

Attachments in support of
Nevada
ESEA Flexibility Request
February 28, 2012

Table of Contents

Label	Description	Page
1	Notice to LEAs	A1
2	Comments on request received from LEAs	A2
3	Notice and information provided to the public regarding the request	A3
4	Evidence that the State has formally adopted college- and career- ready content standards consistent with the State's standards adoption process	A4
6	State's Race to the Top Assessment Memorandum of Understanding (MOU)	A6
8	A copy of the average statewide proficiency based on assessments administered in the 2010-2011 school year in reading/language arts and mathematics for the "all students" group and all subgroups	A8
10	A copy of the guidelines that the SEA has developed and adopted for local teacher and principal evaluation and support systems	A10
11	Evidence that the SEA has adopted all of the guidelines for local teacher and principal evaluation and support systems	A11

Attachment 1

Notice to LEAs

KEITH W RHEAULT
Superintendent of Public Instruction

STATE OF NEVADA

TEACHER LICENSURE
SOUTHERN NEVADA OFFICE
9890 S. Maryland Parkway
Suite 221
Las Vegas, Nevada 89183
(702) 486-6458
Fax: (702)486-6450



GREG T. WEYLAND
Deputy Superintendent
Administrative and Fiscal Services

SATELLITE OFFICE
ADDRESSES/MAPS
<http://www.doe.nv.gov>

DEPARTMENT OF EDUCATION
700 E. Fifth Street
Carson City, Nevada 89701-5096
(775) 687 - 9200 · Fax: (775) 687 - 9101

MEMORANDUM

Date: September 12, 2011
To: Dr. Caroline McIntosh
From: Carol J. Crothers
Subject: Accountability Redesign Working Committee

In his August 15, 2011 news release, Dr. Keith Rheault announced the Nevada Department of Education's intent to pursue flexibility from current No Child Left Behind requirements. While the U.S. Department of Education has not yet announced the specifics about such flexibility, the NDE intends to be proactive in planning for Nevada's application.

It is anticipated that the proposed flexibility will be consistent with the broad-based systemically aligned principles of earlier USDOE reform initiatives such as the Race to the Top competitive grants. Systemic redesign of the state accountability system will provide our state educational community an opportunity to craft a system that will more closely support the needs of our students to become college- and career-ready. To facilitate that redesign work, Nevada has joined with more than 40 other states to work with the Council of Chief State School Officers, which has committed to providing assistance in these efforts.

The NDE through the Office of Assessment, Program Accountability and Curriculum has a precedent in working closely and productively over the past decade with Nevada district leaders to implement the current Adequate Yearly Progress (AYP) accountability system. The AYP Subcommittee has been proactive and productive in establishing practical policy and procedures for the implementation of Nevada's current accountability system. This committee of superintendents and their designees will become the Accountability Redesign Working Committee which will be key in developing a redesigned accountability plan which will be submitted to USDOE.

As president of the Nevada Association of School Superintendents, I am inviting you to submit the names of one or two representatives from six or seven districts for membership in the Accountability Redesign Working Committee. The members will be engaged in designing a broad-based accountability system, and as such will bring both an understanding of policy implications and of practical application to the work. The work of the Accountability Redesign

Working Committee will include reviewing framework requirements for the accountability system redesign, examining other state's models, and crafting a systemic accountability plan for Nevada that will serve our goals in moving all Nevada students to college- and career-readiness. Committee members will also play a critical role in communicating the mission, goals, and decisions to the larger constituency they represent in their districts. I have included a list of the members of the 2010-2011 AYP subcommittee in the accompanying e-mail for your reference.

The committee will be limited in size, and will meet and act within a very tight timeline. Members should expect to commit to being present for all meetings. The NDE Office of Assessment, Program Accountability and Curriculum will be facilitating the proceedings and will serve as liaison to both the USDOE and the State Consortium on Accountability Systems. Agendas for the meetings will be tightly focused working sessions, and will be limited to two or three face-to-face sessions, with additional on-line or telephone conferences conducted as needed.

Please send me your recommendations for membership to this committee by the end of the week if possible. Our first meeting will be scheduled for September 30th, with one or two more meetings before the end of October as agreed upon by the group. Once the committee members have been identified, we will notify them of the specifics related to the September 30th meeting time and location. At this time, we anticipate that we will have the meeting in Carson City or Reno.

cc: Keith Rheault
Donnell Barton
Julian Montoya

Attachment 2

Comments on request received from LEAs

ONE HUNDRED ONE NORTH CARSON STREET
CARSON CITY, NEVADA 89701
OFFICE: (775) 684-5670
FAX NO.: (775) 684-5683



555 EAST WASHINGTON AVENUE, SUITE 5100
LAS VEGAS, NEVADA 89101
OFFICE: (702) 486-2500
FAX NO.: (702) 486-2505

Office of the Governor

February 23, 2012

Dr. Keith Rheault
Superintendent of Public Instruction
Nevada Department of Education
700 East Fifth Street
Carson City, Nevada 89701

Dear Dr. Rheault:

I have reviewed the draft of Nevada's ESEA Flexibility Request and write this letter to support your submission of Nevada's application in accordance with the U.S. Department of Education's February 28, 2012 deadline.

I want to commend you and your staff for preparing an application that is based upon a high level of collaboration and feedback received from different education stakeholders in the state. I realize that many hours of debate, discussion and research were dedicated to the three waiver principles contained in Nevada's request. Although the application may not ultimately reflect the preferences of each and every stakeholder, I believe it proposes a framework for school accountability that is consistent with the shared vision of education reform and improved student outcomes in Nevada.

The draft application proposes a major shift in school accountability in Nevada by relying on alternate measures such as student growth in elementary and middle schools and graduation rates in high school. I am pleased that the proposed Nevada School Performance Framework (NSPF) for elementary and middle schools appropriately places more weight on growth than any other indicator. I am similarly pleased with the NSPF's focus on graduation rates and college and career readiness measures in high school.

While I support the Nevada application for ESEA flexibility, I continue to endorse a school rating system that is more easily understood than the rating system proposed in the application. I do not believe ratings of Level 1, 2, 3, 4, or 5 provide a clear picture of which schools are performing well. It is not clear that Level 1, as opposed to Level 5, identifies schools with high growth, high proficiency and equity among subpopulations. My first choice continues to be letter grades for school performance; secondarily, I would consider the "star rating system" announced today by the Clark County School District. That being said, I approve of the proposed differentiated system of support, which will appropriately recognize the highest performing schools and apply targeted interventions to the lowest performing schools.

With my reservation expressed herein, I believe Nevada's ESEA Flexibility Request represents a positive new direction for education in our state. I look forward to working with you and your staff during the peer review process to ensure that Nevada's request for flexibility creates an accountability system that improves student achievement and reflects Nevada's education values and goals.

Sincere Regards,

A handwritten signature in black ink, appearing to read "B. Sandoval", written over a horizontal line.

BRIAN SANDOVAL

Governor



everychild.one voice.

To Whom It May Concern,

Nevada Parent Teachers Association (PTA) is writing this letter in support of the Nevada Department of Education's (NDE) request for the ESEA Flexibility Waiver. We believe this flexibility will allow the NDE the ability to hold each school and district accountable for the success of individual students.

For several years, Nevada has focused on improving our educational system; this is evident from actions taken by our legislature as well increased key stakeholder involvement regarding decisions at the NDE. We believe receiving the waiver will allow Nevada to further enhance our efforts to ensure every school will reach and exceed the targets set forth for student growth, further diminishing the gap in student performance. The waiver will provide for systemic reform that will allow Nevada students to be prepared for entering college or highly skilled for career success.

The NDE has improved over the past couple of years in truly seeking stakeholder input and involving them in key decisions. Although progress has been made, there is still work to be done. The NDE recognizes and acknowledges the challenge it faces regarding actively involving stakeholders. We believe the waiver will allow the NDE to continue to seek stakeholder input and expand upon efforts already set forth. The NDE truly believes in the quote on page 50 of the application, "When all stakeholders have a voice that is heard, the resulting decisions are more likely to be successful." Nevada PTA is confident that the NDE will take into account the "customers" of education, the families when making decisions that will affect their future.

Nevada has faced many challenges such as exponential economic hardships, large transiency rates within our schools, and ethnic subgroups that have doubled over the last decade. All while facing an ever decreasing state budget. The NDE has worked very hard in trying to face those challenges in unique and creative ways; this waiver will allow them the ability to expand on those efforts to ensure every child in Nevada is provided the opportunity to reach their full potential.

If you would like further information please contact me at ktatepta@gmail.com or (702) 258-7885.

Thank you,

A handwritten signature in black ink that reads "Kimberly Tate". The signature is written in a cursive style.

Kimberly Tate
President



February 10, 2012

BOARD OF SCHOOL TRUSTEES

Dr. Linda E. Young, President
Deanna L. Wright, Vice President
John Cole, Clerk
Lorraine Alderman, Member
Erin E. Cranor, Member
Carolyn Edwards, Member
Chris Garvey, Member

Dwight D. Jones, Superintendent

Dr. Keith Rheault
Superintendent of Public Instruction
Nevada Department of Education
700 East Fifth Street
Carson City, Nevada 89701

Dear Dr. Rheault:

First, I commend you and staff at the Nevada Department of Education (NDE) for efforts to unify educators in the State around a common vision for the Nevada application seeking ESEA (Elementary and Secondary Education Act) flexibility.

