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SUMMARY OF RECOMMENDATIONS

The following is a summary of the recommendations for Bill Draft Requests (BDRs) adopted by the Legislative Committee on Education for transmittal to the 1999 Legislative Session:

1. Appropriate funding for the next biennium to establish and equip four regional centers for professional development within the school districts to train teachers and administrators. Such training would focus upon: the new standards for public schools established by the Council on Academic Standards; measuring pupil achievement and analyzing and interpreting test scores; teaching higher-level content areas; and teaching basic skills, such as reading instruction using phonics and basic mathematics computation skills. Each center will be governed by a board of directors consisting of the superintendents of the school districts within the region, or their designees; master teachers identified by their superintendents; and representatives of higher education. (BDR S-243)
2. Appropriate \$20,000 to the State Department of Education for the purpose of reimbursing up to \$2,000 of the related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards (NBPTS). Teachers wishing to obtain such reimbursement must file a statement of intent with the district at least one year prior to anticipated certification. Upon completion and certification, the school district shall notify the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for and receiving NBPTS certification. (BDR S-244)
3. Require, by statute, that school districts provide an additional 5 percent increased salary differential to classroom teachers employed by the district who are certified by the National Board for Professional Teaching Standards (NBPTS), as long as a teacher maintains NBPTS certification. (BDR 34-250)
4. Amend statutes to require that school districts must provide fully licensed teachers with full credit when calculating seniority on the salary scale for their years of out-of-state teaching experience in states for which a reciprocal license agreement exists or, in the absence of such an agreement, for a license-holder in a state approved for this purpose by the Commission on Professional Standards in Education. The commission shall establish, by regulation, uniform criteria to be used to evaluate a state's licensing standards. This measure would be effective for teachers hired after July 1, 1999. (BDR 34-251)
5. Amend statutes to require that experienced teachers who teach and remain teaching in schools designated as demonstrating inadequate achievement under NRS 385.363, *et seq.*, or schools that are considered at risk of failure will receive one year of credit toward retirement for every five years of service. The program should also apply to

teachers in at-risk schools in subject areas in which a high need or shortage has been identified, such as math or science. (BDR 34-252)

6. Establish incentives to attract teachers in subject areas in which a high need or shortage exists and to establish programs to attract individuals with expertise in these areas into the field of teaching, including speech pathologists, psychologists, and occupational and physical therapists. (BDR 34-252)
7. Amend statutes to lengthen the probationary period for educators to three years. Under current law, tenure is granted after one to two years, depending upon whether a notice of a second year of probation is made. (BDR 34-241)
8. Amend statutes to require that annual evaluations of probationary and post probationary teachers shall include at least 180 and 120 minutes, respectively, of direct observation by the evaluator of the teacher engaged in classroom instruction. (BDR 34-241)
9. Adopt a resolution encouraging the Board of Regents of the University and Community College System of Nevada to share information with school districts on the academic performance of the districts' high school graduates within the college and university system. Further, provide that the shared information shall include data on the readiness of incoming freshmen and the academic deficiencies of students majoring in English, mathematics, and the sciences. School districts are encouraged to provide feedback to the colleges of education in this state concerning the strengths and weaknesses of Nevada teachers trained in those institutions and employed by the districts. (BDR R-862)
10. Amend statutes to establish a tiered licensing system whereby a beginning teacher may receive a preliminary license, be evaluated for needed content area instruction, and be required to successfully complete additional course work prior to receiving full licensure. Such a program would be modeled upon the state of Utah's practices for training and licensing its science teachers. The Commission on Professional Standards in Education would be responsible for adopting regulations to carry out the tiered licensing system. (BDR 34-241)
11. Amend statutes to require that elementary teachers study phonics instruction. (BDR 34-241)
12. Adopt a resolution to encourage the Commission on Professional Standards in Education to raise the passing score for the teacher competency tests administered for licensure in Nevada. (BDR R-865)

13. **Require that the Commission on Professional Standards in Education, by January 1, 2000, adopt regulations to establish a middle school license for teachers in schools in which core subject areas are taught by different teachers. Further require that by the school year 2001-2002, teachers in grades 6 through 9 who are providing instruction for a majority of their teaching day in a single core subject (English, history, mathematics, or science) must be licensed to teach that subject. (BDR 34-241)**
14. **Amend statutes to revise the appointment and composition of the Commission on Professional Standards in Education to include members who are not educators. Amend the statutes to retain a nine-member Commission, with five members to be appointed by the Governor and no more than three of the five may be educators. The remaining four are appointed by the Legislature. The Majority Leader of the Senate and the Speaker of the Assembly each appoint one educator and one person who is not an educator, such as a business representative or parent. (BDR 34-245)**
15. **Amend Chapter 473 of the *Statutes of Nevada 1997* (Senate Bill 482, the Nevada Education Reform Act) to add “technology” to the requirement to develop content and performance standards for computer education. Change the term “social studies” to “history, geography, economics, and civics (government)” in the requirement that standards be established in the second phase of the work program of the Council to Establish Academic Standards. (BDR S-863)**
16. **Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature encouraging school districts to conduct immediate, in-depth curriculum audits of existing district curricula using the academic standards approved by the Council to Establish Academic Standards. Such an audit should identify any necessary changes in what is taught and the associated need for professional development.**
17. **Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature, encouraging the State Board of Education to review the practice of allowing certain vocational education courses to substitute for core academic units of credit. Further, the Board is encouraged to adjust the units of credit needed to graduate from high school to require additional mathematics courses.**
18. **Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature that school districts shall ensure that remediation programs include the new state academic standards approved by the Council to Establish Academic Standards.**

- 19. Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature encouraging the State Board of Education and the school districts to end the practice of “social promotion.” Such policies allow students to progress to the next grade level without regard to whether they received passing grades or (in the primary grades) whether they have mastered basic skills, such as reading.**
- 20. Include a statement in the Committee’s final report requesting that the State Department of Education and the school districts report to the Committee on Education after the 1999 Legislative Session, concerning the manner in which district and state department expenditures support the standards approved by the Council to Establish Academic Standards. Such information shall include professional development activities, selection of instructional materials, and curriculum audits, among other factors. The Department shall utilize the information provided by the districts and its own data on state-level expenditures to evaluate the degree to which and the manner in which funding is targeted in support of the standards.**
- 21. Appropriate funding to the State Department of Education for the continued development, administration, and central scoring of the eleventh grade high school proficiency examination “in-house” within the State Department of Education. Further, establish an advisory board for the eleventh grade proficiency test to oversee the continuous development of the test and ensure the incorporation into the test of the academic standards approved by the Council to Establish Academic Standards. The advisory board shall consist of representatives of school districts, parents, business and industry representatives, the Budget Division, and legislators. (BDR S-247)**
- 22. Amend statutes to increase, from ten to fifteen, the number of days that the principal has to certify that parents have been notified by the principal of their child’s test results. Current law provides that the principal must make this certification within ten days following his receipt of the results. (BDR 34-246)**
- 23. Require, by statute, that school districts administer the statewide proficiency exams in grades 4, 8, and 10 in the spring. Under current statutes the exams must be administered at the same time, with the State Board of Education prescribing that time; the board has selected a date in the fall. (BDR 34-973)**
- 24. Amend statutes to include specific references to test security breaches for Nevada’s proficiency testing program as grounds for revocation of professional licenses and grounds for dismissal from employment. Such violations may be implied under unprofessional conduct provisions within those sections, but test security breaches are not specifically referenced. (BDR 34-246)**

25. Amend statutes to add school district superintendents, curriculum directors, and test directors to the list of those allowed to review the statewide proficiency examinations. (BDR 34-246)
26. Amend A.B. 523 of the 1997 Session to correct an error. The duty of certifying that test results have been transmitted to each school within the required time frame should be the responsibility of the superintendent *of each school district*, not the superintendent *of public instruction*, as stated in the final version of the bill. (BDR 34-246)
27. Amend statutes concerning Nevada’s achievement and proficiency examinations to clarify a specific exemption from the mandated proficiency examinations. The law should allow an exemption from the mandated proficiency examinations for any pupil whose primary language is not English if that pupil demonstrates a lack of proficiency in the English language as measured on an assessment of proficiency in the English language designated by the department. Current wording could be interpreted to allow an exemption to a pupil who was performing below the average for his grade level, even a pupil whose native tongue is English or one who has developed proficiency in English as a second language. (BDR 34-246)
28. Amend statutes concerning Nevada’s achievement and proficiency examinations to clarify that pupils with disabilities may take the mandated proficiency examinations with accommodations that are *not approved* by the test publisher; however, their scores shall not be included in the average scores for the school, district, or state. Average scores for the school, district, and state include only the scores of pupils tested with no accommodations or pupils with disabilities tested with accommodations that *are approved* by the test publisher. (BDR 34-246)
29. Amend the statutes concerning Nevada’s program of public school accountability to remove the requirement that schools be ranked as demonstrating high, adequate, or inadequate achievement, based upon teacher attendance, but continue to require each school to report this information in the school, district, and statewide accountability reports. (BDR 34-248)
30. Amend the statutes concerning Nevada’s program of public school accountability as follows (BDR 34-248):
 - Change the term that designates schools as demonstrating “inadequate” achievement to schools “needing improvement.”
 - Amend NRS 385.365 to define schools demonstrating high achievement as those in which at least half of the students score at or above the 76th percentile; current law states the 75th percentile; rename this highest-achieving category — schools demonstrating “exemplary” achievement.

- **Add a fourth category of schools demonstrating high academic achievement. Such schools are defined as those having at least 40 percent of their students scoring at or above the 76th percentile.**
 - **Require that the report of the independent evaluation of school accountability programs be made available to school districts. Further, require that each school district must, upon reviewing the comments and reports from the independent evaluation, submit a report to the Legislative Bureau of Educational Accountability and Program Evaluation concerning the actions the district has taken or plans to take in response to that report. Such a report shall include those recommendations together with progress to date concerning recommendations from previous reports.**
 - **Amend statutes to require an explanation of any difference in the number of pupils who took the examinations and the number of pupils enrolled, rather than pupils in attendance, in that period.**
 - **Amend statutes to require that incidents involving the use or possession of alcohol be reported separately from those involving other controlled substances. Require school accountability reports to include the number of pupils who are habitual discipline problems, as defined in NRS 392.140.**
 - **Amend statutes to include “other recognized parent groups,” along with the Nevada Parent Teachers Association, among the groups with which the Superintendent of Public Instruction may consult concerning the school accountability program.**
31. **Appropriate funding for programs of remedial education for schools designated as “needing improvement” (inadequate achievement) when more than 40 percent of the pupils in the school receive an average score at or below the 25th percentile on all of the four subjects tested (language arts, math, reading, and science). These funds would also be available for schools that were not designated as “needing improvement” but had more than 40 percent of the pupils receiving an average score at or below the 25th percentile on three of the four subjects tested. (BDR 34-248)**
 32. **Amend the school accountability statutes, to restore the requirement that the number of pupils retained each year be reported by grade and by school within the school accountability reports. (BDR 34-248)**
 33. **Amend the school accountability statutes to require school districts to report teachers who are teaching outside the field in which they are licensed only if they are teaching courses in the core curriculum areas (English, mathematics, science, and social studies). Current law requires the school district to report “a comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher.” (BDR 34-248)**

34. Amend the time line for school accountability program. Senate Bill 482 provided that the first designation of schools' achievement levels is made on or before December 15, 1998. Amendments to realign the dates in the law with the revised time schedule (designed to maximize the use of funding within a fiscal year) include, without limitation, the following (BDR 34-248):
- Change, from December 15 to April 1 of each school year, the date when schools are designated on the basis of their pupils' achievement;
 - Change, from February 15 to May 1, the due date to submit plans for improving the achievement of pupils in schools designated as "needing improvement";
 - Change, from January 15 to April 10, the date by which the State Department of Education shall establish a panel to supervise the academic probation of a school that has received two or more consecutive designations of "needing improvement";
 - Change, from February 15 to May 1, the date by which the State Department of Education must submit a list of waivers from panel supervision;
 - Change, from April 1 to November 1, the due date of the written report of the panel that analyzes the problems and factors that contributed to the designation of the school as one "needing improvement" and the date by which the panel must determine whether the Superintendent of Public Instruction shall appoint an administrator; and
 - Change, from May 1 to December 1, the date by which the Superintendent of Public Instruction shall appoint an administrator, as recommended by a panel.
35. Amend the school accountability law to require a school that demonstrated adequate achievement but tested fewer than 90 percent of the required pupils to submit a written explanation of the reason these pupils were not tested and a written plan to increase the percentage or number tested. Further, require the school to retest its pupils at school district expense. If such a situation occurs in two consecutive years, the school would be considered a school "needing improvement," and the State Department of Education would prepare a plan for improvement for that school and monitor administration of the state-mandated tests in that school. If the situation recurs the third consecutive year, the school would be placed on academic probation. Schools so categorized would not be eligible for special appropriations earmarked for remedial education programs. (BDR 34-248)

36. Amend state law to clarify that the average daily attendance in schools earning a designation of “exemplary” shall be *at least 95 percent*, rather than *more than 95 percent*. Similarly, the average daily attendance in schools designated as having “high achievement” shall be *at least 93 percent* and those designated as having “adequate achievement” shall be *at least 90 percent*, rather than *more than 90 percent*. (BDR 34-248)
37. Amend state law to specify that a school designated as “needing improvement” must adopt an approved remedial program and that the school district must ensure that each child who fails to demonstrate at least adequate achievement on required, statewide examinations shall receive appropriate remedial education. (BDR 34-248)
38. Include a statement in the Committee’s final report that any future bills appropriating funds to the State Department of Education for distribution among the schools or school districts for remedial programs required under the provisions of the Nevada Education Reform Act, will include language requiring the Department to conduct the necessary review, analysis, and selection of applications for the remediation funds. Further, the Department shall make appropriate recommendations on the allocation of the funds to the State Board of Examiners and the Interim Finance Committee. Further, the State Department of Education, after consulting with the Budget Division and the Fiscal Analysis Division will develop the application forms for those funds.
39. Amend statutes to allow for a balance in a school district’s revenue stabilization fund to be 30 percent (versus the existing 10 percent) of expenditures from the school district’s general fund from the previous year, limited to 10 percent annually until it reaches a limit of 30 percent over three years. Further, cap the total at \$2 million and limit this provision to rural school districts that are dependent upon net proceeds of minerals. (BDR 31-864)
40. Amend statutes to allow boards of trustees of school districts to negotiate with licensed employees of the school district with regard to the use of accumulated sick leave for early retirement, not to exceed one year. (BDR 34-866)

I. INTRODUCTION

The 1997 Legislature enacted Senate Bill 482 (Chapter 473, *Statutes of Nevada*), creating a new statutory committee -- the Legislative Committee on Education. The bill, known as the Nevada Education Reform Act (NERA), provided for legislative review of the reform process. The Act established a permanent eight-member Legislative Committee on Education. The committee is charged with reviewing statewide programs in accountability, class-size reduction, the automated student record (SMART) program, and any other fiscal or policy concerns associated with public education in Nevada.

Members of the committee during the 1997-1999 interim period included the following legislators:

Senator William J. Raggio, Chairman, Reno
Assemblyman Wendell P. Williams, Vice-Chairman, Las Vegas
Assemblyman Richard D. Perkins, Henderson
Assemblywoman Marcia de Braga, Fallon
Assemblyman Patrick T. Hickey, Reno
Senator Raymond D. Rawson, Las Vegas
Senator Maurice E. Washington, Sparks
Senator Jack B. Regan, North Las Vegas

Legislative Counsel Bureau staff services for the committee were provided by:

Jeanne Botts, Senior Program Analyst
H. Pepper Sturm, Chief Principal Research Analyst
Kristin Roberts, Deputy Legislative Counsel
Joi Davis, Committee Secretary

The committee held a total of ten meetings, three in 1997 and seven in 1998. Members received a series of policy briefings concerning national and state education reform activities, including the importance of establishing rigorous academic standards; the importance of higher standards for improving the performance of “at-risk” students; issues associated with teaching to higher academic standards; increasing parental involvement and successful state methods of sustaining educational reform. Additional topics included a report of Nevada’s Class-Size Reduction Program and discussion of current testing issues, including recent violations of test security. Committee members also were briefed about Nevada’s current accountability and school improvement programs. As required by statutes, the committee adopted a list of recommended remedial education programs that have proven to be successful in improving the academic achievement of pupils and forwarded that list to the State Board of Education.

The Committee on Education also received regular progress reports from two other entities created by NERA: the Council to Establish Academic Standards in Public Education and the Commission on Educational Technology. The committee members approved clear statements of policy to guide the efforts of the standards council and the technology commission. In addition, the committee

approved various consultant contracts for both the technology commission and the standards council in order to facilitate the work of those bodies.

The committee directed that a series of regional workshops be conducted on teaching to higher standards to provide information and recommendations for future meetings. Workshops were held on March 11 in Fallon; March 16 in Elko; March 18 in Reno; and March 23 in Las Vegas. The results of these meetings were reported to the committee at its March 26, 1998 hearing. Key findings included:

- Teachers and educators in general are unaware of the standards initiative.
- Teacher subject-matter knowledge is a key to success in teaching to higher standards.
- Various models may be used to accomplish this goal.

Members of the committee reviewed a number of proposals with regard to public education in Nevada, including issues involving teacher quality; academic standards; testing and assessment; and accountability. Major recommendations adopted include proposals to:

- Establish regional teacher professional development centers linked to the new student academic standards;
- Appropriate funds to provide for remedial programs for students in low-performing schools; encourage teachers to become certified by the National Board for Professional Teaching Standards;
- Revise teacher evaluation and probationary periods for employment;
- Revise teacher licensing provisions and changes to the makeup of the teacher licensing board;
- Link academic standards to future school district curricular and fiscal decisions;
- Strengthen security for the proficiency testing program; and
- Make technical changes and revise deadlines within Nevada's program of school accountability.

Subsequent sections of this report contain detailed descriptions and background information for each of these recommendations, along with relevant appendices. Copies of the Committee Bill Draft Requests (BDRs) are contained within Appendix F.

II. REVIEW OF MAJOR ISSUES AND COMMITTEE ACTIVITIES

The Legislative Committee on Education considered a number of issues relating to education reform in Nevada and in other states. A major portion of the committee's time involved oversight of the Nevada Education Reform Act of 1997. In reviewing progress made in Nevada's reform efforts, the Committee also received information with regard to future reform needs including teacher quality issues; student remediation and strategies to improve pupil achievement; and efforts in other states to sustain reform.

A. THE NEVADA EDUCATION REFORM ACT OF 1997

The 1997 Legislature passed a sweeping reform package — the Nevada Education Reform Act. The major components of Senate Bill 482 include standards and assessments, accountability, technology, and legislative oversight. The measure was enacted to address the following concerns of state policymakers:

- Past reform efforts had been disjointed and inconsistent;
- The previous statewide accountability “indicator” system was able to reveal the need for school improvement, but actual improvement and individual student remediation was applied unevenly;
- There was little evidence that accountability data was used to enact school improvement programs at the district and school level; and, finally,
- Despite the amount spent on public education (approximately \$2.5 billion in the 1997-99 biennium in state and local funds), there was a lack of reliable, uniform data concerning the effectiveness of Nevada's system of public education.

Senate Bill 482 accomplished several things. The measure completes the accountability program, linking achievement data with school improvement; provides policymakers at all levels with the data needed to make informed decisions concerning our system of public education; provides for responsible implementation of technology in public schools; and creates a cohesive structure for education reform by:

- Implementing statewide academic standards in core subjects;
- Linking statewide tests to those standards;
- Holding schools accountable for performance, as measured by improved statewide accountability reports;

- Establishing a process for individual student remediation and school improvement; and
- Providing legislative review of the entire process.

Accountability

With regard to accountability, the measure establishes a system to evaluate the performance of public schools through criteria that places schools into one of three categories, those demonstrating:

- **high achievement;**
- **adequate achievement;** and
- **inadequate achievement.**

The criteria for such placement includes academic achievement based upon average test scores as well as student and teacher attendance rates.

Schools that need improvement advance through three phases. The first year that a school is identified as demonstrating inadequate achievement, the school district is required to establish a school improvement plan. Remediation programs that have been shown to improve pupil achievement must be adopted. If the school is designated again as demonstrating inadequate achievement, it is placed on academic probation, and the State Department of Education must adopt an improvement plan and appoint a panel to evaluate the school. If the school continues this ranking for a third year, the bill allows the Superintendent of Public Instruction to appoint a new administrator for the school.

The measure also requires that additional accountability data be collected, including the presence of computer technology, incidents at school involving alcohol or controlled substances, and parental participation, among others. High schools must report the percentage of their graduates requiring remedial course work within institutions of the University and Community College System of Nevada.

A \$3 million appropriation was included in the reform legislation to provide schools that have inadequate academic performance with funds for effective programs of remediation for pupils failing the statewide proficiency examinations. In October 1997, the Legislative Committee on Education approved a preliminary list of programs that have been found to be effective in improving student achievement; the final list was adopted in March of 1998. In June 1998, \$3 million was distributed by the Interim Finance Committee to schools that decided to use one or more of these programs.

In addition, the department established new accountability policies for all school districts late in 1997. The actual regulations implementing the school rankings and defining absentee policies were reviewed by the State Board of Education at its March 6, 1998, meeting. Public information concerning school rankings were released on April 1, 1998. A total of 23 schools statewide were classified as demonstrating inadequate achievement — 13 schools in Clark County, 1 in Churchill

County, and 1 school in Elko County, and 8 schools in Washoe County. Two schools — Advanced Technologies Academy in Clark County and Roy Gomm Elementary in Washoe County — were classified as demonstrating high achievement.

Data concerning college students requiring remediation has not yet appeared in the district-level accountability reports, but it is expected to be included in the 1997-98 reports due in March/April of 1999.

Legislative Committee on Education

Although this bulletin constitutes the interim report of the Legislative Committee on Education, this section describes the committee and its activities in the context of the Nevada Education Reform Act. Among other provisions, Senate Bill 482 provided for legislative review of the reform process, establishing a permanent eight-member Legislative Committee on Education. The committee is charged with reviewing statewide programs in accountability, class-size reduction, the automated student record (SMART) program, and any other fiscal or policy concerns associated with public education in Nevada. In addition, the bill creates a Legislative Bureau of Educational Accountability and Program Evaluation to collect, review, and analyze data and reports related to the bill's reform provisions, along with other statewide education programs.

Interim Activities

In addition to approving various consultant contracts for the technology commission and the standards council, the Committee on Education has received a series of policy briefings concerning national and state education reform activities.

The committee also approved clear statements of policy to guide the efforts of the standards council and the technology commission. Committee members also have been briefed about Nevada's current accountability and school improvement programs. The Director of the Council for Basic Education in Washington, D.C., Christopher Cross, spoke to the committee in November concerning the importance of establishing rigorous academic standards. Mr. Cross defined content and performance standards as follows:

- **Content Standards** define what a student should know and be able to do.
- **Performance Standards** identify how well they should be able to do it.

Several of Nevada's school districts have briefed the committee about local efforts to implement standards and improve student achievement.

In January, the Legislative Committee on Education heard from Kati Haycock of the Education Trust in Washington, D.C. The data presented to the committee showed that low-income, minority children are the chief beneficiaries of high standards. Holding all students to higher standards produces the greatest improvement in the performance of these "at-risk" students. For example, data from the poorest school district in Texas shows that schools that focus upon achieving standards

and targeting even modest remedial help, when needed, can outperform “advantaged” suburban schools.

Data from Milwaukee shows phenomenal increases in student performance, from the first year to the second year, on their very rigorous high school graduation test. Once clear standards were established, student deficiencies were noted, and school resources were directed to provide the instruction and remediation needed to help pupils meet the standards. The number of students passing the test nearly doubled from one year to the next. In New York City, when all high school students were required to take the college prep courses, the number of students passing the regents’ science examination increased dramatically — doubling for African-American students and increasing fourfold for Latino students.

The Education Trust concluded that high standards lead to high performance. The level of expectations has a direct effect upon a student’s level of achievement.

At its meeting February 23, 1998, the committee reviewed issues associated with teaching to higher academic standards. Following this hearing, the committee directed that a series of regional workshops be conducted on teaching to higher standards to provide information and recommendations for future meetings. Workshops were held on March 11 in Fallon; March 16 in Elko; March 18 in Reno; and March 23 in Las Vegas. The results of these meetings were reported to the committee at its March 26, 1998 hearing. Key findings included:

- Teachers and educators in general are unaware of the standards initiative.
- Teacher subject-matter knowledge was a key to success in teaching to higher standards.
- Various models were proposed to accomplish this.

A summary of this report is included as Appendix B to this report.

The committee also adopted its final list of recommended remedial education programs and forwarded that list to the State Board of Education. Additional topics included a report concerning the experience of North Carolina and Texas in increasing student achievement and sustaining reform. Other topics included a review of the state’s accountability program; a report concerning Nevada’s Class-Size Reduction Program; and a discussion of current testing issues, including recent violations of test security. The Clark County Board of School Trustees presented information on increasing parental involvement in the schools.

Council to Establish Academic Standards

With regard to standards and assessments, Senate Bill 482 creates a nine-member council to establish content and performance standards for public schools. The council is required to review and recommend statewide standards in English, math, and science before September 1, 1998. The State Board of Education must adopt standards and the statewide tests linked to these standards before January 1, 1999. These core standards will take effect within the public schools during the 1999-2000 school year. Standards in the arts, computer education, health/physical education, and social studies follow in the second phase, which are to be established on or before September of 1999.

Interim Activities

At the council's November 20, 1997, meeting, the State Department of Education was directed to focus its attention on a single, not parallel, standards-setting effort. The department staff was continuing to develop standards with its own committees and to present their standards to the State Board of Education for adoption. The council made it clear to the department that the education reform act had transferred responsibility for establishing standards from the state board to the Council to Establish Academic Standards.

The council determined that content and performance standards be developed for grades 2, 3, 5, 8 and 12.

The council found it necessary to hire contractors to supplement the administrative services provided by the staff of the State Department of Education. Dr. Eugene Paslov, former Superintendent of Public Instruction for Nevada, was selected to act as facilitator to the council through January 6, 1998, and Christopher Cross of the Council for Basic Education was chosen to serve as "counselor" and to assist the standards council and its writing teams in drafting rigorous, measurable academic standards.

Twenty-member writing teams were established, one team for each subject (English, mathematics, and science). Members included teachers, curriculum specialists, administrators, school board members, business representatives, and parents. Those writing teams met for three days in January (January 27 through 29) and produced a preliminary draft. That draft was reviewed by nationally recognized subject-matter experts and refined by the Council for Basic Education. The council's writing teams met again in mid-March and filled in gaps and clarified wording and format issues. In June of 1998, writing teams were convened to "back-fill" the statewide standards by writing what pupils should be expected to know in each of the other grades (K, 1, 4, 6 and 7).

By June 1998, the draft standards were circulated for review by parents, teachers, business leaders, and the community at large. The council adopted the final version of the standards in August in a joint meeting with the State Board of Education. By the end of 1998, the council made its recommendations to the State Board of Education with regard to the statewide assessments linked to the standards. By January 1999, draft performance standards for Phase I subjects were circulated

for comment from parents, teachers, business leaders, and the community. Also in January 1999, writing teams will begin drafting the Phase II standards in the arts, computer education and technology, health/physical education, and social studies.

The council also received reports from school districts concerning their assessment activities and potential assessment needs with regard to the proposed standards.

The council was required to make recommendations to the State Board regarding standards-based assessments prior to November 1, 1998. The council recommended state testing to determine if standards are being achieved in grades 3, 5, 8 and in high school. Priority was placed on establishing tests at grades 3 and 5. Local testing was recommended by the council at grades 1, 2, 4, 6 and 7, with tests in grades 1 and 2 to be used for diagnostic purposes only. At the high school level, tests were recommended in each of the core subject-matter areas. These criterion-referenced exams would be given in the spring of the school year and consist of both multiple choice and “constructed response” (open-ended) test items.

Although the Nevada Education Reform Act appropriated \$271,500 to the Department of Education to prepare standards-based exams at two grade levels, that funding was reserved for reversion to the state general fund in response to the state’s revenue shortfall.

The council will continue to make periodic progress reports to the Legislative Committee on Education, and a formal report will be made to the 1999 Legislature.

Members of the Council to Establish Academic Standards for Public Schools:

- Debbie Smith, Chairperson, Sparks
- Scott Craigie, Business, Reno
- Assemblywoman Vonne S. Chowning, Las Vegas
- Senator Ann O’Connell, Las Vegas
- Elaine Wynn, Business, Las Vegas
- Brandon Swain, Teacher, Gardnerville
- Johnnie Rawlinson, Deputy District Attorney, Las Vegas (resigned December 1998)
- Yvette Estrada, Teacher, Las Vegas
- David C. Sheffield, State Board of Education, Elko

Commission on Educational Technology

The reform act also contains a significant commitment to technology in the classroom. The measure creates an 11-member Commission on Educational Technology. The commission is charged with developing a statewide plan for the use of educational technology within the public schools. The plan must make recommendations to incorporate technology within the schools, increase pupil access to the Internet, increase teacher access to continuing education opportunities through technology, improve pupil achievement, and incorporate teacher training needs associated with the new technology. In addition, the commission must make recommendations for the distribution of

funds from the Trust Fund for Educational Technology and develop technical standards for educational technology and uniform specifications to ensure statewide compatibility.

Interim Activities

The commission also found it necessary to contract with a consultant to supplement the administrative assistance provided by the State Department of Education. WestEd of San Francisco was selected as the contractor to write the statewide educational technology plan. A draft of that plan was due July 1, 1998, and the final plan is due in January 1999.

The largest portion of the \$40.9 million of State General Fund appropriations contained in S.B. 482 is a \$27.5 million one-time appropriation for educational technology to be granted to schools for purchasing and installing hardware, software, and electrical wiring for computer laboratories; upgrading computer software; and purchasing additional computers and other technology for instructional purposes in the classroom. The commission established criteria for school district funding applications, reviewed each application in association with each districts' technology plan, and distributed the \$27.5 million appropriation. The Commission believes particular allocation will have the greatest impact at the classroom level. These funds will provide teachers with technology that has the potential to engage students in the learning process, students who ordinarily would be disinterested or uninvolved. The school districts application included funding computer multimedia stations and the networking hardware.

The measure also contains \$8.6 million for school districts for other costs associated with educational technology, i.e., training, repair, maintenance, replacement, and contracting for technical support. The commission approved the allocation of approximately \$250,000 for school districts' planning contracts and distributed the remaining portion of these funds in November 1998.

The Commission also scheduled a "retreat" for April 23 and 24 in Las Vegas to focus on establishing priorities for the statewide technology plan. As a result of that meeting, a draft statewide technology plan was presented to the commission in June 1998, receiving final approval in December 1998. A commission subcommittee, with school district input, has developed statewide criteria for hardware that is currently being used to plan and purchase educational technology.

The commission will continue to make periodic progress reports to the Legislative Committee on Education, and a formal report will be made to the 1999 Legislature.

Members of the Commission on Educational Technology:

Michael Kinnaird, Chairperson, Las Vegas
Assemblyman Dario Herrera, Las Vegas
Senator Bill R. O'Donnell, Las Vegas
Fred Dugger, Computer Consultant, Carson City
John Snyder, Administrator, Yerington (through June 1998)
Shawn Franklin, (replaced Mr. Snyder June 1998)
Joan Kerschner, State Library and Archives, Carson City
Gary Gray, Teacher, Las Vegas
Jane Nichols, UCCSN, Reno
Leslie Doukas, Teacher, Reno
Moises Denis, Public Utilities Commission, Las Vegas
John Siegfried, Business, Winnemucca
Ex Officio Members:
Mary L. Peterson, Superintendent of Public Instruction
Marlene Lockard, Department of Information Technology

B. TEACHER QUALITY ISSUES

During the 1997 legislative hearings on Senate Bill 482 and during presentations by the school districts concerning the class-size reduction program, a number of teachers testified that they had not really known how to teach children to read before they had received intensive instruction through the Reading Recovery Program. In addition, school district officials have complained that many of Nevada's new teachers are not prepared to teach phonics or math computation.

Key Findings from National Reports

A number of recent national reports reflect these same concerns. Key findings from these reports include:

- The National Commission on Teaching and America's Future concluded that evidence from hundreds of studies shows the importance of having a qualified and trained teacher in every classroom. Students learn more when their teacher knows more. However, the commission found that many classrooms lack teachers with both subject knowledge and knowledge of effective teaching strategies.
- Nationally, nearly a quarter of all newly hired teachers have failed to meet licensing standards in their field; and

- One in five high school teachers (21 percent) has less than a minor in his or her main assignment field.

The Commission's 1997 report, *Doing What Matters Most* details new evidence on the importance of teacher preparation and quality teaching. "No other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process," states the report. It quotes a Texas study finding that teachers' expertise accounted for 40% of the difference among students in mathematics and reading achievement – more than any other factor-- and a New York study finding that teacher qualifications account for more than 90% of the variance in students' reading and mathematics scores across high- and low-scoring schools.

Another report by Public Agenda, titled "Different Drummers" concluded that:

“ * * * the disconnect between what the professors want and what most parents, teachers, business leaders and students say they need is often staggering. Their prescriptions for the public schools may appear to many Americans to be a type of rarified blindness, given the public's concerns about school safety and discipline, and whether high school graduates have even basic skills.”

Additional findings from the Public Agenda report include the following:

- Teachers of teachers want to discard what they see as crude and outdated tools of teaching and managing classrooms — techniques the public often sees as part-and-parcel of good schooling. They resist approaches that rely on competition, reward and punishment, memorization, or multiple-choice questions.
- Professors of education hold a vision of public education that seems fundamentally at odds with that of public school teachers, students, and the public. While the public's priorities are discipline, basic skills, and good behavior in the classroom, teachers of teachers severely downplay such goals.
- Even as they advocate an ambitious teaching agenda, education professors harbor serious doubts about whether they are adequately preparing teachers to succeed in the real world. Most education professors have been out of the classroom for many years and they themselves suspect they are too detached from today's schools. Most also have concerns about the quality of prospective teachers in their programs.
- Education professors support a core curriculum and higher academic standards but often balk at requiring students to pass tests that demonstrate relatively simple academic skills and knowledge. Most would not, for example, require students to demonstrate they know proper spelling, grammar, and punctuation before receiving a high school diploma. They also question the reliability of standardized tests.

Nevada's Regional Workshops on Teaching to Higher Standards

Four workshops were conducted during a two-week period in March of 1998 in the following communities: Fallon (March 11th), Elko (March 16th), Reno (March 18th), and Las Vegas (March 23rd). Legislative staff compiled the findings and recommendations of the workshops and reported the information to the Legislative Committee on Education at its March 26, 1998, meeting. The following points summarize key findings from the four regional workshops on teaching to higher standards:

- Quality teaching matters and quality training programs, at both the pre-service and in-service stages, provide the best return on dollars spent on education.
- Teacher training programs need to be standards-based, results-driven and job-imbedded.
- To teach to higher content standards, teachers need a strong dose of subject-matter content in their coursework. The GAIN (Geographic Alliance in Nevada) model, which is standards-based, was praised for combining high-level content with effective teaching methods and for the collaboration between the university and public schools.
- There is confusion among the education community, as well as the general public, regarding Nevada's standards-setting process.
- School districts should conduct in-depth "curriculum audits" of existing curriculum using the new standards to identify any necessary changes in what is taught and the associated need for professional development.
- Once new statewide standards are adopted, there should be a plan for checking whether those standards, and the associated training, continue to meet the expectations of parents, employers, higher education and school district employees. "We don't want to find out in 20 years that we were wrong again," said one participant.
- Training programs should be designed by veteran teachers and provide on-going support to ensure new practices are adopted by those receiving the training.
- Training programs should be brought closer to teachers and schools — right to the school site, if possible. More flexible scheduling of college-level courses is desired, especially for teachers working on non-traditional or year-round calendars.
- A regional consortium of school districts and higher education, such as northeastern Nevada's consortium of five school districts and Great Basin College, was cited as an outstanding model for planning and implementing professional development programs.

- Professional development centers within school districts, such as the model program in Douglas County, or centers serving regions of the state were recommended for providing in-service training for teachers and administrators.
- Other successful methods of providing on-going training and continued support to teachers in the field are the “Trainer of Trainers” model and the presence of “learning strategists” in schools.
- Retreats, job shadowing, collaboration with other teachers, and visits to other schools were suggested as alternatives to the workshop method of providing training.
- A cadre of “master” teachers should be assembled to provide assistance to schools throughout the state.
- Incentives should be established to reward teachers for gaining new skills and knowledge. Incentives for taking rigorous courses might include college or recertification credit; books, supplies or instructional materials for the classroom; or a stipend. Other incentives might include recognition and other appeals to professionalism by encouraging National Board certification or establishing career ladders.
- To eliminate the “disconnect” between K-12 and higher education, a feedback loop should be established through mechanisms such as K-16 councils or regional consortia to improve communication. Higher education should inform high schools of the readiness of in-coming freshman and academic deficiencies of students majoring in certain fields, and school districts should provide feedback to higher education on the strengths and weaknesses of teachers trained in those institutions.
- In implementing more rigorous standards and associated training, the emphasis should be on the standards themselves, not on standardization. One program will not fit all teachers, schools or school districts.
- Better use of resources, including federal, state, local and private funding, is important in getting the most from funding available for professional development.
- Cooperation among teachers, administrators, school boards, the state Department of Education, higher education, and research groups are necessary for improving the quality of teaching in Nevada. Policymakers, parents, citizens and business must demand higher standards and reassure the education community of continued support for improved academic achievement.

The full summary report for the workshops may be found in Appendix B of this bulletin.

C. REMEDIATION – IMPROVING STUDENT PERFORMANCE

At the national and state levels, efforts are in progress to set high standards for student learning. State policies are being set to challenge, support, and monitor schools as they work to improve learning for all students. Incentives for improvement and sanctions for continued low performance are being established. At the same time, a number of remediation programs across the country are being evaluated for their effect upon the academic achievement of students. With the state standards movement maturing and with increasing numbers of remedial program developers showing data to support the effectiveness of their designs, the stage is set for education reform.

National Trends for Remediation

In 1997, the results of a 5-year study of the Federal Chapter 1 program, now revised and known as Title I, were released. This program provides school districts with funds for compensatory education to provide remedial help in reading and math for disadvantaged pupils. A summary of the five-year "Prospects" study stated that the program did nothing to help participating students narrow the achievement gap that existed before they entered Chapter 1. Earlier evaluations of Chapter 1 had reached much the same conclusion, prompting the U.S. Congress to revise the Chapter 1 program to emphasize the need for state academic standards for all students.

Among the findings from the study:

- The achievement gap between Chapter 1 participants and their peers stayed about the same over the course of the four-year study.
- Comparisons between Chapter 1 students and a control group with similar economic and educational backgrounds showed that participation in Chapter 1 resulted in "no difference in their achievement levels."
- Half of the 1st and 3rd graders who received Chapter 1 help participated in the program for only one or two years.
- Students in schools in which three-quarters or more of the students qualify for free or reduced-priced lunches started the study with lower achievement scores than their peers in schools where 25 percent or fewer of the students were eligible for the subsidized meals. The gap widened in the four years the study tracked students.
- "A" students in high-poverty schools probably would have received "Cs" in a low-poverty school.

In the past, many schools and school districts had designed their own remediation plans using Chapter 1 (now Title 1) funds. Another 1997 study by Sam Stringfield -- "Urban and

Suburban/Rural Special Strategies for Educating Disadvantaged Children," delved deeply enough into 25 disadvantaged schools to determine why some of them were successful. It found that models of reform--such as Success for All--if implemented well, could close the learning gap between low- and high-poverty schools. The study noted that achievement levels in one Success-for-All school started below the average high-poverty schools in the Prospects study. Over the next three years, however, it jumped over the larger study's average.

The results of this study and others in the past prompted Congress to propose a program to provide grants to schools to implement proven models for restructuring. The report accompanying the House appropriation stated:

"We now have proposals to reform our schools that are not just academic theories, but are producing real results in real classrooms across America. With a relatively small amount of outside resources, communities can restructure schools in ways that make them significantly more effective."

In addition, a federal program called the National Diffusion Network identified effective, proven research-based programs. Some of the programs began as home-grown programs, while other programs came out of university systems, comprehensive centers and specialty centers. All programs within the National Diffusion Network had to demonstrate to a committee, through hard data and research, that the program was effective for all student populations, including disadvantaged students.

Prior to federal action, Nevada followed by Kentucky and a few other states, led the way by imposing similar requirements for remediation programs paid for by state funds.

Nevada's Program of Remediation

In response to the need for education reform, Senate Bill 482, the Nevada Education Reform Act of 1997, appropriated \$3 million for fiscal year 1998-99 to be distributed among the schools that have been designated as demonstrating inadequate achievement. A public school is designated as demonstrating inadequate achievement if:

1. More than 40% of students at grade level 4, 8, or 10 who took the state required norm-referenced test (TerraNova) received an average score in the bottom quarters of the national reference group of pupils in all four (4) subject areas of the exam (reading, writing, mathematics, and science);
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.

A school that receives such a designation is required to ensure that each of its pupils, who failed to demonstrate at least adequate achievement on the state-required norm-referenced test, complete a program of remedial study adopted by the Department of Education.

