

NEVADA DEPARTMENT OF EDUCATION
REGULATION MEETING
AUGUST 17, 2017

Meeting Locations:

Office	Address	City	Meeting Room
Department of Education	9890 S. Maryland Pkwy	Las, Vegas	Board Room (2 nd Floor)
Department of Education	700 E. Fifth St	Carson City	Board Room

SUMMARY MINUTES OF THE REGULAR MEETING

(Video Conferenced)

DEPARTMENT STAFF PRESENT:

In Carson City

Brett Barley, Deputy Superintendent, Student Achievement
Kris Nelson, Director, Career Readiness, Adult learning and Education Options
Dave Brancamp, Director, Standards and Instructional Support
Donna Wix, Education Programs Professional
Amber Reid, Education Programs Professional
Karen Johansen, Assistant to the State Board of Education
Shawn Osborne, IT Technician

In Las Vegas

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement
Diane Hollander, Program Officer 1
Kim Bennett, Administrative Assistant

LEGAL STAFF PRESENT

In Carson City

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Roy Anderson, Clark County School District
Joe Roberts, Clark County School District
Gia Moore, Clark County School District
Dennis Scherz, Associate Superintendent, Nye County School District
Karen Holley, Nye County School District
Jennifer Varrato, Clark County School District
Devin Heintz, Clark County School District
Dawn Burns, Clark County School District
Kim Loomis, Clark County School District
Craig Stevens, Clark County School District
Jenn Blackhurst, HOPE
Lisa Ranor, NVTOT

Carson City:

Marissa McClish, Washoe Schools
Sundae Eyer, Washoe County School District
Brandon Swain, Douglas County School District
Cristal Cisneros, Washoe County School District

Lindsay Anderson, Washoe County School District
Lori DeGristina, Nevada Department of Public Safety
Misty Allen, Office of Suicide Prevention
Mary Pierczynski, Nevada Association of School Superintendents

Call to Order;

The meeting was called to order at 9:04 A.M. with attendance as reflected above.

Public Comment

There was no public comment

Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388; development of plan to be used by schools in responding to crisis or emergency.

The workshop opened at 9:05 a.m.

Amber Reid, social work liaison, safe and respectful learning, stated that NRS 388.253 requires the Department (NDE) to develop a model plan for the management of a crisis or an emergency that involves a public school including without limitation a charter or private school that requires immediate action. The statute requires the State Board of Education to adopt regulations setting forth requirements for the plan required to be developed pursuant to NRS 388.243 which are those that are developed boards of trustees and governing bodies in which the minimum requirements must be met as set forth by the model plan developed by the NDE. The regulations adopted by the Board must also a requirements for reviewing and approving deviation pursuant NRS 388.251 as well as requirements concerning practice and procedures for responding to a crisis or an emergency. During the 79th Legislative Session there were two bills that required the NDE to make revisions to the model plan, A.B. 221 requires that the model plan and procedures for evacuating pupils from charter schools to public middle, junior high or high schools in an event of a crisis or emergency and ensure that any public school is prepared to accommodate the charter school in such an event.

The Safe to Tell bill, S.B. 212 made several changes to the requirements of the model plan, most notably the inclusion of suicide in addition to crisis and emergencies and the plans developed by the NDE and subsequently by boards of trustees and governing bodies. There are also additional requirements in the process by which the development committee must create their crisis emergency and suicide plans. The development committee must consult with their local social services agency and they must determine which persons or organizations in the community could be made available to students and staff for recovering from a crisis emergency or suicide including a state or local agency which provides mental health services. The names of those persons or organizations are included in their crisis and emergency and suicide response plan as well as a plan for making those services available to students and staff following a crisis, emergency or suicide.

The office consulted with the Division of Emergency Management and district emergency managers and other experts to propose the adoption of the FEMA guide for developing high quality school emergency operation plans approved by the Consent Agenda by the Board in 2016. In consulting with emergency managers from Washoe and Clark Counties, since the passage of S.B. 212, in accordance with federally best practices, it is suggested that the inclusion of suicide in the model plan be done by adopting the suicide plan that has been developed in collaboration with the division of child and family services as a annex to the FEMA guide. The Office for Safe and Respectful Environment learning was created in 2015 as part of revisions to the states anti-bullying laws. The laws came out of a tragedy in which Nevada lost one of its own students to suicide. Her parents and many others who also lost their children to suicide turned that tragedy into advocacy. However, suicide continues to impact schools across the state and the inclusion of suicide and the crisis and emergency response plans further deepens the states commitment to ensure the physical safety of our children.