My purpose in writing is to support the proposition that Nevada meet the February 21, 2012, deadline set by the United States Department of Education (USDoE) and submit an application for ESEA flexibility.

I further agree that Option C presents the best course of action. I say that because it allows Nevada to restructure the system of sanctions and incentives so that it is focused on preparing all students for college and career success, maintaining transparency and accountability, and creating mechanisms that build the capacity of people and the system toward improved student outcomes.

While I still believe the application could benefit from further revision, in fairness, it is important to acknowledge that the application "as is" includes growth in the analysis and growth is weighted most heavily among all academic factors. I continue to endorse an approach that classifies schools chiefly, but not solely, according to student academic performance. Further, at least insofar as elementary and middle schools are concerned, I support an approach that decomposes academics into growth, status, and gaps (with half of the weight attached to growth and the remainder split evenly between gaps and status). This approach precisely matches the approach taken by Colorado in the application it submitted, which the USDoE approved yesterday.

Dr. Keith Rheault
Page 2
February 10, 2012

I recognize and respect the right of the Nevada Department of Education to ultimately decide on the mix of factors and weights in the application that it submits to the United States Department of Education. Nevertheless, I want to reiterate our claim that growth should make a difference in the classification of schools and thus at least 50 percent of academics should be devoted to growth (in the analysis for elementary and middle schools).

By contrast, I believe that status should matter most when it comes to the school performance framework for high schools. Factors that should matter most in high school include graduation rate, workforce certification, participation and performance in Advanced Placement courses, and the remediation rate in college.

While lending my qualified support for the Nevada application for ESEA flexibility, I urge the NDE to solicit and consider feedback concerning the methods used to derive certain estimates found in the application. We can all agree on the importance of analyses that are statistically sound. It is comforting to know that the critique and revision process that USDoE employs relies on peer review to strengthen the methodology of every state application. Clark County School District is eager to share its perspective on this point, if invited.

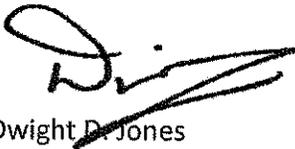
I still do believe in the importance of moving the AYP (Adequately Yearly Progress) goalposts by extending the proficiency timeline.

Continuing, I still subscribe to seeking approval to shift to LEAs (Local Educational Agencies) the authority over and accountability for administering funds related to Supplemental Educational Services. I simultaneously believe that the school choice requirements that currently go along with No Child Left Behind (NCLB) ought to be lifted.

In sum, I believe the Nevada application for ESEA flexibility may not go as far as I think is ideal, but the application moves in the right direction and represents a credible effort that deserves consideration by the United States Department of Education.

Thank you.

Respectfully,



Dwight D. Jones
Superintendent of Schools

STOREY COUNTY SCHOOL DISTRICT
Virginia City, Nevada
Resolution 12-01

Resolution of the Superintendent and Board of Trustees of Storey County School District Opposing the State Department of Education Waiver Request for No Child Left Behind

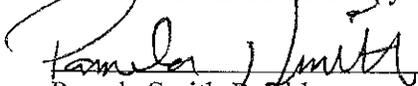
WHEREAS, it is two weeks from submitting the waiver plan to the federal government and the Nevada State Department of Education still has not submitted a plan for public discussion; and

WHEREAS, the parents, staff and school boards have not had the opportunity to have "meaningful engagement" on the proposal waiver plan since no plan has been released publicly; and

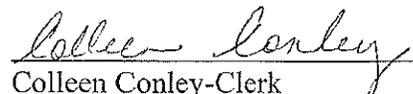
WHEREAS, a plan that has been confidentially released will penalize high achieving schools; and

NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF TRUSTEES OF THE STOREY COUNTY SCHOOL DISTRICT HEREBY: Supports the Department of Education in pursuing a waiver to NCLB if the waiver recognizes an achievement of a standard more than growth. We oppose submitting a waiver plan that has not been released within 2 weeks of when it would be submitted to the federal government and rewards growth more than or equal to successful achievement of the standard.

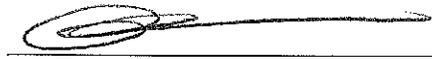
ADOPTED on this 7th day of February, 2012, in Virginia City, Nevada, by the School Board Trustees of the Storey County School District



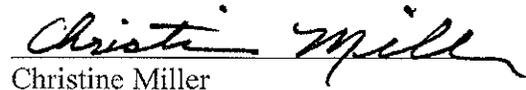
Pamela Smith-President



Colleen Conley-Clerk



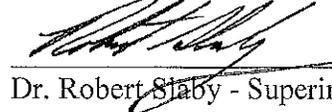
Cathylee James



Christine Miller



Deny Dotson



Dr. Robert Staby - Superintendent

2-7-12

Date

Comments from Open-Ended Responses to 2012 ESEA Waiver Summary

What Students Need for College- Readiness		
Business Leaders	Parents' Comments	Teachers' Comments
<p>Behaviors, Habits of mind Behaviors or habits of mind such as self-motivation, maturity, time management, work ethic. Developmental maturity.</p> <p>Academic skills Academic competence in core subjects, the sciences, social studies and foreign language. Academic abilities such as writing, test-taking skills</p>	<p>Behaviors, Habits of mind Behaviors and habits of mind such as independence, motivation, ability to focus, self-reliance, commitment to task completion, time management, assertiveness, creativity, problem solving, critical thinking, persevering despite failure</p> <p>Values such as ethics, morality, tolerance, teamwork Social skills such as social media etiquette, communication</p> <p>Opportunities to develop athletic and creative arts. Opportunities for independent study Service opportunities</p> <p>Academic skills Knowledge, skills and ideas in a broad array of arts and sciences Research skills Test-taking skills</p> <p>Skills in core subjects including math, science, social studies, global awareness Financial literacy Dual enrollment or concurrent enrollment Ability to communicate well in speaking and in writing Ability to find and utilize grants, scholarships to pay for college Knowledge of how to study, take tests, be committed to excellence Access to internships and professionals in areas of study</p> <p>Skills specific to college Knowing what college is about,</p>	<p>Behaviors, Habits of mind Work ethic, perseverance, self control, ability to handle and learn from failure, pride in one's work, flexibility, emotional and physical health, dedication to goals and to deliver a quality product, organization, global awareness, time management, creative thinking Hands on experience related to career choice</p> <p>Academic skills Mathematics, science and social studies content knowledge Higher level math and science - Solid foundation in and mastery of mathematics through, at minimum, Algebra. Science literacy in, at minimum, the 3 major sciences; chemistry, physics, biology. Advanced research and writing skills, test taking skills, study skills advanced level writing, reading and math skills and be able to perform with an advanced level of reading comprehension. Academic vocabulary Analytic/reasoning skills</p> <p>Skills specific to college Support system at home Technology skills needed for research Skill specific to content area (for example lab skills) ability to speak to professors</p>

Comments from Open-Ended Responses to 2012 ESEA Waiver Summary

	<p>and college-level skills such as note-taking</p> <p>Not having to take remedial classes.</p>	<p>and peers, appreciation of deadlines, money management, financial aid opportunities</p> <p>Skills specific to career path</p> <p>Life skills related to the challenges college will present</p> <p>Financial planning related to college tuition, grants, government loans</p> <p>Desire to enhance knowledge and skill towards reaching their educational goal</p> <p>Love of learning and motivation to succeed</p>
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How to Judge the Effectiveness of Schools in Preparing Students for College and Career		
Business Leaders Comments	Parents' Comments	Teachers Comments
<p>Individual growth and achievement – by HS graduation, proficiencies must meet standards</p> <p>Percentage going on to college</p> <p>Scores on national standardized tests</p> <p>Student and parent surveys on teacher performance</p> <p>Improvement of teacher's class from where they began the year</p>	<p>Growth of students in all areas</p> <p>Growth of individual students at their ability level</p> <p>Growth in writing as well as in math and reading</p> <p>Writing skills</p> <p>There should be more to demonstrating school success than college-bound exams</p> <p>Percent of students meeting grade level targets in reading, math, science, social studies and the arts is the most important.</p> <p>Leaving out science, social studies and the arts gives students a disadvantage compare to student who attend schools without budget crises.</p> <p>Our tests should be national – comparable to other states.</p> <p>Teaching to the test is a waste of time.</p> <p>Growth of the individual student</p> <p>Special education students should not be counted in overall school percentage</p> <p>Fear that growth will show</p>	<p>Individual growth</p> <p>Individual growth based on a percentage</p> <p>More than just math and reading scores – writing should be a component as well as ACT and SAT exams</p> <p>Relevance in the curriculum to the real world</p> <p>Growth coupled with the level of successful students based on meeting grade-level targets</p> <p>Affective domain is best predictor of how well a student will do – if he/she loves school he/she will do well.</p> <p>Also education level of mother</p> <p>Student and parent feedback on what they feel they are learning is important</p> <p>More emphasis on overall achievement and less on tests and data</p> <p>Focus on student success, not school success</p> <p>Both growth and achievement and alsos parental involvement</p>