In response to this requirement, Senate Bill 482 requires the Legislative Committee on Education to recommend to the Department of Education programs of remedial study that have proven to be successful in improving the academic achievement of pupils in the subject areas of reading, writing, mathematics, and science. On October 21, 1997 the Committee adopted a preliminary *List of Effective Remedial Education Programs*. Following this adoption, the preliminary *List* was re-reviewed by staff from the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape), Department of Education, and Education Management Consultants, Inc. The review was conducted to determine if all programs listed had a research base which indicated that they had been found to be effective in improving the academic achievement of pupils. The following set of criteria were used to review the programs:

Intended Audience (grade level; types of students)

Description of the Program (type of reform; subject matter; length of time program has been implemented; locations of implementation; number of students already served; goals of the program; content; time-line for effectiveness)

Evidence of Effectiveness (independent evaluations; self evaluations; program has been replicated)

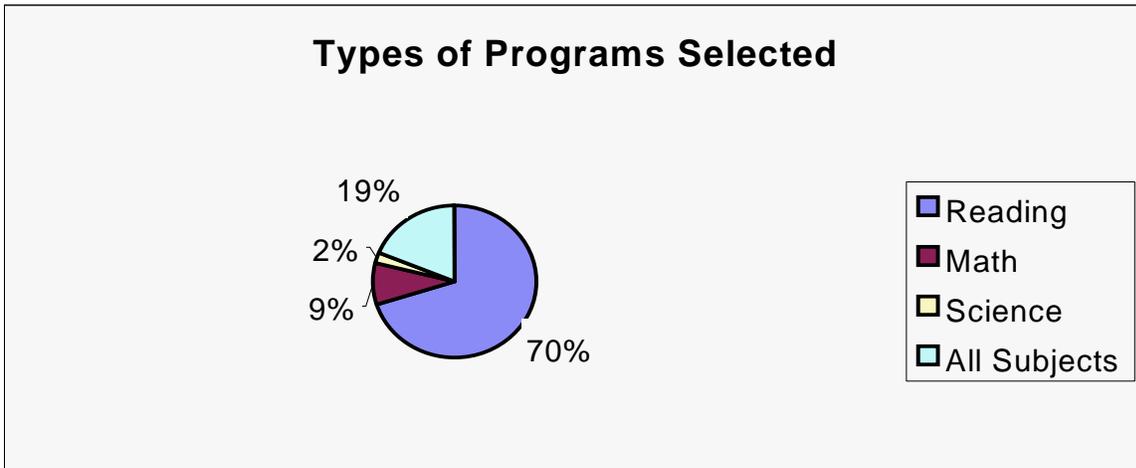
Requirements for Implementation (teacher training; materials)

Costs (teacher training; materials, cost per student)

The proposed *Final List of Effective Remedial Programs* was presented to the Legislative Committee on Education on March 26, 1998. The *List* included twenty-one (21) programs found to be effective in improving the academic achievement of students; the Committee adopted all submitted programs (see Appendix C of this report). The Committee recommended that these programs undergo an ongoing process of evaluation to determine their continued effectiveness on increasing the academic achievement of students. It was further recommended that additional programs be reviewed for possible inclusion on the *List*, as appropriate.

During school year 1997-98, twenty-three (23) schools were designated as demonstrating inadequate achievement, based upon the October 1997 administration of the TerraNova examination. All 23 schools submitted applications for remediation funds. A review committee, which included representatives of the Department of Education, the Budget Division, and LeBeape, was convened to examine the requests and suggest cuts to reduce the total amount requested to below the \$3 million that was allocated by the Legislature. All schools received funding to implement, at the minimum, their top priority program. A review of requests indicates that reading programs were the most widely selected. The following chart (Figure 1) shows the breakdown by subject of programs selected:

Figure 1.



The funds for the implementation of remedial programs became available on July 1, 1998. As a condition for receiving the funds, staff from the Department of Education and LeBeape would monitor school's compliance with the plans outlined in their applications for remedial funds. To date, Department and LeBeape staff have conducted reviews of all 23 schools and have forwarded progress reports documenting areas for improvement, as well as achievements, to each school. It is anticipated that follow-up reviews will occur, as appropriate, in January and February 1999 for those schools which did not have the remedial programs fully implemented during the first review. A final review of all schools will occur at the end of the school year to collect data showing the effectiveness of the remedial programs. It is anticipated that a similar process for the distribution of remedial funds to schools designated as demonstrating inadequate achievement will occur for the 1999-00 school year.

D. SUSTAINING EDUCATIONAL REFORM

A 1998 report by the National Goals Panel, *Exploring Rapid Achievement Gains in North Carolina and Texas*, identified two states – North Carolina and Texas – that had shown extraordinary increases in many educational quality indicators, especially in gains on the 1996 National Assessment of Education Progress (NAEP) scores in mathematics. The Goals Panel asked the RAND Corporation to conduct an analysis of the education reforms undertaken in both states to identify the factors that could and could not account for their progress.

Background

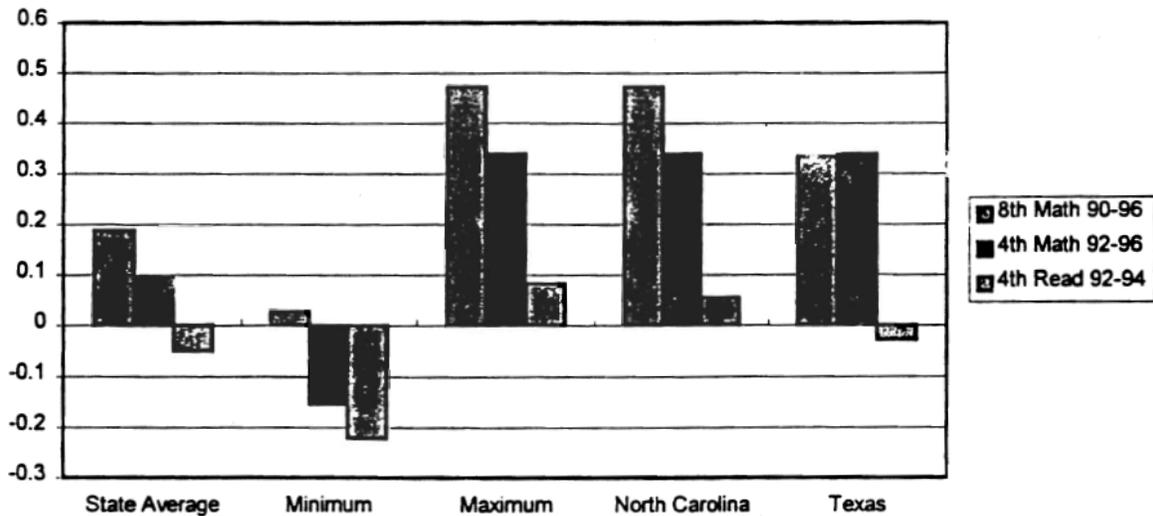
The analysis confirms that gains in academic achievement in both states are significant and sustained. North Carolina and Texas posted the largest average gains in student scores on the tests of the National Assessment of Educational Progress (NAEP) administered from 1990 to 1997. These

results are mirrored in state assessments administered during the same period, and there is evidence of the scores of disadvantaged students improving more rapidly than those of advantaged students.

The report concluded that North Carolina and Texas are two states which:

- **Made greater combined student achievement gains in math and reading (on NAEP, 1992-1996) than any other states. The gains were significant and sustained (see figure 2, below).**

Figure 2– Average Gains in Scores on the State NAEP Achievement Tests



- **Made significant improvement on more measures of progress toward National Education Goals than any other state (NEGP 1997).**
- **The report also noted that both states made parallel improvements on their own state assessment tests; nearly mirror image improvements when compared to NAEP gains (see figures 3, 4, 5, and 6).**

Figure 3 – North Carolina Reading Scores, All Students: 1992-1998

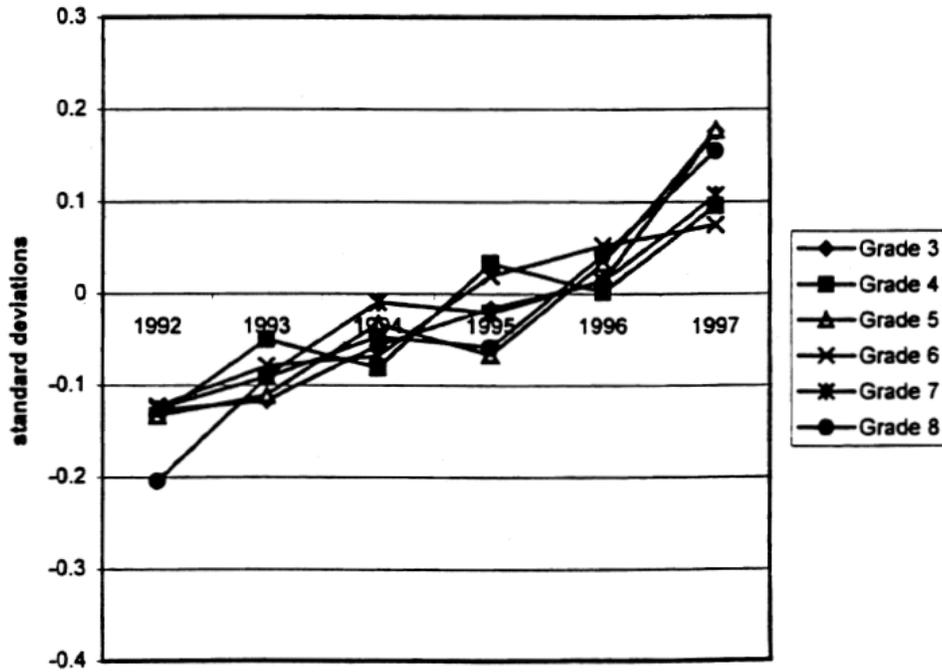


Figure 4 -North Carolina Math Scores, All Students 1992-1998

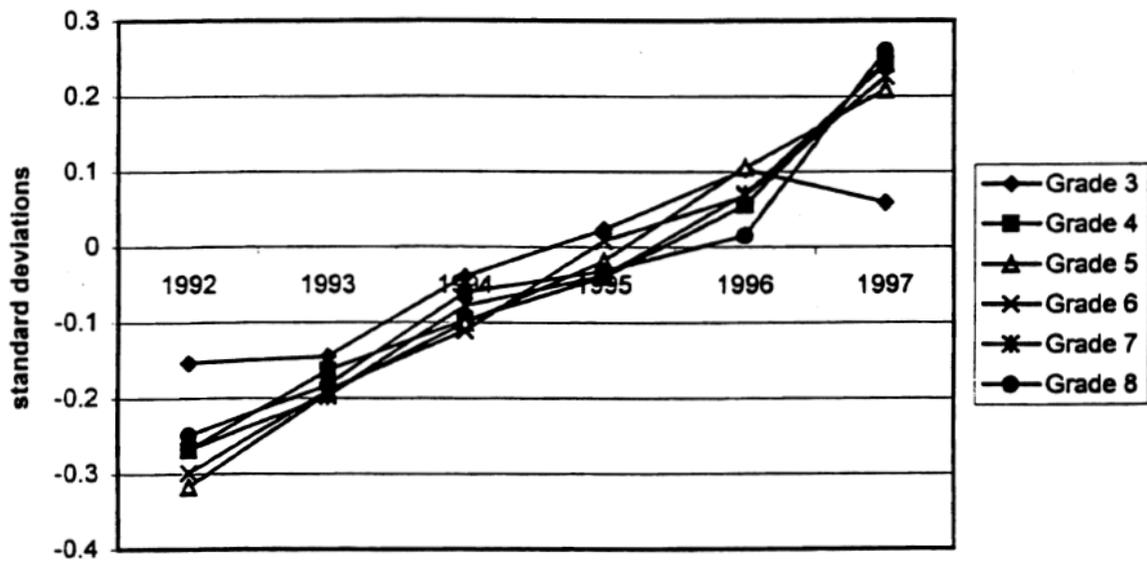


Figure 5 --Texas Reading Scores, All Students 1994-1998

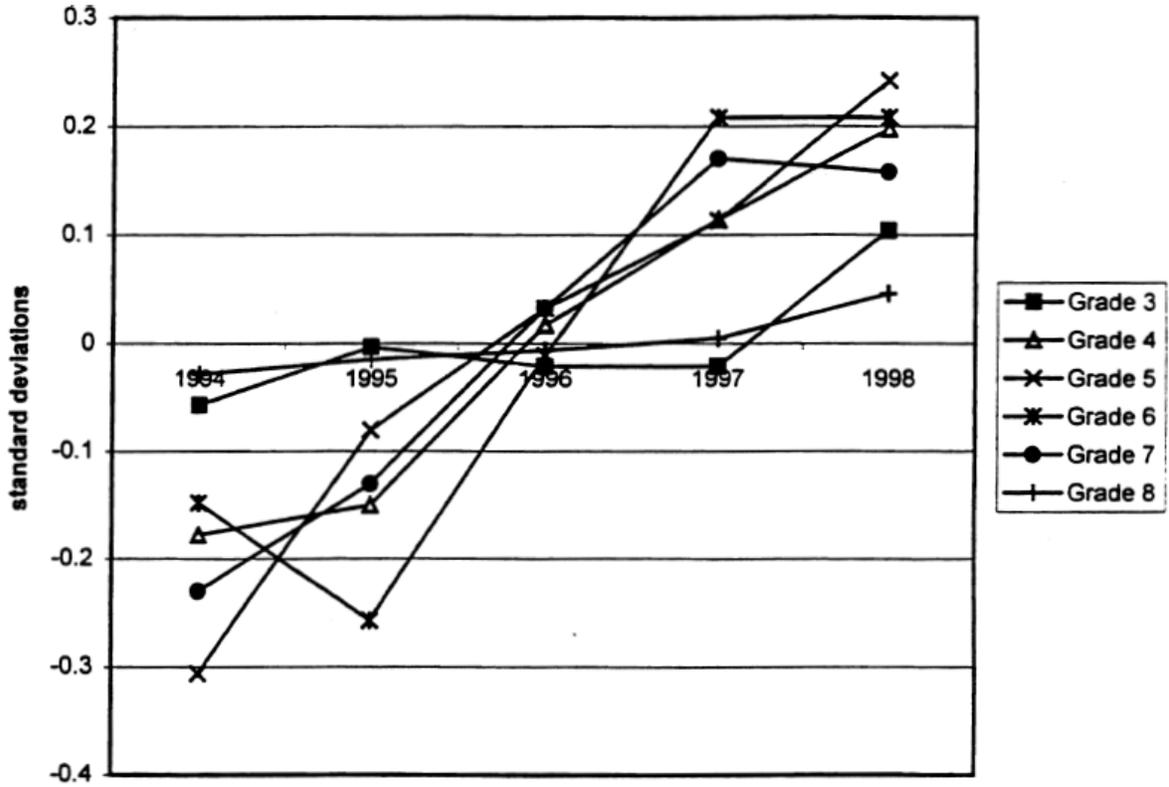
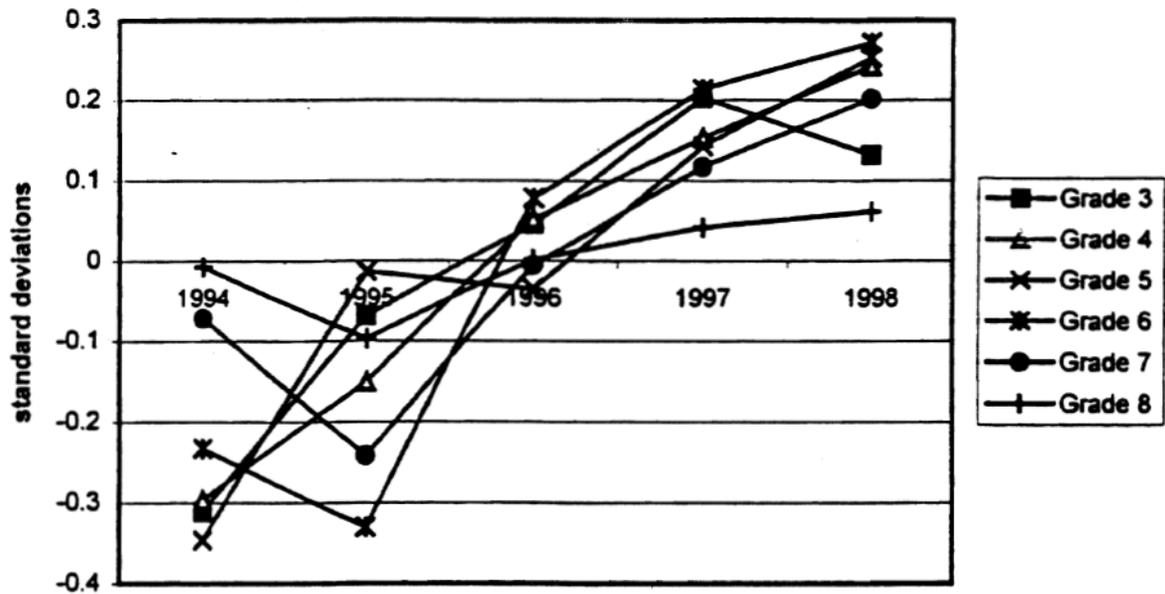
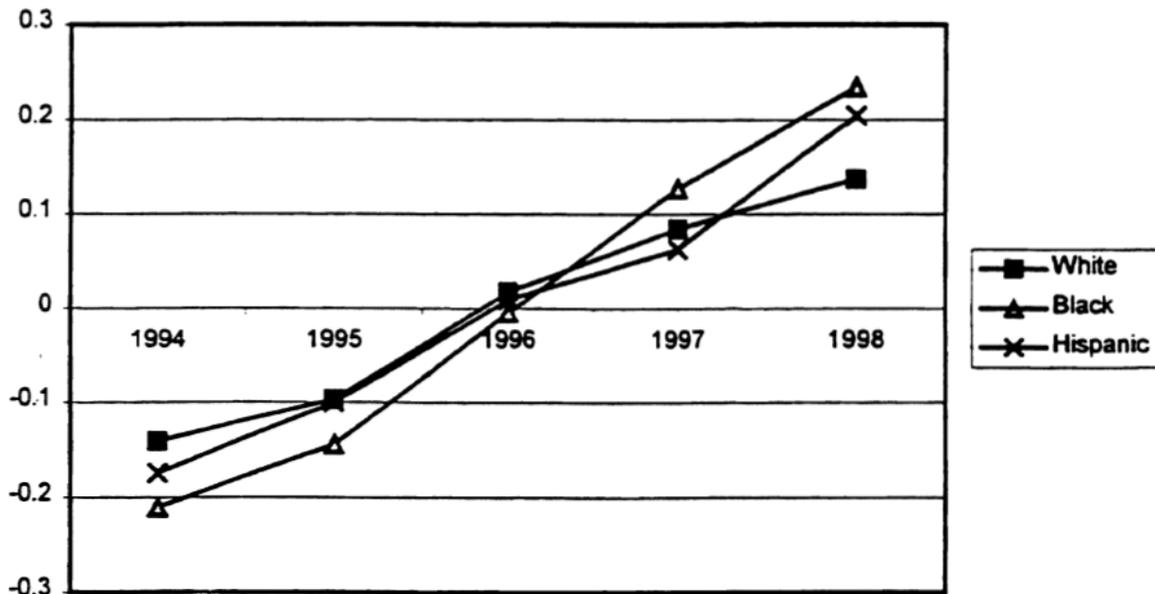


Figure 6 – Texas Math Scores, All Students: 1994-1998



Similar findings were presented by Kati Haycock and the Education Trust. They found that students traditionally seen as disadvantaged saw significant gains, especially in Texas (see Figure 7, below).

Figure 7 – Average Scores Across Grades on the Texas Reading Assessment by Race



To summarize, Texas and North Carolina made the largest average gains in the nation on the seven state NAEP scores given from 1990 to 1996. Large gains were also registered on both reading and math scores on individual state assessment tests that reflect the period from 1992 to 1997. Gains in math were larger than for reading on both the state NAEP tests and the individual state assessments. In Texas, the individual state assessment shows larger gains for minority students. In North Carolina, similar gains were found for black and non-Hispanic white students, with smaller gains for Hispanic students.

What Characteristics CANNOT Explain the Score Gains

The RAND case study of these two states can be useful in eliminating policies that did not change during the period of score increase and also in identifying policies that seemed to change simultaneously with the changes in scores.

The report evaluated several factors commonly associated with student achievement—real per pupil spending, teacher/pupil ratios, teachers with advanced degrees, and experience levels of teachers. It concluded that none of these factors explain the test score gains (See Figures 8, 9, and 10).

FIGURE 8 – Average Per Pupil Expenditure, 4th Grade Math: 1992-1996

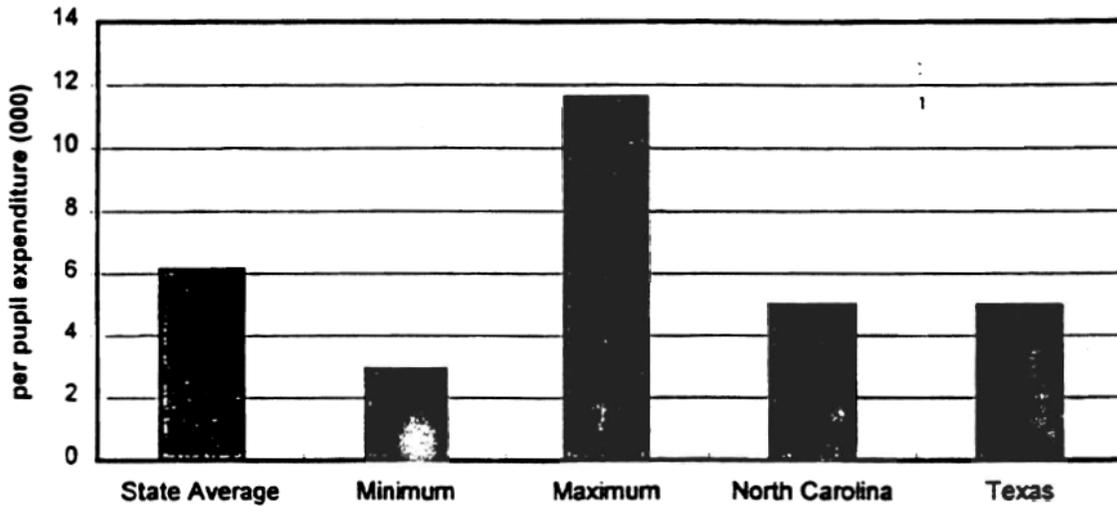


Figure 9 – Average Pupil-Teacher Ratio, 4th Grade Math: 1992-1996

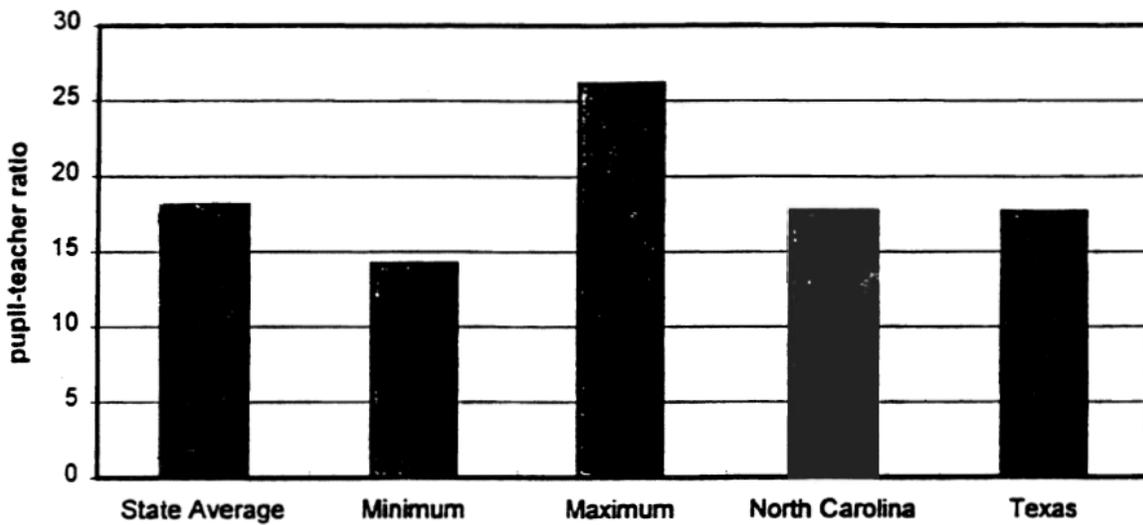
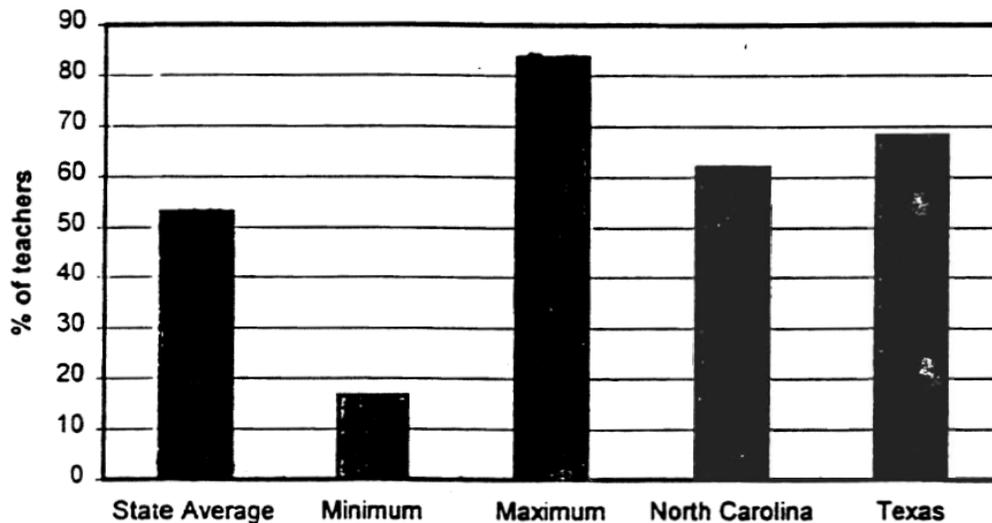


Figure 10 – Teacher BA, 4th Grade Reading: 1992-1994



The study indicated that Texas and North Carolina ranked at or below national averages on the characteristic of per pupil spending; class size; and teacher experience— and none of the characteristics changed during the period under study in ways that would explain the gains. The report concluded that the most plausible explanation for the test score gains may be found in the policy environment established in each state through the evolving education reform process. Both states pursued remarkably similar paths, and each succeeded in changing the organizational environment and incentive structure for educators in ways that led to improvement.

Explanation for Test Score Gains

The report identified the following common approaches utilized in North Carolina and Texas that could explain the improvement in indicators and gains in test scores. Both states:

- Established clear teaching objectives by grade through state-wide learning standards;
- Implemented new, state-wide assessments closely linked to the learning standards;
- Established a system of accountability with sanctions and rewards linked to the assessment results;
- Established a computerized system of feedback on test score performance at the student, classroom, school and district level that could be used for diagnostic purposes;
- Emphasized that all students were expected to meet the standards;
- Deregulated the teaching and school environment and gave teachers and administrators more local control and increased flexibility in determining how to meet the standards;
- Sustained the system of assessment and accountability without significant changes over several years; and
- Made explicit shifts of resources to schools with more disadvantaged students.

The report identified the establishment of a substantial “infrastructure” for supporting a process of continual improvement in education as the most important aspect of the reform initiatives in both states. This infrastructure includes the more visible organizations that have been created. These organizations are jointly funded through the public and private sectors and include a mix of public, nonprofit and private sector participation. The organizational infrastructure includes state focused research institutes and centers, organizations primarily devoted to research based policy formulation, a network of business-school system partnerships and a developing variety of private sector “cottage industries” aiding school improvement with new systems and training methods.

The infrastructure allows a continual process of innovation and improvement in the school system to occur. It generates a continuing series of educational improvement plans, each building on previous agendas. Also, it includes continuing analysis and evaluation of the results of previous reform programs as an important element. In both states, research is an integral part of devising reform strategies, and both states use outside experts to help guide their school improvement.

The report concludes that the most important aspect of this infrastructure is the relationships built upon the shared experience of working together (taxpayers, educators, policymakers and business leaders) to improve education. A visible trust in the educational reform agenda has developed in each state and it is this trust that must be maintained over the long run by wise political, educational and business leadership.

III. FINDINGS AND RECOMMENDATIONS

Members of the committee adopted a number of proposals with regard to public education in Nevada, including issues involving teacher quality, teacher licensing, academic standards and accountability, as well as assessment and test security matters.

A. RECOMMENDATIONS CONCERNING PROFESSIONAL DEVELOPMENT AND TEACHER TRAINING

Nevada is one of the last states to enter the effort of establishing statewide academic standards. This committee has been following the work of the Standards Council, and has supported the work of that body in developing rigorous academic standards. The Committee recognized that the next step for Nevada's education reform initiative involves the implementation of those standards. Members of the committee stated that while the key to Nevada's education reform effort involves rigorous academic standards, the key to success in implementing those standards involves a trained, qualified staff of teachers. Many of the suggestions for legislation in this section came from the regional workshops on teacher training which were conducted at the request of the committee. Through these workshops, participants indicated that they wanted the Legislature to strengthen licensing requirements to recognize teacher excellence by considering merit pay and by reviewing other possible incentives for teachers to develop new skills.

The committee does not wish to imply that these recommendations are to be interpreted as being critical of teachers or the current system of public education. The emphasis placed upon standards and accountability requires a "reengineering" and renewal of nearly every facet of public education, from teacher training and professional development to training principals and district superintendents to use data to plan and evaluate their schools and programs. The Committee is mindful that all interested parties need to work together to ensure that new teachers, as well as the existing teaching force have the skills needed to teach to higher standards

Training and Incentives for Nevada's Teachers

At the request of the committee, the Legislative Counsel Bureau's Legislative Bureau of Educational Accountability and Program Evaluation conducted a series of regional teacher training workshops centered around the topic of teaching to the higher standards. Attendees at each the workshops emphasized the need for regional training opportunities linked to the new standards. Training should be designed locally or regionally and should be brought closer to the schools and teachers. Some participants suggested the Legislature require local school districts to provide professional development centers; others thought funding for regional centers was more feasible.

Professional Development Centers

Appropriations for professional development centers, regional approaches to in-service training, and more paid days in the school calendar for training and planning were recommended at all four workshops. The standards-based training model most discussed was that followed by the Geographic Alliance in Nevada (GAIN). The GAIN model provides teachers with high quality instruction in their content area followed immediately by instruction from “master teachers” in effective methods to teach that content. The GAIN program also provides follow-up training and a support network for participants.

There appeared to be consensus on the part of most parties involved with Nevada’s system of public education with regard to the need for regional professional development centers (State Board of Education, Council to Establish Academic Standards, and the Commission on Educational Technology). The committee agreed that such centers should be created and that the training should focus on how to teach to higher standards. Based upon input from the regional workshops, members of the committee also recognized the need to train teachers and administrators to use achievement data to guide classroom activities and to direct school and district level policies. Ideally, such centers should model the latest technological tools approved for use in Nevada’s classrooms as part of the instructional mission.

The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Appropriate funding for the next biennium to establish and equip four regional centers for professional development within the school districts to train teachers and administrators. Such training would focus upon: the new standards for public schools established by the Council on Academic Standards; measuring pupil achievement and analyzing and interpreting test scores; teaching higher-level content areas; and teaching basic skills, such as reading instruction using phonics and basic mathematics computation skills. Each center will be governed by a board of directors consisting of the superintendents of the school districts within the region, or their designees; master teachers identified by their superintendents; and representatives of higher education. An annual evaluation of the training programs will be required.

(BDR S-243)

The funding for this program is estimated at \$6.9 million over the next biennium for a scaled-down implementation and \$12.7 million over the next biennium for full implementation. Funding would be appropriated directly to four school districts (Clark, Douglas, Elko, and Washoe) for the next biennium.

National Board Certification

The National Board for Professional Teaching Standards (NBPTS) is an independent, nonprofit, nonpartisan organization whose mission is to establish high and rigorous standards for what accomplished teachers should know and be able to teach. The board operates a national, voluntary

system to assess and certify teachers who meet these standards. In the last few years, certification by the NBPTS has been generally recognized as a method of producing a body of high quality, master level teachers. The committee learned that a number of states have enacted legislation designed to encourage teachers to become board certified. Such incentives have included help with the cost of certification, pay differentials, special consideration for licensing renewals, and special leadership appointments.

Based upon input from the regional workshops and from representatives of the National Commission on Teaching and America's Future, the committee recognizes the strong commitment of the NBPTS to quality teaching and acknowledges the value in encouraging board certification for Nevada teachers. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Appropriate \$20,000 to the State Department of Education for the purpose of reimbursing up to \$2,000 of the related costs incurred by a teacher in gaining national certification by the National Board for Professional Teaching Standards (NBPTS). Teachers wishing to obtain such reimbursement must file a statement of intent with the district at least one year prior to anticipated certification. Upon completion and certification, the school district shall notify the Department to reimburse the teacher up to \$2,000 of the costs directly related to applying for and receiving NBPTS certification. (BDR S-244)

Additionally, in order to encourage teachers to become nationally certified and to recognize the value of this qualification, the committee recommends that the 70th session of the Nevada Legislature:

Require, by statute, that school districts provide an additional 5 percent increased salary differential to classroom teachers employed by the district who are certified by the National Board for Professional Teaching Standards (NBPTS), as long as a teacher maintains NBPTS certification. (BDR 34-250)

Teacher Recruitment and Retention

The regional workshops produced additional recommendations for teacher recruitment and retention. It was pointed out that some Nevada school districts, primarily for financial reasons, tend to recruit newly licensed teachers who have only recently graduated from college. Although such teachers are valuable assets to districts, evidence from national studies have shown that the presence of experienced, well-qualified teachers has a profound impact upon student achievement. Recommendations were made to attempt to attract experienced teachers to Nevada. Workshop participants urged the adoption of policies to grant out-of-state teachers full credit for years of out-of-state teaching experience. While recognizing the financial limitations of such a policy within the school districts, the committee agreed to forward this matter to the full legislature for its review. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to require that school districts must provide fully licensed teachers with full credit when calculating seniority on the salary scale for their years of out-of-state teaching experience in states for which a reciprocal license agreement exists or, in the absence of such an agreement, for a license-holder in a state approved for this purpose by the Commission on Professional Standards in Education. The commission shall establish, by regulation, uniform criteria to be used to evaluate a state's licensing standards. This measure would be effective for teachers hired after July 1, 1999. (BDR 34-251)

The Legislative Committee on Education was also encouraged by participants of the regional teacher workshops to review the possibility of offering incentives for teachers who remain in high-risk schools. The purpose of such incentives would be to link, to the extent possible, experienced, qualified teachers with the schools that need them the most. Due to seniority considerations and other matters typically subject to collective bargaining agreements, schools that are considered "at risk" often are staffed with less experienced teachers. The committee was advised that staff turnover in such schools is high, making it difficult to provide a stable environment for students which often complicates the implementation of remedial programs and other school improvement programs.

The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to require that experienced teachers who teach and remain teaching in schools designated as demonstrating inadequate achievement under NRS 385.363, *et seq.*, or schools that are considered at risk of failure will receive one year of credit toward retirement for every five years of service. The program should also apply to teachers in at-risk schools in subject areas in which a high need or shortage has been identified, such as math or science. (BDR 34-252)

Further, as part of the same bill draft, the committee recommends that the 70th session of the Nevada Legislature:

Establish incentives to attract teachers in subject areas in which a high need or shortage exists and to establish programs to attract individuals with expertise in these areas into the field of teaching, including speech pathologists, psychologists, and occupational and physical therapists. (BDR 34-252)

B. RECOMMENDATIONS CONCERNING TEACHER LICENSING

In the area of licensing requirements, participants in the regional workshops presented several suggestions for legislation: establish a five-year, "tiered" license, whereby a beginning teacher must take more coursework in the first few years; lengthen the time that it takes to acquire tenure; require substitute teachers to be trained; fund release-time from class using substitute teachers or stipends for mentor teachers; and license teachers in three grade levels, K-5, 6-8, and 9-12, rather than two levels (elementary and secondary).

Probationary Period

Over the past several years, states have addressed the issue of teacher dismissal in various ways. Some have eliminated the term tenure; some have repealed tenure and tightened the due process timelines; others have retained tenure provisions but streamlined the due process; and one state (Wisconsin) has stipulated the collective bargaining process as the means for determining tenure policies at the local school district level. In all but four states, the probationary period for teachers is specified within statute. As of 1998, the Education Commission of the States reported that 31 states require a three year probationary period; ten states require a two-year probationary period (Nevada is included in this group); four states require a four-year probationary period; and one state requires five-year probationary period.

The committee recognizes the need to hire and retain qualified teachers for Nevada's classrooms. Members also endorse the workshop recommendation for an additional year of probation to help ensure that Nevada's newest teachers are adequately trained with the additional knowledge and skills needed to teach to the higher academic standards. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to lengthen the probationary period for educators to three years. Under current law, tenure is granted after one to two years, depending upon whether a notice of a second year of probation is made. (BDR 34-241)

The committee also received information indicating that some principals and other designated school site administrators do not spend enough time evaluating teacher performance in the classroom as part of the required employee evaluation process. The committee agreed that direct observation of the classroom teacher would be of the highest value to both parties. School district testimony concerning this issue indicated that district evaluators should provide at least 120 minutes of direct observation for post-probationary employees and at least 180 minutes for newer, probational employees. Therefore, as part of the same licensing bill draft, the committee recommends that the 70th session of the Nevada Legislature:

Amend statutes to require that annual evaluations of probationary and post probationary teachers shall include at least 180 and 120 minutes, respectively, of direct observation by the evaluator of the teacher engaged in classroom instruction. (BDR 34-241)

Additional Licensing Requirements

The committee also learned about the process of licensing high school science teachers in the state of Utah. Such teachers must have receive specific college level coursework to receive a science endorsement on their teaching license. Teachers wishing to teach science in Utah must take certain prescribed subject content courses approved by the state. An evaluation of the applicant's transcript leads to an individual plan for study with a two-year time limit to obtain needed college level

courses from a list of specific courses and institutions approved by the state. The teacher's science endorsement is conditional until the plan has been completed. Utah uses its Federal Eisenhower Program funds to pay for this training.

The committee agreed that subject matter coursework at the college level (especially in the sciences), was an important component of quality teaching, particularly in light of the new academic standards that Nevada has adopted for students in public schools. As part of the teacher licensing bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend statutes to establish a tiered licensing system whereby a beginning teacher may receive a preliminary license, be evaluated for needed content area instruction, and be required to successfully complete additional course work prior to receiving full licensure. Such a program would be modeled upon the state of Utah's practices for training and licensing its science teachers. The Commission on Professional Standards in Education would be responsible for adopting regulations to carry out the tiered licensing system. (BDR 34-241)

The push toward phonics--which teaches children to read by dissecting unfamiliar words into letters and sounds—has become a political phenomenon in the past several years. Recent neuroscience research also has implications for how children acquire reading skills. Recent findings by researchers for the National Institute of Child Health and Human Development, and others, suggest that explicit, systematic instruction is the first, essential element for teaching some children to read. Those findings and their links to phonics have guided much of the recent legislation in other states. According to *Education Week*, since 1990, 101 bills have been proposed in more than half the state legislatures, 67 of them in the past two years. Some states, such as California, have tied funding for teacher training workshops to whether they dedicate enough attention to the skills outlined in that state's phonics law.

In reviewing remedial education programs, such as Reading Recovery and Success-for-All, committee members heard from a number of elementary school teachers who indicated that they too had received little if any instruction in the actual techniques of teaching children to read. While members recognize that a variety of instructional approaches are necessary to help students master the complex process of reading, extra attention needs to be focused on the foundations of reading.

Therefore, as part of the teacher licensing bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend statutes to require that elementary teachers study phonics instruction. (BDR 34-241)

Currently, in Nevada there are two categories of teacher licenses – one for elementary teachers and one for secondary teachers. Both licenses have specific regulations in place concerning types of endorsements and educational requirements. Since high school teachers typically are responsible for teaching a discreet subject area – such as English or History -- licensing for secondary teachers

is specifically linked to coursework and to proficiency tests in those subjects. However, many districts use a “middle school” model (typically for grades 6 through 8/9), in which teachers are also assigned specific subjects and teach primarily in those subjects during the school day. Since such teachers only require an elementary school license, the specific licensing provisions concerning a specific subject content area are not required. According to testimony from State Board of Education members, as well as from participants in the regional workshops, specific subject-matter knowledge is needed to teach to the higher academic standards now required of public school students.

The committee recognizes, however, that there are schools that do not use the middle school model for grades 6 through 8/9 and retain the elementary model -- using one teacher for all subjects for those grades. In addition, teachers of subjects other than the core subjects may not need a specialty endorsement for their licenses. Therefore, as part of the teacher licensing bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Require that the Commission on Professional Standards in Education, by January 1, 2000, adopt regulations to establish a middle school license for teachers in schools in which core subject areas are taught by different teachers. Further require that by the school year 2001-2002, teachers in grades 6 through 9 who are providing instruction for a majority of their teaching day in a single core subject (English, history, mathematics, or science) must be licensed to teach that subject. (BDR 34-241)

Commission on Professional Standards in Education

The Commission on Professional Standards in Education was created by the 1979 Legislature to serve in an advisory capacity to the State Board of Education. During that time, the body made recommendations concerning teacher licensing matters to the Board.

In 1987, the Legislature established the Commission permanently within statute, and transferred to the Commission the State Department of Education’s responsibility for establishing licensing standards. The Commission consists of nine members appointed by the Governor. Four members must be teachers (from elementary, middle, secondary, and special education classrooms); two must be school administrators (at least one must be a principal); one member must be a school counselor or psychologist; one of the teachers, counselors, or administrators must be employed by a private school; one member must be a representative of the general public; and the final member must be one of the two deans from the Colleges of Education within the University and Community College System of Nevada (UCCSN), or a designee. The term of office is set at 3 years (with the exception of the university dean) and no member may serve more than two terms. As with most boards and commissions, terms are staggered to allow for continuity with regard to policies and procedures. The State Department of Education is responsible for providing the staff necessary for the Commission to carry out its duties.

