

LCB File No. R046-98

PROPOSED REGULATION OF THE DEPARTMENT OF EDUCATION

The Nevada State Board of Education/Nevada State Board for Occupational education intends to hold a public hearing on the proposed regulations on April 17, 1998.

PROPOSED REGULATION OF THE NEVADA DEPARTMENT OF EDUCATION

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AUTHORITY: § 20, NRS 385.347 and NRS 385.080.

Section 1. Chapter ___ of NAC is hereby amended by adding thereto a new section to read as follows:

DESIGNATION OF SCHOOLS

3xx.010 Definitions. As used in NAC 385.050 to 388.095, inclusive, unless the context otherwise requires, the words and terms defined in NAC 385.050 to 388.095, inclusive, have the meanings ascribed to them in those sections.

“Academic achievement” defined. “Academic achievement” means the possession of basic reading skills and skills relating to oral expression, listening comprehension, written expression, reading comprehension, mathematics calculation and mathematics reasoning. [388.005]

“Act” defined. “Act” means NRS 385.347 as revised in the 1997 legislative session by Senate Bill 482.

“Attendance” defined. “Attendance means the presence of a pupil at school on a day when school is in session. [387.013]

“Average daily attendance” defined. “Average daily attendance means the total number of pupils attending a particular school each day during a period of reporting divided by the number of days school is in session during that period. [387.015]

“Department” defined. “Department means the department of education. [385.050]

“FTE” defined. “FTE” means full-time equivalent.

“Pupil” defined. “Pupil” means a person who has not yet attained the age of 18 years, who has been admitted to a public school to attend a schedule of classes and whose name appears on the

master register of enrollment and attendance. [385.725]

“Regular classroom teacher” defined. “Regular classroom teacher” means a teacher having knowledge of the developmental and curricular needs of pupils at the grade level which he teaches. [388.095]

“School day in session defined. “School day in session” means any day in which pupils enrolled in a school are scheduled to be engaged in registration, classes, other instructional activities or testing during the required minimum daily period for each grade or department. [387.085]

“Short school day in session” defined. “Short school day in session” means any day in which pupils enrolled in a school are scheduled to be engaged in registration, classes, other instructional activities or testing and are in attendance for two-thirds of a full school day in session in their respective grades and departments. [387.105]

“Superintendent” defined. “Superintendent means the superintendent of public instruction. [385.525]

“Teacher” defined. Licensed educators who provide instruction to K-12 pupils. This does not include licensed personnel working as: administrators, school counselors, school audiologists, librarians, library media specialists, school nurses, school psychologists, or school social workers.

1. Designation of Schools: High Achievement; Adequate Achievement; Inadequate Achievement.

The department shall designate schools on April 1, or shortly thereafter, of each year as having high achievement, adequate achievement, or inadequate achievement in order to allow schools sufficient time to prepare a plan for improvement for implementation in the next succeeding school year. Designations shall be based upon test score data from the fall test date immediately preceding the April designation and upon the prior school year’s attendance data.

- a. A designation of high achievement shall be made upon a public school if:
 1. The percentage of pupils who took the examinations pursuant to NRS 389.015 in grades 4, 8, and 10 is equal to or greater than 95% of the pupils who were

required to take the exam and were not exempt pursuant to the regulations of the department described in NAC 389.058;

2. The percentage of pupils at grade level 4, 8, and 10 who took the examinations administered pursuant to NRS 389.015 and received an average score in the top quarter of the national reference group of pupils in each of four subject areas of the exam administered pursuant to NRS 389.015 in the composite areas of reading, mathematics, language arts, and in the science subtest is at or above 50%; and

3. The average daily attendance of pupils enrolled at the school and teachers who provide instruction at the school are each equal to or greater than 95% for the school year being reported.

b. A designation of adequate achievement shall be made if:

1. The percentage of pupils who took the examinations pursuant to NRS 389.015 in grades 4, 8, and 10 is equal to or greater than 90% of the pupils who were required to take the exam and were not exempt pursuant to regulations of the department described in NAC 389.058;

2. The percentage of pupils at grade level 4, 8, and 10 who took the examinations administered pursuant to NRS 389.015 and received an average score at or above the 26th percentile of the national reference group of pupils in one to four subject areas of the exam administered pursuant to NRS 389.015 in the composite areas of reading, mathematics, language arts, and in the science subtest is at or above 60%; and

3. The average daily attendance of pupils enrolled at the school and teachers who

provide instruction at the school are each equal to or greater than 90% for the school year being reported.