Comments from Open-Ended Responses to 2012 ESEA Waiver Summary

	<p>average and better students will grow at a slower rate unless pushed</p> <p>Not just growth or proficiency, but other measures should be used such as a technical component</p> <p>Aptitude tests and career surveys lead to interests. Build a curriculum on student interests. Children not challenged because of (limitations of) curriculum. Should measure other factors such as handling problems. Need a climate that does not emphasize testing, but focuses on relevant learning. Need both growth and proficiency</p> <p>Growth rates should be separated out by grade/group (example: IEP)</p>	<p>and student exposure to life experiences</p> <p>Growth but also many other factors such as attendance, behavior, class makeup, class size, learning disabilities</p> <p>Also SES – nutrition, verbalization and mind stimulating activities affect the development of the brain</p> <p>Also consider environmental factors such as supportive adults</p> <p>Combination of both growth and proficiency</p> <p>More than just math and reading – should be mastery of science and social studies as well</p> <p>Too much focus on testing</p> <p>Using a baseline in the fall , then testing again in the winter and spring</p> <p>Needs for students to have well-rounded education that addresses their special needs, issues and personal circumstances</p>
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Overall Comments about Teacher or Administrator Evaluations		
Business Leaders' Comments	Parents' Comments	Teachers' Comments
<p>Student growth is key</p> <p>Use of Khan Academy – lower educational costs and buy more computers</p> <p>Teacher performance is critical, but consideration should be given to demographic challenges educators face</p> <p>Annual testing at all grade levels to aid evaluating teacher performance</p> <p>School day should be longer to accommodate working parents and prepare students for the 8-hour workday. Students would then do homework at school during the additional 2 hours.</p>	<p>Parents – there should be parent accountability</p> <p>Over testing of students – disadvantages students who do not test well but have everyday learning skills such as understanding, learning, completing work, demonstrating skills.</p> <p>College is not for everyone. Get back to basics of Reading Writing and Arithmetic</p> <p>Get away from “teach to the test” and provide broad incentives to foster student success</p> <p>Foster the development of self-</p>	<p>Provide funding that facilitates a great public education for Nevada’s student.</p> <p>Conflicting issues to consider re: teacher evaluations and student achievement results. What about teachers in non-tested grades and subjects?</p> <p>There should have been a growth model all along. Combine test scores and academic growth.</p> <p>Correlate attendance to performance ability</p> <p>Effectiveness of a school often is a result of effective administration</p>

Comments from Open-Ended Responses to 2012 ESEA Waiver Summary

	<p>learning/teaching skills More effort to make school funding first in state budgets. Too much money spent on student with severe behavior and learning problems. Principals not holding teachers accountable, teachers not teaching Kids not being allowed to plan, bullying out of control Spend more time and resources on young learners, especially kindergarten. Focus on critical thinking skills and what a college-bound student needs to be accepted into college. Students should be encouraged to evaluate what they might be successful at as a career and take specific classes to meet that goal. Some kids not cut out for college and should have opportunity to learn employability skills. Too much focus on test scores. Too much focus on low achievers, severely disabled students. Move away from excessive testing. Focus on well-rounded students (PE, art, music, etc.) Teachers need incentives, not bureaucratic oversight. NCLB puts more kids in the mediocre category. NCLB has tied the hands of educators and incapacitated teacher. Focus is on recall facts – actual lessons are missed. Need less government involvement in schools Failure of schools to provide high expectations for the top students. Special needs students should</p>	<p>Evaluating educators on standardized testing alone gives limited insight into successes and failures of a school. Ineffective administrators – principals or district – should be released just like ineffective teachers NCLB too focused on students who were not making it. High achieving students are not being pushed to potential. Teachers cannot be fairly evaluated if student motivation and other demographic issues are not considered. No matter what hoops you make teachers jump through, they still cannot change the other factors like homelife, sfety, nutrition, sleep, homeless, abused, neglected, working parents not at home, etc. A student spends 13.4% of the munites in any given year in school. Teachers should not be evaluated or pay based on 86.6% that is out of their control. Ineffective administrators who do not dismiss poor teachers hurt the teaching profession as a whole. Personal incentives for teachers would destroy cooperation among staff and increase dishonesty. Growth in skill MAY indicate successful teaching practices. Growth model does not work for districts with high test scores and is unfair to teachers who have worked hard to maintain high test scores. Administrators need to be able to and be willing to dismiss poor teachers. Demographics, percent of ESL and Special Education students testing results should not be used in the combined calculations for</p>
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Comments from Open-Ended Responses to 2012 ESEA Waiver Summary

	<p>continue to get the services and attention they require. Run the schools like a business. Teacher evaluations should be handled by a cadre of retired teachers qualified in particular subjects. Teacher evaluations should be from more than one perspective Opposed to financial incentives for teachers and administrators Principals not have time or maybe even professional knowledge to accurately evaluate peers. Better communication between teachers and parents.</p>	<p>determining a school's AYP. These groups should be accessed individually by the degree of improvement made based on the past year's results At some point the students regardless of age need to take responsibility for their education. They also need to be held accountable Until your principals are evaluated and trained, they have no business being the sole evaluators of teachers. Until your principals are held to standard of respect and professionalism, you can not improve school wide instruction practices Learning occurs on a continuum and students learn at different rates. When is Nevada going to get serious about early childhood education (eg. Mandating and funding kindergarten?!)</p> <p>Evaluations of teacher effectiveness needs to be based on other items rather than just testing. Evaluations should include info on ESL students/parents, Sped students, economic status -like broken homes, joblessness, "free and reduced lunch", drug frequency, and other factors that a teacher cannot control. These factors play deeply in a child's life and often make education secondary to other concerns. What teacher will go to an "at risk" school knowing that a child's test performance will affect his/her career? How can evaluations possibly be fair?</p> <p>Schools should be evaluated on demonstrated student progress rather than the notion that everyone must reach the exact same benchmarks and the same growth percentages.</p>
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Attachment 3

Notice and information provided to the public regarding the request

Contact: Dr. Keith Rheault, Superintendent
700 E. Fifth Street Carson City, NV. 89701
Phone 775-687-9217 Fax 775 687 9202

NEVADA DEPARTMENT OF EDUCATION

Press Release

CARSON CITY, NV. FOR IMMEDIATE RELEASE, January 31, 2012 –

Nevada Moves Forward from No Child Left Behind

Nevada and all other states have been offered the opportunity to apply for flexibility on certain requirements of the federal Elementary and Secondary Education Act (also known as the No Child Left Behind Act, or NCLB). The Nevada Department of Education (NDE) will apply for flexibility from NCLB by submitting a waiver application to the U.S. Department of Education that shows how we will create a better, next-generation accountability system.

The waiver is an opportunity to innovate and develop locally tailored solutions to the unique educational challenges of each Nevada school district, school and child. Nevada will not retreat from accountability, but will create a better system unique to local context. The new system will be more focused on matching supports to schools that are struggling to increase student achievement need, and to recognizing and rewarding successful schools.

Nevada will take this opportunity to build a school- and educator-accountability system that reflects stakeholder core values. This system will focus on meeting the needs of all students in order to prepare them to be college and career ready. The system will produce such outcomes by tightly aligning standards and assessments, providing differentiated recognition and support for schools and districts, and supporting effective instruction and leadership.

Over the last four months the Department consulted with representatives of many stakeholder groups and with national experts. A broad base of constituents have offered input on their core values and elements of the waiver application, including the Governor's office, the Legislative Commission on Education, the Nevada Association of School Superintendents, the Nevada Association of School Boards, the Nevada State Education Association members of the Nevada Parent Teacher Association, and diverse civic rights groups.

Over 1500 respondents have provided important feedback to shape the waiver application. The ESEA Waiver Survey was available on the Department website, through districts, and through a number of community stakeholder groups. The Nevada Department of Education seeks further input from members of the public and interested organizations. If you have an organization who would give input about the waiver application please contact Lori Johnson at ljohnson@doe.nv.gov or 775-687-9217. The waiver will be submitted no later than February 21 to the US Department of Education.