Under current law, the Commission adopts regulations prescribing the qualifications for licensing and relicensing teachers and other educational personnel in this state. It also sets forth the continuing education requirements necessary for teachers to be relicensed. Further, the Commission must establish the educational standards needed for teachers to obtain specialty endorsements to their licenses.

As a control mechanism, the State Board of Education (SBOE) may choose to reject a regulation made by the Commission within 90 days of adoption, if it determines that the regulation would: (1) cause any undue hardship on school districts or educational personnel; or (2) threaten the efficient operation of the State. In addition, the SBOE retains the authority to revoke or suspend a license, and the Superintendent of Public Instruction is responsible for issuing those licenses. The criteria for licensure and renewal, however, are set within regulations established by the Commission.

In reviewing the manner of appointment and composition of the Commission, members of the Legislative Committee on Education noted the absence of business representatives and parents. Such categories of representatives have been very valuable in other committees such as the Commission on Educational Technology and the Council to Establish Academic Standards. In addition, the *Nevada Constitution* places the fundamental responsibility for the state's system of public education with the Legislature. In recognition of the importance of that system, the committee recommends that appointments to the licensing body be made jointly by the executive and legislative branches of government.

Given the comprehensive nature of Nevada's education reform law, and as part of an overall goal to build statewide policy consensus within the public education system, the Committee endorsed the concept of expanding the membership of the commission and revising the manner of its appointment. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to revise the appointment and composition of the Commission on Professional Standards in Education to include members who are not educators. Amend the statutes to retain a nine-member Commission, with five members to be appointed by the Governor and no more than three of the five may be educators. The remaining four are appointed by the Legislature. The Majority Leader of the Senate and the Speaker of the Assembly each appoint one educator and one person who is not an educator, such as a business representative or parent. (BDR 34-245)

The Pre-Professional Skills Test (PPST)

Based upon information received from the National Commission on Teaching and America's Future, a number of states have taken action to assure the quality of their teachers. As of Fall 1998, 31 states plus the District of Columbia use the PPST for teacher licensure prepared by the Educational Testing Service. The PPST -- the Praxis Series: Professional Assessments for Beginning Teachers, have been developed for different content areas, with most states making use of subject assessments in Elementary Education including English Language, Literature and Composition; Mathematics;

Biology and General Science; Social Studies; among others. Praxis is utilized as a screening device to determine if teachers have mastered basic skills. The tests establish minimum competencies and consequently, minimum standards.

The various states using the Praxis exams have established qualifying scores on each of the Praxis assessments required for licensure. The passing rate for Nevada's PRAXIS I skills assessment test is set at the 12th percentile for Reading and Mathematics, and at the 15th percentile for writing. There are ten states (of 19 that administer Praxis) that have higher cut rates for reading than Nevada; and 13 with higher cut rates for math. Only four states have higher cut rates for writing (see Figure 12 on the next page). However, for those states that have recently adopted high academic standards such as Delaware and Virginia, passing rates are generally set at a higher level (see Appendix E for additional information). The Commonwealth of Virginia, referenced within the Nevada Education Reform Act as having model academic standards, has set its passing scores at about the 43rd percentile for math and reading and at the 56th percentile for writing.

Although the Committee recognizes the need in many school districts to hire teachers to keep up with the explosive growth in students, the issue of teacher quality is directly related to the ability of the system as a whole to teach to the higher academic standards established for Nevada students. Members endorse the need to raise the minimum passing score for Nevada's teacher qualifying examinations. The Commission on Professional Standards in Education is advised to review the actions of other states in this regard. Specifically, the Commission should review all existing qualifying scores in light of national attention to teacher quality; the recommendations of the National Commission on Teaching and America's Future; the recommendations of the National Board for Professional Teaching Standards; and particularly, in light of the adoption of Nevada's new academic standards for public schools.

Figure 11. Passing Scores on PPST and the Percentile Ranks

PRAXIS I: ACADEMIC SKILLS ASSESSMENTS TEST NAME: PPST								
Testing Period: 10/1/92 THROUGH 8/31/95								
Possible Score Range: 150-190								
Reading			Writing			Mathematics		
Name of the States	Passing Score*	Percentile Ranks	Name of the States	Passing Score*	Percentile Ranks	Name of the States	Passing Score*	Percentile Ranks
VA	178	43	VA	176	56	VA	178	44
NC	176	30	WI	174	46	HI	176	36
HI	175	24	DE	173	23	FL	175	31
DE	175	24	NC	173	23	OR	175	31
WI	175	24	GA	172	15	DE	174	26
OR	174	19	KS	172	15	KS	174	26
KS	173	16	MN	172	15	GA	173	22
ME	173	16	MS	172	15	NC	173	22
MN	173	16	NE	172	15	WI	173	22
OK	173	16	NV	172	15	ME	172	18
DC	172	12	OK	172	15	WV	172	18
FL	172	12	TN	172	15	NE	171	15
GA	172	12	AR	171	11	OK	171	15
NV	172	12	DC	171	11	MT	170	12
WV	172	12	FL	171	11	NV	170	12
AR	170	8	HI	171	11	AR	169	10
MS	170	8	OR	171	11	MN	169	10
MT	170	8	WV	171	11	MS	169	10
NE	170	8	MT	170	7	TN	169	10
TN	169	6	ME	168	3	DC	-**	-**
Mean	173	-	Mean	172	-	Mean	172	-
No. of Scores	82661		No. of Scores	83018		No. of Scores	82997	
Median	179		Median	175		Median	179	
25%	175		25%	173		25%	173	
75%	182		75%	178		75%	183	

* Passing scores as of August 1997. Some states listed above, such as Virginia, did not require PPST in the three-year time period.

** Test required - passing score not set. Sources: 1995-96 Percentile Ranks and Summary Statistics, Educational Testing Service (ETS).

In order to address the demand for high quality teachers to teach to the higher academic standards adopted for this state, the committee also recommends that the 70th session of the Nevada Legislature:

Adopt a resolution to encourage the Commission on Professional Standards in Education to raise the passing score for the teacher competency tests administered for licensure in Nevada. (BDR R-865)

Information Exchange

A provision of the Nevada Education Reform Act requires that high schools must include in their accountability report the percentage of its graduates requiring remedial course work within institutions of the University and Community College System of Nevada (UCCSN). Committee members heard testimony indicating that school districts had requested individual student data in order to provide for analysis of problems at the course or classroom level. Due to restrictions imposed by the federal law in the Family Educational Rights and Privacy Act (FERPA), the UCCSN raised a number of questions about whether individual student records could be shared in this manner. Such information may, however, be obtained with the students' consent. The committee also was advised that it might be valuable for Nevada's colleges of education to receive information with regard to the strengths and weaknesses of Nevada teachers recently trained within UCCSN institutions. The committee endorsed the cooperative nature of this proposal, with the hope that it would serve to increase communication between higher education and the public school system.

Members of the committee asked that to facilitate this exchange, the UCCSN be urged to establish a process to request the necessary consent forms from students of Nevada schools entering its institutions for release of student information. Further, the State Department of Education is directed to provide assistance through its SMART automated student records system, or through other data sources as needed, to assist in this effort. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Adopt a resolution encouraging the Board of Regents of the University and Community College System of Nevada to share information with school districts on the academic performance of the districts' high school graduates within the college and university system. Further, provide that the shared information shall include data on the readiness of incoming freshmen and the academic deficiencies of students majoring in English, mathematics, and the sciences. School districts are encouraged to provide feedback to the colleges of education in this state concerning the strengths and weaknesses of Nevada teachers trained in those institutions and employed by the districts. (BDR R-862)

As part of the resolution, the State Department of Education will study this matter and report their findings to the Legislature in 2001; the University and Community College System of Nevada also is encouraged to cooperate in the study of this issue.

C. RECOMMENDATIONS CONCERNING ACADEMIC STANDARDS FOR PUBLIC SCHOOLS

The Nevada Education Reform Act of 1997 (NERA) (Senate Bill 482) created the Council to Establish Academic Standards for Public Schools. The nine-member panel was required to establish statewide standards in English, math, and science before September 1, 1998. The State Board of Education adopted those standards and was required to adopt the statewide tests linked to these standards before January 1, 1999. These core standards will take effect within the public schools during the 1999-2000 school year. The act also requires the Standards Council to review standards in arts, computer education, health/physical education, and social studies in its second phase. The State Board of Education must adopt standards related to these subjects before January 1, 2000. Social studies assessments must also be adopted before that date.

The committee noted that the standards component of NERA would be a central component of the reform package within the Committee's directions to the Council to Establish Academic Standards for Public Schools (see Appendix D of this report), the members stated:

The overriding purpose of the standards is to improve student achievement. High academic standards are the key to education reform. They establish common expectations among students, teachers, parents, and policy makers. Quality standards help drive everything from the selection of teaching materials to methods of classroom instruction. They even help establish guidelines for teacher training and professional development.

The Committee agreed to a number of proposals to address this linkage between the standards and other components of the system of public education.

Phase II Standards

The members of the Committee reviewed the proposed "Phase II" work plan for the academic standards council, including its charge to create standards in arts, computer education, health/physical education, and social studies. Although members endorsed the council's plan to establish standards in the subject areas specified within NERA, several clarifications were proposed to the descriptions of those standards.

Concern was noted that the term "social studies" has created controversy in some of the states adopting such standards. Further, testimony indicated that the term may not be specific enough, leading some people to believe that history and geography are no longer important, or are not a part of social studies. Additionally, it was thought that a specific mention of civics and government were needed to assure that these concepts would be included within this category. The committee agreed to alter the reference to social studies standards to specify that standards be developed in history, geography, economics, and civics (government).

In addition, testimony from members of the standards council raised the question as to whether the required standards for computer education should be broadened to technology in general. The Committee members agreed that the broader approach would provide more flexibility to address the educational applications of future technological innovations.

The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend Chapter 473 of the *Statutes of Nevada 1997* (Senate Bill 482, the Nevada Education Reform Act) to add “technology” to the requirement to develop content and performance standards for computer education. Change the term “social studies” to “history, geography, economics, and civics (government)” in the requirement that standards be established in the second phase of the work program of the Council to Establish Academic Standards. (BDR S-863)

Curriculum Audits

As part of the process of implementing Nevada’s academic standards, the next step is to develop mechanisms to inform teachers and to ensure that the standards are incorporated into classroom practice. A key component of this phase requires the involvement of school districts in a “curriculum audit.” Such a review involves a structured examination of the new standards to determine the extent to which existing curriculum must be modified or new curriculum should be designed. Curriculum audits can also help identify training and professional development needs directly linked to the content standards. Most school districts have been conducting regular curriculum audits for many years. The Clark County School District, in particular, has performed regular structured math audits at the school classroom level. Such audits ensure that academic content follows the courses offered.

The members of the committee expressed concern that school districts might not know, without an audit, whether a particular school is in compliance with teaching curriculum based upon the new standards. Although much of that responsibility falls to the school principal, without an audit, compliance would be subjective rather than objective in nature. Testimony was received from a State Board of Education member suggesting that the audits should be a function of the State Department of Education, although school district representatives indicated the audits should remain a local option.

It was the consensus of the Committee to leave the curriculum audits to the local school districts, and that such audits are to be directly linked to teacher training and professional development needs.

The committee, therefore, adopted a recommendation to:

Include a statement in the Committee's final report to the 1999 Session of the Nevada Legislature encouraging school districts to conduct immediate, in-depth curriculum audits of existing district curricula using the academic standards approved by the Council to Establish Academic Standards. Such an audit should identify any necessary changes in what is taught and the associated need for professional development.

Core Course Substitutions

The State Board of Education, by regulation allows certain vocational courses to substitute for academic units (for example, a woodworking course for basic mathematics class). The school district does an initial evaluation to see if the course meets the state curriculum standards, then the course comes before the State Board of Education for approval as a substitution. According to Nevada Administrative Code § 389.672, students may substitute qualified vocational units for one core class in mathematics, one in science, and two in English.

In the past, concerns have been raised by board members that the substitute courses do not reflect the state and local curriculum, and further, that test questions from the high school proficiency exam are not covered by the curriculum contained within these classes. In response to this concern, the State Board of Education decided during the 1997-1998 interim that when the new standards were adopted, all substitutions would be evaluated against the new standards. Further, every three years, all courses that had qualified would be re-examined again and courses that do not meet the standards would not be allowed to be a substitution.

The Committee was satisfied that the Board was taking the appropriate action in this regard. Further, it was the consensus of the Committee that the final report should emphasize the State Board's review of core curriculum substitutions, and there should be a recommendation to increase the course work in core subjects. The committee, therefore, adopted a recommendation to:

Include a statement in the Committee's final report to the 1999 Session of the Nevada Legislature, encouraging the State Board of Education to review the practice of allowing certain vocational education courses to substitute for core academic units of credit. Further, the Board is encouraged to adjust the units of credit needed to graduate from high school to require additional mathematics courses.

Social Promotion

Nationally, a number of states and districts also are using their standards to hold students more accountable for performance. In an effort to end "social promotion" practices that allow students to pass from grade to grade without having mastered the required skills, a number of states require districts and schools to use state standards and assessments to determine if students can be promoted at key grades. Districts such as Houston and Chicago have developed explicit policies to end social

promotion practices. In Chicago, students who perform below minimum standards at key transition grades (3, 6, 8, and 9) must participate in a seven-week summer bridge program and pass a test before moving on to the next grade. In 1997, about 41,000 students were required to attend the summer “bridge” program, and of those who took the test again at the end of the summer, almost half passed. ninth graders attending the program showed an average one-and-half-year gain in their reading and math scores.

The committee recognizes that significant grade retention of students could have an impact upon the school districts. Testimony indicated that in order to reduce the impact, school district remediation efforts would need to be employed, these may include summer school, an expanded school year, or after school programs. While acknowledging the possible costs, the committee agreed that social promotion was inconsistent with standards-based reform, and that the public school system should be encouraged to end the practice. The committee, therefore, adopted a recommendation to:

Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature encouraging the State Board of Education and the school districts to end the practice of “social promotion.” Such policies allow students to progress to the next grade level without regard to whether they received passing grades or (in the primary grades) whether they have mastered basic skills, such as reading.

Linking Finances to Standards

The Committee noted that the impact of Nevada’s new academic standards affected nearly every segment of Nevada’s system of public education. Members endorsed the idea of encouraging school districts to establish links between the standards and the financial resources available to them for programs and materials.

As noted previously, a \$3 million appropriation was included within NERA to be distributed among the schools designated as demonstrating inadequate performance for programs of remediation for pupils failing the state required norm-referenced test (TerraNova).

Although the link between funding under NERA to effective research-based programs has been established. Committee members believe that the remedial programs should also address student need in meeting the new state academic standards. The committee, therefore, adopted a recommendation to:

Include a statement in the Committee’s final report to the 1999 Session of the Nevada Legislature that school districts shall ensure that remediation programs include the new state academic standards approved by the Council to Establish Academic Standards.

Further, the Committee approved a recommendation by the Council for Basic Education to request that districts begin to review their expenditures in context of how those resources are used to support the new academic standards. With the state focusing upon the standards, financial resources may

need to be redirected or refocused to provide support for those standards. Future purchases of textbooks and other instruction should be evaluated in terms of their links to the standards. Additionally, as suggested by the participants in the Committee's regional workshops, teacher training needs should be linked to the subject-matter content and the skills needed to teach to the higher standards. The committee, therefore, adopted a recommendation to:

Include a statement in the Committee's final report requesting that the State Department of Education and the school districts report to the Committee on Education after the 1999 Legislative Session, concerning the manner in which district and state department expenditures support the standards approved by the Council to Establish Academic Standards. Such information shall include professional development activities, selection of instructional materials, and curriculum audits, among other factors. The Department shall utilize the information provided by the districts and its own data on state-level expenditures to evaluate the degree to which and the manner in which funding is targeted in support of the standards.

D. RECOMMENDATIONS CONCERNING EDUCATIONAL ASSESSMENT AND TEST SECURITY

The Legislature has become increasingly involved in testing issues. They mandated statewide testing: norm-referenced tests that are administered in grades 4, 8 and 10; the writing assessments administered in grades 4, 8 and 11; and the high school proficiency exam. Because of these mandates, the Legislature in 1991 appropriated funding to pay for the state-mandated tests. Prior to that time, it was the responsibility of the school districts to pay for the state-mandated tests.

Senate Bill 482 increased the Legislature's involvement in testing and increased the importance of those tests. Schools are now ranked on their performance on the norm-referenced tests in grades 4, 8 and 10. The Legislature has required schools to reconcile to enrollment the number of students taking the test and those exempt for special education or language proficiency problems. The Legislature has required that remedial programs be implemented based upon needs identified on tests. Further, the Legislature now requires schools to participate in the National Assessment of Educational Progress (NAEP). Previously, the State Board of Education adopted a policy of voluntary participation but that was unsuccessful since not enough eighth grade classes participated in the NAEP to obtain a valid state score for the eighth grade.

The Legislature's primary intent and purpose for testing is accountability and to determine how Nevada pupils compare to other states. As the legislative branch has become more involved in testing, problems have been experienced in the areas of budgeting (obtaining accurate estimates of the costs) and delays in implementation of new tests. Due to the number of questions that arose during the 1997-1998 interim with regard to testing concerns, the Legislative Committee on Education directed staff to meet with school district test directors, State Department of Education staff and others involved with assessment issues. In response to this charge, the Testing Advisory Committee (TAC) was created.

The purpose of the TAC is to advise the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape) and legislative committees on testing issues and provide technical expertise to staff. The TAC is comprised of school district test directors, department staff, University and statistics experts, but it remains an open, fluid, ad hoc committee. Discussion has taken place regarding the implementation of testing provisions of Senate Bill 482, including the 10th grade norm-referenced test, which went into effect during school year 1997-98; requiring a science component in the 4th, 8th, and 10th grade tests; mandating participation in NAEP; implementing the fourth grade writing test, the standards-based criterion-referenced tests which, according to law, are scheduled to begin in the 1999-2000 school year; and adding science to the 11th grade proficiency test, which takes effect in the 1999-2000 school year. Other concerns discussed by the TAC surround the legal defensibility issue, the idea of minimum and mastery level scores, and concerns on how to develop adequate cost estimates and implementation time lines.

The TAC has also reviewed problems with the 11th grade high school proficiency exam, including the need for sample items to be distributed to districts and the need for score reports to be accurate and timely. In addition, since approximately 40 percent of the students failed one or both parts of the 11th grade exam when it was administered earlier in 1998, the TAC has discussed needs for remediation of those students. TAC addressed the continuing concern about test security; looked at developing more uniformity in identifying special education pupils and English Language Learners who are exempt from testing and how special accommodations are handled. Under current practice, there is a lack of uniformity on how exemptions for those two categories of pupils are reported statewide.

As a result of the review by the TAC and in response to testing concerns raised in testimony, the Committee made a number of recommendations concerning statewide assessments.

Test Administration and Certification

According to testimony, previous test development efforts have not included a number of key participants, including, parents, business and industry representatives, as well as representatives of the state Budget Division, and legislators. In addition, it appears that recent work on the high school proficiency exam has experienced problems. In order to address the problems, the State Department of Education contracted with WestEd, which set forth a process to be followed in the future.

The Committee agreed that statewide assessments were an important component for educational accountability, and that more participation was needed from sectors that currently have no input in the area of testing. Members endorsed the concept of an advisory board to ensure additional input into the development of the testing process to adhere to the new academic standards.

Testimony indicated that two options are available regarding the operation of the eleventh grade high school proficiency examination: 1) Continue with the existing “in-house” development and operation of the test or 2) Contract the process out to an outside vendor. According to estimates, the cost to continue to operate the high school proficiency examination within the Department of Education would include the cost of additional staff for a total of \$384,825 in the first year in the coming biennium and \$371,648 in the second year of the biennium, above the base. The cost for contracting out the high school proficiency examination would be \$1,043,300 the first year and \$1,049,119 for the second year of the biennium.

The committee agreed that the test development process requires a more organized system involving additional input from representatives outside the Department of Education. Further, due to projected fiscal deficits in the 1999-2001 budget, the committee selected the “in-house” alternative for the high school proficiency exam. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Appropriate funding to the State Department of Education for the continued development, administration, and central scoring of the eleventh grade high school proficiency examination “in-house” within the State Department of Education. Further, establish an advisory board for the eleventh grade proficiency test to oversee the continuous development of the test and ensure the incorporation into the test of the academic standards approved by the Council to Establish Academic Standards. The advisory board shall consist of representatives of school districts, parents, business and industry representatives, the Budget Division, and legislators. (BDR S-247)

Assembly Bill 523 of the 1997 session requires school districts to administer achievement and proficiency examinations in accordance with uniform procedures established by the State Board of Education. The bill also requires the State Department of Education to monitor school district compliance with such procedures. The bill further establishes requirements and procedures for the reporting of student test scores to parents.

School districts asked for more flexibility in the certification of test results, due in part to the large volume of transmittals involved, especially in the larger districts. The Committee agreed to a modest increase in the certification period to accommodate this concern. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to increase, from ten to fifteen, the number of days that the principal has to certify that parents have been notified by the principal of their child’s test results. Current law provides that the principal must make this certification within ten days following his receipt of the results. (BDR 34-246)

Senate Bill 386 of the 1995 legislative session required the State Board of Education to adopt uniform procedures for the administration and scoring of state-mandated tests, including a process for centralized scoring of the exams by a single entity. To facilitate comparisons among schools and school districts, S.B. 386 required that statewide exams be administered at the same time of year in all school districts. Although scores are normed against a group who also were tested in the Fall, testimony indicated that pupils would perform better at the end of the school year after they have had an opportunity to cover more material. Also, pupils might be less likely to become frustrated over being tested on material that had not yet been covered.

The State Board of Education voted to require statewide testing to occur in the Fall. Previously, the Clark County School District tested in the Fall, but the rest of the school districts test pupils in the Spring. It was reported that teachers did not favor Spring testing because the tests might then be used for purposes of evaluating teachers' performance. For similar reasons, it was thought that "cheating" was less likely to occur if testing occurred in the Fall. Others favored Fall testing because it allowed adequate time throughout the remainder of the year for remediation of pupils who failed the exam.

Representatives of the Washoe County School District testified that, because of the increased accountability required under NERA, teachers are in the position of wanting to be able to provide as much classroom instruction as possible so that the scores actually represent what is being taught in their classrooms. The Washoe County School District representatives indicated that the district would like to use the Terra Nova in the spring because there is information on the test concerning what is happening in the classroom. In turn, this information could be used to improve instruction. However, that information is only useful in the spring when the material has been covered and it can be determined if the material was covered effectively. Such a process is not possible for fall testing, rendering the data meaningless for instructional improvement purposes.

Other testimony indicated that the decision to test in the fall was made with a great deal of input from state test directors and school superintendents recognizing that Nevada students would be compared with other students nationally who also test in the fall. Fall testing allows teachers to plan remedial work because the results are obtained by December and the teachers still have those same students for the second semester. Finally, fall testing also coordinates with state accountability laws to allow the Department of Education to work with schools and students who fail the proficiency exam to implement a plan for improvement. It was also noted that should testing be moved from the fall to the spring, various changes would need to be made in accountability statutes and related reporting requirements, including the time-line for designating the achievement level of schools and subsequent steps toward school improvement.

Although the members of the Committee recognized that there were advantages and disadvantages to testing in both fall and spring, they agreed to forward a proposal to the full Legislature for additional discussion during session. Two school districts submitted written testimony suggesting that the Committee amend its action and not require a switch from fall to spring testing until the state replaces the current exam. Without this delay, they argued that the state would not have testing data that is comparable across several years. The Committee took no action on this proposal, but agreed

to reference the issue in its report. The Committee, therefore, recommends that the 70th session of the Nevada Legislature:

Require, by statute, that school districts administer the statewide proficiency exams in grades 4, 8, and 10 in the spring. Under current statutes the exams must be administered at the same time, with the State Board of Education prescribing that time; the board has selected a date in the fall. (BDR 34-973)

In 1997, the legislature enacted A.B. 523, which requires school districts to administer achievement and proficiency examinations in accordance with uniform procedures established by the State Board of Education. Among other provisions, the bill establishes requirements and procedures for the reporting of student test scores to parents. A provision, incorporated into subsection 3 of NRS 389.015 states:

Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district.

It was the Legislature's intent that the superintendent of public instruction should only be responsible for transmitting test results to each school district; the responsibility for transmitting results to each school should rest with the local school district's superintendent. Then, the school principal must certify that each child's results were provided to his parent or guardian. This process places responsibility for providing test results within the required time frame at the appropriate administrative level. The law actually states that the superintendent *of public instruction* will certify that the results were sent to each school within the specified time-line. In order to correct this matter, the committee, recommends that the 70th session of the Nevada Legislature:

Amend A.B. 523 of the 1997 Session to correct an error. The duty of certifying that test results have been transmitted to each school within the required time frame should be the responsibility of the superintendent *of each school district*, not the superintendent *of public instruction*, as stated in the final version of the bill. (BDR 34-246)

Test Security

Use of student test results for comparative purposes raised the issue of improper releases of copies of tests and the need for improved test security. School districts take the issue of test security very seriously since it deals with the honesty and integrity of staff members. Additionally, the purpose of the assessment program is to provide schools and students with a true picture of academic achievement, and ultimately, to improve the quality of learning. The only way to accomplish that goal is through reliable data. Not only might breaches of test security affect a school's test results, but individual students and parents believe the scores are a true representation of ability when in fact they may not be. A student that needs remediation may not get help because his test scores did not indicate the need.

The members of the Committee received testimony concerning efforts in other states to protect test security. The most effective methods of avoiding serious breaches of test security are preventative in nature. For example, in some states when a new test is implemented, 20 to 25 percent of the schools will be visited unannounced on test-taking day. Further, some jurisdictions require that there be a person observing the classroom and checking to see that the test book packages are opened one-half hour before test time, the timing procedures are maintained, and the answer sheets are controlled before being repackaged and sent to the scoring centers. According to testimony, although publicly many educators expressed anger about the implied lack of trust, in reality many were grateful that such security measures were used.

Other test security procedures used throughout the country involve statistical analysis of test taking patterns and answers. Programs exist that allow computers to identify patterns of errors that suggest there has been cheating; this approach is especially effective with large numbers of answer sheets, as is the case with statewide exams.

In the past, the Department of Education has taken precautions to strengthen test security. For example, the Department has used Principal Assurance Forms, which must be signed by the principal of each school that administers proficiency examinations. The principal of the school certifies that the examination will be appropriately administered. Recently, the Department of Education designed a red watermark warning against copying any page of the examination containing content. Also, booklets for the high school proficiency test are now shipped directly to schools to maintain an inventory and ensure that the schools received all booklets shipped; the Department receives a written receipt for the materials. Thereafter, the schools return both the test booklets and answer sheets directly to the Department and staff inventories those test booklets and then shreds them.

Testimony by the State Department of Education indicated that the department is limited regarding the types of sanctions it can impose for a breach of test security by professional personnel. The types of sanctions are limited to either the suspension or revocation of a teaching license for someone who purposely violates professional ethics in the administration of an examination. The process is lengthy in that it can involve the appointment of a representative from the American Arbitration Association.

The statutory violation occurs within NRS 389.015 which limits the individuals to whom the content of the material is revealed. If a teacher gives students answers to a test, that teacher has violated this portion of the statute. A similar violation would occur should a teacher edit a writing sample for a student. However, there are no specific punishments or sanctions within the law and violations are handled as a breach of professional ethics and, according to testimony, actions against educators therefore become quite lengthy. School districts, however, have other disciplinary actions available, such as suspension, with or without pay or termination.

The Committee agreed that test security breaches are harmful to students, parents, schools, and to the integrity of the accountability system. Members agreed that there should be a strong disincentive within statute for breaching test security. The Committee, therefore, recommends that the 70th

session of the Nevada Legislature:

Amend statutes to include specific references to test security breaches for Nevada’s proficiency testing program as grounds for revocation of professional licenses and grounds for dismissal from employment. Such violations may be implied under unprofessional conduct provisions within those sections, but test security breaches are not specifically referenced. (BDR 34-246)

Current law restricts the categories of persons allowed to review Nevada’s statewide proficiency exams. Subsection 7 of NRS 389.015 states (in part):

The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

- (a) To the extent necessary for administering and evaluating the examinations.
- (b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.
- (c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Committee members received testimony from school district test directors requesting that additional personnel be allowed to review statewide proficiency exams. Members were assured that the addition of certain local school district personnel would not threaten test security. Further, they argued that, with the new academic standards in place, the additions were needed to ensure that the tests are aligned with the standards, and that the appropriate standards-based curriculum is in place.

The Committee agreed to expand the categories of persons eligible to review the test, given security assurances made by the school districts. The Committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to add school district superintendents, curriculum directors, and test directors to the list of those allowed to review the statewide proficiency examinations. (BDR 34-246)

Test Accommodations and Exemptions

The Committee’s Testing Advisory Committee (TAC), also reviewed problems with existing provisions regarding exempting certain non-English speaking students from taking the statewide proficiency exam. Current law (Subsection 4(c) of NRS 389.017) states that a pupil may be exempt from taking the examination if “his proficiency in the English language is below the average

proficiency of pupils at the same grade level.” That wording might be interpreted to mean that any pupil who was performing below the average for his grade level might be exempt from taking the proficiency exams, even pupils whose native tongue is English or those who have developed proficiency in English as a second language.

The Committee agreed that it was not the intent of the Legislature to exempt from the proficiency examinations any pupil whose primary language is English, regardless of whether he is scoring below the average for his grade. Further, there should not be an exemption for pupils learning English who are capable of taking the exam, but may not score at or above average for their grade.

The Committee agreed to amend the statute to clarify that the exemption applies to pupils whose primary language is not English and who are unable to pass the language assessments. The Committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes concerning Nevada’s achievement and proficiency examinations to clarify a specific exemption from the mandated proficiency examinations. The law should allow an exemption from the mandated proficiency examinations for any pupil whose primary language is not English if that pupil demonstrates a lack of proficiency in the English language as measured on an assessment of proficiency in the English language designated by the department. Current wording could be interpreted to allow an exemption to a pupil who was performing below the average for his grade level, even a pupil whose native tongue is English or one who has developed proficiency in English as a second language. (BDR 34-246)

The TAC also noted that some confusion had arisen with regard to testing accommodations for the disabled. National test publishers have identified certain accommodations when testing special education students, such as, testing in individual or small groups. State law encourages school districts to try to test students with special needs even with extraordinary accommodations, such as reading questions to a handicapped student. Although test information concerning this group of students is useful to the school, Committee members agreed that the test data should not be considered by the test publisher in computing statewide averages for accountability purposes. Testimony indicated that it was unfair to encourage a school to provide accommodations in assessing handicapped children and then have those same scores count against the school's average in the process. Under current practices, the Nevada Department of Education averages the scores of students taking the TerraNova using the accommodations approved by the test publisher with the scores of all students taking the exam. Students who take the test under any other conditions are not included in the district averages.

The distinction between the two groups of disabled students is not clearly defined in the state accountability law. Members of the Committee agreed that testing both groups of students was valuable, but that scores for students with non-approved accommodations should be excluded from the school, district, and statewide totals. The Committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes concerning Nevada's achievement and proficiency examinations to clarify that pupils with disabilities may take the mandated proficiency examinations with accommodations that are *not approved* by the test publisher; however, their scores shall not be included in the average scores for the school, district, or state. Average scores for the school, district, and state include only the scores of pupils tested with no accommodations or pupils with disabilities tested with accommodations that *are approved* by the test publisher. (BDR 34-246)

E. RECOMMENDATIONS CONCERNING NEVADA'S PROGRAM OF ACCOUNTABILITY FOR PUBLIC SCHOOLS

Among other provisions, NERA completes the accountability program, linking achievement data with school improvement. The accountability provisions contained within the bill were designed to provide policy makers at all levels with the data needed to make informed decisions concerning the system of public education. The previous statewide accountability indicator system was able to provide information needed for school improvement, but the process for remediation was applied in an uneven manner. In addition, there was little evidence that accountability data was used to enact school improvement programs at the district and school level.

Senate Bill 482 establishes a system to evaluate the performance of public schools through criteria that will place schools into one of three categories: schools demonstrating high achievement; those showing adequate achievement; and those demonstrating inadequate achievement. The criteria for such placement includes academic achievement based upon average test scores as well as student and teacher attendance rates. Schools that need improvement advance through three phases. The first year a school is identified as demonstrating inadequate achievement, the school district is required to establish a school improvement plan. Remediation programs that have been demonstrated to improve pupil achievement must be adopted. If the school is again designated as demonstrating inadequate achievement, it is placed upon academic probation and the State Department of Education must adopt an improvement plan and appoint a panel to evaluate the school. The appointment of a panel may be waived if a school continues to show significant improvement. If the school is ranked for a third year as demonstrating inadequate achievement, the panel may recommend that the Superintendent of Public Instruction appoint a new administrator for the school.

School Accountability Rankings

Senate Bill 482 requires that schools be ranked as having high, adequate or inadequate achievement based upon academic achievement, along with pupil and teacher attendance rates. Teacher attendance rates must be above 90 percent for schools to be adequate, and above 95 percent for schools to remain in the high achieving category. The provisions of ranking schools based upon attendance were part of the compromise derived from Governor Bob Miller's package of education

bills. It appeared from testimony presented to the committee that the inadvertent result of this requirement has been to discourage teacher training in some schools.

Attendees at the regional teacher training workshops conducted at the request of the Committee also felt the requirement in Senate Bill 482 to track teachers' absences was at odds with the need for increased training since days spent attending training out of the classroom are not counted as days present. They recommended revising S.B. 482 to recognize that teachers need release time for training.

The committee recognized the value of monitoring the presence or absence of teachers in the classroom, but agreed that the "high stakes" attached to that monitoring might result in problems in interpretation at the school site. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend the statutes concerning Nevada's program of public school accountability to remove the requirement that schools be ranked as demonstrating high, adequate, or inadequate achievement, based upon teacher attendance, but continue to require each school to report this information in the school, district, and statewide accountability reports. (BDR 34-248)

The Committee also reviewed a number of miscellaneous changes to the statutory school accountability provisions. The first of these concurred with the proposal to change the name of "inadequately achieving schools" to "schools needing improvement." This proposal received support from many school districts and state board members. Concerns were raised that the term "inadequate" had caused staff morale problems at schools receiving this ranking. Committee members agreed that the focus should be upon improving student achievement, not upon terminology.

A technical correction also was proposed to correct wording that referenced the 75th percentile for achievement scores to read "76th percentile." Committee members agreed that such a change would be proposed. To be placed in the top quarter, a score must meet or exceed the 76th percentile.

The Committee agreed to include a fourth category of schools in the accountability rankings, as those with "exemplary achievement." Testimony indicated that although several schools had over 40 percent of the students scoring in the top quarter; current law provides the highest ranking only to schools in which over 50 percent score in the top quarter. The change would provide a ranking of high achievement to schools with over 40 percent of students scoring in the top quarter and a ranking of exemplary achievement to schools with over 50 percent of students scoring in the top quarter.

Another recommendation would require school district accountability reports to include a report on actions taken and progress on previous reports. Testimony indicated that district level accountability

reports tended to report much the same information year after year, with little or no follow up concerning previous proposed actions. Additionally, each year the Legislative Bureau of Educational Accountability and Program Evaluation contracts for an independent evaluation of school district accountability programs. The Committee endorsed the concept that each school district must, upon reviewing the comments and reports from the independent evaluation, submit a report concerning the actions the district has taken or plans to take in response to that report. Such a report shall include those recommendations together with progress to date concerning recommendations from previous reports. The committee agreed to make this change in order to provide the districts with direction concerning the need for continuity in documenting improvements and for overall planning purposes.

An additional technical proposal involved amendments to language in the law regarding the number of students tested, the number of students enrolled, and the number of students in attendance. Accountability data can be affected by attendance rates at the school site, and unless enrollment is taken into account, the data may not present a true picture of a school's academic performance.

A proposal was also made to report the number incidents involving alcoholic beverages separately from incidents involving controlled substances. In addition, a request was made to include the number of students who are habitual discipline problems in school and district level accountability reports. The Committee endorsed this action, noting that the information gathered would provide additional data for juvenile justice purposes.

Finally, the Committee reviewed a proposal to include other recognized parent groups, along with the Nevada Parent Teacher Association, among groups that may be consulted by the Superintendent of Public Instruction concerning the school accountability program. Although Parent Teacher Associations (PTAs) are common, there are many school-based parent organizations that are not under the PTA designation but represent those interests. Most use the designation Parent Teacher Organization (PTO) along with the school name, but for one reason or another have chosen not to affiliate with the PTA. The Committee agreed to this change.

The committee agreed to include these changes within a single bill draft request (BDR). Therefore, as part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend the statutes concerning Nevada's program of public school accountability as follows (BDR 34-248):

- **Change the term that designates schools as demonstrating “inadequate” achievement to schools “needing improvement.”**
- **Amend NRS 385.365 to define schools demonstrating high achievement as those in which at least half of the students score at or above the 76th percentile; current law states the 75th percentile; rename this highest-achieving category — schools demonstrating “exemplary” achievement.**
- **Add a fourth category of schools demonstrating high academic achievement. Such schools are defined as those having at least 40 percent of their students scoring at or above the 76th percentile.**
- **Require that the report of the independent evaluation of school accountability programs be made available to school districts. Further, require that each school district must, upon reviewing the comments and reports from the independent evaluation, submit a report to the Legislative Bureau of Educational Accountability and Program Evaluation concerning the actions the district has taken or plans to take in response to that report. Such a report shall include those recommendations together with progress to date concerning recommendations from previous reports.**
- **Amend statutes to require an explanation of any difference in the number of pupils who took the examinations and the number of pupils enrolled, rather than pupils in attendance, in that period.**
- **Amend statutes to require that incidents involving the use or possession of alcohol be reported separately from those involving other controlled substances. Require school accountability reports to include the number of pupils who are habitual discipline problems, as defined in NRS 392.140.**
- **Amend statutes to include “other recognized parent groups,” along with the Nevada Parent Teachers Association, among the groups with which the Superintendent of Public Instruction may consult concerning the school accountability program.**

(BDR 34-248)

The Testing Advisory Committee noted that if a school tested fewer than 90 percent of the students required to be tested, existing law would appear to prohibit the school from being designated as having adequate achievement regardless of the adequacy of its test scores. Some concern was expressed that schools might be tempted to exclude from testing students who would lower the school’s average. The TAC suggested an amendment to the accountability statutes requiring a school that demonstrated adequate achievement but tested fewer than 90 percent of the required pupils to provide a written explanation of the reason pupils were not tested and a written plan to increase the number or percentage tested. Further, the district would be required to retest the pupils

in the school at district expense. If the situation occurs for two consecutive years, the school would be designated as a school in need of improvement and would be placed on academic probation.

The Committee agreed that this approach would serve as a disincentive for schools to manipulate the system to avoid the designation of “needing improvement.” Any deliberate attempts to manipulate the system should have serious consequences. The proposed approach would help prevent any such attempts. Members emphasized the need for all parties to have standardized, accurate data concerning student achievement to inform teaching and to drive policy decisions. As part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend the school accountability law to require a school that demonstrated adequate achievement but tested fewer than 90 percent of the required pupils to submit a written explanation of the reason these pupils were not tested and a written plan to increase the percentage or number tested. Further, require the school to retest its pupils at school district expense. If such a situation occurs in two consecutive years, the school would be considered a school “needing improvement,” and the State Department of Education would prepare a plan for improvement for that school and monitor administration of the state-mandated tests in that school. If the situation recurs the third consecutive year, the school would be placed on academic probation. Schools so categorized would not be eligible for special appropriations earmarked for remedial education programs. (BDR 34-248)

The Committee also reviewed a proposal to standardize the terminology within the educational accountability statutes. Specifically, the term “at least” would be substituted for “more than” in certain sections defining pupil attendance for the purpose of ranking schools. Although the proposed changes are not substantive, the Committee agreed to include them with the accountability BDR to improve the clarity of the statute. As part of the same accountability bill draft, the Committee also recommends that the 70th session of the Nevada Legislature:

Amend state law to clarify that the average daily attendance in schools earning a designation of “exemplary” shall be *at least* 95 percent, rather than *more than* 95 percent. Similarly, the average daily attendance in schools designated as having “high achievement” shall be *at least* 93 percent and those designated as having “adequate achievement” shall be *at least* 90 percent, rather than *more than* 90 percent. (BDR 34-248)

Revisions to Accountability Reports and Timelines

The original state accountability law enacted in 1989 included a provision requiring districts to report the numbers of pupils retained in their grades. That requirement was deleted from the law in 1995 because nearly every Nevada school reported that it promoted 100 percent of its students to the next higher grade. Since schools were not retaining pupils, the collection of this data appeared meaningless.

The Committee agreed that schools should resume reporting this information to collect information with regard to potential problems with the practice of “social promotion” -- the policy that allows students to pass from grade to grade without having mastered the required skills. The Committee repeated its view that social promotion was inconsistent with standards-based reform and that data should be collected to determine if the practice has continued, and to monitor the impact of reform policies and remediation efforts upon student grade retention. Therefore, as part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend the school accountability statutes, to restore the requirement that the number of pupils retained each year be reported by grade and by school within the school accountability reports. (BDR 34-248)

Additionally, Testing Advisory Committee participants proposed amendments to the statutes concerning the reporting of teachers who are teaching outside the field in which they are licensed. Current law requires this information for all teachers, including art, music, and physical education educators. The proposal was made to limit the reporting on the school-by-school reports to teachers of the core curriculum -- English, mathematics, science, and social studies.

