a larger school district factored in economies of scale, which was the reverse for a density adjustment. She stated that the larger the urban district became the greater the costs to educate those students. She said that would be addressed down the road when there was more research and data to support what a density adjustment might look like and how that should be implemented.

Ms. Teska commented on the density adjustment and said that California was one of the states implementing a density pool of funds, although their district structure was completely different. In California, a county was a district and a large county the size of Washoe County could have 23 school districts. Therefore, when discussing density at a district level, it was a finite population with a lot more variance. She said for Nevada to do a density structure they had to discuss funding at a school level, which was not a

practical matter for the state. Instead of going from a funding model that was designed to address 17 districts and the charter school authority, to a funding model for over 600 entities, Nevada did not have the infrastructure or the capability to do that currently or in the near future.

Ms. Smith recognized that currently the state did not have the means to measure density in Nevada. She thought a way to address density was to remove the idea of the highest cap on density and if a student was ELL and free/reduced lunch (FRL), giving those students the full benefits for both categories could address the density issue. She thought that was the simplest way and could be looked at in the future.

MR. BURNHAM MOVED TO APPROVE THE 1.50 WEIGHT FOR ELL STUDENTS UNTIL SUCH A TIME A COST STUDY MAY BE CONDUCTED. THE MOTION WAS SECONDED BY ASSEMBLYMAN HICKEY.

Assemblywoman Flores stated that she supported the motion; however, before the final vote she wanted the record to reflect that there were three nay votes from the TAC on the recommendation. She said there was a lot of discussion during the previous Task Force meeting indicating that the committee did not want to set the standard at the floor as opposed to trying to reach the ceiling. She wanted the record to reflect the reason she was voting in support of this motion was that, unfortunately, adequate funding was not really established for education in Nevada. That being said, Assemblywoman Flores agreed that coming up with a number higher than a 1.50 weight could be somewhat arbitrary. However, it has been well established that the state needed to fund these various categorical items at a higher level and a 1.50 weight was absolutely the base or the floor, and she anticipated that the weight would go up.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 3

At the May 8, 2014, TAC meeting, in a unanimous vote, the TAC did not support an additional ELL funding adjustment based on the density of ELL students within a school district. As requested by the Task Force at its May 22, 2014, meeting, the TAC further discussed this issue at its final meeting on June 5, 2014; however, the TAC reaffirmed its prior decision to not recommend an ELL density adjustment.

Mr. Thorley stated that in a unanimous vote the TAC did not recommend additional ELL funding based on the density of ELL students within a school district.

MS. SMITH MADE A MOTION TO FOLLOW THE TAC RECOMMENDATION TO NOT SUPPORT AN ADDITIONAL ELL FUNDING ADJUSTMENT BASED ON THE DENSITY OF ELL STUDENTS WITHIN A SCHOOL DISTRICT WITH THE CAVEAT THAT

THERE IS FUTURE DISCUSSION AS MORE DATA WAS GATHERED FOR A POTENTIAL DENSITY ADJUSTMENT. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 4

At its meeting on May 8, 2014, the TAC recommended weighted funding for ELL students for up to six years or until the student reclassifies as non-ELL, with an additional two years of reduced maintenance funding.

Mr. Thorley stated that the fourth item (page 57, [Exhibit A](#)) approved by the TAC at its May 8, 2014, meeting was the recommendation of the duration of the ELL weight. He stated that the TAC originally recommended limiting the duration of ELL funding to six years with two additional years of reduced funding. At the June 5, 2014, meeting, the TAC rescinded the recommendation, and as a result, did not make a recommendation about limiting the duration of funding for ELL students to any set timeframe.

ASSEMBLYWOMAN FLORES MOVED TO APPROVE THE RECOMMENDATION OF THE TAC TO NOT LIMIT ELL FUNDING TO A SET NUMBER OF YEARS, BUT RATHER RECOMMEND THAT NDE FURTHER REVIEW HOW TO ADDRESS LONG-TERM ELL STUDENTS, PARTICULARLY IN CASES WHERE A SCHOOL DISTRICT OR CHARTER SCHOOL'S PROGRAM FOR ELL STUDENTS WAS NOT EFFECTIVE. THE MOTION WAS SECONDED BY MS. SMITH.

Mr. Burnham supported the motion but made the observation that it was essential that ELL programs had accountability. He said if there was no accountability or timeframe then there was a financial incentive to fail and the last thing the state wanted was to fail children. Mr. Burnham noted that when someone was given a financial incentive to fail, whether a characteristic of human nature or bureaucracies, they were likely to fail, and it was imperative that the programs work. If a child entered kindergarten in Nevada and was not proficient in English after 12 years, the state failed those students, which could not be taken lightly. Mr. Burnham realized that nobody wanted that to happen, but the financial incentive remained if there was no accountability. If a child was not gaining English proficiency in the first few years, the state needed to redouble its efforts to ensure that student was proficient. He believed in frontloading programs so students were successful by the time they exited elementary school rather than never getting the job done.

Mr. Thorley added that the TAC had some concerns on how to address the issue of duration in the future and recommended that NDE review the issue, particularly concerning the cases where school districts or charter schools run ELL programs that were not effective.

Ms. Smith stated that there were concerns in previous discussions about acting on the recommendation of the duration of weights without data to support it. She thought that the NDE could move forward with the same approach and develop the data, strategies, and reporting to provide more direction. She believed that the Task Force needed to move forward on the recommendation without the data, because it would be shameful to cut someone off because they were not sure what the number should be.

Ms. Corrales said that the recommendation from the TAC stated that the NDE should further review how to address the issue of the duration of weights, particularly in cases where a school district or charter school's program for ELL was not effective. She stated that it was not just the NDE's responsibility, and while there was complete unanimous support on this from the school districts, superintendents, and the boards, it was incumbent on the trustees and superintendents to actively manage performance and the accountability would come later. Ms. Corrales was hopeful that by putting the weighting in the formula that the programming would follow the funding and results would be seen going forward.