- END -

For Immediate Release, January 31, 2012

Attachment 4

Evidence that the State has formally adopted college- and career- ready content standards consistent with the State's standards adoption process

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

October 7, 2010

Department of Education
Board Conference Room
700 East Fifth Street
Carson City, Nevada

And

Department of Education
9890 South Maryland
Second Floor Conference Room
Las Vegas, Nevada

MINUTES OF THE REGULAR MEETING
(Video Conferenced)

BOARD MEMBERS PRESENT:

In Las Vegas:

Chris Wallace, President
Jan Biggerstaff, Member
Gloria Bonaventura, Member
Willia Chaney, Member
Dave Cook, Clerk
Charlotte Hill, Member
Dr. Cliff Ferry, Vice President
Anthony Ruggiero, Member (arrived 3:12 p.m.)
Craig Wilkinson, Member

BOARD MEMBERS ABSENT:

Zhan Okuda-Lim, Student Representative (Excused)

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Greg Weyland, Deputy Superintendent, Administrative and Fiscal Services

In Carson City:

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
Carol Crothers, Director, Office of Assessment, Program Accountability, and Curriculum
Mike Raponi, Acting Director, Office of Career, Technical, and Adult Education
Steve Canavero, Director, Office of Charter Schools

Rorie Fitzpatrick, Director, Office of Special Education, Elementary and Secondary Education and School Improvement Programs
Karen Johansen, Administrative Assistant to the State Board of Education
Lori Johnson, Executive Assistant to the Superintendent of Public Instruction

LEGAL STAFF PRESENT:

In Las Vegas:

Robert Whitney, Deputy Attorney General

In Carson City:

Dr. James E. Irvin, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Annie Wilson, State Board Candidate, District 2

Kevin Davis, Parent

Sandy Metcalf, State Board Candidate, District 6

Jose Solorio, State Board Candidate, District 2

In Carson City:

Dotty Merrill, Nevada Association State Board

Theresa Herup, Parent

Teri Jamin, Douglas County School Board President

Lyn Gorrindo, Douglas County School District (DCSD)

Karen Chessell, Douglas County School Board Trustee

Karen Thiessen, Douglas County Resident

Karen Heine, Douglas County High School

Shaun Novich, Douglas County High School

CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA

President Wallace called the meeting to order at 3:04 p.m., with attendance as reflected above.

Member Cook moved to approve a flexible agenda. Member Hill seconded the motion. The motion carried.

President's Report

President Wallace reported on his recent trip to Washington D.C. where he met with K-12 Inc., the Education Management Organization (EMO) for Nevada Virtual Academy. He stated K-12 Inc. has an excellent curriculum for kindergarten through 12th grade and they offer over 200 courses for high school. President Wallace said he also met with Jason Unger from Senator Reid's office as well as Senator Reid and Congresswoman Titus to discuss educational issues. During his meeting with Jason Unger, President Wallace was informed that 2011 legislation could include another round with Race to the Top and would be open to districts as well as states, which will increase the level of competition.

President Wallace stated he wrote a letter to gubernatorial candidates for governor expressing the Board's dissatisfaction about being required to reduce the education budget by 10 percent. Based upon the letters, President Wallace invited candidates Brian Sandoval and Rory Reid, or their staff, to attend the Board meeting to discuss education issues. Cindy Reid, representing Rory Reid's campaign, accepted the invitation to address the Board tomorrow. Brian Sandoval's office declined the invitation.

Superintendent's Report

Dr. Keith Rheault, Superintendent of Public Instruction, updated the Board on their budget including travel expenses. He explained approximately one-third of the out-of-state and in-state-travel budget has been obligated. Dr. Rheault reported that the National Association of School Boards (NASBE) dues have been billed for the fiscal year.

The dues have not been paid, rather NASBE has been contacted and advised the NDE has \$15,600, provided by the budget through state appropriations. The amount due is over the amount available and NASBE was asked if they would accept \$15,600 for membership. They have not responded yet. Member Ferry will be attending the national meeting in Salt Lake City, and NASBE has authorized membership rates for him.

Dr. Rheault reported on the Test Security Report, which is a statutory report the NDE is required to collect on every testing irregularity that has occurred since the previous year. He said Nevada is the only state in the country that provides this report. There was a 12 percent increase in testing irregularities this year; with the biggest increase for pupil-cheating incidences. Cell phones are banned during tests, yet many electronic devices are being used. Tests are automatically invalidated if electronic devices are found during testing. Teacher license's can be revoked or suspended if they are found to be in violation of assisting students with test answers.

Member Biggerstaff stated she was concerned with the amount of improper test administrations. She asked if any one area of the state was found to be in violation more than other areas. Dr. Rheault replied the violations are spread out in every county, and many violations are minor such as not giving complete instructions to special education students. Ninety percent of the violations are due to not following proper procedures or not securing the tests.

Dr. Rheault reported that he attended the Interim Finance Committee's Subcommittee with Federal Stimulus Oversight funding yesterday. The committee discussed the Education Jobs program, which is funding for Nevada that came through Congress in the middle of August for \$83 million. He said the funding has not reached the school districts yet due to follow-up information required on the application. One-third of the funds will be available for spending on October 20, 2010. The money is very flexible; although it cannot be used for salary, staff or expenditures at superintendent or district offices, or for the board of trustees. The funds can only be used at the school site level including; hiring principals, custodians, teachers-aids, after school tutors, teachers, Saturday teachers for extra compensation, class-size-reduction teachers, replacing furlough days, and providing retirement incentives. It cannot be used to pay for contractors. The schools are encouraged to spend the money this year, but have until September 30, 2012 to spend it.

In response to Member Cook's inquiry if funds will be available for state sponsored charter schools, Dr. Rheault replied if charters are district sponsored they are part of a Local Education Agency (LEA) and will be eligible for the funding. The charters sponsored by the state are not considered an LEA, and are not eligible for funding. He suggested the best solution is to establish a Charter School Institute designated as the 18th school district.

Dr. Rheault reported on the Coalition for the Common Core Standards (CCS) and said a Workshop is scheduled tomorrow. He stated the final version of the standards was adopted by the Academic Standards Council three weeks ago. All school districts, charter school representatives, higher education as well as business representatives and former coalition people have been invited to give input on how to implement the CCS next year.

Districts would like to implement the CCS immediately; however, testing is currently lined up with our Nevada standards for another four years while the new tests are being rolled out. A video is available under Hot Topics on the NDE website and gives details on how the state is ready to proceed with the CCS, explaining they are more rigorous and better for the state.

Changing classroom instruction to incorporate new CCS needs to wait until teachers are trained and materials are developed. The Board will be asked to adopt the final version of the CCS with a Public Hearing in December.

Member Ferry asked why the school districts wanted to move so quickly with the new CCS and Dr. Rheault replied they prefer the new standards to the old Nevada standards.

Approval of Consent Agenda

- Minutes, August 11-13, 2010, Board Retreat and Regular Board Meeting
- Appoint the nominees to serve on the Title I Committee of Practitioners, per Section 1902 of the No Child Left Behind Act of 2001, to advise the State on Title I issues.
 - Brian Frazier - Administrator of Title I Programs
 - Pete Peterson - Administrator
 - Amber Carr - Local Education Agency
 - John Moddrell - Administrator (Principal)
 - Brendolyn Black - NSEA Representative
- Awarding of 1.0 gifted and talented discretionary unit to the Elko County School District
- Approval of Licensing/Relicensing of the following two Reno Private Schools for four years: Brookfield School, One World Learning Center aka Stepping Stones Children's Center and one Reno school for two years, Newton Learning Center. As well as four Private Las Vegas Schools for four years; Meadows School, KinderCare Buffalo, KinderCare Summerlin (Marigold) and KinderCare Office Place. In addition, it is recommended the following two new Las Vegas schools, Henderson Christian Academy and Lexis Preparatory School of Nevada be issued a 2 year license.

Member Wilkinson disclosed that he is a P.E. teacher at Title I school, Wendell P. Williams Elementary; in addition, his wife is a gifted and talented specialist.

Member Biggerstaff inquired how often are the private schools visited. Dr. Rheault responded that each school is visited every time they apply for licensing. He explained the NDE Private

School Consultant left in August to become a superintendent at a school district in Arizona. When the new Private School Consultant is hired, site visits will be planned. Dr. Rheault reported that Dr. Barbee made site visits to the new schools on this agenda to assure the inspections are in place.

Member Chaney asked what authority the Board has over private schools, other than licensing. Dr. Rheault responded there is little oversight. They must have a license to operate approved by the Board and they need approval from the NDE. Member Chaney asked if private school students are required to pass proficiency tests. Dr. Rheault answered they are not required to take the state required test, however the tests are provided for many private high schools. Schools must request that their students be allowed to take the test. The primary reason is private school students will qualify for the Millennium scholarship by passing the high school proficiency exam.

Member Hill moved to approve the consent agenda. Member Chaney seconded the motion. The motion carried.

Input for Agenda item #8, Approval of Springboard Textbook, Douglas County

President Wallace asked for Public Comment for this item, which will be presented Friday.

Shaun Novice, English Teacher, Douglas County High School (DCHS), reported on her experience with the adoption procedure of SpringBoard. In August of 2009, Ms. Novice stated the English Department attended training for SpringBoard to prepare for the pilot at the tenth grade level. During the training, several eleventh grade teachers agreed to pilot SpringBoard to gain experience with the text. She stated that after a semester of piloting, Karen Heine, co-chair of the English Department, concluded the SpringBoard text was of poor quality. Ms. Heine was advised she must continue using the text and it was being recommended to the district office, before the pilot year was completed, as the new English text. The district office distributed an electronic survey regarding SpringBoard and committees were formed including one teacher, one administrator, one parent and the director of curriculum and instruction. Ms. Novice explained the teachers were not fairly represented and high school piloting committees recommended against adopting SpringBoard. However, the Douglas County School Board voted in favor of recommending the SpringBoard textbook.

Theresa Herup, parent of three children in DCSD, expressed her concerns regarding adoption of the SpringBoard curriculum. Mrs. Herup stated SpringBoard lacks vocabulary, grammar and writing instruction, therefore it would be a mistake to adopt the program. She said her daughter was awarded over \$35,000 in scholarship money based on her GPA and SAT scores due to the excellent teachers and education she received in the DCSD. Mrs. Herup added that without the exceptional teachers and their style of teaching, her daughter might not have had the opportunity to attend a four-year university. She asked the Board to consider the opposition to SpringBoard that many parents and English teachers are expressing.

