

# Bulletin No. 11-15



## Legislative Committee on Education

*Legislative Counsel Bureau*



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**LEGISLATIVE COMMITTEE ON EDUCATION**

**BULLETIN NO. 11-15**

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## SUMMARY OF RECOMMENDATIONS

### LEGISLATIVE COMMITTEE ON EDUCATION

*Nevada Revised Statutes 218E.605*

The following is a summary of the recommendations for bill draft requests (BDRs) adopted by the Legislative Committee on Education (LCE) for transmittal to the 76th Session of the Nevada Legislature.

#### **PROPOSALS RELATING TO RACE TO THE TOP CRITERIA**

1. Include a statement in the final report urging the Superintendent of Public Instruction to, when establishing the State system for a growth model for teacher evaluations, give consideration to the length of time during the school year a student has been at the school and in the classroom.
2. Send a letter from the LCE to the State Board of Education and to the Superintendent of Public Instruction expressing the support of the LCE for ensuring that the assessment model to be used in evaluating teachers provides for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, express the sense of the LCE that the State Board and the Superintendent must ensure that all subject matters and grade levels be included.
3. Send a letter from the LCE to the Superintendent of Public Instruction requesting the Department of Education (DOE) include in its application for Race to the Top program funds, utilization of a portion of the State's share of those funds, to the extent authorized, to implement programs to assist the most at-risk youth to improve their access to education.

#### **PROPOSALS RELATING TO CHARTER SCHOOLS**

4. Send a letter from the LCE to the Governor, with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE for the continued funding of the charter school staff positions in the DOE provided by the Legislature.
5. Include a statement in the final report in support of encouraging the Regional Training Programs (RTPs) to make a concerted effort to target the staff of charter schools for the professional development activities that it offers, including leadership training for charter school administrators.

## **PROPOSALS RELATING TO EMPOWERMENT SCHOOLS AND SCHOOL CHOICE**

6. Amend statutes to remove the prospective expiration of the empowerment schools statutes. **(BDR 34–86)**
7. Amend the empowerment school statutes to remove the cap on the number of empowerment schools statewide. Further, provide that each school district must provide the Superintendent of Public Instruction with a timetable and process to convert all of its public schools to empowerment schools before July 1, 2013. Further, provide that empowerment schools are not required to revert surplus funds from State appropriations for empowerment. **(BDR 34–86)**
8. Send a letter from the LCE to each of the presidents of Nevada’s school district boards of trustees encouraging the adoption of policies and programs pursuant to Nevada’s site-based management statutes.

## **PROPOSALS RELATING TO ACCOUNTABILITY AND ASSESSMENT**

9. Amend the statutes concerning the State Improvement Plan (SIP) to change the due date for reporting the SIP from December 15 to January 15 of each year. **(BDR 34–87)**
10. Amend the statutes concerning the SIP to require that the Plan include a five-year planning component for recurring issues; further specify that such a component of the Plan build upon data from prior years and track measurable goals. **(BDR 34–87)**
11. Amend statutes to allow for the later administration of the Statewide Criterion Referenced Tests (CRTs) used to determine if schools are making Adequate Yearly Progress (AYP), providing the districts at least another 30 days of instruction prior to testing. Revise the AYP preliminary and final reporting deadline from June to accommodate this change. **(BDR 34–87)**
12. Send a letter from the LCE to the Superintendent of Public Instruction noting that the Superintendent is required to consult with various representatives of the education community, including the Nevada State Education Association (NSEA), concerning their recommendations regarding school and district accountability reports. Request that the Superintendent consult with the NSEA and these other entities with regard to the method of determining average class size.

## PROPOSALS RELATING TO FUNDING AND BUDGET MATTERS

13. Provide an appropriation of \$7,797,804 in both Fiscal Year (FY) 2010 and FY 2011, from the State General Fund to the Distributive School Account (DSA) for transfer to the three school districts serving as fiscal agents for the continuation of the three RTPs. Further provide a \$100,000 appropriation for each of those fiscal years to continue statewide training for educational administrators. In addition, provide a \$100,000 appropriation to contract with a consultant to review the evaluations of the RTPs. **(BDR S-88)**
14. Amend statutes to establish the K-12 Public Education Stabilization Account. Provide that funding which reverts back to the State DSA at the end of odd-numbered years would instead be transferred to the Stabilization Account. The Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. **(BDR 31-89)**
15. Amend statutes to allow the Superintendent of Public Instruction to grant a waiver from the requirement that a school year consist of 180 school days. If the Superintendent makes a determination of economic hardship, the Superintendent may issue a waiver for up to ten days from that requirement if it is used in lieu of staff layoffs. **(BDR 34-91)**
16. Adopt a resolution urging Nevada's Congressional Delegation to enact the necessary legislation to grant additional school trust lands to the State. **(BDR R-90)**
17. Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for the following education programs: planning for and establishment of empowerment schools; biennial funding of educational technology; career and technical education; RTPs; grants by the Commission on Educational Excellence; the DOE's parental involvement coordinator; the DOE's school empowerment coordinator; and funding for the Parental Involvement Council.
18. Send a letter from the LCE to the Superintendent of Public Instruction requesting the DOE to study the cost and practicality of converting or amending the Nevada Plan for school finance to allow for additional "weighted" formulas which take into account the extraordinary needs of hard-to-serve students.
19. Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE that funding should be provided to continue to fund or expand programs which are effective in improving student achievement.

## **PROPOSALS RELATING TO EDUCATIONAL PERSONNEL**

20. Amend the statutes governing school district evaluations of teachers and principals to require the use of certain student achievement data in these evaluations, with growth in student achievement accounting for at least 33 percent of the evaluation. Further, revise evaluation classifications so that teachers and principals are identified as “highly effective,” “effective,” and “ineffective.” **(BDR 34–93)**
21. Amend statutes to require that, upon the request of a school district, charter schools shall transmit the personnel records of employees who have taken a leave of absence from a district and returned to employment with that district. **(BDR 34–93)**
22. Amend statutes to specify that retired teachers rehired under the critical labor shortage provisions of statute may be hired by the school district at the rate of pay assigned to beginning teachers without experience. **(BDR 23–541)**

## **PROPOSALS RELATING TO MISCELLANEOUS MATTERS**

23. Require, by statute, that the State Board of Education adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils with an Individualized Education Program prior to turning age 18. **(BDR 34–92)**
24. Include a statement in the final report emphasizing the importance of representation from the Nevada Association of School Boards on all committees and groups formed by the Legislature to address issues involving K-12 public education. Future legislation creating such bodies, as well as legislation amending statutes concerning existing bodies, should consider adding such representatives.

**REPORT TO THE 76TH SESSION OF THE NEVADA LEGISLATURE  
BY THE LEGISLATIVE COMMITTEE ON EDUCATION**

**I. INTRODUCTION**

Nevada's Legislative Committee on Education (LCE) is a permanent committee of the Nevada Legislature whose authorization and duties are set forth in Chapter 218 of the *Nevada Revised Statutes* (NRS). Created in 1997 with the enactment of Senate Bill 482 (Chapter 473, *Statutes of Nevada*), known as the Nevada Education Reform Act (NERA), the LCE is responsible for reviewing statewide programs in accountability, the statewide student information system, class-size reduction, progress toward achieving the goals of the federal No Child Left Behind Act (NCLB) of 2001, and any other fiscal or policy concerns associated with public education. The creation of the LCE, its membership, and powers and duties are codified in NRS 218E.605 and 218E.615. (See Appendix A for a copy of these statutes.)

Members of the LCE during the 2009–2010 Interim included the following legislators:

Senator Joyce L. Woodhouse, Chair  
Assemblywoman April Mastroluca, Vice Chair  
Senator Shirley A. Breeden  
Senator Bernice Mathews  
Senator William J. Raggio  
Assemblywoman Marilyn Dondero Loop  
Assemblyman Harvey J. Munford  
Assemblyman Lynn D. Stewart

Legislative Counsel Bureau (LCB) staff services for the LCE were provided by H. Pepper Sturm, Chief Deputy Research Director; Carol M. Stonefield, Supervising Principal Research Analyst; Melinda Martini, Senior Research Analyst; and Maryann Elorreaga, Senior Research Secretary, of the Research Division; Kristin C. Roberts, Senior Principal Deputy Legislative Counsel, and Colleen Platt, Deputy Legislative Counsel, of the Legal Division; and Joi Davis, Program Analyst, of the Fiscal Analysis Division.

**A. COMMITTEE ACTIVITIES**

The LCE held seven meetings during the 2009-2010 Interim. Pursuant to the Committee's charge as provided in NRS 218E.615, the LCE considered a number of topics relating to elementary and secondary education, organizing the hearings around the eligibility requirements and the various selection criteria set forth in the federal Race to the Top (RTTT) grant program, a part of the American Recovery and Reinvestment Act of 2009 (Section 14006, Title XIV, Public Law 111-5) (ARRA). The members heard a series of

in-depth briefings on each of the six major selection criteria categories, grant priorities, and the eligibility requirements specified in the RTTT application guidelines. The briefings included presentations by WestEd, Nevada's Superintendent of Public Instruction, and representatives of the Governor's Education Reform Blue Ribbon Task Force. Members received a series of presentations and policy briefings concerning the Common Core State Standards Initiative adopted by the Council of Chief State School Officers (CCSSO) and the National Governors Association Center for Best Practices (NGA Center). Other presentations involved Nevada's process for adopting academic standards; programs in other states to provide linkages between principal evaluations and student achievement; alternative pathways to licensure for teachers and principals; utilization of Nevada's State Improvement Plan (SIP) and school district improvement plans; issues affecting charter schools; the use of Nevada's In\$ite financial accountability program; empowerment schools in Nevada; and miscellaneous K-12 funding and personnel matters.

The members also reviewed other national and State education reform activities, including Nevada's activities with regard to science, technology, engineering and mathematics subjects, and the State's strategy for the equitable distribution of teachers, required under NCLB's Highly Qualified Teacher provisions. The LCE accepted the annual report of the Legislative Bureau of Educational Accountability and Program Evaluation (LeBeape), and it also approved work plans and budgets for two other entities created by NERA: (1) the Council to Establish Academic Standards for Public Schools; and (2) the Commission on Educational Technology. Regular presentations were made by the Regional Training Programs (RTPs) and representatives of the Nevada System of Higher Education (NSHE) concerning their potential roles in the State's application for RTTT funds.

## **B. COMMITTEE FINDINGS AND RECOMMENDATIONS**

The LCE held two work sessions. The first was held on December 17, 2009, to consider recommendations specific to Nevada's eligibility to apply for RTTT grant funds. The LCE recommended that the NRS be revised to allow the use of student achievement data to be considered, but not be the sole criterion, in evaluating teacher performance or in taking disciplinary action against an employee. In February 2010, the Legislature met in the 26<sup>th</sup> Special Session and, among other actions, adopted legislation that changed the NRS. At that point, Nevada became eligible to apply for the RTTT grant.

A second work session was held on May 12, 2010, to review multiple education topics, including further recommendations related to Nevada's RTTT application. The LCE members reviewed a series of recommendations to help bring Nevada into alignment with the RTTT fund priorities. These changes may also assist Nevada in complying with the blueprint issued in the spring of 2010 by the United States Department of Education for the federal funding the states receive under proposed revisions to NCLB. The members of the LCE reviewed and took action on proposals concerning charter schools; empowerment schools and school choice; education accountability and assessment; K-12 education funding and budget matters; K-12 education personnel; and miscellaneous K-12 public education matters, including school

textbooks, school district boards of trustees, adjusted diplomas for disabled students, collective bargaining, flexibility in the number of instructional days, and class-size reduction. The LCE approved numerous letters and statements in its final report related to those topics, as well as bill draft requests (BDRs) relating to RTTT, charter schools, empowerment schools, K-12 personnel, school textbooks, and adjusted adult diplomas. As in the past, a separate appropriation for the RTPs was also recommended.

## **II. REVIEW OF MAJOR ISSUES AND COMMITTEE ACTIVITIES**

### **A. RACE TO THE TOP**

As part of Title XIV of the ARRA, \$4.35 billion was set aside for the RTTT fund for the U.S. Department of Education to award competitive grants to states to implement education reform with the goal of improving the quality of public education; the State of Nevada would be eligible to receive between \$60 million and \$175 million from that fund. To be eligible to submit an application, a state must meet certain requirements. In addition, a state may accumulate points on the basis of its demonstrated achievements in school reform and its proposals for future reforms.

The program was designed to encourage and reward states that are: creating conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, ensuring student preparation for success in college and careers; and implementing ambitious plans in four core education reform areas. The four areas are:

1. Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
2. Building data systems that measure student growth and success and inform teachers and principals about how they can improve instruction;
3. Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and
4. Turning around the lowest-achieving schools.

These are described in greater detail in the “Executive Summary” beginning on page 47 of Appendix B.

An important factor within the application is the requirement tied to the percentage of school districts within a state that agree to participate in the reform efforts. Each school district must decide whether it will participate in the RTTT reform efforts—a state cannot mandate

participation. A defining factor as to whether a school district will decide to participate in the RTTT reform efforts will be tied to the funding provided to each school district to carry out the requirements of the application. The application criteria does allow a state to supplement the formula funds received by a school district with the funds reserved for statewide use if it chooses to do so. If a school district decides to participate in the RTTT it must commit to substantially implement all of the reform efforts. If awarded, a state has four years to disburse the funds.

## 1. Review of Race to the Top Application Criteria

During the 2009-2010 Interim, the LCE focused much of its attention on the eligibility requirements and the various selection criteria as set forth in the RTTT application guidelines. As part of that review, the LCE also looked at possible statutory changes that might help increase the potential points Nevada could receive in its RTTT application. Although in general, the State appeared to be in a good position to apply for the RTTT grant funds, there were statutory and regulatory changes that could be made that may increase the number of points Nevada would be eligible to receive.

When reviewers score state applications, there are a possible 500 points that may be awarded. Half of the points (250) are based on a state's accomplishments prior to applying for the funds and half are based on what the state is planning to do. Although Nevada did not apply during the Phase 1 period, it did submit an application prior to the Phase 2 deadline of June 1, 2010.

There are six major selection criteria categories for which a state will receive points. These are listed in greater detail in the "Executive Summary" beginning on page 47 of Appendix B.

- a. *State Success Factors*—125 points. This category includes such things as the state's education reform agenda and the school districts' participation in it. It also includes building strong statewide capacity to implement, scale up, and sustain proposed plans. Finally, it includes demonstrating significant progress in raising achievement and closing gaps. According to testimony received from Keith W. Rheault, Ph.D., Superintendent of Public Instruction, Department of Education (DOE) at the December 11, 2009, meeting, Nevada will likely do well in most of the criteria. The one area where Nevada may be weak is in sustaining a proposed plan, as it requires a commitment to continued funding of the reforms after program funds end.
- b. *Standards and Assessments*—70 points. This category includes such things as developing and adopting common standards, as well as developing and implementing common high-quality assessments. It also includes supporting the transition to enhanced standards and high quality assessments. According to testimony received from Dr. Rheault, Nevada may lose a few points if it has not fully adopted the common core standards before August 2010.

- c. *Data Systems to Support Instruction*—47 points. This category includes such things as fully implementing a statewide longitudinal data system, accessing and using state data, and using data to improve instruction.
- d. *Great Teachers and Leaders*—138 points. This category has the largest number of points and, according to Dr. Rheault, is Nevada’s weakest category. It includes providing high-quality pathways for aspiring teachers and principals; improving teacher and principal effectiveness based on performance; ensuring equitable distribution of effective teachers and principals; improving the effectiveness of teacher and principal preparation programs; and providing effective support to teachers and principals.
- e. *Turning Around the Lowest-Achieving Schools*—50 points. This category includes intervening in the lowest-achieving schools and school districts and turning around the lowest-achieving schools.
- f. *General Selection Criteria*—55 points. This general category includes such things as making education funding a priority; ensuring successful conditions for high-performing charter schools and other innovative schools; and demonstrating other significant reform conditions.

Each of the meetings of the LCE was structured to provide a comprehensive review of each category of the application’s criteria. This review included an overview of each category, an evaluation of Nevada’s strengths and weaknesses within each of the specific subcategories, and potential actions that can be taken to improve Nevada’s point score for the application.

The six major selection criteria categories were taken up during the following meetings:

- **November 17, 2009**—Standards and Assessments
- **January 13, 2010**—Great Teachers and Leaders
- **March 16, 2010**—Data Systems to Support Instruction and Turning Around the Lowest-Achieving Schools
- **April 7, 2010**—State Success Factors and General Selection Criteria

At the April 2010 meeting, the LCE also reviewed certain competitive preference priorities and invitational priorities as specified in the application guidelines.

During the winter and spring of 2010, the DOE worked with the Governor’s Education Reform Blue Ribbon Task Force to prepare the State’s application. On May 27, 2010, Governor Jim Gibbons, Dr. Rheault, and others signed Nevada’s RTTT grant application and transmitted it to the U.S. Department of Education in Washington, D.C. The program’s Phase 1 grant funds were awarded earlier in 2010. Phase 2 grant applications were due June 1, 2010, and awards

are scheduled to be announced in early fall; however, prior to the publication date of this bulletin, the U.S. Department of Education announced the list of finalists for the Phase 2 funds and Nevada was not on that list.

## 2. Committee Activities

The LCE took action on a number of issues relative to actions by the 26th Special Session in February 2010. Other activities occurred prior to RTTT's Phase 2 application deadline on June 1, 2010.

### a. *Committee Activities Relative to the 26th Special Session of the Nevada Legislature*

To be eligible to apply for the funds, a state must not have any legal, statutory, or regulatory barriers at the state level linking student achievement data to teachers and principals for purposes of evaluation. Under NRS 386.650, the State of Nevada was prohibited from using student achievement data to evaluate a teacher or paraprofessional. This provision prevented Nevada from applying for RTTT funds. At its meeting on December 17, 2009, the LCE recommended that the NRS be amended to allow student achievement data to be considered, but not be the sole criterion, in evaluating performance of teachers or in taking disciplinary action against an employee. Accordingly, the Legislature met for the 26th Special Session in February 2010 and, among other actions, enacted legislation (Senate Bill 2, Chapter 5, *Statutes of Nevada 2010, 26th Special Session*), amending the statutes that restricted the use of data on student achievement for purposes of evaluating teachers and staff. However, the Legislature also made it clear that this data must not be the sole criterion for evaluating performance or taking disciplinary action. After enacting this legislation, Nevada became eligible to apply for the RTTT grant.

### b. *Committee Activities Prior to Phase 2 Application Deadline (June 1, 2010)*

During the process of reviewing the application criteria for RTTT, the members of the LCE noted that certain regulatory or administrative actions might require the support of the LCE prior to the scheduled work session in May 2010. To address this need, the LCE voted to communicate its intent to a number of the parties involved with or affected by the preparation of the State's application.

#### (1) Committee Letters Urging Certain Actions or Regulatory Changes

At its December 17, 2009, meeting, the LCE voted to send a number of letters expressing its support for certain actions relating to RTTT. These communications included:

- A letter to Keith W. Rheault, Ph.D., Superintendent of Public Instruction, DOE, urging him to take all necessary steps to prepare and submit Nevada's application at the earliest possible date. The LCE also called upon Dr. Rheault to accept offers of assistance from Nevada school districts and other interested education stakeholders.

- A letter to Dr. Rheault and to the Commission on Professional Standards in Education supporting the review and development of an alternative route to administrator licensure with a focus on the needs of rural communities and school districts.
- A letter to Dr. Rheault asking him to exercise his prerogative to commit the State of Nevada to joining a consortium of states that is working toward developing and implementing common assessments aligned with common core academic standards.
- A letter to Dr. Rheault asking him to proceed with modifications to the State's student accountability data system to provide for the reporting of the results of student-level college-readiness test scores, such as the SAT and ACT.

Additionally, at its January 13, 2010, meeting, the LCE voted to send a letter to the Board of Regents of the NSHE urging the members to work with the Superintendent of Public Instruction to review and put in place needed changes to allow for tracking of graduates of teacher preparation programs when they enter Nevada public school classrooms.

## (2) Alternative Certification for School Administrators

Also at the January 13, 2010, meeting, the LCE received a presentation about the RTTT selection criteria concerning the extent to which a state provides alternative routes to certification. The programs represent generally two different approaches to providing alternative certification routes for principals: (a) for those already holding a valid educator license or certification; and (b) for those who meet other qualifying requirements but do not hold an educator license. Common components of all programs are:

- Successful previous work experience;
- Mentoring to be provided by the employing school district; and
- Academic coursework relevant to school administration.

A more complete version of the presentation concerning alternative routes to principal licensure may be found in Appendix C.

In preparation for Nevada's application, the LCE voted to send a letter to Dr. Rheault and to the Commission on Professional Standards in Education supporting the review and development of an alternative route to administrator licensure with a focus on the needs of rural communities and school districts. Nevada already has an alternative certification process for teachers.

### (3) Work Session and Final Recommendations

On May 12, 2010, the LCE held its final meeting and work session for the 2009-2010 Interim. In addition to recommendations relating to Nevada's application for the RTTT fund, the LCE reviewed proposals concerning charter schools; empowerment schools and school choice; education accountability and assessment; K-12 education funding and budget matters; educational personnel; school textbooks; school district boards of trustees; adjusted diplomas for disabled students; collective bargaining; flexibility in the number of instructional days; and class-size reduction. Specific proposals adopted by the LCE concerning RTTT along with the other topics described in the subsections following this statement, may be found in the "Recommendations" section of the bulletin.

## **B. OTHER COMMITTEE ACTIVITIES**

The LCE regularly receives a number of technical reports that are required by statute. A complete list of these may be found in Appendix D. As part of its oversight duties, the LCE also received presentations from the RTPs, and approved the biennial work plans for the Council to Establish Academic Standards for Public Schools and the Commission on Educational Technology. Specific proposals adopted by the LCE concerning these issues may be found in the "Recommendations" section of the bulletin.

