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EXPLANATION OF
AMENDMENT
To
SENATE BILL 191

May 6, 2003

Introduction

The amendment makes the following policy changes to Senate Bill 191. In the area of testing, dates are changed to accommodate spring administrations. The norm-referenced test scores will not be a part of the designation of schools, and those tests will be administered in the spring as well. Science as a subject to be tested in the criterion-referenced tests (CRTs) and the CRT exams in additional grades are added incrementally. The CRTs are to be obtained from a national vendor. The school improvement and school planning provisions are simplified and clarified through a simple checklist form. Schools and school districts must be designated as in need of improvement on the basis of two consecutive years of data. Only data for pupils who have attended the school or the district for a full academic year may be included in the computations. Charter school data will not be used in determining district AYP status.

Technical assistance partnerships shall provide technical assistance for schools in need of improvement in the first or second year, replacing the support teams, which must be formed at the third year of needing improvement. The amendment also deletes the option of converting public schools to charter schools as an option for restructuring. The requirement for statewide certification of paraprofessionals is deleted, although the State Board of Education is required to approve a single statewide test and set the passing score. In compliance with No Child Left Behind, the school districts are now responsible for ensuring that paraprofessionals in Title I schools are qualified. However, the amendment specifies that all accountability reports at school, district, and state levels must list the percentage of paraprofessionals not qualified pursuant to federal law. The ratio of experienced to inexperienced teachers in low-performing schools is deleted and replaced by a requirement that each district develop a plan to ensure students in those schools are being taught by experienced teachers. Middle school licensing and implementation of "highly qualified" requirements will become effective according to deadlines set within No Child Left Behind. In addition, the amendment contains a statement that no provisions will supersede, negate, or limit collective bargaining agreements. Finally, stipends of \$2,000 each to teachers and administrators at schools in need of improvement are included, but the existing retirement incentive is repealed.

EXHIBIT I Senate Committee on Finance

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Following is a section-by-section review of the amendment:

- **New Section 3.5** clarifies that the provisions of the Act do not supersede, negate, or limit collective bargaining or other employee rights specified elsewhere in Chapters 288 and 391 of the *Nevada Revised Statutes*.
- **Section 4** (State Board of Education defines AYP) is revised to simplify references to appropriate *U.S. Code* citations with regard to the manner in which student subgroups are held to proficiency targets for AYP purposes.
- **New Section 4.5** requires the State Board of Education to adopt criteria for designation of schools and school districts demonstrating high or exemplary achievement.
- **Section 6** (annual state accountability report) is revised to require teacher qualifications reports at district and state level; requires all schools, districts, and the state to report percentage of classroom paraprofessionals not meeting Title I qualifications; requires reports of ratio of highly qualified teachers by school; requires use of financial accounting system, if available, to report per pupil expenditures; and makes certain technical changes.
- **Section 7** concerning the annual state improvement plan, is revised to require that the State Board must additionally consult with one employee from a school district in a county having a population above 100,000—together with one representative from a school district in a county having a population below 100,000. Appointments are to be made by the Nevada School Boards Association.
- **Section 8** (annual school district improvement plans) is amended to simplify school improvement planning, and removing requirements for plan participants for non-Title I schools. Deletes requirements that the district improvement plan address information concerning certain higher education strategies. The annual due date for such plans is shifted from June 15 to December 15.
- **Section 9** (annual school improvement plan) is extensively revised to simplify the school improvement planning process. The list of persons with whom a school principal must consult is reduced to employees of the school and others the principal deems appropriate. Further, deletes the requirement for including in the plan a mentoring program and for information concerning certain higher education strategies for the school. The amendment also

requires that a charter school governing body be responsible for carrying out the school's school improvement plan. The amendment also provides for the activities of a technical assistance partnership in preparing a school improvement plan for certain schools needing improvement. Further, the improvement plan must be implemented prior to January 1, versus the start of the next school year.