Karen Chessell disclosed she is an employee of the Nevada Department of Education as well as a Douglas County School District Board trustee and she was at the Board meeting speaking as a school board trustee, on her personal time. Ms. Chessell read a letter in favor of SpringBoard

from Susan Van Doren, a Carson Valley Middle School teacher who could not attend the meeting. Excerpts from the letter state:

SpringBoard is directly aligned with the Common Core Standards. It makes rigorous concepts the backbone of instruction for all students, not just those in advanced classes. It also gives structure and vertical alignment to departments like ours that have been operating for years under a lack of accounting and no common ground for meaningful collaboration. SpringBoard has helped me bring all of my students up to the depth of knowledge that I could previously only access in an honors class, and my students have responded with unprecedented enthusiasm and self confidence.

Ms. Chessell stated the Douglas County School District Board spent many hours researching the curriculum, and they did not come to the decision quickly or without considering all points of view. She requested the State Board support their decision to implement the SpringBoard curriculum by adding the SpringBoard textbooks to the State's adopted textbook list.

Teri Jamin, Douglas County School District Board President, explained the issues brought today were heard and considered by the local board as the pilot program concluded. Many months and hours of consideration lead to a final vote in June 2010. Ms. Jamin reported that SpringBoard was chosen because it is a curriculum reaching all students at a rigorous level, and it is consistent with their strategic plan as well as the direction the State is moving with the Common Core Standards. She asked the Board to keep an open mind and consider all the facts.

Continuation of Board Retreat, August 11-12, 2010, work session to discuss and finalize work plan goals to include specific strategies/tactics that will be used to accomplish the goals. Draft outline provided by Member Ferry.

Dr. Rheault explained the Board would continue discussions from the Board Retreat concerning their Vision, Mission and Goals. He added it is not critical the Board finalize their discussions today, but continue to make progress and conclude their discussions in December.

Dr. Rheault discussed the mission of boards from the March 2010 NASBE newsletter, *State Boards: A Critical Link to Quality Education*. He stated the following paragraph sums up the importance and need of state boards:

No matter what their individual mandates are, the responsibilities of state boards reflect two deeply held American educational values: the lay governance of education and the separation of educational policy making from partisan politics. While others in the policy making process tend to reflect specific concerns and more political perspectives, the state board is intended to serve as an unbiased broker of education decision-making, focusing on the big picture, articulating the long-term vision and needs of public education, and making policy based on the best interests of the public and the young people of America.

Dr. Rheault suggested the NASBE statement is a positive reminder of the Vision and Mission of the State Board. Member Ferry drafted strategies for the Board goals to help start the discussion today and Dr. Rheault recommended the Board talk about the goals, strategies and tactics then bring suggestions back in December to fill in missing gaps.

President Wallace asked for input and ideas from board members to collaborate on ways to achieve their goals.

Member Ferry began the discussion by asking to review the wording in the Mission Statement the Board compiled during their Retreat. The intent was not clear the way it was written, and board members shared ideas to clarify their objective.

Member Biggerstaff moved to accept the revised Mission Statement; *The Nevada State Board of Education , working in partnership with the Nevada Department of Education, school districts, families and the community, serves as an advocate and leader for all learners by adopting, implementing, and evaluating policies that promote educational effectiveness, productivity, citizenship and personal satisfaction which will enable students to be successful.* Member Cook seconded the motion. The motion carried.

Further discussion continued with Board members about strategies for their goals.

Member Ruggiero recommended allowing professional staff at the NDE to develop performance measures with ways to achieve desired outcomes, rather than the Board discussing strategic plans for each goal. He suggested input from the Superintendent and Deputy Superintendent would assist the Board in meeting their Vision, Mission and Goals.

Dr. Rheault agreed that was a good suggestion. Staff could develop specificity on Goals 2-6, devise strategies, tactics with expected outcomes, and recommend graduation rates for Goal 3. He suggested the Board determine how they can become more effective for Goal 1.

Member Ruggiero further stated staff could develop objectives and benchmarks for Goals 2-6 that have a percentage attached to them and then the Board can determine if the goals are reasonable and attainable. The Board would review their strategies and tactics annually, or more often if necessary.

President Wallace asked NDE staff to develop strategies and tactics for Goals 2-6 and present them at the December board meeting. Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, commented the timing is perfect. The strategies will be part of the action plan included in the State Improvement Plan, which will be presented at the December board meeting. President Wallace asked board members to develop strategies and tactics for Goal #1 and submit them for discussion at the December board meeting.

Dr. Rheault added that when staff develops strategies they could be highlighted to indicate when direct board interaction would be required to accomplish the strategy, including consideration of regulatory changes to NAC.

Board discussion continued.

Public Comment

Craig Stevens, Nevada State Education Association (NSEA), updated the Board about a National Education Association (NEA) professional development grant for Nevada. Ten Nevada schools in the current school year qualify for the School Improvement Grant (SIG). Schools must meet

specific requirements. The NEA is working with the federal government to provide federal funds for these schools. Nevada is one of 11 states NEA will be working with to turn around low achieving schools.

Member Ruggiero introduced State Board of Education Candidates for District 2, Annie Yvette Wilson and Jose Solorio.

Annie Yvette Wilson stated she was born and raised in Las Vegas, has a master's degree in social work and is a licensed social worker. She has taught all grade levels for at risk children, and is currently working with law enforcement as the homeless liaison for the Las Vegas police department.

Jose Solorio stated he is a business consultant with a master's degree in business and he worked for the city of Las Vegas. In addition, he was a member of the Clark County School Board in 1993-1994. Mr. Solorio acknowledged it is difficult to compose a Mission Statement, and after listening to discussions, he shared his suggestion for a board Mission Statement "*to better prepare students to successfully pursue careers in a more diversified Nevada economy within a competitive global environment.*" Mr. Solorio suggested the board might achieve more visibility by becoming partners with other school boards, the Legislature, and Nevada industry.

The meeting was recessed at 5:29 p.m. until Friday, October 8 at 8:30 a.m.

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

October 8, 2010

Department of Education
Board Conference Room
700 East Fifth Street
Carson City, Nevada

And

Department of Education
9890 south Maryland
Second Floor Conference Room
Las Vegas, Nevada

MINUTES OF THE REGULAR MEETING
Video Conferenced

BOARD MEMBERS PRESENT:

In Las Vegas:

Chris Wallace, President
Jan Biggerstaff, Member
Gloria Bonaventura, Member
Willia Chaney, Member
Dave Cook, Member
Dr. Cliff Ferry, Vice President
Charlotte Hill, Member
Anthony Ruggiero, Member
Craig Wilkinson, Member

BOARD MEMBERS ABSENT:

Zhan Okuda-Lim, Student Representative (Excused)

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Greg Weyland, Deputy Superintendent, Administrative and Fiscal Services

In Carson City:

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
Carol Crothers, Director, Office of Assessment, Program Accountability, and Curriculum
Steve Canavero, Director, Charter School Office
Mike Raponi, Acting Director, Office of Career, Technical, and Adult Education
Anne Davidson, Assistant Director, Evaluation Consultant
Randi Hunewell, Consultant, Office of Career, Technical and Adult Education
Karen Johansen, Administrative Assistant to the State Board of Education
Lori Johnson, Executive Assistant to the Superintendent of Public Instruction

LEGAL STAFF PRESENT:

In Las Vegas:

Robert Whitney, Deputy Attorney General - Las Vegas

In Carson City:

Dr. James E. Irvin, Senior Deputy Attorney General - Carson City

AUDIENCE IN ATTENDANCE:

In Las Vegas:

John Hawk, Nevada State High School
Kelsey Varwig, Nevada State High School
Shannon LaNeve, Clark County School District
Liz Verdi, Carson County School District
Sandra Metcalf

Dr. Lisa Noonan, Superintendent, Douglas County School District
Kerry Pope, Director of Curriculum and Instruction, Douglas County High School
Lyn Gorrindo, Assistant Superintendent, Education Services, Douglas County School District
Sharla Hales, Board Member, Douglas County School District

In Carson City:

Karen Heine, Douglas High School
Shaun Novich, Douglas High School
Theresa Herup, Parent
Elizabeth Leiknes
Karen Chessell, Douglas County School District Trustee
Steve Knight, Silver State Charter School
Sue Cocking, Silver State Charter School
Kurt Hildebrand, Record Courier Reporter

RECALL TO ORDER; ROLL CALL;

The meeting was recalled to order at 8:32 a.m. with attendance as reflected above.

Approval of Request for Dual Credit, Douglas County School District (DCSD)

Nevada statutes state that dual credits must be for In State Institutions, and because Lake Tahoe Community College is in California, this item was not heard.