Misty Allen, Office for Suicide Prevention, provided further information about the state suicide. She informed that she started with the office in 2005, and at Nevada had the second highest rate in the nation. Nevada has always been one of the highest for decades. In 2015, for the first time ever, Nevada moved out of the top ten. Nevada is the only state in the nation for 2014-2015 whose rates did not increase. Suicide is the second leading cause of death for ages 10 to 34 in Nevada. One in ten of Nevada's high school students claim through the Youth Risk Behavior survey that they have made an attempt. The young people desperately want to get connected to help, they do not want to die and suicidal thoughts or injury is their way of inviting help. If signs can be recognized early on students can get connected to help for early intervention. Elevating suicide to be a part of crisis in Emergency Management Response is long overdue.

If we have an attempt or a loss, it elevates risk for many other students in that school and community. She wants to make sure they are out there ahead of the game and crises.

Ms. Reid explained response development committees are required to look at preventive pieces in preventing crises and emergencies in their school based on their local and the different threats. There is an element of prevention that would go along with the post-vention component. The post-vention has already been developed and is on district and NDE websites. It is a matter of formalizing by regulation that it is included in the crisis and emergency and suicide response plans.

Public Comment

Roy Anderson, emergency management, CCSD and Joe Roberts, coordinator CCSD provided comments. Mr. Anderson said CCSD just re-worked their crisis plan to match the model plan approved by the State. He said they have a good understanding of how the suicide portion can fit into the crisis plan. They have updated their recovery from death checklist which includes post-vention and updated the existing threat and hazards specific annex for suicide off and on campus. (audio difficulties)

Mr. Roberts said the processes are in place and the relationships are there. Within CCSD, all schools have site based, mental health, and intervention teams built into the crisis plans. Those teams are trained on suicide interventions. Processes and procedures are in place in CCSD and they have shared their procedures throughout Nevada.

The workshop closed at 9:22 a.m.

Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391 Regarding the Statewide Performance Evaluation System for School-Level Administrators and Teachers. Passage of AB320 during the 2017 Legislative Session requires the State Board of Education to establish, by regulation, criteria for Student Learning Goals (SLGs).

The workshop opened at 9:22 a.m.

Dena Durish, deputy superintendent, Educator Effectiveness and Family Engagement, stated A.B. 320 from the 79th Legislative Session specified that the statewide federally reported assessments are no longer required for teacher or administrator evaluation. That percentage of the evaluation has been replaced with all student learning goals. Teachers want to be evaluated on the achievement of their students of the academic school year. Section 1.1 of the bill specifies *the board of each school district will ensure that the learning goals for pupils established pursuant to this section, measure pupil growth*. It is the duty of each school board to ensure the learning goals are established, and the Board is to adopt those regulations.

The Teachers and Leaders Council (TLC) was supposed to meet in August but did not have a quorum. Ms. Durish presented recommendations from previous discussions from the TLC regarding the assessments. The information shared today is already outlined in the Tools and Protocol documents that is posted on the NDE website. Teachers and administrators have been using this information for a year to develop student learning goals.

The TLC wants to ensure that there are four criteria are met.:

- Each student learning goal that is set by a teacher aligns with the content standards for the course, grade level and subject area.
- An intended level of rigor requires that one year of academic growth is measured.
- Psychometric quality of validity and assessments
- Security and reliability in the process and that scoring consistent and valid.

There are three levels of assessment. It was determined by TLC that if a teacher is in a grade level in which there is a state approved assessment or subject area in which there is a state assessment that should align with one of the first priorities. If a teacher does not have a grade or subject level where that is not the case, then move to the second priority and look at the existing assessments in the school. The third is that new assessments would be created. The NDE is committed to working with districts and the TLC throughout the next year to look at the third priority areas in where there are no first and second priority measures.

Public Comments

There was no public comment.

The workshop closed at 9:38 a.m.