Mr. Martinez added that when children in the primary grades exited ELL services before 8th grade, the graduation rate exceeded the district average. He supported the current motion in terms of not having a set timeline, but also to Mr. Burnham's point, the goal had to be to exit students as soon as possible. Currently, the district was aware if students exited by 3rd grade, which many high performing districts were currently doing, not only would those students graduate, but also had a chance to enter into a Tier I university. Mr. Martinez thought it was important that the committee clearly stated that was the end goal, because graduation rates dropped to approximately 20 percent if students remained on ELL designation through high school.

Mr. Fromdahl asked if students received the 1.5 weight in 6th grade if they were classified as ELL and exited services in 5th grade.

Mr. Thorley replied that the recommendation of the TAC was to provide funding for ELL students as long as they were classified as ELL. Students would not receive additional funding when they test out of the program or no longer classified as ELL.

Ms. Waller added that approximately 80 percent or more of the students classified as ELL also qualified as at risk. The recommendation of the TAC was to provide a weighted funding formula for these students in an unduplicated count, so a majority of the ELL students that test out of ELL services would still qualify for At-Risk funding of a 1.50 weight.

THE MOTION CARRIED UNANIMOUSLY.

At Risk of Low Academic Achievement

The TAC unanimously recommended to use free and reduced-price lunch (FRL) data to identify students at risk of low academic achievement or when FRL data is

not available for a school or a charter school, an alternative measure approved by the NDE may be used.

Ms. Waller stated that the TAC unanimously recommended to use FRL data to identify students at risk of low academic achievement or when FRL data was not available to a school or charter school, an alternative measure approved by the NDE may be used.

MS. SMITH MOVED TO APPROVE THE RECOMMENDATION OF THE TAC TO USE FREE AND REDUCED-PRICE LUNCH (FRL) DATA TO IDENTIFY STUDENTS AT RISK OF LOW ACADEMIC ACHIEVEMENT OR WHEN FRL DATA IS NOT AVAILABLE FOR A SCHOOL OR A CHARTER SCHOOL, AN ALTERNATIVE MEASURE APPROVED BY THE NDE MAY BE USED. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION CARRIED UNANIMOUSLY.

At its May 21, 2014, meeting, in a 5 to 3 vote (1 member absent), the TAC approved a weight of not less than 1.50 for At-Risk students until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the At-Risk weight would be applied, the TAC also recommended to include all state and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation.

Ms. Waller stated that at the May 21, 2014, and June 5, 2014, meetings, the TAC recommended a floor of not less than a 1.50 weight for At-Risk students until such time as a cost study may be conducted. For purposes of calculating the base amount upon which the At-Risk weight would be applied, the TAC also recommended to include all state and local funding within the funding formula per-pupil calculation, but exclude all federal and categorical funding from the calculation. Ms. Waller noted that the TAC recommended the same weight for at risk and ELL student populations so that the TAC would not be setting an arbitrary weight that would be inadvertently discriminatory to one student population, until such time that a cost study could be conducted that might support a different weight for either student population. In addition, Ms. Waller indicated that at the May 21, 2014, meeting, there was a 5 to 3 vote (one member was absent) in support of the 1.50 floor for At-Risk and ELL students. The initial discussion was the weight of 1.25 for At-Risk students, however, after discussion and various comments, particularly that the TAC would not be setting an arbitrary weight that would be inadvertently discriminatory to one student population, the desire was to have more data and research to support a different weight. Three members voted no, which was more related to the At-Risk weight of being higher than what was initially discussed.

Ms. Smith asked if the recommendation included the weight starting outside the funding formula with the desire to ultimately transition into the formula.

Ms. Waller replied that the Task Force would take up that recommendation under the implementation of modifications to the state's K-12 funding formula model and pertained to At-Risk students as well.

MS. FLORES MOVED TO APPROVE THE RECOMMENDATION TO ACCEPT A WEIGHT OF NOT LESS THAN 1.50 FOR AT-RISK STUDENTS UNTIL SUCH TIME AS A COST STUDY MAY BE CONDUCTED. THE MOTION WAS SECONDED BY MS. SMITH

THE MOTION CARRIED UNANIMOUSLY.

Implementation of Modifications to the State's K-12 Funding Model for ELL and At-Risk Students

Concerning students who qualify for multiple weight categories (excluding students with disabilities), the TAC unanimously recommended that the highest single weight be applied to a student who qualifies as both ELL and at risk, based upon an unduplicated count of students.

Ms. Waller directed the committee to Item 1 on page 58 of [Exhibit A](#), which concerned students who qualified for multiple weight categories, excluding students with disabilities. The TAC unanimously recommended that the highest single weight be applied to students who qualified as both ELL and at risk, based upon an unduplicated count of students.

Ms. Corrales thought that the inclusion of the weight to allocate funding for ELL and At-Risk students inside or outside the K-12 funding formula needed to be considered by the Nevada Legislature prior to implementation. She was concerned that there was an expressed urgency around this issue and the dates to be determined in the future may accomplish the goal without having to hold up implementation for further data, or cost studies. She did not want any unnecessary hold up on the implementation. Ms. Corrales supported the categorical recommendation outside the state funding formula for accountability purposes.

Ms. Waller said that review and consideration by the Nevada Legislature prior to implementation referred to developing a plan to transition the funding to inside the state's funding formula. However, there would be no delay for providing weighted funding for At-Risk students as a categorical grant program outside the state's funding formula.

Ms. Smith commented on the highest single weight discussion. She wanted to make a motion for approval with the idea that it could be reviewed in the future by the Legislature as a way to address some of the density issues, which may provide some resolution. She said when there was data and statistics available and patterns were seen to alleviate the concerns, it could be an equitable way to calculate density without having to mess with the formula.