Approval of SpringBoard Textbook Douglas County

Lisa Noonan, Superintendent of DCSD, stated she was new to Douglas County as the superintendent, but has served in public education since 1983 as a teacher, principal, curriculum coordinator and assistant superintendent. She has 15 years administration experience with textbook adoption and implementation. Dr. Noonan said textbook selections are seldom embraced by all employees and she was accustomed to working with staff on successful implementation strategies that ease initial frustrations or doubts about selections. She noted points to consider during the presentation today:

- Dr. Noonan spent most of the 2009-2010 school year reviewing the curricula of east coast districts and states where student achievement and graduation rates are much higher than Nevada's. She sees changes on the national horizon that will include moving away from the traditional textbook to a more curriculum-based focus. SpringBoard aligns with the current Nevada State Standards as well as the new Common Core.
- SpringBoard meets the requirements under NRS for implementing Nevada's standards and provides a well-rounded and culturally sensitive content.
- There are many classrooms in Douglas County where students are enthusiastic about their learning using SpringBoard. A team from Washoe County that observed the program is interested in SpringBoard as part of their new "College Prep Academy."
- Dr. Noonan anticipates Douglas County will be a leader in the implementation of the new Common Core Standards and will be able to offer frameworks for raising rigor and college readiness with SpringBoard at the foundation of their work.
- Teachers and staff are sharing ideas about district overlay to connect all the dots. A tapestry that weaves Common Core, Critical Content, SpringBoard, Novels and Douglas Competencies are likely outcomes to the efforts for the next year.

Kerry Pope, Director of Curriculum and Instruction, DCSD, gave a brief overview along with a power point presentation to answer; What is SpringBoard?

- Standard-based instruction that reinforces content;
- Accessible activities that add rigor to content and to learning expectations;
- Defined learning strategies that help students learn “their way” and gain the critical thinking skills needed for academic success;
- Multiple opportunities for student collaboration, writing and presentation;
- Portfolio activities that measure student growth over the school year;
- Embedded assessments that allow students to demonstrate their ability to use appropriate learning strategies and apply their skills;
- Online end of unit tests developed by professional test writers to measure students’ knowledge and skills effectively;
- Professional development support through teacher workshops, on-site training, and ongoing teacher-to-teacher mentoring.

Ms. Pope stated SpringBook is a merger of 21st century skills and English Language Arts that are in the Common Core but not in the current Nevada standards. Trainers from College Board have visited multiple times to work with teachers in three and four-day workshops. She added College Board is not a fly-by-night textbook company, it is a group that has been on the forefront of education rigor, they are a not-for profit organization, and the product is aligned with SAT, ACT and the Common Core State Standards.

Further explanation was given stating in 2007-2008; Douglas County High School began looking for a rigorous, relevant, vertically aligned English Language Arts Curriculum. Research was conducted and SpringBoard was brought to DCSD, and then piloted as a supplemental text in 2008-2009 for grades seven, eight and nine. High School teachers piloted SpringBoard in 2009-2010 for grades ten and eleven. In May 2010, the Douglas County School Board began to consider recommending SpringBoard for adoption. The school board listened to the pros and cons from staff, community members and teachers. Due to some board members being absent, a decision was made to bring SpringBoard back in June for a school board vote. At the June school board meeting the board voted 5-2 in favor of adopting SpringBoard as the textbook for Douglas County grades seven through eleven, piloting it in twelfth grade. It was also explained that provisions in NRS 390.140 – Final selection by State Board; exception for charter schools; accurate portrayal of cultural and racial diversity of society, had been met.

Sharla Hales, member of the Douglas County School District Board of trustees, stated she is speaking with the support of the full board of trustees. Ms. Hales discussed how SpringBoard provides rigor, relevance, excellent instruction and challenges all students across socioeconomic levels. Ms. Hales explained many hours were invested learning about the SpringBoard program by classroom observations and reports were heard about the adoption process. Testimony was heard from parents, teachers, students and community members; phone calls and emails from constituents were fielded. The Douglas School Board of trustees is confident the decision was made carefully, and asks the State Board to adopt SpringBoard as a state approved text.

President Wallace remarked the tenth grade committee voted 4-1 to not approve SpringBoard Level 5, tenth grade and yet it was approved. He asked for an explanation clarifying why the committee’s recommendation was not followed.

Sharla Hales responded that when SpringBoard was presented to the school board in May and June, it was acknowledged that the tenth grade committee did not approve the textbook. She added it was also acknowledged that an eleventh grade representative from Lake Tahoe did not stay for the second committee meeting, and a closer vote to not recommend SpringBoard to the school board probably would have occurred. The vote was 2-2; if the person had stayed, the vote would have been 3-2. The findings of the committee were presented to the school board along with the rating matrix, resulting in the school board deciding to continue moving forward with SpringBoard. The votes in all grades added up to 17-9, in favor of approval.

In response to President Wallace's inquiry if the adoption process met statutory requirements, Dr. Rheault responded the only issue is that the adoption was submitted late. Nevada Administrative Code (NAC) allows the State Board to grant exceptions to the time of the submission. Part of the timing problem was due to giving the school district extra time for discussion and public input as well as DCSD transitioning from an interim superintendent to a new superintendent. He added there were compelling reasons for the exception when it was brought to the State Board in August. The State Board has the right to delay, which it did in August, and that is the reason it is being heard today.

Further discussion occurred regarding the SpringBoard Textbook Curriculum.

Public Comment for adoption of SpringBoard

Karen Chessell, Consultant, Family and Consumer Sciences, Nevada Department of Education and Douglas County School District Board trustee, stated she was on personal time and speaking as a school board trustee. She said the Board along with staff and the strategic planning team set a goal to increase rigor for their students. Research conducted to meet this goal brought them to the SpringBoard curriculum. Ms. Chessell asked for input from several teachers to understand the issues around SpringBoard. The following excerpt is from a letter Kimberly Turner, Elementary teacher at Carson Valley Middle School wrote; and helped her recognize why she wanted to support SpringBoard for their students:

Although it has been a steep learning curve, SpringBoard has been the best curriculum I have used. I am not one to jump to conclusions, but I feel that after using the program for the majority of the year, I am qualified to make that judgment. These are the reasons I like the program:

- *The material is engaging and student centered.*
- *The lessons build upon each other.*
- *Each unit starts with an overview of the unit, where the students will end up and what they will learn.*
- *The lessons consistently refer to the essential questions and end of unit-embedded assessments to provide context and scaffolding.*
- *I have seen more growth in my students this year than in previous years teaching English*
- *The springboard website has a wealth of information to help with implementation.*
- *The springboard editors listen to teachers, the materials are teacher created for what actually works in the classroom, not based on some abstract theory that sounds good, but is not practical in the day-to-day dynamics of the classroom.*
- *The entire program is both horizontally and vertically aligned. Each unit builds on the previous and each year builds on the previous.*

SpringBoard expects much in my experience with the program this year; and the students have risen to the challenge.

Ms. Chessell stated this is a huge change, a systemic change, and resistance is to be expected. However, she believes the SpringBoard curriculum offers all students the opportunity to develop the skill sets they will need to be successful in higher education, in their careers and as community participants. She asked the State Board to please, add the textbooks to the State Textbook adoption list.

Karen Heine, Department Chair, Douglas County High School, stated teachers were allowed to complete a survey, but only a few were allowed to vote. She added that after a meeting with Dr. Noonan, ten teachers spoke against SpringBoard, one spoke for it and two did not offer comment. Ms. Heine said there was not full support from the school board, Randy Green and Keith Roman voted against SpringBoard for a 5-2 vote. She said this is not an adequate program for a high school course of study, the rigor does not require students to perform and students require more guidance, assistance and direction than given by SpringBoard.

Member Ruggiero asked about NDE staff opinions regarding the adoption of SpringBoard.

Dr. Rheault responded NDE has not given an official opinion because the textbook adoption process is based at the local level; however, NDE staff does follow regulations for the adoption. He added, NDE and the State Board has discretion to decide if policy and regulations were met when approving the textbook adoption. After testimony and discussions are heard, not all teachers will agree. If the process was followed and the textbook was reviewed, evaluated and field-tested to address content standards, then the Board will determine whether to approve SpringBoard. Other districts are not required to use SpringBoard just because it is on the state textbook list.

Member Ruggiero replied he understood Board procedures regarding a decision for the adoption of SpringBoard, but he would rather defer to NDE staff who can give experience and additional information to make a decision based on pros and cons. He would prefer department staff present a breakdown of the issue with examples, and would like to hear input from students. Member Ruggiero concluded he did not have all the information needed to make a decision.

Dr. Rheault responded the NDE only has two English consultants, therefore department staff could not meet Member Ruggiero's request. The NDE relies on local teachers, administration and the board of trustees to review textbooks.

President Wallace suggested the two questions the State Board needs to answer are; does the SpringBoard textbook teach the standards and have they filled their statutory obligation with the adoption process? Dr. Rheault responded that in his opinion this has been accomplished.

Member Biggerstaff made a motion to approve the adoption of SpringBoard ELA Grades seven through eleven state textbook. Member Cook seconded the motion. The motion carried 8-1. Member Ruggiero opposed stating he needs more information and was not satisfied with the presentation today.

Report from the Governor's Office

There was no report from the Governor's office.