Concerns were raised that school districts would not continue to report data about all teachers teaching outside of their license. The Commission on Professional Standards in Education monitors this information closely. According to testimony, this change affects only the school level accountability report that is sent to parents – the more detailed data on all teachers would still be reported by the districts and monitored by the Commission on Professional Standards. The Committee noted that parents appeared to be most interested in the teachers of the core curriculum and agreed to accept this proposal as long as this clarification was made. It is not the intent of the Committee to change the reporting of licensing exceptions to the Department of Education for licensing purposes. However, the accountability reports that are mailed to citizens will only contain information on whether teachers of core courses are licensed in the areas in which they are teaching. Therefore, as part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend the school accountability statutes to require school districts to report teachers who are teaching outside the field in which they are licensed only if they are teaching courses in the core curriculum areas (English, mathematics, science, and social studies). Current law requires the school district to report “a comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher.” (BDR 34-248)

The Testing Advisory Committee also proposed a number of technical changes to the timelines for accountability reporting. Basically, the proposal involves changing the date when schools are designated on the basis of their pupils’ achievement from December 15 to April 1 of each year to allow schools designated as having inadequate achievement (needing improvement) an opportunity

to develop plans for improvement and adopt approved remedial education programs prior to the start of the subsequent school year. All related deadlines must be adjusted to accommodate this change. TAC participants noted that the proposed revisions are reasonable and consistent with the efficient operation of the statewide system of school accountability. The Committee members agreed to make these changes in order to accommodate the planning process for school improvement. Therefore, as part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend the time line for school accountability program. Senate Bill 482 provided that the first designation of schools' achievement levels is made on or before December 15, 1998. Amendments to realign the dates in the law with the revised time schedule (designed to maximize the use of funding within a fiscal year) include, without limitation, the following (BDR 34-248):

- § **Change, from December 15 to April 1 of each school year, the date when schools are designated on the basis of their pupils' achievement;**
- § **Change, from February 15 to May 1, the due date to submit plans for improving the achievement of pupils in schools designated as "needing improvement";**
- § **Change, from January 15 to April 10, the date by which the State Department of Education shall establish a panel to supervise the academic probation of a school that has received two or more consecutive designations of "needing improvement";**
- § **Change, from February 15 to May 1, the date by which the State Department of Education must submit a list of waivers from panel supervision;**
- § **Change, from April 1 to November 1, the due date of the written report of the panel that analyzes the problems and factors that contributed to the designation of the school as one "needing improvement" and the date by which the panel must determine whether the Superintendent of Public Instruction shall appoint an administrator; and**
- § **Change, from May 1 to December 1, the date by which the Superintendent of Public Instruction shall appoint an administrator, as recommended by a panel.**

(BDR 34-248)

Standards-Based Remediation

The Committee also heard testimony supporting an eligibility expansion for remedial funds under NERA. School districts asked that the Committee recommend that funding be made available to schools in which 40 percent or more of the students tested in the bottom quarter in three out of the four subject areas – current law restricts funds to schools in which scores are in the bottom quarter in all four subject areas. The committee agreed that such schools were at risk of being classified as inadequate or “needing improvement” and that they should be eligible for remedial funds under the act. In 1998, 23 schools were eligible for remedial funds; staff indicate that there would have been 39 schools eligible under the proposed change.

Since the proposal would apply to schools designated as needing improvement and also schools with more than 40 percent or more of the pupils tested receiving an average score at or below the 25th percentile on three of the four subjects, additional funding would be required. Staff reported the estimated fiscal note to be around \$4 million, which is an increase of approximately \$1 million over what was provided in 1997-98.

As part of the same accountability bill draft, the committee recommends that the 70th session of the Nevada Legislature:

Appropriate funding for programs of remedial education for schools designated as “needing improvement” (inadequate achievement) when more than 40 percent of the pupils in the school receive an average score at or below the 25th percentile on all of the four subjects tested (language arts, math, reading, and science). These funds would also be available for schools that were not designated as “needing improvement” but had more than 40 percent of the pupils receiving an average score at or below the 25th percentile on three of the four subjects tested. (BDR 34-248)

Additionally, the Committee reviewed a potential conflict with regard to previous and current versions of the school accountability law. Members of the Technical Advisory Committee noted that it would be prudent to amend NRS 385.389 to specify that a school designated as demonstrating inadequate achievement must adopt an approved remedial program and that the school district must ensure that each child who fails to demonstrate at least adequate achievement on required, statewide examinations shall receive appropriate remedial education. Currently, subsection 2 of NRS 385.389 and subsection 5 of NRS 389.015 require a school that is designated as having inadequate achievement (needing improvement) to ensure that each of its pupils who failed to demonstrate adequate achievement on the required tests complete an approved remedial program. However, pupils who failed the exam may have moved on to another school or may require different remediation than what is offered by the remedial program adopted by the school.

The suggested amendment recognizes the need for effective remedial programs in low-achieving schools but also acknowledges the district’s responsibility for providing appropriate remediation for each individual child. NRS 389.015, which mandates examinations of achievement and proficiency

in reading, writing, mathematics and science in grades 4, 8, 10 and 11, always required school districts to provide appropriate remedial study. Senate Bill 482 of the 1997 session amended that long-standing requirement to specify that each child who failed the exams complete an approved remedial program.

The Committee agreed that both groups of children should receive remedial assistance, and that the statutes should be clarified in this regard. Therefore, as part of the same accountability bill draft, the committee also recommends that the 70th session of the Nevada Legislature:

Amend state law to specify that a school designated as “needing improvement” must adopt an approved remedial program and that the school district must ensure that each child who fails to demonstrate at least adequate achievement on required, statewide examinations shall receive appropriate remedial education. (BDR 34-248)

In the course of reviewing and approving school district requests for remedial funds during the 1997-1998 interim, the Department of Education appeared to be confused with regard to its authority to establish criteria to rank and evaluate these applications and to request certain data from school districts with regard to the proposed use of those funds.

The proposal reviewed by the Committee was a “housekeeping” recommendation that would require the Department of Education to review, analyze and make recommendations on the allocation of funds prior to requests for remediation funding being forwarded to the Board of Examiners or the Interim Finance Committee. In addition, assistance would be made available to the Department from the Budget Division and Fiscal Analysis Division in designing application forms for those funds. The Committee recognized that this confusion needed to be addressed and agreed to provide guidance to the Department in this regard through a statement within the report. The committee, therefore, adopted a recommendation to:

Include a statement in the Committee’s final report that any future bills appropriating funds to the State Department of Education for distribution among the schools or school districts for remedial programs required under the provisions of the Nevada Education Reform Act, will include language requiring the Department to conduct the necessary review, analysis, and selection of applications for the remediation funds. Further, the Department shall make appropriate recommendations on the allocation of the funds to the State Board of Examiners and the Interim Finance Committee. Further, the State Department of Education, after consulting with the Budget Division and the Fiscal Analysis Division will develop the application forms for those funds.

F. RECOMMENDATIONS CONCERNING SCHOOL DISTRICT ISSUES

Finally, two school districts proposed changing features of Nevada statutes pertaining to district revenue stabilization funds, and to provisions affecting employee sick leave.

Revenue Stabilization Fund Balance

Under the provisions of NRS 354.6115, local agencies are allowed to create a “rainy day fund,” also referred to as a revenue stabilization fund. According to testimony from representatives of the Eureka County School District (ECSD), there apparently is some disagreement over how much money can actually be placed into the fund. One interpretation allowed local government to put as much as ten percent of the previous years' expenditures in the fund and that could be done year by year. The first year that it was passed, the ECSD put a half million dollars into the fund. In 1997, the district was scheduled to transfer \$250,000 into the fund but when the price of gold began to fall, it was decided to keep that in the general fund. The district has had to develop a ‘survival plan’ predicated upon the ability of the school district to create a cash fund under current law. However, due to the uncertain nature of gold prices and its impact upon the mining industry, the district asked for greater flexibility in the amount of money that the fund can hold at any one time.

The district asked that the current statutory cap on the balance of revenue stabilization funds, which is at 10 percent, be increased to 30 percent at any one time. The committee was informed that school districts surrounding Eureka County, with similar reliance upon the net proceeds revenue, support this approach and further suggest that a dollar cap of \$2 million be imposed upon this type of fund. Testimony indicated that the district’s main goal is to see that there is enough money in the fund next year to ensure that the district would not be forced to employ mid-year reductions in its workforce, should the price of gold continue downward.

Although the Eureka County School District requested this proposal due to an unusual situation that occurred in that county, the proposal would apply to other rural school districts that are dependent upon the tax upon net proceeds of minerals. In recognition of the dependence of certain school district upon the net proceeds of mines, and given the need by such districts for greater flexibility in their revenue stabilization funds, the committee endorsed this proposal, limiting it to the rural districts dependent upon this source of revenue. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to allow for a balance in a school district’s revenue stabilization fund to be 30 percent (versus the existing 10 percent) of expenditures from the school district’s general fund from the previous year, limited to 10 percent annually until it reaches a limit of 30 percent over three years. Further, cap the total at \$2 million and limit this provision to rural school districts that are dependent upon net proceeds of minerals. (BDR 31-864)

Accumulated Sick Leave

The Superintendent of the White Pine County School District approached the Committee with a proposal designed to help attract and retain teachers to rural and remote areas of Nevada. The proposal would allow boards of trustees to negotiate with licensed employees of school districts regarding the use of accumulated sick leave for early retirement, not to exceed one year. The superintendent in White Pine came from a school district in Alaska where teachers were allowed to accumulate up to two years, and he felt the approach was also effective in reducing absenteeism. He asked that this option be made available in Nevada. It appears that such negotiations may be permitted under current provisions of the collective bargaining statutes, however, this approach is not specifically referenced.

Members of the committee acknowledged the difficulty in recruiting and retaining teachers in many of Nevada's remote schools. Although it is likely that such an approach is permitted under current law, the committee agreed that specific statutory authority would provide a stimulus for discussion. The committee, therefore, recommends that the 70th session of the Nevada Legislature:

Amend statutes to allow boards of trustees of school districts to negotiate with licensed employees of the school district with regard to the use of accumulated sick leave for early retirement, not to exceed one year. (BDR 34-866)

IV. SELECTED REFERENCES

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V. ACKNOWLEDGMENTS

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VI. APPENDICES

Appendix A Senate Bill 482 (Chapter 473 *Statutes of Nevada 1997*).

Appendix B Summary of Findings -- Regional Workshops on Teaching To Higher Standards.

Appendix C Recommended Programs of Remediation.

Appendix D Recommendations to the Council on Academic Standards and the Commission on Educational Technology.

Appendix E Memorandum -- Analysis of PPST Scores.

Appendix F Suggested Legislation (Committee Bill Draft Requests).

APPENDIX A
Senate Bill No. 482–Committee on Finance

CHAPTER 473

AN ACT relating to education; requiring the department of education to evaluate the performance of public schools; placing a school on academic probation under certain circumstances based upon its evaluation; requiring the department under certain circumstances to establish a panel to supervise the academic probation of a school; revising the provisions relating to the accountability of public schools; revising provisions governing the financial reports of a school district; creating a commission on educational technology; revising provisions governing the administration of certain examinations to pupils; requiring pupils to participate in remedial programs under certain circumstances; creating a legislative committee on education; creating a legislative bureau of educational accountability and program evaluation; creating a council to establish academic standards for public schools; requiring the state board of education to adopt the academic standards; making appropriations; and providing other matters properly relating thereto.

[APPROVED JULY 16, 1997]

WHEREAS, The global economy of the 21st century will require that the children of the State of Nevada perform at a high level of academic achievement; and

WHEREAS, The public schools of the State of Nevada are central to the mission of the residents of this state to provide the children of this state with an education suitable to their future needs; and

WHEREAS, It is the obligation of the Governor, the Nevada Legislature, the Department of Education, the State Board of Education, local school districts, educational personnel and parents of this state to develop for the children of this state a system of instruction in which high expectations are consistently imposed and met; and

WHEREAS, An effective accountability plan will allow the public schools within the State of Nevada to meet the needs of pupils who are enrolled in the public schools; and

WHEREAS, The Nevada Legislature has a constitutional responsibility for Nevada’s system of public education; and

WHEREAS, The Governor and the Nevada Legislature believe that the accountability of the public school system of the State of Nevada will be greatly enhanced by the adoption of the Nevada Education Reform Act of 1997; now, therefore,

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS
FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 20, inclusive, of this act.

Sec. 2. *As used in sections 2 to 20, inclusive, of this act and NRS 385.347, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Bureau” means the legislative bureau of educational accountability and program evaluation created pursuant to section 41 of this act.*

Sec. 4. *“Committee” means the legislative committee on education created pursuant to section 37 of this act.*

Sec. 5. *The department shall, on or before December 15 of each year:*

1. Evaluate the information submitted by each school district pursuant to paragraphs (b) and (g) of subsection 2 of NRS 385.347; and

2. Based upon its evaluation and in accordance with the criteria set forth in sections 6 and 7 of this act, designate each public school within each school district as:

- (a) Demonstrating high achievement;
- (b) Demonstrating adequate achievement; or
- (c) Demonstrating inadequate achievement.

Sec. 6. 1. The department shall designate a public school as demonstrating high achievement if:

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;

(b) At least 50 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 75th percentile of the national reference group of pupils to which the examinations were compared; and

(c) The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is more than 95 percent.

2. The department shall designate a public school as demonstrating adequate achievement if:

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 90 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;

(b) At least 60 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared; and

(c) The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is more than 90 percent.

Sec. 7. The department shall designate a public school as demonstrating inadequate achievement if:

1. Less than 60 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared; or

2. The average daily attendance of pupils who are enrolled in the school and the teachers who provide instruction at the school is less than 90 percent for 3 or more consecutive years based upon the yearly profile of information for the school maintained by the department pursuant to subsection 4 of section 18 of this act.

Sec. 8. As soon as practicable after the department makes a designation pursuant to section 5 of this act, the department shall provide written notice of the designation to the principal of the particular school. In addition, the department shall provide written notice of each such designation as follows:

- 1. Designations for all of the schools of this state to the:
 - (a) Governor;
 - (b) Committee;

(c) Bureau; and

(d) State board.

2. Designations for all of the schools within a school district to the:

(a) Superintendent of schools of the school district; and

(b) Board of trustees of the school district.

Each notice that the department provides pursuant to this section must include, for each school that the department designates as demonstrating inadequate achievement, the number of consecutive years, if any, in which the school has received that designation.

Sec. 9. *The department shall maintain a record of the:*

1. Information that it receives from each school district pursuant to section 18 of this act; and

2. Designation made for each school pursuant to section 5 of this act,

in such a manner as will allow the department to evaluate the progress of each school in improving the achievement of pupils who are enrolled in the school on the examinations required pursuant to NRS 389.015, the attendance of pupils who are enrolled in the school and the attendance of teachers who provide instruction at the school.

Sec. 10. *1. The department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In adopting these programs of remedial study, the department shall consider the recommendations submitted by the committee pursuant to section 39 of this act and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.*

2. A school that receives a designation as demonstrating inadequate achievement pursuant to section 7 of this act shall ensure that each of its pupils who fails to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 completes, in accordance with the requirements set forth in subsection 4 of NRS 389.015, a program of remedial study adopted by the department.

Sec. 11. *If the department designates a school as demonstrating inadequate achievement pursuant to section 7 of this act and the provisions of sections 12 and 13 of this act do not apply, the board of trustees of the school district in which the school is located shall:*

1. Prepare for that school a plan to improve the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015.

2. On or before February 15 of the year immediately succeeding the year in which the designation was made, submit the plan to the:

(a) Governor;

(b) Department;

(c) Committee; and

(d) Bureau.

Sec. 12. *If the department designates a school as demonstrating inadequate achievement pursuant to section 7 of this act for 2 consecutive years, the department shall:*

1. Place the school on academic probation.

2. Prepare for that school a plan to improve the achievement of the pupils who are enrolled in the school as measured by the examinations required pursuant to NRS 389.015.

3. On or before February 15 of the year immediately succeeding the year in which the second designation was made, submit the plan to the:

- (a) Board of trustees of the school district in which the school is located;
- (b) Governor;
- (c) State board;
- (d) Committee; and
- (e) Bureau.

Sec. 13. *If the department designates a school as demonstrating inadequate achievement pursuant to section 7 of this act for 3 or more consecutive years:*

1. *The department shall:*
 - (a) *Continue the academic probation of the school;*
 - (b) *Prepare for that school a plan to improve the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015; and*
 - (c) *Submit the plan to the:*
 - (1) *Board of trustees of the school district in which the school is located;*
 - (2) *Governor;*
 - (3) *State board;*
 - (4) *Committee; and*
 - (5) *Bureau.*

A plan prepared and submitted by the department pursuant to this subsection must contain specific information about the school, including, but not limited to, information concerning the administrative operation of the school, the curriculum of the school and the financial and other resources of the school.

2. *The board of trustees of the school district in which the school is located shall, until such time as the school is designated as demonstrating high achievement or adequate achievement pursuant to section 6 of this act, make at least four reports per year to the department, the committee and the governor concerning the progress of the school in carrying out the plan prepared pursuant to subsection 1.*

Sec. 14. *1. Except as otherwise provided in subsection 3, in addition to the requirements set forth in sections 12 and 13 of this act, if a school receives two or more consecutive designations as demonstrating inadequate achievement, the department shall, on or before January 15, establish a panel to supervise the academic probation of the school. A panel established pursuant to this section consists of nine members appointed by the superintendent of public instruction as follows:*

- (a) *Two instructors or professors who provide instruction within the University and Community College System of Nevada;*
 - (b) *Two representatives of the private sector;*
 - (c) *Two parents or legal guardians of pupils who are enrolled in the school; and*
 - (d) *Three persons who are licensed educational personnel at public schools within this state.*
- Two of the persons appointed pursuant to this paragraph must be classroom teachers who provide instruction at schools that are not located within the same school district as the school which is the subject of the evaluation.*

2. *For each day or portion of a day during which a member of the panel attends a meeting of the panel or is otherwise engaged in the work of the panel, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The school district in which the school on academic probation is located shall pay the allowances and expenses authorized pursuant to this subsection.*

3. *If a school receives two or more consecutive designations as demonstrating inadequate achievement, the school 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. The department may grant such a waiver if the yearly profile of information for the school maintained by the department pursuant to subsection 4 of section 18 of this act demonstrates to the satisfaction of the department that the school has significantly improved in each of the immediately preceding 3 years covered by the profile.*

4. *If the department grants a waiver pursuant to subsection 3, it shall, on or before February 15 of each year, prepare a list that contains the name of each school for which the department has granted a waiver and the justification of the department for granting the waiver. The department shall submit the list to the:*

- (a) Governor;*
- (b) State board;*
- (c) Committee; and*
- (d) Bureau.*

Sec. 15. *1. A panel established pursuant to section 14 of this act shall:*

(a) Review the most recent plan prepared by the department for the school pursuant to section 12 or 13 of this act or the plan prepared by the board of trustees of the school district pursuant to section 11 of this act;

(b) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating inadequate achievement;

(c) Hold a public meeting to discuss the actions that the school will need to take to warrant receiving a designation of demonstrating high achievement or adequate achievement;

(d) On or before April 1, prepare a written report that includes an analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating inadequate achievement, including, but not limited to, issues relating to:

(1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the panel believes contributed to the designation of the school as demonstrating inadequate achievement;

(e) Submit a copy of the written report to the:

(1) Principal of the school;

(2) Board of trustees of the school district in which the school is located;

(3) Superintendent of schools of the school district in which the school is located;

(4) Superintendent of public instruction;

(5) Governor;

(6) State board;

(7) Department;

(8) Committee; and

(9) Bureau;

(f) Make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school; and

(g) In accordance with its findings pursuant to this subsection, adopt revisions to the most recent plan prepared by the department for the school pursuant to section 12 or 13 of this act.

2. The department shall, not more than 1 month after receiving the written report submitted by the panel:

(a) Amend the most recent plan prepared by the department for the school pursuant to section 12 or 13 of this act. In amending the plan, the department shall incorporate the revisions adopted by the panel pursuant to paragraph (g) of subsection 1.

(b) Submit to the panel a copy of an amended plan for the school which demonstrates to the satisfaction of the panel that the department incorporated the revisions adopted by the panel pursuant to paragraph (g) of subsection 1.

3. The department shall submit to the panel a copy of the designation that it gives to the school pursuant to section 5 of this act for the school year immediately succeeding the establishment of the panel. If the school does not earn a designation as demonstrating high achievement or adequate achievement for the school year immediately succeeding the establishment of the panel, the panel shall take such action pursuant to subsection 1 and section 16 of this act as it deems necessary to ensure that the school takes action to improve its designation.

Sec. 16. If a panel established pursuant to section 14 of this act determines that a school has not earned a designation as demonstrating high achievement or adequate achievement for the school year immediately succeeding the establishment of the panel, the panel shall:

1. Hold an additional public meeting to discuss the actions which must be taken to improve the achievement of pupils at the school.

2. On or before April 1, determine whether the superintendent of public instruction shall appoint an administrator to oversee the operation of the school pursuant to section 17 of this act.

Sec. 17. 1. If a panel established pursuant to section 14 of this act determines that an administrator must be appointed to oversee the operation of a school, the superintendent of public instruction shall, on or before May 1, appoint a licensed administrator to do so. The administrator must:

(a) Possess knowledge and experience concerning the administration of public schools.

(b) Be appointed from a list of three qualified persons submitted to the superintendent of public instruction by the panel.

2. An administrator appointed pursuant to this section:

(a) Shall:

(1) Establish and carry out a policy for the management of the school to ensure that the plan prepared by the department pursuant to section 13 of this act and revised by the panel pursuant to section 15 of this act is followed. This subparagraph does not prohibit the administrator from recommending changes to the plan.

(2) On a quarterly basis, make reports to the department, the governor and the committee regarding the progress of the school toward earning a designation of demonstrating high achievement or adequate achievement pursuant to section 6 of this act.

(b) May take any action not prohibited by law to ensure that the performance of the pupils of the school on the examinations administered pursuant to NRS 389.015 improves to such a level that

the school is designated as demonstrating high achievement or adequate achievement pursuant to section 6 of this act.

(c) Serves at the pleasure of the superintendent of public instruction and is entitled to receive such compensation as may be set by the superintendent.

3. A school district that contains a school for which an administrator is appointed pursuant to this section shall reimburse the department for any expenses incurred by the department pursuant to subsection 2.

4. If a school for which an administrator is appointed pursuant to this section receives a designation of demonstrating high achievement or adequate achievement pursuant to section 6 of this act, the superintendent of public instruction shall terminate the oversight of the school by the administrator. After the superintendent terminates the oversight of the school, the board of trustees of the school district in which the school is located shall, on a quarterly basis and until such time as the school receives two consecutive designations of demonstrating high achievement or adequate achievement pursuant to section 6 of this act, make reports to the department, the committee and the governor regarding actions taken at the school to maintain that designation.

Sec. 18. *1. On or before April 15 of each year, the board of trustees of each school district shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:*

- (a) Governor;*
- (b) State board;*
- (c) Department;*
- (d) Committee; and*
- (e) Bureau.*

2. On or before April 15 of each year, the board of trustees of each school district shall submit the information prepared by the board of trustees pursuant to paragraph (q) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to section 27 of this act.

3. On or before June 15 of each year, the board of trustees of each school district shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the district's program of accountability during the school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in schools within the district, including, but not limited to, a description of the efforts the district has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the board of trustees to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

- (1) Governor;*
- (2) State board;*

- (3) Department;
- (4) Committee; and
- (5) Bureau.

4. The department shall maintain a record of the information that it receives from each school district pursuant to this section in such a manner as will allow the department to create for each school a yearly profile of information.

5. The board of trustees of each school district shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the school district adopted pursuant to NRS 354.598.

Sec. 19. 1. The bureau shall contract with a person or entity to:

(a) Review and analyze the information submitted to the bureau pursuant to section 18 of this act in accordance with standards prescribed by the committee pursuant to subsection 2 of section 39 of this act;

(b) Consult with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 and the written report and written procedure required pursuant to section 18 of this act, and the purposes for which the reports and written procedure are used; and

(c) Submit written reports and any recommendations to the committee and the bureau concerning:

(1) The effectiveness of the provisions of sections 2 to 20, inclusive, of this act and NRS 385.347 in improving the accountability of the schools of this state;

(2) The status of each school that is designated as demonstrating inadequate achievement pursuant to section 7 of this act; and

(3) Any other matter related to the accountability of the public schools of this state, as deemed necessary by the bureau.

2. The consultant with whom the bureau contracts to perform the duties required pursuant to subsection 1:

(a) Must possess the experience and knowledge necessary to perform those duties, as determined by the committee; and

(b) Shall complete those duties within 6 months after the bureau provides to the consultant the report required pursuant to subsection 2 of NRS 385.347 and the written report and written procedure required pursuant to section 18 of this act.

Sec. 20. The department shall adopt:

1. Regulations to provide for the recognition of schools that receive a designation as demonstrating high achievement pursuant to subsection 1 of section 6 of this act;

2. Regulations which prescribe the factors that the department will consider in determining whether to grant a waiver from the establishment of a panel to supervise the academic probation of a school pursuant to section 14 of this act, including, without limitation, criteria for determining whether a school has significantly improved; and

3. Such regulations as it deems necessary to carry out the provisions of sections 2 to 9, inclusive, and 11 to 20, inclusive, of this act and NRS 385.347, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

Sec. 21. NRS 385.310 is hereby amended to read as follows:

385.310 The deputy superintendent for administrative and fiscal services, under the direction of the superintendent of public instruction, shall:

1. Determine the apportionment of all state school money to schools of the state as prescribed by law.

2. Develop for public schools of the state a uniform system of budgeting and accounting . [*which system, when approved by*] *The system must provide for the separate reporting of expenditures for each:*

(a) School district; and

(b) School within a school district.

Upon approval of the state board , *the system* is mandatory for all public schools in [*the state,*] *this state* and must be enforced as provided [*for*] in subsection 2 of NRS 385.315.

3. Carry on a continuing study of school finance in the state, particularly the method by which schools are financed on the state level, and make such recommendations to the superintendent of public instruction for submission to the state board as he deems advisable.

4. Recommend to the superintendent of public instruction for submission to the state board such changes in budgetary and financial procedures as his studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the state as may be required by the superintendent of public instruction.

6. Prepare for the superintendent *of public instruction* the biennial budgets of the department for consideration by the state board and submission to the governor.

Sec. 22. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district.

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8 , *10* and 11 for each school in the district and the district as a whole. Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. *The report must include, for each school in the district and each grade in which the examinations were administered:*

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

In addition, the board shall also report the results of other examinations of pupil achievement administered to [*each pupil*] *pupils* in the school district in grades other than 4, 8 , *10* and 11. The

results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, the average class size for each required course of study for each secondary school in the district and the district as a whole, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole.

(e) The total expenditure per pupil for each school in the district and the district as a whole.

(f) The curriculum used by the school district, including any special programs for pupils at an individual school.

(g) Records of the attendance and truancy of pupils in all grades, *including, without limitation, the average daily attendance of pupils*, for each school in the district and the district as a whole.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) *Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole.*

(j) Efforts made by the school district and by each school in the district to increase **[communication]** :

(1) *Communication* with the parents of pupils in the district [

(j)] ; and

(2) *The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.*

(k) Records of incidents involving weapons or violence for each school in the district.

[(k)] (l) *Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district.*

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

[(l)] (n) The transiency rate of pupils for each school in the district and the district as a whole.

[(m)] (o) Each source of funding for the school district.

[(n)] (p) *For each high school in the district, the percentage of pupils who graduated from that high school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.*

(q) *The technological facilities and equipment available at each school and the district's plan to incorporate educational technology at each school.*

(r) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of [:

(1) ~~The] the:~~

(1) Nevada State Education Association;

(2) ~~[The]~~ Nevada Association of School Boards;

(3) ~~[The]~~ Nevada Association of School Administrators [~~;~~ and

~~(4) The] ;~~

(4) Nevada Parent Teachers Association [~~,~~] ;

(5) *Budget division of the department of administration; and*

(6) *Legislative counsel bureau,*

concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

[4. On or before April 15 of each year, the board of trustees of each school district shall submit to the state board the report made pursuant to subsection 2. On or before June 15 of each year, the board of trustees of each school district shall submit to the state board:

(a) A separate report summarizing the effectiveness of the district's program of accountability during the school year; and

(b) A description of the efforts the district has made to correct deficiencies identified in the report submitted pursuant to paragraph (a).

5. On or before February 1 of each year, the superintendent of public instruction shall analyze the information submitted to the state board and report to the legislature concerning the effectiveness of the programs of accountability adopted pursuant to this section. In even-numbered years, the report must be submitted to the legislative commission.]

Sec. 23. Chapter 388 of NRS is hereby amended by adding thereto the provisions set forth as sections 24 to 28, inclusive, of this act.

Sec. 24. *As used in sections 24 to 28, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 25 and 26 of this act have the meanings ascribed to them in those sections.*

Sec. 25. *“Commission” means the commission on educational technology created pursuant to section 27 of this act.*

Sec. 26. *“Committee” means the legislative committee on education created pursuant to section 37 of this act.*

Sec. 27. 1. *The commission on educational technology, consisting of 11 members is hereby created. The superintendent of public instruction and the director of the department of information services shall serve ex officio as nonvoting members of the commission.*

2. *The governor shall appoint the following voting members to the commission, at least two of whom must reside in a county whose population is less than 100,000:*

(a) *One administrator in a public school who possesses knowledge and experience in the general application of technology;*

(b) *One school teacher in a public elementary school who possesses knowledge and experience in the use of educational technology in the public schools;*

(c) *One school teacher in a public secondary school who possesses knowledge and experience in the use of educational technology in the public schools;*

(d) *One representative of public libraries who possesses knowledge and experience in the general application of technology;*

(e) One representative of the University and Community College System of Nevada who possesses knowledge and experience in the use of educational technology in institutions of higher education;

(f) One representative of the private sector who possesses knowledge and experience in the use of technology; and

(g) One parent or legal guardian who possesses knowledge and experience in the general application of technology.

3. The senate majority leader shall appoint two voting members to the commission:

(a) One of whom is a member of the senate; and

(b) One of whom is employed in the field of technology.

4. The speaker of the assembly shall appoint two members to the committee:

(a) One of whom is a member of the assembly; and

(b) One of whom is employed in the field of technology.

5. The governor shall appoint a chairman among the voting members of the commission.

6. The term of each member of the commission is 2 years, commencing on July 1 of each odd-numbered year and expiring on June 30 of the immediately succeeding odd-numbered year. Upon the expiration of a term of a member, he may be reappointed, if he still possesses any requisite qualifications for appointment. There is no limit on the number of terms that a member may serve.

7. The person or entity who appoints a member to the commission may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. Any vacancy in the membership of the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

8. The commission shall hold at least four regular meetings each year, and may hold special meetings at the call of the chairman.

9. Members of the commission who are not legislators serve without compensation, except that for each day or portion of a day during which a member of the commission attends a meeting of the commission or is otherwise engaged in the business of the commission, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

10. For each day or portion of a day during which a member of the commission who is a legislator attends a meeting of the commission or is otherwise engaged in the work of the commission, except during a regular or special session of the legislature, he is entitled to receive the:

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

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

(c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the commission must be paid from the legislative fund.

Sec. 28. *1. The commission shall establish a plan for the use of educational technology in the public schools of this state. In preparing the plan, the commission shall consider:*

(a) Plans that have been adopted by the department and the school districts in this state;

(b) Plans that have been adopted in other states, including, but not limited to, the Iowa Communications Network;

(c) The information submitted to the commission by the board of trustees of each school district pursuant to subsection 2 of section 18 of this act; and

(d) Any other information that the commission or the committee deems relevant to the preparation of the plan.

2. The plan established by the commission must include recommendations for methods to:

(a) Incorporate educational technology into the public schools of this state;

(b) Increase the number of pupils in the public schools of this state who have access to educational technology;

(c) Increase the availability of educational technology to assist licensed teachers and other educational personnel in complying with the requirements of continuing education, including, but not limited to, the receipt of credit for college courses completed through the use of educational technology;

(d) Facilitate the exchange of ideas to improve the achievement of pupils who are enrolled in the public schools of this state; and

(e) Address the needs of teachers in incorporating the use of educational technology in the classroom, including, but not limited to, the completion of training that is sufficient to enable the teachers to instruct pupils in the use of educational technology.

3. The department shall provide:

(a) Administrative support;

(b) Equipment; and

(c) Office space,

as is necessary for the commission to carry out the provisions of this section.

4. The following entities shall cooperate with the commission in carrying out the provisions of this section:

(a) The state board.

(b) The board of trustees of each school district.

(c) The superintendent of schools of each school district.

(d) The department.

5. The commission shall:

(a) Develop technical standards for educational technology and any electrical or structural appurtenances necessary thereto, including, without limitation, uniform specifications for computer hardware and wiring, to ensure that such technology is compatible, uniform and can be interconnected throughout the public schools of this state.

(b) Allocate money to the school districts from the trust fund for educational technology created pursuant to NRS 393.163 and any money appropriated by the legislature for educational technology, subject to any priorities for such allocation established by the legislature.

(c) Establish criteria for the board of trustees of a school district that receives an allocation of money from the commission to:

(1) Repair, replace and maintain computer systems.

(2) Upgrade and improve computer hardware and software and other educational technology.

(3) Provide training, installation and technical support related to the use of educational technology within the district.

(d) Submit to the governor, the committee and the department its plan for the use of educational technology in the public schools of this state and any recommendations for legislation.

(e) Review the plan annually and make revisions as it deems necessary or as directed by the committee or the department.

(f) In addition to the recommendations set forth in the plan pursuant to subsection 2, make further recommendations to the committee and the department as the commission deems necessary.

6. As used in this section, "public school" includes the Caliente youth center and the Nevada youth training center.

Sec. 29. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

The state board shall:

1. In accordance with guidelines established by the National Assessment Governing Board and National Center for Education Statistics, adopt regulations requiring the schools of this state that are selected by the National Assessment Governing Board or the National Center for Education Statistics to participate in the examinations of the National Assessment of Educational Progress.

2. Report the results of those examinations to the:

(a) Governor;

(b) Board of trustees of each school district of this state;

(c) Legislative committee on education created pursuant to section 37 of this act; and

(d) Legislative bureau of educational accountability and program evaluation created pursuant to section 41 of this act.

Sec. 30. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools within its district to determine the achievement and proficiency of pupils in:

(a) Reading;

(b) Writing; **[and]**

(c) Mathematics **[.] ; and**

(d) Science.

2. The examinations required by subsection 1 must be:

(a) Administered before the completion of grades 4, 8, **10** and 11.

(b) Administered in each school district at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Scored by *the department or* a single private entity that has contracted with the state board to score the examinations. **[The]** *If a private entity has contracted with the board, the entity* shall report the results of the examinations in the form required by the department.

3. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities.

4. If a pupil fails to demonstrate *at least* adequate achievement on the examination administered before the completion of grade 4 **[or 8,] , 8 or 10**, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. *If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to section 7 of this act, the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to section 10 of this act.*

5. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

[5.] 6. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, [and] mathematics *and science* prescribed for grades 4, [and] 8 *and 10* must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, [and] 8 *and 10* in this state to that of a national reference group of pupils in grades 4 [and 8.], 8 *and 10*. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

- (a) To the extent necessary for administering and evaluating the examinations.
- (b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.
- (c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 31. NRS 389.017 is hereby amended to read as follows:

389.017 The state board [of education] shall prescribe regulations requiring that each board of trustees of a school district submit to the superintendent of public instruction [,] *and the department*, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, *10th* and 11th grades [of] *to* public school pupils in the district. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

Sec. 32. NRS 393.163 is hereby amended to read as follows:

393.163 1. The trust fund for educational technology is hereby created in the state general fund. The trust fund must be administered by the superintendent of public instruction. The superintendent may accept gifts and grants of money from any source for deposit in the trust fund. Any such money may be expended in accordance with the terms and conditions of the gift or grant, or in accordance with subsection 3.

2. The interest and income earned on the money in the trust fund must be credited to the trust fund.

3. The money in the trust fund may be used only [to provide grants] *for the distribution* of money to [individual public schools] *school districts* to be used in kindergarten through 12th grade to obtain and maintain hardware and software for computer systems, equipment for transfer of data by modem through connection to telephone lines, and other educational technology as may be approved by the [superintendent of public instruction] *commission on educational technology created pursuant to section 27 of this act* for use in classrooms.

Sec. 33. NRS 393.165 is hereby amended to read as follows:

393.165 The department shall, [by regulation,] *in consultation with the commission on educational technology created pursuant to section 27 of this act, adopt regulations that establish a program whereby [individual public schools] school districts may apply to the [superintendent of public instruction for grants of] commission on educational technology for money from the trust fund for educational technology.*

Sec. 34. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of regents shall require employees of the system to provide to the board of trustees of each school district of this state, as appropriate, information regarding the:

1. Number of pupils who graduated from a high school in the district in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the system.

2. Costs incurred by the system in providing remedial instruction pursuant to subsection 1.

Sec. 35. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 36 to 41, inclusive, of this act.

Sec. 36. *As used in sections 36 to 41, inclusive, of this act, unless the context otherwise requires, "committee" means the legislative committee on education.*

Sec. 37. *1. The legislative committee on education, consisting of eight legislative members, is hereby created. The membership of the committee consists of:*

(a) Four members appointed by the majority leader of the senate, at least one of whom must be a member of the minority political party.

(b) Four members appointed by the speaker of the assembly, at least one of whom must be a member of the minority political party.

2. After the initial selection, the legislative commission shall select the chairman and vice chairman of the committee from among the members of the committee. After the initial selection of those officers, each of those officers holds the position for a term of 2 years commencing on July 1 of each odd-numbered year. The chairmanship of the committee must alternate each biennium between the houses of the legislature. If a vacancy occurs in the chairmanship or vice chairmanship, the vacancy must be filled in the same manner as the original selection for the remainder of the unexpired term.

3. A member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next regular session of the legislature.

4. A vacancy on the committee must be filled in the same manner as the original appointment.

Sec. 38. *1. The members of the committee shall meet throughout the year at the times and places specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau or his designee shall act as the nonvoting recording secretary of the committee. Five members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.*

2. Except during a regular or special session of the legislature, for each day or portion of a day during which a member of the committee attends a meeting of the committee or is otherwise engaged in the work of the committee, he is entitled to receive the:

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

- (b) Per diem allowance provided for state officers and employees generally; and*
- (c) Travel expenses provided pursuant to NRS 218.2207.*

The compensation, per diem allowances and travel expenses of the members of the committee must be paid from the legislative fund.

Sec. 39. *1. The committee may:*

(a) Evaluate, review and comment upon issues related to education within this state, including, but not limited to:

- (1) Programs to enhance accountability in education;*
- (2) Legislative measures regarding education;*
- (3) Methods of financing public education;*
- (4) The condition of public education in the elementary and secondary schools;*
- (5) The program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700 to 388.730, inclusive;*
- (6) The development of any programs to automate the receipt, storage and retrieval of the educational records of pupils; and*
- (7) Any other matters that, in the determination of the committee, affect the education of pupils within this state.*

(b) Conduct investigations and hold hearings in connection with its duties pursuant to this section.

(c) Request that the legislative counsel bureau assist in the research, investigations, hearings and reviews of the committee.

(d) Make recommendations to the legislature concerning the manner in which public education may be improved.

2. The committee shall:

(a) In addition to any standards prescribed by the department of education, prescribe standards for the review and evaluation of the reports of school districts pursuant to paragraph (a) of subsection 1 of section 19 of this act.

(b) For the purposes set forth in section 10 of this act, recommend to the department of education programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In recommending these programs of remedial study, the committee shall consider programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

Sec. 40. *1. If the committee conducts investigations or holds hearings pursuant to paragraph (b) of subsection 1 of section 39 of this act:*

(a) The secretary of the committee or, in his absence, a member designated by the committee may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or outside of this state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If a witness refuses to attend or testify or produce books or papers as required by the subpoena, the chairman of the committee may report to the district court by a petition which sets forth that:

(a) Due notice has been given of the time and place of attendance of the witness or the production of the books or papers;

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books or papers required by the subpoena before the committee that is named in the subpoena, or has refused to answer questions propounded to him.

The petition may request an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 41. *1. The legislative bureau of educational accountability and program evaluation is hereby created within the fiscal analysis division of the legislative counsel bureau. The fiscal analysts shall appoint to the legislative bureau of educational accountability and program evaluation a chief and such other personnel as the fiscal analysts determine are necessary for the bureau to carry out its duties pursuant to this section.*

2. The bureau shall, as the fiscal analysts determine is necessary or at the request of the committee:

(a) Collect and analyze data and issue written reports concerning:

(1) The effectiveness of the provisions of sections 2 to 20, inclusive, of this act and NRS 385.347 in improving the accountability of the schools of this state;

(2) The statewide program to reduce the ratio of pupils per class per licensed teacher prescribed in NRS 388.700 to 388.730, inclusive;

(3) The statewide program to educate persons with disabilities that is set forth in chapter 395 of NRS;

(4) The results of the examinations of the National Assessment of Educational Progress that are administered pursuant to section 29 of this act; and

(5) Any program or legislative measure, the purpose of which is to reform the system of education within this state.

(b) Conduct studies and analyses to evaluate the performance and progress of the system of public education within this state. Such studies and analyses may be conducted:

(1) As the fiscal analysts determine are necessary; or

(2) At the request of the legislature.

This paragraph does not prohibit the bureau from contracting with a person or entity to conduct studies and analyses on behalf of the bureau.