MS. SMITH MOVED TO APPROVE THE RECOMMENDATION THAT THE HIGHEST SINGLE WEIGHT BE APPLIED TO A STUDENT WHO QUALIFIED AS BOTH ELL AND AT-RISK, BASED UPON AN UNDUPLICATED COUNT OF STUDENTS. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION CARRIED UNANIMOUSLY.

With respect to the inclusion of the weight to allocate funding for ELL and At-Risk students inside or outside the K-12 funding formula, the TAC unanimously recommended to initially provide weighted funding for these students as a categorical grant program outside the state funding formula with a transition to inside the funding formula at a date to be determined in the future.

Ms. Waller said that the TAC unanimously recommended to initially provide weighted funding for students as a categorical grant program outside the state's funding formula with a transition to inside the funding formula at a date to be determined in the future. Additionally, the TAC recommended that the NDE develop performance benchmarks and reporting requirements tied to the ELL and At-Risk funding and develop a plan to transition the funding to inside the state's funding formula for review and consideration by the Nevada Legislature prior to implementation.

Lastly, the TAC recommended that school districts and charter schools eligible to receive ELL and/or At-Risk funding be required to submit a plan for review and approval by the NDE, which outlined how the funding would be utilized to increase the academic performance of those student populations.

Ms. Miller expressed her concern with an open ended date for developing a plan to transition the funding to inside the state's funding formula for review. She would be more comfortable if the language for the recommendation was provided to the Legislature by the 2015 Session.

Ms. Teska stated that to alleviate Ms. Miller's concerns the committee could amend the motion, because she did not want to rush putting the recommendation into the formula. She believed that part of the way it could work, from an implementation perspective, was to actually grow the funds that would be allocated as part of the categorical so there was less harm to districts. She stated that there were advantages and disadvantages when the pie was sliced differently and it would be advantageous to all districts to grow some of the funds that would be dedicated to the ELL and At-Risk population before they were included in the formula. She thought that the language should indicate that the NDE would provide a status report and recommendation at each legislative session until such time the funding was fully implemented into the formula.

Ms. Lawrence said it was her understanding that the school districts and charter schools were already submitting plans for the corresponding federal programs. She asked if the committee was duplicating efforts and if the plans could be combined.

Ms. Waller stated that it was possible there were programs that would be funded with both federal and state funding, so some of the same uses of that funding may be permissible. However, it would need to specifically relate to the allocation of funding received from the state.

Ms. Smith said that if the concern was trying to augment funds so that there was more to distribute, then she thought instead of setting a specific date of when they wanted to begin, a year should be specified for full implementation of the modifications to the funding model. In addition, a date should be set for developing a plan to transition the funding into the funding formula so it was not open ended.

Mr. Martinez commented that recommendation 3, page 58 of [Exhibit A](#) showed the four-year phase-in period and the plan for modifications to the K-12 funding model for ELL and At-Risk students. He wanted to be careful that the committee did not put recommendations in that were in conflict with each other.

Ms. Waller stated that the phase-in plan could still be in the categorical grant program where a district would still recognize the effects of the weighted formula. The phase-in plan could be either in the categorical grant program or inside the formula at a date to be determined in the future.

Ms. Corrales asked if the phase-in period was really six years because of the two-year hold harmless period before the phase in started and Ms. Waller said that was correct. Ms. Waller stated that the percentage phase-in period was over four years and the first two years were the hold-harmless period.

Ms. Corrales thought that a solution would be to parallel the phasing in with the transition to inside the funding formula.

Chair Denis stated that the Legislature did not like open ended concepts. He thought that a statement from the Task Force to the Legislature could remind the Legislature of those concerns to ensure that specific language was put in the legislation when passed.

Ms. Waller stated that as part of the recommendation from the TAC, the NDE would develop a plan to transition such funding to inside the state's funding formula for review and consideration by the Nevada Legislature prior to implementation. She thought this would include the time-specific element based on how well the programs were working and the financial situation of the state, various districts, and the harm it could possibly cause the districts. She stated that after a six-year period the funding would be fully implemented. She thought that the TAC recommendation included the provision to

have NDE develop the plan and present it to the Legislature for approval prior to actually transitioning that modification inside the funding formula.

Ms. Smith thought that the solution was to provide a date when the Task Force wanted the funding formula plan presented to the Nevada Legislature for review.

Ms. Teska stated that NDE would bring forward a plan after looking at all the recommendations and how they interact with each other. She said the first recommendation made by the TAC directed the NDE to look at changes to the base funding, which would create a change in where the rest of the calculations begin. She said since the impacts were not known and there was no reasonable way to forecast the impacts at this point, it was up to the NDE to determine the impacts, because that needed to be in place first in order to see how the rest of the changes cascade from there before coming up with the best plan. She said that doing this through the categorical grant program, which was new funding coming in, they would presumably begin to address the unmet needs of the students during the upcoming legislative session regardless of how that funding specifically worked. Ms. Teska said that she hesitated to rush to put a date on the recommendations, because negative impacts on a district resulted in negative impacts on children, which was not the intention. She said that the NDE needed to look at all the impacts and come up with a way to move forward limited any adverse effects for students in the state.

Mr. Burnham concurred with Ms. Teska's comments.

Mr. Martinez also agreed with Ms. Teska, especially when looking at recommendation 3, page 58 of [Exhibit A](#), which started the phase-in period. He thought it would be best to let the NDE and Legislature tackle the issues.

MR. HECHTER MOVED TO APPROVE THE TAC RECOMMENDATION TO INITIALLY PROVIDE WEIGHTED FUNDING FOR STUDENTS AS A CATEGORICAL GRANT PROGRAM OUTSIDE THE STATE FUNDING FORMULA WITH A TRANSITION TO INSIDE THE FUNDING FORMULA AT A DATE TO BE DETERMINED IN THE FUTURE. THE MOTION WAS SECONDED BY MS. TESKA.