- **Section 10** (Nevada Department of Education [Department] determines AYP status) is revised to provide for a June 15 (versus January 1) annual determination by the Department concerning the AYP status of each school.
- A new **Section 11** requires technical assistance pursuant to NCLB and requires a principal of a school in year one of failing to make AYP to review and revise the school improvement plan.
- **Section 12** (retesting) is the old Section 11.
- **Section 13** is the old Section 12 (consequences for failing to test 95 percent or more), amending those provisions to specify that the Department will monitor retesting to the extent funding is available for that purpose.
- **Section 14** (categories of schools) is revised to remove use of the NRT score for school designation purposes.
- **Section 15** is the old Section 13 (district designation of AYP status), and is revised to change all the due dates for district designation of school AYP status.
- **Section 16** (technical assistance) combines old Section 15 with old Section 16, and provides for the provision of technical assistance for the different types of schools (Title I, non-Title I, charters) classified as needing improvement. The amendments also provide for the establishment of Technical Assistance Partnerships (TAPs) for schools, and specifies school choice option for Title I schools that are in need of improvement.
- **Section 17** (TAP membership) is amended to simplify the membership of the TAPs (replacing the school support team). Charter school TAPs are formed by the governing body of the charter school.

- **Section 18** (TAP duties) sets forth the duties of the TAPs, providing for a simplified review and report, and prescribing a form for this purpose.
- **Section 19** (reporting requirements for school support teams) is deleted, although certain provisions survive in new Section 24.3.
- **Section 20** is amended to clarify the requirement that all public schools designated in need of improvement for two consecutive years receive technical assistance.
- **Section 21** is revised to specify the additional consequences for Title I schools that are designated as needing improvement for two consecutive years (school choice and supplemental services).
- **Section 22** is amended to provide for the establishment of school support teams by the Nevada Department of Education for all public schools designated in need of improvement for three consecutive years.
- **Section 23** (school support team composition) is revised to provide for a governing body member as a part of a school support team for a charter school.
- **Section 24** sets forth duties for school support teams previously listed in the old Section 18, modified slightly to address specific requirements in NCLB for Title I schools.
- **New Section 24.3** sets forth reporting requirements for the school improvement teams [essentially the same as is specified in the old Section 19], revising required reporting dates to align with spring testing and school designation dates.
- **New Section 24.7** provides for additional requirements (corrective action) for Title I schools in the third consecutive year of designation as a school needing improvement [mostly from the old Section 22(4)]. The amendment also specifies a one-year delay in consequences should the school qualify for the delay under NCLB.
- **Section 25** is amended to authorize a support team for a non-Title I school in its third year of designation to consider, if it determines it is appropriate, corrective action [similar to old Section 22(5)].

- **Section 26** is amended to specify the role of the Department in providing support teams for all schools; districts must provide technical assistance for their schools and for district-sponsored charter schools to ensure they receive technical assistance.
- **Section 26.3** is a new section [utilizing parts of old Section 26(3) and (5)] that provides for the (separate) additional requirements for Title I schools in the fourth consecutive year of needs improvement status.
- **New Section 26.7** [utilizing parts of old Section 26(4)] provides for the (separate) additional requirements for non-Title I schools in the fourth consecutive year of needs improvement status. Provides the same delay clause and employee/parent notice about any recommended restructuring as contained in other sections.
- **Section 27** (restructuring options) is amended to delete old subsection 1(a) (and other portions of the bill as needed) to eliminate the option that a Title I school not making AYP be converted to a charter school, as one of the mandated restructuring options.
- **Sections 28 and 29** (exceptions to delay clause and restructuring) are deleted – these provisions are already contained in previous sections.
- **Section 30** is amended to change the determination date for district level AYP status from January 1 of each year to July 1. Additional changes include: charter school students shall not be included in determining district's AYP status; clarifies that when calculating AYP, the Department should not include district data for students who have been enrolled in district schools for less than a full academic year.
- **Section 31** amendments include: changing dates for AYP determination and designation to account for spring testing, and specifying that the initial designation of districts must be based upon two consecutive years of data.
- **Section 32** (categories of districts) is amended to remove the use of the NRT score for making district achievement level determinations. Requires use of AYP status and for exemplary and high achieving scores, meeting requirements set by the State Board of Education noted in Section 4.5 of the amendment. Additionally, this amendment clarifies that in making a "needs improvement" designation, when calculating AYP, the Department should not

include data for students who have attended school in the district for less than a full academic year.