(c) On or before December 31 of each even-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the director of the legislative counsel bureau for transmission to the next regular session of the legislature. The bureau shall, on or before

December 31 of each odd-numbered year, submit a written report of its findings pursuant to paragraphs (a) and (b) to the director of the legislative counsel bureau for transmission to the legislative commission.

3. The bureau may, pursuant to NRS 218.687, require a school, a school district, the University and Community College System of Nevada or the department of education to submit to the bureau books, papers, records and other information that the chief of the bureau determines are necessary to carry out the duties of the bureau pursuant to this section. An entity whom the bureau requests to produce records or other information shall provide the records or other information in any readily available format specified by the bureau.

4. Except as otherwise provided in this subsection, any information obtained by the bureau pursuant to this section shall be deemed a work product that is confidential pursuant to NRS 218.625. The bureau may, at the discretion of the chief and after submission to the legislature or legislative commission, as appropriate, publish reports of its findings pursuant to paragraphs (a) and (b) of subsection 2.

5. This section does not prohibit the department of education or the state board of education from conducting analyses, submitting reports or otherwise reviewing educational programs in this state.

Sec. 42. NRS 354.598 is hereby amended to read as follows:

354.598 1. At the time and place advertised for public hearing, or at any time and place to which the public hearing is from time to time adjourned, the governing body shall hold a public hearing on the tentative budget, at which time interested persons must be given an opportunity to be heard.

2. At the public hearing, the governing body shall indicate changes, if any, to be made in the tentative budget, and shall adopt a final budget by the favorable votes of a majority of all members of the governing body. Except as otherwise provided in this subsection, the final budget must be adopted on or before June 1 of each year. The final budgets of school districts must be adopted on or before June 8 of each year [.] *and must be accompanied by copies of the written report and written procedure prepared pursuant to subsection 3 of section 18 of this act.* Should the governing body fail to adopt a final budget that complies with the requirements of law and the regulations of the department of taxation on or before the required date, the budget adopted and approved by the department of taxation for the current year, adjusted as to content and rate in such a manner as the department of taxation may consider necessary, automatically becomes the budget for the ensuing fiscal year. When a budget has been so adopted by default, the governing body may not reconsider the budget without the express approval of the department of taxation. If the default budget creates a combined ad valorem tax rate in excess of the limit imposed by NRS 361.453, the Nevada tax commission shall adjust the budget as provided in NRS 361.4547 or 361.455.

3. The final budget must be certified by a majority of all members of the governing body and a copy of it, together with an affidavit of proof of publication of the notice of the public hearing, must be transmitted to the Nevada tax commission. If a tentative budget is adopted by default as provided in subsection 2, the clerk of the governing body shall certify the budget and transmit to the Nevada tax commission a copy of the budget, together with an affidavit of proof of the notice of the public hearing, if that notice was published. Certified copies of the final budget must be distributed as determined by the department of taxation.

4. Upon the adoption of the final budget or the amendment of the budget in accordance with

NRS 354.606, the several amounts stated in it as proposed expenditures are appropriated for the purposes indicated in the budget.

5. No governing body may adopt any budget which appropriates for any fund any amount in excess of the budget resources of that fund.

Sec. 43. 1. The council to establish academic standards for public schools, consisting of nine members, is hereby created. The membership of the council consists of the president of the state board of education or a member of the state board of education designated by the president and:

- (a) Four members appointed by the governor in accordance with subsection 2;
- (b) Two members appointed by the majority leader of the senate in accordance with subsection 3; and
- (c) Two members appointed by the speaker of the assembly in accordance with subsection 3.

2. The governor shall ensure that:

(a) Two of the members whom he appoints to the council are parents or legal guardians of pupils who attend public schools. These members must not otherwise be affiliated with the public school system of this state.

(b) Two of the members whom he appoints to the council are licensed educational personnel.

(c) Insofar as practicable, the members whom he appoints to the council reflect the ethnic and geographical diversity of this state.

3. The majority leader of the senate and the speaker of the assembly shall each ensure that:

(a) One of the members whom he appoints to the council is a member of the house of the legislature to which he belongs.

(b) The other member whom he appoints to the council is a representative of a private business or industry that may be affected by actions taken by the council.

4. Each member of the council must be a resident of this state.

5. The term of each member of the council is 4 years, commencing on July 1, 1997, and expiring on June 30, 2001. The person or entity who appoints a member to the council may remove that member if the member neglects his duty or commits malfeasance in office, or for other just cause. A vacancy in the membership of the council must be filled for the remainder of the unexpired term in the same manner as the original appointment.

6. The governor shall select a chairman from among the membership of the council in accordance with this subsection. The governor shall not select as chairman the president of the state board of education, or his designee, or a member of the council who is otherwise affiliated with the public school system in this state. This subsection does not preclude the governor from selecting a parent or legal guardian of a pupil as chairman if the parent or legal guardian is not otherwise affiliated with the public school system in this state. The chairman holds the position for 2 years.

7. For each day or portion of a day during which a member of the council who is a legislator attends a meeting of the council or is otherwise engaged in the work of the council, except during a regular or special session of the legislature, he is entitled to receive the:

- (a) Compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session;
- (b) Per diem allowance provided for state officers and employees generally; and
- (c) Travel expenses provided pursuant to NRS 218.2207.

The compensation, per diem allowances and travel expenses of the legislative members of the council must be paid from the legislative fund.

8. Members of the council who are not legislators serve without salary, but are entitled to receive the:

- (a) Per diem allowance provided for state officers and employees generally; and
- (b) Travel expenses provided pursuant to NRS 281.160.

Sec. 44. 1. The department of education shall provide:

- (a) Administrative support;
- (b) Equipment; and
- (c) Office space,

as is necessary for the council to establish academic standards for public schools, created pursuant to section 43 of this act, to carry out the provisions of this section and sections 43 and 45 of this act.

2. The council may request assistance from any agency of this state if such assistance is necessary for the council to carry out the provisions of this section and sections 43 and 45 of this act.

Sec. 45. 1. The council to establish academic standards for public schools, created pursuant to section 43 of this act, shall establish and submit to the state board of education:

(a) On or before September 1, 1998, standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing.
- (2) Mathematics.
- (3) Science.

(b) On or before September 1, 1999, standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) Social studies.
- (2) Computer education.
- (3) Health and physical education.
- (4) The arts.

2. The council shall submit written recommendations to the state board of education:

(a) On or before November 1, 1998, on the type of examinations of achievement and proficiency to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to paragraph (a) of subsection 1. The recommendations must include the grades in which the examinations should be administered.

(b) On or before November 1, 1999, on the type of examinations of achievement and proficiency in social studies to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to

subparagraph (1) of paragraph (b) of subsection 1. The recommendations must include the grades in which the examinations should be administered.

3. In developing the standards and examinations pursuant to subsections 1 and 2, the council shall:

(a) Hold at least eight meetings. The meetings must be held in at least four different counties during the period commencing August 1, 1997, and expiring July 31, 1999. At least four of these meetings must be held to hear public testimony concerning the proposed standards of content and performance and the examinations of achievement and proficiency.

(b) Consult with licensed educational personnel in the various school districts and with other persons who have knowledge and experience concerning standards of content and performance or examinations of achievement and proficiency in education.

(c) Review and consider any standards of content and performance and any examinations of achievement and proficiency:

(1) Adopted by this state;

(2) Adopted by the Commonwealth of Virginia or any other states;

(3) Adopted by the Federal Government; or

(4) Advocated in publications of entities, including, but not limited to, the "Standards Primer: A Resource for Accelerating the Pace of Reform," published in 1996 by the Education Leaders Council.

4. The state board of education shall adopt:

(a) On or before January 1, 1999, the standards of content and performance established by the council pursuant to paragraph (a) of subsection 1, to take effect in the 1999-2000 school year.

(b) Examinations of achievement and proficiency to be administered statewide, commencing in the 1999-2000 school year, to measure the achievement of pupils in the standards of content and performance adopted by the state board of education pursuant to paragraph (a). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.

(c) On or before January 1, 2000, the standards of content and performance established by the council pursuant to paragraph (b) of subsection 1, to take effect in the 2000-2001 school year.

(d) Examinations of achievement and proficiency in social studies to be administered statewide, commencing in the 2000-2001 school year, to measure the achievement of pupils in social studies in the standards of content and performance adopted by the state board pursuant to paragraph (c). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.

5. The state board of education shall:

(a) On or before February 1, 1999, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.

(b) On or before February 1, 2001, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.

6. In addition to the duties prescribed in subsections 1 and 2, the council shall:

(a) As soon as practicable, but not later than April 1, 1999:

(1) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to paragraph (a) of subsection 4.

(2) Submit to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to paragraph (a) of subsection 1.

(b) As soon as practicable, but not later than April 1, 2001:

(1) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to paragraph (c) of subsection 4.

(2) Submit to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada Legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to paragraphs (a) or (b) of subsection 1.

7. The council shall, on or before June 30, 1999, and on or before June 30, 2001, report to the legislative committee on education, created pursuant to section 37 of this act, regarding the standards and examinations adopted by the state board of education pursuant to subsection 4.

8. The council shall, on or before June 30, 2001, coordinate its duties pursuant to this section with the legislative bureau of educational accountability and program evaluation, created pursuant to section 41 of this act, to enable the bureau to continue the duties of the council of evaluating and reporting after June 30, 2001.

Sec. 46. 1. On or before July 1, 1998, the commission on educational technology, created pursuant to section 27 of this act, shall:

(a) Adopt a preliminary version of the plan for the use of educational technology in the public schools of this state in accordance with subsections 1 and 2 of section 28 of this act; and

(b) Submit a preliminary version of the plan to the governor, the legislative committee on education, created pursuant to section 37 of this act, and the department of education in accordance with subsection 5 of section 28 of this act.

2. On or before January 1, 1999, the commission on educational technology, created pursuant to section 27 of this act, shall:

(a) Adopt a final version of the plan for the use of educational technology in the public schools of this state in accordance with subsections 1 and 2 of section 28 of this act; and

(b) Submit a final version of the plan to the governor, the legislative committee on education, created pursuant to section 37 of this act, and the department of education in accordance with subsection 5 of section 28 of this act.

Sec. 47. The senate majority leader shall select the chairman and vice chairman of the legislative committee on education created pursuant to section 37 of this act for the terms commencing on July 1, 1997.

Sec. 48. 1. On or before April 1, 1998, the legislative committee on education, created pursuant to section 37 of this act, shall recommend programs of remedial study pursuant to subsection 2 of section 39 of this act.

2. On or before June 1, 1998, the department of education shall adopt programs of remedial

study pursuant to section 10 of this act.

Sec. 49. 1. The examination in science required of pupils by the amendatory provisions of NRS 389.015 must be administered commencing in the 1999-2000 school year.

2. The examinations required of pupils who are enrolled in the 10th grade by the amendatory provisions of NRS 389.015 must be administered commencing in the 1997-1998 school year, but may be administered at a different time for that school year than the examinations administered to pupils who are enrolled in the 4th and 8th grades.

Sec. 50. 1. There is hereby appropriated from the state general fund to the legislative fund created pursuant to NRS 218.085 the sum of \$370,116 for use by the legislative committee on education created pursuant to section 37 of this act.

2. Any unencumbered balance of the appropriation made by subsection 1 does not revert to the state general fund but constitutes a balance carried forward to the succeeding fiscal year.

Sec. 51. 1. There is hereby appropriated from the state general fund to the legislative fund created pursuant to NRS 218.085 for use by the legislative bureau of educational accountability and program evaluation created pursuant to section 41 of this act:

For the fiscal year 1997-1998 \$235,456

For the fiscal year 1998-1999 \$205,830

2. Any unencumbered balance of the appropriation made by subsection 1 does not revert to the state general fund but constitutes a balance carried forward to the succeeding fiscal year.

Sec. 52. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$14,000 for the payment of per diem allowances and travel expenses pursuant to subsection 9 of section 27 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 53. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$23,950 for the payment of compensation, per diem allowances and travel expenses pursuant to subsection 8 of section 43 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 54. 1. There is hereby appropriated from the state general fund to the department of education to pay the costs incurred by the department of education for purchasing, administering and scoring the examinations required of pupils who are enrolled in the 10th grade by the amendatory provisions of NRS 389.015:

For the fiscal year 1997-1998 \$130,000

For the fiscal year 1998-1999 \$85,000

2. The examinations purchased and administered by the department of education must be:
(a) Purchased from the same vendor from whom the 4th and 8th grade examinations are purchased; and

(b) The version of the examination that is administered to pupils in the 4th and 8th grades which is appropriate for administration in the 10th grade.

3. The sums appropriated by subsection 1 are available for either fiscal year. Any balance remaining of those sums must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon all payments of money committed have been made.

Sec. 55. 1. There is hereby appropriated from the state general fund to the department of education for the fiscal year 1998-1999 the sum of \$271,500 to pay the costs incurred by the department of education for developing, writing and printing the examinations required of pupils pursuant to paragraph (b) of subsection 4 of section 45 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon all payments of money committed have been made.

Sec. 56. 1. There is hereby appropriated from the state general fund to the department of education for the fiscal year 1998-1999 the sum of \$70,000 to pay the costs incurred by the department of education for developing, writing, printing and administering in the 1998-1999 school year the examinations in writing skills required of pupils in the 4th grade in addition to the examinations required of those pupils pursuant to NRS 389.015.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon all payments of money committed have been made.

Sec. 57. 1. There is hereby appropriated from the state general fund to the department of education for the fiscal year 1998-1999 the sum of \$87,000 to pay the costs incurred by the department of education for developing, writing and printing the examinations in science required of pupils who are enrolled in the 11th grade by the amendatory provisions of NRS 389.015.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon all payments of money committed have been made.

Sec. 58. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$30,000 to pay the costs incurred by the department of education in administering and reporting the results of the examinations required by section 29 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 59. 1. There is hereby appropriated from the state general fund to the department of education for the fiscal year 1998-1999 the sum of \$82,100 to pay the salary, travel expenses, administrative and equipment expenses of an employee responsible for carrying out, administering, monitoring and evaluating the effectiveness of programs of remediation adopted by the department of education pursuant to section 10 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 60. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$3,000,000 for the fiscal year 1998-1999, to be distributed among the schools that have been designated as demonstrating inadequate achievement pursuant to section 7 of this act.

A school that receives such a designation shall submit to the department of education, for transmission to the state board of examiners, a request for an allocation from the appropriation. The state board of examiners shall consider the request and, if it finds that an allocation should be made, recommend the amount of the allocation to the interim finance committee for independent evaluation and action. The interim finance committee is not bound to follow the recommendation of the state board of examiners. In determining the amount of the allocation, the state board of examiners and the interim finance committee shall consider:

(a) The total number of pupils who are enrolled in the school who failed to demonstrate at least adequate achievement on the examination administered pursuant to NRS 389.015; and

(b) The need of the school.

2. A school that receives money pursuant to subsection 1 shall:

(a) Use the money to pay the costs incurred by the school in providing the program of remedial study required by section 10 of this act. The money must first be applied to those pupils who the school determines are performing at a level which poses the highest risk of failure.

(b) Use the money to pay for the salaries, training or other compensation of teachers and other educational personnel to provide the program of remedial study, instructional materials required for the course of remedial study, equipment necessary to offer the program of remedial study and any other additional operating costs attributable to the program of remedial study.

(c) Use the money to supplement and not replace the money the school would otherwise expend for programs of remedial study.

(d) Account for the money separately.

3. A school that receives money pursuant to subsection 1 shall not use the money to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district.

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

4. The appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 61. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$27,500,000 for allocation by the commission on educational technology created pursuant to section 27 of this act to the school districts and public libraries of this state and the youth training center in Elko and the Caliente youth center. Not more than \$400,000 may be distributed to the public libraries. The commission on educational technology shall allocate the money for the purchase and installation of hardware, software and electrical wiring for computer laboratories, upgrading computer software, purchasing additional computers for instructional purposes in classrooms and purchasing other technology for use in enhancing teaching or learning in a school or classroom. The commission on educational technology shall determine the amount of money that must be distributed to school districts based upon the needs of each school district and the wealth of the school district relative to the other school districts in this state.

2. There is hereby appropriated from the state general fund to the department of education to be distributed among the various school districts in this state for the repair, maintenance and replacement of computer hardware, upgrading computer software, contracting for technical support and providing training for teachers on the use of educational technology to improve classroom instruction:

For the fiscal year 1997-1998 \$3,700,000

For the fiscal year 1998-1999 \$4,900,000

3. To receive money pursuant to subsection 1 or 2, a school district must:
 - (a) Complete forms provided by the superintendent of public instruction;
 - (b) Submit a written request to the commission on educational technology that identifies the schools within the school district that need educational technology and the financial needs of those schools to obtain the educational technology;
 - (c) Submit a plan to the commission on educational technology for the use of educational technology to improve the instruction and academic achievement of pupils, including, without limitation, a plan to evaluate the effectiveness of the use of educational technology; and
 - (d) Provide any additional information requested by the commission.
4. To receive a grant of money pursuant to subsection 1, the Nevada youth training center in Elko and the Caliente youth center must submit an application to the commission on educational technology that describes the needs of the center for educational technology and the proposed use of the money for educational technology. The center must provide any additional information requested by the commission.
5. To receive a grant of money pursuant to subsection 1, a public library must submit an application to the commission on educational technology that describes the need of the library for educational technology and the proposed use of the money for educational technology. The library shall provide any additional information requested by the commission.
6. A school district that receives money pursuant to this section shall:
 - (a) Account for the money separately.
 - (b) Use the money to supplement and not replace the money that the school district would otherwise expend for educational technology.
7. A school district that receives money pursuant to this section shall not use the money to:
 - (a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district.
 - (b) Adjust the schedules of salaries and benefits of the employees of the school district.
8. Each school district that receives money pursuant to this section shall provide to the commission on educational technology and the department of education, on or before January 1, 1999, a written report in the format required by the department of education. The report must include a statement of the amount of money distributed to the school district pursuant to this section, a record of the manner in which the money was expended, the purpose of each such expenditure and any other expenditures for similar purposes from other money available to the school district.
9. The department of education shall, on or before February 1, 1999, submit a written summary to the governor, the commission on educational technology and the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature which contains:
 - (a) The name of each school district that received money; and
 - (b) A compilation of the reports submitted to the department of education pursuant to subsection 8.
10. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments

of money committed have been made.

11. The sums appropriated by subsection 2 are available for either fiscal year. Any balance remaining of those sums must not be committed for expenditure after June 30, 1999, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 62. 1. There is hereby appropriated from the state general fund to the department of education to pay the salaries, travel, administrative and equipment expenses of one professional employee and one clerical employee responsible for carrying out, administering, monitoring and evaluating the effectiveness of programs of educational technology pursuant to section 61 of this act:

For the fiscal year 1997-1998 \$81,150

For the fiscal year 1998-1999 \$84,500

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 63. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 64. 1. This section and section 63 of this act become effective upon passage and approval.

2. Section 27 of this act becomes effective upon passage and approval for purposes of appointing members to the commission on educational technology, created pursuant to section 27 of this act, and on July 1, 1997, for all other purposes.

3. Section 37 of this act becomes effective upon passage and approval for purposes of appointing members to the legislative committee on education, created pursuant to section 37 of this act, and on July 1, 1997, for all other purposes.

4. Section 43 of this act becomes effective upon passage and approval for purposes of appointing members to the council to establish academic standards for public schools, created pursuant to section 43 of this act, and on July 1, 1997, for all other purposes, and expires by limitation on June 30, 2001.

5. Sections 20 to 26, inclusive, 28 to 36, inclusive, 38 to 42, inclusive, and 46 to 62, inclusive, of this act become effective on July 1, 1997.

6. Sections 44 and 45 of this act become effective on July 1, 1997, and expire by limitation on June 30, 2003.

7. Sections 1 to 19, inclusive, of this act become effective on January 1, 1998.

APPENDIX B

SUMMARY OF FINDINGS REGIONAL WORKSHOPS ON TEACHING TO HIGHER STANDARDS

Sponsored by Legislative Committee on Education
Held during March of 1998

Disappointed in the lack of improvement in academic achievement and frustrated with the inconsistent use of data or, more often, the complete failure by Nevada's educators to use data from the school accountability reports to improve instruction, the Governor and the Legislature joined forces in 1997 to pass Senate Bill 482, the Nevada Education Reform Act. The measure addressed:

- Raising academic achievement by implementing rigorous, statewide standards;
- Linking statewide tests to those standards to measure student's progress in reaching the standards;
- Holding schools accountable for pupils' performance;
- Using accountability data to improve instruction;
- Establishing effective remedial education programs; and
- Using technology to improve instruction.

The measure also provided for legislative review of the entire reform process. The act increased the Legislature's direct involvement in public education in Nevada by creating:

- The Legislative Committee on Education, an eight-member committee charged with overseeing the state's accountability program and reviewing other educational programs; and
- The Legislative Bureau of Educational Accountability and Program Evaluation, a section of the Fiscal Analysis Division of the Legislative Counsel Bureau responsible for collecting and analyzing data concerning the state's public education system.

The members of the Legislative Committee on Education are monitoring the reform process and recognize that the next step in educational reform in Nevada is to ensure that schools are ready to teach to higher standards. To that end, the Committee directed the staff to conduct regional workshops around the state to answer these key questions:

- What is needed to teach to more rigorous academic standards?
- Do teachers have the skills and knowledge necessary to teach to higher standards?
- If not, what is the best way to meet those needs?

If high quality teaching matters in improving academic achievement, then improving teacher training is likely to become a key strategy. One option the Legislative Committee on Education will review

is the need for a comprehensive plan for teaching to higher standards; but first, the Committee wished to determine what, if anything, is needed to address this matter and what is the best way of meeting the needs of school districts. To gain insight into the issue of teaching to higher standards, the Committee invited a group of teachers, school administrators, school board members, parents and representatives of higher education and private business to informally discuss the issue of teaching to higher standards and to suggest actions that might be taken by the Legislature.

Regional Workshops

Four workshops were conducted during a two-week period in March of 1998 in the following communities: Fallon (March 11th), Elko (March 16th), Reno (March 18th), and Las Vegas (March 23rd). Legislative staff compiled the findings and recommendations of the workshops and reported the information to the Legislative Committee on Education at its March 26, 1998, meeting. This booklet represents the final report of those workshops.

The format for each workshop consisted of two parts. The morning session featured presentations about the issues associated with teaching to higher standards. This portion of the session was given by representatives of school districts or institutions of higher education or speakers from outside the state who are experts in training teachers. After lunch, workshop participants formed working groups. The working groups were asked to prepare written responses to three questions concerning what is needed to teach to higher standards. Each group was asked to address three questions selected from eight questions asked by the Committee. A reporter selected by the group recorded the group's responses to the assigned questions and summarized their input at the end of the day for the rest of the workshop participants. Key findings of the eight questions posed to workshop participants follow.

Questions Relating to Teaching to Higher Standards

1. What do teachers need to know to teach to higher academic standards?

What are the standards? What are the expectations for students? These were the two most frequently asked questions at the workshops. Most participants had little understanding of the process set forth in the Education Reform Act for setting standards. Since the standards were still being drafted at the time the workshops were held, participants could not be expected to know the actual content of the standards. Yet they were also unaware of the proposed time schedule for writing and reviewing the standards or when and where public hearings on the proposed standards would be held. They also asked who was writing the standards. Educators, as well as community members, expressed a great deal of confusion about the entire standards-setting process. Clearly, the need to inform the public (including school district employees) is of critical importance in ensuring acceptance of the proposed standards and for education reform, in general. A well-planned public relations effort appears to be essential in meeting this goal. Organizations of parents and the business community will play an important role in relaying this information to the general public, but a great deal of confusion and misinformation also exists within the education community, at

both K-12 and higher education levels.

The need for additional training and education in subject-matter content (especially math and science) was one of the most common strategies offered by the groups to address the need to teach to higher standards. Many participants also thought it would be important to train teachers to deal with diversity among pupil's learning styles, to ensure that all children might be able to reach higher levels.

As test scores gain importance, several participants suggested that teachers and administrators be trained on interpreting test scores and test-taking strategies to better prepare their students for exams.

2. Do teachers have the skills and knowledge required to teach to higher academic standards? How might their skills and knowledge be assessed to identify deficiencies? How might this be accomplished to ensure teachers are not criticized for needing training?

Groups that were asked this question recommended using a three-pronged evaluation to determine what training is needed: the teacher's self-evaluation, the school administrator's evaluation and an analysis of test scores measuring pupils' year-to-year growth rather than comparison to a national norm.

Before deciding what training is needed, school districts should conduct "curriculum audits" to review what is being taught both vertically and horizontally, up through the grade levels and across subject areas. Again, participants speculated that teachers might lack in-depth content knowledge in math and science.

To ensure that teachers are provided needed training without being criticized, mentor teachers for practicing teachers and internships for prospective teachers were recommended. For in-service training to be successful, trainers must provide follow-up assistance to ensure that the teacher is using new skills and knowledge gained during the training. One-time training workshops were not thought to be as successful as on-going training with follow-up help. The "Trainer of Trainers" model was frequently mentioned as an effective and cost-efficient way to train teachers. Teachers who train others are often able to identify the "missing links" in a school's instructional program or a teaching method.

For teachers to be successful, care should be taken to appropriately place them within their area of expertise and training in the first place. Teachers assigned outside their area of education or licensure cannot be expected to teach to more rigorous standards. Also, if the assertion that less-qualified teachers are often assigned to the lowest-performing schools is true, it should be no surprise that pupils in these schools do not perform as well. This issue prompted one group to suggest that the lowest achieving schools should be allowed to select their own faculty, and all teachers at such schools should have to reapply each year.

3. How might schools or school districts assess whether their teachers or prospective teachers

have the skills and knowledge required for teaching to higher academic standards? If not, how do they obtain necessary training?

The most frequent response to this question was a call for more professional development centers within school districts or at regional sites within the state. The coaching provided by such centers or having “learning strategists” work right in the schools was seen as an extremely valuable approach for providing training and continuous reinforcement. School administrators should also be required to attend training offered by the professional development centers. The Douglas County School District requires new teachers and new administrators to attend a workshop in the “Essential Elements of Instruction” so that both groups share a common vocabulary and set of expectations.

School principals need to be better trained in evaluating the performance of teachers. The principals’ evaluation is a critical component in assessing the skills and abilities of teachers and identifying needed training. Unannounced observations and frequent classroom visits were mentioned as important factors in understanding what teachers need. Principals should be expected to become the true instructional leaders within their schools. Careful recruiting and screening of prospective teachers were emphasized as the best professional development strategies. Administrators should look for applicants with a strong work ethic, high-level content knowledge and a solid grasp of the basic skills.

Assessment of a teacher’s ability might include: “pencil and paper tests” and performance-based assessment of new teachers, as well as certification of “master” teachers by the National Board for Professional Teaching Standards (NBPTS). Career ladders were suggested as an incentive to getting teachers to remain in the classroom, and peer review was considered an effective way to assist other teachers and a professional responsibility.

There should be incentives for taking rigorous courses in subject-matter areas, and if such courses happen to be undergraduate-level courses, there should not be disincentives for enrolling in such courses. If advancement across the salary schedule is restricted to graduate credits, but the high-level content courses are undergraduate classes, teachers may be discouraged from gaining more subject-matter knowledge. School districts should support Distance Learning options for professional development and work with higher education to make classes readily available to teachers, especially in rural and under-served areas.

A recurring theme voiced during the workshops was the need for a “feedback loop” between the school districts and higher education. School districts should provide feedback to higher education on the strengths and weaknesses of teachers trained in those institutions, and higher education should inform high schools of the readiness of in-coming freshman and deficiencies in students majoring in certain fields.

Extending the school day or figuring out how to pack more instructional time into the existing school day were other suggestions of what school districts might do to improve instruction.

4. What can the State Board of Education do to ensure that prospective teachers have the skills and knowledge required to teach to higher academic standards? The State Board approves teacher preparation programs and may disapprove proposed regulations of the Commission on Professional Standards in Education.

One of the most important tasks and immediate needs that the State Board of Education faces is to provide training on the new statewide standards for licensed personnel. The latest national research should be incorporated into all training sponsored by the Department of Education, especially training related to remedial education and school reform.

Another area in which participants suggested increased involvement by the State Board concerned support for regional professional development centers. Also, the Board should encourage the establishment of a cadre of professionals who train and serve as mentors to other teachers.

The State Board of Education has recently reassessed its role in approving teacher preparation programs, and along that line, the participants suggested the Board require the following of pre-service programs (that is, higher education programs training prospective teachers): require more subject-area content; supervise student teachers; provide field experience early in the training, and internships later in the program; and revisit the courses currently required to see whether different, not necessarily more, courses are justified. Also, the Board should strengthen its program approval process to ensure consistency among institutions and across campuses.

The State Board should support efforts to increase classroom time spent in instruction and in the classroom, generally. The Board should work on improving the efficiency and professionalism of the licensing office. The Department of Education could provide leadership in expanding the use of Distance Learning and demonstrating how educational technology may be incorporated into the classroom.

To encourage teachers to receive more in-depth content-area training and to give school districts the time necessary to train staff members in the new standards, participants recommended additional days for professional development be funded through the Distributive School Account.

5. What can the Commission on Professional Standards in Education (Licensing Board) do to ensure that licensed teachers have the skills and knowledge required to teach to higher academic standards? The Commission adopts regulations which prescribe the qualifications for licensing teachers, including examinations required for initial licenses.

When workshop participants discussed what changes might be made in the qualifications of teachers, one word was heard over and over: Content, content, and content. More rigorous requirements for licensing and additional endorsements were recommended especially an in-depth

knowledge of the teacher's subject area. The groups wanted undergraduate-level subject-content courses to count for recertification and salary-scale advancement.

To implement the new statewide academic standards, coursework on standards should be required for both teachers and administrators, said the groups. More training in working with diverse students was also seen as necessary to improve learning.

Recognizing that beginning teachers have different needs than veteran teachers, the participants suggested the Commission create different levels of licenses, such as initial, professional and life. Beginning teachers might have to recertify more frequently and take more coursework than more experienced teachers. National Board certification should be encouraged to provide recognition and incentives for "master" teachers.

The need for revising certification requirements for middle-school teachers and for teachers in early childhood education programs was expressed at the workshops. Outreach programs for rural areas were also mentioned.

6. What can colleges and universities do to ensure that prospective teachers have the skills and knowledge required to teach to higher academic standards? What can colleges and universities offer to upgrade the skills and knowledge of licensed teachers already in the field? How might higher education better serve the needs of K-12 education?

Stop "dumbing down" college courses for teachers, demanded workshop participants. Teacher education is a campus-wide endeavor, and all fields, not just the colleges of education should make quality teaching a priority. Future teachers need more high-level subject-area content, especially in math and science. Yet, it is difficult to get content area courses; they tend to be offered only in the daytime and not during the summer.

One group summed up the shortcomings in teacher training as: "...more content-area courses for elementary teachers and more methods courses for secondary teachers." Higher education should help those who already have a bachelor's degree with a subject matter major get the teaching methods courses they need for a credential. There were complaints that the universities need to improve access to methods courses for non-traditional, prospective teachers.

The hands-down winner in the contest for most frequently mentioned model of an exemplary program that contains both high-level content and effective methods of teaching was the Geographic Alliance in Nevada (GAIN), a national network consisting of 54 alliance sponsorships involving geography standards and assessments developed with matching funds from the National Geographic Society. University professors in geography provide the content and master teachers train other teachers on how to use that content in the classroom. The GAIN model was cited many times as an example of how to train teachers to effectively teach higher-level subject matter.

According to participants, all teachers should be required to have coursework in teaching reading, assessing learning, and how to develop, use and reach higher standards. Teachers, whether in college or in the classroom, should be required to learn more about the development and use of standards if they are expected to help children reach higher standards, said participants. Of course, if professors are expected to incorporate the new standards into their pre-service and in-service teacher training programs, the professors have to know what the new standards are, and many asked whether higher education was playing an sufficient role in the standards-setting process. Professors should be role models and should hone their skills by actually teaching in K-12 classrooms at demonstration schools or by “partnering” with a local school, said the groups.

There should be more collaboration and better communication between higher education and K-12 education. This two-way communication concerning the performance of teachers on the job and high-school graduates attending college should be fostered by the K-16 Councils that are developing throughout the state. The two entities should also work together to share information and research on “what works.” Follow-up of graduates by the institution of higher education was also encouraged. The feedback process offered by a mining industry advisory group to the mining technology program at Great Basin College was suggested as a model that should be followed in the field of education.

The delivery of college-level courses to teachers, especially in rural areas, continues to be a challenge. There was strong sentiment for bringing the courses to teachers. Higher education was reminded that some teachers are on year-round schedules and, therefore, not off during the summer when many College of Education courses are offered. As noted in a previous section, subject-matter courses often are not available at night or during summer sessions. Distance from the institutions continues to be a stumbling block for many teachers trying to take courses; Distance Learning should be enhanced. Since summer school is not state funded, it must be self-supporting, and enrollment in summer courses must reach a “critical mass” before the courses are offered. The groups suggested state funding for summer school.

7. Finally, what might the Legislature do to ensure that teachers possess the skills and knowledge necessary to teach to higher academic standards? What bill draft requests might the Committee recommend to get school ready for higher standards?

Attendees at the workshops felt the requirement in Senate Bill 482 to track teachers’ absences was at odds with the need for increased training since days spent attending training out of the classroom are not counted as days present. They recommended revising S.B. 482 to recognize that teachers need release time for training.

The need for regional training opportunities was repeated in all workshops. Training should be designed locally or regionally and should be brought closer to the schools and teachers. Some participants suggested the Legislature require local school districts to provide professional development centers; others thought funding for regional centers was more workable.

Appropriations for professional development centers, “GAIN-like” teacher training models, regional approaches to in-service training, and more paid days in the school calendar for training and planning were recommended at all four workshops.

The participants also wanted the Legislature to recognize teacher excellence, consider merit pay, review possible incentives for teachers to develop new skills, and strengthen licensing requirements.

In the area of licensing requirements, several suggestions were made for legislation: establish a five-year, “tiered” license, whereby a beginning teacher must take more coursework in the first few years; lengthen the time that it takes to acquire tenure; require substitute teachers to be trained; fund release-time from class, substitute teachers or stipends for mentor teachers; and license teachers in three grade levels, K-5, 6-8, and 9-12, rather than two levels (elementary and secondary). To assure that Nevada is able to attract a continuing supply of qualified teachers, out-of-state teachers should receive full credit for years of out-of-state teaching experience. The Legislature should offer incentives for teaching in high risk schools.

One potentially expensive suggestion for legislation was to limit the size of school, rather than to limit the pupil-teacher ratio. There was also a suggestion that the Legislature increase the salaries paid to employees of the Department of Education; the agency is unable to compete with salaries paid by local school districts.

Several of the suggested legislative measures dealt with pupils. Participants asked whether the federal and state Family Educational Rights and Privacy Act (FERPA) and Nevada’s Senate Bill 168 of the 1997 legislative session allow institutions of higher education to share information with school districts on the performance of their high school graduates once they get to college and of the types of analyses that will be possible with the SMART (Statewide Management of Automated Records Transfer) system for tracking student progress. More math courses should be required at the high school level, said the groups. There was strong feeling expressed regarding the need to end social promotion.

8. In the end, how will we evaluate whether teachers have gained the skills and knowledge necessary to teach to higher academic standards? By pupils’ performance on examinations of achievement and proficiency?

Most of the responses to this question focused on the need to measure growth in pupil achievement from year-to-year, rather than attainment of a certain score. Assessment of pupils’ academic performance might be conducted through either norm-referenced or criterion referenced tests or other assessments. Improvement in teachers’ performance might be measured by checklists, developed by the professional development center staff with input from teachers and administrators that focus on teaching skills and knowledge.

Finally, parental responsibility for sending children to school ready to learn was of great concern to those attending the workshops. For example, one teacher complained that while he was very well trained and able to teach to higher academic standards in grammar and composition, he spends most of his time getting pupils to sit down and be quiet.

As for the role of business representatives, workshop participants thought feedback on how graduates perform on the job and continued support through business partnerships were crucial to acceptance and implementation of higher standards.

Summary

The following points summarize key findings from the four regional workshops on teaching to higher standards:

- Quality teaching matters and quality training programs, at both the pre-service and in-service stages, provide the best return on dollars spent on education.
- Teacher training programs need to be standards-based, results-driven and job-imbedded.
- To teach to higher content standards, teachers need a strong dose of subject-matter content in their coursework. The GAIN (Geographic Alliance in Nevada) model, which is standards-based, was praised for combining high-level content with effective teaching methods and for the collaboration between the university and public schools.
- There is confusion among the education community, as well as the general public, regarding Nevada's standards-setting process.
- School districts should conduct in-depth "curriculum audits" of existing curriculum using the new standards to identify any necessary changes in what is taught and the associated need for professional development.
- Once new statewide standards are adopted, there should be a plan for checking whether those standards, and the associated training, continue to meet the expectations of parents, employers, higher education and school district employees. "We don't want to find out in 20 years that we were wrong again," said one participant.
- Training programs should be designed by veteran teachers and provide on-going support to ensure new practices are adopted by those receiving the training.
- Training programs should be brought closer to teachers and schools — right to the school site, if possible. More flexible scheduling of college-level courses is desired, especially for teachers working on non-traditional or year-round calendars.

- A regional consortium of school districts and higher education, such as northeastern Nevada’s consortium of five school districts and Great Basin College, was cited as an outstanding model for planning and implementing professional development programs.
- Professional development centers within school districts, such as the model program in Douglas County, or centers serving regions of the state were recommended for providing in-service training for teachers and administrators.
- Other successful methods of providing on-going training and continued support to teachers in the field are the “Trainer of Trainers” model and the presence of “learning strategists” in schools.
- Retreats, job shadowing, collaboration with other teachers, and visits to other schools were suggested as alternatives to the workshop method of providing training.
- A cadre of “master” teachers should be assembled to provide assistance to schools throughout the state.
- Incentives should be established to reward teachers for gaining new skills and knowledge. Incentives for taking rigorous courses might include college or recertification credit; books, supplies or instructional materials for the classroom; or a stipend. Other incentives might include recognition and other appeals to professionalism by encouraging National Board certification or establishing career ladders.
- To eliminate the “disconnect” between K-12 and higher education, a feedback loop should be established through mechanisms such as K-16 councils or regional consortia to improve communication. Higher education should inform high schools of the readiness of in-coming freshman and academic deficiencies of students majoring in certain fields, and school districts should provide feedback to higher education on the strengths and weaknesses of teachers trained in those institutions.
- In implementing more rigorous standards and associated training, the emphasis should be on the standards themselves, not on standardization. One program will not fit all teachers, schools or school districts.
- Better use of resources, including federal, state, local and private funding, is important in getting the most from funding available for professional development.
- Cooperation among teachers, administrators, school boards, the state Department of Education, higher education, and research groups are necessary for improving the quality of teaching in Nevada. Policymakers, parents, citizens and business must demand higher standards and reassure the education community of continued support for improved academic achievement.

APPENDIX C

RECOMMENDED PROGRAMS OF REMEDIATION (PROGRAM ABSTRACTS)

(The following is a list of the programs approved by the Legislative Committee on Education at its hearing March 26, 1998. A more detailed report was presented to the committee and distributed to the school districts; the complete report is available at the Legislative Counsel Bureau's Research Library, on file with the March 26, 1998, minutes of the Committee).

ACCELERATED SCHOOLS (AC)

A comprehensive reform program that improves student learning through enriched curriculum and instruction, improved school climate, and school organization changes based on stakeholder input (e.g., teachers, students, family, community).

BOOKS AND BEYOND (BB)

A program designed to motivate students in grades K-8 and their parents to become more discriminating in their allocation of time between recreational reading and television viewing.

COMPREHENSIVE SCHOOL MATHEMATICS PROGRAM (CSMP)

A complete elementary-level mathematics curriculum with a focus on problem-solving and concept development, promoting critical thinking as well as teaching basic skills.

COMPUTER CURRICULUM CORPORATION (CCC)

Computer Curriculum Corporation's premiere product, SuccessMaker software, offers over 3,000 hours of interactive learning in reading, language arts, mathematics, science, ESL/bilingual programs, and life-skills development.

CONNECTED MATHEMATICS PROJECT (CMP)

The Connected Math Project is designed for students in grades 6 through 8, serving as the bridge between elementary school basics, and high school algebra and geometry. The CMP's goal is to develop student and teacher knowledge of mathematics that is rich in connections and deep in understanding and skill.

CONTEMPORARY MATHEMATICS IN CONTEXT (CMIC)

Contemporary Mathematics in Context builds upon the theme of mathematics as sense-making.

Through investigations of real life contexts, students develop a rich understanding of important mathematics that make sense to them and which, in turn, enables them to make sense of new situations or problems.

CORE KNOWLEDGE (CK)

Core Knowledge is a complete K-8 curriculum that is content, rather than concept based. The program relies heavily on literature and specifies phonics instruction in grades K-3.

DIRECT INSTRUCTION (DI)

Direct Instruction is primarily an elementary school program, but may also be used successfully with secondary and adult special education and remedial students. It is a highly structured instruction approach, designed to accelerate the learning of at-risk students.

EVERYDAY MATHEMATICS (EM)

Everyday Mathematics is an enriched mathematics curriculum that was researched and developed by the University of Chicago School Mathematics Project. It encourages teachers and students to beyond arithmetic - to explore more of the mathematics spectrum by investigation data gathering and analysis, probability, geometry, patterns, and algebra.

FULL OPTION SCIENCE SYSTEM (FOSS)

FOSS is a carefully planned, flexible, and modular approach to science instruction and assessment for K-6 students. Its modular design provides versatility so that it can be used in many different school settings.

