

NEVADA DEPARTMENT OF EDUCATION
REGULATION MEETING
May 8, 2018

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 REGULATION MEETING

(Video Conferenced)

DEPARTMENT STAFF PRESENT:

In Carson City

Steve Canavero, Superintendent of Public Instruction

LEGAL STAFF PRESENT

In Carson City

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Kathy Mead, Clark County School District
Heidi Hoshibata, Clark County School District
Jesse Welsh, Clark County School District
Jason Lamberth, Hailee's Hope

In Carson City:

Margaret Allen, Washoe County School District
Jennifer Crane, Washoe County School District
Janeen Kelly, Washoe County School District
Michelle Kirn, Washoe County School District
Matthew Burak, Washoe County School District
Mary Pierczynski, Nevada Association of School Superintendents

Call to Order

The meeting was called to order at 1:02 p.m.

Public Comment #1

There was no public comment

Workshop to Solicit Comments on proposed regulations in NAC 388.XXX, which concern the establishment of the program required pursuant to NRS 388.1455.

The workshop was opened at 1:03 p.m. There were four individuals present in Carson City and six individuals present in Las Vegas.

Cindi Chang, Education Programs Professional, presented the proposed changes specifically targeted to the use of computers half credit course required for high school graduation. Section 8 of S.B. 200 from the 2017 Legislative Session on Computer Science Education created a computer science sub-committee of the Governor's STEM advisory council. One of the duties of the sub-committee is to provide advice and recommendations (audio difficulties). Section 3.2 of the bill specifies that the Board shall adopt regulations prescribing the percentage of instructional time dedicated to computer science and computational thinking for the half credit course called use of computers required for graduation and propose changes to align

regulations with legislation. It was recommended by the sub-committee, that language in section 7 of NAC 389.450 is changed from *use of computers*, to *Computer Science and Applications*, including the concepts to be taught within the course. The proposed changes will better reflect the subject matter of the course and provide clarity to districts.

It is also recommended that the name change from *use of computers* to *Computer Science and Applications* is updated in NAC 389.664 to keep all regulations in alignment. The sub-committee is recommending that the course in Computer Science and Applications must include 50% computer science and computational thinking instruction. The other 50 percent would continue to cover the technology standards as before.

Workshop Public Comment

There was no public comment.

The workshop closed at 1:08 p.m.

Workshop to Solicit Comments on proposed regulations in NAC 388.XXX, which concern the establishment of the program required pursuant to NRS 388.1455.

The workshop was opened at 1:08 p.m. There were four individuals present in Carson City and six individuals present in Las Vegas.

Amber Reid, Education Programs Professional, explained that the Safe to Tell program began during the 2015 Legislative Session due to a need to allow students a way to anonymously and confidentially report concerns regarding themselves or friends, particularly due to threats of violence against a school. The 2015 Legislative Session created a Safe to Tell advisory committee and then the 2017 Legislative Session S. B. 212 enacted some of the recommendations from that advisory committee.

The regulation is proposed as a way to assist the Office for Safe and Respectful Learning Environment as well as the Department of Public Safety in responding to tips or reports received through the Safe to Tell, which is now the Safe Voice program in which students self-identify themselves as the victim. This is important when looking at the numbers of Safe Voice tips received which are over 2,100 tips as of today. Each of those are a unique and individual tip. Over 25 percent of those tips are bullying tips. By law principals are required to follow strict protocols and timelines for investigating bullying complaints and reports.

When a student self-reports they are being bullied, and they share their contact or name information in their tip, prior to that information being forwarded to the administrator of the school so they can begin the required process of investigating, the students name must be redacted. This makes it impossible for administrators to meet their statutory obligation investigating these incidents. In addition, there are students that have self-reporting concerns of their own struggles with suicidal thoughts, self-harm, depression, anxiety, and substance abuse. When those students identify themselves and indicate they do not wish to remain anonymous there needs to be the ability to share that name and contact information with the proper authorities so they can get the services they need either immediately or down the road.

Workshop Public Comment

There was no public comment

The public hearing was closed at 1:21 p.m.

Workshop to Solicit Comments on Proposed Additions to NAC Chapter 388. The Alternate Diploma

option was passed as part of Assembly Bill 64. This new diploma option is available to students with significant cognitive disabilities. The purpose of these new regulations is to prescribe the criteria for receipt of an Alternate Diploma.

The workshop was opened at 1:21 p.m. There were four individuals present in Carson City and six individuals present in Las Vegas.

Will Jensen, Director, Special Education, stated that A.B 64 passed during the 2017 Legislative Session and included graduation reform for students with disabilities. A.B. 64 also included guidance on the reauthorization known as ESSA. In that guidance, for the first time in the history of the country, the federal government allowed for and provisioned a diploma type that is specifically for students with cognitive disabilities. This had never happened in the history of the country and for advocates who have asked for respect of these students accomplishments, it is a victory.