Approval of Request Dual Credit Courses for Nevada State High School

Dr. Rheault stated the Nevada State High School Governing Board is requesting dual-credits from three institutions, the University of Nevada, Truckee Community College and Western Nevada College. The Nevada State High School Governing Board approved forwarding the request to the NDE for consideration by the State Board.

Member Hill made a motion to approve the request for Dual Credit Courses for Nevada State High School. Member Bonaventura seconded the motion.

Member Ferry remarked the courses are very wide ranging and questioned the usefulness of them in Las Vegas as part of the Nevada State High School program.

Dr. John Hawk, Executive Director, Nevada State High School responded the courses were submitted in hope there would be a satellite campus; but that is not the intention at this time. New staff member, Kelsey Varwig, Recruitment Coordinator, is working on increasing the number of independent learners at the school. This provides students with an opportunity to take advantage of distance education courses.

Member Ferry asked if it was correct that most of courses on the list were not distance education courses. Ms. Varwig responded the online courses are general courses made available through Great Basin College and that a large portion of their students use in classroom as well as online courses. In response to President Wallace's question if all the courses listed were available online, Ms. Varwig replied yes.

Dr. Hawk commented they do not know what courses are offered online for any particular semester. One semester may offer a course that is not available the next semester because the classes fill up quickly. His goal is to offer students more opportunity to attend classes.

Member Cook, as a teacher for both online and classroom courses, clarified the course outline and description is the same regardless of the method of delivery, whether it is a lecture or online version, the class is the same. He added creating wider options between high school and college students is the direction we should be moving.

Member Ferry asked if the dual-credit approval would refer to only online classes in Nevada.

Dr. Hawk replied that is essentially, what they are asking for. Again, he stated he does not intend to open a satellite school. Dr. Rheault said 95 percent of the courses on the list would probably not be taken as a dual-credit course by students at Nevada State High School, however, a student may have a need for one of the courses and he advised to leave the list as it is.

Member Ferry said he understood college courses are filling up more now than in the past. He commented Dr. Hawk's letter for approval was not clear and should have stated, "the classes are filling up therefore we need to have more options", which would have made Dr. Hawk's intention clear.

The motion carried.

WORKSHOP to Solicit Comments for Common Core Standards in Mathematics and English Language Arts (Final Version)

President Wallace opened the Workshop at 11:02 a.m. There were five individuals in attendance in Las Vegas and four individuals in attendance in Carson City.

Dr. Rheault stated that during the June 2010 board meeting the draft version of the Common Core Standards in Mathematics and English Language Arts was approved to obtain additional points for the Race to the Top application. The final version of the Common Core Standards is now available. To assure Nevada was in line with the standards, the final version was unanimously approved by the Academic Standards Council on September 21, 2010 with only a few minor changes. A summary of changes from the draft to the final version, in both English Language Arts and Mathematics, have been provided. The final version will be available at the Public Hearing.

Dr. Rheault clarified this Workshop is for information and public input only and the Public Hearing will be heard in December for final approval. He further explained we are in a temporary period for regulations because of the upcoming 2011 Legislative session, which will require the Workshop and Public Hearing to be heard again next fall.

There was no public comment. President Wallace closed the workshop at 11:03 a.m.

PUBLIC HEARING and possible Board Adoption of R132-10; New Regulations to NAC 389 – Health Science Standards

President Wallace opened the Public Hearing at 11:03 a.m. There were four individuals in attendance in Las Vegas and three individuals in attendance in Carson City.

Mike Raponi, Acting Director, Office of Career, Technical and Adult Education presented Health Science Standards One and Two for a Public Hearing. No changes have been made to the standards that were reviewed at the August 2010 Workshop.

Randi Hunewill, Health Sciences Consultant, Office of Career, Technical and Adult Education, stated the reason there are new standards is that the Health Science programs in the State of Nevada are the fastest growing programs in Career and Technical Education. Health Care is the number one job demand in Nevada. Establishing these standards creates a framework for the districts that are actively developing curricula.

Member Biggerstaff asked if there will be teachers prepared to teach the standards. Ms. Hunewill answered yes; the team that worked on the standards consisted of members from Business and Industry as well as teachers from diverse fields. Teachers have been teaching without a set of standards and are thankful for help with their curriculum. Ms. Hunewill added these standards match the national health care standards for students and two to three trainings a year will be offered.

Mr. Raponi added that many of the teachers in Health Sciences have nursing credentials, which prepares them to implement the standards in the classrooms.

Member Cook disclosed, following ethics ruling 98-70, he has a significant relationship with a NDE employee who is the school health coordinator and will abstain from voting on this item.

Shannon LaNeve, K-12 Health Project Facilitator, stated that the Clark County School District is in full support of the Health Science Standards One and Two.

President Wallace closed the hearing at 11:13 a.m.

Member Ferry made a motion to approve the Health Science Standards One and Two. Member Hill seconded the motion. The motion carried. Member Cook abstained.

Approval of Science and Health Education Credit for Health Sciences

Mr. Raponi stated they are seeking board approval for these skill standards to qualify for academic credit, following NAC protocols for school districts, insuring rigor is met.

Ms. Hunewell said that the Health Science Standards One and Two emphasize the rigor of academic education. A science teacher and specialists were involved when drafting the standards. She added in previous years, health science students in the State of Nevada have been the highest placing students on all the proficiency exams.

Member Cook disclosed he has a significant relationship with an NDE employee who is the school health coordinator and will abstain from voting on this item.

Dr. Rheault stated there is a specific regulation the Board adopted that allows for academic credit for occupational courses. To receive a credit for graduation the student must complete both Health Science Standards One and Two. Dr. Rheault said he strongly recommended the Board consider and approve the Health Science credits. If the State Board approves the standards, they will go to the local boards of trustee to decide if they will allow them in their district.

Member Chaney made a motion to approve the Science Credit and Health Education Credit for Health Science One and Two Standards, LCB file R132-10. Member Wilkinson seconded the motion. The motion carried. Member Cook abstained.

Report from prospective candidates for Governor

President Wallace reported the Board extended an invitation to candidates for Governor, Rory Reid, and Brian Sandoval, or their staff, to speak about their plans for education in Nevada. Brian Sandoval's office was unable to attend. Cindy Reid, former State Board of Education member and wife of candidate for Governor, Rory Reid, attended.

Cindy Reid, representing Rory Reid, gave background on their Education Plan. At the beginning of the campaign, they spoke with various members of the education community including administrators, parents, teachers, and principals to gather information to formulate their Education Plan. They reviewed practices in other states that were working well, and could be used in Nevada. Rory Reid's campaign is excited about the plan but recognizes there are many education needs to be addressed in Nevada. Ms. Reid explained inter-connected plans have been developed including a budget plan, higher education plan, energy and economic plans that will

correspond with their education plan. Rory Reid's platform is, "*we cannot change Nevada's economy until something is done about Education.*" Ms. Reid said they spoke with business leaders in Nevada who are concerned about education, adding it is difficult to recruit businesses to Nevada, partially because executive families do not want to move due to Nevada's poor education ranking,

In response to President Wallace's question if Rory Reid supports the recommendations made by the ACR 2 committee to streamline governance in education, Ms. Reid responded yes, that is part of their Education Plan. President Wallace inquired if Rory Reid is familiar with the work of the Blue Ribbon Task Force, and NDE's commitment to enact reform from the Race to the Top application. Ms. Reid answered yes; stating they have met with members of the panel that assisted with the Race to the Top application.

Member Cook asked for reassurance from the campaign that NDE is not a target for elimination or a decrease in staff. Ms. Reid assured Member Cook that the NDE is not only vital but is the backbone of education in Nevada. She remarked Nevada has the smallest Department of Education in the country and works with lean funds.

PUBLIC HEARING and possible Board action regarding Hearing of Petition and Recommendation for Suspension or Revocation of the Nevada Teacher's License for Catherine M. Miller

Dr. Rheault recommended the Board follow the Settlement Agreement and General Release and Order for Catherine M. Miller, for violating assessment policies. The recommendation is a 40-day license suspension. Ms. Miller has been charged with unprofessional conduct; breaching the security and confidentiality of the questions and answers to the 2010 administration of the Criterion Reference Test. There were fourteen, fourth-grade, English as a second language students involved. The school district dismissed Ms. Miller as a teacher, and a 40-day license suspension is being requested.

Dr. Ed Irvin, Counsel for the Department of Education, stated it appeared there was inappropriate assistance for the fourteen students. The petition says Ms. Miller was terminated, however, during the negotiations it was brought to his attention that she was put on administrative leave without pay. He stated 40 days license suspension from the date of the incident is appropriate. She was a very experienced teacher relating to reading and English language learners, and she made an understandable mistake. He stated the recommendation is appropriate and asked the Board to follow it.

Member Cook made a motion to follow the recommendation contained in the Settlement Agreement for a 40-day suspension for the teacher license of Catherine M. Miller. Member Biggerstaff seconded the motion. The motion carried.

PUBLIC HEARING and possible Board action regarding Hearing of Petition and Recommendation for Suspension or Revocation of the Nevada Teacher's License for Maria Sandra Jimenez

Dr. Rheault stated this is a Settlement Agreement and General Release and Order for a testing violation. This violation is more egregious because it concerned the principal of a school.