THE MOTION CARRIED. (MS. MILLER OPPOSED THE MOTION)

In a 5 to 3 vote (1 member absent), the TAC, at its May 21, 2014, meeting, recommended an implementation plan for modifications to the state's K-12 funding model for ELL and At-Risk students that would hold districts harmless for the 2015-17 biennium by only distributing new funding approved by the Nevada Legislature and the Governor through the modified K-12 funding model for ELL and At-Risk students. Beginning in FY 2018, the TAC recommends a full phase-in over a four-year period through FY 2021, with 10 percent of the total calculated funding change implemented in the first year, 30 percent in the second year, 60 percent in the third year, and 100 percent in the fourth year.

Ms. Waller directed the committee to recommendation 3, page 58 ([Exhibit A](#)), the implementation plan for modifications for ELL and At-Risk students that would hold districts harmless for the 2015-17 biennium by only distributing new funding approved by the Nevada Legislature and the Governor through the modified K-12 funding model for ELL and At-Risk students. Beginning FY 2018, the TAC recommends a full phase-in over a four-year period through 2021, with 10 percent of the total calculated funding change implemented in the first year, 30 percent in the second year, 60 percent in the third year, and 100 percent in the fourth year. She said the implementation plan would phase-in increases or decreases over a specified period of time to allow school districts and charter schools time to adjust to the fiscal increases or decreases that may occur utilizing the modified K-12 funding formula for ELL and At-Risk students. Ms. Waller clarified that at this time it would pertain to the categorical funding until such time the funding was fully transitioned into the formula at the recommendation of the NDE and Legislature.

Ms. Teska asked how only 10 percent of the total calculated funding change could be allocated in the first year if it was categorical funding.

Ms. Waller replied the weighting for ELL and At-Risk students was calculated and then 10 percent of that change would be implemented in the school year, so it would need to then be part of the categorical funding.

Mr. McIntosh said that his understanding of the recommendation was whether enhanced funding would be added separately to education funding or if standard rollups and various other items were included in the calculation of the DSA. He realized that the recommendation was vague, but the thinking was that in the first two years there would need to be additional or enhanced funding outside of the rollups and various other items that would be included in the DSA in order for it to be pushed to the categorical funding in the first two years. Therefore, it would be a true hold harmless period unless extra funding outside of the funds were needed to calculate the education budget. Nothing would be added to the categorical funds in the next two years and all districts would be held harmless. Moving forward, Mr. McIntosh said it was his understanding that those items would begin to be calculated as part of a transfer to the categorical funds, which meant they would begin taking portions of the education budget, which would now be calculated as new funding, and include that funding as part of the calculation as they begin transitioning to ELL and At-Risk funding.

Ms. Teska stated that once they get to the 10 to 60 percent increments for the funding change, they might call it categorical, but essentially if they were taking funding out of the DSA and shifting it to a categorical based on this formula it really becomes part of the formula funding. She indicated that they were just putting the funding into a different pot to distribute. Ms. Teska stated that while she wholeheartedly supported the notion of the funding becoming part of the formula, she hesitated to implement this type of a timeline, because in 2018 there would be districts receiving less money. Although she realized that was three years out, it was not a lot of time, especially if they put some of the funding to the 1.5 weights. She said these were very large dollar amounts and she

did not think it was sufficient time for the NDE to provide enough seed money, which could result in a significant transfer of money between districts.

Ms. Smith said it was her understanding that there were two basic issues – the base formula and how education was funded. She said that part of the discussion was not due to the categorical dollars that districts would be shorted, but because districts were not getting enough funding to begin with. Ms. Smith said that it seemed that these were two separate issues. The base funding which lies on legislative shoulders had to be changed to avoid this outcome, so that districts were getting the funding needed and no harm was caused when the funding formula change was implemented. Ms. Smith thought the committee was confusing the two issues and the categorical funds would change the balance because of the size and populations in the districts. She said that the Legislature was going to have to make this right though the basic funding formula, and not through the categorical system if they did not want to harm districts.

Ms. Teska said that if they left out whether the total pie was the right size, what they were doing as part of the categorical implementation was transferring money out of basic support and putting it into a categorical, which was not something NDE has done before. Typically, it went the other way and when states modified their funding formula the categorical funding collapsed into basic support, and basic support was not stripped and put into categorical funding. She added that she has never heard of that happening in her 20 years in the educational system.

Mr. McIntosh believed the goal of the TAC was to ensure that equity was provided for students and harm was not caused in other areas and districts. He said it would be up to the Legislature to provide for additional funding if harm was caused in other districts. Mr. McIntosh said the TAC thought that at some point the funding had to be transitioned into the formula and the goal was to determine how much time it would take until fully funded, which would give the state enough time to accommodate to the fact that there might be some negatives and reduced funding across the state. He said that the TAC was trying to accomplish three goals: 1) equity and providing equity for the students, 2) providing a solid concrete transition time, and 3) taking DSA funding, and in a sense, transferring it over to categorical funding to provide some sort of funding or separate mechanism for accountability purposes. Mr. McIntosh realized that the recommendations were vague and not perfect, which was why the TAC recommended that the NDE convene a working group to determine the particulars.

Ms. Miller expressed her concern with the language in the recommendation because it seemed it would strip away the base funding for the rural counties and cause harm. She said that the funding could be gone by the 100 percent phase-in in the fourth year and she had concerns for what was left for the rural counties. Ms. Miller thought the wording in the recommendation was the problem and it has hard to approve something that would ultimately hurt other counties and children in the state. She said it was noted earlier in the meeting that the superintendents and school boards could not raise funds and she wondered what was left if the phase-in was approved.