The alternate diploma allows students with significant cognitive disabilities to receive a diploma which is commiserate with a standard diploma. The guidelines set forth by the U.S. Department of Education (USDOE) is that states that choose this option must have a diploma that is standards based, is aligned with state requirements for the regular high school diploma, and delivered within the period of time that students are eligible for special education. Individuals were convened from their LEAs and began to undertake the enormous task of requirement setting and alignment for this diploma option. Input was received from the two larger urban districts as well as the rural districts.

Language has been drafted subject to input from stakeholders today, it is not finished. This diploma option is only available to students with significant cognitive disabilities who are students accessed on the Nevada Alternative Assessment (NAA). The standards have been met that were set by the USDOE and the goal is to get this in place for next year's class.

Superintendent Canavero asked if the Free Appropriate Public Education (FAPE) is put in jeopardy by providing students who have a significant cognitive disability and are eligible for the NAA, the opportunity for the alternative diploma, which is the language in the regulation. Director Jensen said this diploma option is unique in that when students with disabilities receive a standard diploma, generally FAPE terminates and the student moves onto the next section of their growth. With this diploma option, both the LEA and the SEA provided alignment and can count these as standard graduates. The authorizers decided this does not terminate FAPE. A student can receive this alternative diploma and continue their education up to their 22nd birthday.

Superintendent Canavero asked what happens to the adjusted diploma. Director Jensen said the adjusted diploma still has an appropriate place in the Nevada education system. When the alternate diploma was contemplated it was understood that it was not necessarily going to be for every student with significant cognitive disabilities. There are class requirements associated with the alignment and it is not for all students. Through stakeholder input he better understands the need for the continuation of the adjusted diploma. It is still there as an option, but with A.B. 64 and the alternate diploma, there is a full continuum of graduation options for students with disabilities.

Superintendent Canavero discussed federal reporting requirement differences between the diplomas and inquired about the limitation of the alternative diploma to students with a significant cognitive disability or the NAA eligible students. Director Jensen stated this was a federal decision and the group of students that could be targeted with this alternate diploma was limited. The question is which diplomas count as standard graduation diplomas. In order to count this diploma as standard, it must be limited to students with significant cognitive disability. He emphasized that for the first time in Nevada there is a full continuum of options that are providing students hope of a type of graduation.

Workshop Public Comment

Jesse Welsh, CCSD asked about students who are earning this alternate diploma and if it will be indicated on the actual diploma, if it will be on the transcript and how is it differentiated from students obtaining other diploma types.

Director Jensen responded this issue came up in 1999 and the Office of Civil Rights issued what is known as the letter to Runkle. In this letter the guidance was given that any type of indication that a diploma type is different from another diploma type for students with disabilities would be considered to be discriminatory against the student. Just as is the case across the country with the adjusted diploma, the alternate diploma will have no distinguishing characteristics from that of a regular diploma; nor should the transcript.

The public hearing closed at 1:38 p.m.

Workshop to Solicit Comments on Proposed Amendments to NAC XXX.xxx, NAC Title, for compliance of the 2015 Senate Bill 391, the *Nevada Read by Grade 3 Act*, as cited in Section 10:7 procedures for identifying: (a) the score which a pupil enrolled in grade 3 must obtain in the subject area of reading on the criterion-referenced examination administered pursuant to NRS 389.550 to be promoted to grade 4 without a good-cause exemption; and (b-1) the name of the alternate examination for administration to pupils enrolled in grade 3 who do not obtain the passing score in the subject area of reading on the criterion-referenced examination pursuant to NRS 389.550; and (b-2) the passing score such a pupil must obtain on the alternate examination to be promoted to grade 4 without a good-cause exemption.

The workshop opened at 1:38 p.m. There were four individuals present in Carson City and six individuals present in Las Vegas.

Karl Wilson, Education Programs Professional, informed that S.B. 391 from the 2015 Legislative Session specifies that the Board is to adopt regulations related to the Read by Grade 3 (RBG3) program and the promotion of students from 3rd to 4th grade. He explained that the RBG3 program is to provide effective early interventions for all K-3 students who are struggling in reading. The program is designed to provide solid groundwork for learning that will ensure a successful future for every child in Nevada.

A students support team is required to come together to determine the best path forward for students who remain struggling readers at the end of 3rd grade. This can include retention or promotion based on a list of allowable good cause exemptions. In S.B. 391 the Board is directed to establish the score which a pupil enrolled in grade 3 must obtain on the criterion-referenced examination in reading to be promoted to grade 4 without a good-cause exemption. The Board is also required to prescribe an alternate examination for a pupil in grade 3 who would otherwise be retained in grade 3, and to prescribe a passing score that such a pupil must obtain on the alternate examination to be eligible to be promoted to grade 4.

Information was presented to the Board on April 26, 2018 (audio difficulties) a summary of recommendations to be considered for regulation include:

- Decision #1 – The identification of a passing score on a grade 3 assessment. Nevada administers the Smarter Balanced assessment and for this regulation it is the Smarter Balanced English Language Arts assessment. A passing score for promotion at the end of grade 3 would be a minimum passing score of level 2 approaching standards (audio difficulties) on ELA assessment. A score of level 2, 3 or 4 would be considered a passing score. A score of level 1, emerging and developing, would be the score at which the school would consider the possibility of promotion or retention because they did not achieve the minimum score of level 2.