- c. A designation of inadequate achievement shall be made if:
 - 1. The percentage of pupils at grade level 4, 8, and 10 who took the examinations administered pursuant to NRS 389.015 and received an average score in the bottom quarter of the national reference group of pupils in all four subject areas of the exam administered pursuant to NRS 389.015 in the composite areas of reading, mathematics, language arts, and in the science subtest is greater than 40%; or
 - 2. The average daily attendance of pupils enrolled at the school and teachers who provide instruction at the school are each less than 90% for the school year being reported.
- d. Schools not meeting all of the criteria of any one of the above three designations shall be designated as having adequate achievement.
- e. The department may request that schools not having grade levels tested pursuant to NRS 389.015 submit a plan for improvement in cooperation with the school receiving the grade levels tested if the receiving school is designated as having inadequate achievement, such as a K-3 grade school feeding into a 4-6 school designated as inadequate.
 - 1. Data from standardized assessments and/or other appropriate assessments shall be made available to the department from the non-designated feeder school to assist in analysis of achievement and for formulating a plan of improvement that will benefit both the feeder school and the designated receiving school.

2. If no data from standardized tests are available, all schools feeding into a school designated as inadequate may be required to submit a plan for improvement.

- f. Schools having 10 or fewer pupils at a grade level tested pursuant to NRS 389.015 will not be reported by the department as having either inadequate or high achievement pursuant to NRS 389.017.
- g. Schools considered a single unit of organization, but containing more than one of the grades tested pursuant to NRS 389.015 will be designated adequate if the composite scores in reading, mathematics, language arts, and in the science subtest yielded in two out of three of the grades tested are at or above the 26th percentile of the national reference group. If any of the grades tested are inadequate, the school shall prepare and implement a school improvement plan. If one of two grades tested are inadequate, the school shall be designated as inadequate.
- h. Designations will be made on the percentage of eligible pupils tested and test score data pursuant to NRS 389.015 in school years 1997-98, 1998-99, and 1999-00.

Starting in school year 2000-01, designations will be made with the additional criteria of student and teacher attendance pursuant to Sec. 6 and 7 of the Act using three consecutive years of student and teacher attendance data.

2. Attendance: Student Attendance; Teacher Attendance

- a. The average daily student attendance for each school shall be defined, pursuant to NAC 387.013, as the total number of pupils attending a particular school each day

during a period of reporting divided by the number of days school is in session during that period.

- b. The average daily teacher attendance for each school shall be defined as the total number of instructional staff in attendance at a particular school each school day in session, pursuant to NAC 387.085 and 387.105, during a period of reporting divided by the number of student instructional days school is in session during that period.

1. Days present and absent are weighted by FTE rounded to the nearest .5 FTE.

(a) A teacher with a contract for .5 FTE who is in the classroom for one week of half days per contract specifications will be counted as present for 2.5 days.

(b) Any day the .5 FTE teacher is present for less than $\frac{1}{2}$ day will be counted as absent for $\frac{1}{2}$ day.

(c) A teacher with a contract for 1.0 FTE and is present in the classroom for at least $\frac{1}{2}$ of a day for one week will be counted as present for 5 days.

2. Attendance and absence shall be reported to the nearest half day.

(a) A teacher who is present for at least $\frac{1}{2}$ of any day, but less than $\frac{1}{2}$ of the day will be counted as present for $\frac{1}{2}$ of that day.

(b) A teacher present for less than $\frac{1}{2}$ of any day will be counted as absent on that day.

