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SENATE FINANCE COMMITTEE

MARCH 10, 2003

S.B. 191

TESTIMONY BY

KEITH RHEAULT

DEPUTY SUPERINTENDENT

DEPARTMENT OF EDUCATION

For the record, I'm Keith Rheault, Deputy Superintendent for the Department of Education. The Department would like to commend the Legislative Committee on Education and the Legislative staff for their diligence and thoroughness in drafting this monumental and complicated bill to address the statutory requirements of the "No Child Left Behind Act."

Due to the limited time available to provide testimony at this initial hearing on the bill, I would like say that the Department strongly supports the passage of the bill and will work with the Committee and Legislative staff in any capacity needed to insure it's passage. As with any bill that is as comprehensive as S.B. 191, there are a number of concerns that the Department has identified that need to be clarified or in some cases modified to insure the smooth implementation of the bill requirements.

Department staff have prepared a chart that identifies the issues by Section in the Bill that we believe need further clarification and or modification. As part of the Department's chart, a possible resolution to each of the issues raised is provided to include whether we believe the issue is a substantive, critical or non-critical technical issue.

I will leave a copy of the issues identified by the Department with the Committee Secretary. The Department would like to work with Legislative staff and/or a subcommittee of Senate Finance to discuss the issues raised in our review of the Bill requirements for possible resolution. Thank you for the opportunity to testify this morning.

EXHIBIT K Senate Committee on Finance

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**Nevada Department of Education
Recommended Revisions to be Considered for SB 191**

Nature of issue: substantive or technical, critical or technical, non-critical	Section and page number in SB191	Issue	Possible Resolution to Issue
Technical, critical	Section 4, 1(d), page 3	"Setting separate measurable objectives for each subgroup" needs some clarification when linked to Section 6, 1(c) requirements. For AYP, NCLB requires a single statewide performance goal for all students each year.	The Safe Harbor provision of NCLB allows the comparison of differences in performance from year to year and perhaps this provision prompted the inclusion of the language. Reconsider requirement for clarification or delete.
Technical, critical	Section 6, 4., page 9	The August 1 date for the annual accountability report – is this the "required state report card" and if so why is the date so early in the year.	Clarify intent of the accountability report and review timelines to insure August 1 date is appropriate.
Technical, critical	Section 7, 4., page 11	The August 15 date for the annual state improvement plan submission.	Review timelines to insure August 15 date is appropriate.
Technical, non-critical	Section 8, 2(g), page 13	Is the Department responsible for monitoring district improvement plans or not?	Remove phrase, "if any" ; provide funding for this function
Technical, critical	Section 9, page 14	Implies that principal will prepare the plan; entire range of staff members must be involved.	Substitute wording, "a school improvement team appointed by the principal shall prepare a plan."

Technical, critical	Section 9, page 16	Problem with the wording, "an identification of the employees of the school district, if any, who are responsible for ensuring that the plan is carried out effectively." This implies that the district doesn't necessarily have any role in monitoring the implementation of the plan.	Remove phrase, "if any."
Substantive	Section 9, page 17	Why is there no peer review of school improvement plans from non-Title I schools? This implies that their plans are somehow less important than plans from Title I schools.	Implement peer review for all school improvement plans.
Technical, critical	Sections 9 and 10, pages 17-18	The timelines identified - April 1 for school plan submittal, June 15 for final plan and January 1 for determining AYP	Review timelines to insure the dates align with other NCLB requirements and adjust as appropriate.
Substantive	Section 12, page 20	Department shall monitor the administration of examinations in schools in need of improvement.	Department does not have staff or resources to engage in such a wide-ranging monitoring effort. Monitor at randomly selected schools.
Substantive	Section 13, page 20-21	Designations are based on one year's data; this produces very unstable data; we are not sure we are identifying the right schools. Identifications are not statistically valid and reliable based on one year of data alone.	Match NCLB; base designations on two years of data. Review timelines to insure the dates align with other NCLB requirements and adjust as appropriate.