### 1. Regional Training Programs

In response to a series of regional workshops conducted by the LCE during the 1997-1998 Interim period, teachers, administrators, and others proposed a regional professional development model to help educators to teach the new State academic standards. The mission of the RTPs is to provide high-quality professional training for administrators and teachers in order to implement Nevada's high academic standards. Each program is overseen by a governing body composed of superintendents of the school districts within the region, representatives of the NSHE, teachers, and a nonvoting employee of Nevada's DOE. In addition, Senate Bill 3 (Chapter 13, *Statutes of Nevada 2001, 17th Special Session*) created the Statewide Council for the Coordination of the Regional Training Programs (Statewide Coordinating Council), a group that had been meeting informally since shortly after the creation of the programs. The Council now consists of seven members: the three directors of the regional programs, and one representative from each of the regional governing bodies. A representative of the Nevada State Education Association (NSEA) was added in 2003. The Statewide Coordinating Council is charged with: adopting standards for evaluating the training provided by the RTPs; coordinating the dissemination of information to school districts, administrators, teachers, and the RTPs; conducting long-range planning for professional development needs; and adopting uniform evaluation procedures.

Throughout the interim period, the LCE meetings included presentations by representatives of the RTPs, especially with regard to the professional development support provided to teachers and principals as required under the RTTT application criteria (January 13, 2010,

meeting). The RTP representatives also made a presentation at the March 16, 2010, meeting concerning the use of district and school improvement plans by the RTPs to identify professional development needs to improve student achievement.

## 2. Council to Establish Academic Standards for Public Schools

The NERA created the Council to Establish Academic Standards for Public Schools, which now consists of an eight-member body, appointed by the Governor and legislative leadership. The original Council was required to review and recommend statewide standards in English language arts, mathematics, and science before September 1, 1998. Standards in arts, computer and technology education, health and physical education, and social studies were reviewed by the Council in its second phase. The original versions of these standards were adopted by March 2000, and the Council has established a regular cycle to review and revise these standards in conjunction with the State's textbook adoption schedule.

At its November 17, 2009, meeting, the LCE received presentations on the development of the Common Core of State Standards Initiative of the CCSSO and the NGA Center. It also received information on the movement to develop common assessments of the common core state standards. Although both the common core standards and their assessments are tied to RTTT, this initiative began prior to the grant program, and will likely be tied to the forthcoming reauthorization of the federal Elementary and Secondary Education Act (ESEA). The members reviewed the process for reviewing and adopting any new State standards and assessments that may emerge from these efforts. Portions of the presentations concerned the status of the development of the growth model pursuant to Assembly Bill 14 (Chapter 93, *Statutes of Nevada 2009*) and the status of State and district assessment programs. Following the presentation, the LCE approved the work plan and budget for the Council to Establish Academic Standards for Public Schools, but it did not approve the request for funding of a contract with a consultant to assist the Council.

## 3. Commission on Educational Technology

In 1997, the Commission on Educational Technology was established jointly by the Governor's Office and the Legislature through the NERA. The measure created the 11-member Commission with the Superintendent of Public Instruction and the Director of the Department of Information Technology serving *ex officio* as nonvoting members. The Commission consists of technology experts from the school districts, libraries, business, industry, and the State. It is charged with developing a statewide plan for the use of educational technology within the public schools. In addition, the Commission is required to make recommendations for the distribution of funds from the Trust Fund for Educational Technology, develop technical standards for educational technology, and develop uniform specifications to ensure statewide compatibility. The Legislature usually appropriates one-shot funds for this purpose, so the amounts have varied each legislative session since the initial appropriation of \$27.5 million in 1997. State funding for educational technology was approved at approximately \$4.3 million for the 2009-2011 Biennium. The Commission typically distributes funds based upon the needs and relative wealth of each district as set forth in the Nevada Educational Technology

Plan, and subject to priorities established by the Legislature. The funds are provided based upon grant applications, which contain assurances of appropriate monitoring, and district evaluations of the impact upon student achievement and classroom instruction.

At its November 17, 2009, meeting, the LCE received a presentation concerning the proposed interim activities of the Commission on Educational Technology. The LCE approved the work plan and budget for the Commission for Fiscal Years (FYs) 2010 and 2011.

### **C. BUDGET REDUCTIONS**

Due to declining revenues following the 2007 Legislative Session, a number of budget cuts were made to K-12 public education prior to the 2009 Legislature. These budget reductions totaled \$55,168,806 for FY 2008 and \$123,165,703 for FY 2009. Following is a summary of the cuts made prior to the 2009 Legislative Session:

- First budget reductions and reversions to meet a goal of 4.5 percent: FY 2008, \$46,383,305 and FY 2009, \$46,309,879 for full-day kindergarten expansion, empowerment schools, educational technology, career and technical education, teacher performance pay, utilities shortfall, remediation and innovation grants, and other one-time funding;
- 24th Special Session (2008): Textbook funding reversion, \$47,995,713; general budget reversions, \$32,404,956;
- 25th Special Session (2008): Approximately \$3,776,235 for elimination of the Norm-Referenced Tests (NRTs), reversion of funding for school support team leaders, and redirection of the mineral leasing funds for FY 2009; and
- Following the 25th Special Session: Eleven percent reduction in the funding for the RTPs at \$1,464,448.

During the 2009 Legislative Session, the Governor and Legislature were faced with substantial revenue shortfalls, forcing reductions across all budgets, including education. To the extent possible, funding for established elementary and secondary education programs was continued including the State's class-size reduction program, full-day kindergarten, retirement credits and incentives for teachers, career and technical education programs, and early childhood education programs. Due to the economic downturn, funding for certain programs, including the amount set aside for teacher salaries, was either reduced or eliminated. In the end, funding approved by the 2009 Legislature from all sources totaled \$2.5 billion for the first year of the 2009-2011 Biennium, an 11.5 percent decrease when compared with the amount budgeted for the first year of the previous biennium. The amount approved for the second year of the 2009-2011 Biennium totaled \$2.53 billion.

Significant budget reductions for K-12 education by the 2009 Legislature:

- **Teacher Salaries**—In Nevada, funding for teacher salaries was reduced 4 percent in each fiscal year of the 2009-2011 Biennium to help meet projected revenue shortfalls. The actual salaries of teachers continue to be subject to local collective bargaining agreements. At this time, it is not known if the reduction will result in actual pay decreases for teachers in any of the school districts. In addition, during the 2009-2011 Biennium, the Interim Finance Committee (IFC) will project the balance in the State General Fund and the Distributive School Account (DSA). If the projected balance of the General Fund is at least \$390 million, the bill provides for State General Fund and State Highway Fund appropriations to reduce unpaid furlough leave from 12 days to 9 days, along with funding sufficient to increase the salaries for personnel employed by school districts by 1 percent. If the projected balance of the State General Fund is \$425 million, the bill provides for State General Fund and State Highway Fund appropriations to reduce unpaid furlough days from 12 days to 7 days with funding sufficient to increase the salaries for personnel employed by the school districts by 2 percent.
- **Programs for Innovation and the Prevention of Remediation**—In an effort to close the achievement gap across the State, the 2005 Legislature approved, for the first time, funding of \$42 million over the 2005-2007 Biennium to support programs for innovation and the prevention of remediation in grades K-12. The 2007 Legislature continued funding for the programs in the amount of \$90 million over the 2007-2009 Biennium. Due to the economic downturn, funding to continue this program was eliminated by the 2009 Legislature.
- **Testing**—The 2009 Legislature temporarily suspended the administration of the NRTs in grades 4, 7, and 10 through the 2009-2011 Biennium.
- **Professional Development**—The 2009 Legislature reduced the number of RTPs for teachers and administrators from 4 to 3.

Specific proposals adopted by the LCE concerning budget issues may be found in the “Recommendations” section of the bulletin.

#### **D. ALTERNATIVE STRUCTURES FOR PUBLIC SCHOOLS**

During the 2009-2010 Interim, the LCE reviewed matters related to two alternative structures for public schools—charter schools and empowerment schools.

##### **1. Charter Schools**

At its April 7, 2010, meeting, the LCE received presentations concerning the operation of charter schools in Nevada. Charter schools are independent public schools, responsible for

their own governance and operation. In exchange for this independence, there is increased accountability for their performance. The first charter school legislation in Nevada was enacted in 1997, and Nevada's charter school law was substantially amended in subsequent sessions. Charter schools receive the full per-pupil funding for their students. School districts are obligated to share any State or federal funds, such as for special education students, on a proportional basis.

The local school boards, the State Board of Education, and institutions of the NSHE are authorized to be sponsors of charter schools. Each charter school is overseen by a governing body, which must include teachers and may include parents, or representatives of nonprofit organizations, businesses, or higher education institutions. There are 28 charter schools operating in Nevada for the 2009-2010 School Year (SY). Local school boards sponsor 18 of the charter schools and the State Board of Education sponsors 10. Fourteen schools are located in the Clark County School District (CCSD), ten in the Washoe County School District (WCSD), two in the Carson City School District, one in the Douglas County School District, and one in the Elko County School District.

Members of the LCE reviewed information concerning successful conditions for high-performing charter schools and were advised concerning barriers and proposals to streamline the approval process and improve the governance and oversight of such schools. Several recommendations were made concerning potential charter school legislation for later consideration by the LCE at its work session. Specific proposals adopted by the LCE concerning charter schools may be found in the "Recommendations" section of the bulletin.

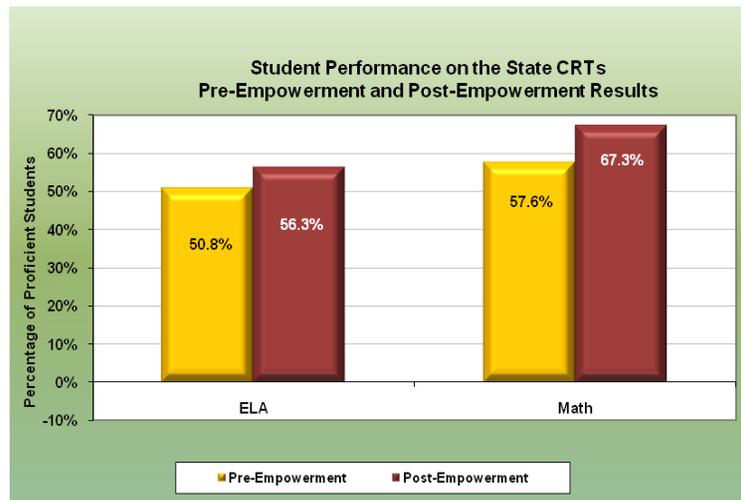
## 2. Empowerment Schools

The concept of empowerment schools was built upon a model of school administration called participatory management. Although State laws concerning school-based decision making have been around since 1993, the LCE learned that a review of responses from a Quick Poll Survey of school districts in 2008 indicated that only the WCSD had actually implemented a policy concerning school-based decision making. More recently, Nevada school districts have been using the empowerment model promoted by William G. Ouchi, Ph.D., Anderson Graduate School of Management, University of California, Los Angeles.

The empowerment form of participatory management is anchored in the principle that critical decisions affecting instruction should be made at the school level by those most closely involved with the children. Proponents of this model note that if schools are to be held accountable for student achievement, they should be given adequate resources and the freedom to determine how to attain targeted, specific goals by deploying those resources effectively and engaging the school community in the process. Utilizing school district funds, the CCSD implemented a pilot program of empowerment schools during the 2006-2007 SY. Four elementary schools were selected to receive \$600 per student in additional money to be used to cover the following: smaller class sizes; extended school day; extended school year; discretionary dollars; increased principal salary; and teacher pay for performance. Taking its direction from the Governor's 2007 State of the State Address, the Legislature approved Senate

Bill 238 (Chapter 530, *Statutes of Nevada 2007*), which established a program of empowerment schools in Nevada. That same year, State funding was appropriated for a limited pilot program for empowerment schools for the 2009-2011 Biennium; however, that funding was eliminated due to budget reductions. The 2009 Legislature did not approve State funding to support the program during the 2009-2011 Biennium. The CCSD chose to continue its program using district funds and grants, and by the 2009-2010 SY, had implemented a total of 17 empowerment schools.

According to information received by the LCE at its April 7, 2010, meeting, the effectiveness of the program has been measured through student performance, student attendance, and parent satisfaction. The following summarizes the results from SY 2007-2008:



- Student Performance: Empowerment schools have increased the percentage of proficient students in mathematics by 9.7 percent and in English language arts by 5.5 percent when compared to their pre-empowerment proficiency percentages.
- Student Attendance: Attendance rates in all empowerment schools have consistently exceeded the CCSD average.
- Parent Satisfaction: All empowerment schools received higher parent satisfaction scores on a district-wide parent satisfaction survey.

The LCE acknowledged the successes of empowerment schools and noted that the statutes concerning the program were due to sunset in June 2011. Specific proposals adopted by the LCE concerning empowerment schools may be found in the “Recommendations” section of the bulletin.

## **E. PERSONNEL ISSUES**

At its December 17, 2009, meeting, the LCE received presentations from representatives of school districts on teacher evaluation systems. Representatives of the CCSD provided information on the evaluation system used in the district's schools. Staff of the LCE also provided a report on the kinds of student achievement data used in other states that link such information to teacher evaluation.

Later, at the January 13, 2010, meeting, the LCE received a series of presentations concerning the provisions of the RTTT criteria under the Great Teachers and Leaders category of the grant application guidelines. These presentations included consideration of the RTTT fund relating to: providing high-quality pathways for aspiring teachers and principals; improving teacher and principal effectiveness based on performance (see Appendix E for information about evaluating principal effectiveness based upon performance); ensuring equitable distribution of effective teachers and principals, including information about the Nevada Plan for Equitable Distribution of Teachers; improving the effectiveness of teacher and principal preparation programs, including information from NSHE about plans and targets to link student achievement data to teacher and principal performance and to link such performance to teacher preparation programs offered by institutions; providing effective support to teachers and principals, including information about teacher mentoring in Nevada and actions by the RTPs and other professional development offered within the State. At the April 7, 2010, meeting, the members of the LCE also reviewed issues involving charter school personnel.

## **F. ACCOUNTABILITY AND ASSESSMENT**

Two major issues at the national level have influenced Nevada's accountability and assessment system for public education—the reauthorization of the ESEA and the Common Core State Standards Initiative.

### **1. Reauthorization of the Federal Elementary and Secondary Education Act**

While Congress is preparing to reauthorize the federal ESEA, the act's current form—NCLB—remains in place. According to the U.S. Department of Education, the Obama Administration's Blueprint for Reform to overhaul the NCLB Act will be focused on supporting state and local efforts to help ensure that all students graduate prepared for college and a career. The plan will ask states to ensure that their academic standards prepare students to succeed in college and the workplace, and to create accountability systems that recognize student growth and school progress toward meeting that goal. This will be a key priority in the reform of NCLB, which was signed into law in 2002 and is the most recent reauthorization of the ESEA.

Under the Obama Administration's blueprint, state accountability systems will set a high bar for all students graduating from high school ready to succeed in college and careers. The accountability system also will recognize and reward high-poverty schools and districts that are showing improvement getting their students on this path, using measures

of progress and growth. States and districts will identify and take rigorous actions in the lowest-performing schools. The administration also has proposed significant funding support to help states and districts in these efforts. Under the ESEA blueprint, states and districts will continue to focus on the achievement gap by identifying and intervening in schools that are persistently failing to close those gaps. For other schools, states and districts would have flexibility to determine appropriate improvement and support options. The blueprint also asks states and districts to develop meaningful ways of measuring teacher and principal effectiveness in order to provide better support for educators, enhance the profession through recognizing and rewarding excellence, and ensure that every classroom has a great teacher and every school has a great leader. The United States Congress is reviewing the blueprint and the proposed modifications to its requirements. Due to other national legislative priorities, it appears unlikely Congress will complete the reauthorization package until 2011.

## 2. The Common Core State Standards Initiative

In the meantime, Nevada has signed a Memorandum of Agreement (MOA) in support of the Common Core State Standards. According to Dr. Rheault, the purpose of the MOA is to commit states to developing and adopting common core standards in English language arts and mathematics for grades K-12 that:

- Are aligned with college and work expectations;
- Are clear, understandable and consistent;
- Include rigorous content and application of knowledge through high-order skills;
- Build upon strengths and lessons of current state standards;
- Are informed by other top performing countries, so that all students are prepared to succeed in our global economy and society; and
- Are evidence-based.

The Common Core State Standards Initiative is a state-led effort coordinated by the NGA Center and the CCSSO). The standards are informed by the highest, most effective models from states across the country and countries around the world, and provide teachers and parents with a common understanding of what students are expected to learn. Consistent standards will provide appropriate benchmarks for all students, regardless of where they live. These standards define the knowledge and skills students should have within their K-12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs. Following a review process and feedback concerning a draft version, the NGA Center and CCSSO released the final version in June 2010. Also in June, Nevada joined the SMARTER Balanced Assessment Consortium, a 31-state consortium, working to develop a student assessment system aligned to a common core of academic standards.

At its meeting on November 17, 2009, the LCE received an overview of testing, including the common core standards and related assessment effort, presented by Dr. Rheault with DOE staff, and Stanley N. Rabinowitz, Ph.D., Director of Assessment and Standards Development

Services, WestEd. According to Dr. Rheault, if Nevada adopted the common core standards, it would not need to pay to develop new Criterion Referenced Tests (CRTs) or need to have NRTs because that information would be available online. On the other hand, Nevada would have to remove some of the standards that are currently in place. Dr. Rheault also pointed out that adoption of the common core standards was not voluntary for states applying for RTTT grants.

Dr. Rabinowitz discussed two questions:

1. What trends in assessment reform should guide the next generation of assessments in Nevada?
2. What is the potential impact of national common core standards on assessment reform in Nevada?

Dr. Rabinowitz said at the beginning of the standards movement, the State assessment tests were relevant but Nevada now needed to develop a broader, next-generation assessment system that combined federal, State, and local options and requirements. He noted that Nevada's High School Proficiency Examination (HSPE), while relatively rigorous, contained portions that are less rigorous than in the national common core standards. He said if the common core standards were adopted and the HSPE was revised to be consistent with those standards, Nevada would need to increase its support of the related standards and assessments.

Specific proposals adopted by the LCE concerning accountability and assessment may be found in the "Recommendations" section of the bulletin.

## **G. MISCELLANEOUS EDUCATION ISSUES**

A portion of the May 12, 2010, meeting was concerned with proposals for consideration on topics other than RTTT. Although proposals were submitted from a variety of sources, the LCE reviewed multiple proposals from representatives of the CCSD, the Nevada Policy Research Institute (NPRI), the NSEA, and the Nevada Association of School Boards (NASB). Following is a summary of the topics presented:

- Joyce Haldeman, Associate Superintendent of Community and Government Relations, CCSD, discussed proposals regarding: weighted per-pupil funding; employment status of charter school employees; contract extensions in time of financial emergency; effective teachers and leaders in schools demonstrating need for improvement; a K-12 public education stabilization account; textbook adoption; hiring for critical labor shortages; flexibility in required number of instructional days; the existing State testing calendar; and funding and continuing successful pilot programs.
- Patrick R. Gibbons, Education Policy Analyst, NPRI, presented education reform proposals addressing: public school enrollment; school accountability and achievement;

collective bargaining in public education; creating improvement incentives for failing public schools; student advancement; education expenditures; teacher training, hiring, licensing, and pay; and parental choice.

- Craig M. Stevens, Director of Government Relations, NSEA, presented a number of proposals to the LCE concerning tax reform; testing reform; class-size reduction; public lands; adjusted diplomas; accountability reports; disruptive pupils; an education rainy day fund; tax abatements and exemptions; equal enhanced compensation; weighted enrollment funding formulas; restoration of cuts to K-12 education between 2007 and 2010; and enhanced compensation.
- Dotty Merrill, Ed.D., Executive Director, NASB, reviewed BDR suggestions submitted by the NASB which addressed establishing an education stabilization fund and representation by school board members on committees considering K-12 public education.

Specific proposals adopted by the LCE concerning certain of these issues may be found in the “Recommendations” section of the bulletin.

### III. RECOMMENDATIONS

The LCE held two work sessions. The first of these was held on December 17, 2009, to consider recommendations specific to Nevada’s eligibility to apply for RTTT funds.

#### *Recommendations for Action to the 26th Special Session (2010)*

In response to calls from Legislative Leadership, the LCE held two meetings in December 2009 to address this matter. The first meeting, held on December 11, laid out alternatives and a number of recommendations for potential action were discussed. The LCE then held a work session on December 17 to consider revisions to the NRS that would make Nevada eligible to apply for the RTTT funds. After seeking input from school district representatives, school boards of trustees and associations representing educational personnel, the LCE recommended to the Legislative Commission that the Legislature in its proposed special session:

**Amend the statutes to remove language prohibiting the use of student achievement data for employee evaluations and further provide that the information may be considered but must not be the sole criterion in evaluating performance of teachers, paraprofessionals, or other employees, or in taking any disciplinary action against an employee. (BDR 34–29, 26th Special Session)**

When the 26th Special Session was convened on February 23, 2010, the change recommended by the LCE was requested by the Senate Committee of the Whole as Senate Bill 2 (Chapter 5,

*Statutes of Nevada 2010, 26th Special Session*). Both the Senate and Assembly Committees of the Whole held hearings on the measure and it was approved by the Legislature and signed into law by the Governor. As approved, S.B. 2 removes the prohibition on linking student achievement data to teachers and paraprofessionals for purposes of personnel evaluations. Instead, this measure provides that such information must be considered, but must not be the sole criterion, for evaluating the performance of or taking disciplinary action against a teacher, paraprofessional, or other educational employee. This action removed the only barrier the State faced in being eligible to apply for the RTTT funds.

### ***Recommendations for Consideration by the 2011 Legislative Session***

The LCE's second work session was held on May 12, 2010, to review multiple education topics, including further recommendations related to Nevada's RTTT application. Letters authorized by the LCE may be found in Appendix F and those recommendations resulting in suggestions for legislation may be found in Appendix G.

#### **A. PROPOSALS RELATING TO RACE TO THE TOP**

The LCE devoted a significant amount of its attention during the interim period to recommendations concerning Nevada's application for federal RTTT funds. A key recommendation concerning employee evaluations is directly related to this effort, and is mentioned later in this report as Recommendation No. 20; other related recommendations concerning the use of student achievement data for such evaluations are discussed in this section.