- **Sections 33 and 34** (parental notice and district corrective action) contain technical, nonsubstantive changes.
- **Section 35** is revised to simplify the one year delay clause allowed for districts, regardless of the consecutive year of their status, and removes the NRT score as part of the designation process
- **Section 36** is revised to provide separate forms for notice to parents and others concerning schools and school districts needing improvement.
- **Section 37** (selection of supplemental service providers) contains technical, nonsubstantive changes.
- **Section 41** (district accountability time line) revises various reporting dates for accountability in accordance with spring testing; specifies reporting highly qualified teachers in aggregate and disaggregated by high versus low poverty schools; clarifies that information about qualifications is provided also at the district level; requires a report of the paraprofessionals who are not qualified in accordance with NCLB at all schools; and deletes the requirement that reports be done in a concise manner.
- **Section 42** (a parallel section to Section 41) is deleted.
- **Section 44** (remedial study programs) is amended to provide that schools that fail to make AYP, or with 40 percent of tested students scoring in the bottom quarter of the NRTs, must adopt remedial programs.
- **Section 45** (school recognition for high and exemplary achievement) contains a technical change.
- **Section 46** deletes the requirement that all instructional paraprofessionals in charter schools must have a certificate. The section is revised to provide that: paraprofessionals hired by the date specified in NCLB, for Title I schools, be qualified as specified under NCLB; that all affected paraprofessionals in Title I schools meet these same qualifications by the date specified in NCLB.
- **Sections 48 through 52** (concerning conversions of public schools into charter schools under NCLB restructuring) are deleted.

- **Section 53** is amended to clarify that persons hired after the NCLB effective date (January 8, 2002), must meet federal qualification requirements if the school received Title I money. This section also specifies that regardless of hire date, charter school teachers teaching the federally-defined "core" must be highly qualified under the federal definition by July 1, 2006.
- **Section 54** changes the reporting date from April 1 to August 15 for charter school accountability reports.
- **Section 55** (statewide accountability system) is amended to specify that, to the extent practicable, the unique student identification number should be applicable for use in both public schools and UCCSN. Further, the SMART system provisions are amended to include the capacity to link individual teachers and paraprofessionals to individual students; provides that the system include non-student linked information required under accountability and NCLB, such as Safe School Status, and designation status for each school; and requiring use of statewide financial accountability system for reports at school, district, and state levels. The amendment also requires the state superintendent to standardize software, data codes, and exchange protocols for the system.
- A new **Section 55.5** is included, which makes technical changes to NRS 386.655 (state FERPA law).
- **Section 56** (licensure assumption for middle school teachers) is deleted.
- **Section 61** (a technical revision) is deleted for technical reasons.
- **Section 63** (testing LEP students) is amended to provide (as required under NCLB, Section 1111) that the school district may, on a "case-by-case basis," make a determination to assess such student in the appropriate language other than English for a period that does not exceed two additional consecutive years. This section is also revised to delete the exclusion of test scores of disabled pupils taking alternate exams from determinations of school and district AYP status. Further, comprehension skills must also be measured in the test prescribed for ELL students by the Board, and the amendment clarifies that the modifications and accommodations adopted by the State Board for ELL and disabled students must be used, versus "may" be used.

- **Section 66** (exemptions to statewide exams) will become effective on July 1, 2003: The amendment deletes the writing exam from the NRT section, moving it to the CRT section.
 - Deletes the provisions indicating that the Department may score the exams.
 - Clarifies that a pupil who fails to demonstrate adequate achievement is required to take a remedial program if he is enrolled in a school that has failed to make AYP or in which less than 60 percent of the pupils enrolled in grades 4, 7, or 10 received an average score that is at least equal to the 26th percentile.
 - Clarifies that the HSPE includes the subjects of reading and mathematics and, except for the writing portion, is developed, printed, and scored by a nationally recognized testing company.
- **Section 67** (new testing requirements) is amended to delete the requirement for augmented NRTs. The regular NRTs are still administered in grades 4, 7, and 10 and will be administered in the spring. The section will become effective on July 1, 2004. It also provides that the NRTs must be administered during the spring semester. The spring NRTs will first be administered in the spring semester of 2005.
- **Section 68** (science testing) will become effective on July 1, 2007. Further, the amendment adds science to the HSPE (with Section 134 retained as it reads). Science will first be administered during 2007-08 school year, as required by NCLB. It will be required for graduation to the class of 2008-09. [NOTE: the Department can decide whether to administer to 10th graders as part of their budget process.]
- **Sections 70 through 71** (Council to Establish Academic Standards for Public Schools) is deleted.
- **New Section 71.4** is added that defines the role of the Council to Establish Academic Standards in Public Schools in consulting with the State Board on the new tests. This section will become effective on July 1, 2003.
 - Requires CRTs in grades 3, 5, and 8 for the subjects of English and mathematics.