Workshop to solicit comments on proposed amendments to NAC Chapter 389, relating to the creation of a competency-based education pilot program. The proposed amendments revise the language in NAC 389, to include the following regarding the Competency-Based Education Network and associated programs. The regulations regarding the application process and conditions to participate in the pilot program, in accordance to Assembly Bill 110 (2017)

The workshop opened at 9:39 a.m.

Mary Holsclaw, education programs professional, explained that part of the bill requires an application process for the competency-based education pilot program. She provided a brief overview stating they are going more for learner focused in working with how the students learns and the rate of how they learn. Students can go now go faster if they are better in some skills or take more time in other areas. Within the bill, part of the following qualifications and conditions for participation are:

- Commitment by the school district or charter school to implement competency based education for not less than five years.
- Evidence of support for the implementation of competency-based education by the community served by the school district or charter school.
- Commitment to participate in the new competency-based education network that will be compromised from the pilot programs and is outlined in the bill.

Ms. Holsclaw presented a draft timeline for the new program for those that wish to participate. Interest can be collected by November 27 via letters of intent after meetings with school districts leaders and superintendents with a brief overview about competency-based education. The application will be posted by early February 2018, and applications collected by April 2018. The department will review the applications in May 2018, and pilot sites can be awarded in June 2018. The intent is to for the pilot programs to begin in fall of 2018.

There was no public comment.

The workshop closed at 9:45 a.m.

Workshop to Solicit Comments on Proposed new regulations to NAC Chapter 387; compliance of Senate Bill 178, AN relating to education; replacing the term “limited English proficient” with the term “English learner” for consistency with federal law; creating the Account for the New Nevada Education Funding

Plan; providing for the distribution of money from the Account for the support of certain pupils who perform below a designated level of proficiency and are English learners or eligible for a free or reduced-price lunch; prescribing the purposes for which such money may be used; requiring the collection and reporting of certain information relating to the use of such money; requiring the Department of Education to contract with an independent consultant to research issues relating to certain categories of pupils; making appropriations.

Peter Zutz, Administrator, Assessments, Data and Accountability, informed that by July 1 of each year, per S.B. 178 from the 2017 Legislative Session, the NDE is charged with determining the number of pupils in each public school for EL or are eligible for a free or reduced lunch who score at the bottom of the 25th percentile in proficiency, who are not enrolled in a Zoom or Victory school and who do not have an Individualized Education Plan (IEP). Nevada shall provide per pupil an amount of \$1200 for each pupil identified to each school starting with funding one star school, proceeding to funding two star schools and up until not all schools in the star range can be funded. The NDE will rank the schools within the star range by the highest number of pupils identified and distribute funding until the funding is exhausted. This needs to be completed each year by July 15. A note of interest is in the law section 10, subsection 2, *the Department has the ability to use other forms of data should not the prescribed assessments be available*. For example, this year Credit Deficiency was used for grades 11 and 12, and was district reported information.

There was no public comment.

The workshop closed at 9:58 a.m.

Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 389: NAC 389.825 Public or Private Internships; NAC 389.562, NAC 389.564 and NAC 389.566 Career and Technical Education in cooperation with employers; NAC 389.XXX Work-based Learning; NAC 389.644 to 389.650 Skills to obtain employment; and NAC 387.306 Pupils in program which combines work and study.

The workshop opened at 9:58 a.m.

Melissa Scott stated that she researched other state models for work based learning and referenced the state guide for work based learning produced by the Council and Chief State School Officers, New Skills for Youth and Advanced CTE in drafting the language for this regulation. She also consulted with the Governor's Office of Work Force Innovations and other offices within NDE.

Ms. Scott summarized the proposed revisions. For NAC 389.825 the change is focused from internship to work based learning on a broader scale and clarifies the application and reporting requirements for work based learning that is credit bearing. (audio difficulties) ...work based learning as a continuum of experience and the number of hours needed to earn credit for work based learning. It also lists the requirements for any experiences over 30 hours and describes duties of a designated work based learning coordinator as required by S.B. 66 from the 2017 Legislative Session.

NAC 389.562 through NAC 389.566 career and technical education work experience in cooperation with employers is being updated specifically for paid work experience and apprentices related to a career and technical education partner (audio difficulties). The duties of the student, teacher and employer are being updated and the duties of a coordinator were added.