Ms. Waller addressed the concerns of Ms. Miller and stated that the transition and phase-in would be the change of funding related to weighting those student populations and not eliminating the full base funding. She said that whatever change in funding occurred by adding the weights to the student populations – 10 percent of that funding change would be implemented the third year, 30 percent the fourth year, 60 percent the fifth year, and 100 percent in year six, so it was the percent change due to the weighting of those student populations, not the full base funding.

Mr. Burnham said that there was discussion on base costs, which were rising along with the general inflation rate. Looking at the AIR report, funding these programs without additional revenue imposed cuts in excess of 40 percent in some of the rural districts, including a district that already had the lowest graduation rate in the state. He said that this would not work if the modifications to the state's K-12 funding model for ELL and At-Risk students were not funded. He believed that there was an illusion among people that there was a magic "pot of gold" that could be tapped into and redistributed, which was not the case. He said that Nevada severely underfunded education, which was the major reason for the existing problems. He said that the state could not succeed if they did not get serious about adequate funding for education and ignored the fact that they were trading one crisis for another.

Mr. Martinez said that when he looked at recommendation 3 on page 58 of [Exhibit A](#), it took funding from the base and added it to funding for ELL, special education, and At-Risk students, which created a couple scenarios. First, it took resources from one school and shifted those resources to another school, which created pressure and movement from the general education parents against the state and Legislature, causing pressure to increase funding. In addition, it could create a legal challenge, which could also produce more funding. Mr. Martinez stated that part of the challenge for everyone was what would create the urgency to increase funding, because as Mr. Burnham stated, it would not work without increased funding. Therefore, the question for the Task Force was whether they wanted to create that pressure for the Legislature and the Governor, because in his opinion, it would create a legal challenge. He stated it has already been well documented that the state's per pupil base funding was insufficient for all students, which was a scenario that recommendation 3 created.

Ms. Smith said that it seemed that there were several issues – there were philosophical issues with terminology that probably needed to be clarified. In addition, there were funding issues of where they were taking the money from and district sizes at risk. She thought that if it was a language issue the committee could think of a more palpable way to word the recommendation that would not be so jarring or draw red flags to certain issues, but still accomplish the same goal of how the funding was allocated.

Mr. Burnham said that passing all these initiatives while being mute on the issue of financial adequacy would be absolutely horrendous. He stressed that the state could not accomplish changing the funding model if it was not funded properly. He believed it was imperative that the Task Force accompany the recommendations with an endorsement that the funding model was funded at the state level.

Senator Roberson stated that the work of the Task Force was predicated on increased education funding. He said that the committee was aware that increased education funding needed to happen during the 2015 Legislative Session and the intention was not to harm one part of the state to benefit another. He stressed that everyone agreed that the state needed to increase the size of the education pie and the changes recommended at the meeting were necessary. The Task Force was open to suggestions for a better way to make modifications to the state's funding model, but there had to be a transition time for that to happen. Senator Roberson stated that the point of the S.B. 500 committee was to address the serious systemic issues the state had with how the funding was allocated. He understood the concerns about adequacy, unfortunately, that was not one of the missions set forth in S.B. 500. Senator Roberson further stated that did not think anyone on the committee thought that the current education funding was adequate – the education pie had to be increased, which the Legislature was committed to doing.

Chair Denis stated that the purpose of the Task Force was to ensure that education funding in Nevada was equitable. The committee had the opportunity to implement an equitable funding formula for all students in the state, which does not make up for the lack of equitable funding from the past. He agreed with Senator Roberson that the Legislature needed to make the determination on the adequacy, which they were committed to doing because it was important and about helping all students. He reiterated that the intention was not to harm any part of the state. The committee needed to put something in place that was equitable, and the Legislature also needed to have the adequacy study.

Mr. Martinez stated that there was a unanimous feeling that they did not want to harm one district for the benefit of another. He said that one possible way to address the issue was to look at recommendation 3 on page 58 ([Exhibit A](#)), where it was stated that the TAC recommended a full phase-in beginning in FY 2018, and instead state that it was with new funding. Mr. Martinez agreed with the original recommendation, which was to ensure the recommendation moved forward, because the concern was there were efforts in the past to increase funding without success. He said that the committee could clarify that any new funding in 2018 had to be added and phased in with the recommended percentage, because even if new funding was added in the biennium, the state might not get the 10 percent because the recommended amounts would be large.

Mr. Fromdahl wondered if the Task Force could look at how the money from S.B. 504 (2013 Legislature) was implemented that addressed ELL students. He said that the bulk of the money went to Clark County and Washoe County and the other counties received a small amount of funding without causing harm. He wondered if the Task Force could use that language as an example to help with the recommendation.

Chair Denis said that S.B. 504 (2013 Legislature) committee looked at student population, which was why they were able to address ELL students. In addition, the S.B. 504 committee put in additional funding to address ELL students and he was unsure how that could be done in this case.

Ms. Waller replied that would require a new funding source and a phase-in with new funding, but then they were back to the implementation planning and the hold harmless phase. If there was new funding they were holding everyone harmless and funding could only be distributed to the winners. She stated that funding could not be taken away from the losers and they could gradually move towards equity, but it would extend the period at arriving at an equity funding distribution while waiting for new funding. She said that separate from the fact of whether this transition would happen as a categorical or inside the funding formula, the discussion of the TAC was that the state needed to move toward implementing the equitable distribution of funding through weights recommended by the committee. Ms. Waller said the formula could be structured to just implement the phase in of new funding only, but again that would extend the period it would take to get the distribution equitable.

Senator Roberson thought it was important to remind everyone that the Task Force was not making binding law, but just making recommendations and putting pressure on the Legislature for an equitable funding formula. In addition, the Task Force clearly indicated on record that the current funding formula for K-12 education in Nevada was inadequate and funding needed to be increased during the 2015 Legislative Session. Senator Roberson said the Legislature was aware that the education pie had to be increased in order to implement the funding formula changes suggested in the recommendation. He reminded the Task Force that they were not passing law today, but submitting recommendations to the Legislature. He stressed that the committee needed to move forward with the language as recommended by the TAC.