GREAT BOOKS (GB)

A literature-based program of interpretive reading, writing, and discussion which partially replaces or supplements conventional instruction in literature and comprehension and also provides benefits in critical thinking.

HIGH/SCOPE APPROACH TO EDUCATION (HS)

A comprehensive method for organizing and managing classroom environments and instructional activities to help at-risk students improve their school achievement and literacy skills by giving them opportunities to initiate and engage in learning activities that contribute to their cognitive, social, and physical development.

HELP ONE STUDENT TO SUCCEED (HOST)

A structured mentoring program in Language Arts. The program targets compensatory students (K-12) who need assistance in reading, writing, thinking, and study skills.

IMAGE-MAKING WITHIN THE WRITING PROCESS (IM)

A program that promotes literacy skills in elementary school-aged children through the integration of visual imagery throughout their writing process.

LIGHTSPAN (LS)

Lightspan was created to provide interactive educational programming to schools and homes using PCs, digital video multiplayers, and World Wide Web technologies. Lightspan's programming uniquely combines a comprehensive curriculum with the motivational power of characters, stories, and interactivity.

MATH THEMATICS - SIX THROUGH EIGHT MATHEMATICS (STEM)

Math Thematics is a complete 3-year mathematics curriculum. The mathematics in the program are presented in thematic modules, such as Comparisons and Predications and Search and Rescue, that connect mathematical ideas to real-world applications.

ON THE WAY TO SUCCESS IN READING AND WRITING with EARLY PREVENTION OF SCHOOL FAILURE (EPSF)

A holistic program approach to staff development in assessment and curriculum alignment from prekindergarten through second grade, with a central goal to improve their schools and with a shared purposed to increase student learning and sustain program effects for at-risk children.

READING RECOVERY (RR)

A supplementary, one-to-one intervention program for the least able readers in the first grade to help them acquire and use fundamental reading and comprehension skills.

READING RENAISSANCE (RR12)

Educators learn how to use Reading Workshop techniques to maximize effective reading practice; how to diagnose and intervene with at-risk students; how to solve reading problems before they start; how to interpret and respond to information on Accelerated Reader and S.T.A.R. reports; proven motivational strategies and student goal setting.

SUCCESS FOR ALL/ROOTS AND WINGS (SFA)

Success for All provides schools with innovative curricula and instructional methods in reading, writing, and language arts from kindergarten through grade 6 and includes extensive professional development. The curriculum emphasizes a balance between phonics and meaning in beginning reading and extensive use of cooperative learning throughout the grades.

VOYAGER EXPANDED LEARNING PROGRAM (VELP)

Voyager is a national education initiative created and managed by many of the nation's top public school educators. Voyager provides a variety of after-school, summer, intersession, and in-school programs for children, grades K-6.

APPENDIX D

RECOMMENDATIONS TO THE COUNCIL TO ESTABLISH ACADEMIC STANDARDS AND THE COMMISSION ON EDUCATIONAL TECHNOLOGY

Adopted by the Legislative Committee on Education at its September 25, 1997 meeting.

Next week, the Council to Establish Academic Standards for Public Schools and the Commission on Educational Technology, which were also created under Senate Bill 482, begin meeting. [The Standards Council on September 30th and Technology Commission on October 1st.] This committee will receive periodic reports concerning the actions of both the Council and the Commission as part of its oversight of the reform process. As co-author of S.B. 482, I would like to take some time to explain the duties and provide some background on the legislative intent behind the creation of each of these committees.

1. Council to Establish Academic Standards for Public Schools

The Council to Establish Academic Standards for Public Schools is charged with establishing high, measurable standards in English (reading, writing and composition), mathematics and science by September 1, 1998, and recommending examinations to measure the achievement of pupils in attaining those standards by November 1, 1998. On or before January 1, 1999, the State Board of Education must adopt the standards established by the Council and must consider recommendations of the Council when adopting examinations of achievement and proficiency to measure the achievement of pupils in attaining the standards. These Phase I standards will become effective in the 1999-2000 school year, and exams to measure pupils' achievement in those standards will commence in that same school year.

In Phase II of the process, standards for social studies, computer education, health and physical education, and the arts will be established on or before September 1, 1999, and corresponding examinations for social studies will be recommended by the Council on or before November 1, 1999. The State Board must adopt the Phase II standards established by the Council and consider the Council's recommendation regarding the social studies exam on or before January 1, 2000. Phase II standards must be in place in school year 2000-01, and the social studies exam must be given in that same school year.

The State Board of Education is bound by the Act to adopt the standards established by the Council; the State Board may not substitute other standards. The recommendations made by the Council concerning the corresponding examination must be considered by the State Board; however, the Board has some discretion in the adoption of the exams. Although the bill does not specify the type of examination required, it is generally understood that these exams will be criterion-referenced tests (CRTs). These exams will be mandatory and must be administered statewide. While CRTs

developed by school districts might be used as the basis for developing a statewide test, the school districts will not be allowed to each administer their own tests for this purpose, nor will a statewide pool of test items from which each school district selects test questions be considered in keeping with the intent of the law. The state's use of norm-referenced tests in grades 4, 8 and now 10 will continue to be the assessment instrument upon which the designation of a school's achievement level will be based.

The Council must bear in mind the overriding purpose of the standards is to improve student achievement. High academic standards are the key to education reform. They establish common expectations among students, teachers, parents, and policy makers. Quality standards help drive everything from the selection of teaching materials to methods of classroom instruction. They even help establish guidelines for teacher training and professional development.

It is the Legislature's intent that the content and performance standards be high and measurable and that the language be clear and specific. These should be academic standards NOT statements of philosophy. The Council should not waste valuable time "reinventing the wheel." The Act directs the Council to review and give consideration to standards and examinations adopted by this state or other states. Specifically, the Council is required to review standards considered exemplary, such as those of the Commonwealth of Virginia or those advocated in the "Standards Primer: A Resource for Accelerating the Pace of Reform," published by the Education Leaders Council. While the Council's time line for developing and establishing standards is tight, the Legislature does not want the Council to "rubber stamp" work done by this state or another state or group without carefully reviewing the appropriateness of the standards for our students. To assist the Council in its review, the Legislature recommends using groups of Nevada teachers, parents and business representatives to ensure the standards are high, measurable and reasonable. But experts from outside the state should not be dismissed; their expertise can save the Council time and help avoid pitfalls other states have experienced. The Council needs to set time lines for accomplishing its work and avoid problems that have derailed prior attempts to prepare standards, such as standards that reflect a single viewpoint. It will be important that the standards are easy to read and understand, but the Council should resist getting bogged down in questions of style or format. Working committees need to be large enough to include a variety of viewpoints but small enough to accomplish something. Finally, as standards are developed, the assessment of those standards needs to be carefully considered.

Several reporting requirements are included in the Act. The State Board of Education must present to the Standards Council and the Legislature, on or before February 1 of both the 1999 and 2001 legislative sessions, written reports on the standards adopted by the Board. The Standards Council must present a written report to the legislative money committees and the Governor, on or before April 1 of each of those sessions, on the standards adopted by the State Board and submit to the Director of the Legislative Counsel Bureau any recommendations for legislation necessary to establish the standards established by the Council. The Council must also report to the Legislative Committee on Education on or before June 30th of 1999 and 2001 regarding the standards and examinations adopted by the State Board. The Legislative Bureau of Educational Accountability and Program Evaluation will continue the duties of the Standards Council when it "sunset" on June 30, 2001.

2. Commission on Educational Technology

The Commission on Educational Technology is charged with establishing a plan for the use of technology in the public schools of this state. A draft of the plan is due on or before July 1, 1998, so preliminary information will be available for planning the 1999-2001 biennial budget. The final plan is due on or before January 1, shortly before the 1999 Legislature convenes. In developing this plan, the Commission shall consider plans adopted by the Nevada Department of Education and by local school districts and by other states, including the Iowa Communications Network.

The statewide educational technology plan must include recommendations for incorporating educational technology into the public schools, increasing the number of pupils with access to educational technology, increasing the availability of educational technology to assist teachers in meeting their needs for continuing education and training teachers to incorporate educational technology within their classrooms. The Commission shall also develop technical standards for educational technology and uniform specifications for computer hardware and wiring to ensure compatibility and connectivity. In addition to providing technical direction to educators regarding the use of technology in instruction, the Commission will be involved in allocating funds.

The Commission is charged with allocating money to the school districts from the trust fund for educational technology, including the \$27.5 million one-time appropriation for grants to school districts for purchasing educational technology for use in the classroom. The Commission will also establish criteria for school districts that receive funding from the \$8.6 million appropriated for repair, replacement, maintenance, upgrading, training and contracting for technical support. Note that the \$8.6 million may be used to contract for technical support; it is not the intent of this Act that these one-shot monies be used to hire on-going personnel.

There is no provision in the Act to "sunset" the Commission. Rather, the Commission is required to annually review its plan for educational technology and to make recommendations to the Legislative Committee on Education and the Department of Education as necessary. Furthermore, the Legislature would like the Commission to review technology programs and issues, such as the Nevada School Network, the SMART automated student records system, "distance learning" programs offered by higher education or Clark County School District's Channel 10, federal funds available for educational technology, and training for teachers that emphasizes using technology to improve instruction. This Committee hopes the Commission will stress the importance of maximizing all the dollars available for educational technology. The grant applications of school districts must show how educational technology will be used to improve instruction and academic achievement of pupils and to evaluate the effectiveness of the use of technology in achieving these aims. The Commission would be well advised to remember that educational technology is a tool for improving pupil achievement, not an end in itself. This Committee will monitor the Commission's actions in allocating these funds and the degree to which its decisions are tied to improved student achievement and to the successful integration of technology in the classroom.

APPENDIX E

MEMORANDUM

DATE: April 29, 1998

TO: Pepper Sturm
Chief Principle Research Analyst
Research Division

FROM: Lu Chen, Education Research Statistician
Fiscal Analysis Division

SUBJECT: **Analysis of PPST Scores**

Attached are two tables that provide summary statistics on Nevada's passing scores and passing rates on PPST compared to other states that also require their prospective teachers to take PPST. Since the tables are based on data that is not complete, assumptions will be pointed out in the discussion and interpretation of the tables.

As presented in the Table 1, PPST series tests are now required by 20 states for their prospective teachers. The possible score range for all PPST tests is 150-190. Both Reading and Mathematics comprise 40 multiple-choice questions. Writing is a composite of multiple-choice and essay scores. The mean passing scores for Reading, Writing, and Mathematics of all these states are 173, 172, and 172, respectively, as of August 1997 (The mean scores were calculated based on the statistics provided by Educational Testing Service in *Understanding Your Praxis Scores, 1997-98 Fall Edition*). Nevada's passing scores for the three tests were set as 172, 172, and 170 respectively in 1991 and have not been changed since. The data suggests that Nevada's passing score in Writing is identical with the states' average while Nevada's passing scores in both Reading and Mathematics are slightly lower than the averages of these states; this implies that in some cases, examinees who got half the questions wrong on tests still could receive a license.

The percentile ranks presented on Table 1 are the percentage of examinees who scored lower than the scaled score indicated. For example, a scaled score of 170 on Mathematics test corresponds to a percentile rank of 12; this means 12 percent of the examinees who took this test within the specific time period received scores lower than 170. Since the percentile ranks presented on this table were

calculated from the records of examinees who tested between October 1, 1992 and August 31, 1995, and who were college freshmen, sophomores, or juniors, one should note that the performance levels and the passing rates of Nevada's teachers in PPST tests from 1991 to present may vary from the percentiles calculated from the sample due to the following limitations. First, the distributions of the testing scores of Nevada's teachers may be different from the national distributions. Second, mean testing scores of all the states may vary slightly from one time period to another as the difficulty levels varies from one version to another. Third, the testing scores sent to the Nevada Department of Education may not be the same as the testing scores of Nevada's teachers, due to the factor that some of the examinees may not obtain a teaching position in Nevada.

Table 2 shows a comparison between the testing scores of the examinees who had their PPST scores reported to Nevada Department of Education to that of all examinees from the twenty states. It appears that the average performance ranges (i.e. the range of scores from the 25th to the 75th percentile) of Nevada teachers on PPST tests were slightly higher than that of the nation in 1996-1997. The statistics on Table 2 also suggest that White examinees attained the highest average performance levels in PPST tests in 1996-1997, while the African American's average performance levels on the three tests were the lowest among the four ethnic groups in the same time period.

Cc: Jeanne Botts
Mindy Braun

Table 1. Passing Scores on PPST and the Percentile Ranks

PRAXIS I: ACADEMIC SKILLS ASSESSMENTS TEST NAME: PPST								
Testing Period: 10/1/92 THROUGH 8/31/95								
Possible Score Range: 150-190								
Reading			Writing			Mathematics		
Name of the States	Passing Score*	Percentile Ranks	Name of the States	Passing Score*	Percentile Ranks	Name of the States	Passing Score*	Percentile Ranks
VA	178	43	VA	176	56	VA	178	44
NC	176	30	WI	174	46	HI	176	36
HI	175	24	DE	173	23	FL	175	31
DE	175	24	NC	173	23	OR	175	31
WI	175	24	GA	172	15	DE	174	26
OR	174	19	KS	172	15	KS	174	26
KS	173	16	MN	172	15	GA	173	22
ME	173	16	MS	172	15	NC	173	22
MN	173	16	NE	172	15	WI	173	22
OK	173	16	NV	172	15	ME	172	18
DC	172	12	OK	172	15	WV	172	18
FL	172	12	TN	172	15	NE	171	15
GA	172	12	AR	171	11	OK	171	15
NV	172	12	DC	171	11	MT	170	12
WV	172	12	FL	171	11	NV	170	12
AR	170	8	HI	171	11	AR	169	10
MS	170	8	OR	171	11	MN	169	10
MT	170	8	WV	171	11	MS	169	10
NE	170	8	MT	170	7	TN	169	10
TN	169	6	ME	168	3	DC	**	**
Mean	173	-	Mean	172	-	Mean	172	-
No. of Scores	82661		No. of Scores	83018		No. of Scores	82997	
Median	179		Median	175		Median	179	
25%	175		25%	173		25%	173	
75%	182		75%	178		75%	183	

* Passing scores as of August 1997. Some states listed above, such as Virginia, did not require PPST in the three-year time period.

** Test required – passing score not set.

Sources: 1995-96 Percentile Ranks and Summary Statistics, Educational Testing Service (ETS).

Table 2. Testing Scores by Subjects and by Ethnic Groups

PRAXIS I: ACADEMIC SKILLS ASSESSMENTS TEST NAME: PPST Testing Period: 10/1/96 THROUGH 09/30/97 Possible Score Range: 150-190			
National Total	Nevadan Total	White	African American
Reading Number of Examinees: 42174 Highest Observed Scores: 188 Lowest Observed Scores: 150 Median: 179 Average Performance Range: 174-183	Reading Number of Examinees: 610 Highest Observed Scores: 188 Lowest Observed Scores: 157 Median: 181 Average Performance Range: 176-184	Reading Number of Examinees: 515 Highest Observed Scores: 188 Lowest Observed Scores: 162 Median: 181 Average Performance Range: 177-184	Reading Number of Examinees: 20 Highest Observed Scores: 186 Lowest Observed Scores: 160 Median: 172.5 Average Performance Range: 168-175
Writing Number of Examinees: 43471 Highest Observed Scores: 190 Lowest Observed Scores: 152 Median: 175 Average Performance Range: 172-178	Writing Number of Examinees: 636 Highest Observed Scores: 187 Lowest Observed Scores: 162 Median: 176 Average Performance Range: 173-179	Writing Number of Examinees: 540 Highest Observed Scores: 187 Lowest Observed Scores: 163 Median: 176 Average Performance Range: 174-179	Writing Number of Examinees: 20 Highest Observed Scores: 179 Lowest Observed Scores: 162 Median: 171.5 Average Performance Range: 167-173
Mathematics Number of Examinees: 43721 Highest Observed Scores: 190 Lowest Observed Scores: 150 Median: 178 Average Performance Range: 171-184	Mathematics Number of Examinees: 632 Highest Observed Scores: 190 Lowest Observed Scores: 152 Median: 179 Average Performance Range: 171-184	Mathematics Number of Examinees: 533 Highest Observed Scores: 190 Lowest Observed Scores: 152 Median: 179 Average Performance Range: 172-184	Mathematics Number of Examinees: 21 Highest Observed Scores: 186 Lowest Observed Scores: 154 Median: 168 Average Performance Range: 161-173

Continued on next page

Table 2. Testing Scores by Subjects and by Ethnic Groups

PRAXIS I: ACADEMIC SKILLS ASSESSMENTS TEST NAME: PPST			
Testing Period: 10/1/96 THROUGH 09/30/97			
Possible Score Range: 150-190			
National Total	Nevadan Total	Asian	Hispanic
Reading Number of Examinees: 42174 Highest Observed Scores: 188 Lowest Observed Scores: 150 Median: 179 Average Performance Range: 174-183	Reading Number of Examinees: 610 Highest Observed Scores: 188 Lowest Observed Scores: 157 Median: 181 Average Performance Range: 176-184	Reading Number of Examinees: 18 Highest Observed Scores: 186 Lowest Observed Scores: 161 Median: 178 Average Performance Range: 171-181	Reading Number of Examinees: 31 Highest Observed Scores: 186 Lowest Observed Scores: 157 Median: 178 Average Performance Range: 175-181
Writing Number of Examinees: 43471 Highest Observed Scores: 190 Lowest Observed Scores: 152 Median: 175 Average Performance Range: 172-178	Writing Number of Examinees: 636 Highest Observed Scores: 187 Lowest Observed Scores: 162 Median: 176 Average Performance Range: 173-179	Writing Number of Examinees: 17 Highest Observed Scores: 186 Lowest Observed Scores: 162 Median: 178 Average Performance Range: 172-177	Writing Number of Examinees: 32 Highest Observed Scores: 182 Lowest Observed Scores: 164 Median: 174 Average Performance Range: 171-176
Mathematics Number of Examinees: 43721 Highest Observed Scores: 190 Lowest Observed Scores: 150 Median: 178 Average Performance Range: 171-184	Mathematics Number of Examinees: 632 Highest Observed Scores: 190 Lowest Observed Scores: 152 Median: 179 Average Performance Range: 171-184	Mathematics Number of Examinees: 17 Highest Observed Scores: 186 Lowest Observed Scores: 162 Median: 178 Average Performance Range: 173-183	Mathematics Number of Examinees: 34 Highest Observed Scores: 190 Lowest Observed Scores: 157 Median: 173 Average Performance Range: 166-179

Sources: *The Praxis Series, Total Examinees Summary Report, ETS*
The Praxis Series, State/Agency Summary Report, ETS

APPENDIX F

RECOMMENDED LEGISLATION

1	BDR 34-241	Makes various changes regarding teachers, administrators and probationary employees of school districts.
2	BDR S-243	Makes appropriations to facilitate establishment of regional training centers for professional development of teachers and administrators.
3	BDR S-244	Makes appropriation to Department of Education for reimbursement of certain costs of public school teachers to acquire national certification.
4	BDR 34-245	Revises provisions regarding commission on professional standards in education.
5	BDR 34-246	Makes various changes regarding administration and security of achievement and proficiency examinations in public schools.
6	BDR 34-247	Creates advisory committee to oversee proficiency examination administered to pupils in 11 th grade.
7	BDR 34-248	Revises provisions governing program of accountability for public schools.
8	BDR 34-250	Requires increased salaries for public school teachers with national certification.
9	BDR 34-251	Requires school districts to give teachers credit for out-of-state teaching service in determining salaries.
10	BDR 34-252	Requires school districts to pay costs for teachers to purchase retirement credit under certain circumstances.
11	BDR R-862	Urges Board of Regents, Department of Education and school districts to take certain actions necessary to facilitate sharing certain information.
12	BDR S-863	Revises provisions regarding council to establish academic standards for public schools
13	BDR 31-864	Revises provisions governing funds to stabilize operation of local government.
14	BDR R-865	Urges Commission on Professional Standards in Education to raise level of competence required on teacher competency tests.
15	BDR 34-866	Authorizes boards of trustees of school districts to negotiate for payment of unused sick leave to certain licensed teachers in form of additional retirement credit.
16	BDR 34-973	Requires achievement and proficiency examinations to be administered in public schools during spring semester.

SUMMARY—Makes various changes regarding teachers, administrators and probationary employees of school districts. (BDR 34-241)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to educational personnel; revising provisions governing the issuance of an initial license to teach and renewal of such a license; requiring certain teachers to possess knowledge of instruction in phonics; establishing a license to teach middle school or junior high school; prohibiting school districts from employing a teacher to teach certain subjects unless the teacher possesses a license to teach those subjects; revising provisions governing the evaluation of postprobationary and probationary teachers; revising provisions governing the probationary periods of teachers and administrators; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The superintendent of public instruction shall ensure that the department:*

(a) Reviews the transcripts submitted pursuant to NRS 391.033 by each applicant for an initial license to teach; and

(b) Determines, in accordance with the regulations adopted by the commission pursuant to subsection 3, whether the applicant must satisfy additional conditions before he is eligible to renew his initial license.

FLUSH

The review must include, without limitation, an identification of the level of knowledge acquired by the teacher in the field in which he proposes to teach, if any. If the department determines that the applicant must satisfy additional conditions, the initial license issued to the applicant by the superintendent of public instruction must specifically set forth in writing all such conditions on the license. If the department determines that the applicant is not required to satisfy additional conditions before he is eligible to renew his license, the initial license issued to the applicant by the superintendent of public instruction must contain a written statement to that effect.

2. The superintendent of public instruction shall not renew the initial license of a person who has not satisfactorily completed the conditions for renewal set forth on his license, if any.

3. *The commission shall adopt regulations that prescribe:*

(a) *The process for review of the transcripts of an applicant for an initial license to teach.*

(b) *The conditions that may be placed on an initial license to teach before the holder of the license is eligible to renew his license. Such conditions may include, without limitation, additional coursework that must be completed by the holder of the initial license.*

Sec. 3. A teacher who teaches in an elementary school shall provide evidence satisfactory to the commission, in accordance with the regulations adopted by the commission pursuant to subparagraph (5) of paragraph (a) of subsection 1 of NRS 391.019, that he possesses sufficient knowledge in teaching basic reading skills, including, without limitation, providing instruction in phonics.

Sec. 4. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Requiring teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) *Setting forth the educational requirements that a teacher who teaches in an elementary school must satisfy to demonstrate to the satisfaction of the commission that the teacher possesses sufficient knowledge in teaching basic reading skills, including, without limitation, providing instruction in phonics.*

(6) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 5. NRS 391.031 is hereby amended to read as follows:

391.031 There are the following kinds of licenses for teachers and other educational personnel in this state:

1. A license to teach elementary education, which authorizes the holder to teach in any elementary school in the state.

2. A license to teach secondary education, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any secondary school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the commission.

3. A license to teach middle school or junior high school, which authorizes the holder to teach in his major or minor field of preparation or in both fields in any middle school or junior high school. He may teach only in these fields unless an exception is approved pursuant to regulations adopted by the commission.

4. A special license, which authorizes the holder to teach or perform other educational functions in a school or program as designated in the license.

Sec. 6. NRS 391.033 is hereby amended to read as follows:

391.033 1. All licenses for teachers and other educational personnel are granted by the superintendent of public instruction pursuant to regulations adopted by the commission and as otherwise provided by law.

2. An application for the issuance of a license must include the social security number of the applicant.

3. Every applicant for a license must submit with his application a complete set of [his] :

(a) *His* fingerprints and written permission authorizing the superintendent to forward the fingerprints to the Federal Bureau of Investigation and to the central repository for Nevada records of criminal history for their reports on the criminal history of the applicant.

(b) *Transcripts of his academic record at colleges or other educational institutions.*

4. The superintendent may issue a provisional license pending receipt of the reports of the Federal Bureau of Investigation and the central repository for Nevada records of criminal history if he determines that the applicant is otherwise qualified.

5. A license must be issued to an applicant if:

(a) The superintendent determines that the applicant is qualified;

(b) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history:

(1) Do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(2) Indicate that the applicant has been convicted of a felony or an offense involving moral turpitude but the superintendent determines that the conviction is unrelated to the position within the county school district for which the applicant applied; and

(c) The applicant submits the statement required pursuant to NRS 391.034.

Sec. 7. NRS 391.037 is hereby amended to read as follows:

391.037 1. The state board shall:

(a) Prescribe by regulation the standards for approval of a course of study or training offered by an educational institution to qualify a person to be a teacher or administrator or to perform other educational functions. *If a course of study or training is designed to prepare persons to teach elementary education, the state board shall not approve the course of study or training unless the course of study or training provides instruction or training in the methods to teach basic reading skills, including, without limitation, the use of phonics.*

(b) Maintain descriptions of the approved courses of study required to qualify for endorsements in fields of specialization and provide to an applicant, upon request, the approved course of study for a particular endorsement.

2. Every applicant for a license as a teacher or administrator or to perform some other educational function must submit with his application, in the form prescribed by the superintendent of public instruction, proof that he has satisfactorily completed a course of study and training approved by the state board.

Sec. 8. NRS 391.100 is hereby amended to read as follows:

391.100 1. The board of trustees of a school district may employ a superintendent of schools, teachers and all other necessary employees.

2. The board of trustees of a school district ~~[-]~~ *shall not employ a teacher to provide instruction more than 50 percent of the school day in English, mathematics, science or*

social studies in a junior high school or in a middle school in which those subjects are taught to a pupil by different teachers, unless the teacher holds a:

(a) License to teach middle school or junior high school with an endorsement to teach in the subject area for which he provides instruction; or

(b) License to teach secondary education with an endorsement to teach in the subject area for which he provides instruction.

3. *The board of trustees of a school district:*

(a) May employ teacher aides and other auxiliary, nonprofessional personnel to assist licensed personnel in the instruction or supervision of children, either in the classroom or at any other place in the school or on the grounds thereof; and

(b) Shall establish policies governing the duties and performance of teacher aides.

~~[3-]~~ 4. Each applicant for employment pursuant to this section, except a teacher or other person licensed by the superintendent of public instruction, must, as a condition to employment, submit to the school district a full set of his fingerprints and written permission authorizing the school district to forward the fingerprints to the Federal Bureau of Investigation and the central repository for Nevada records of criminal history for their reports on the criminal history of the applicant.

~~[4-]~~ 5. The board of trustees of a school district may employ or appoint persons to serve as school police officers.

Sec. 9. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded no later than:

- (a) December 1;
- (b) February 1; and
- (c) April 1,

FLUSH of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second *or third* year of the probationary period or the school year following the probationary period, he shall bring the matter to the employee's attention in a written document which is separate from the evaluation no later than February 15 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year.

6. The evaluation of a probationary teacher or a postprobationary teacher must, if necessary, include recommendations for improvements in his performance. A reasonable effort must be made to assist the teacher to correct any deficiencies noted in the evaluation. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file.

7. *At least once each year an administrator who is charged with the evaluation of the teacher shall observe:*

(a) For a postprobationary teacher, at least 120 minutes of the performance of the teacher in the classroom.

(b) For a probationary teacher, at least 180 minutes of the performance of the teacher in the classroom.

Sec. 10. NRS 391.313 is hereby amended to read as follows:

391.313 1. Whenever an administrator charged with supervision of a licensed employee believes it is necessary to admonish the employee for a reason that he believes may lead to demotion, dismissal or cause the employee not to be reemployed under the provisions of NRS 391.312, he shall:

(a) Except as otherwise provided in subsection 2, bring the matter to the attention of the employee involved, in writing, stating the reasons for the admonition and that it may lead to his demotion, dismissal or a refusal to reemploy him, and make a reasonable effort to assist the employee to correct whatever appears to be the cause for his potential demotion, dismissal or a potential recommendation not to reemploy him; and

(b) Except as otherwise provided in NRS 391.314, allow reasonable time for improvement, which must not exceed 3 months for the first admonition.

FLUSH An admonition issued to a licensed employee who, within the time granted for improvement, has met the standards set for him by the administrator who issued the admonition must be removed from the records of the employee together with all notations and indications of its having been issued. The admonition must be removed from the records of the employee not later than 3 years after it is issued.

2. An administrator need not admonish an employee pursuant to paragraph (a) of subsection 1 if his employment will be terminated pursuant to NRS 391.3197. If by February 15 of the first , ~~or~~ second *or third* year of his probationary period a probationary employee does not receive a written notice pursuant to subsection 4 of NRS

391.3125 of a potential decision not to reemploy him, he must receive an admonition before any such decision is made.

3. A licensed employee is subject to immediate dismissal or a refusal to reemploy according to the procedures provided in NRS 391.311 to 391.3197, inclusive, without the admonition required by this section, on grounds contained in paragraphs (b), (f), (g), (h) and (p) of subsection 1 of NRS 391.312.

Sec. 11. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for ~~two 1-~~
~~year~~ *three consecutive periods of 1 year* and has no right to employment after ~~either of~~
~~the two~~ *any of the* probationary contract years.

2. ~~The~~ *Except as otherwise provided in subsection 3, the* board shall notify each probationary employee in writing on or before May 1 ~~of~~ :

(a) *Of the first and second school years of his probationary period, as appropriate, whether he is to be reemployed for the second or third year of the probationary period .*
~~of~~

(b) *Of the third school year of his probationary period whether he is to be reemployed for the next school year as a postprobationary employee.*

FLUSH The employee must advise the board in writing on or before May 10 of the first , ~~of~~ second *or third* year of his probationary period, as appropriate, of his acceptance of reemployment.

3. If a probationary employee is assigned to a school that operates all year, the board shall notify ~~him~~ *the employee* in writing ~~[, in]~~ *no later than 45 days before his last day of work for the year under his contract:*

(a) *In both the first and second years of his probationary period, ~~[no later than 45 days before his last day of work for the year under his contract]~~ as appropriate,* whether he is to be reemployed for the second *or third* year of the probationary period . ~~[or]~~

(b) *In the third year of his probationary period, whether he is to be reemployed for the next school year as a postprobationary employee. ~~[He]~~*

FLUSH *The employee* must advise the board in writing within 10 days after the date of notification of his acceptance or rejection of reemployment for another year. Failure to advise the board of his acceptance of reemployment constitutes rejection of the contract.

~~[3.]~~ 4. A probationary employee who completes his ~~[2-year]~~ probationary period of 3 years and receives a notice of reemployment from the school district in the ~~[second]~~ *third* year of his probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

~~[4.]~~ 5. A probationary employee who receives an unsatisfactory evaluation may request a supplemental evaluation by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in the state. ~~[If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been~~

~~satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.~~

~~—5.]~~ 6. If a probationary employee is notified that he will not be reemployed for the second *or third* year of his probationary period or the ensuing school year, his employment ends on the last day of the current school year. The notice that he will not be reemployed must include a statement of the reasons for that decision.

~~[6.]~~ 7. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a ~~[2-year]~~ probationary period *of 3 years* as an administrator in accordance with the provisions of this section. ~~[If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment.]~~ If a postprobationary teacher who is an administrator is not reemployed in that capacity after ~~[either year]~~ *the completion* of his probationary period, he may accept a contract as a teacher for the ensuing school year in writing on or before May 10. If he fails to accept the contract as a teacher, he shall be deemed to have rejected the offer of a contract as a teacher.

~~[7.]~~ 8. An administrator who has completed his probationary period pursuant to subsection ~~[6]~~ 7 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed in that capacity after the expiration of the additional probationary period, he may accept a contract for the ensuing school year, in writing, on or before May 10, for the administrative position in which he attained postprobationary status. If he fails to accept such a contract, he shall be deemed to have rejected the offer of employment.

~~[8.]~~ 9. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.

Sec. 12. NRS 391.350 is hereby amended to read as follows:

391.350 1. Any teacher or other licensed employee employed by any board for a specified time who willfully refuses or fails to fulfill his employment obligations after he has notified the board of his acceptance of employment ~~[under]~~ *pursuant to* subsection 3 of NRS 391.3196 or subsection 2 *or* 3 of NRS 391.3197 or to comply with the provisions of his contract after it has been signed without first obtaining the written consent of the board may be found guilty of unprofessional conduct. The board shall not unreasonably withhold its consent. Any administrator who willfully secures the signature on a statement of intent to accept employment of any teacher or other licensed employee who has notified the board of another school district in this state of his acceptance of

employment is guilty of unprofessional conduct, unless the employee has first obtained the written consent of the board to which he has given notice of acceptance. If the failure or refusal to comply with the provisions of the contract is the result of having subsequently executed an employment contract with another board in this state without the written consent of the board first employing him, the second contract is void.

2. Upon receiving a formal complaint from the board, substantiated by conclusive evidence of a teacher's failure or refusal under subsection 1 or that an administrator has willfully secured such a signature, the state board may suspend or revoke the license of the teacher or administrator after notice and opportunity for a hearing have been provided pursuant to NRS 391.322 and 391.323.

3. The superintendent of public instruction shall notify state agencies for education in other states of any revocation pursuant to this section.

Sec. 13. NRS 289.190 is hereby amended to read as follows:

289.190 1. A person employed or appointed to serve as a school police officer pursuant to subsection [4] 5 of NRS 391.100 has the powers of a peace officer.

2. A person appointed pursuant to NRS 393.0718 by the board of trustees of any school district has the powers of a peace officer to carry out the intents and purposes of NRS 393.071 to 393.0719, inclusive.

3. Members of every board of trustees of a school district, superintendents of schools, principals and teachers have concurrent power with peace officers for the protection of children in school and on the way to and from school, and for the

enforcement of order and discipline among such children, including children who attend school within one school district but reside in an adjoining school district or adjoining state, pursuant to the provisions of chapter 392 of NRS. This subsection must not be construed so as to make it the duty of superintendents of schools, principals and teachers to supervise the conduct of children while not on the school property.

Sec. 14. 1. Not later than January 1, 2000, the commission on professional standards in education shall adopt regulations prescribing the:

(a) Conditions of renewal that may be placed on an initial license to teach pursuant to section 2 of this act.

(b) Requirements and qualifications for the issuance of a license to teach middle school or junior high school.

2. The regulations adopted pursuant to this section become effective on or before July 1, 2000.

Sec. 15. Not later than July 1, 2000, the commission on professional standards in education shall adopt regulations setting forth, without limitation:

1. The educational requirements that a teacher who teaches in an elementary school must satisfy to demonstrate sufficient knowledge of teaching basic reading skills, including, without limitation, providing instruction in phonics.

2. The date by which a teacher who holds a license to teach that was issued on or before July 1, 2000, must satisfy these educational requirements.

3. The conditions under which a teacher will be required to submit evidence that he has satisfied these educational requirements.

Sec. 16. 1. This section and sections 1 to 7, inclusive, and 9 to 15, inclusive, of this act become effective on July 1, 1999.

2. Section 8 of this act becomes effective on July 1, 2000.

SUMMARY—Makes appropriations to facilitate establishment of regional training centers for professional development of teachers and administrators.
(BDR S-243)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT making appropriations to certain school districts for the establishment of regional training centers for the professional development of teachers and administrators; making an appropriation to the Legislative Bureau of Educational Accountability and Program Evaluation for an evaluation of the regional training centers; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the state general fund to the:

Clark County School District	\$2,489,379
Douglas County School District	\$1,376,300

Elko County School District	\$1,275,342
Washoe County School District	\$1,652,703

2. A school district that receives an appropriation pursuant to subsection 1:

(a) Shall use the money to establish and operate a regional training center for the professional development of teachers and administrators, including, without limitation, paying:

(1) The salaries and travel expenses of staff and other personnel necessary to the operation of the center;

(2) Related administrative expenses; and

(3) The costs incurred to acquire equipment and space to operate the center.

(b) Shall use the money to pay for the travel expenses of teachers and administrators who attend the regional training center.

(c) May use the money to provide incentives for teachers to attend the regional training center, including, without limitation, the:

(1) Arrangement for credit toward renewal of a license or an endorsement for a license;

(2) Provision of books, supplies or instructional materials for the classroom; and

(3) Provision of stipends.

3. The regional training center established by the Clark County School District must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Clark County;
- (b) Esmeralda County;
- (c) Lincoln County; and
- (d) Nye County.

4. The regional training center established by the Douglas County School District must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Churchill County;
- (b) Douglas County;
- (c) Lyon County; and
- (d) Mineral County.

5. The regional training center established by the Elko County School District must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Elko County;
- (b) Eureka County;
- (c) Lander County; and
- (d) White Pine County.

6. The regional training center established by the Washoe County School District must primarily provide services to teachers and administrators who are employed by school districts in:

- (a) Carson City;
- (b) Humboldt County;
- (c) Pershing County;
- (d) Storey County; and
- (e) Washoe County.

7. Notwithstanding the provisions of subsections 3 to 6, inclusive, each regional training center shall, when practicable, make reasonable accommodations for the attendance of teachers and administrators who are employed by school districts outside the primary jurisdiction of the regional training center.

8. Each regional training center must have a governing body consisting of:

(a) The superintendent of schools, or his designee, for each school district that is included within the primary jurisdiction of the regional training center.

(b) Teachers who are considered masters, appointed by the superintendent of schools of each school district that is included within the primary jurisdiction of the regional training center. At least one teacher must be appointed from each such school district.

(c) Representatives of the University and Community College System of Nevada, appointed by the Board of Regents.

9. In addition to the representatives required pursuant to subsection 8, the governing body may also include representatives of an institution of higher education, other than those within the University and Community College System of Nevada, nominated for appointment by the governing authority of the institution.

10. The governing body of each regional training center shall adopt a program of training for the center, taking into consideration other model programs, including, without limitation, the program used by the Geographic Alliance in Nevada. The governing body shall assess the training needs of teachers who are employed by the school districts within the primary jurisdiction of the regional training center and adopt priorities of training for the center based upon the assessment of needs. The board of trustees of each such school district may submit recommendations for the types of training that should be offered by the center. Based upon the assessment of needs for training within the region and the priorities of training adopted, each regional training center shall provide at least one of the following types of training:

(a) Training for teachers in the standards adopted by the Council to Establish Academic Standards for Public Schools pursuant to section 45 of chapter 473, Statutes of Nevada 1997.

(b) Training for teachers and school administrators in the measurement of pupil achievement and the effective methods to analyze the test scores of pupils to improve the achievement and proficiency of pupils.

(c) Training for teachers in specific content areas to enable the teachers to provide a higher level of instruction in their respective fields of teaching. Such training must include instruction in effective methods to teach in a content area provided by teachers who are considered masters in that content area.

(d) Training for teachers in the methods to teach basic skills to pupils, such as providing instruction in reading with the use of phonics and providing instruction in basic skills of math computation.

11. The training required pursuant to subsection 10 must:

(a) Include appropriate procedures to ensure follow-up training for teachers and administrators who have received training at the center.

(b) Incorporate training that addresses the educational needs of:

(1) Pupils with disabilities who participate in programs of special education; and

(2) Pupils whose primary language is not English.

12. A regional training center may include model classrooms at the center which demonstrate the use of educational technology for teaching and learning.

13. The governing body of each regional training center shall:

(a) Establish a method for the evaluation of the success of the regional training center;
and

(b) Submit an annual report to the State Board of Education, the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(1) The priorities of training adopted by the governing body pursuant to subsection 10;

(2) The type of training offered at the center;

(3) The number of teachers and administrators who received training at the center during the immediately preceding year; and

(4) An evaluation of the success of the regional training center in accordance with the method established pursuant to paragraph (a).

14. The board of trustees of each school district shall submit an annual report to the State Board of Education, the Commission on Professional Standards in Education, the Legislative Committee on Education and the Legislative Bureau of Educational Accountability and Program Evaluation that includes:

(a) The number of teachers and administrators employed by the school district who received training at a regional training center during the immediately preceding year; and

(b) An evaluation of whether that training included the standards of content and performance adopted by the Council to Establish Academic Standards for Public Schools pursuant to section 45 of chapter 473, Statutes of Nevada 1997.

15. Any remaining balance of the appropriations made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 2. 1. There is hereby appropriated from the state general fund to the legislative fund created pursuant to NRS 218.085 the sum of \$100,000 for use by the Legislative Bureau of Educational Accountability and Program Evaluation.

2. The Legislative Bureau of Educational Accountability and Program Evaluation shall use the money appropriated by subsection 1 to hire a qualified, independent

consultant to conduct an evaluation of the success of the four regional training centers established pursuant to section 1 of this act. The evaluation must include, without limitation, a review of the annual reports submitted by the governing body of each regional training center pursuant to subsection 13 of section 1 of this act and the annual reports submitted by the board of trustees of each school district pursuant to subsection 14 of section 1 of this act.

3. On or before February 1, 2001, the consultant shall submit a written report of the results of his evaluation to the Legislative Bureau of Educational Accountability and Program Evaluation. On or before February 19, 2001, the Legislative Bureau of Educational Accountability and Program Evaluation shall submit a copy of the written evaluation, including any recommendations for legislation, to the Director of the Legislative Counsel Bureau for transmission to the 71st session of the Nevada Legislature.

4. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.

SUMMARY—Makes appropriation to Department of Education for reimbursement of certain costs of public school teachers to acquire national certification.

(BDR S-244)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT making an appropriation to the Department of Education for reimbursement of certain costs of public school teachers related to acquiring certification by the National Board for Professional Teaching Standards; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. 1. There is hereby appropriated from the state general fund to the Department of Education the sum of \$20,000 for reimbursement of certain costs of public school teachers related to acquiring certification by the National Board for Professional Teaching Standards.

2. If a public school teacher desires to obtain reimbursement from the Department of Education for the costs that will be incurred in acquiring certification by the National Board for Professional Teaching Standards, the teacher shall file a statement of intended certification with the school district by whom he is employed. The statement must be filed at least 1 year before the teacher reasonably believes that he will acquire the certification. Upon receipt of such a statement, the school district shall forward a copy of the statement to the Department of Education.