This approach would identify the students most in need of intensive instruction and intervention. This aligns with other states that have adopted comprehensive literacy programs and it would minimize the impact of fiscal and human resources as this would be implemented statewide.

- Decision #2 – Nevada is to identify an alternative assessment, a good cause exemption if students do not achieve at least a level 2 on the Smarter Balanced ELA assessment in 3rd grade. It is recommended that the (audio difficulties) MAP growth K-3 reading assessment. This assessment is already used across the state for all students in grades K-3 as an essential component of the RBG3 program to assess its students who are on track to develop (audio difficulties) or if they need to be identified for additional support.

The Board has already adopted the Northwest Evaluation Assessment (NWA) MAP growth K-3 reading assessment as that statewide assessment and the Legislature has invested in the administration providing the assessment at no additional cost to charter schools and school district schools in the state that serve grades K-3.

- Decision #3 – Identify a passing score on the K-3 MAP growth reading assessment if the student has not achieved at least a level 2 on the Smarter Balanced assessment. The recommendation is that based on the spring or end of year MAP growth assessment in 3rd grade, that passing score would be at least the 31st percentile or a Rasch Unit Scale (RIT) score of 191 or higher. That would mean if a student on the NWA MAP growth assessment scored below the 31st percentile or a RIT score of less than 191, that student would be considered for promotion or retention based on an individual discussion based on the student learning and needs.

The decision to make this recommendation was based on the correlation between the grade 3 SBAC ELA assessment and the grade 3 MAP growth assessment. These are appropriate scores that would help identify students that may need to be considered for retention or promotion at the end of 3rd grade. Those are the specific recommendations based on S.B. 391 for consideration.

In response to questioning from superintendent Canavero, Mr. Wilson listed some of the good cause exemptions including :

- A student demonstrates an acceptable level of proficiency on an alternative standardized reading assessment approved by the Board;
- Demonstrates through a portfolio of the students work proficiency in reading at grade level as evidenced by a demonstration of mastery of the academic standards in reading beyond the retention level;
- If a student is limited English proficient and has received less than 2 years of instruction in a program of instruction that teaches English as a second language;
- A student has received intensive remediation in reading for 2 or more years but still demonstrates a deficiency in reading and was previously retained in kindergarten or grade 1, 2, or 3 for a total of years in any one grade;
- A pupil with a disability and his or her individualized education program indicates that the pupil's participation in the criterion-referenced examinations administered by the State is not appropriate;
- A student with a disability, and he or she participates in the criterion referenced examinations administered by the State, and his or her individualized education program plan is developed in accordance with section 504 of the Rehabilitation Act of 1973, documents that the pupil received intensive remediation in reading for more than 2 years, but he or she still demonstrates a deficiency in reading and he or she was previously retained in kindergarten or grade 1, 2, or 3.

Mr. Wilson said it is recommended that the NDE specifically determine the criteria that will be used in the portfolio process in regulation. There would need to be samples of student work that demonstrates mastery of the grade level skills and it would be no less than the 31st percentile.

Workshop Public Comment

There was no public comment.

The workshop closed at 1:59 p.m.

Workshop to Solicit Comments on new Proposed Amendments to NAC 391.xxx related to the criteria to define specialized instructional licensed personnel (SILP) effectiveness ratings, and Proposed Amendments to NAC 391.xxx Performance evaluation of educational audiologist, school counselors, school nurses, school psychologist, school social workers, speech-language pathologist, and teacher-librarians: Required domains; NAC 391.xxx Performance evaluation of educational audiologist in domain of professional practice; NAC 391.xxx Performance evaluation of school counselors in domain of professional responsibilities; NAC 391.xxx Performance evaluation of school nurses in domain of professional practice; NAC 391.xxx Performance evaluation of school psychologists in domain of professional performance; NAC 391.xxx Performance evaluation of school social workers in domain of professional responsibilities; NAC 391.xxx Performance evaluation of speech-language pathologist in domain of professional practice and professional responsibilities; and NAC 391.xxx Performance evaluation of teacher-librarians in domain of instructional practice and professional responsibilities.

The public hearing opened at 1:59 a.m. There were four individuals present in Carson City and six individuals present in Las Vegas.

Kathleen Galland-Collins explained that A.B. 447 from the 2015 Legislative Session allows for the Board to determine the manner in which licensed educational personnel would be included in the statewide performance evaluation system. The Board took action on January 28, 2016 that allowed for workgroups to be developed and for OLEPs to develop standards and indicators based on their national association standards. There are 6 OLEP groups represented: teacher librarians, school counselors, school nurses, school psychologist, school social workers and speech language pathologists. Ms. Galland-Collins provided details about the standards and indicators and domains for each OLEP groups.

Workshop Public Comment

There was no public comment.

The workshop closed at 2:08 p.m.

Public Comment #2

There was no public comment.

The meeting was adjourned at 2:08 p.m.