ASSEMBLYWOMAN FLORES MOVED TO APPROVE THE MOTION FOR AN IMPLEMENTATION PLAN FOR MODIFICATIONS TO THE STATE'S K-12 FUNDING MODEL FOR ELL AND AT-RISK STUDENTS THAT WOULD HOLD DISTRICTS HARMLESS FOR THE 2015-17 BIENNIUM BY ONLY DISTRIBUTING NEW FUNDING APPROVED BY THE NEVADA LEGISLATURE AND THE GOVERNOR THROUGH THE MODIFIED K-12 FUNDING MODEL FOR ELL AND AT-RISK STUDENTS.

THE MOTION WAS SECONDED BY MS. CORRALES.

Ms. Teska thought there were some serious technical issues with the recommendation in terms of how it was currently written and how it would work with the categorical grant program. Although the recommendation expressed the intent, she suggested amending the recommendation of a formula phase-in that would begin in 2018, with complete phase-in by 2021, by deferring to the NDE to provide technical implementation that would meet the intent being described.

Assemblywoman Flores agreed with Senator Roberson that the current recommendation was not binding law. She thought the committee fully recognized that the intent was to phase in the recommendation over a period of years and ensure that school districts were being held harmless and students were not negatively affected by whatever lack of funding might be present in the future. She said that ultimately the Legislature and the Governor would have to deal with the modifications during the 2015 Legislative Session and moving forward. Assemblywoman Flores believed that the Task Force needed to move forward with the language as recommended by the TAC. She stated that the technical issues with specific language would naturally be required to be dealt with during the upcoming legislative session.

Chair Denis stated that because this was a recommendation to the 2015 Legislature, he thought the technical issues could be worked out especially since it was noted on the record and would be included in the report provided to the Legislature.

Mr. Martinez asked if it was possible to add language indicating that it was not the intention of Task Force to harm other school districts since the Task Force was in agreement with the recommendation.

Assemblywoman Flores expressed that the motion should be kept to the recommended language of the TAC given the amount of discussion on the record. She said the language in the recommendation that increases or decreases over a specified period of time allowed school districts and charter schools time to adjust to the fiscal impacts implied that the recommendation was an effort to ensure that districts were able to adjust to the differences. She stated that the Legislature was going to have to ensure that in fact, those school districts were able to adjust and the only way they were able to do that was by having the necessary funding needed. Assemblywoman Flores felt strongly that the Task Force needed to move forward with the current recommendation.

Chair Denis asked if there were any other comments on the original motion.

THE MOTION CARRIED. (MS. MILLER AND MR. FROMDAHL
OPPOSED THE MOTION)

For purposes of determining the funding adjustments for ELL and At-Risk student populations, the TAC unanimously recommended that the immediate prior year count be used for those student populations.

Ms. Waller moved to recommendation 4, page 59 of [Exhibit A](#) and said the TAC unanimously recommended that the immediate prior year count be used for determining the funding adjustments for ELL and At-Risk student populations.

MS. SMITH MADE A MOTION TO APPROVE THE MOTION AS
RECOMMENDED. THE MOTION WAS SECONDED BY
MR. MCINTOSH.

Mr. Fromdahl stated that the recommendation made total sense from a school standpoint.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 5

As recommended by the TAC, in the first two years of the implementation plan, the term “new funding” would be defined as enhanced state funding approved by the Legislature for ELL and/or At-Risk programs. Thereafter, as the modified funding model is phased-in, the term “new funding” would refer to all funding including funding for enrollment growth and funding provided for the two percent roll-ups for movement on the salary scale for licensed professional staff.

Moving to recommendation 5, page 59 of [Exhibit A](#), Ms. Waller asked what action the Task Force wanted to take on the recommendation.

ASSEMBLYWOMAN FLORES MADE A MOTION TO APPROVE THE RECOMMENDATION OF THE TAC. THE MOTION WAS SECONDED BY MR. HECHTER.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 6

For purposes of calculating a school district’s or charter school’s base year funding level, the TAC recommended that the fiscal year immediately preceding the implementation of the funding adjustment for ELL and At-Risk students (FY 2017) be used as the base-year funding for each school district and charter school.

MS. SMITH MADE A MOTION TO APPROVE THE RECOMMENDATION THAT THE FISCAL YEAR IMMEDIATELY PRECEDING THE IMPLEMENTATION OF THE FUNDING ADJUSTMENT FOR ELL AND AT-RISK STUDENTS (FY 2017) BE USED AS THE BASE-YEAR FUNDING FOR EACH SCHOOL DISTRICT AND CHARTER SCHOOL. THE MOTION WAS SECONDED BY MR. MCINTOSH.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 7

With regard to the eligible uses of categorical funding for ELL or At-Risk students, the TAC unanimously recommended that the eligible uses of the categorical funding directed to students identified as ELL and at risk of low

academic achievement include, but not be limited to, the following list and that such funding be excluded from collective bargaining:

- a. Classroom teachers to reduce class sizes or for ELL instruction;*
- b. Before and/or afterschool academic programs, including transportation to and from programs;*
- c. Pre-kindergarten programs;*
- d. Tutors, teachers' aides, counselors, social workers, nurses, and curriculum specialists;*
- e. Parent education and/or parental engagement;*
- f. Summer or intersession programs, including transportation to and from programs;*
- g. Early intervention programs;*
- h. Materials, supplies, and equipment, including technology used in approved programs or for approved purposes;*
- i. Funding a longer school day;*
- j. Funding a longer school year;*
- k. Remediation programs and/or partnering with higher education institutions.*
- l. Assessment activities;*
- m. Community liaison staff with language and cultural skills appropriate to the ELL population; and*
- n. Professional development activities.*

Ms. Smith stated that she spent the last 32 as a teacher and the language of excluding collective bargaining was a code word for "teacher pay." She said that the list of items excluded from collective bargaining involved teachers, and yet heaven forbid, teachers should not be paid for providing classroom material for students. She realized her opinion did not make a difference, but she took offense when the state was asking teachers to "change the world" without being compensated.