##### **1. Student Transiency**

While most associations representing educational personnel supported Nevada's RTTT application, a number of concerns were raised about the testing instruments that would be used to measure student academic growth and how these assessments would be applied. One factor of particular concern centered on the manner in which the new system would address students who had not been in a particular classroom for the full academic year. According to testimony, students entering the classroom should be assessed promptly, and adjustments should be made in accordance with the portion of the school year a student was actually assigned to a classroom. It was the understanding of the LCE that the DOE would be working with the interested parties to address this concern and other technical factors during the development and implementation phase of the new evaluation system. Historically, Nevada's student transiency rate has been one of the highest in the nation, and concerns were raised about the potential distortion of data based upon this factor; therefore, due to the possible impact of student transiency upon the model, the LCE voted to:

**Include a statement in the final report urging the Superintendent of Public Instruction to, when establishing the State system for a growth model for teacher evaluations, give consideration to the length of time during the school year a student has been at the school and in the classroom. Under such a growth model, students**

**should be assessed as soon as possible after they are assigned to a classroom and the methodology for calculating student growth should give consideration to how students who have not been in the classroom for the full academic year will be counted or weighted in the calculation.**

## 2. Student Assessments

*Nevada Revised Statutes* 391.3125 provides that it is the intent of the Legislature that a uniform system of objective evaluations for teachers and other licensed personnel will be developed in each school district in consultation with representatives of the teachers. Under current law, the evaluation must include, without limitation, the following:

- An evaluation of classroom management skills;
- A review of the lesson plans and work log or grade book of pupils prepared by the teacher;
- An evaluation of the alignment of the curriculum taught by the teacher with State standards;
- An evaluation of the teacher's ability to determine diverse instructional needs of pupils and provide instruction;
- Recommendations for improvement as needed;
- A description of the action taken to assist the teacher in correcting deficiencies; and
- A statement indicating the amount of time the evaluator observed the classroom performance of the teacher.

The LCE noted the provisions of the law that require a uniform system within each school district. Since statewide standards-based testing is limited to certain subjects, primarily mathematics and English language arts, and science in grades 3 through 8 and once in high school, additional assessments at the local level may need to be utilized for evaluations of teachers teaching subjects other than those currently specified. Additionally, concerns about the quality of testing were presented to the LCE, along with the need to ensure the assessments used for evaluative purposes meet the requirements of being valid and reliable for the purpose of measuring student growth. Valid means the information is relevant, meaningful, and logically correct. Reliable means the information and the underlying data are complete and accurate. Although this standard is currently met for the existing statewide accountability model, the LCE noted the new student achievement growth model developed for employee evaluations needs to meet the same standards; therefore, the LCE voted to:

**Send a letter from the LCE to the State Board of Education and to the Superintendent of Public Instruction expressing the support of the LCE for ensuring**

that the assessment model to be used in evaluating teachers provides for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, express the sense of the LCE that the State Board and the Superintendent must ensure that all subject matter and grade levels be included before the incorporation of student achievement data within the evaluation in order to avoid disparate treatment for certain education employees. Specify that it is the understanding of the LCE that, until the proper growth testing is put into place that actually measures educator quality, other methods shall be used to measure the effectiveness of an educator.

### 3. Programs for At-Risk Youth

During the interim study, the LCE members reviewed information concerning the efforts of the national Dignity in Schools Campaign's effort to raise awareness of its concerns about approaches to student discipline that tend to push students out of school. Through the efforts of that organization, the revised RTTT application includes language encouraging states to support schools in “. . . implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports.” Such systems include the promotion of proactive, positive approaches to school discipline that could reduce suspensions and expulsions and ultimately keep juveniles out of the criminal justice system. Although applications would be evaluated concerning the inclusion of such programs by school districts, the LCE noted that, if the State succeeds in receiving the grant, a portion of the RTTT funds that Nevada's DOE may reserve might also be used to implement such programs. Therefore, the LCE voted to:

**Send a letter from the LCE to the Superintendent of Public Instruction requesting the DOE include in its application for RTTT program funds, utilization of a portion of the State's share of those funds, to the extent authorized, to implement programs to assist the most at-risk youth to improve their access to education. Such programs include guidance issued by the U.S. Department of Education that encourages use of funds to improve school climate through the use of a model called Positive Behavioral Interventions and Supports. Include a statement in the report that school district policies should consider using proactive, positive approaches to student discipline that can reduce suspensions and expulsions to keep juveniles out of the criminal justice system and improve student achievement and perceptions of safety.**

## **B. PROPOSALS RELATING TO CHARTER SCHOOLS**

The LCE also took action on several recommendations relating to regulatory oversight and professional development needs for charter schools.

#### 4. State Department Staffing

*Nevada Revised Statutes* 386.515 provides that school district boards of trustees and the colleges and universities of the NSHE may sponsor charter schools. The State Board of Education shall sponsor charter schools whose applications it has approved. However, by the start of the 2007-2008 SY, few districts and no higher education institutions were sponsoring new charter schools, leaving only the State Board to sponsor additional charter schools. On November 30, 2007, the State Board approved a decision to temporarily suspend the approval of new charter school applications (excluding applications already received) until the DOE determined it could effectively carry out its duties concerning charter schools, or receives adequate or sufficient funding, staffing, or support from other respected stakeholders, including the Office of the Governor, the Nevada Senate, the Nevada Assembly, the LCE, the IFC, and the Nevada State Charter School Leadership Team.

At the June 26, 2008, meeting of the IFC, members approved the DOE's request to utilize the administrative fees received from State Board sponsored charter schools to fund one new management analyst position to assist with technical assistance and monitoring for State Board sponsored charter schools. On August 9, 2008, the State Board lifted the moratorium on the approval of new charter school applications. Subsequently, during the 2009 Legislative Session, the DOE requested and was approved for additional staff to handle charter school matters. The LCE was advised that, although there was a hiring delay due to the State's economic downturn, the positions were to be advertised and filled. The members of the LCE recognized the need for sufficient staffing at the DOE to regulate charter schools and voted to:

**Send a letter from the LCE to the Governor with copies to the Chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE for the continued funding of the charter school staff positions in the DOE provided by the Legislature. State that the LCE recognizes the State's extraordinary fiscal situation and that it strongly supports providing adequate staff for this function.**

#### 5. Professional Development

The LCE received testimony that highlighted the need for public charter schools to maintain high-quality staff that has exposure to state-of-the-art professional development, especially as it concerns charter schools. The administrators of these public charter schools also require training and experience in managing school personnel, as well as a broad array of fiscal and instructional skills. The LCE recognized the unique nature of charter schools and the leadership challenges that administrators in such schools may encounter. Although professional development activities may be available for charter school staff through other means, the LCE noted the capacity of the RTPs to provide high-quality training; therefore, the LCE voted to:

**Include a statement in the final report in support of encouraging the RTPs to make a concerted effort to target the staff of charter schools for the professional**

**development activities that it offers, including leadership training for charter school administrators.**

### **C. PROPOSALS RELATING TO EMPOWERMENT SCHOOLS AND SCHOOL CHOICE**

During the 2009-2010 Interim, the LCE reviewed a number of recommendations concerning empowerment schools and school choice. Two statutory changes concerning empowerment schools were approved along with a recommendation concerning the similar concept of site-based management.

#### **6. Sunset for Statutes Concerning Empowerment Schools**

During the 2007 Legislative Session, the Legislature approved Senate Bill 238 (Chapter 530, *Statutes of Nevada*), which established a program of empowerment schools in Nevada. The State of Nevada's Program of Empowerment Schools provides a framework for the control that school personnel exercise over school resources. An empowerment school may control 90 percent of its apportionment from State and local resources, enroll students who are not zoned to attend that school, and create an incentive pay structure for all school personnel.

Based upon the Governor's recommendation to establish a Program of Empowerment Schools in Nevada, the 2007 Legislature approved funding of \$180,000 in FY 2007-2008 and \$8.9 million in FY 2008-2009 for the program. For planning purposes in FY 2007-2008, \$50,000 each was to be allocated to both the CCSD and WCSD and \$10,000 each to eight other school districts that apply to participate in the program. In FY 2008-2009, 5 percent of the schools in Clark County (15 schools) and Washoe County (5 schools) and 1 school in each of 8 other school districts were to be selected to operate as empowerment schools. The total number of empowerment schools statewide is capped at 100. Additional funding of approximately \$400 per pupil was to be provided to these empowerment schools. Due to the State's economic downturn, State funding to implement empowerment schools in FY 2008-2009 was eliminated due to budget reductions. The 2009 Legislature did not approve State funding to support the program during the 2009-2011 Biennium. However, utilizing school district funds, the CCSD had already implemented a pilot program of empowerment schools during SY 2006-2007. That program was expanded and currently, CCSD has implemented a total of 17 empowerment schools funded with school district general funds and grants.

The LCE was advised that preliminary data from these schools indicate a positive impact upon student achievement. The members of the LCE noted that the statewide program had not been funded, and given the positive results from the CCSD, future Legislatures may want to provide the necessary resources to operate and evaluate the program statewide.

Since the statutes concerning empowerment schools are due to expire on June 30, 2011, the LCE voted to:

**Amend statutes to remove the prospective expiration of the empowerment schools statutes. (BDR 34–86)**

#### 7. Converting Public Schools to Empowerment Schools

According to author and empowerment school advocate Dr. Ouchi, decentralization in Edmonton, Alberta; Houston, Texas; and Seattle, Washington have the following characteristics:

- In a strongly decentralized district, an individual school may choose on its own, without permission, to vary the mixture of types of teachers, the proportion of full-time, part-time, paraprofessional, and outsourced teachers, and other personnel;
- The principal is free to set a daily school schedule different from the district schedule;
- Each school may decide to hire its own internal staff to perform specialized functions, to buy those services from the central office, or to purchase them from vendors of its choosing; and
- Each school is free to choose its own teaching methods and to purchase teaching materials of its own choosing.

Such a model involves a significant amount of control over funding and resources at the school level. According to testimony, one potential incentive to encourage the efficient use of these resources involves revisions to funding provisions that require recipients of State funds to revert unspent funds at the end of the fiscal year, or at the end of the biennium. Allowing the school to retain some of these State empowerment funds would provide additional flexibility for such schools, and remove the incentive to exhaust funds without regard to fiscal necessity. The LCE noted the broad support associated with empowerment schools and received testimony in support of gradually converting all of Nevada's traditional public schools into empowerment schools. Although such an approach may require additional review, the members recommended bringing the proposal to the full Legislature for its consideration. Therefore, the LCE voted to:

**Amend the empowerment school statutes to remove the cap on the number of empowerment schools statewide. Further, provide that each school district must provide the Superintendent of Public Instruction with a timetable and process to convert all of its public schools to empowerment schools before July 1, 2013. Further, provide that empowerment schools are not required to revert surplus funds from State appropriations for empowerment schools back to the State General Fund, but may keep the surplus for the following school year. (BDR 34–86)**

## 8. School-Based Management

The concept of empowerment schools was built upon a model of school administration called participatory management. One such model is school-based management or, as it is referred to in the State of Nevada, school-based decision making (NRS 386.4154 through 386.4158).

According to the Education Encyclopedia—StateUniversity.com:

School-based decision-making is a concept based on the fundamental principle that individuals who are affected by the decision, possess expertise regarding the decision, and are responsible for implementing the decision, should be involved in making the decision.

Although Nevada's laws concerning school-based decision making have been around since 1993, a review of responses from a Quick Poll Survey of school districts in 2008 indicates that only the WCSD has actually implemented a policy concerning school-based decision making, titled "Shared Decision-Making 6000." The LCE noted that the empowerment schools model was one of several approaches of shared decision making, and that school districts may not be aware of Nevada's statutes governing school-based decision making. The LCE, therefore, voted to:

**Send a letter from the LCE to each of the presidents of Nevada's school district boards of trustees encouraging the adoption of policies and programs pursuant to Nevada's site-based management statutes (NRS 386.4154 *et seq.*) Such policies should include a process through which a school could become a site-based, decision making school in cooperation with the local associations, administration, and parents or allow a reorganization of the school without any new money but collaboration between all stakeholders. Further encourage districts to adopt a program to implement site-based decision making within schools and their districts. Among other things, the statutes provide for the district adoption of policies concerning the creation of school councils, flexibility for allocating funds, and a process for seeking waivers from certain regulations and statutes.**

### **D. PROPOSALS RELATING TO ACCOUNTABILITY AND ASSESSMENT**

The LCE received information about testing at its November 2009 meeting, including a presentation from the Director of Test Development at WestEd. It also received an update on the status of Nevada's application to the U.S. Department of Education for approval of a growth model to measure performance and Adequate Yearly Progress (AYP). Several proposals were discussed concerning Nevada's SIP and potential changes to the system of statewide standards-based tests required under the federal ESEA.

## 9. Nevada State Improvement Plan

*Nevada Revised Statutes* 385.34691 requires the State Board of Education to develop a State improvement plan. In addition to members of the State Board and DOE staff, participants in the development of the plan typically include representatives from the school districts; the Statewide Coordinating Council; the NSHE; and various business, community, and parent organizations. The plan must include an analysis of the data compiled from the school districts and reported in the statewide annual report of accountability. The State Board is also required to review and revise the annual plan each December and submit it to the LCE as well as to the Governor, the Board of Regents of the University of Nevada, the boards of trustees of the school districts, and others. The LCE was advised that statutes also require that District Improvement Plans are due December 15, making it difficult to identify common problems for inclusion in the statewide plan. Members were advised that shifting the submittal date to January 15 would allow the DOE to incorporate or reference findings from the district plans, making the document more useful to policymakers; therefore, the members voted to:

**Amend the statutes concerning the SIP to change the due date for reporting the SIP from December 15 to January 15 of each year. (BDR 34–87)**

## 10. Recurring Issues in State Improvement Plan

In its review of the 2009 SIP, the LCE noted that the document did not include a timeline for implementing the objectives specified within the plan, especially those that had been identified in previous reports. Members asked that the DOE include a timeline by implementing a five-year planning component within the plan to identify specific measurable goals and carry out its provisions. The LCE, therefore, voted to:

**Amend the statutes concerning the SIP to require that the Plan include a five-year planning component for recurring issues; further specify that such a component of the Plan build upon data from prior years and track measurable goals. (BDR 34–87)**

## 11. Testing Calendar

To comply with the federal NCLB, during a Special Session in 2003, the Legislature enacted Senate Bill 1 (Chapter 1, *Statutes of Nevada 2003, 19th Special Session*). Among other changes, the measure modified the NERA to add tests aligned to the State academic standards in reading and mathematics for grades 3 through 8. Further, the Legislature made substantive revisions to the linkage between these tests and the State accountability system to meet federal requirements for making AYP and imposing sanctions on schools and school districts that are consistently unsuccessful in meeting their target increases in student progress. The standards-based CRTs required by NCLB are linked to the school accountability program, and are considered “high stakes” for schools and districts.

Parents are advised of district-and school-level accountability results in several ways. Currently, a summary version of the district-level accountability report card is made available to certain entities, including parents, on or before August 15 of each year and a State-level report card to be made available on or before September 1 of each year. In addition, under NCLB, parents with students in Title I schools not making AYP may choose to send their children to another public school. Preliminary AYP designations are due on June 15 for schools on a traditional calendar; final designations are made on or before August 1 of each year. Parents are to be notified if the school did not make AYP and will be offered school choice as specified under the federal law.

During the 2009-2010 Interim, the LCE received testimony from school districts concerning the difficulty in meeting certain statutory reporting requirements linked to the CRTs. In addition, they argued that delaying the tests another month would provide classroom teachers with additional time to prepare students academically for the standards-based tests used to measure AYP. These dates are specified within statute and are included in the SIP that the DOE submits to the U.S. Department of Education to comply with provisions of the ESEA. The members of the LCE agreed that such a change was warranted, and voted to:

**Amend statutes to allow for the later administration of the Statewide CRTs used to determine if schools are making AYP, providing the districts at least another 30 days of instruction prior to testing. Revise the AYP preliminary and final reporting deadline to accommodate this change. Require the DOE to submit these changes in the SIP under the federal NCLB to the U.S. Department of Education, and adjust related dates associated with this process accordingly. The new schedule would take effect for the 2012-2013 SY. (BDR 34-87)**

## 12. Reporting Class Size

The LCE was also advised by the NSEA that the current method of calculating class size for school accountability reports may result in an inaccurate or misleading figure. The LCE was advised that currently the average class size is calculated for a grade in a school by taking the total number of students and dividing that number by the total number of licensed personnel, whether or not they are actually an individual classroom teacher. The NSEA asked that the calculation be based upon students and teachers in each classroom, and that the ratio of students to other licensed personnel, such as school counselors and speech pathologists, be reported separately. The LCE noted that the NSEA is one of several entities with whom the Superintendent of Public Instruction must consult with regard to school accountability reports. Members of the LCE considered the existing mechanism to make such changes, that is reviewing the matter with the Superintendent, was the preferred approach for considering this change and, therefore, voted to:

**Send a letter from the LCE to the Superintendent of Public Instruction noting that the Superintendent, under subsection 5 of NRS 385.347, must consult with various representatives of the education community, including the NSEA, concerning their**

recommendations regarding school and district accountability reports. Request that the Superintendent consult with the NSEA and these other entities with regard to the method of determining average class size, taking the total number of students and dividing it by the total number of licensed personnel. Note that the NSEA is proposing each school report the actual number of students in each class as well as the average number of students per counselor, nurse, speech pathologist, et cetera. Moreover, the Superintendent should consider altering the report to require each school district to post the enrollment of each academic core class by class period on the district's website.

#### **E. PROPOSALS RELATING TO EDUCATION APPROPRIATIONS AND FUNDING ISSUES**

The LCE received presentations throughout the interim that made direct or indirect reference to the impact of recent budget reductions. The LCE also received presentations on requests for funding of programs that in the past have been included in BDRs from this LCE.

##### **13. Regional Training Programs**

In 2001, the Legislature established the regional training programs for the professional development of teachers and administrators with the enactment of Senate Bill 3 (Chapter 13, *Statutes of Nevada 2001, 17th Special Session*). Since that time, the LCE has included among its BDRs continued funding for the RTPs. In the intervening years, funding has expanded to include an appropriation to the Statewide Coordinating Council for statewide administrator training. It has also included an outside review of the self-evaluations conducted by each regional program through an appropriation. In the 2007-2009 Biennium, the contract with a vendor to review the evaluations of the regional programs was not awarded in an effort to reduce the LCB budget; similarly, funding was not provided for this activity during the 2009-2011 Biennium.

Noting the current budget shortfall, the LCE recognized the need to maintain funding for these programs. To provide support for educator professional development and to ensure that programs are meeting the needs of teachers and administrators, the LCE recommended that the Legislature in 2011:

**Provide an appropriation of \$7,797,804 in both FY 2010 and FY 2011, from the State General Fund to the DSA for transfer to the three school districts serving as fiscal agents for the continuation of the three RTPs. Further provide a \$100,000 appropriation for each of those fiscal years from the State General Fund to the DSA for transfer to the Statewide Coordinating Council to continue statewide training for educational administrators. In addition, provide a \$100,000 appropriation from the State General Fund to the DSA for allocation to LeBeape to contract with a consultant to review the evaluations of the RTPs. (BDR S-88)**

#### 14. Education Stabilization Fund

Prior to the 2009 Legislative Session, the 17 school districts developed a plan through their *iNVEST 09 Proposal* called “Truth and Taxation.” The “Truth and Taxation” plan would require any revenues for education collected beyond the level of per-pupil funding approved by the Legislature no longer be reverted to the State General Fund, but instead be held in a reserve fund and only be available to support public education. Under current practice, when the amount of sales and property tax revenue generated for public education exceeds funding projections established by the State, the State reverts that amount from the DSA into the State General Fund. Once the funds are reverted to the State General Fund, there is no requirement that they be utilized for public education purposes. The proposal required the entire balance of any surplus in the DSA be deposited into a stabilization fund for K-12 education rather than be reverted into the State General Fund. According to testimony from the school districts and the NASB, the establishment of an education stabilization fund would help protect school districts from deep budget cuts in lean economic times. For example, during the 2007 Session alone, more than \$160 million specifically designated to fund education was reverted to the General Fund and used for noneducation purposes. Had those dollars been deposited in a “rainy day” fund for K-12 education, programs for students would have been somewhat protected from the recent rounds of budget cuts. The LCE noted that the proposal had been contained in a portion of Assembly Bill 458 from the 2009 Legislative Session. Although that measure did not pass, the LCE members believe the matter may need to be reviewed by the next Legislature, given the continuing economic downturn and its impact upon public education. The LCE, therefore, voted to:

**Amend statutes by redrafting portions of Assembly Bill 458 from the 2009 Legislative Session, to establish the K-12 Public Education Stabilization Account. Provide that funding which reverts back to the State DSA at the end of odd-numbered years would instead be transferred to the Stabilization Account. Further provide that the Superintendent of Public Instruction would be authorized to request a transfer of funds from the Stabilization Account to the DSA when there is a shortfall in the DSA. Such a request would be made of the Legislature when in session or of the IFC during the interim period between sessions. (BDR 31-89)**

#### 15. Number of Instructional Days

*Nevada Revised Statutes* 388.090 requires that all Nevada school districts “. . . provide a minimum of 180 days of free school . . .” to students under their charge. Some exceptions may be made for alternative scheduling, but the number of instructional minutes must be equal to or greater than the number of minutes provided by 180 days of instruction. According to a *StateNote* report by the Education Commission of the States in June 2008, Nevada is among the majority of states in the nation (30) that require a minimum of 180 days of instruction.