Substantive	Section 20, page 28	Who is paying for all this support team work? Provide a funding mechanism.	Allow a portion of state remediation funding to be spent for planning purposes at sites.
Technical	Section 21, page 29	This section is extremely convoluted with all its references to previous subsection and so forth. Intended meaning gets lost in all the references to earlier sections	State intent directly rather than through references to previous sections.
Technical	Section 22, page 31	Why do charter schools sponsored by the State Board have to offer choice while other charters don't?	Make language in reference to charters uniform.
Substantive	Section 32, page 41	Districts could be identified for improvement as early as this coming year. This is a serious designation based on skimpy data. Do we want to do something as designating entire districts as in need of improvement on the basis of a single year's data?	Don't identify LEAs in need of improvement until at least two years of data are available.
Substantive	Section 45, page 63	Certificate for all paraprofessionals is required starting in July 1, 2004.	Eliminate certificate part of language; NCLB does not require this.

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Technical, critical	Section 63, page 80	<p>NCLB is more restrictive than the language employed here which allows the board of trustees to extend the waiver of a student being tested in English on a blanket basis. In NCLB, the waiver must be granted only on a case-by-case basis.</p>	<p>Use the language from NCLB, section 1111: "on a case-by-case basis, the LEA may make a determination to assess such student in the appropriate language other than English for a period that does not exceed 2 additional consecutive years, provided that such student has not yet reached a level of English language proficiency sufficient to yield valid and reliable information on what such student knows and can do on tests (in English) of reading/language arts." Include word "comprehension"</p>
Technical, non-critical	Section 63, page 81	<p>Should test of English proficiency include "comprehension" to parallel language of NCLB?</p>	
Technical, critical	Section 64, page 81	<p>Results of alternate assessment must be included in AYP calculations. NCLB will set limits on number of students that can use an alternate assessment.</p>	<p>Results of alternate assessment must be reported as part of AYP.</p>
Substantive	Section 67, page 86	<p>Fall testing—does this fit with a test to measure mastery of standards? Standards were developed with the wording "By the end of grade x, students will know and be able to do".</p>	<p>Move test back to Spring</p>

Substantive	Section 67, page 88	Question of whether the augmented NRT design will provide either good NRT or CRT information to stakeholders. How are PSAT or PACT to be augmented?	Complete CRT system for 3-8; PSAT or PACT not meant for purposes of accountability.
Technical, non-critical	Section 84, p. 106	Implies students can be removed for tutoring when the teacher may be instructing in core content areas.	Insert language after "Provide one-on-one tutoring for a pupil," that limits such tutoring to non-core content instruction time.
Substantive	Section 84, p. 106	Will require all paraprofessionals as defined in this section throughout the state to meet the content knowledge and instructional assistance skill levels required of Title I paraprofessionals under NCLB.	Because of the impact on all districts and paraprofessionals, adjust the Effective Date for paraprofessionals hired prior to Jan. 8, 2002, from Jan. 1, 2004, to the Jan. 8, 2006, Effective Date required for Title I paraprofessionals hired prior to Jan. 8, 2002.
Substantive	Section 88, p. 108 Section 89, p. 109	Requires the development and maintenance of a statewide certification and application and renewal system for paraprofessionals.	LEAs monitor each school's compliance with paraprofessional requirements using format approved by State Board; LEAs' compliance reports monitored by SEA. Delete required state involvement in issuing and maintaining certification files on paraprofessionals. NCLB does not require that state's go to this extent to verify the qualifications of paraprofessionals.

Substantive	Sections 132 and 135	<p>If new tests are required to be purchased/developed as a result of the bill requirements, will there be additional funds to continue the current system of assessment until 2005 while the new tests are developed and pilot tested. Current program would need to be maintained until then to insure ongoing NCLB AYP requirements</p>	<p>Clarify, once assessment requirements are finalized.</p>
Technical, critical	Section 134	<p>Required administration of science test for graduating class of 2009 would need to be provided to 10th grade students in 2006-2007</p>	<p>Revise wording to reflect administration of science test for pupils in grade 10 beginning in the 2006-2007 school year.</p>