- Requires CRTs in grades 5 and 8 for the subject of science.
- Shifts the writing exam to the CRT section.
- Specifies that the CRTs are administered during the spring semester.
- **New Section 71.7** (this section is effective July 1, 2005) specifies that the CRT examinations must be written, developed, printed, and scored by a nationally recognized testing company.
 - Requires CRTs in grades 3 through 8 for the subjects of English and mathematics (science remains in grades 5 and 8).
 - Requires that CRTs must be written, developed, printed, and scored by a nationally recognized testing company.
- **Section 72** (test reporting requirements) is amended to change certain reporting dates in accordance with spring testing.
- **Sections 73 through 78** (concerning deleted technical references to NRTs) are deleted.
- **Section 79** (retesting) is amended to restore existing law concerning testing irregularities for the CRTs.
- **Sections 80 and 81** (concerning deleted technical references to NRTs) are deleted.
- **Section 84** (paraprofessionals) is amended to specify that the paraprofessional referenced in the section is a person who is *employed* by the school district or governing body and assigned by a school district or charter school.
- **New Section 84.5** requires the State Board to prescribe at least one examination for paraprofessionals that is consistent with the *U.S. Code*.
- **Section 85** (ratios of experienced teachers in low performing schools) is deleted. [Instead, Section 136 requires each district to submit a plan as to how it proposes to ensure compliance with NCLB language to the Legislative Committee on Education.]
- **Sections 88 through 92** (certification for paraprofessionals) are deleted.

- **Section 97** (employment of teachers with middle school license and paraprofessionals) is amended to specify that certain teachers and paraprofessionals hired after January 8, 2002, in Title I programs, must be qualified as specified under NCLB. The change also shifts the date for qualification as "highly qualified" to July 1, 2006.
- **Sections 98, 100, and 101** are deleted for technical reasons.
- A new **Section 109.5** is added to ensure districts utilize the parent partnership agreements specified in NCLB in their parental involvement policies.
- **Sections 112 and 116 through 126** are deleted for technical reasons.
- **Section 130** (stipends in low performing schools) is revised to make the stipend program for personnel in low performing schools parallel to the Governor's budget proposal (\$2,000 - stipend to principals, vice principals, and teachers).
- **Section 132** is revised completely to instead require the Department to provide notice to all teachers about how to become "highly qualified."
- **Section 133** is revised to change dates in accordance with spring testing.
- **Section 135** (purchasing and piloting new exams) is revised to accommodate new testing dates and requirements under NCLB and the State Plan.
- **Section 136** (paraprofessionals) is revised extensively to require each district to submit a plan as to how it proposes to ensure compliance with NCLB mandates concerning the use of highly qualified and experienced teachers. Further, the amendment specifies that the provisions of the section do not supersede, negate, or limit collective bargaining or other employee rights specified elsewhere in the *Nevada Revised Statutes*.
- **Section 137** (middle school licensing regulations) deletes the reference to the January 1, 2006, date for middle school licensure under NCLB and the required regulations. Further, the amendment adjusts the deadline from January 1, 2006, to July 1, 2006, the date for qualification for licensure.
- **Section 138** (review of regulations) is amended to change from 2004 to 2006 the required review of regulation by the Commission.

- A new **Section 140** is revised extensively to delete old language and now require that the Department create and distribute a pamphlet for educators, parents, and the community providing guidance and definitions with regard to technical assistance and supplemental services provisions required by NCLB.
- **Section 141** revises repealed sections accordingly – includes new repeal of existing incentive whereby one-fifth of retirement (PERS) is offset for teachers who stay in “needs improvement” schools.

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