Representatives of the CCSD testified that if districts were granted a waiver for up to ten days in cases of significant financial hardship, this flexibility would allow districts an alternative to the more significant steps of reducing expenses through increasing class size, laying off

employees, and cutting essential programs. One current mechanism that might be used for making a declaration of hardship is found in NRS 387.2065. Under this statute, a school district may request a waiver from all or a portion of the minimum expenditure requirement for textbooks, instructional supplies, and instructional hardware in the event of an economic hardship, which is defined as occurring when revenue projections do not meet or exceed the revenues anticipated by the Legislature, or if the school district incurs unforeseen expenses, including those relating to a natural disaster. A request for a waiver must be reviewed by the DOE and the State Board of Examiners. The IFC makes the final determination to grant a waiver.

The members of the LCE agreed that this alternative should be made available to help school districts avoid staff layoffs and, therefore, voted to:

**Amend statutes to allow the Superintendent of Public Instruction to grant a waiver from the requirement that a school year consist of 180 school days. If the Superintendent makes a determination of economic hardship, and it is approved by the IFC, the Superintendent may issue a waiver to a district for up to ten days from that requirement if it is used in lieu of staff layoffs. (BDR 34–91)**

#### 16. School Trust Lands

When its territory was formed in 1861, Nevada was offered sections 16 and 32 in each township by the federal government as land intended for educational purposes (sections are each 1 square mile or 640 acres). Article 11, Section 3, of the *Constitution of the State of Nevada* pledges the proceeds of these lands for educational purposes:

All lands granted by Congress to this state for educational purposes, all estates that escheat to the state, all property given or bequeathed to the state for educational purposes, and the proceeds derived from these sources, together with that percentage of the proceeds from the sale of federal lands which has been granted by Congress to this state without restriction or for educational purposes and all fines collected under the penal laws of the state are hereby pledged for educational purposes and the money therefrom must not be transferred to other funds for other uses. The interest only earned on the money derived from these sources must be apportioned by the legislature among the several counties for educational purposes, and, if necessary, a portion of that interest may be appropriated for the support of the state university, but any of that interest which is unexpended at the end of any year must be added to the principal sum pledged for educational purposes.

Chapter LVII, *Statutes of Nevada 1864-5* authorizes the sale of these “School Land Warrants” (now referred to as School Trust Lands) and requires that the money be deposited into the “State School Fund” (now referred to as the State Permanent School Fund [SPSF]). These lands are considered assets of the SPSF, and are required by the *Constitution of the State of Nevada* to be managed or disposed of to generate revenue for the Fund. *Nevada Revised*

*Statutes* 321.335 authorizes the Division of State Lands, State Department of Conservation and Natural Resources, to sell State land at fair market value with the approval of the State Board of Examiners and the IFC.

Following statehood, Nevada traded the offered school lands back to the federal government for the opportunity to select more desirable property. Nevada was largely unsettled and it felt the State would benefit from the sale of selected lands in more favorable locations, rather than the specific sections provided by the federal government. By trading undesirable land for more desirable land, Nevada could encourage cultivation and settlement. The trade resulted in Nevada receiving fewer acres than it was originally offered (3.9 million acres were originally offered; 2 million acres were granted). As a result, the State has not been able to generate the large amounts of money from remaining school trust lands for the SPSF that many other western states, who kept their full allotment of educational lands, have been able to generate. When sold, all money is deposited in the SPSF, and made available for the DSA. The majority of the original 2 million acres has already been sold. By 2006, the State had about 3,000 acres remaining.

In 2002, a western states model resolution was promoted by the Council of State Governments-West. According to a Utah press release associated with this initiative, federal land ownership hurts western states' capacity to fund education. Since federal land ownership is not likely to change in the foreseeable future, the initiative seeks to address the financial impact of current federal land policies placed on western states. The initiative focuses on four sources for additional funding for public education:

- Revenue promised at statehood for each state's Permanent School Trust Fund that has never been paid;
- Lost property tax revenue, which is one of the primary funding sources for public education;
- Lost natural resources royalties and rents; and
- Better aggregation of School Trust Lands to increase the revenue that is derived from them to help fund public schools.

While the LCE recognized that the 2003 Legislature had passed a similar resolution to the United States Congress (Assembly Joint Resolution No. 5, File No. 67, *Statutes of Nevada*), additional School Trust Lands have not been granted. Therefore, the LCE voted to:

**Adopt a resolution urging Nevada's Congressional Delegation to enact the necessary legislation to grant additional School Trust Lands to the State. (BDR R-90)**

## 17. Restoration of Certain Funding

Although the Legislature provided funding for the expansion of certain existing programs or the creation of new programs in the 2007 Session, most of the funding for these programs was reduced to meet the budget reduction targets established by the Governor. For example, the balance in the Account for Programs for Innovation and the Prevention of Remediation to be awarded by the Commission on Educational Excellence was reverted to the General Fund as a result of actions in the 24th Special Session (2008). This and many of other separate education programs were cut from the budget submitted to the 2009 Legislature.

The LCE expressed concern that the restoration of funding for these programs might be overlooked in budget discussions in the 2011 Session of the Legislature. While recognizing the current revenue shortfalls, the LCE wished to relay to the Governor and the Legislature its priorities for funding in the event revenue becomes available; therefore, the LCE agreed to the following action:

**Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing support for restoration and continued funding for specific educational programs provided by the 2007 Legislature and the 23rd Special Session (2007). State that the LCE recognizes the State's extraordinary fiscal situation and that it strongly supports restoring these funds as State General Fund revenues allow. Include in the letter the following programs:**

- **Planning for and establishment of empowerment schools;**
- **Biennial funding of educational technology;**
- **Career and technical education;**
- **Parental involvement coordinator;**
- **Funding for a Parental Involvement Council;**
- **School empowerment coordinator;**
- **Regional training programs; and**
- **Grants by the Commission on Educational Excellence.**

## 18. Weighted Per-Pupil Funding

At its most fundamental level, weighted student funding recognizes that some children, who derive from certain circumstances or possess certain characteristics, require more resources in order to achieve desired educational outcomes. Weighted student funding means that the per-pupil amount of money provided to support the education of a child will be calculated according to the individual child's needs. The concept itself is not new; extra funding for students who receive their education pursuant to Individualized Education Programs (IEPs) has been provided in most states for many years. Often this funding is a separate appropriation provided as categorical aid.

In other jurisdictions the current application of weighted student funding typically calculates an equal base amount for each child enrolled. To that amount is added a designated percentage of the base amount according to the particular needs of a student. A state or district using weighted student funding must first identify the categories to weight and then decide the amount to weight each category. Common categories for weighting include students from low-income families, students who are limited English proficient, students with disabilities, and students who have not achieved proficiency on test scores. Weights may also be assigned to any number of other categories in which a student might be recognized as requiring more resources in order to achieve an educational goal.

The 73rd Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 10 (File No. 99, *Statutes of Nevada 2005*), which directed the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada. The Legislative Commission's Committee to Study School Financing Adequacy selected the consultant Augenblick, Palaich and Associates, Inc., of Denver, Colorado, who evaluated the Nevada Plan for school finance and performed a comprehensive analysis of the costs of providing adequate educational opportunities. Part of that analysis included an examination of weighted student funding. Since the topic had already had an initial review, the LCE indicated that it would like the Superintendent of Public Instruction and the State Board of Education to investigate the practicalities of implementing such a system and, therefore, voted to:

**Send a letter from the LCE to the Superintendent of Public Instruction requesting the DOE to study the cost and practicality of converting or amending the Nevada Plan for school finance (NRS 387.121, *et seq.*) to allow for additional "weighted" formulas as specified on page 71 of the report *Estimating the Cost of an Adequate Education in Nevada* to calculate a weighted enrollment which takes into account the extraordinary needs of hard-to-serve students. In August 2006, Augenblick, Palaich and Associates, Inc., presented the cited report to the Legislative Commission's Committee to Study School Financing Adequacy (Assembly Concurrent Resolution No. 10, File No. 99, *Statutes of Nevada 2005*).**

#### 19. Financing the Expansion of Successful Pilot Programs

According to testimony from the CCSD, over the past decade or so the Legislature has funded a number of pilot programs to determine if they are effective in improving students' educational outcomes. Although a number of these programs have demonstrated their worth, problems have been encountered in expanding these programs beyond the pilot stage. Most recently, funding issues have prevented the Legislature from expanding the empowerment schools model for example. While the LCE members were sympathetic concerning this matter, they recognized the current shortfall in State revenues makes program expansion unlikely in the near future.

The LCE wanted to ensure that the issue should receive attention during the budget process and, therefore, voted to:

Send a letter from the LCE to the Governor with copies to the chairs of the Senate Committee on Finance and the Assembly Committee on Ways and Means, expressing the support of the LCE that funding should be provided to continue to fund or expand programs which are effective in improving student achievement. Include in the letter the available evidence that these programs are effective. Such programs would include:

- Full-day kindergarten;
- Early Childhood Education;
- Innovation and remediation;
- State-funded mentoring programs;
- Empowerment schools;
- Career and technical education;
- Pay for performance;
- Programs for disruptive pupils;
- Progressive discipline pilot program; or
- Other successful programs.

## **F. PROPOSALS RELATING TO EDUCATIONAL PERSONNEL**

### 20. Employee Evaluations

The application for the RTTT fund identifies one selection criteria as the extent to which a state has a plan to design and implement evaluation systems for teachers and principals that differentiate effectiveness using multiple rating categories. That system must also take into account data on student growth as a significant factor, and are designed and developed with teacher and principal involvement. The RTTT application also requires that teachers and principals be classified, as part of the data reporting requirements, as “highly effective,” “effective,” and “ineffective.” Currently, the statutory provisions governing school district evaluations of teachers and principals (primarily at NRS 391.3125 and NRS 391.3127) require a uniform and objective system of evaluation, and specify that licensed personnel and administrators be evaluated as “satisfactory” or “unsatisfactory.” While Senate Bill 2 (Chapter 5, *Statutes of Nevada 2010, 26th Special Session*) provides that employee evaluations must consider student achievement scores as one of the criterion for employee evaluations, the portion devoted to that criterion is not specified, nor are there provisions made for the types of student assessments to be used in this process. Consequently, testimony indicated that the portions of NRS governing employee evaluations needed to be modified to address this change.

The LCE concluded that the statutes governing such evaluations should be modified to incorporate the effectiveness classifications and that at least one-third of the evaluation be centered upon student growth. To accomplish this goal, the LCE voted to:

**Amend the statutes governing school district evaluations of teachers and principals to require the use of certain student achievement data in these evaluations, with growth in student achievement accounting for at least 33 percent of the evaluation. Further, revise evaluation classifications so that teachers and principals are identified as “highly effective,” “effective,” and “ineffective.” (BDR 34–93)**

## 21. Personnel Records

Under current law, a licensed employee of a school district may take a leave of absence to work in a charter school, and may return to the district with full rights and benefits for up to three years. The district must grant the request to return, even if it will require a reduction in force. However, the employee’s personnel file, including any disciplinary record that occurred during the time of assignment to the charter school, does not become part of the district’s file. According to testimony from the CCSD, the law should be amended to require that the employee’s personnel file from the charter school be transmitted to the district in cases when licensed employees exercise their option to return to the district. Testimony indicated that this change would be parallel to the existing provisions in statute that allow districts to require a new set of fingerprints from employees who have been on a leave of absence, as well as the requirement placed on employees transferring from private institutions.

The members of the LCE agreed to submit this as a recommendation to the 2011 Legislature and, therefore, voted to:

**Amend statutes to require that, upon the request of a school district, charter schools shall transmit the personnel records of employees who have taken a leave of absence from a district under NRS 386.595, and returned to employment with that district. (BDR 34–93)**

## 22. Rehiring Retired Personnel

The 2009 Legislature made several key changes to the State’s critical labor shortage statutes (NRS 286.523). Among other changes, the 2009 legislation revised previous law concerning the designation of critical labor shortage positions by the DOE to provide that critical labor shortage positions in elementary and secondary education must be designated within each school district by the board of trustees and for each charter school by its governing body.

Currently, teachers who retire and then return to fill a position identified under Nevada’s critical labor shortage provisions, may receive the same salary they earned prior to retirement with full benefits and are able to continue receiving Public Employees Retirement System (PERS) payments. The CCSD asked that the LCE consider recommending that retired teachers filling critical labor shortage positions maintain the ability to collect from PERS but

be placed on a separate salary schedule upon reemployment. According to testimony, this approach would save the district money while still providing an incentive for retired teachers to fill these positions. The LCE noted the need to reduce costs and agreed to recommend legislation providing school districts with the flexibility to hire such personnel; therefore, the LCE voted to:

**Amend statutes to require designating authorities, under Nevada’s critical labor shortage provisions, to each establish a salary class plan that provides an alternative pay scale for positions designated as critical need, adjusted to take into account the simultaneous collection of retirement allowance by the employees who are rehired. (BDR 23–541)**

## **G. PROPOSALS RELATING TO ADJUSTED ADULT DIPLOMAS AND SCHOOL BOARD OF TRUSTEE REPRESENTATION**

Two final issues were considered by the LCE—an adjusted diploma for disabled adults and representation of local school board members on legislatively created policy committees.

### **23. Adjusted Adult Diploma**

The State Board of Education has defined high school diplomas in the *Nevada Administrative Code* (NAC). The course requirements and the minimum number of units for a standard diploma are set out in NAC 389.664. The advanced diploma is provided in NAC 389.663. The adjusted diploma, provided in NAC 389.698, may be earned by any disabled student who meets the standards prescribed by the student’s IEP. In addition, the State Board has promulgated the course requirements for an adult standard diploma in NAC 389.688. Further, the Legislature has provided in NRS 389.015 for a certificate of attendance for those students without an IEP who have completed all course requirements, but who are unable to pass the HSPE; it is further defined in NAC 389.699. In 1982, the State Board approved an adjusted diploma option for students with disabilities. This diploma reflects special requirements or adjusted standards prescribed by the student’s IEP.

The LCE was advised that under current law, students who have an IEP prior to turning age 18 can receive an adjusted diploma; however, they become ineligible to receive an adjusted diploma after turning age 22. The creation of an adjusted adult diploma would encourage a student who might have dropped out of high school, had an IEP, and decided at some point in time to go back and get a diploma after the age of 22. The topic of an adjusted adult diploma was discussed during the 2009 Legislative Session and concerns were raised at that time about the indefinite nature of school district responsibility for certain students with disabilities. Rather than specify particular structure for such a diploma, the LCE wanted the State Board to review the matter in depth with the school districts and establish specific conditions for granting such a diploma. Therefore, the LCE voted to:

**Require, by statute, that the State Board of Education adopt regulations to prescribe an adjusted adult diploma and set forth the requirements for receipt of an adjusted adult diploma for pupils with an Individualized Education Program prior to turning age 18. (BDR 34-92)**

24. Increasing Involvement by Members of School District Boards of Trustees

The LCE also received testimony calling for greater involvement of members of school district boards of trustees in the various policy boards and commissions dealing with K-12 education. Members of the LCE noted that school board members are the elected officials responsible for establishing school district policies, regulations, and procedures; awarding public works and purchase contracts; managing school property; negotiating labor agreements; establishing the school district budget; and conducting disciplinary hearings for employees and students, as well as implementing policies and regulations adopted at both the State and federal levels. The LCE agreed that it would be valuable to include representation from the NASB on all committees and groups formed by the Legislature to address issues involving K-12 public education; therefore, the LCE agreed to:

**Include a statement in the final report emphasizing the importance of representation from the NASB on all committees and groups formed by the Legislature to address issues involving K-12 public education. Future legislation creating such bodies, as well as legislation amending statutes concerning existing bodies, should consider adding such representatives.**

## IV. SELECTED REFERENCES

### General References

Department of Education

- <http://www.doe.nv.gov/>

Education Commission of the States

- <http://www.ecs.org/>

Legislative Committee on Education

- <http://www.leg.state.nv.us/Interim/75th2009/Committee/StatCom/Education/?ID=17>

### National Initiatives

Blueprint for Reauthorization of the Elementary and Secondary Education Act

- <http://www2.ed.gov/policy/elsec/leg/blueprint/index.html>

Common Core State Standards Initiative

- <http://www.corestandards.org/>

Race to the Top Fund

- <http://www2.ed.gov/programs/racetothetop/index.html>

### Empowerment Schools

Delaney, Jerome G. (1995), *The Development of School-Based Management in the Edmonton Public School District*.

Education Encyclopedia—State University, s.v. *School-Based Decision making - Key Elements, Scope of Decision-Making, Decision-Making Structures*.

- <http://education.stateuniversity.com/pages/2386/School-Based-Decisionmaking.html>

Martini, Mindy, “History of Empowerment Schools Program in Nevada” <http://www.leg.state.nv.us/Division/Research/Publications/ResearchBriefHistoryEmpowerment.pdf> *Research Brief*, Research Division, Legislative Counsel Bureau, (February 2010)

Ouchi, William G., Ph.D., “Power to the Principals: Decentralization in Three Large School Districts,” *Organization Science*, April 2006.

## Charter Schools

“Charter Schools,” Research Division, Legislative Counsel Bureau *Fact Sheet*, February 2010.

- <http://www.leg.state.nv.us/Division/Research/Publications/Factsheets/CharterSchools.pdf>

## V. ACKNOWLEDGEMENTS

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- The school districts and superintendents, including superintendents Dr. Walt Rulffes, CCSD and Dr. Heath E. Morrison, WCSD, for their presentations to the LCE, for responses to polls and other requests for updates, and for permitting their staff members and students to testify before the LCE, with special thanks to Joyce Haldeman, Associate Superintendent, Community and Government Relations, CCSD, and to Craig Hulse, Director of Government Affairs, WCSD, for providing information and assistance;
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- The NSHE, with special thanks to Jane Nichols, Vice Chancellor for Academic and Student Affairs; and
- Elementary school principals Ann Angulo, Edna F. Hinman Elementary School, CCSD; Kody Barto, Lee Antonello Elementary School, CCSD; Wendy B. Roselinsky, Jay W. Jeffers Elementary School, CCSD; and Terry Owens, Ph.D., Hafen Elementary School, Nye County School District, for their excellent presentations about schools making significant achievement gains.

## VI. APPENDICES

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**APPENDIX A**

*Nevada Revised Statutes* 218E.605 and 218E.615



*Nevada Revised Statutes 218E.605 and 218E.615*

**NRS 218E.605 Creation; membership; budget; officers; terms; vacancies.**

1. The Legislative Committee on Education, consisting of eight legislative members, is hereby created. The membership of the Committee consists of:

(a) Four members appointed by the Majority Leader of the Senate, at least one of whom must be a member of the minority political party.

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

2. The Legislative Commission shall review and approve the budget and work program for the Committee and any changes to the budget or work program.

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

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

5. A vacancy on the Committee must be filled in the same manner as the original appointment.

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

**NRS 218E.615 General powers and duties.**

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) The progress made by this State, the school districts and the public schools in this State in satisfying the goals and objectives of the federal No Child Left Behind Act of 2001, 20 U.S.C. §§ 6301 et seq., and the annual measurable objectives established by the State Board of Education pursuant to NRS 385.361;

(4) Methods of financing public education;

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

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

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

(8) 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 the State Board of Education, school districts and public schools pursuant to paragraph (a) of subsection 1 of NRS 385.359.

(b) For the purposes set forth in NRS 385.389, 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.

(c) Recommend to the Department of Education providers of supplemental educational services for inclusion on the list of approved providers prepared by the Department pursuant to NRS 385.384. In recommending providers, the Committee shall consider providers with a demonstrated record of effectiveness in improving the academic achievement of pupils.

(d) For the purposes set forth in NRS 385.3785, recommend to the Commission on Educational Excellence created by NRS 385.3784 programs, practices and strategies that have proven effective in improving the academic achievement and proficiency of pupils.

(Added to NRS by 1997, 1776; A 2003, 19th Special Session, 82; 2005, 1982)—(Substituted in revision for NRS 218.5354)

**APPENDIX B**

“Race to the Top Program Executive Summary”  
United States Department of Education  
November 2009



# Race to the Top Program Executive Summary



U.S. Department of Education  
Washington, D.C. 20202

November 2009

“It's time to stop just talking about education reform and start actually doing it.  
It's time to make education America's national mission.”  
– President Barack Obama, November 4, 2009

## **BACKGROUND**

On February 17, 2009, President Obama signed into law the American Recovery and Reinvestment Act of 2009 (ARRA), historic legislation designed to stimulate the economy, support job creation, and invest in critical sectors, including education. The ARRA lays the foundation for education reform by supporting investments in innovative strategies that are most likely to lead to improved results for students, long-term gains in school and school system capacity, and increased productivity and effectiveness.

The ARRA provides \$4.35 billion for the Race to the Top Fund, a competitive grant program designed to encourage and reward States that are creating the conditions for education innovation and reform; achieving significant improvement in student outcomes, including making substantial gains in student achievement, closing achievement gaps, improving high school graduation rates, and ensuring student preparation for success in college and careers; and implementing ambitious plans in four core education reform areas:

- Adopting standards and assessments that prepare students to succeed in college and the workplace and to compete in the global economy;
- Building data systems that measure student growth and success, and inform teachers and principals about how they can improve instruction;
- Recruiting, developing, rewarding, and retaining effective teachers and principals, especially where they are needed most; and
- Turning around our lowest-achieving schools.

Race to the Top will reward States that have demonstrated success in raising student achievement and have the best plans to accelerate their reforms in the future. These States will offer models for others to follow and will spread the best reform ideas across their States, and across the country.

## **KEY TIMING**

The Department plans to make Race to the Top grants in two phases. States that are ready to apply now may do so in Phase 1; States that need more time may apply in Phase 2. States that apply in Phase 1 but are not awarded grants may reapply for funding in Phase 2, together with States that are applying for the first time in Phase 2. Phase 1 grantees may not apply for additional funding in Phase 2.