3. Upon certification, a public school teacher who has filed such a statement may request reimbursement by submitting to the school district proof that he has acquired the certification and a statement of the costs incurred by the teacher in acquiring the certification. The school district shall verify the certification and the statement of costs. Upon verification, the school district shall notify the Department of Education of the certification and the amount of verified costs and shall request the Department to reimburse the teacher. Upon receipt of such a request, the Department shall cause the teacher to be reimbursed. Such a reimbursement must not exceed an amount equal to the actual verified costs incurred by the teacher or \$2,000, whichever is less, to the extent that money is available from the appropriation made by subsection 1 for this purpose or other sources.

4. The Department of Education shall not reimburse costs related to certification acquired by a teacher before July 1, 1999.

Sec. 2. Any remaining balance of the appropriation made by subsection 1 of section 1 of this act must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval.

SUMMARY—Revises provisions regarding commission on professional standards in education. (BDR 34-245)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; revising the membership of the commission on professional standards in education; providing for the appointment of new members to the commission; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.011 is hereby amended to read as follows:

391.011 1. The commission on professional standards in education, consisting of nine members ~~[appointed by the governor,]~~ is hereby created.

2. ~~[Four members of the commission must be teachers who teach in the classroom]~~

The governor shall appoint five members to the commission as follows:

(a) One ~~[who teaches in a secondary school.]~~ *member who is a teacher, administrator, counselor or psychologist in a high school.*

(b) One ~~[who teaches]~~ *member who is a teacher, administrator, counselor or psychologist in a middle school or junior high school.*

(c) One ~~[who teaches]~~ *member who is a teacher, administrator, counselor or psychologist in an elementary school.*

(d) ~~[One who teaches special education.]~~

~~3. The remaining members of the commission must include:~~

~~(a) One counselor or] Two members who are not employed by or otherwise affiliated with a public or private school in this state.~~

3. *The majority leader of the senate and the speaker of the assembly shall each appoint two members to the commission as follows:*

(a) *One of whom is a:*

(1) *Teacher, administrator, counselor or psychologist employed by a school district [-*

~~(b) Two administrators of schools, at least one of whom must be a principal of a school.~~

~~(c) The dean] or a private school licensed pursuant to chapter 394 of NRS; or~~

(2) *Representative of [the] a College of Education at one of the universities in the University and Community College System of Nevada, [or a representative of one of the*

~~Colleges of Education nominated by such]~~ *nominated by a dean of that college* for appointment . ~~[by the governor.~~

~~—(d) One member who is a representative of the general public.~~

~~—4. The appointments of a counselor, the administrators and three of the four teachers must be made from a list of names of at least three persons for each position that is submitted to the governor:~~

~~—(a) For the counselor and teachers, by an employee organization representing the majority of counselors and the majority of teachers in the State of Nevada who teach in the educational level from which the appointment is being made; or~~

~~—(b) For administrators, by an organization of administrators for schools in which the majority of administrators of schools in this state have membership.~~

~~—5.] (b) One of whom is a representative of a private business or industry.~~

4. One member of the commission *appointed by the governor* who is a teacher, administrator, counselor or psychologist must be employed by a private school licensed pursuant to chapter 394 of NRS.

Sec. 2. NRS 391.013 is hereby amended to read as follows:

391.013 1. *Except as otherwise provided for an initial term, the term of each member of the commission is 3 years.* No member of the commission who is a teacher, counselor ~~[, administrator or representative of the general public]~~ *or administrator* may serve more than two terms.

2. A vacancy in the membership of the commission must be filled for the remainder of the unexpired term in the same manner as the original appointment.

Sec. 3. 1. The terms of office of all members appointed to the commission on professional standards in education who are incumbent on June 30, 1999, expire on that date.

2. Not later than July 1, 1999, appointments to the commission on professional standards in education pursuant to the amendatory provisions of section 1 of this act must be made as follows:

(a) Two members appointed by the governor, one member appointed by the majority leader of the senate and one member appointed by the speaker of the assembly must be appointed to terms expiring on June 30, 2001.

(b) Three members appointed by the governor, one member appointed by the majority leader of the senate and one member appointed by the speaker of the assembly must be appointed to terms expiring on June 30, 2002.

FLUSH Such appointments may include members whose terms expired pursuant to subsection 1.

Sec. 4. This act becomes effective upon passage and approval.

SUMMARY—Makes various changes regarding administration and security of achievement and proficiency examinations in public schools.
(BDR 34-246)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; making various changes regarding the administration, required reporting and security of the achievement and proficiency examinations administered to pupils in public schools; providing administrative penalties for breaches of the security or confidentiality of the achievement and proficiency examinations; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations

administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.
- (c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.
- (d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district

and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of ~~public instruction~~ *schools of the school district* shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than ~~10~~ 15 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board. *A pupil with a disability may take an examination with modifications or*

accommodations that are not approved by the publisher of the examination. The results of such an examination must not be reported pursuant to subsection 2 of NRS 389.017.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to NRS 385.389.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a [state] :

(1) *State officer who is a member of the executive or legislative branch to the extent that it is related to the performance of ~~[that officer's duties.]~~ his duties;*

(2) *Superintendent of schools of a school district to the extent that it is related to the performance of his duties;*

(3) *Director of curriculum of a school district to the extent that it is related to the performance of his duties; and*

(4) *Director of testing of a school district to the extent that it is related to the performance of his duties.*

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 2. NRS 389.017 is hereby amended to read as follows:

389.017 1. The state board shall prescribe regulations requiring that each board of trustees of a school district and each governing body of a charter school submit to the superintendent of public instruction and the department, in the form and manner prescribed by the superintendent, the results of achievement and proficiency examinations given in the 4th, 8th, 10th and 11th grades to public school pupils of the district and

charter schools. The state board shall not include in the regulations any provision which would violate the confidentiality of the test scores of any individual pupil.

2. The results of examinations administered to all pupils must be reported for each school, including, without limitation, each charter school, school district and this state as follows:

(a) The average score of pupils with disabilities for whom different standards of achievement are adopted or other modifications or accommodations are made if ~~such~~ :

(1) The modifications or accommodations are approved by the publisher of the examination; and

(2) Such reporting does not violate the confidentiality of the test scores of any individual pupil;

(b) The average score of pupils for whom different standards of achievement were not adopted or other modifications or accommodations were not made; and

(c) The average score of all pupils who were tested ~~[-]~~ , *except for pupils with disabilities who took an examination with modifications or accommodations that are not approved by the publisher of the examination.*

3. On or before November 1 of each year, each school district and each charter school shall report to the department the following information for each examination administered in the public schools in the school district or charter school:

(a) The examination administered;

- (b) The grade level or levels of pupils to whom the examination was administered;
- (c) The costs incurred by the school district or charter school in administering each examination; and
- (d) The purpose, if any, for which the results of the examination are used by the school district or charter school.

FLUSH On or before December 1 of each year, the department shall transmit to the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau the information submitted to the department pursuant to this subsection.

4. The superintendent of schools of each school district and the governing body of each charter school shall certify that the number of pupils who took the examinations required pursuant to NRS 389.015 is equal to the number of pupils who are enrolled in each school in the school district or in the charter school who are required to take the examinations except for those pupils who are exempt from taking the examinations. A pupil may be exempt from taking the examinations if:

(a) His *primary language is not English and his* proficiency in the English language is below the average proficiency of pupils at the same grade level ~~{;}~~ *as measured by an assessment of proficiency in the English language prescribed by the state board;* or

(b) He is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, and his program of special education specifies that he is exempt from taking the examinations.

5. In addition to the information required by subsection 3, the superintendent of public instruction shall:

(a) Report the number of pupils who were not exempt from taking the examinations but were absent from school on the day that the examinations were administered; and

(b) Reconcile the number of pupils who were required to take the examinations with the number of pupils who were exempt from taking the examinations or absent from school on the day that the examinations were administered.

6. The state board shall prescribe an assessment of proficiency in the English language for pupils whose primary language is not English to determine which pupils are exempt from the examinations pursuant to paragraph (a) of subsection 4.

Sec. 3. NRS 391.312 is hereby amended to read as follows:

391.312 1. A teacher may be suspended, dismissed or not reemployed and an administrator may be demoted, suspended, dismissed or not reemployed for the following reasons:

(a) Inefficiency;

(b) Immorality;

(c) Unprofessional conduct;

(d) Insubordination;

(e) Neglect of duty;

(f) Physical or mental incapacity;

(g) A justifiable decrease in the number of positions due to decreased enrollment or district reorganization;

(h) Conviction of a felony or of a crime involving moral turpitude;

(i) Inadequate performance;

(j) Evident unfitness for service;

(k) Failure to comply with such reasonable requirements as a board may prescribe;

(l) Failure to show normal improvement and evidence of professional training and growth;

(m) Advocating overthrow of the Government of the United States or of the State of Nevada by force, violence or other unlawful means, or the advocating or teaching of communism with the intent to indoctrinate pupils to subscribe to communistic philosophy;

(n) Any cause which constitutes grounds for the revocation of a teacher's license;

(o) Willful neglect or failure to observe and carry out the requirements of this Title;

~~{o}~~

(p) Dishonesty ~~{-}~~; *or*

(q) Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

2. In determining whether the professional performance of a licensed employee is inadequate, consideration must be given to the regular and special evaluation reports

prepared in accordance with the policy of the employing school district and to any written standards of performance which may have been adopted by the board.

Sec. 4. NRS 391.330 is hereby amended to read as follows:

391.330 The state board may suspend or revoke the license of any teacher, administrator or other licensed employee, after notice and an opportunity for hearing have been provided pursuant to NRS 391.322 and 391.323, for:

1. Immoral or unprofessional conduct.
2. Evident unfitness for service.
3. Physical or mental incapacity which renders the teacher, administrator or other licensed employee unfit for service.
4. Conviction of a felony or crime involving moral turpitude.
5. Conviction of a sex offense under NRS 200.366, 200.368, 201.190, 201.220, 201.230 or 207.260 in which a pupil enrolled in a school of a county school district was the victim.
6. Knowingly advocating the overthrow of the Federal Government or of the State of Nevada by force, violence or unlawful means.
7. Persistent defiance of or refusal to obey the regulations of the state board, the commission or the superintendent of public instruction, defining and governing the duties of teachers, administrators and other licensed employees.

8. Breaches in the security or confidentiality of the questions and answers of the achievement and proficiency examinations that are administered pursuant to NRS 389.015.

Sec. 5. This act becomes effective on July 1, 1999.

SUMMARY—Creates advisory committee to oversee proficiency examination administered to pupils in 11th grade. (BDR 34-247)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT relating to education; creating an advisory committee to oversee the proficiency examination administered to pupils before the completion of 11th grade; making appropriations to the department of education for certain costs related to the examination and the advisory committee; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 389 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. There is hereby created an advisory committee, consisting of nine members, to oversee the proficiency examination administered to pupils before the completion of grade 11 pursuant to NRS 389.015.

2. The governor shall appoint five members to the advisory committee as follows:

(a) Four representatives of school districts who are responsible for overseeing the administration of the examinations given to pupils pursuant to NRS 389.015 within their respective school districts, including, without limitation, testing directors and testing administrators. At least one member appointed by the governor pursuant to this paragraph must be employed by the board of trustees of a school district in a county whose population is less than 100,000. Not more than two members appointed by the governor pursuant to this paragraph may be employed by the board of trustees of the same school district.

(b) One representative of the University and Community College System of Nevada who possesses knowledge and experience in the assessment of pupils who are enrolled in public schools, nominated for appointment by the board of regents.

3. The majority leader of the senate and the speaker of the assembly shall each appoint two members to the advisory committee as follows:

(a) One parent or legal guardian of a pupil who is enrolled in a public school in this state; and

(b) One representative of a private business or industry.

4. *The advisory committee shall elect a chairman from among its members.*

5. *The members of the advisory committee serve at the pleasure of the appointing authority. A vacancy in the membership of the advisory committee must be filled in the same manner as the original appointment.*

6. *Each member of the advisory committee serves without compensation, except that for each day or portion of a day during which a member attends a meeting of the advisory committee or is otherwise engaged in the business of the advisory committee, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

7. *The department shall provide administrative support to the advisory committee.*

Sec. 3. 1. *The advisory committee to oversee the proficiency examination created pursuant to section 2 of this act shall:*

(a) *Hold at least four meetings each year, at least one of which must be held before the administration of the proficiency examination in the public schools of this state;*

(b) *Review the questions and answers on the proficiency examination;*

(c) *Review the data used by the state board to establish the score for passing the proficiency examination;*

(d) *Review the percentage of pupils who pass the proficiency examination before the completion of grade 11 and the percentage of pupils who fail to pass the examination and receive a certificate of attendance pursuant to subsection 6 of NRS 389.015;*

(e) Review the costs of administering the proficiency examination;

(f) Determine whether the proficiency examination adequately measures the:

(1) Achievement of pupils in the standards of content adopted by the state board;

and

(2) Level of proficiency of pupils in the standards of performance adopted by the state board;

(g) Submit a quarterly report to the state board that includes a summary of the actions of the advisory committee during the immediately preceding quarter and the recommendations of the advisory committee, if any, for modification of the:

(1) Content of the proficiency examination;

(2) Score for passing the proficiency examination; or

(3) Manner in which the examination is administered; and

(h) Submit an annual report to the legislative committee on education created pursuant to NRS 218.5352 that includes a summary of the actions of the advisory committee during the immediately preceding year and any recommendations of the advisory committee for legislation relating to the proficiency examination.

2. The provisions of chapter 241 of NRS do not apply to a meeting or a portion of a meeting of the advisory committee to the extent that it is necessary for the advisory committee to maintain the confidentiality of the proficiency examination.

3. *Upon the written request of the chairman of the advisory committee, the state board and the department shall provide all information that is necessary for the advisory committee to carry out its duties pursuant to this section.*

4. *As used in this section, "proficiency examination" means the examination that is administered to pupils before the completion of grade 11 pursuant to NRS 389.015.*

Sec. 4. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to NRS 385.389.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial

study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

(d) That, upon the written request of the chairman of the advisory committee created pursuant to section 2 of this act, the superintendent of public instruction shall disclose the questions and answers on the proficiency examination that is administered to pupils

before the completion of grade 11 to the members of the advisory committee. The chairman of the advisory committee may submit such a request if the disclosure is necessary for the advisory committee to carry out its duties pursuant to section 3 of this act. Such a disclosure must be made in a manner that does not violate the confidentiality of the examination.

Sec. 5. 1. There is hereby appropriated from the state general fund to the department of education for the continued development, administration and central scoring of a high school proficiency examination:

For the fiscal year 1999-2000	\$384,825
For the fiscal year 2000-2001	\$371,648

2. The sums appropriated by subsection 1 are available for either fiscal year. Any balance remaining of those sums must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 6. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$30,000 for the payment of per diem allowances and travel expenses pursuant to subsection 6 of section 2 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 7. The members of the advisory committee created pursuant to section 2 of this act must be appointed on or before July 1, 1999.

Sec. 8. 1. This section and sections 5, 6 and 7 of this act become effective upon passage and approval.

2. Section 2 of this act becomes effective upon passage and approval for the purpose of appointing members to the advisory committee pursuant to that section and on July 1, 1999, for all other purposes.

3. Sections 1, 3 and 4 of this act become effective on July 1, 1999.

SUMMARY—Revises provisions governing program of accountability for public schools. (BDR 34-248)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: Contains Appropriation not included in Executive Budget.

AN ACT relating to public schools; revising the provisions governing the program of accountability for public schools; making an appropriation to the department of education for remedial programs for certain public schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 385 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The department shall not designate a public school pursuant to NRS 385.363 if:*

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is less than 90 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department; and

(b) At least 60 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared.

2. If the department does not designate a public school pursuant to NRS 385.363, the board of trustees of the school district in which the school is located shall:

(a) Prepare a written statement explaining why the number of pupils who took the examinations administered pursuant to NRS 389.015 is less than 90 percent of the pupils who were required to take the examinations;

(b) Prepare a written plan to increase the number of pupils who take the examinations administered pursuant to NRS 389.015; and

(c) On or before May 1 of the year in which the school receives notice pursuant to NRS 385.369 that a designation will not be made for the school, submit the written statement and plan to the:

(1) Governor;

(2) Department;

(3) Committee; and

(4) Bureau.

Sec. 3. 1. If the department does not designate a school pursuant to NRS 385.363 and, in the immediately succeeding school year, at least 90 percent of the pupils enrolled in the school who are required to take the examinations administered pursuant to NRS 389.015 do not take the examinations, the department shall designate the school as demonstrating need for improvement and the provisions of NRS 385.373 apply.

2. If the department designates a school as demonstrating need for improvement pursuant to subsection 1:

(a) The school shall, in the immediately succeeding school semester, administer examinations to the pupils in the school who are enrolled in a grade that is required to take the examinations pursuant to NRS 389.015. The examinations must be the same examinations that are administered to a national reference group of pupils in the same grade. The school shall pay for all costs related to the administration of examinations pursuant to this paragraph.

(b) The department shall monitor at the school the administration of the examinations that are required pursuant to NRS 389.015 until the school receives a designation as demonstrating exemplary achievement, high achievement or adequate achievement pursuant to NRS 385.365.

3. *A school that is designated as demonstrating need for improvement pursuant to subsection 1 is not eligible to receive money for remedial programs made available by legislative appropriation for the purposes of NRS 385.389.*

4. *If the department designates a school as demonstrating need for improvement pursuant to subsection 1 for two or more consecutive years, the provisions of NRS 385.375 and 385.378 apply.*

Sec. 4. NRS 385.3455 is hereby amended to read as follows:

385.3455 As used in NRS 385.3455 to 385.391, inclusive, *and sections 2 and 3 of this act*, unless the context otherwise requires, the words and terms defined in NRS 385.346 and 385.3465 have the meanings ascribed to them in those sections.

Sec. 5. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district.

2. The board of trustees of each school district shall, on or before March 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

FLUSH Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the current school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils ~~[in attendance in that period.]~~ *who are enrolled in the school.*

FLUSH In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and 11. The results of these examinations for the current school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation,

each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) ~~[A comparison of the types of classes that each teacher has]~~ *The number of teachers who have* been assigned to teach ~~[with the qualifications and licensure of the teacher,]~~ *English, mathematics, science or social studies but do not possess a license with an endorsement to teach in that subject area,* for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) The annual rate of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) *The number of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.*

(o) The number of pupils in each grade who are retained in the same grade pursuant to NRS 392.125, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(p) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

~~{(q)}~~ (q) Each source of funding for the school district.

~~{(r)}~~ (r) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

~~{(s)}~~ (s) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

~~{(t)}~~ (t) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

- (1) Nevada State Education Association;
- (2) Nevada Association of School Boards;
- (3) Nevada Association of School Administrators;
- (4) Nevada Parent Teachers Association;
- (5) Budget division of the department of administration; and
- (6) Legislative counsel bureau,

FLUSH concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. *The superintendent of public instruction may consult with representatives of parent groups other than the Nevada Parent Teachers Association concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.*

5. On or before April 15 of each year, the board of trustees of each school district shall submit to the advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

Sec. 6. NRS 385.351 is hereby amended to read as follows:

385.351 - 1. On or before April 15 of each year, the board of trustees of each school district shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Committee; and
- (e) Bureau.

2. On or before April 15 of each year, the board of trustees of each school district shall submit the information prepared by the board of trustees pursuant to paragraph ~~[(q)]~~ (s) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the board of trustees of each school district shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the district's program of accountability during the school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; ~~[and]~~

(II) The identification of any problems or factors at individual schools that are revealed by the review and analysis ~~[]~~ ;

(III) A summary of the efforts that the school district has made or intends to make in response to the deficiencies or recommendations identified in the report submitted to the district pursuant to paragraph (b) of subsection 1 of NRS 385.359; and

(IV) A description of the progress that the school district has achieved, if any, as a result of the recommendations submitted pursuant to paragraph (b) of subsection 1 of NRS 385.359 in preceding years.

(2) A written procedure to improve the achievement of pupils who are enrolled in schools within the district, including, but not limited to, a description of the efforts the district has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the board of trustees to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

- (1) Governor;
- (2) State board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

4. The department shall maintain a record of the information that it receives from each school district pursuant to this section in such a manner as will allow the department to create for each school a yearly profile of information.

5. The board of trustees of each school district shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the school district adopted pursuant to NRS 354.598.

Sec. 7. NRS 385.356 is hereby amended to read as follows:

385.356 The department shall maintain a record of the:

1. Information that it receives from each school district pursuant to NRS 385.351;
and

2. Designation made for each school pursuant to NRS 385.363 ~~[]~~ *and section 3 of this act,*

FLUSH in such a manner as will allow the department to evaluate the progress of each school in improving the achievement of pupils who are enrolled in the school on the examinations required pursuant to NRS 389.015, *improving* the attendance of pupils who are enrolled in the school ~~[and]~~, *improving* the attendance of teachers who provide instruction at the school ~~[]~~ *and increasing the number of pupils who take the examinations required pursuant to NRS 389.015.*

Sec. 8. NRS 385.359 is hereby amended to read as follows:

385.359 1. The bureau shall contract with a person or entity to:

(a) Review and analyze the information submitted to the bureau pursuant to NRS 385.351 in accordance with standards prescribed by the committee pursuant to subsection 2 of NRS 218.5354;

(b) ~~{Consult}~~ *Submit a written report to and consult* with each school district regarding any methods by which the district may improve the accuracy of the report required pursuant to subsection 2 of NRS 385.347 and the written report and written procedure required pursuant to NRS 385.351, and the purposes for which the reports and written procedure are used; and

(c) Submit written reports and any recommendations to the committee and the bureau concerning:

(1) The effectiveness of the provisions of NRS 385.3455 to 385.391, inclusive, *and sections 2 and 3 of this act*, in improving the accountability of the schools of this state;

(2) The status of each school that is designated as demonstrating ~~{inadequate achievement}~~ *need for improvement* pursuant to NRS 385.367 ~~{;}~~ *and section 3 of this act*; and

(3) Any other matter related to the accountability of the public schools of this state, as deemed necessary by the bureau.

2. The consultant with whom the bureau contracts to perform the duties required pursuant to subsection 1:

(a) Must possess the experience and knowledge necessary to perform those duties, as determined by the committee; and

(b) Shall complete those duties within 6 months after the bureau provides to the consultant the report required pursuant to subsection 2 of NRS 385.347 and the written report and written procedure required pursuant to NRS 385.351.

Sec. 9. NRS 385.363 is hereby amended to read as follows:

385.363 The department shall, on or before ~~December 15~~ *April 1* of each year:

1. Evaluate the information submitted by each school district pursuant to paragraphs (b) ~~[(g) and (i)]~~ *and (g)* of subsection 2 of NRS 385.347; and

2. ~~Based~~ *Except as otherwise provided in section 2 of this act, based* upon its evaluation and in accordance with the criteria set forth in NRS 385.365 and 385.367, designate each public school within each school district as:

(a) *Demonstrating exemplary achievement;*

(b) Demonstrating high achievement;

~~[(b)]~~ (c) Demonstrating adequate achievement; or

~~[(c) Demonstrating inadequate achievement.]~~

(d) *Demonstrating need for improvement.*

Sec. 10. NRS 385.365 is hereby amended to read as follows:

385.365 1. The department shall designate a public school as demonstrating ~~high~~ *exemplary* achievement if:

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 95 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;

(b) At least 50 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the ~~[75th]~~ 76th percentile of the national reference group of pupils to which the examinations were compared; and

(c) The average daily attendance of pupils who are enrolled in the school ~~[and the teachers who provide instruction at the school is more than]~~ is at least 95 percent.

2. *The department shall designate a public school as demonstrating high achievement if:*

(a) *The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 93 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;*

(b) *At least 40 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 76th percentile of the national reference group of pupils to which the examinations were compared; and*

(c) *The average daily attendance of pupils who are enrolled in the school is at least 93 percent.*

3. The department shall designate a public school as demonstrating adequate achievement if:

(a) The number of pupils who took the examinations administered pursuant to NRS 389.015 is at least equal to 90 percent of the pupils who were required to take the examinations and were not exempt pursuant to the regulations of the department;

(b) At least 60 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared; and

(c) The average daily attendance of pupils who are enrolled in the school ~~and the teachers who provide instruction at the school is more than~~ *is at least* 90 percent.

Sec. 11. NRS 385.367 is hereby amended to read as follows:

385.367 The department shall designate a public school as demonstrating ~~inadequate achievement~~ *need for improvement* if:

1. Less than 60 percent of the pupils enrolled in that school who took the examinations administered pursuant to NRS 389.015 received an average score on those examinations that is at least equal to the 26th percentile of the national reference group of pupils to which the examinations were compared; or

2. The average daily attendance of pupils who are enrolled in the school ~~and the teachers who provide instruction at the school~~ is less than 90 percent for 3 or more

consecutive years based upon the yearly profile of information for the school maintained by the department pursuant to subsection 4 of NRS 385.351.

Sec. 12. NRS 385.369 is hereby amended to read as follows:

385.369 1. As soon as practicable after the department makes a designation pursuant to NRS 385.363 ~~[,]~~ *or section 3 of this act*, the department shall provide written notice of the designation to the principal of the particular school. ~~[In addition,]~~ *If the department does not designate a public school for the reasons set forth in section 2 of this act, the department shall provide written notice [of each such designation] as soon as practicable to the principal of the particular school that a designation will not be made for the school.*

2. *For each public school that is designated pursuant to NRS 385.363 or section 3 of this act, the department shall provide written notice of each such designation as follows:*

~~[1.]~~ (a) Designations for all of the schools of this state to the:

~~[(a) Governor;~~

~~—(b) Committee;~~

~~—(c) Bureau; and~~

~~—(d) State board.~~

~~—2.]~~

(1) Governor;

- (2) *Committee;*
- (3) *Bureau; and*
- (4) *State board.*

(b) Designations for all of the schools within a school district to the:

~~[(a)]~~ (1) Superintendent of schools of the school district; and

~~[(b)]~~ (2) Board of trustees of the school district.

FLUSH

Each notice that the department provides pursuant to this ~~[section]~~ *subsection* must include, for each school that the department designates as demonstrating ~~[inadequate achievement,]~~ *need for improvement*, the number of consecutive years, if any, in which the school has received that designation.

3. *If the department does not designate a public school for the reasons set forth in section 2 of this act, the department shall provide written notice of:*

(a) *The schools of this state that did not receive a designation and the reasons therefor to the:*

- (1) *Governor;*
- (2) *Committee;*
- (3) *Bureau; and*
- (4) *State board.*

(b) *The schools within a school district that did not receive a designation and the reasons therefor to the:*

(1) Superintendent of schools of the school district; and

(2) Board of trustees of the school district.

Sec. 13. NRS 385.371 is hereby amended to read as follows:

385.371 If the department designates a school as demonstrating ~~inadequate achievement~~ ***need for improvement*** pursuant to NRS 385.367 and the provisions of NRS 385.373 and 385.375 do not apply, the board of trustees of the school district in which the school is located shall:

1. Prepare for that school a plan to improve the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015.

2. On or before ~~February 15~~ ***May 1*** of the year ~~immediately succeeding the year~~ in which the designation was made, submit the plan to the:

(a) Governor;

(b) Department;

(c) Committee; and

(d) Bureau.

Sec. 14. NRS 385.373 is hereby amended to read as follows:

385.373 If the department designates a school as demonstrating ~~inadequate achievement~~ ***need for improvement*** pursuant to NRS 385.367 for 2 consecutive years ~~or~~ ***or pursuant to section 3 of this act for 1 year***, the department shall:

1. Place the school on academic probation.

2. Prepare for that school a plan to ~~improve~~ :

(a) *Improve* the achievement of the pupils who are enrolled in the school as measured by the examinations required pursuant to NRS 389.015.

(b) *If the school received a designation pursuant to section 3 of this act, increase the number of pupils who take the examinations required pursuant to NRS 389.015.*

3. On or before ~~February 15~~ *May 1* of the year ~~immediately succeeding the year~~ in which the second designation was made ~~[-]~~ *pursuant to NRS 385.367 or the first designation was made pursuant to section 3 of this act*, submit the plan to the:

(a) Board of trustees of the school district in which the school is located;

(b) Governor;

(c) State board;

(d) Committee; and

(e) Bureau.

Sec. 15. NRS 385.375 is hereby amended to read as follows:

385.375 If the department designates a school as demonstrating ~~inadequate achievement~~ *need for improvement* pursuant to NRS 385.367 for 3 or more consecutive years ~~[-]~~ *or pursuant to section 3 of this act for 2 or more consecutive years:*

1. The department shall:

(a) Continue the academic probation of the school;

(b) Prepare for that school a plan to ~~improve~~ :

(1) *Improve* the achievement of the school's pupils as measured by the examinations required pursuant to NRS 389.015; ~~and~~

(2) *If the school received a designation pursuant to section 3 of this act, increase the number of pupils who take the examinations required pursuant to NRS 389.015; and*

(c) Submit the plan to the:

(1) Board of trustees of the school district in which the school is located;

(2) Governor;

(3) State board;

(4) Committee; and

(5) Bureau.

FLUSH A plan prepared and submitted by the department pursuant to this subsection must contain specific information about the school, including, but not limited to, information concerning the administrative operation of the school, the curriculum of the school and the financial and other resources of the school.

2. The board of trustees of the school district in which the school is located shall, until such time as the school is designated as demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365, make at least four reports per year to the department, the committee and the governor concerning the progress of the school in carrying out the plan prepared pursuant to subsection 1.

Sec. 16. NRS 385.378 is hereby amended to read as follows:

385.378 1. Except as otherwise provided in ~~{subsection 3,}~~ *subsections 3 and 4*, in addition to the requirements set forth in NRS 385.373 and 385.375, if a school receives two or more consecutive designations as demonstrating ~~{inadequate achievement,}~~ *need for improvement pursuant to NRS 385.367 or section 3 of this act*, the department shall, on or before ~~{January 15,}~~ *April 10*, establish a panel to supervise the academic probation of the school. A panel established pursuant to this section consists of nine members appointed by the superintendent of public instruction as follows:

(a) Two instructors or professors who provide instruction within the University and Community College System of Nevada;

(b) Two representatives of the private sector;

(c) Two parents or legal guardians of pupils who are enrolled in the school; and

(d) Three persons who are licensed educational personnel at public schools within this state. Two of the persons appointed pursuant to this paragraph must be classroom teachers who provide instruction at schools that are not located within the same school district as the school which is the subject of the evaluation.

2. For each day or portion of a day during which a member of the panel attends a meeting of the panel or is otherwise engaged in the work of the panel, he is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The school district in which the school on academic probation is located shall pay the allowances and expenses authorized pursuant to this subsection.

3. If a school receives two or more consecutive designations as demonstrating ~~[inadequate achievement,]~~ *need for improvement pursuant to NRS 385.367*, the school 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. The department may grant such a waiver if the yearly profile of information for the school maintained by the department pursuant to subsection 4 of NRS 385.351 demonstrates to the satisfaction of the department that the school has significantly improved in each of the immediately preceding 3 years covered by the profile.

4. *If a school receives two or more consecutive designations as demonstrating need for improvement pursuant to section 3 of this act, the school 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. The department may grant such a waiver if the yearly profile of information for the school maintained by the department pursuant to subsection 4 of NRS 385.351 demonstrates to the satisfaction of the department that the number of pupils enrolled in the school who take the examinations required pursuant to NRS 389.015 has significantly increased in each of the immediately preceding 2 years covered by the profile.*

5. If the department grants a waiver pursuant to subsection 3 ~~[,]~~ *or 4*, it shall, on or before ~~[February 15]~~ *May 1* of each year, prepare a list that contains the name of each school for which the department has granted a waiver and the justification of the department for granting the waiver. The department shall submit the list to the:

- (a) Governor;
- (b) State board;
- (c) Committee; and
- (d) Bureau.

Sec. 17. NRS 385.381 is hereby amended to read as follows:

385.381 1. A panel established pursuant to NRS 385.378 shall:

- (a) Review the most recent plan prepared by the department for the school pursuant to NRS 385.373 or 385.375 or the plan prepared by the board of trustees of the school district pursuant to NRS 385.371 ~~[;]~~ **or section 2 of this act;**
- (b) Identify and investigate the problems and factors at the school that contributed to the designation of the school as demonstrating ~~[inadequate achievement;]~~ **need for improvement;**
- (c) Hold a public meeting to discuss the actions that the school will need to take to warrant receiving a designation of demonstrating *exemplary achievement*, high achievement or adequate achievement;
- (d) On or before ~~[April 1,]~~ **November 1**, prepare a written report that includes an analysis of the problems and factors at the school which contributed to the designation of the school as demonstrating ~~[inadequate achievement, including, but not limited to,]~~ **need for improvement, including, without limitation**, issues relating to:
 - (1) The financial resources of the school;

(2) The administrative and educational personnel of the school;

(3) The curriculum of the school;

(4) The facilities available at the school, including the availability and accessibility of educational technology; and

(5) Any other factors that the panel believes contributed to the designation of the school as demonstrating ~~[inadequate achievement;]~~ ***need for improvement;***

(e) Submit a copy of the written report to the:

- (1) Principal of the school;
- (2) Board of trustees of the school district in which the school is located;
- (3) Superintendent of schools of the school district in which the school is located;
- (4) Superintendent of public instruction;
- (5) Governor;
- (6) State board;
- (7) Department;
- (8) Committee; and
- (9) Bureau;

(f) Make the written report available, upon request, to each parent or legal guardian of a pupil who is enrolled in the school; and

(g) In accordance with its findings pursuant to this subsection, adopt revisions to the most recent plan prepared by the department for the school pursuant to NRS 385.373 or 385.375.

2. The department shall, not more than 1 month after receiving the written report submitted by the panel:

(a) Amend the most recent plan prepared by the department for the school pursuant to NRS 385.373 or 385.375. In amending the plan, the department shall incorporate the revisions adopted by the panel pursuant to paragraph (g) of subsection 1.

(b) Submit to the panel a copy of an amended plan for the school which demonstrates to the satisfaction of the panel that the department incorporated the revisions adopted by the panel pursuant to paragraph (g) of subsection 1.

3. The department shall submit to the panel a copy of the designation that it gives to the school pursuant to NRS 385.363 *or section 3 of this act* for the school year immediately succeeding the establishment of the panel. If the school does not earn a designation as demonstrating *exemplary achievement*, high achievement or adequate achievement for the school year immediately succeeding the establishment of the panel, the panel shall take such action pursuant to subsection 1 and NRS 385.383 as it deems necessary to ensure that the school takes action to improve its designation.

Sec. 18. NRS 385.383 is hereby amended to read as follows:

385.383 If a panel established pursuant to NRS 385.378 determines that a school has not earned a designation as demonstrating *exemplary achievement*, high achievement or adequate achievement for the school year immediately succeeding the establishment of the panel, the panel shall:

1. Hold an additional public meeting to discuss the actions which must be taken to improve the achievement of pupils at the school.

2. On or before ~~April 1,~~ *November 1*, determine whether the superintendent of public instruction shall appoint an administrator to oversee the operation of the school pursuant to NRS 385.386.

Sec. 19. NRS 385.386 is hereby amended to read as follows:

385.386 1. If a panel established pursuant to NRS 385.378 determines that an administrator must be appointed to oversee the operation of a school, the superintendent of public instruction shall, on or before ~~May 1,~~ *December 1*, appoint a licensed administrator to do so. The administrator must:

(a) Possess knowledge and experience concerning the administration of public schools.

(b) Be appointed from a list of three qualified persons submitted to the superintendent of public instruction by the panel.

2. An administrator appointed pursuant to this section:

(a) Shall:

(1) Establish and carry out a policy for the management of the school to ensure that the plan prepared by the department pursuant to NRS 385.375 and revised by the panel pursuant to NRS 385.381 is followed. This subparagraph does not prohibit the administrator from recommending changes to the plan.

(2) On a quarterly basis, make reports to the department, the governor and the committee regarding the progress of the school toward earning a designation of demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365.

(b) May take any action not prohibited by law to ensure that ~~the~~ :

(1) *The performance of the pupils of the school on the examinations administered pursuant to NRS 389.015; and*

(2) *If the school received two or more consecutive designations pursuant to section 3 of this act, the number of pupils who take the examinations administered pursuant to NRS 389.015,*

FLUSH improves to such a level that the school is designated as demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365.

(c) Serves at the pleasure of the superintendent of public instruction and is entitled to receive such compensation as may be set by the superintendent.

3. A school district that contains a school for which an administrator is appointed pursuant to this section shall reimburse the department for any expenses incurred by the department pursuant to subsection 2.

4. If a school for which an administrator is appointed pursuant to this section receives a designation of demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365, the superintendent of public instruction shall terminate the oversight of the school by the administrator. After the superintendent

terminates the oversight of the school, the board of trustees of the school district in which the school is located shall, on a quarterly basis and until such time as the school receives two consecutive designations of demonstrating *exemplary achievement*, high achievement or adequate achievement pursuant to NRS 385.365, make reports to the department, the committee and the governor regarding actions taken at the school to maintain that designation.

Sec. 20. NRS 385.389 is hereby amended to read as follows:

385.389 1. The department shall adopt programs of remedial study for each subject tested on the examinations administered pursuant to NRS 389.015. In adopting these programs of remedial study, the department shall consider the recommendations submitted by the committee pursuant to NRS 218.5354 and programs of remedial study that have proven to be successful in improving the academic achievement of pupils.

2. A school that receives a designation as demonstrating ~~[inadequate achievement]~~ *need for improvement* pursuant to NRS 385.367 shall *adopt a program of remedial study that has been adopted by the department pursuant to subsection 1.*

3. *A school district that includes a school which receives a designation of demonstrating need for improvement pursuant to NRS 385.367 shall ensure that each of [its] the pupils enrolled in the school who [fails] failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015 completes, in accordance with the requirements set forth in subsection 5 of NRS 389.015, [a program*

~~of~~ remedial study ~~[adopted by the department.]~~ *that is determined to be appropriate for the pupil.*

Sec. 21. NRS 385.391 is hereby amended to read as follows:

385.391 The department shall adopt:

1. Regulations to provide for the recognition of schools that receive a designation as demonstrating *exemplary achievement or* high achievement pursuant to ~~[subsection 1 of]~~ NRS 385.365;

2. Regulations which prescribe the factors that the department will consider in determining whether to grant a waiver from the establishment of a panel to supervise the academic probation of a school pursuant to NRS 385.378, including, without limitation, criteria for determining whether ~~[a]~~ :

(a) A school has significantly improved ~~[;]~~ *for the purpose of subsection 3 of NRS 385.378; and*

(b) *The number of pupils enrolled in a school who take the examinations required pursuant to NRS 389.015 has significantly increased for the purpose of subsection 4 of NRS 385.378; and*

3. Such regulations as it deems necessary to carry out the provisions of this section and NRS 385.3455 to 385.386, inclusive, *and sections 2 and 3 of this act*, including, without limitation, uniform standards for the type and format of data that must be submitted by the school districts and the time by which such data must be submitted.

Sec. 22. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before April 15 of each year, the governing body of each charter school shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:

(a) Governor;

(b) State board;

(c) Department;

(d) Legislative committee on education created pursuant to NRS 218.5352; and

(e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before April 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body pursuant to paragraph ~~((e))~~ (s) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before June 15 of each year, the governing body of each charter school shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the charter school's program of accountability during the school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

(1) Governor;

(2) State board;

(3) Department;

(4) Legislative committee on education created pursuant to NRS 218.5352; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

4. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted pursuant to NRS 354.598.

6. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 23. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.
- (b) Administered in each school district and each charter school at the same time. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating ~~[inadequate achievement]~~ *need for improvement* pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete ~~[a program of]~~ remedial study ~~[pursuant to NRS 385.389.]~~ *that is determined to be appropriate for the pupil.*

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial

study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 24. NRS 392.128 is hereby amended to read as follows:

392.128 1. Each advisory board to review school attendance created pursuant to NRS 392.126 shall:

(a) Review the records of the rate of attendance and truancy of pupils submitted to the advisory board to review school attendance by the board of trustees of the school district pursuant to subsection ~~[4]~~ 5 of NRS 385.347;

(b) Identify factors that contribute to the rate of truancy of pupils in the school district;

(c) Establish programs to reduce the rate of truancy of pupils in the school district;

(d) At least annually, evaluate the effectiveness of those programs;

(e) Establish a procedure for schools and school districts for the reporting of the status of pupils as habitual truants and the issuance of citations pursuant to NRS 392.142; and

(f) Inform the parents and legal guardians of the pupils who are enrolled in the schools within the district of the policies and procedures adopted pursuant to the provisions of this section.

2. An advisory board to review school attendance created in a county pursuant to NRS 392.126 may use money appropriated by the legislature and any other money made available to the advisory board for the use of programs to reduce the truancy of pupils in the school district. The advisory board to review school attendance shall, on a quarterly basis, provide to the board of trustees of the school district an accounting of the money used by the advisory board to review school attendance to reduce the rate of truancy of pupils in the school district.

Sec. 25. 1. There is hereby appropriated from the state general fund to the department of education the sum of \$4,000,000 to be distributed among certain schools

that have been designated as demonstrating need for improvement and certain schools that have been designated as demonstrating adequate achievement.

2. A school that receives a designation as demonstrating need for improvement pursuant to NRS 385.367 may submit to the department of education, for transmission to the state board of examiners, an application for an allocation from the appropriation. A school that receives a designation as demonstrating adequate achievement may submit to the department of education, for transmission to the state board of examiners, an application for an allocation from the appropriation if at least 40 percent of the pupils enrolled in the school received an average score at or below the 25th percentile on three of the four subjects tested pursuant to NRS 389.015. The department of education shall, in consultation with the budget division of the department of administration and the fiscal analysis division of the legislative counsel bureau, develop a form for such applications.