NAC 389.644 through NAC 389.650 update language for programs of work and study designed for students who are at risk of dropping out. These are students who for special circumstances who need to work and get credit for it. The training agreements would not be required for this type of work based learning and as this program is not necessarily related to their students career interest or CTE program study.

NAC 387.306 is regarding attendance for students who are participating in work based learning. Recommended for elimination attendance is addressed the regulation changes as previously presented. Stakeholders found this regulation was outdated and duplicative.

Superintendent Canavero noted that “paid work experience” was frequently used throughout the regulation and he asked if all work based learning experiences paid? Ms. Scott responded that the regulation that referred to paid work experience and apprenticeship is specific to career and technical education, NAC 389.562. Work based learning can be paid or unpaid. Most work based learning for high school students is unpaid.

In response to further questions from superintendent Canavero, Ms. Scott clarified the reference to NAC 389.650, it is specifically under the regulations that are addressing a paid work experience or apprenticeship whereby the student is working for an employer. The language was only added in this part because if a student is going to work at a company, then the company is obligated to pay them just as any other employee. It was modeled after Tennessee who had this in their regulations as a safeguard to make sure it is clear. If a student is a paid employee, then they are covered under Workman’s Compensation.

Public Comment

There was no public comment.

The workshop closed at 10:16 a.m.

Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 391 Regarding the Distributions than can fit within a traditional school day over the course of a student’s high school career establish regulations to carry out the teacher incentives.

The workshop opened at 10:16 a.m.

Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement, provided an overview. There are two pieces, section 1 references incentives for new teachers. Districts can utilize or apply for funds with the NDE to utilize up to \$2.5 million per each year of the biennium for new teachers that have recently been hired at Title I schools or schools designated as underperforming. The next subsection 2 is an allocation of an additional \$2.5 million for teachers that currently work in the district and are not at a Title I, or a 1 or 2 star school. Districts want to provide incentives for teachers to transfer to such a school to fill the need. Subsection specifies that the State Board of Education will adopt regulations to carry out the provisions.

Funds are available July 1, but the NDE has been holding back on putting out an application for these funds and communicating that with districts for this academic year *until regulations are put in place*. Deputy Durish said her intent is to convene a stakeholder group to review the recommendations and get feedback, then stand up the application.

Ms. Durish listed considerations. There is money left and available from the old allocation which is also \$2.5 million. The money available in previous years was \$10 million and that has changed to \$2.5 million. There is criteria already established such as \$5000 maximum per teacher and indicates 1 or 2 star ratings and required the districts have a comprehensive plan and this incentive program is part of the comprehensive plan of performance pay and enhanced compensation. In addition, any teacher who receives the incentive funds will receive professional development from the district.

Ms. Durish added there is also an opportunity to clarify collective bargaining in the regulation. She suggested that the NDE would not want the funds be subjective to collective bargaining because of inline implementation and the intent would be that the fund is flexible. In addition the regulation would address a second, or third or eight year teacher that has been working at the district for awhile, and is not at one of those schools, or wants to transfer back. She stated she is not proposing answers, rather is listing considerations for the working group discussions. Many teachers have been calling the NDE inquiring about how they can get the new teacher incentive or transfer. The funds are through an application process through the districts.

Other funds in previous years have indicated the \$5000 maximum, now this does not have a cap. National research shows that incentives for retention or transfer for existing teachers, the price point is higher. A typical teacher would not find the \$5000 worth the transfer. The same would be true for limiting; currently there is not a limitation to a specific grade levels or subject areas.

Ms. Durish listed three additional criteria to consider for the application. Stating on the application that if a teacher had a minimally effective and it is changing to developing, final evaluation the year before, the teacher would not be eligible for the funds. A new criterion of ESSA is that teachers much be fully Nevada certified. The NDE would recommend these funds not go to a teacher that did not hold a full license in the subject area they are teaching. She

listed other possible thoughts and considerations that may be included; there is no particular answer or recommendation at this time.

Public Comment

There was no workshop public comment.

Public Comment #2

There was no public comment.

The meeting adjourned at 10:35 a.m.