Notices Published:	November 2009
Technical Assistance:	
Informational Conference Calls:	November and December 2009
Technical Assistance Workshops:	December 3 in Denver, CO; December 10 in Washington, D.C.
Other Events	TBD
Applications:	
Phase 1 Applications Due:	January 19, 2010
Phase 1 Awards Announced:	April 2010
Phase 2 Applications Due:	June 1, 2010
Phase 2 Awards Announced:	September 2010

## OVERVIEW OF PROGRAM AND POINTS

### Selection Criteria

#### **A. State Success Factors** (125 points)

- (A)(1) Articulating State’s education reform agenda and LEAs’ participation in it (65 points)
- (A)(2) Building strong statewide capacity to implement, scale up, and sustain proposed plans (30 points)
- (A)(3) Demonstrating significant progress in raising achievement and closing gaps (30 points)

#### **B. Standards and Assessments** (70 points)

- (B)(1) Developing and adopting common standards (40 points)
- (B)(2) Developing and implementing common, high-quality assessments (10 points)
- (B)(3) Supporting the transition to enhanced standards and high-quality assessments (20 points)

#### **C. Data Systems to Support Instruction** (47 points)

- (C)(1) Fully implementing a statewide longitudinal data system (24 points)
- (C)(2) Accessing and using State data (5 points)
- (C)(3) Using data to improve instruction (18 points)

#### **D. Great Teachers and Leaders** (138 points)

- (D)(1) Providing high-quality pathways for aspiring teachers and principals (21 points)
- (D)(2) Improving teacher and principal effectiveness based on performance (58 points)
- (D)(3) Ensuring equitable distribution of effective teachers and principals (25 points)
- (D)(4) Improving the effectiveness of teacher and principal preparation programs (14 points)
- (D)(5) Providing effective support to teachers and principals (20 points)

#### **E. Turning Around the Lowest-Achieving Schools** (50 points)

- (E)(1) Intervening in the lowest-achieving schools and LEAs (10 points)
- (E)(2) Turning around the lowest- achieving schools (40 points)

#### **F. General Selection Criteria** (55 points)

- (F)(1) Making education funding a priority (10 points)
- (F)(2) Ensuring successful conditions for high-performing charters and other innovative schools (40 points)
- (F)(3) Demonstrating other significant reform conditions (5 points)

### Priorities

Priority 1: Absolute Priority – Comprehensive Approach to Education Reform

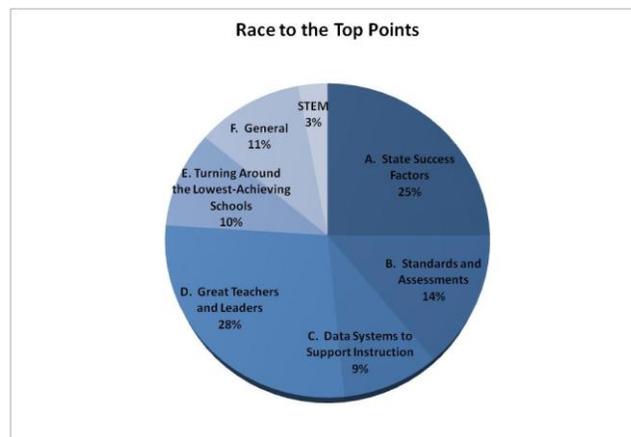
Priority 2: Competitive Preference Priority – Emphasis on Science, Technology, Engineering, and Mathematics (STEM) (15 points, all or nothing)

Priority 3: Invitational Priority – Innovations for Improving Early Learning Outcomes

Priority 4: Invitational Priority – Expansion and Adaptation of Statewide Longitudinal Data Systems

Priority 5: Invitational Priority – P-20 Coordination, Vertical and Horizontal Alignment

Priority 6: Invitational Priority – School-Level Conditions for Reform, Innovation, and Learning



## ELIGIBILITY REQUIREMENTS

A State must meet the following requirements in order to be eligible to receive funds under this program.

(a) The State's applications for funding under Phase 1 and Phase 2 of the State Fiscal Stabilization Fund program must be approved by the Department prior to the State being awarded a Race to the Top grant.

(b) At the time the State submits its application, there must not be any legal, statutory, or regulatory barriers at the State level to linking data on student achievement (as defined in this notice) or student growth (as defined in this notice) to teachers and principals for the purpose of teacher and principal evaluation.

## PRIORITIES

### **Priority 1: Absolute Priority -- Comprehensive Approach to Education Reform**

To meet this priority, the State's application must comprehensively and coherently address all of the four education reform areas specified in the ARRA as well as the State Success Factors Criteria in order to demonstrate that the State and its participating LEAs are taking a systemic approach to education reform. The State must demonstrate in its application sufficient LEA participation and commitment to successfully implement and achieve the goals in its plans; and it must describe how the State, in collaboration with its participating LEAs, will use Race to the Top and other funds to increase student achievement, decrease the achievement gaps across student subgroups, and increase the rates at which students graduate from high school prepared for college and careers.

### **Priority 2: Competitive Preference Priority -- Emphasis on Science, Technology, Engineering, and Mathematics (STEM). (15 points, all or nothing)**

To meet this priority, the State's application must have a high-quality plan to address the need to (i) offer a rigorous course of study in mathematics, the sciences, technology, and engineering; (ii) cooperate with industry experts, museums, universities, research centers, or other STEM-capable community partners to prepare and assist teachers in integrating STEM content across grades and disciplines, in promoting effective and relevant instruction, and in offering applied learning opportunities for students; and (iii) prepare more students for advanced study and careers in the sciences, technology, engineering, and mathematics, including by addressing the needs of underrepresented groups and of women and girls in the areas of science, technology, engineering, and mathematics.

### **Priority 3: Invitational Priority – Innovations for Improving Early Learning Outcomes.**

The Secretary is particularly interested in applications that include practices, strategies, or programs to improve educational outcomes for high-need students who are young children (pre-kindergarten through third grade) by enhancing the quality of preschool programs. Of particular interest are proposals that support practices that (i) improve school readiness (including social, emotional, and cognitive); and (ii) improve the transition between preschool and kindergarten.

### **Priority 4: Invitational Priority – Expansion and Adaptation of Statewide Longitudinal Data Systems.**

The Secretary is particularly interested in applications in which the State plans to expand statewide longitudinal data systems to include or integrate data from special education programs, English language learner programs,<sup>1</sup> early childhood programs, at-risk and dropout prevention programs, and school climate and culture programs, as well as information on student mobility, human resources (*i.e.*, information on teachers, principals, and other staff), school finance, student health, postsecondary education, and other

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<sup>1</sup> The term English language learner, as used in this notice, is synonymous with the term limited English proficient, as defined in section 9101 of the ESEA.

relevant areas, with the purpose of connecting and coordinating all parts of the system to allow important questions related to policy, practice, or overall effectiveness to be asked, answered, and incorporated into effective continuous improvement practices.

The Secretary is also particularly interested in applications in which States propose working together to adapt one State's statewide longitudinal data system so that it may be used, in whole or in part, by one or more other States, rather than having each State build or continue building such systems independently.

**Priority 5: Invitational Priority -- P-20 Coordination, Vertical and Horizontal Alignment.**

The Secretary is particularly interested in applications in which the State plans to address how early childhood programs, K-12 schools, postsecondary institutions, workforce development organizations, and other State agencies and community partners (*e.g.*, child welfare, juvenile justice, and criminal justice agencies) will coordinate to improve all parts of the education system and create a more seamless preschool-through-graduate school (P-20) route for students. Vertical alignment across P-20 is particularly critical at each point where a transition occurs (*e.g.*, between early childhood and K-12, or between K-12 and postsecondary/careers) to ensure that students exiting one level are prepared for success, without remediation, in the next. Horizontal alignment, that is, coordination of services across schools, State agencies, and community partners, is also important in ensuring that high-need students (as defined in this notice) have access to the broad array of opportunities and services they need and that are beyond the capacity of a school itself to provide.

**Priority 6: Invitational Priority -- School-Level Conditions for Reform, Innovation, and Learning.**

The Secretary is particularly interested in applications in which the State's participating LEAs (as defined in this notice) seek to create the conditions for reform and innovation as well as the conditions for learning by providing schools with flexibility and autonomy in such areas as--

- (i) Selecting staff;
- (ii) Implementing new structures and formats for the school day or year that result in increased learning time (as defined in this notice);
- (iii) Controlling the school's budget;
- (iv) Awarding credit to students based on student performance instead of instructional time;
- (v) Providing comprehensive services to high-need students (as defined in this notice) (*e.g.*, by mentors and other caring adults; through local partnerships with community-based organizations, nonprofit organizations, and other providers);
- (vi) Creating school climates and cultures that remove obstacles to, and actively support, student engagement and achievement; and
- (vii) Implementing strategies to effectively engage families and communities in supporting the academic success of their students.

## SELECTION CRITERIA

### A. State Success Factors (125 points)

#### (A)(1) Articulating State's education reform agenda and LEAs' participation in it (65 points)

The extent to which—

(i) The State has set forth a comprehensive and coherent reform agenda that clearly articulates its goals for implementing reforms in the four education areas described in the ARRA and improving student outcomes statewide, establishes a clear and credible path to achieving these goals, and is consistent with the specific reform plans that the State has proposed throughout its application; (5 points)

(ii) The participating LEAs (as defined in this notice) are strongly committed to the State's plans and to effective implementation of reform in the four education areas, as evidenced by Memoranda of Understanding (MOUs) (as set forth in Appendix D)<sup>2</sup> or other binding agreements between the State and its participating LEAs (as defined in this notice) that include— (45 points)

(a) Terms and conditions that reflect strong commitment by the participating LEAs (as defined in this notice) to the State's plans;

(b) Scope-of-work descriptions that require participating LEAs (as defined in this notice) to implement all or significant portions of the State's Race to the Top plans; and

(c) Signatures from as many as possible of the LEA superintendent (or equivalent), the president of the local school board (or equivalent, if applicable), and the local teachers' union leader (if applicable) (one signature of which must be from an authorized LEA representative) demonstrating the extent of leadership support within participating LEAs (as defined in this notice); and

(iii) The LEAs that are participating in the State's Race to the Top plans (including considerations of the numbers and percentages of participating LEAs, schools, K-12 students, and students in poverty) will translate into broad statewide impact, allowing the State to reach its ambitious yet achievable goals, overall and by student subgroup, for— (15 points)

(a) Increasing student achievement in (at a minimum) reading/language arts and mathematics, as reported by the NAEP and the assessments required under the ESEA;

(b) Decreasing achievement gaps between subgroups in reading/language arts and mathematics, as reported by the NAEP and the assessments required under the ESEA;

(c) Increasing high school graduation rates (as defined in this notice); and

(d) Increasing college enrollment (as defined in this notice) and increasing the number of students who complete at least a year's worth of college credit that is applicable to a degree within two years of enrollment in an institution of higher education.

#### (A)(2) Building strong statewide capacity to implement, scale up, and sustain proposed plans (30 points)

The extent to which the State has a high-quality overall plan to—

(i) Ensure that it has the capacity required to implement its proposed plans by— (20 points)

(a) Providing strong leadership and dedicated teams to implement the statewide education reform plans the State has proposed;

(b) Supporting participating LEAs (as defined in this notice) in successfully implementing the education reform plans the State has proposed, through such activities as identifying promising practices, evaluating these practices' effectiveness, ceasing ineffective practices, widely disseminating and replicating the effective practices statewide, holding participating LEAs (as defined in this notice) accountable for progress and performance, and intervening where necessary;

(c) Providing effective and efficient operations and processes for implementing its Race to the Top grant in such areas as grant administration and oversight, budget reporting and monitoring, performance measure tracking and reporting, and fund disbursement;

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<sup>2</sup> See Appendix D for more on participating LEA MOUs and for a model MOU.

(d) Using the funds for this grant, as described in the State's budget and accompanying budget narrative, to accomplish the State's plans and meet its targets, including, where feasible, by coordinating, reallocating, or repurposing education funds from other Federal, State, and local sources so that they align with the State's Race to the Top goals; and

(e) Using the fiscal, political, and human capital resources of the State to continue, after the period of funding has ended, those reforms funded under the grant for which there is evidence of success; and

(ii) Use support from a broad group of stakeholders to better implement its plans, as evidenced by the strength of statements or actions of support from— (10 points)

(a) The State's teachers and principals, which include the State's teachers' unions or statewide teacher associations; and

(b) Other critical stakeholders, such as the State's legislative leadership; charter school authorizers and State charter school membership associations (if applicable); other State and local leaders (e.g., business, community, civil rights, and education association leaders); Tribal schools; parent, student, and community organizations (e.g., parent-teacher associations, nonprofit organizations, local education foundations, and community-based organizations); and institutions of higher education.

(A)(3) Demonstrating significant progress in raising achievement and closing gaps (30 points)

The extent to which the State has demonstrated its ability to—

(i) Make progress over the past several years in each of the four education reform areas, and used its ARRA and other Federal and State funding to pursue such reforms; (5 points)

(ii) Improve student outcomes overall and by student subgroup since at least 2003, and explain the connections between the data and the actions that have contributed to— (25 points)

(a) Increasing student achievement in reading/language arts and mathematics, both on the NAEP and on the assessments required under the ESEA;

(b) Decreasing achievement gaps between subgroups in reading/language arts and mathematics, both on the NAEP and on the assessments required under the ESEA; and

(c) Increasing high school graduation rates.

**B. Standards and Assessments** (70 points)

*State Reform Conditions Criteria*

(B)(1) Developing and adopting common standards (40 points)

The extent to which the State has demonstrated its commitment to adopting a common set of high-quality standards, evidenced by (as set forth in Appendix B)—

(i) The State's participation in a consortium of States that— (20 points)

(a) Is working toward jointly developing and adopting a common set of K-12 standards (as defined in this notice) that are supported by evidence that they are internationally benchmarked and build toward college and career readiness by the time of high school graduation; and

(b) Includes a significant number of States; and

(ii) (20 points)

(a) For Phase 1 applications, the State's high-quality plan demonstrating its commitment to and progress toward adopting a common set of K-12 standards (as defined in this notice) by August 2, 2010, or, at a minimum, by a later date in 2010 specified by the State, and to implementing the standards thereafter in a well-planned way; or

(b) For Phase 2 applications, the State's adoption of a common set of K-12 standards (as defined in this notice) by August 2, 2010, or, at a minimum, by a later date in 2010 specified by the State in a high-quality plan toward which the State has made significant progress, and its commitment to implementing the standards thereafter in a well-planned way.<sup>3</sup>

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<sup>3</sup> Phase 2 applicants addressing selection criterion (B)(1)(ii) may amend their June 1, 2010 application submission through August 2, 2010 by submitting evidence of adopting common standards after June 1, 2010.

(B)(2) Developing and implementing common, high-quality assessments (10 points)

The extent to which the State has demonstrated its commitment to improving the quality of its assessments, evidenced by (as set forth in Appendix B) the State's participation in a consortium of States that—

- (i) Is working toward jointly developing and implementing common, high-quality assessments (as defined in this notice) aligned with the consortium's common set of K-12 standards (as defined in this notice); and
- (ii) Includes a significant number of States.

*Reform Plan Criteria*

(B)(3) Supporting the transition to enhanced standards and high-quality assessments (20 points)

The extent to which the State, in collaboration with its participating LEAs (as defined in this notice), has a high-quality plan for supporting a statewide transition to and implementation of internationally benchmarked K-12 standards that build toward college and career readiness by the time of high school graduation, and high-quality assessments (as defined in this notice) tied to these standards. State or LEA activities might, for example, include: developing a rollout plan for the standards together with all of their supporting components; in cooperation with the State's institutions of higher education, aligning high school exit criteria and college entrance requirements with the new standards and assessments; developing or acquiring, disseminating, and implementing high-quality instructional materials and assessments (including, for example, formative and interim assessments (both as defined in this notice)); developing or acquiring and delivering high-quality professional development to support the transition to new standards and assessments; and engaging in other strategies that translate the standards and information from assessments into classroom practice for all students, including high-need students (as defined in this notice).

**C. Data Systems to Support Instruction** (47 points)

*State Reform Conditions Criteria*

(C)(1) Fully implementing a statewide longitudinal data system (24 points)

The extent to which the State has a statewide longitudinal data system that includes all of the America COMPETES Act elements (as defined in this notice).

*Reform Plan Criteria*

(C)(2) Accessing and using State data (5 points)

The extent to which the State has a high-quality plan to ensure that data from the State's statewide longitudinal data system are accessible to, and used to inform and engage, as appropriate, key stakeholders (e.g., parents, students, teachers, principals, LEA leaders, community members, unions, researchers, and policymakers); and that the data support decision-makers in the continuous improvement of efforts in such areas as policy, instruction, operations, management, resource allocation, and overall effectiveness.<sup>4</sup>

(C)(3) Using data to improve instruction (18 points)

The extent to which the State, in collaboration with its participating LEAs (as defined in this notice), has a high-quality plan to—

- (i) Increase the acquisition, adoption, and use of local instructional improvement systems (as defined in this notice) that provide teachers, principals, and administrators with the information and resources they need to inform and improve their instructional practices, decision-making, and overall effectiveness;
- (ii) Support participating LEAs (as defined in this notice) and schools that are using instructional improvement systems (as defined in this notice) in providing effective professional development to teachers,

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<sup>4</sup> Successful applicants that receive Race to the Top grant awards will need to comply with the Family Educational Rights and Privacy Act (FERPA), including 34 CFR Part 99, as well as State and local requirements regarding privacy.

principals, and administrators on how to use these systems and the resulting data to support continuous instructional improvement; and

(iii) Make the data from instructional improvement systems (as defined in this notice), together with statewide longitudinal data system data, available and accessible to researchers so that they have detailed information with which to evaluate the effectiveness of instructional materials, strategies, and approaches for educating different types of students (*e.g.*, students with disabilities, English language learners, students whose achievement is well below or above grade level).

#### **D. Great Teachers and Leaders (138 points)**

##### *State Reform Conditions Criteria*

##### **(D)(1) Providing high-quality pathways for aspiring teachers and principals (21 points)**

The extent to which the State has—

(i) Legal, statutory, or regulatory provisions that allow alternative routes to certification (as defined in this notice) for teachers and principals, particularly routes that allow for providers in addition to institutions of higher education;

(ii) Alternative routes to certification (as defined in this notice) that are in use; and

(iii) A process for monitoring, evaluating, and identifying areas of teacher and principal shortage and for preparing teachers and principals to fill these areas of shortage.

##### *Reform Plan Criteria*

##### **(D)(2) Improving teacher and principal effectiveness based on performance (58 points)**

The extent to which the State, in collaboration with its participating LEAs (as defined in this notice), has a high-quality plan and ambitious yet achievable annual targets to ensure that participating LEAs (as defined in this notice)—

(i) Establish clear approaches to measuring student growth (as defined in this notice) and measure it for each individual student; (5 points)

(ii) Design and implement rigorous, transparent, and fair evaluation systems for teachers and principals that (a) differentiate effectiveness using multiple rating categories that take into account data on student growth (as defined in this notice) as a significant factor, and (b) are designed and developed with teacher and principal involvement; (15 points)

(iii) Conduct annual evaluations of teachers and principals that include timely and constructive feedback; as part of such evaluations, provide teachers and principals with data on student growth for their students, classes, and schools; and (10 points)

(iv) Use these evaluations, at a minimum, to inform decisions regarding— (28 points)

(a) Developing teachers and principals, including by providing relevant coaching, induction support, and/or professional development;

(b) Compensating, promoting, and retaining teachers and principals, including by providing opportunities for highly effective teachers and principals (both as defined in this notice) to obtain additional compensation and be given additional responsibilities;

(c) Whether to grant tenure and/or full certification (where applicable) to teachers and principals using rigorous standards and streamlined, transparent, and fair procedures; and

(d) Removing ineffective tenured and untenured teachers and principals after they have had ample opportunities to improve, and ensuring that such decisions are made using rigorous standards and streamlined, transparent, and fair procedures.

##### **(D)(3) Ensuring equitable distribution of effective teachers and principals (25 points)**

The extent to which the State, in collaboration with its participating LEAs (as defined in this notice), has a high-quality plan and ambitious yet achievable annual targets to—

(i) Ensure the equitable distribution of teachers and principals by developing a plan, informed by reviews of prior actions and data, to ensure that students in high-poverty and/or high-minority schools (both as defined in this notice) have equitable access to highly effective teachers and principals (both as defined in

this notice) and are not served by ineffective teachers and principals at higher rates than other students; and (15 points)

(ii) Increase the number and percentage of effective teachers (as defined in this notice) teaching hard-to-staff subjects and specialty areas including mathematics, science, and special education; teaching in language instruction educational programs (as defined under Title III of the ESEA); and teaching in other areas as identified by the State or LEA. (10 points)

Plans for (i) and (ii) may include, but are not limited to, the implementation of incentives and strategies in such areas as recruitment, compensation, teaching and learning environments, professional development, and human resources practices and processes.

**(D)(4) Improving the effectiveness of teacher and principal preparation programs (14 points)**

The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to—

(i) Link student achievement and student growth (both as defined in this notice) data to the students' teachers and principals, to link this information to the in-State programs where those teachers and principals were prepared for credentialing, and to publicly report the data for each credentialing program in the State; and

(ii) Expand preparation and credentialing options and programs that are successful at producing effective teachers and principals (both as defined in this notice).

**(D)(5) Providing effective support to teachers and principals (20 points)**

The extent to which the State, in collaboration with its participating LEAs (as defined in this notice), has a high-quality plan for its participating LEAs (as defined in this notice) to—

(i) Provide effective, data-informed professional development, coaching, induction, and common planning and collaboration time to teachers and principals that are, where appropriate, ongoing and job-embedded. Such support might focus on, for example, gathering, analyzing, and using data; designing instructional strategies for improvement; differentiating instruction; creating school environments supportive of data-informed decisions; designing instruction to meet the specific needs of high-need students (as defined in this notice); and aligning systems and removing barriers to effective implementation of practices designed to improve student learning outcomes; and

(ii) Measure, evaluate, and continuously improve the effectiveness of those supports in order to improve student achievement (as defined in this notice).

**E. Turning Around the Lowest-Achieving Schools (50 points)**

*State Reform Conditions Criteria*

**(E)(1) Intervening in the lowest-achieving schools and LEAs (10 points)**

The extent to which the State has the legal, statutory, or regulatory authority to intervene directly in the State's persistently lowest-achieving schools (as defined in this notice) and in LEAs that are in improvement or corrective action status.