3. Upon receipt of such an application, the department of education shall review the application. The department of education shall transmit the application to the state board of examiners with the recommendation of the department concerning the allocation of money based upon each application so received. The state board of examiners shall consider each such application and, if it finds that an allocation should be made, recommend the amount of the allocation to the interim finance committee. The interim finance committee shall consider each such recommendation but is not bound to follow the recommendation of the state board of examiners. In determining the amount of the allocation, the state board of examiners and the interim finance committee shall consider:

(a) The total number of pupils who are enrolled in the school who failed to demonstrate at least adequate achievement on the examinations administered pursuant to NRS 389.015; and

(b) The need of the particular school.

4. A school that receives money pursuant to subsection 3 shall use the money to:

(a) Pay the costs incurred by the school in providing the program of remedial study required by NRS 385.389. The money must first be applied to those pupils who the school determines are performing at a level which poses the highest risk of failure.

(b) Pay for the salaries, training or other compensation of teachers and other educational personnel to provide the program of remedial study, instructional materials required for the remedial study, equipment necessary to offer the program of remedial study and all other additional operating costs attributable to the program of remedial study.

(c) Supplement and not replace the money the school would otherwise expend for programs of remedial study.

5. A school that receives money pursuant to subsection 3 shall not use the money to:

(a) Settle or arbitrate disputes or negotiate settlements between an organization that represents licensed employees of the school district and the school district.

(b) Adjust the schedules of salaries and benefits of the employees of the school district.

6. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 26. 1. This section and section 25 of this act become effective upon passage and approval.

2. Sections 1 to 24, inclusive, of this act become effective on July 1, 1999.

SUMMARY—Requires increased salaries for public school teachers with national certification. (BDR 34-250)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to public schools; requiring the boards of trustees of school districts to pay increased salaries to teachers who maintain certification by the National Board for Professional Teaching Standards; requiring related information to be included in the annual budget report of each school district; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 10 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction and the department of taxation a report which includes the following information:

(a) For each fund within the school district, including, without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The school district's actual expenditures in the fiscal year immediately preceding the report.

(e) The school district's proposed expenditures for the current fiscal year.

(f) The schedule of salaries for licensed employees in the current school year and a statement of whether the negotiations regarding salaries for the current school year have been completed. If the negotiations have not been completed at the time the schedule of

salaries is submitted, the board of trustees shall submit a supplemental report to the superintendent *of public instruction* upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the schedule of salaries agreed to or required by the arbitrator.

(g) The number of *teachers who received an increase in salary pursuant to subsection 2 of NRS 391.160 for the current and preceding fiscal years.*

(h) *The number of* employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

~~[(h)]~~ (i) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

~~[(i)]~~ (j) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent *of public instruction* shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the

apportionment received by those districts from the state distributive school account for the preceding year.

Sec. 2. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. *Each year when determining the salary of a teacher who holds certification issued by the National Board for Professional Teaching Standards, a school district shall add 5 percent to the salary that the teacher would otherwise receive in 1 year for his classification on the schedule of salaries for the school district if:*

(a) On or before September 15 of the school year, the teacher has submitted evidence satisfactory to the school district of his current certification; and

(b) The teacher is assigned by the school district to provide classroom instruction during that school year.

FLUSH *No increase in salary may be given during a particular school year to a teacher who submits evidence of certification after September 15 of that school year. Once a teacher has submitted evidence of such certification to the school district, the school district shall retain the evidence in its records, as applicable, for future school years. An increase in salary given in accordance with this subsection is in addition to any other increase to which the teacher may otherwise be entitled.*

3. In determining the salary of a teacher who is employed by a school district after having been employed by another school district in this state, the present employer shall, except as otherwise provided in subsection ~~{3-}~~ 4:

(a) Give the teacher the same credit for previous teaching service as he was receiving from his former employer at the end of his former employment; and

(b) Give him credit for his final year of service with his former employer, if credit for that service is not included in credit given pursuant to paragraph (a).

~~{3-}~~ 4. This section does not:

(a) Require a school district to allow a teacher more credit for previous teaching service than the maximum credit for teaching experience provided for in the schedule of salaries established by it for its licensed personnel.

(b) Permit a school district to deny a teacher credit for his previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the school district.

~~{4-}~~ 5. As used in this section, "previous teaching service" means the total of:

(a) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

(b) His period of teaching service in his former employment.

Sec. 3. This act becomes effective on July 1, 1999.

SUMMARY—Requires school districts to give teachers credit for out-of-state teaching service in determining salaries. (BDR 34-251)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to educational personnel; requiring school districts, in determining the salaries of teachers, to give credit under certain circumstances to teachers for previous teaching service earned in another state; requiring the commission on professional standards in education to adopt regulations for approval of the standards for licensing teachers of other states; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.160 is hereby amended to read as follows:

391.160 1. The salaries of teachers and other employees must be determined by the character of the service required. A school district shall not discriminate between male and female employees in the matter of salary.

2. In determining the salary of a *licensed* teacher who is employed by a school district after ~~having~~ *the teacher has* been employed by another school district in this state ~~;~~ *or has been employed as a licensed teacher in good standing during the immediately preceding 2 years in another state that has standards for licensing teachers which have been approved by the commission pursuant to subsection 3,* the present employer shall, except as otherwise provided in subsection ~~3;~~ 4:

(a) Give the teacher the same credit for previous teaching service as he was receiving from his former employer at the end of his former employment; and

(b) Give ~~him~~ *the teacher* credit for his final year of service with his former employer, if credit for that service is not included in credit given pursuant to paragraph (a).

3. *A school district shall give the credit required by subsection 2 for previous teaching service earned in another state only if the commission has approved the standards for licensing teachers of that state. The commission shall adopt regulations that establish the criteria by which the commission will consider the standards for licensing teachers of other states for the purposes of this section. The criteria may include, without limitation, whether the commission has authorized reciprocal licensure of educational personnel from the state under consideration.*

4. This section does not:

(a) Require a school district to allow a teacher more credit for previous teaching service than the maximum credit for teaching experience provided for in the schedule of salaries established by ~~it~~ *the school district* for its licensed personnel.

(b) Permit a school district to deny a teacher credit for his previous teaching service on the ground that the service differs in kind from the teaching experience for which credit is otherwise given by the school district.

~~[4-]~~ 5. As used in this section, "previous teaching service" means the total of:

(a) Any period of teaching service for which a teacher received credit from his former employer at the beginning of his former employment; and

(b) His period of teaching service in his former employment.

Sec. 2. The amendatory provisions of this act do not apply to the salaries of teachers who are hired by a school district in this state before July 1, 2000.

Sec. 3. The commission on professional standards in education shall adopt the regulations required by the amendatory provisions of section 1 of this act on or before January 1, 2000.

Sec. 4. 1. This section and sections 2 and 3 of this act become effective upon passage and approval.

2. Section 1 of this act becomes effective upon passage and approval for the purpose of adopting regulations and on July 1, 2000, for all other purposes.

SUMMARY—Requires school districts to pay costs for teachers to purchase retirement credit under certain circumstances. (BDR 34-252)

FISCAL NOTE: Effect on Local Government: Yes.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to educational personnel; requiring the boards of trustees of school districts to pay the cost for a licensed teacher to purchase retirement credit if the teacher provides instruction in certain schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3 of this section and except as otherwise required as a result of NRS 286.537, the board of trustees of a school district shall pay the cost for a licensed teacher to purchase one-fifth of a year of service pursuant to subsection 2 of NRS 286.300 if:

(a) The teacher is a member of the public employees' retirement system and has at least 5 years of service;

(b) The teacher has been employed as a licensed teacher in this state for at least 5 consecutive school years, regardless of whether the employment was with one or more school districts in this state;

(c) Each evaluation of the teacher conducted pursuant to NRS 391.3125 is at least satisfactory for the years of employment required by paragraph (b); and

(d) In addition to the years of employment required by paragraph (b), the teacher has been employed as a licensed teacher for 1 school year at a school within the school district:

(1) Which, for that school year, carries the designation of demonstrating inadequate achievement pursuant to NRS 385.367; or

(2) Where, for that school year, at least 65 percent of the pupils who are enrolled in the school are pupils at risk.

2. Except as otherwise provided in subsection 3, the board of trustees of a school district shall pay the cost for a licensed teacher to purchase one-fifth of a year of service for each year that a teacher is employed as a teacher at a school within the school district that is described in paragraph (d) of subsection 1.

3. In no event may the years of service purchased by a licensed teacher as a result of subsection 2 of NRS 286.300 exceed 5 years.

4. The board of trustees of a school district shall not:

(a) Assign or reassign a licensed teacher to circumvent the requirements of this section.

(b) Include, as part of a teacher's salary, the costs of paying the teacher to purchase service pursuant to this section.

5. As used in this section:

(a) "Pupil at risk" has the meaning ascribed to it in NRS 386.500.

(b) "Service" has the meaning ascribed to it in NRS 286.078.

Sec. 2. NRS 286.3005 is hereby amended to read as follows:

286.3005 A state agency may purchase credit for service on behalf of a member only as provided in NRS 286.3007. Except as otherwise required as a result of *section 1 of this act or* NRS 286.537, any other public employer may pay any portion of the cost to purchase credit for service under NRS 286.300, but is not required to do so. No credit may be validated unless the cost of purchasing credit has been paid.

Sec. 3. This act becomes effective on July 1, 1999, and applies to employment for a school year that begins on or after July 1, 1999.

SUMMARY—Urges Board of Regents, Department of Education and school districts to take certain actions necessary to facilitate sharing certain information.

(BDR R-862)

_____ CONCURRENT RESOLUTION—Urging the Board of Regents of the University of Nevada, the Department of Education and the school districts to take certain actions that are necessary to facilitate the sharing of certain information to improve the system of public education in this state.

WHEREAS, The education of the children of this state and our nation is a primary concern of the residents of this state and of the United States; and

WHEREAS, During the past 2 years, this state has developed and enacted sweeping reforms in the system of public education to improve the academic achievement of students, including, without limitation, rigorous academic standards of content and performance; and

WHEREAS, The rigorous new academic standards of content and performance and other reforms made to the system of public education in this state demand a high level of academic performance by both students and teachers; and

WHEREAS, The Education Trust is an independent nonprofit organization whose mission is to encourage collaboration among schools, colleges and universities to promote the common goal of providing a quality system of education; and

WHEREAS, The Education Trust encourages universities and school districts to offer constructive feedback to each other, to make joint decisions about the academic qualifications of new teachers and to establish academic standards for persons who desire to enter into the teaching profession that are aligned to the academic standards established for the pupils in public schools; and

WHEREAS, The Council to Establish Academic Standards for public schools in this state has concluded that teaching children in elementary school how to read is the highest educational priority of this state; and

WHEREAS, There is evidence that across the nation and in this state, persons who are enrolled in educational programs for entry into the teaching profession do not receive sufficient training in teaching children how to read and how to apply basic mathematical principles of computation; and

WHEREAS, As part of the reform made to the system of public education in this state, each year the school districts of this state are required, pursuant to NRS 385.347, to report the percentage of students who graduate from high school and who subsequently enroll in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada; and

WHEREAS, Pursuant to NRS 396.548, the Board of Regents of the University of Nevada requires employees of the University and Community College System of Nevada to provide to the board of trustees of each school district of this state information regarding:

1. The number of pupils who graduated from a high school in the district in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics; and

2. Any costs incurred by the University and Community College System of Nevada to provide such remedial instruction; and

WHEREAS, The University and Community College System of Nevada reported that for the summer and fall of 1997, more than 1,187 students who graduated from high schools within this state were required to complete remedial programs in mathematics or English, or both subjects, and the cost of providing such remedial instruction was approximately \$414,000; and

WHEREAS, Further collaboration between the University and Community College System of Nevada and the school districts of this state that will increase the flow of information concerning the progress of students in meeting the new academic standards and teachers in teaching the new academic standards is essential to foster the success of the reforms made to the system of public education in this state; and

WHEREAS, The Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, is a Federal Law that is designed to protect the privacy of the educational records of students in elementary, secondary and postsecondary schools; and

WHEREAS, Pursuant to the Family Educational Rights and Privacy Act, postsecondary educational institutions may not release information that reveals personal information about the student without the consent of the student; and

WHEREAS, The ability of school districts to acquire accurate and detailed information about the academic readiness of freshmen at the community colleges and universities of the University and Community College System of Nevada who recently graduated from high schools in this state is crucial for the school districts to tailor their academic programs so that future students are prepared for the challenges of postsecondary education; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____
CONCURRING, That the members of the 70th session of the Nevada Legislature urge the Board of Regents of the University of Nevada to ensure that the universities and community colleges within the University and Community College System of Nevada obtain, in accordance with the Family Educational Rights and Privacy Act, the consent of students as is necessary for the universities and community colleges to provide the school districts of this state with more detailed information about the academic readiness of freshmen and the academic deficiencies of students in mathematics, English and science; and be it further

RESOLVED, That as part of the collaboration between the University and Community College System of Nevada and the school districts of this state, the members of the 70th session of the Nevada Legislature urge the school districts to provide constructive feedback to the colleges of education of the University and Community College System of Nevada concerning the strengths and areas for improvement of teachers who are

trained in such colleges in teaching students the rigorous new academic standards adopted for this state; and be it further

RESOLVED, That the Department of Education shall provide assistance to the collaboration by means of the statewide automated system of information concerning pupils that is maintained by the Department or by means of other sources of information concerning pupils maintained by the Department; and be it further

RESOLVED, That the Department of Education, in cooperation with the University and Community College System of Nevada, shall study the effectiveness of the collaboration between the University and Community College System of Nevada and the school districts of this state and submit a report of the results of its study and any recommendations for legislation to the members of the 71st session of the Nevada Legislature; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the Board of Regents of the University of Nevada, the board of trustees of each school district in this state and the Superintendent of Public Instruction.

SUMMARY—Revises provisions regarding council to establish academic standards for public schools. (BDR S-863)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; revising the standards of content and performance required to be adopted by the council to establish academic standards for public schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 45 of chapter 473, Statutes of Nevada 1997, at page 1780, is hereby amended to read as follows:

Sec. 45. 1. The council to establish academic standards for public schools, created pursuant to section 43 of this act, shall establish and submit to the state board of education:

(a) On or before September 1, 1998, standards of content and performance, including, without limitation, a prescription of the resulting level of

achievement, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) English, including reading, composition and writing.
- (2) Mathematics.
- (3) Science.

(b) On or before September 1, 1999, standards of content and performance, including, without limitation, a prescription of the resulting level of achievement, based upon the content of each course, that is expected of pupils for the following courses of study:

- (1) Social studies.
- (2) Computer education [-] *and technology*.
- (3) Health and physical education.
- (4) The arts.

2. The council shall submit written recommendations to the state board of education:

(a) On or before November 1, 1998, on the type of examinations of achievement and proficiency to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to paragraph (a) of subsection 1. The recommendations must include the grades in which the examinations should be administered.

(b) On or before November 1, 1999, on the type of examinations of achievement and proficiency in social studies to be administered statewide that may be used to measure the achievement of pupils in the standards of content and performance established by the council pursuant to subparagraph (1) of paragraph (b) of subsection 1. The recommendations must include the grades in which the examinations should be administered.

3. In developing the standards and examinations pursuant to subsections 1 and 2, the council shall:

(a) Hold at least eight meetings. The meetings must be held in at least four different counties during the period commencing August 1, 1997, and expiring July 31, 1999. At least four of these meetings must be held to hear public testimony concerning the proposed standards of content and performance and the examinations of achievement and proficiency.

(b) Consult with licensed educational personnel in the various school districts and with other persons who have knowledge and experience concerning standards of content and performance or examinations of achievement and proficiency in education.

(c) Review and consider any standards of content and performance and any examinations of achievement and proficiency:

(1) Adopted by this state;

(2) Adopted by the Commonwealth of Virginia or any other states;

(3) Adopted by the Federal Government; or

(4) Advocated in publications of entities, including, but not limited to, the “Standards Primer: A Resource for Accelerating the Pace of Reform,” published in 1996 by the Education Leaders Council.

4. The state board of education shall adopt:

(a) On or before January 1, 1999, the standards of content and performance established by the council pursuant to paragraph (a) of subsection 1, to take effect in the 1999-2000 school year.

(b) Examinations of achievement and proficiency to be administered statewide, commencing in the 1999-2000 school year, to measure the achievement of pupils in the standards of content and performance adopted by the state board of education pursuant to paragraph (a). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.

(c) On or before January 1, 2000, the standards of content and performance established by the council pursuant to paragraph (b) of subsection 1, to take effect in the 2000-2001 school year.

(d) Examinations of achievement and proficiency in social studies to be administered statewide, commencing in the 2000-2001 school year, to measure

the achievement of pupils in social studies in the standards of content and performance adopted by the state board pursuant to paragraph (c). In adopting the examinations, the state board shall consider the written recommendations submitted by the council pursuant to subsection 2. The examinations must be scored by a single private entity or the department of education.

5. The state board of education shall:

(a) On or before February 1, 1999, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.

(b) On or before February 1, 2001, submit a written report to the council and to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature. The written report must include a description of the standards adopted by the state board of education.

6. In addition to the duties prescribed in subsections 1 and 2, the council shall:

(a) As soon as practicable, but not later than April 1, 1999:

(1) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to paragraph (a) of subsection 4.

(2) Submit to the director of the legislative counsel bureau for transmission to the 70th session of the Nevada legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to paragraph (a) of subsection 1.

(b) As soon as practicable, but not later than April 1, 2001:

(1) Submit to the governor, the senate standing committee on finance and the assembly standing committee on ways and means, written reports regarding the standards adopted by the state board of education pursuant to paragraph (c) of subsection 4.

(2) Submit to the director of the legislative counsel bureau for transmission to the 71st session of the Nevada legislature any recommendations for legislation that the council deems are necessary to incorporate into the public schools the standards that it established pursuant to paragraphs (a) or (b) of subsection 1.

7. The council shall, on or before June 30, 1999, and on or before June 30, 2001, report to the legislative committee on education, created pursuant to section 37 of this act, regarding the standards and examinations adopted by the state board of education pursuant to subsection 4.

8. The council shall, on or before June 30, 2001, coordinate its duties pursuant to this section with the legislative bureau of educational accountability

and program evaluation, created pursuant to section 41 of this act, to enable the bureau to continue the duties of the council of evaluating and reporting after June 30, 2001.

9. For the purposes of this section, "social studies" includes the subjects of history, geography, economics and government.

Sec. 2. This act becomes effective upon passage and approval.

SUMMARY—Revises provisions governing funds to stabilize operation of local government. (BDR 31-864)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to local governments; authorizing an increase in the funds to stabilize the operation of local government for certain school districts; excluding certain money from the limit on transfers from the general fund to the fund to stabilize the operation of local government; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 354.6115 is hereby amended to read as follows:

354.6115 1. The governing body of a local government may, by resolution, establish a fund to stabilize the operation of the local government.

2. The money in the fund must be used only if the total actual revenue of the local government falls short of the total anticipated revenue in the general fund for the fiscal

year in which the local government uses that money. The money in the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection.

3. ~~[The]~~ *Except as otherwise provided in subsection 4, the* balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal ~~[funds]~~ *money* expended by the local government.

4. *If the board of trustees of a school district in a county whose population is less than 100,000 has established such a fund, the balance in the fund must not exceed 30 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal money expended by the local government, or \$2,000,000, whichever is less. In no case may the balance in the fund be increased annually by an amount that exceeds 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal money expended by the local government.*

Sec. 2. NRS 354.6117 is hereby amended to read as follows:

354.6117 1. Except as otherwise provided in ~~[subsection 2,]~~ *subsections 2 and 3,* the total amount of money which may be transferred in a fiscal year from the general fund of a local government to the funds established pursuant to NRS 354.611, 354.6113 and 354.6115 must not exceed 10 percent of the total amount of the budgeted expenditures of the general fund, plus any money transferred from the general fund, other than the money transferred to those funds, for that fiscal year.

2. Any money that a local government, pursuant to NRS 354.6116, deposits in or transfers to one or more of the funds established by the local government pursuant to NRS 354.611, 354.6113 or 354.6115:

(a) Is not subject to the limitation on the amount of money that a local government may transfer to those funds pursuant to subsection 1.

(b) Must not be included in the determination of the total amount of money transferred to those funds for the purposes of the limitation set forth in subsection 1.

3. Any money that the board of trustees of a school district, pursuant to subsection 4 of NRS 354.6115, deposits in or transfers to the fund established by the board of trustees pursuant to NRS 354.6115:

(a) Is not subject to the limitation on the amount of money that a local government may transfer to those funds pursuant to subsection 1.

(b) Must not be included in the determination of the total amount of money transferred to those funds for the purposes of the limitation set forth in subsection 1.

Sec. 3. This act becomes effective upon passage and approval.

SUMMARY—Urges Commission on Professional Standards in Education to raise level of competence required on teacher competency tests. (BDR R-865)

_____ CONCURRENT RESOLUTION—Urging the Commission on Professional Standards in Education to raise the level of competence that applicants for an initial license to teach are required to demonstrate on competency tests.

WHEREAS, The education of the children of this state and our nation is a primary concern of the residents of this state and of this nation; and

WHEREAS, A successful system of public education is an essential element of fulfilling this state's important goal of ensuring an equality of opportunity, full participation and economic self-sufficiency for the residents of this state; and

WHEREAS, The profession of teaching is one of the most important professions that a person may undertake because teachers who are employed by the school districts in this state play a critical role in ensuring that our children receive a challenging and enriching education; and

WHEREAS, The success of an effective system of public education depends upon teachers who are qualified, knowledgeable and competent in their subject areas; and

WHEREAS, The National Commission on Teaching & America's Future is an organization dedicated to providing an agenda for meeting "America's educational

challenges, and connecting the quest for higher student achievement with the need for teachers who are knowledgeable, skillful, and committed to meeting the needs of all students”; and

WHEREAS, The National Commission on Teaching & America’s Future published a report in 1996 entitled “What Matters Most: Teaching for America’s Future,” and a report in 1997 entitled “Doing What Matters Most: Investing in Quality Teaching” which concluded respectively that, with respect to the many reforms taking place in our nation’s system of public education, “the reform of elementary and secondary education depends first and foremost on restructuring its foundation — the teaching profession” and “[n]o other intervention can make the difference that a knowledgeable, skillful teacher can make in the learning process”; and

WHEREAS, A representative of the National Commission on Teaching & America’s Future presented a report to the Legislative Committee on Education which concluded that the qualifications of teachers, as measured by the results of the competency tests that are required for licensure, the assessments of the performance of teachers and the experience of teachers, account for 43 percent of the scores that students receive on achievement and proficiency examinations; and

WHEREAS, During the past 2 years, this state has developed and enacted sweeping reforms in the system of public education to improve the academic achievement of students, including, without limitation, rigorous academic standards of content and performance; and

WHEREAS, The rigorous new academic standards of content and performance and other reforms made to the system of public education in this state demand a high level of quality and performance by both students and teachers; and

WHEREAS, The linchpin to the successful implementation of the rigorous academic standards in the public schools of this state is teachers who are qualified and trained to teach students the rigorous academic standards; and

WHEREAS, The Commission on Professional Standards in Education is responsible for establishing the qualifications for licensing teachers in this state and for adopting regulations governing the examinations for the issuance of initial licenses to teachers; and

WHEREAS, The regulations adopted by the Commission on Professional Standards in Education provide that an applicant for an initial license to teach must pass a competency test that has been approved by the Commission at a level of competence specified by the Commission; and

WHEREAS, According to a report issued in 1995 by the Department of Education entitled "The Nevada Competency Testing Program For Educational Personnel," the specified level of competence required of successful applicants on the competency tests is based upon, without limitation, performance levels of applicants, considerations of the supply and demand of teachers in this state and the levels of competence set by other states that use the same series of competency tests as this state; and

WHEREAS, Instead of basing the specified level on such external factors, the specified level of competence required of successful applicants for an initial license to teach should

be set at a level that provides a meaningful standard for entry into the demanding profession of teaching to ensure that only competent and qualified persons are issued a license in this state; and

WHEREAS, Many states, including, without limitation, Georgia, Ohio, Pennsylvania and Virginia, which require the same series of competency tests for teachers as this state, have recently raised the level of competence required of teachers on those tests; now, therefore, be it

RESOLVED BY THE _____ OF THE STATE OF NEVADA, THE _____
CONCURRING, That the members of the 70th session of the Nevada Legislature urge the Commission on Professional Standards in Education, in consideration of the rigorous demands placed on teachers in this state, raise the level of competence that a successful applicant for an initial license to teach is required to demonstrate on the competency tests required by the Commission; and be it further

RESOLVED, That the _____ of the _____ prepare and transmit a copy of this resolution to the President of the Commission on Professional Standards in Education.

SUMMARY—Authorizes boards of trustees of school districts to negotiate for payment of unused sick leave to certain licensed teachers in form of additional retirement credit. (BDR 34-866)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to educational personnel; authorizing the boards of trustees of school districts to prescribe by regulation or negotiate with respect to the payment of unused sick leave to licensed teachers in the form of the purchase of retirement credit; authorizing the purchase of additional retirement credit for certain licensed teachers; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN

SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 391.180 is hereby amended to read as follows:

391.180 1. As used in this section, “employee” means any employee of a school district or charter school in this state.

2. A school month in any public school in this state consists of 4 weeks of 5 days each.

3. Nothing contained in this section prohibits the payment of employees' compensation in 12 equal monthly payments for 9 or more months' work.

4. The per diem deduction from the salary of an employee because of absence from service for reasons other than those specified in this section is that proportion of the yearly salary which is determined by the ratio between the duration of the absence and the total number of contracted work days in the year.

5. Boards of trustees shall either prescribe by regulation or negotiate pursuant to chapter 288 of NRS, with respect to sick leave, accumulation of sick leave, payment for unused sick leave, sabbatical leave, personal leave, professional leave, military leave and such other leave as they determine to be necessary or desirable for employees. *In addition, boards of trustees may either prescribe by regulation or negotiate pursuant to chapter 288 of NRS with respect to the payment of unused sick leave to licensed teachers in the form of purchase of service pursuant to subsection 3 of NRS 286.300. The amount of service so purchased must not exceed the number of hours of unused sick leave or 1 year, whichever is less.*

6. The salary of any employee unavoidably absent because of personal illness or accident, or because of serious illness, accident or death in the family, may be paid up to the number of days of sick leave accumulated by the employee. An employee may not be credited with more than 15 days of sick leave in any 1 school year. Except as otherwise

provided in this subsection, if an employee takes a position with another school district or charter school, all sick leave that he has accumulated must be transferred from his former school district or charter school to his new school district or charter school. The amount of sick leave so transferred may not exceed the maximum amount of sick leave which may be carried forward from one year to the next according to the applicable negotiated agreement or the policy of the district or charter school into which the employee transferred. Unless the applicable negotiated agreement or policy of the employing district or charter school provides otherwise, such an employee:

(a) Shall first use the sick leave credited to the employee from the district or charter school into which he transferred before using any of the transferred leave; and

(b) Is not entitled to compensation for any sick leave transferred pursuant to this subsection.

7. Subject to the provisions of subsection 8:

(a) If an intermission of less than 6 days is ordered by the board of trustees of a school district or the governing body of a charter school for any good reason, no deduction of salary may be made therefor.

(b) If, on account of sickness, epidemic or other emergency in the community, a longer intermission is ordered by the board of trustees of a school district, the governing body of a charter school or a board of health and the intermission or closing does not exceed 30 days at any one time, there may be no deduction or discontinuance of salaries.

8. If the board of trustees of a school district or the governing body of a charter school orders an extension of the number of days of school to compensate for the days lost as the result of an intermission because of those reasons contained in paragraph (b) of subsection 7, an employee may be required to render his services to the school district or charter school during that extended period. If the salary of the employee was continued during the period of intermission as provided in subsection 7, the employee is not entitled to additional compensation for services rendered during the extended period.

9. If any subject referred to in this section is included in an agreement or contract negotiated by:

(a) The board of trustees of a school district pursuant to chapter 288 of NRS; or

(b) The governing body of a charter school pursuant to NRS 386.595,

FLUSH the provisions of the agreement or contract regarding that subject supersede any conflicting provisions of this section or of a regulation of the board of trustees.

Sec. 2. NRS 286.300 is hereby amended to read as follows:

286.300 Except as otherwise required as a result of NRS 286.537:

1. Any member of the system may purchase all previous creditable service performed with his present employing agency if that service was performed before the enrollment of his agency in the system, even if the service is still creditable in some other system where it cannot be canceled. The public employer must certify the inclusive dates of employment and number of hours regularly worked by the member to validate the service. The member must pay the full actuarial cost as determined by the actuary.

2. In addition to the purchase authorized pursuant to the provisions of subsection 1, any member who has 5 years of creditable service may purchase up to 5 years of service. The member must pay the full actuarial cost of the service as determined by an actuary of the system.

3. *In addition to the purchase authorized pursuant to the provisions of subsections 1 and 2, any member who:*

(a) Is a licensed teacher;

(b) Has 5 years of creditable service;

(c) Is, pursuant to statute, regulation or contract, entitled to payment for unused sick leave; and

(d) Is employed by the board of trustees of a school district that has, pursuant to subsection 5 of NRS 391.180, provided for the payment of unused sick leave in the form of purchase of service,

FLUSH *may cause to be purchased on his behalf additional service credit, not to exceed the number of hours of unused sick leave or 1 year, whichever is less. The full actuarial cost of the service as determined by an actuary of the system must be paid for such a purchase.*

Sec. 3. This act becomes effective on July 1, 1999.

SUMMARY—Requires achievement and proficiency examinations to be administered in public schools during spring semester. (BDR 34-973)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to education; requiring certain achievement and proficiency examinations to be administered in public schools during the spring semester; making related changes to the dates for submission of reports required for the program of accountability for public schools; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 385.347 is hereby amended to read as follows:

385.347 1. The board of trustees of each school district in this state, in cooperation with associations recognized by the state board as representing licensed personnel in education in the district, shall adopt a program providing for the accountability of the school district to the residents of the district and to the state board for the quality of the

schools and the educational achievement of the pupils in the district, including, without limitation, pupils enrolled in charter schools in the school district.

2. The board of trustees of each school district shall, on or before ~~March~~ *October* 31 of each year, report to the residents of the district concerning:

(a) The educational goals and objectives of the school district.

(b) Pupil achievement for grades 4, 8, 10 and 11 for each school in the district and the district as a whole, including, without limitation, each charter school in the district. Unless otherwise directed by the department, the board of trustees of the district shall base its report on the results of the examinations administered pursuant to NRS 389.015 and shall compare the results of those examinations for the ~~current~~ *immediately preceding* school year with those of previous school years. The report must include, for each school in the district, including, without limitation, each charter school in the district, and each grade in which the examinations were administered:

(1) The number of pupils who took the examinations;

(2) An explanation of instances in which a school was exempt from administering or a pupil was exempt from taking an examination; and

(3) A record of attendance for the period in which the examinations were administered, including an explanation of any difference in the number of pupils who took the examinations and the number of pupils in attendance in that period.

FLUSH In addition, the board shall also report the results of other examinations of pupil achievement administered to pupils in the school district in grades other than 4, 8, 10 and

11. The results of these examinations for the ~~current~~ *immediately preceding* school year must be compared with those of previous school years.

(c) The ratio of pupils to teachers in kindergarten and at each grade level for each elementary school in the district and the district as a whole, including, without limitation, each charter school in the district, the average class size for each required course of study for each secondary school in the district and the district as a whole, including, without limitation, each charter school in the district, and other data concerning licensed and unlicensed employees of the school district.

(d) A comparison of the types of classes that each teacher has been assigned to teach with the qualifications and licensure of the teacher, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(e) The total expenditure per pupil for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(f) The curriculum used by the school district, including:

(1) Any special programs for pupils at an individual school; and

(2) The curriculum used by each charter school in the district.

(g) The annual rate of the attendance and truancy of pupils in all grades, including, without limitation, the average daily attendance of pupils, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(h) The annual rate of pupils who drop out of school in grades 9 to 12, inclusive, for each such grade, for each school in the district and for the district as a whole.

(i) Records of attendance of teachers who provide instruction, for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(j) Efforts made by the school district and by each school in the district, including, without limitation, each charter school in the district, to increase:

(1) Communication with the parents of pupils in the district; and

(2) The participation of parents in the educational process and activities relating to the school district and each school, including, without limitation, the existence of parent organizations and school advisory committees.

(k) Records of incidents involving weapons or violence for each school in the district, including, without limitation, each charter school in the district.

(l) Records of incidents involving the use or possession of alcoholic beverages or controlled substances for each school in the district, including, without limitation, each charter school in the district.

(m) Records of the suspension and expulsion of pupils required or authorized pursuant to NRS 392.466 and 392.467.

(n) The transiency rate of pupils for each school in the district and the district as a whole, including, without limitation, each charter school in the district.

(o) Each source of funding for the school district.

(p) For each high school in the district, including, without limitation, each charter school in the district, the percentage of pupils who graduated from that high school or charter school in the immediately preceding year and enrolled in remedial courses in reading, writing or mathematics at a university or community college within the University and Community College System of Nevada.

(q) The technological facilities and equipment available at each school, including, without limitation, each charter school, and the district's plan to incorporate educational technology at each school.

(r) Such other information as is directed by the superintendent of public instruction.

3. The superintendent of public instruction shall:

(a) Prescribe forms for the reports required pursuant to subsection 2 and provide the forms to the respective school districts.

(b) Provide statistical information and technical assistance to the school districts to ensure that the reports provide comparable information with respect to each school in each district and among the districts.

(c) Consult with a representative of the:

(1) Nevada State Education Association;

(2) Nevada Association of School Boards;

(3) Nevada Association of School Administrators;

- (4) Nevada Parent Teachers Association;
- (5) Budget division of the department of administration; and
- (6) Legislative counsel bureau,

FLUSH concerning the program and consider any advice or recommendations submitted by the representatives with respect to the program.

4. On or before ~~April~~ *November* 15 of each year, the board of trustees of each school district shall submit to the advisory board to review school attendance created in the county pursuant to NRS 392.126 the information required in paragraph (g) of subsection 2.

Sec. 2. NRS 385.351 is hereby amended to read as follows:

385.351 1. On or before ~~April~~ *November* 15 of each year, the board of trustees of each school district shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Committee; and
- (e) Bureau.

2. On or before ~~April~~ *November* 15 of each year, the board of trustees of each school district shall submit the information prepared by the board of trustees pursuant to

paragraph (q) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before ~~June 15~~ **December 31** of each year, the board of trustees of each school district shall:

(a) Prepare:

(1) A separate written report summarizing the effectiveness of the district's program of accountability during the *immediately preceding* school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at individual schools that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in schools within the district, including, but not limited to, a description of the efforts the district has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the board of trustees to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

- (1) Governor;
- (2) State board;
- (3) Department;
- (4) Committee; and
- (5) Bureau.

4. The department shall maintain a record of the information that it receives from each school district pursuant to this section in such a manner as will allow the department to create for each school a yearly profile of information.

5. The board of trustees of each school district shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the school district adopted pursuant to NRS 354.598.

Sec. 3. NRS 385.363 is hereby amended to read as follows:

385.363 The department shall, on or before December ~~15~~ 1 of each year:

1. Evaluate the information submitted by each school district pursuant to paragraphs (b), (g) and (i) of subsection 2 of NRS 385.347; and
2. Based upon its evaluation and in accordance with the criteria set forth in NRS 385.365 and 385.367, designate each public school within each school district as:
 - (a) Demonstrating high achievement;
 - (b) Demonstrating adequate achievement; or
 - (c) Demonstrating inadequate achievement.

Sec. 4. NRS 386.605 is hereby amended to read as follows:

386.605 1. On or before ~~April~~ **November** 15 of each year, the governing body of each charter school shall submit the report required pursuant to subsection 2 of NRS 385.347 to the:

- (a) Governor;
- (b) State board;
- (c) Department;
- (d) Legislative committee on education created pursuant to NRS 218.5352; and
- (e) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

2. On or before ~~April~~ **November** 15 of each year, the governing body of each charter school shall submit the information prepared by the governing body pursuant to paragraph (q) of subsection 2 of NRS 385.347 to the commission on educational technology created pursuant to NRS 388.790.

3. On or before ~~June 15~~ **December 31** of each year, the governing body of each charter school shall:

- (a) Prepare:
 - (1) A separate written report summarizing the effectiveness of the charter school's program of accountability during the *immediately preceding* school year. The report must include:

(I) A review and analysis of the data upon which the report required pursuant to subsection 2 of NRS 385.347 is based; and

(II) The identification of any problems or factors at the charter school that are revealed by the review and analysis.

(2) A written procedure to improve the achievement of pupils who are enrolled in the charter school, including, but not limited to, a description of the efforts the governing body has made to correct any deficiencies identified in the written report required pursuant to subparagraph (1). The written procedure must describe sources of data that will be used by the governing body to evaluate the effectiveness of the written procedure.

(b) Submit copies of the written report and written procedure required pursuant to paragraph (a) to the:

(1) Governor;

(2) State board;

(3) Department;

(4) Legislative committee on education created pursuant to NRS 218.5352; and

(5) Legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356.

4. The department shall maintain a record of the information that it receives from each charter school pursuant to this section in such a manner as will allow the department to create for each charter school a yearly profile of information.

5. The governing body of each charter school shall ensure that a copy of the written report and written procedure required pursuant to paragraph (a) of subsection 3 is included with the final budget of the charter school adopted pursuant to NRS 354.598.

6. The legislative bureau of educational accountability and program evaluation created pursuant to NRS 218.5356 may authorize a person or entity with whom it contracts pursuant to NRS 385.359 to review and analyze information submitted by charter schools pursuant to this section, consult with the governing bodies of charter schools and submit written reports concerning charter schools pursuant to NRS 385.359.

Sec. 5. NRS 389.015 is hereby amended to read as follows:

389.015 1. The board of trustees of each school district shall administer examinations in all public schools of the school district. The governing body of a charter school shall administer the same examinations in the charter school. The examinations administered by the board of trustees and governing body must determine the achievement and proficiency of pupils in:

- (a) Reading;
- (b) Writing;
- (c) Mathematics; and
- (d) Science.

2. The examinations required by subsection 1 must be:

- (a) Administered before the completion of grades 4, 8, 10 and 11.

(b) Administered in each school district and each charter school at the same time ~~[]~~ *during the spring semester*. The time for the administration of the examinations must be prescribed by the state board.

(c) Administered in each school in accordance with uniform procedures adopted by the state board. The department shall monitor the compliance of school districts and individual schools with the uniform procedures.

(d) Scored by the department or a single private entity that has contracted with the state board to score the examinations. If a private entity scores the examinations, it shall report the results of the examinations in the form and by the date required by the department.

3. Not more than 14 working days after the results of the examinations are reported to the department by a private entity that scored the examinations or the department completes the scoring of the examinations, the superintendent of public instruction shall certify that the results of the examinations have been transmitted to each school district and each charter school. Not more than 10 working days after a school district receives the results of the examinations, the superintendent of ~~[public instruction]~~ *schools of the school district* shall certify that the results of the examinations have been transmitted to each school within the school district. Not more than 10 working days after each school receives the results of the examinations, the principal of each school and the governing body of each charter school shall certify that the results for each pupil have been provided to the parent or legal guardian of the pupil:

(a) During a conference between the teacher of the pupil or administrator of the school and the parent or legal guardian of the pupil; or

(b) By mailing the results of the examinations to the last known address of the parent or legal guardian of the pupil.

4. Different standards of proficiency may be adopted for pupils with diagnosed learning disabilities. If different standards of proficiency are adopted or other modifications or accommodations are made in the administration of the examinations for a pupil who is enrolled in a program of special education pursuant to NRS 388.440 to 388.520, inclusive, other than a gifted and talented pupil, the different standards adopted or other modifications or accommodations must be set forth in the pupil's program of special education developed in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400 et seq., and the standards prescribed by the state board.

5. If a pupil fails to demonstrate at least adequate achievement on the examination administered before the completion of grade 4, 8 or 10, he may be promoted to the next higher grade, but the results of his examination must be evaluated to determine what remedial study is appropriate. If such a pupil is enrolled at a school that has been designated as demonstrating inadequate achievement pursuant to NRS 385.367 the pupil must, in accordance with the requirements set forth in this subsection, complete a program of remedial study pursuant to NRS 385.389.

6. If a pupil fails to pass the proficiency examination administered before the completion of grade 11, he must not be graduated until he is able, through remedial study, to pass the proficiency examination, but he may be given a certificate of attendance, in place of a diploma, if he has reached the age of 17 years.

7. The state board shall prescribe standard examinations of achievement and proficiency to be administered pursuant to subsection 1. The examinations on reading, mathematics and science prescribed for grades 4, 8 and 10 must be selected from examinations created by private entities and administered to a national reference group, and must allow for a comparison of the achievement and proficiency of pupils in grades 4, 8 and 10 in this state to that of a national reference group of pupils in grades 4, 8 and 10. The questions contained in the examinations and the approved answers used for grading them are confidential, and disclosure is unlawful except:

(a) To the extent necessary for administering and evaluating the examinations.

(b) That a disclosure may be made to a state officer who is a member of the executive or legislative branch to the extent that it is related to the performance of that officer's duties.

(c) That specific questions and answers may be disclosed if the superintendent of public instruction determines that the content of the questions and answers is not being used in a current examination and making the content available to the public poses no threat to the security of the current examination process.

Sec. 6. This act becomes effective on July 1, 1999.