3. For purposes of teacher attendance calculations, teachers assigned to one or more classes in a school shall be included in the total.

4. Itinerant teachers responsible for a program separate from the classroom teacher, and whose absence would require a substitute for the class shall be

included in the total.

5. Attendance for a teacher who is absent for a period of 20 or more consecutive days of service shall be excluded from the total absences for the school.

- c. Data shall be collected at each public school site in each district on teacher attendance as well as student attendance starting with the 1997-98 school year and continuing every year thereafter.

3. Student Achievement: Standardized testing; percentage tested.

Determination of student eligibility for testing pursuant to NRS 389.015 will be made pursuant to the department publication, "Guidelines for the Conduct of the Nevada Proficiency Examination Program" and NAC 389.058.

4. Waivers

- a. A school designated inadequate two or more consecutive years may submit to the department a request for a waiver of the requirement for the establishment of a panel to supervise the academic probation of the school. Waivers may be granted by the Superintendent of Public Instruction if a school can demonstrate to the satisfaction of the department evidence of significant improvement in each of the three preceding years covered by the school profile maintained by the department.

Significant improvement shall be measured by:

1. An increase in scores in three out of four subject areas of the exam pursuant to NRS 389.015 if the designation was made solely on the basis of test scores pursuant to Sec. 7 of the Act; or
2. An increase in student or teacher attendance rates if the designation was made solely on the basis of student and teacher attendance pursuant to Sec. 7 of the Act.

- b. In addition to subsection (a.) above, other factors that may be considered in granting a waiver may include the following:
 - 1. Low student population (30 or fewer pupils tested pursuant to NRS 389.015);
 - 2. Unusual absentee record which could include, but not be limited to schoolwide illness and safety factors;
 - 3. Demonstrated results of one or more years of an implemented school improvement plan; or
 - 4. Significant demographic anomalies which could include, but not be limited to transiency rate and zoning changes.

5. Plans for Improvement

- a. A school designated inadequate shall submit a plan for improvement, pursuant to Sec. 11 of the Act, within two months of the inadequate designation by the department.
 - 1. The plan for improvement shall show evidence of deficiencies in academic achievement and describe specific programs, improved methods of instruction, applied resources, or other strategies used to address those deficiencies as required by NRS 385.351, Sec. 3 (a) (2).
 - 2. The school may submit a plan designed to meet requirements of a federally funded program if that plan will address the deficiencies described in subsection 1 above.
- b. A school designated inadequate for two consecutive years shall be placed on academic probation and the department shall submit a plan for improvement, pursuant to Sec. 12 of the Act.

1. A panel shall be established pursuant to Sec. 14 of the Act to supervise the academic probation of the school.
- c. A school designated inadequate for three or more consecutive years shall continue the academic probation and the department shall submit a plan for improvement pursuant to Sec. 13 of the Act. The plan must contain information concerning the administrative operation of the school, the curriculum of the school, and the financial and other resources of the school.
 1. The board of trustees of a school designated as inadequate for three or more consecutive years shall make at least four reports per year to the department on the progress of the school in carrying out the plan.
 2. A panel shall be established pursuant to Sec. 14 of the Act to supervise the academic probation of the school and carry out its duties pursuant to Sec. 15 of the Act.

6. Recognition of Schools

A school meeting the criteria pursuant to Sec. 6 of the Act and designated as demonstrating high achievement shall be recognized by the department in conjunction with the school district containing the school to be recognized. Recognition may be some or all of the following:

- a. A department press release to a newspaper serving the community of the designated school and to a newspaper serving a major portion of the regional population within the same school year as the department release of the list of designated schools;
- b. A department press release to the electronic media in the local and regional area

serving the community of the school site within the same school year as the department release of the list of designated schools;

- c. A plaque awarded in a ceremony at the school site and during the school day to the extent possible, by the Superintendent of Public Instruction within 60 days of the department release of the list of designated schools; and
- d. A letter of merit awarded by the Governor within 60 days of the department release of the list of designated schools.