*Reform Plan Criteria*

**(E)(2) Turning around the lowest-achieving schools (40 points)**

The extent to which the State has a high-quality plan and ambitious yet achievable annual targets to—

(i) Identify the persistently lowest-achieving schools (as defined in this notice) and, at its discretion, any non-Title I eligible secondary schools that would be considered persistently lowest-achieving schools (as defined in this notice) if they were eligible to receive Title I funds; and (5 points)

(ii) Support its LEAs in turning around these schools by implementing one of the four school intervention models (as described in Appendix C): turnaround model, restart model, school closure, or transformation model (provided that an LEA with more than nine persistently lowest-achieving schools may not use the transformation model for more than 50 percent of its schools). (35 points)

## **F. General (55 points)**

### *State Reform Conditions Criteria*

#### (F)(1) Making education funding a priority (10 points)

The extent to which—

- (i) The percentage of the total revenues available to the State (as defined in this notice) that were used to support elementary, secondary, and public higher education for FY 2009 was greater than or equal to the percentage of the total revenues available to the State (as defined in this notice) that were used to support elementary, secondary, and public higher education for FY 2008; and
- (ii) The State's policies lead to equitable funding (a) between high-need LEAs (as defined in this notice) and other LEAs, and (b) within LEAs, between high-poverty schools (as defined in this notice) and other schools.

#### (F)(2) Ensuring successful conditions for high-performing charter schools and other innovative schools (40 points)

The extent to which—

- (i) The State has a charter school law that does not prohibit or effectively inhibit increasing the number of high-performing charter schools (as defined in this notice) in the State, measured (as set forth in Appendix B) by the percentage of total schools in the State that are allowed to be charter schools or otherwise restrict student enrollment in charter schools;
- (ii) The State has laws, statutes, regulations, or guidelines regarding how charter school authorizers approve, monitor, hold accountable, reauthorize, and close charter schools; in particular, whether authorizers require that student achievement (as defined in this notice) be one significant factor, among others, in authorization or renewal; encourage charter schools that serve student populations that are similar to local district student populations, especially relative to high-need students (as defined in this notice); and have closed or not renewed ineffective charter schools;
- (iii) The State's charter schools receive (as set forth in Appendix B) equitable funding compared to traditional public schools, and a commensurate share of local, State, and Federal revenues;
- (iv) The State provides charter schools with funding for facilities (for leasing facilities, purchasing facilities, or making tenant improvements), assistance with facilities acquisition, access to public facilities, the ability to share in bonds and mill levies, or other supports; and the extent to which the State does not impose any facility-related requirements on charter schools that are stricter than those applied to traditional public schools; and
- (v) The State enables LEAs to operate innovative, autonomous public schools (as defined in this notice) other than charter schools.

#### (F)(3) Demonstrating other significant reform conditions (5 points)

The extent to which the State, in addition to information provided under other State Reform Conditions Criteria, has created, through law, regulation, or policy, other conditions favorable to education reform or innovation that have increased student achievement or graduation rates, narrowed achievement gaps, or resulted in other important outcomes.

## **DEFINITIONS**

Alternative routes to certification means pathways to certification that are authorized under the State's laws or regulations, that allow the establishment and operation of teacher and administrator preparation programs in the State, and that have the following characteristics (in addition to standard features such as demonstration of subject-matter mastery, and high-quality instruction in pedagogy and in addressing the needs of all students in the classroom including English language learners and student with disabilities): (a) can be provided by various types of qualified providers, including both institutions of higher education and other providers operating independently from institutions of higher education; (b) are selective in accepting candidates; (c) provide supervised, school-based experiences and ongoing support such as effective

mentoring and coaching; (d) significantly limit the amount of coursework required or have options to test out of courses; and (e) upon completion, award the same level of certification that traditional preparation programs award upon completion.

College enrollment refers to the enrollment of students who graduate from high school consistent with 34 CFR 200.19(b)(1) and who enroll in an institution of higher education (as defined in section 101 of the Higher Education Act, P.L. 105-244, 20 U.S.C. 1001) within 16 months of graduation.

Common set of K-12 standards means a set of content standards that define what students must know and be able to do and that are substantially identical across all States in a consortium. A State may supplement the common standards with additional standards, provided that the additional standards do not exceed 15 percent of the State's total standards for that content area.

Effective principal means a principal whose students, overall and for each subgroup, achieve acceptable rates (*e.g.*, at least one grade level in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that principal effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, high school graduation rates and college enrollment rates, as well as evidence of providing supportive teaching and learning conditions, strong instructional leadership, and positive family and community engagement.

Effective teacher means a teacher whose students achieve acceptable rates (*e.g.*, at least one grade level in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that teacher effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, multiple observation-based assessments of teacher performance.

Formative assessment means assessment questions, tools, and processes that are embedded in instruction and are used by teachers and students to provide timely feedback for purposes of adjusting instruction to improve learning.

Graduation rate means the four-year or extended-year adjusted cohort graduation rate as defined by 34 CFR 200.19(b)(1).

Highly effective principal means a principal whose students, overall and for each subgroup, achieve high rates (*e.g.*, one and one-half grade levels in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that principal effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, high school graduation rates; college enrollment rates; evidence of providing supportive teaching and learning conditions, strong instructional leadership, and positive family and community engagement; or evidence of attracting, developing, and retaining high numbers of effective teachers.

Highly effective teacher means a teacher whose students achieve high rates (*e.g.*, one and one-half grade levels in an academic year) of student growth (as defined in this notice). States, LEAs, or schools must include multiple measures, provided that teacher effectiveness is evaluated, in significant part, by student growth (as defined in this notice). Supplemental measures may include, for example, multiple observation-based assessments of teacher performance or evidence of leadership roles (which may include mentoring or leading professional learning communities) that increase the effectiveness of other teachers in the school or LEA.

High-minority school is defined by the State in a manner consistent with its Teacher Equity Plan. The State should provide, in its Race to the Top application, the definition used.

High-need LEA means an LEA (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; or (b) for which not less than 20 percent of the children served by the LEA are from families with incomes below the poverty line.

High-need students means students at risk of educational failure or otherwise in need of special assistance and support, such as students who are living in poverty, who attend high-minority schools (as defined in this notice), who are far below grade level, who have left school before receiving a regular high school diploma, who are at risk of not graduating with a diploma on time, who are homeless, who are in foster care, who have been incarcerated, who have disabilities, or who are English language learners.

High-performing charter school means a charter school that has been in operation for at least three consecutive years and has demonstrated overall success, including (a) substantial progress in improving student achievement (as defined in this notice); and (b) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

High-poverty school means, consistent with section 1111(h)(1)(C)(viii) of the ESEA, a school in the highest quartile of schools in the State with respect to poverty level, using a measure of poverty determined by the State.

High-quality assessment means an assessment designed to measure a student's knowledge, understanding of, and ability to apply, critical concepts through the use of a variety of item types and formats (*e.g.*, open-ended responses, performance-based tasks). Such assessments should enable measurement of student achievement (as defined in this notice) and student growth (as defined in this notice); be of high technical quality (*e.g.*, be valid, reliable, fair, and aligned to standards); incorporate technology where appropriate; include the assessment of students with disabilities and English language learners; and to the extent feasible, use universal design principles (as defined in section 3 of the Assistive Technology Act of 1998, as amended, 29 U.S.C. 3002) in development and administration.

Increased learning time means using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for (a) instruction in core academic subjects, including English; reading or language arts; mathematics; science; foreign languages; civics and government; economics; arts; history; and geography; (b) instruction in other subjects and enrichment activities that contribute to a well-rounded education, including, for example, physical education, service learning, and experiential and work-based learning opportunities that are provided by partnering, as appropriate, with other organizations; and (c) teachers to collaborate, plan, and engage in professional development within and across grades and subjects.<sup>5</sup>

Innovative, autonomous public schools means open enrollment public schools that, in return for increased accountability for student achievement (as defined in this notice), have the flexibility and authority to define their instructional models and associated curriculum; select and replace staff; implement new structures and formats for the school day or year; and control their budgets.

Instructional improvement systems means technology-based tools and other strategies that provide teachers, principals, and administrators with meaningful support and actionable data to systemically manage continuous instructional improvement, including such activities as: instructional planning; gathering information (*e.g.*, through formative assessments (as defined in this notice), interim assessments (as defined in this notice), summative assessments, and looking at student work and other student data); analyzing information with the support of rapid-time (as defined in this notice) reporting; using this information to inform decisions on appropriate next instructional steps; and evaluating the effectiveness of the actions taken. Such systems promote collaborative problem-solving and action planning; they may also integrate instructional data with student-level data such as attendance, discipline, grades, credit accumulation, and student survey results to provide early warning indicators of a student's risk of educational failure.

Interim assessment means an assessment that is given at regular and specified intervals throughout the school year, is designed to evaluate students' knowledge and skills relative to a specific set of academic

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<sup>5</sup> Research supports the effectiveness of well-designed programs that expand learning time by a minimum of 300 hours per school year. (See Frazier, Julie A.; Morrison, Frederick J. "The Influence of Extended-year Schooling on Growth of Achievement and Perceived Competence in Early Elementary School." *Child Development*. Vol. 69 (2), April 1998, pp.495-497 and research done by Mass2020.) Extending learning into before- and after-school hours can be difficult to implement effectively, but is permissible under this definition with encouragement to closely integrate and coordinate academic work between in-school and out-of school. (See James-Burdumy, Susanne; Dynarski, Mark; Deke, John. "When Elementary Schools Stay Open Late: Results from The National Evaluation of the 21st Century Community Learning Centers Program." <[http://www.mathematica-mpr.com/publications/redirect\\_PubsDB.asp?strSite=http://epa.sagepub.com/cgi/content/abstract/29/4/296](http://www.mathematica-mpr.com/publications/redirect_PubsDB.asp?strSite=http://epa.sagepub.com/cgi/content/abstract/29/4/296)> Educational Evaluation and Policy Analysis, Vol. 29 (4), December 2007, Document No. PP07-121.)

standards, and produces results that can be aggregated (*e.g.*, by course, grade level, school, or LEA) in order to inform teachers and administrators at the student, classroom, school, and LEA levels.

Involved LEAs means LEAs that choose to work with the State to implement those specific portions of the State’s plan that necessitate full or nearly-full statewide implementation, such as transitioning to a common set of K-12 standards (as defined in this notice). Involved LEAs do not receive a share of the 50 percent of a State’s grant award that it must subgrant to LEAs in accordance with section 14006(c) of the ARRA, but States may provide other funding to involved LEAs under the State’s Race to the Top grant in a manner that is consistent with the State’s application.

Low-minority school is defined by the State in a manner consistent with its Teacher Equity Plan. The State should provide, in its Race to the Top application, the definition used.

Low-poverty school means, consistent with section 1111(h)(1)(C)(viii) of the ESEA, a school in the lowest quartile of schools in the State with respect to poverty level, using a measure of poverty determined by the State.

Participating LEAs means LEAs that choose to work with the State to implement all or significant portions of the State’s Race to the Top plan, as specified in each LEA’s agreement with the State. Each participating LEA that receives funding under Title I, Part A will receive a share of the 50 percent of a State’s grant award that the State must subgrant to LEAs, based on the LEA’s relative share of Title I, Part A allocations in the most recent year, in accordance with section 14006(c) of the ARRA. Any participating LEA that does not receive funding under Title I, Part A (as well as one that does) may receive funding from the State’s other 50 percent of the grant award, in accordance with the State’s plan.

Persistently lowest-achieving schools means, as determined by the State: (i) Any Title I school in improvement, corrective action, or restructuring that (a) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and (ii) Any secondary school that is eligible for, but does not receive, Title I funds that (a) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or (b) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

To identify the lowest-achieving schools, a State must take into account both (i) The academic achievement of the “all students” group in a school in terms of proficiency on the State’s assessments under section 1111(b)(3) of the ESEA in reading/language arts and mathematics combined; and (ii) The school’s lack of progress on those assessments over a number of years in the “all students” group.

Rapid-time, in reference to reporting and availability of locally-collected school- and LEA-level data, means that data are available quickly enough to inform current lessons, instruction, and related supports.

Student achievement means—

(a) For tested grades and subjects: (1) a student’s score on the State’s assessments under the ESEA; and, as appropriate, (2) other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across classrooms.

(b) For non-tested grades and subjects: alternative measures of student learning and performance such as student scores on pre-tests and end-of-course tests; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across classrooms.

Student growth means the change in student achievement (as defined in this notice) for an individual student between two or more points in time. A State may also include other measures that are rigorous and comparable across classrooms.

Total revenues available to the State means either (a) projected or actual total State revenues for education and other purposes for the relevant year; or (b) projected or actual total State appropriations for education and other purposes for the relevant year.

America COMPETES Act elements means (as specified in section 6401(e)(2)(D) of that Act): (1) a unique statewide student identifier that does not permit a student to be individually identified by users of the

system; (2) student-level enrollment, demographic, and program participation information; (3) student-level information about the points at which students exit, transfer in, transfer out, drop out, or complete P-16 education programs; (4) the capacity to communicate with higher education data systems; (5) a State data audit system assessing data quality, validity, and reliability; (6) yearly test records of individual students with respect to assessments under section 1111(b) of the ESEA (20 U.S.C. 6311(b)); (7) information on students not tested by grade and subject; (8) a teacher identifier system with the ability to match teachers to students; (9) student-level transcript information, including information on courses completed and grades earned; (10) student-level college readiness test scores; (11) information regarding the extent to which students transition successfully from secondary school to postsecondary education, including whether students enroll in remedial coursework; and (12) other information determined necessary to address alignment and adequate preparation for success in postsecondary education.



## **APPENDIX C**

### **Alternative Routes to Principal Licensure**



## **Alternative Routes to Principal Licensure**

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The application for the Race to the Top Fund (Section 14006, Title XIV, American Recovery and Reinvestment Act of 2009, Public Law No. 111-5), identifies one selection criterion as the extent to which a state provides alternative routes to certification. This memorandum and the enclosed table provide information on alternative routes to principal licensure currently established in certain other states.

### **OPTIONS AVAILABLE IN CERTAIN STATES**

The programs summarized in the enclosed table represent generally two different approaches to providing alternative certification routes for principals: for those already holding a valid educator license or certification and for those who meet other qualifying requirements but do not hold an educator license. Common components of all programs are:

- Successful previous work experience;
- Mentoring to be provided by the employing school district; and
- Academic coursework relevant to school administration.

Other components present in some of the alternative routes include:

- A specified level of educational attainment (not less than a baccalaureate degree, although some specify a master's degree as the minimum level of attainment);
- Employment in a school district (or an offer of employment) accompanied by a recommendation from the school district superintendent;
- Enrollment in a school administration program at an institution of higher education (or completion of specific courses such as school law or supervision of instruction);
- Passage of school administration or school leadership examination;
- Plan on file to complete the requirements within a designated period of time;
- Development of an individualized preparation plan approved by the credentialing authority;
- Internship (which may include classroom teaching experience); and

- Experience in a school setting as a classroom teacher, guidance counselor, or other licensed educational professional.

At least two states, Florida and Maryland, allow the local school boards to establish policies that set standards and define qualifications for their own alternative programs. In the other states, the alternative routes have been established by the statewide credentialing authority.

Some states provide more than one option, depending on the education and work experience of the applicant. An individual who does not possess an educator license or certificate, for example, might be required to provide evidence of successful work experience in a management or administration position.

To varying degrees, the employing school district appears to be required to provide mentoring and other assistance to ensure the individual develops skills and knowledge comparable to those that are acquired through a conventional university-based program.

## **CONCLUDING REMARKS**

The 19 states included in the table, identified by the Education Commission of the States and the National Center for Education Information, are current through the end of the 2009 Legislative Sessions. The list of states should not be considered exhaustive, however. Because Race to the Top has included alternative routes to administrator licensing among the selection criteria, there is some increased interest in this area of educator licensing.

## Alternative Principal Licensure: Options Available in Certain States

State	Source	Provisions
Alabama	State Board of Education Administrative Code Chapter 290-3-2; House Bill 285 (2000)	<b>Requirements for issuance of 1st Special Alternative Certificate (SAC) for an area of instructional support:</b> recommendation from superintendent or administrator wishing to employ the applicant, at least an earned bachelor's degree, valid professional educator certificate, unconditional admission to an approved program in instructional leadership which includes verification of 3 years of education experience, criminal background check, and assigned mentor. Issuance of 2nd and 3rd SAC requires official transcripts verifying credit earned as specified.
California	Senate Bill 1655 (2002); Commission on Teacher Credentialing	<b>Program provider guidelines for Alternative Professional Clear Administrative Services Credential Programs:</b> complete academic programs for preliminary credential (possession of a valid teaching or services credential, three years full-time school-related service, passage of California Basic Educational Skills Test, passage of School Leaders Licensure Assessment, and Certificate of Eligibility for employment); program consists of mentoring, support and assistance that are targeted to meet individual candidate's needs.
Colorado	House Bill 1104 (2004) <i>Colorado Revised Statutes</i> 22-60.5-111	<b>Principal Authorization:</b> issued to person who does not hold a principal license but who holds a baccalaureate or higher degree and who is employed under an individualized alternative principal program consisting of course work and other educational requirements, a letter from the collaborating school district, and other documentation; the individualized program shall ensure the person receives training and develops skills comparable to those required to qualify for the initial principal license, receives coaching and mentoring, and demonstrates professional competencies; the program must receive approval from the State Board of Education.

State	Source	Provisions
Florida	Senate Bill 20-E (2002)	<b>Local board authorization:</b> The school district board may, consistent with adopted district school board policy relating to alternative certification for school principals, appoint persons to the position of school principal who do not hold educator certification.
Hawaii	Established by State Board of Education <a href="http://power2.k12.hi.us/index.cfm?siteid=333">http://power2.k12.hi.us/index.cfm?siteid=333</a>	<b>Alternative route for principals: Option 1</b> —tenured educator with at least three years of experience, be on temporary assignment as vice principal, one year on-the-job field experience, mentoring, program training, and coursework required for certification; <b>Option 2</b> —licensed Hawaii teacher with at least three years of experience, be selected for temporary assignment as vice principal, two year on-the-job field experience, mentoring, program training.
Illinois	Senate Bill 860 (2006)	<b>Alternative route to administrator certification for National Board Certified Teachers—four phases:</b> National Board Certification and endorsement in teacher leadership; master’s degree in teacher leader program; 15 hours of course work leading to competencies as stated in the Illinois Professional School Leader Standards; and a passing score on the Illinois Administrator Assessment.
Kentucky	House Bill 152 (2004); Education Professional Standards Board <a href="http://www.kyepsb.net/certification/certaltroutes.asp">http://www.kyepsb.net/certification/certaltroutes.asp</a>	<i>University-based alternative route is provided for both teaching and administration: must possess bachelor’s or master’s degree, meet university admission requirements, participate in internship, complete all requirements in two years and pass all assessments.</i>
Louisiana	Board of Elementary and Secondary Education, <i>Louisiana Administrative Code</i> 28:CXXXI.240 § 705	<b>Educational Leader Certificate Level 1:</b> three alternative paths to add educational leader certification to a valid teaching certificate, options include documentation of leadership experience and passing score on school leaders licensure assessment.

State	Source	Provisions
Maryland	<i>Code Of Maryland Regulations</i> 13A.12.04.05	<b>Alternative Principal Certificate:</b> a candidate must have at least a bachelor's degree, professional experience, and a recommendation by the local superintendent; the local school board must set standards and define qualifications; a candidate may be issued a renewable certificate valid at the requesting school for 1 year at a time; to be eligible for a regular administrator certificate the individual must complete a master's degree and five consecutive years of satisfactory job performance.
Massachusetts	Department of Elementary and Secondary Education <a href="http://http://www.doe.mass.edu/edprep/district.html">http://http://www.doe.mass.edu/edprep/district.html</a>	<b>Option II Alternative Route:</b> prerequisites include three years of employment in an executive management/leadership role in a noneducational setting and a master's degree or other advanced degree in a management/leadership field; demonstrate successful application of the Professional Standards for Administrators through portfolio or passing scores on assessment of professional school leadership/administrative skills and other tests.
Minnesota	<i>Minnesota Administrative Rules</i> 3512.0700	<b>Administrative licensure without teaching experience:</b> appropriate post baccalaureate degree with preparation in educational administration, school administration internship, demonstration of teaching knowledge and skills, and a teaching internship.
Mississippi	Department of Education <a href="http://www.mde.k12.ms.us/ed_licensure/administrator.html">http://www.mde.k12.ms.us/ed_licensure/administrator.html</a>	<b>Alternative path to quality school leadership:</b> applicant must possess a master's degree in an educational field, minimum of three years teaching experience, employed in a school and have favorable recommendation from superintendent, complete internship within three years and pass school leadership licensure assessment test.

State	Source	Provisions
New Hampshire	Department of Education, Bureau of Credentialing <a href="http://www.ed.state.nh.us/education/doe/organization/programsupport/boc.htm">http://www.ed.state.nh.us/education/doe/organization/programsupport/boc.htm</a>	<b>Alternative III certification process:</b> designed for candidate who acquired skills in field and role of administration, candidate must possess at minimum bachelor's degree, have completed three years of successful experience as an educator, submit three reference letters, submit portfolio establishing competence, and successful completion of oral examination by Board of Examiners.
New Mexico	Senate Bill 133 (2009)	<b>Provisional license for school principal:</b> candidate must be a licensed teacher; be enrolled in an induction and mentoring program; and be accepted into an approved school administrator preparation program.
New York	8 <i>New York ADC</i> 80-5.15	<b>Alternative requirements for school district leader certificate (transitional D certificate):</b> candidate must matriculate in a registered alternative school district leader certification program; candidate must demonstrate potential through prior leadership experiences, employment in a school district, hold a graduate degree, satisfactory completion of New York State assessment for school district leadership.
Ohio	<i>Ohio Administrative Code</i> 3301-24-11	<b>Alternative principal license:</b> one-year license (renewable two times), issued at the request of the superintendent to individual with at least a bachelor's degree, grade point average of at least a 3.0, two or more years of teaching experience or five years of successful work in education, management or administration; employing school district shall provide mentoring that includes personal learning plan and assistance in acquiring knowledge in specific areas; for noneducators, the employing districts shall provide classroom teaching experience.