Chair Denis said that when Ms. Waller talked about this recommendation there was discussion as it related to the implementation phase, but not as a permanent recommendation.

Ms. Waller said it would apply as part of the categorical program, which was usually targeted funding for specific purposes as long as it remained categorical. However, it was an unrestricted funding source once it is transitioned into the funding formula, and at that time it would be up to the Legislature to determine if collective bargaining should be excluded.

Mr. Fromdahl said that some of the items in this recommendation appeared to conflict with items that were listed in NRS 288.150, Section 2, specifically addressing the longer school day and school year.

Ms. Waller stated that she would have to defer to Legal Counsel to see if those statutes were in conflict. She was aware that some of the empowerment schools were able to

provide additional funding, which she thought would not be imposed upon the staff. She added that staff would have to agree to the longer school day or school year.

Chair Denis reiterated that these were just recommendations to the Legislature and nothing contrary to law would be implemented.

Assemblywoman Flores said that she did not see language in the recommendation that indicated the funding was temporary. She asked at what point the funds subject to collective bargaining were discussed.

Ms. Waller replied that it was inferred in the fact that by excluding the funding from collective bargaining for the categorical program, once it transitioned inside the funding formula, which was an unrestricted funding source, it would need to be clarified or presumably would be available for collective bargaining inside the funding formula.

Assemblywoman Flores believed that this was also the way the Zoom Schools were funded. She echoed the comments made earlier in terms of the entire list (page 60, [Exhibit A](#)) to be excluded from collective bargaining, because one issue debated during the 2013 Legislative Session was a build out that would fund a pool of money to reimburse teachers for the astronomical amount of money they were spending out of their own pockets. She stated that recently a local credit union was offering low interest loans to teachers so that they could pay for school supplies, which she believed was shameful. Assemblywoman Flores stated that the entire list in the recommendation absolutely applied to teachers and there needed to be conversation about teachers being compensated for the enormous amount of work they were asked to do, which increased every year. She said that given that the Task Force was looking at this recommendation as a phase in, which was all very new and the same approach taken for the Zoom Schools, that the recommendation was acceptable to pass with the current language as long as they were clear that this recommendation was a part of the phase in process, and once it was fully phased into the DSA, would eventually be subject to collective bargaining.

ASSEMBLYWOMAN FLORES MADE A MOTION TO APPROVE THE RECOMMENDATION OF THE TAC. THE MOTION WAS SECONDED BY SENATOR ROBERSON.

THE MOTION PASSED. (MR. FROMDAHL AND MS. MILLER OPPOSED THE MOTION)

Students with Disabilities

Recommendation 1

At the June 5, 2014, meeting, the TAC unanimously approved a weighted student funding model that would apply a 2.0 weight to students with disabilities, with a funding cap of 13 percent of a school district or charter school's enrollment of

students with disabilities, based on a current year count of students with disabilities.

Mr. Thorley asked the Task Force if they wanted to approve, amend or reject the recommendation that was made by the TAC.

Ms. Corrales asked how the TAC decided on the 13 percent funding cap.

Mr. Thorley replied that the TAC heard previous testimony from national education consultants about the national identification rate, which was approximately 13 percent. In addition, the TAC looked at the identification rate of all the school districts within the state, which was approximately 13 percent. He reiterated that the 13 percent was decided upon based on looking at the current identification rate for students with disabilities, both within the state and nationally.

Mr. Fromdahl asked if it only included students that qualified as speech/language impaired, or if it also applied to the gifted and talented students.

Mr. Thorley replied that the recommendation from the TAC only applied to students with disabilities as governed by federal law, and did not apply to gifted and talented students. He was not familiar with the federal IDEA act regarding students identified as speech/language impaired, but believed that the recommendation from the TAC would provide funding for all disabilities that were currently approved under the federal IDEA law.

Ms. Waller clarified that speech/language impairment was one of the disability categories approved under federal law.

ASSEMBLYWOMAN FLORES MADE A MOTION TO APPROVE A WEIGHTED STUDENT FUNDING MODEL THAT WOULD APPLY A 2.0 WEIGHT TO STUDENTS WITH DISABILITIES, WITH A FUNDING CAP OF 13 PERCENT OF A SCHOOL DISTRICT OR CHARTER SCHOOL'S ENROLLMENT OF STUDENTS WITH DISABILITIES, BASED ON A CURRENT YEAR COUNT OF STUDENTS WITH DISABILITIES. THE MOTION WAS SECONDED BY MS. SMITH.

THE MOTION CARRIED UNANIMOUSLY.

Recommendation 2

At the June 5, 2014, meeting, the TAC unanimously approved the creation of a contingency fund for exceptionally high-cost students with disabilities and recommended that the NDE develop a plan for the operational guidelines of the fund for presentation to the 2015 Legislature which includes: how to allocate money to the fund; how much money to allocate to the fund; and how the fund would operate. The TAC also recommended that the NDE study the possibility of

transferring the existing NRS Chapter 395 program into the new contingency fund program.

Mr. Thorley stated that the NRS Chapter 395 program currently allowed the state superintendent of public education to authorize a transfer of students with disabilities in school districts where there were no facilities or the necessary support needed to adequately educate those students into a different school district or even out of state where there were facilities adequate to educate those students.