State	Source	Provisions
Oklahoma	House Bill 1390 (2005)	<b>Alternative certification for principals:</b> master's degree; two years of relevant work experience; passing score on subject area competency exam; declaration of intention to earn standard certification through approved program; plan on file at higher education institution to meet standard certification in three years.
South Dakota	Department of Education <a href="http://doe.sd.gov/oatq/principalcert/index.asp">http://doe.sd.gov/oatq/principalcert/index.asp</a>	<b>Principal certification option:</b> minimum of bachelor's degree; minimum of 15 hours of graduate course work plus practicum or internship; three years experience in school, one of which must be in instruction or direct student services; certificate is valid for five years unless individual obtains master's degree in education.
Virginia	State Board of Education 8 <i>Virginia Administrative Code</i> 20-22-10 et seq.	<b>Alternate routes to level I endorsement:</b> master's degree; graduate course work in school law, evaluation of instruction, other areas; three years of full-time instructional experience; school leader licensure assessment; and recommendation from school superintendent.

Source: National Center for Education Information, *Certification of Principals and Superintendents in the U.S.*, ([http://www.ncei.com/2003\\_Principals\\_Superintendents/index.htm](http://www.ncei.com/2003_Principals_Superintendents/index.htm)), accessed January 4, 2010; and Education Commission of the States, *Recent State Policies/Activities: Leadership-Licensure/Certification*, (<http://www.ecs.org/ecs/ecscat.nsf/WebTopicP12?OpenView&count=-1&RestrictToCategory=Leadership--Licensure/Certification>), accessed December 30, 2009, and *Administrator License Requirements, Portability, Waivers and Alternative Certification*, compiled by Katy Anthes, accessed December 30, 2009.



## **APPENDIX D**

### **Reports Received by the Legislative Committee on Education**



## Reports Received by the Legislative Committee on Education

- 1**      **Required by:** AB 56, Sec. 1(4), 2009; Ch. 232, Statutes of Nevada 2009    NRS 388.5317.  
For transmittal to the next regular session of the Legislature.  
**Source:**            Nevada Department of Education  
*A compilation of aversive intervention reports from each school district.*
- 2**      **Required by:** AB 56, Sec. 7(3), 2009; Ch. 232, Statutes of Nevada 2009    NRS 394.379.  
For transmittal to the next regular session of the Legislature  
**Source:**            Nevada Department of Education  
*A compilation of aversive intervention reports from each private school.*
- 3**      **Required by:** AB 154, Sec. 2, 2009; Ch. 282, Statutes of Nevada 2009  
**Source:**            The board of trustees of each school district  
*A report concerning the policy that prohibits the activities of criminal gangs on school property established pursuant to NRS 392.4635, as amended by section 1 of this act.*
- 4**      **Required by:** AB 425, Sec. 6(2), 2009; Ch. 166, Statutes of Nevada 2009  
**Source:**            Nevada Commission on Professional Standards in Education  
*A report of:*  
*(a) The results of the review of the regulations of the Commission governing the licensure and endorsement of special education teachers to improve and enhance the reciprocal licensure in this State of special education teachers from other states.*  
*(b) Any regulations relating to the endorsements proposed by the Commission as a result of its review or, if the Commission is not proposing any regulations, a detailed explanation of why it is not.*
- 5**      **Required by:** AB 425, Sec. 6(3), 2009; Ch. 166, Statutes of Nevada 2009  
**Source:**            Nevada Commission on Professional Standards in Education  
*A report of the regulations adopted by the Commission as a result of its review or, if no regulations are adopted, a detailed explanation of why the Commission did not adopt regulations; and any recommendations for legislation relating to the licensure and endorsement of special education teachers.*
- 6**      **Required by:** AB 487, Sec. 7(2), 2009; Ch. 311, Statutes of Nevada 2009  
**Source:**            Nevada Superintendent of Public Instruction  
*A compilation of reports from the board of trustees of each school district regarding the status of the adoption of the policies required by sections 2, 3, 5 and 6 of this act, including, without limitation, a plan for implementation of those policies beginning with the 2011-2012 School Year.*
- 7**      **Required by:** AB 563, Sec. 12(7), 2009; Ch. 389, Statutes of Nevada 2009  
**Source:**            Nevada Department of Education  
*A report regarding the effectiveness of the early childhood education programs for which grants of money were received.*
- 8**      **Required by:** AB 1, Sec. 2, 23rd SS 2007; Ch. 8, Statutes of Nevada 2007 (23rd SS)    NRS 391.166.  
For transmittal to the next regular session of the Legislature  
**Source:**            The board of trustees of each school district that receives a grant of money pursuant to NRS 391.166 shall evaluate the effectiveness of the program for which the grant was awarded  
*A report of the evaluation of whether the program that receives grant money is effective in recruiting and retaining personnel as set forth in subsection 2.*
- 9**      **Required by:** AB 3, Sec. 1(7) 23rd SS 2007; Ch. 10, Statutes of Nevada 2007 (23rd SS)  
**Source:**            Board of trustees of each school district  
*A report of its evaluation of the effectiveness of the pay for performance pilot program for which the grant of money was awarded.*
- 10**     **Required by:** AB 485, Sec. 3, 2007; Ch. 412, Statutes of Nevada 2007    NRS 392.129.  
**Source:**            School attendance councils from each school district  
*An annual report which includes a compilation of the disposition of incidences involving the truancy of pupils during the immediately preceding school year. The annual report must not disclose the identity of an individual pupil.*

- 11 Required by:** AB 627, Sec. 13(7) 2007; Ch. 343, Statutes of Nevada 2007  
**Source:** Nevada Department of Education  
*A early childhood education grant program report.*
- 12 Required by:** SB 143, Sec. 4, 2007; Ch. 500, Statutes of Nevada 2007 NRS 385.620.  
 For transmittal to the next regular session of the Legislature  
**Source:** Advisory Council on Parental Involvement  
*A report describing the activities of the Advisory Council and any recommendations for legislation.*
- 13 Required by:** SB 184, Sec. 19, 2007; Ch. 420, Statutes of Nevada 2007 NRS 388.795.  
 For transmittal to the next regular session of the Legislature  
**Source:** Superintendent of Public Instruction  
*The results of the assessment of the needs of each school district relating to educational technology.*
- 14 Required by:** SB 185, Sec. 3, 2007; Ch. 451, Statutes of Nevada 2007 NRS 385.3789(4).  
**Source:** Legislative Auditor  
*A report on the results of the audit of the programs for which public schools and consortiums of public schools receive an allocation of money. The audit may include a representative sample of programs, based upon geographic location and type of program.*
- 15 Required by:** SB 238, Sec. 6.7, 2007; Ch. 530, Statutes of Nevada 2007 NRS 386.760.  
**Source:** Board of Trustees of each school district  
*A compilation of quarterly reports from empowerment schools that include the financial status of each school and a description of each school's compliance with each component of the empowerment plan for that school, as well as a financial audit of each empowerment school within each district.*
- 16 Required by:** SB 239, Sec. 9, 2007; Ch. 522, Statutes of Nevada 2007 NRS 400.045.  
 For transmittal to the next regular session of the Legislature  
**Source:** P-16 Advisory Council, Nevada System of Higher Education  
*A report of the activities of the P-16 Advisory Council and any recommendations it may have.*
- 17 Required by:** SB 247, Sec. 7, 2007; Ch. 245, Statutes of Nevada 2007 NRS 385.555.  
 For transmittal to the **Legislative Committee on Education** and the next regular session of the Legislature.  
**Source:** Nevada Youth Legislature  
*A report describing the activities of the Forum during the immediately preceding school year, and any recommendations for legislation.*
- 18 Required by:** SB 264, Sec 4, 2007; Ch. 151, Statutes of Nevada 2007  
**Source:** Commission on Professional Standards in Education  
*A report which includes, without limitation: the number of applicants for licensure under those provisions; the number of teachers who are licensed under those provisions that are subsequently employed by a school district in this State; the assessment of such teachers by the principals of the schools at which the teachers are employed; and any recommendations for legislation that may improve the effectiveness of the alternative route to licensure.*  
 Note: The report is conditional on whether the Commission on Professional Standards in Education adopts the ABCTE Passport to Teaching; if it does, the Commission will report by July 1 annually.
- 19 Required by:** SB 328, Sec. 11, 2007; Ch. 457, Statutes of Nevada 2007  
 For transmittal to the 2009 Legislature  
**Source:** The board of trustees of each school district  
*A copy of the program to engage administrators in annual classroom instruction, observation and other activities adopted by the school district pursuant to section 4 of SB 328.*
- 20 Required by:** AB 154, Sec. 2, 2005; Ch. 328, Statutes of Nevada 2005 NRS 385.34692.  
**Source:** State Board of Education,  
*Annual report of accountability that includes, without limitation, a summary of the following information for each school district, each charter school and the State as a whole: Demographic information of pupils, the average daily attendance of pupils, the transiency rate of pupils, the percentage of pupils who are habitual truants, the percentage of pupils who are deemed habitual disciplinary problems pursuant to NRS 392.4655, the pupil-teacher ratio for kindergarten and grades 1 to 8 inclusive, and other statistical information.*

- 21 Required by:** AB 580, Sec. 36, 2005; Ch. 482, Statutes of Nevada 2005 NRS 387.639(1)(a).  
**Source:** The board of trustees of the school district selected for review  
*A written progress report concerning financial management principles. The report must indicate the extent to which the plan has been carried out, the extent to which the plan has not been carried out, and the reasons for any failure to carry out the plan.*
- 22 Required by:** AB 580, Sec. 37, 2005; Ch. 482, Statutes of Nevada 2005 NRS 387.644.  
 For transmittal to the Legislature  
**Source:** The board of trustees of the school district granted an exemption  
*A written notice which includes a determination of whether the school district continues to carry out the management principles and any changes in the policies or operations of the school district or any other circumstances occurring in the school district that do not conform to the management principles.*
- 23 Required by:** SB 214, Sec. 12, 2005; Ch. 410, Statutes of Nevada 2005 NRS 389.012(3).  
**Source:** Nevada Department of Education  
*A written report describing the discrepancy of more than 10 percent of the percentage of pupils enrolled in the public schools in this State who are proficient on the National Assessment of Educational Progress compared to the percentage of pupils who are proficient on the examinations administered pursuant to NRS 389.550 and the high school proficiency examination administered pursuant to NRS 389.015.*
- 24 Required by:** SB 214, Sec. 12, 2005; Ch. 410, Statutes of Nevada 2005 NRS 389.012(4).  
**Source:** Council to Establish Academic Standards for Public Schools  
*A written report of the Council's review and evaluation of the report provided pursuant to NRS 389.012(3) to identify any discrepancies in the standards of content and performance established by the Council that require revision and a timeline for carrying out the revision, if necessary.*
- 25 Required by:** SB 404, Sec. 8, 2005; Ch. 437, Statutes of Nevada 2005 NRS 385.3789(1).  
**Source:** Commission on Educational Excellence  
*An annual report that describes the distribution of money to the public schools and consortiums of public schools and the programs for which money was allocated from the Account by the Commission on Educational Excellence.*
- 26 Required by:** SB 404, Sec. 8, 2005; Ch. 437, Statutes of Nevada 2005 NRS 385.3789(2).  
**Source:** Commission on Educational Excellence  
*The activities of the Commission; an analysis of the progress of the public schools in carrying out the plans to improve the achievement of pupils; and an analysis of the progress of the public schools that received an allocation of money from the Account in improving the achievement of pupils.*
- 27 Required by:** SB 525, Sec. 14, 2005; Ch. 450, Statutes of Nevada 2005  
**Source:** Nevada Department of Education  
*A report must grant funding from the State for early childhood programs.*
- 28 Required by:** AB 218, Sec. 1, 2003; Ch. 500, Statutes of Nevada 2003 NRS 392.4644(5).  
 For transmittal to the next regular session of the Legislature, odd-numbered years or the **Legislative Committee on Education**, even-numbered years.  
**Source:** Superintendent of Public Instruction, Nevada Department of Education  
*Report of the compliance of schools and school districts with regard to the adoption of school discipline plans*
- 29 Required by:** SB 1, Sec. 8, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS) NRS 385.3469.  
**Source:** State Board of Education, Nevada Department of Education  
*Annual report of accountability*
- 30 Required by:** SB 1, Sec. 9, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS)  
**Source:** Nevada State Board of Education  
*A plan to improve the achievement of pupils enrolled in the public schools in this State.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 31 Required by:** SB 1, Sec. 9 (3) 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS) NRS 385.34691.  
**Source:** State Board of Education,  
*A plan to improve the achievement of pupils.,*

- 32 Required by:** SB 1, Sec. 10, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS) NRS 385.348(5).  
**Source:** The board of trustees of each school district  
*A plan to improve the achievement of pupils enrolled in the school district, excluding pupils who are enrolled in charter schools located in the school district.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 33 Required by:** SB 1, Sec. 11, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS)  
**Source:** The principal of each school, or the technical assistance partnership or support team established for the school, as applicable  
*A plan to improve the achievement of the pupils enrolled in the school.*
- 35 Required by:** SB 1, Sec. 17, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS)  
**Source:** Nevada Department of Education  
*The determinations and designations made for all schools in this State in accordance with section 16 of this act.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 35 Required by:** SB 1, Sec. 37, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS)  
**Source:** Nevada Department of Education  
*A notice concerning corrective action taken pursuant to this section.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 36 Required by:** SB 1, Sec. 55, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS) NRS 388.405.  
**Source:** Nevada State Board of Education  
*All evaluations required pursuant to 20 U.S.C. §§ 6801 et seq. and the regulations adopted pursuant thereto regarding the programs for pupils who are limited English proficient carried out pursuant to that provision of federal law.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 37 Required by:** SB 1, Sec. 113, 19th SS 2003; Ch. 1, Statutes of Nevada 2003 (19th SS)  
**Source:** Nevada State Board of Education  
*A draft of the regulations that the State Board proposes to adopt pursuant to sections 2 to 40, inclusive, of this act.*  
 Note: SB 1 is the implementation of the federal No Child Left Behind Act of 2001.
- 38 Required by:** SB 8, Sec. 189.50, 20th SS 2003; Ch. 5, Statutes of Nevada 2003 (20th SS)  
**Source:** Nevada Department of Education  
*A written report regarding the effectiveness of the early childhood programs for which grants of money were received*
- 39 Required by:** AB 214, Sec. 2, 2001; Ch. 266, Statutes of Nevada 2001 NRS 389.616.  
**Source:** Nevada Department of Education  
*A copy of the plan setting forth procedures to ensure the security of examinations that are administered to pupils pursuant to NRS 389.015 and 389.550, and the procedures set forth therein.*
- 40 Required by:** AB 214, Sec. 4, 2001; Ch. 266, Statutes of Nevada 2001 NRS 389.620.  
**Source:** The board of trustees of each school district  
*A report of each plan setting forth procedures to ensure the security of examinations, and the procedures set forth therein.*
- 41 Required by:** AB 214, Sec. 5.9, 2001; Ch. 266, Statutes of Nevada 2001 NRS 389.648.  
**Source:** Nevada Department of Education  
*A written report concerning irregularities in testing administration and testing security reported to the Department pursuant to NRS 389.628 and each investigation conducted pursuant to NRS 389.624.*
- 42 Required by:** SB 585, Sec. 12, 2001; Ch. 565, Statutes of Nevada 2001  
**Source:** The governing body of each regional training program  
*A report that includes:*  
 (1) *The type of training offered through the Nevada Early Literacy Intervention Program in the immediately preceding year;*  
 (2) *The number of teachers, by grade, who received training through the Nevada Early Literacy Intervention Program in the immediately preceding year; and*  
 (3) *An evaluation of the success of the Nevada Early Literacy Intervention Program in accordance with the method established pursuant to paragraph (b).*

- 43 Required by:** SB 585, Sec. 17, 2001; Ch. 565, Statutes of Nevada 2001  
**Source:** Nevada Department of Education  
*A written report regarding the effectiveness of the early childhood programs for which grants of money were received.*
- 44 Required by:** SB 70, Sec. 2, 1999; Ch. 522, Statutes of Nevada 1999 NRS 385.364.  
**Source:** Nevada Department of Education  
 (a) *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) *A written plan to increase the number of pupils who take the examinations administered pursuant to NRS 389.015*
- 45 Required by:** SB 466, Sec. 3, 1999; Ch. 621, Statutes of Nevada 1999 NRS 385.230.  
**Source:** State Board of Education, Nevada Department of Education  
*Report concerning matters relating to education in this State, including, without limitation, an analysis of each annual report of accountability prepared by the State Board pursuant to NRS 385.3469 in the immediately preceding two years*
- 46 Required by:** SB 466, Sec. 13, 1999; Ch. 621, Statutes of Nevada 1999 NRS 389.570.  
**Source:** Council to Establish Academic Standards for Public Schools  
*A report of the results of the evaluation conducted pursuant to subsection 2.*
- 47 Required by:** SB 555, Sec. 2, 1999; Ch. 559, Statutes of Nevada 1999 NRS 387.304.  
**Source:** Nevada Department of Education  
*A report of the findings of the review of each school district's report of the annual audit conducted by a public accountant as required by NRS 354.624, and the annual report prepared by each district as required by NRS 387.303, as well as any recommendations for legislation, revisions to regulations or training needed by school district employees*
- 48 Required by:** SB 555, Sec. 16(12) 1999; Ch. 559, Statutes of Nevada 1999  
**Source:** The governing body of each regional training program
- 49 Required by:** SB 555, Sec. 16(13) 1999; Ch. 559, Statutes of Nevada 1999  
**Source:** The board of trustees of each school district  
*A report that includes*  
 (a) *The number of teachers and administrators employed by the school district who received training through a regional training program 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.*
- 50 Required by:** SB 555, Sec. 23(6) 1999; Ch. 559, Statutes of Nevada 1999  
**Source:** Superintendent of Public Instruction  
*A report concerning the expenditures described in subsections 2 and 4 of Section 23 of this bill (SAIN).*
- 51 Required by:** SB 482, Sec. 8, 1997; Ch. 473, Statutes of Nevada 1997  
**Source:** Nevada Department of Education  
*Written notice of the designation for all schools pursuant to section 5 of this act.*
- 52 Required by:** SB 482, Sec. 29, 1997; Ch. 473, Statutes of Nevada 1997 NRS 389.012(1).  
**Source:** Nevada State Board of Education  
*Report of the results of the examinations of National Assessment of Educational Progress participated in by schools in Nevada.*
- 53 Required by:** SB 74, Sec. 1, 1989; Ch. 868, Statutes of Nevada 1989 NRS 385.347.  
**Source:** The board of trustees of each school district  
*Annual report of accountability prepared pursuant to NRS 385.347. Please see NRS 385.347 for a detailed list of the information that is required to be prepared: <http://www.leg.state.nv.us/NRS/NRS-385.html#NRS385Sec347>*  
 Note: This statute has been amended several times since its inception in 1989. Please see each of the amending bills for the changes that have been made to the original reporting requirement.



## **APPENDIX E**

### **Principal Effectiveness Based on Performance**



## **Principal Effectiveness Based on Performance**

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The application for the Race to the Top Fund (Section 14006, Title XIV, American Recovery and Reinvestment Act of 2009, Public Law No. 111-5), identifies one selection criterion as the extent to which a state has a plan to design and implement evaluation systems for teachers and principals that differentiate effectiveness using multiple rating categories that take into account data on student growth as a significant factor and are designed and developed with teacher and principal involvement. This memorandum provides information on performance-based principal evaluation systems used in certain other states or school districts.

### **INTERSTATE SCHOOL LEADERS LICENSURE CONSORTIUM**

The Interstate School Leaders Licensure Consortium (ISLLC) Standards for School Leaders were adopted in 1996. In 2008, the standards were revised to reflect the growing base of research on educational leadership. According to the Council of Chief State School Officers in *Educational Leadership Policy Standards: ISLLC 2008* (<http://www.ccsso.org/publications/details.cfm?PublicationID=365>), the educational leadership policy standards include the following:

1. Facilitating the development, articulation, implementation, and stewardship of a vision of learning that is shared and supported by all stakeholders;
2. Advocating, nurturing, and sustaining a school culture and instructional program conducive to student learning and staff professional growth;
3. Ensuring management of the organization, operation, and resources for a safe, efficient, and effective learning environment;
4. Collaborating with faculty and community members, responding to diverse community interests and needs, and mobilizing community resources;
5. Acting with integrity, fairness, and in an ethical manner; and
6. Understanding, responding to, and influencing the political, social, economic, legal, and cultural context.

### **PERFORMANCE-BASED EVALUATIONS**

A review of the laws and regulations of other states compiled by the Education Commission of the States (ECS) yielded few statutes that establish statewide policies of performance-based

evaluations of school principals <http://www.ecs.org/html/IssueSection.asp?issueid=158&subissueid=96&ssID=0&s=What+States+Are+Doing>. In those states that do establish such policies, most are founded on the 1996 ISLLC standards or the most recent revisions in 2008. Few states provide specific policies for principal evaluations with a component measuring student achievement. Examples of statewide evaluation systems follow:

### *Delaware*

*Delaware Code Annotated* Title 14 § 1270 provides for the development of the Delaware Performance Appraisal System (DPAS) II, which shall include a student-improvement component rating. Revised in 2008, the DPAS II provides that an administrator will be evaluated on the following performance criteria:

- The administrator shall set data-driven goals for student improvement that include accountability data or assessment data;
- The administrator has measurable evidence to show progress in attaining student improvement goals;
- The administrator designs and implements strategies to show progress toward attainment of goals; and
- The administrator reflects on goal-setting process and outcomes for the purpose of continuous professional improvement and shares student improvement information as appropriate.

Possible sources of evidence for student performance include state assessment results, unit and end-of-year tests, college readiness assessments, Advanced Placement enrollment and test results, and locally administered achievement tests.