MS. SMITH MADE A MOTION TO APPROVE THE RECOMMENDATION OF THE TAC TO CREATE A CONTINGENCY FUND FOR EXCEPTIONALLY HIGH-COST STUDENTS WITH DISABILITIES AND RECOMMENDED THAT THE NDE DEVELOP A PLAN FOR THE OPERATIONAL GUIDELINES OF THE FUND FOR PRESENTATION TO THE 2015 LEGISLATURE WHICH INCLUDES: HOW TO ALLOCATE MONEY TO THE FUND; HOW MUCH MONEY TO ALLOCATE TO THE FUND; AND HOW THE FUND WOULD OPERATE. THE TAC ALSO RECOMMENDED THAT THE NDE STUDY THE POSSIBILITY OF TRANSFERRING THE EXISTING NRS CHAPTER 395 PROGRAM INTO THE NEW CONTINGENCY FUND PROGRAM. THE MOTION WAS SECONDED BY ASSEMBLYWOMAN FLORES.

THE MOTION PASSED UNANIMOUSLY.

Recommendation 3

With regard to funding for students with disabilities inside or outside the K-12 funding formula the TAC unanimously approved initially providing funding for students with disabilities as a categorical grant program outside the state funding formula with a transition to inside the funding formula at a date to be determined in the future.

Mr. Thorley stated that the rationale behind the recommendation from the TAC was that continuing to provide funding for students with disabilities as a categorical program would allow districts and charter schools to comply with the maintenance of effort (MOE) requirements and federal law, and give districts time to adapt and study the impact and implications of the formula change on the MOE when it was moved inside the funding formula.

ASSEMBLYWOMAN FLORES MOVED TO APPROVE THE RECOMMENDATION OF THE TAC TO INITIALLY PROVIDE FUNDING FOR STUDENTS WITH DISABILITIES AS A CATEGORICAL GRANT PROGRAM OUTSIDE THE STATE FUNDING FORMULA WITH A TRANSITION TO INSIDE THE FUNDING FORMULA AT A DATE TO BE DETERMINED IN THE FUTURE. THE MOTION WAS SECONDED BY MS. SMITH.

THE MOTION CARRIED. MS. MILLER OPPOSED THE MOTION.

Recommendation 4

Concerning an implementation plan for modifications to the state's K-12 funding model for students with disabilities, the TAC unanimously decided to not recommend an implementation plan for modifications to the state's K-12 funding model for students with disabilities, but rather recommended that the NDE work to develop an implementation plan for submission to the 78th Session of the Legislature, which includes a hold harmless provision and takes into account the MOE requirements at both the state and local levels.

Mr. Thorley stated that the question for the Task Force was whether to accept the recommendation of the TAC.

ASSEMBLYWOMAN FLORES MADE A MOTION TO APPROVE THE RECOMMENDATION. THE MOTION WAS SECONDED BY ASSEMBLYMAN HICKEY.

THE MOTION PASSED UNANIMOUSLY.

Ms. Waller stated that concluded the approved recommendations from the TAC of the Task Force. She explained that the recommendations would be incorporated into a report for submission to the Governor and the Legislature. In addition to the recommendations from the TAC, the Task Force could include any other statements or recommendations for modifications to the plan if desired. She said that the Task Force was not limited only to the recommendations of the TAC.

Chair Denis asked if there were any other items that members wished to include on the record for recommendation to the Governor and Legislature for consideration.

Mr. Burnham suggested including the resolutions from the State Association of School Boards as an addendum to the recommendations so that the Governor and Legislature were aware of the school districts' stance on the issues.

Chair Denis thanked Mr. Burnham for the suggestion. He agreed that the resolutions from the school districts should be included with the recommendations.

Mr. Martinez agreed with Mr. Burnham. He stated that the resolutions should be included with the recommendations because it was one of the first times that all 17 school districts were in agreement. In addition, he complimented the Task Force because the ELL funding alone was approximately \$180 million per year, compared to Zoom funding of approximately \$25 million per year, and poverty funding of about \$600 million extra per year, so they were not small ticket items. The recommendations would send a message that the Task Force believed that education was an investment

and that the state needed to serve students better than they have in the past. Speaking for all his colleagues, Mr. Martinez stated that additionally, accountability measures had to also be in place so that the state could do the best job to help students achieve success.

Mr. Fromdahl stressed that they were not trying to take away from one district to give to another. He said the idea was to try and help all 17 school districts and charter schools, and he hoped those comments would be emphasized when the recommendations were passed on to the Governor and Legislature.

Chair Denis said they were trying to do everything to help students in the state and the recommendations made a statement that teachers were valued too. He said that the recommendations indicated what the state needed to do to support students in the state, in addition to helping teachers who in turn, could help students become successful.

MR. BURNHAM MADE A MOTION TO INCLUDE THE RESOLUTIONS FROM THE 17 SCHOOL DISTRICTS AND STATE ASSOCIATION OF SCHOOL BOARDS AND STATE ASSOCIATION OF SCHOOL SUPERINTENDENTS WITH THE RECOMMENDATIONS FROM THE TECHNICAL ADVISORY COMMITTEE. THE MOTION WAS SECONDED BY MR. MARTINEZ.

THE MOTION CARRIED UNANIMOUSLY.

VIII. PUBLIC COMMENT.

There was no public comment.

X. ADJOURNMENT.


Chair Denis thanked staff for all the hard work they provided to the Task Force, in addition to the TAC, which was appreciated. In addition, he thanked the Task Force for their commitment and desire to get the job done. He said that the current formula was put in place in 1967 and many things have changed since then, including the face of Nevada. He said that the work of the committee would be remembered as an important step in the education of students in Nevada as they moved forward. In addition, Chair Denis thanked the school districts, community members, and groups that have participated in the process and provided their expertise and comments. He said the work of the committee would be shared with his colleagues as it goes to the Legislature and the Governor's Office.

The meeting was adjourned at 12:15 p.m.

Respectfully submitted,

Donna Thomas, Secretary

APPROVED:

A handwritten signature in black ink that reads "Moises Denis". The signature is written in a cursive style with a long, sweeping underline.

Senator Moises Denis, Chairman

Date: _____