The DPAS *Guide for Administrators* may be accessed at <http://www.doe.state.de.us/csa/dpasii/default.shtml>

### *Georgia*

With the enactment of Senate Bill 468 in 2006, the Georgia General Assembly established and funded a grant program for High Performance Principals to attract successful principals to schools in need of improvement. The legislation authorizes the State Board of Education to provide salary incentives for principals with proven records of improvement in student achievement to accept positions as principals in secondary schools that have been identified as Needs Improvement Schools.

The bill provides that the sole criterion for designating and selecting individuals shall be data based on evidence of effectiveness in improving a low performing school. Schools are selected

on the basis of criterion-referenced test scores and high school graduation tests, as applicable. Other screening indicators have been identified. Principals are then selected on the basis of their length of service in schools that had improved and other factors. Upon employment as a principal in a school needing improvement, the principal will be eligible for an annual salary supplement of \$15,000 for up to three years, as long as the school continues to be classified as needing improvement.

### *Indiana*

In 2001, the Indiana General Assembly enacted Senate Bill 204. The provisions of that bill, relating to the evaluation of a principal's performance, were re-codified in 2005 as *Indiana Code 20-28-8-5*. This section provides that a principal's performance may not be evaluated wholly on the Indiana Statewide Testing for Education Progress (ISTEP) program test scores under IC 20-32-5 of the students enrolled at the principal's school. However, the ISTEP program test scores may be considered as one of the factors in the evaluation of the principal's overall performance at the school.

### *Missouri*

The Missouri General Assembly enacted House Bill 463 in 1985. Codified as *Revised Statutes of Missouri 168.410*, the measure requires local boards of education to cause a comprehensive performance-based evaluation for each administrator, according to procedures suggested by the State Department of Elementary and Secondary Education. In 2003, the Department's Administrator Evaluation Committee promulgated the *Guidelines for Performance-Based Principal Evaluation*. Among other provisions, the *Guidelines* declare that "[e]very school principal is responsible for the development and accomplishment of school goals as defined in the School Improvement Plan."

Suggested types of performance included in the *Guidelines* are attendance, dropout rates, Missouri Assessment Program scores, discipline referrals, national standardized test, parent participation, graduation rates, suspension rates, course failure rates, and contextual demographic data.

### *New York*

In 2007, the New York State Legislature enacted Senate Bill 2107 to require the commissioner of education to develop a school leadership report card and a school progress report card for the purpose of assisting school boards, the state, and the public to assess the performance of school leaders, including superintendents and building principals. According to the legislation, the report cards shall include an assessment of the school's progress in achieving standards of excellence in parent involvement, curriculum, teacher quality, and accountability measures. The report cards are to be attached to the statement of estimated expenditures and to be made publicly available in the same manner as a school district report card.

## **PERFORMANCE PAY FOR PRINCIPALS**

Some individual school districts are experimenting with performance pay to improve student achievement on assessments. For example in 2007, the Houston Independent School District implemented the Accelerating Student Progress, Increasing Results and Expectations (ASPIRE) Award Program. Additional information about the program may be accessed at [http://portal.battelleforkids.org/ASPIRE/Recognize/ASPIRE\\_Award/08-09awards.html?sflang=en](http://portal.battelleforkids.org/ASPIRE/Recognize/ASPIRE_Award/08-09awards.html?sflang=en)

Briefly, the program provides a maximum ASPIRE award for principals at \$15,530 annually. The various strands, providing awards in varying amounts, include the following:

- The campus composite award for cumulative gain across grades and subjects;
- The campus progress award for demonstrated growth in core subjects and cumulative gains that result in rankings in the first or second quartile of school comparison groups;
- The campus improvement award for improvement in ranking among comparison schools for reading or math or both;
- The campus achievement award for a rating of exemplary or recognized; and
- The campus writing achievement award for meeting certain college readiness standards on writing/English language arts.

## **CONCLUDING REMARKS**

The states and school district included in this memorandum, identified by the ECS, are current through the end of the 2009 Legislative Sessions. The list should not be considered exhaustive, however. Because Race to the Top has included measurement of principal effectiveness among the selection criteria, there is some increased interest in this area of performance evaluation.

## **APPENDIX F**

Letters Sent to Entities at the Direction of the Legislative Committee on Education



JOYCE WOODHOUSE

SENATOR

Clark No. 5



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Health and Education

*Member*

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August 26, 2010

## State of Nevada Senate

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The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) (*Nevada Revised Statutes* 218E.605), urging future funding to continue or expand successful pilot education programs. Copies of this letter have been sent to Senators Steven A. Horsford and Bernice Mathews, Co-Chairs and Assemblyman Morse Arberry, Jr., Vice Chair of the Interim Finance Committee, at the request of the LCE.

According to testimony received by the Committee during this interim period, over the past decade or so the Legislature has funded a number of pilot programs to determine if they are effective in improving students' educational outcomes. Although a number of these programs have shown promise, problems have been encountered in expanding these programs beyond the pilot stage. Most recently, funding issues have prevented the Legislature from expanding successful models, such as the empowerment schools model, for example. While the Committee members were sympathetic concerning this matter, they recognized the current shortfall in state revenues makes program expansion difficult in the near term.

The Committee wanted to ensure that the issue should receive attention during the budget process and, therefore voted at its May 12, 2010, meeting to express its support for certain of these programs. As funds become available, the Committee strongly supports the continuation or the expansion of funding for the following programs which have shown promise as being effective in improving student achievement:

- Full-day kindergarten;
- Early Childhood Education;

The Honorable Jim Gibbons  
Governor, State of Nevada  
Page 2  
August 26, 2010

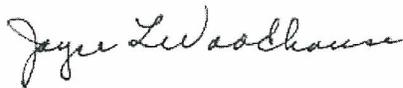
- Innovation and remediation;
- State funded mentoring programs;
- Empowerment schools;
- Career and technical education;
- Pay for performance;
- Programs for disruptive pupils; and
- Progressive discipline pilot program.

While some programs have produced limited information concerning their effectiveness, others have provided compelling data about their impact. Evidence concerning certain of these programs is included with this letter.

As Chair of the Committee, I wish to convey to you that, while the members recognize the State's extraordinary fiscal crisis, we support the expansion of these programs within future State budgets. As you work with the members and staff of the Interim Finance Committee in developing the *Executive Budget* for the 2011-2013 biennium, I trust you will bear in mind this recommendation from the LCE.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,



Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101085

Cc: Senator Steven A. Horsford, Co- Chair, Interim Finance Committee  
Senator Bernice Mathews, Co-Chair, Interim Finance Committee  
Assemblyman Morse Arberry, Jr., Vice Chair, Interim Finance Committee

JOYCE WOODHOUSE

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The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) (*Nevada Revised Statutes* 218E.605), urging future funding of certain educational programs. Copies of this letter have been sent to Senators Steven A. Horsford and Bernice Mathews, Co-Chairs and Assemblyman Morse Arberry, Jr., Vice Chair of the Interim Finance Committee, at the request of the LCE.

Although the Legislature provided funding for the expansion of certain existing programs or the creation of new programs in the 2007 Session, most of the funding for these programs was reduced to meet the budget reduction targets established by the Budget Office. For example, the balance in the Account for Programs for Innovation and the Prevention of Remediation to be awarded by the Commission on Educational Excellence was reverted to the General Fund as a result of actions in the 24th Special Session. This initiative and many of other separate education programs were cut from the budget submitted to the 2009 legislature.

The LCE voted at its May 12, 2010, meeting to express its support for certain of these programs. The Committee expressed concern that the restoration of funding for these programs might be overlooked in budget discussions for the 2011 Session of the Legislature. While recognizing the current revenue shortfalls, the Committee wishes to express its priorities for funding in the event revenue becomes available. The Committee strongly supports restoring funds for the following programs:

- Planning for and the establishment of empowerment schools;
- Biennial funding of educational technology;
- Career and technical education;

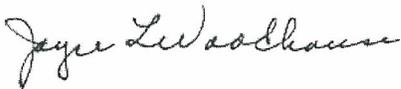
The Honorable Jim Gibbons  
Governor, State of Nevada  
Page 2  
August 26, 2010

- A parental involvement coordinator within the Department of Education Budget;
- Funding for a Parental Involvement Council;
- School empowerment coordinator within the Department of Education Budget;
- Regional training programs; and
- Grants by the Commission on Educational Excellence.

As Chair of the Committee, I wish to convey to you that, while the members recognize the State's extraordinary fiscal crisis, we support the continuation of these programs within future State budgets. As you work with the members and staff of the Interim Finance Committee in developing the *Executive Budget* for the 2011-2013 biennium, I trust you will bear in mind this recommendation from the LCE.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,



Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101087

Cc: Senator Steven A. Horsford, Co- Chair, Interim Finance Committee  
Senator Bernice Mathews, Co-Chair, Interim Finance Committee  
Assemblyman Morse Arberry, Jr., Vice Chair, Interim Finance Committee

JOYCE WOODHOUSE

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August 26, 2010

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The Honorable Jim Gibbons  
Governor, State of Nevada  
101 North Carson Street, Suite 1  
Carson City, Nevada 89701

Dear Governor Gibbons:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) (*Nevada Revised Statutes* 218E.605), urging continued funding of certain charter school staff positions within Nevada's Department of Education. Copies of this letter have been sent to Senators Steven A. Horsford and Bernice Mathews, Co-Chairs and Assemblyman Morse Arberry, Jr., Vice Chair of the Interim Finance Committee, at the request of the LCE.

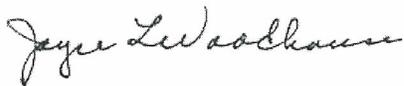
As you know, charter schools were a key component in the State's application for the federal Race to the Top grant funds, and the Governor's Education Reform Blue Ribbon Task Force continues to pursue implementation of key components of that application. Increasing state assistance for charter schools also appears to be an integral part of proposed changes to the No Child Left Behind Act of 2001 in the reauthorization of the federal Elementary and Secondary Education Act.

As requested by Nevada's Department of Education, certain charter school staff positions within the Department were approved by the Legislature during the 2009 Legislative Session. Although there was a hiring delay due to the State's economic downturn, the LCE members were pleased to hear that the positions were filled during the current fiscal year. The LCE voted at its May 12, 2010, meeting to express its support for these positions. As Chair of the Committee, I wish to convey to you that, while the members recognize the State's extraordinary fiscal crisis, we support the continuation of these positions. As you work with the members and staff of the Interim Finance Committee in developing the *Executive Budget* for the 2011-2013 biennium, I trust you will bear in mind this recommendation from the LCE.

The Honorable Jim Gibbons  
Governor, State of Nevada  
Page 2  
August 26, 2010

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,



Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101091

Cc: Senator Steven A. Horsford, Co- Chair, Interim Finance Committee  
Senator Bernice Mathews, Co-Chair, Interim Finance Committee  
Assemblyman Morse Arberry, Jr., Vice Chair, Interim Finance Committee

JOYCE WOODHOUSE

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August 26, 2010

# State of Nevada Senate

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Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. Rheault:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) (*Nevada Revised Statutes* 218E.605), regarding weighted student funding.

As you know, in certain other jurisdictions the practice of weighted student funding typically involves calculating an equal base amount for each child enrolled. To that amount is added a designated percentage of the base amount according to the particular needs of a student. A state or district using weighted student funding must first identify the categories to weight and then decide the amount to weight each category. Such categories for weighting often include students from low-income families, students who are limited English proficient, students with disabilities, and students who have not achieved proficiency on test scores. Weights may also be assigned to any number of other categories in which a student might be recognized as requiring more resources in order to achieve an educational goal.

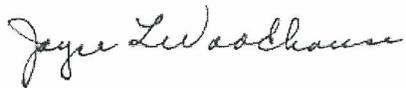
The 73rd Session of the Nevada Legislature adopted Assembly Concurrent Resolution No. 10 (File No. 99, *Statutes of Nevada* 2005), which directed the Legislative Commission to conduct an interim study on the adequacy of the system of school finance in Nevada. That study committee selected a consultant (Augenblick, Palaich and Associates, Inc. of Denver, Colorado), who evaluated the Nevada Plan for School Finance and performed a comprehensive analysis of the costs of providing adequate educational opportunities. Part of that analysis included an examination of weighted student funding. Since the topic has already had an initial review, the LCE indicated that it would like the Superintendent of Public Instruction and the State Board of Education to study the cost and practicality of converting or amending the Nevada Plan for School Finance (NRS 387.121, *et seq.*), to allow for

Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
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additional “weighted” formulas as described in the adequacy study report. Due to the interest this topic has generated among the school districts, we hope you can complete the study in a timely manner. Please provide a report of your findings and recommendations to the Committee upon the completion of your review.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joyce L. Woodhouse".

Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101086

**JOYCE WOODHOUSE**

SENATOR

Clark No. 5



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*Chair*

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*Vice Chair*

Health and Education

*Member*

Finance

August 26, 2010

## State of Nevada Senate

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Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. Rheault:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) (*Nevada Revised Statutes* 218E.605), regarding the methodology used to calculate class sizes and certain other required data elements contained in school and district accountability reports.

As you will recall, the LCE was advised by the Nevada State Education Association (NSEA) that the current method of calculating class size for school accountability reports may result in an inaccurate or misleading figure. According to testimony, the average class size currently is calculated for a grade in a school by taking the total number of students and dividing that number by the total number of licensed personnel, whether or not they are actually an individual classroom teacher. The NSEA asked that the calculation be based upon students and teachers in each classroom. In addition, they asked that the ratio of students to other licensed personnel, such as school counselors, nurses, and speech pathologists be reported separately, and that consideration be given to altering the reports to require each school district to post the enrollment of each academic core class by class period on the district website.

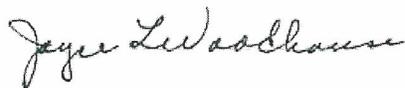
At its May 12, 2010, work session the LCE noted that the NSEA is one of several entities with whom the Superintendent of Public Instruction must consult with regard to school accountability reports. Members of the Committee considered the existing mechanism to make such changes — reviewing the matter with the Superintendent of Public Instruction — the preferred approach for considering these proposed changes. The Committee, therefore, voted to advise you that the Superintendent, under subsection 5 of NRS 385.347, must consult with various representatives of the education community, including the NSEA, concerning their

Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
Page 2  
August 26, 2010

recommendations regarding school and district accountability reports. In that regard, we request that you and your staff consult with the NSEA and the other specified entities with regard to these matters. Please provide a report of your findings and recommendations to the Committee upon the completion of your review.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joyce L. Woodhouse".

Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101088

JOYCE WOODHOUSE

SENATOR

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August 26, 2010

## State of Nevada Senate

Keith W. Rheault, Ph.D.,  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. Rheault:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (LCE) [*Nevada Revised Statutes* (NRS) 218E.605], regarding the proposed system of evaluating education personnel now specified under NRS 386.650.

As you know, NRS 391.3125 provides that it is the intent of the Legislature that a uniform system of objective evaluations for teachers and other licensed personnel will be developed in each school district in consultation with representatives of the teachers. Under current law, the evaluation must include, without limitation, the following: an evaluation of classroom management skills; a review of lesson plans and work log or grade book of pupils prepared by the teacher; an evaluation of whether the curriculum taught by the teacher is aligned with State standards; an evaluation of the teacher's ability to determine diverse instructional needs of pupils and provide instruction; recommendations for improvement as needed; a description of the action taken to assist the teacher in correcting deficiencies; and a statement indicating the amount of time the evaluator observed the classroom performance of the teacher.

At its May 12, 2010, work session the LCE noted those statutory provisions that require a uniform system within each school district, and that the recent revisions to NRS 386.650 will require significant changes to employee evaluation systems. According to testimony, statewide standards-based testing is limited to certain subjects, primarily mathematics and English language arts, and science in grades 3 through 8. In addition, for high schools especially, additional assessments at the local level may need to be utilized for evaluations of teachers teaching subjects other than those currently specified and for grade levels not subject to statewide tests. Additionally, concerns about the quality of testing were presented to the LCE, along with the need to ensure the assessments used for evaluative purposes meet

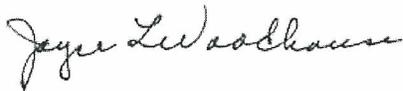
Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
Page 2  
August 26, 2010

the requirements of being valid and reliable for the purpose of measuring student growth. Although this standard is currently met for the existing statewide accountability model, the LCE noted that any new student achievement growth model developed for employee evaluations will need to meet the same standards.

The LCE, therefore, voted to advise you and the State Board of Education concerning the support of the LCE for ensuring that the assessment model that you and the Board develop for evaluating teachers provide for tests that present an accurate measure of student academic growth and will provide a measurement that is geared toward assessing the quality of the educator in the classroom. Further, it is the Committee's sense that the State Board and the Superintendent must ensure that all subject matter and grade levels be included before the incorporation of student achievement data within the evaluation in order to avoid disparate treatment for certain education employees. Further, it is the understanding of the LCE that, until the proper growth testing is put into place that measures educator quality, other methods will need to be used to measure the effectiveness of educators.

Please provide a report of your findings and recommendations to the Committee upon the completion of your efforts in this regard. Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,



Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101089

**JOYCE WOODHOUSE**

SENATOR

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August 26, 2010

# State of Nevada Senate

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Keith W. Rheault, Ph.D.,  
Superintendent of Public Instruction  
700 East Fifth Street  
Carson City, Nevada 89701-5096

Dear Dr. Rheault:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education (*Nevada Revised Statutes* 218E.605), regarding certain programs for at-risk youth.

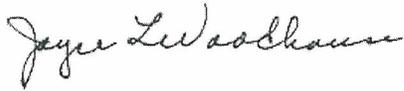
During the 2009-2011 Interim, the Committee members reviewed information concerning the efforts of the national Dignity in Schools Campaign's effort to raise awareness of its concerns about approaches to student discipline that tend to push students out of school. Through the efforts of that organization, the revised Race to the Top (RTTT) application included language encouraging states to support schools in ". . . implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports." Such systems include the promotion of proactive, positive approaches to school discipline that could reduce suspensions and expulsions and ultimately keep juveniles out of the criminal justice system.

At its May 12, 2010, work session the Committee voted to request that, in the event Nevada's RTTT funding application was successful, the Department of Education (DOE) utilize a portion of the State's share of those funds to implement programs to assist the most at-risk youth to improve their access to education. Guidance for such programs was issued by the United States Department of Education that encourages use of funds to improve school climate through the use of a model called Positive Behavioral Interventions and Supports. Although Nevada's Phase 2 application for Race to the Top funds was not successful, the DOE may be able to identify other federal funding sources that might be used to implement such programs. Prior to the next interim period, please inform the Committee of any funding sources that might help support such programs.

Keith W. Rheault, Ph.D.  
Superintendent of Public Instruction  
Page 2  
August 26, 2010

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Joyce L. Woodhouse".

Joyce L. Woodhouse, Chairwoman  
Legislative Committee on Education

JLW/me: W101090

JOYCE WOODHOUSE

SENATOR

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# State of Nevada Senate

August 26, 2010

(Name), President  
Board of Trustees,  
\_\_\_\_\_ School District

Dear President \_\_\_\_\_:

The purpose of this letter is to convey to you a recommendation from the Legislative Committee on Education [*Nevada Revised Statutes* (NRS) 218E.605], regarding empowerment schools and Nevada's existing site-based management statutes.

The concept of empowerment schools was built upon a model of school administration called participatory management. One such model is school-based management or, as it is referred to in the State of Nevada, school-based decision making (NRS 386.4154 through NRS 386.4158). Although Nevada's laws concerning school-based decision making have been around since 1993, a review of responses from school districts in 2008 indicates that only the Washoe County School District has actually implemented a policy concerning school-based decision making, titled "Shared Decision-Making 6000."

During testimony concerning empowerment schools, the LCE noted that the empowerment schools model was one of several approaches of shared decision making, and that some school districts may not be aware of Nevada's statutes governing school-based decision making. The statutes outline policies that include a process through which schools could become site-based decision making schools in cooperation with the local associations, administration, and parents or could even allow a reorganization of a school through collaboration among all stakeholders. In addition, these statutes provide for the district adoption of policies concerning the creation of school councils, flexibility for allocating funds, and a process for seeking waivers from certain regulations and statutes.

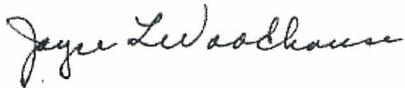
At its May 12, 2010, work session, the LCE voted to send letters to each of the presidents of Nevada's school district boards of trustees encouraging the review and potential adoption of policies and programs pursuant to Nevada's site-based management statutes

President  
Page 2  
August 26, 2010

(NRS 386.4154 *et seq.*). The LCE also would encourage districts to adopt a program to implement site-based decision making within schools and their districts.

Should you have any questions or concerns with regard to this matter, please let me know, or contact the Committee staff person, H. Pepper Sturm, Chief Deputy Research Director of the Legislative Counsel Bureau, at (775) 684-6825. Thank you.

Sincerely,



Joyce L. Woodhouse, Chair  
Legislative Committee on Education

JLW/me: W101092  
cc. Keith Rheault, Superintendent of Public Instruction  
Superintendent

**A copy of this letter was issued to the presidents of each of the 17 school boards.**

## **APPENDIX G**

### Suggested Legislation



## APPENDIX G

### Suggested Legislation

The following Bill Draft Requests will be available during the 2011 Legislative Session, or can be accessed after “Introduction” or prefiling at the following website: <http://www.leg.state.nv.us/Session/76th2011/BDRList>.

- BDR 34–86** Revises provisions governing empowerment schools.
- BDR 34–87** Revises provisions governing the statewide system of accountability for public schools.
- BDR S–88** Makes appropriations for the Regional Training Programs for the Professional Development of Teachers and Administrators.
- BDR 31–89** Creates the K-12 Public Education Stabilization Account.
- BDR R–90** \_JR: Urges Congress to grant additional school trust lands to Nevada.
- BDR 34–91** Provides an exception from the mandatory days of instruction in public schools under certain circumstances.
- BDR 34–92** Revises provisions governing special education.
- BDR 34–93** Revises provisions governing educational personnel.
- BDR 23–541** Revises provisions governing the employment of retired public employees.