Principals are the leaders of the school and have full oversight and authority to assure these violations do not occur. Maria Jimenez was a principal at a charter school, Mariposa Academy, in Washoe County. She is charged with unprofessional conduct as a principal with breeches in security and confidentiality regarding questions in the fifth grade proficiency examination in reading. A 125-day license suspension is recommended. Maria Jimenez no longer works at the charter school and is no longer working within the K-12 system in Nevada. Dr. Rheault said he recommends the Board approve the agreement.

Dr. Irvin, Counsel for the Department of Education, agreed the analysis leading to the 125-day suspension relates to a more egregious situation. He stated this is very close to an intentional act with the intention to increase scores for Annual Yearly Progress (AYP) purposes. The principal contacted students and suggested they make changes to their test booklets. Dr. Irvin suggested the 125-day suspension is appropriate.

Member Biggerstaff stated that when Nevada decided to use test scores as an evaluation of teachers, it opened the door to situations of this nature and it needs to be stopped right now. She recommended revoking the license of those in charge who commit testing violations.

Dr. Irvin stated if the Board does not agree with Summary Suspension presented, it would be terminated. It is not binding on the Board, however, if not accepted they would need to start over with the case. He suggested 125 days sends the message and he strongly supports the recommendation. He added Ms. Jimenez was admonished at Mariposa Academy, she resigned and the 125-day license suspension will follow her in Nevada.

Member Cook made a motion to follow the recommendation contained in the Settlement Agreement for a 125-day suspension for the teacher license of Sandra Jimenez. Member Hill seconded the motion. The motion carried 8-1. Member Biggerstaff opposed.

Approval of the NRS 386.610 Annual Report concerning State Board sponsored charter schools and description of administrative services provided by Department staff to State Board sponsored charter schools.

Dr. Steve Canavero, Director, Office of Charter Schools reported the Annual Performance Audit provides an analysis of the findings of charter school performances. He explained the details and process of the audit, which took place between February and June 2010. The NDE sends a draft of findings to each school in May and then the school has an opportunity to correct specific issues. The final report is compiled in June 2010. He said he expected all nine-charter schools to correct the non-compliant matters in each of their audits. Dr. Canavero stated nothing in the audit rises to the level of recommendation for revocation.

Member Cook disclosed that he is a part-time employee at Beacon Academy; a state sponsored charter school, and will abstain from voting.

Member Biggerstaff made a motion to approve the NRS 386.610 annual report concerning the progress of each charter school sponsored by the State Board and description of administrative services provided by the NDE staff to State Board sponsored charter schools. Member Hill seconded the motion. The motion carried. Member Cook abstained.

Board Discussion on 2011-2013 Biennial Budget and update of new Bill Draft Requests since the last State Board meeting

Dr. Rheault reported he attended a meeting with his fiscal staff and the State Budget Office last week. The biennial budget was submitted for the department with 10 percent reductions, and those reductions were met without eliminating staff. If further cuts are required beyond the 10 percent submitted staff would be subject to layoffs.

Dr. Rheault said there are approximately 550 Bill Draft Requests (BDRs) for the 2011 Legislative Session. He discussed BDR 257 from Washoe County School District – *Revises provisions governing discipline and probationary periods of employees of school districts*. Currently there is a two-year probationary period and this BDR sets a mandatory three-year probation period. Clark County School District has BDR 304 – *Revises statutory formula for K-12 public school funding to provide for weighted pupil funding based upon the cost of providing educational services to specific categories of pupils*. Dr. Rheault explained he supports this BDR, regarding a weighted pupil funding formula. Clark County's, BDR 302–*Makes various changes intended to ensure that high school graduation is a community priority*. He stated it is called the Graduation Priority Act (GPA), and while he does not agree with everything in the GPA, he supports increasing graduations rates that are being discussed in the BDR.

The NDE and Board submitted four technical BDRs to make a few language changes. All four were approved and forwarded and will be written into bills. They are BDRs 438, 439, 440 and 507.

Board Member Comment

Member Hill suggested the Board recognize the accomplishment of Student Representative Zhan Okuda-Lim in being appointed to the Blue Ribbon Task Force, and having his article published in the NASBE publication. In addition, he was recently elected President of the Youth Legislature.

Public Comment

There was no public comment.

Future Agenda Items

President Wallace suggested discussing the date for the January board meeting at the December meeting.

Member Biggerstaff requested a Charter School Subcommittee meeting in December.

Member Ruggiero asked if the Governor's Office has narrowed down the search to replace Board Member McKenna. Dr. Rheault said the Governor's office is moving forward and that applications were being collected. Member Ruggiero asked for another update before the December meeting.

The meeting was adjourned at 12:31 p.m.

Attachment 6

State's Race to the Top Assessment Memorandum of Understanding (MOU)

Memorandum of Understanding

SMARTER Balanced Assessment Consortium

**Race to the Top Fund Assessment Program: Comprehensive Assessment
Systems Grant Application**

CFDA Number: 84.395B

This Memorandum of Understanding ("MOU") is entered as of MAY, 2010, by and between the SMARTER Balanced Assessment Consortium (the "Consortium") and the State of NEVADA, which has elected to participate in the Consortium as (check one)

An Advisory State (description in section e),

OR

A Governing State (description in section e),

pursuant to the Notice Inviting Applications for the Race to the Top Fund Assessment Program for the Comprehensive Assessment Systems Grant Application (Category A), henceforth referred to as the "Program," as published in the Federal Register on April 9, 2010 (75 FR 18171-18185).

The purpose of this MOU is to

- (a) Describe the Consortium vision and principles,
- (b) Detail the responsibilities of States in the Consortium,
- (c) Detail the responsibilities of the Consortium,
- (d) Describe the management of Consortium funds,
- (e) Describe the governance structure and activities of States in the Consortium,
- (f) Describe State entrance, exit, and status change,
- (g) Describe a plan for identifying existing State barriers, and
- (h) Bind each State in the Consortium to every statement and assurance made in the application through the following signature blocks:

(i)(A) Advisory State Assurance

OR

(i)(B) Governing State Assurance

AND

(ii) State Procurement Officer

(a) Consortium Vision and Principles

The Consortium's priorities for a new generation assessment system are rooted in a concern for the valid, reliable, and fair assessment of the deep disciplinary understanding and higher-order thinking skills that are increasingly demanded by a knowledge-based economy. These priorities are also rooted in a belief that assessment must support ongoing improvements in instruction and learning, and must be useful for all members of the educational enterprise: students, parents, teachers, school administrators, members of the public, and policymakers.

The Consortium intends to build a flexible system of assessment based upon the Common Core Standards in English language arts and mathematics with the intent that all students across this Consortium of States will know their progress toward college and career readiness.

The Consortium recognizes the need for a system of formative, interim, and summative assessments—organized around the Common Core Standards—that support high-quality learning, the demands of accountability, and that balance concerns for innovative assessment with the need for a fiscally sustainable system that is feasible to implement. The efforts of the Consortium will be organized to accomplish these goals.

The comprehensive assessment system developed by the Consortium will include the following key elements and principles:

1. A Comprehensive Assessment System that will be grounded in a thoughtfully integrated learning system of standards, curriculum, assessment, instruction and teacher development that will inform decision-making by including formative strategies, interim assessments, and summative assessments.
2. The assessment system will measure the full range of the Common Core Standards including those that measure higher-order skills and will inform progress toward and acquisition of readiness for higher education and multiple work domains. The system will emphasize deep knowledge of core concepts within and across the disciplines, problem solving, analysis, synthesis, and critical thinking.
3. Teachers will be involved in the design, development, and scoring of assessment items and tasks. Teachers will participate in the alignment of the Common Core Standards and the identification of the standards in the local curriculum.
4. Technology will be used to enable adaptive technologies to better measure student abilities across the full spectrum of student performance and evaluate growth in learning; to support online simulation tasks that test higher-order abilities; to score the results; and to deliver the responses to trained scorers/teachers to access from an

SMARTER Balanced Assessment Consortium MOU

electronic platform. Technology applications will be designed to maximize interoperability across user platforms, and will utilize open-source development to the greatest extent possible.

5. A sophisticated design will yield scores to support evaluations of student growth, as well as school, teacher, and principal effectiveness in an efficient manner.
6. On-demand and curriculum-embedded assessments will be incorporated over time to allow teachers to see where students are on multiple dimensions of learning and to strategically support their progress.
7. All components of the system will incorporate principles of Universal Design that seek to remove construct-irrelevant aspects of tasks that could increase barriers for non-native English speakers and students with other specific learning needs.
8. Optional components will allow States flexibility to meet their individual needs.

(b) Responsibilities of States in the Consortium

Each State agrees to the following element of the Consortium's Assessment System:

- Adopt the Common Core Standards, which are college- and career-ready standards, and to which the Consortium's assessment system will be aligned, no later than December 31, 2011.

Each State that is a member of the Consortium in 2014–2015 also agrees to the following:

- Adopt common achievement standards no later than the 2014–2015 school year,
- Fully implement statewide the Consortium summative assessment in grades 3-8 and high school for both mathematics and English language arts no later than the 2014–2015 school year,
- Adhere to the governance as outlined in this document,
- Agree to support the decisions of the Consortium,
- Agree to follow agreed-upon timelines,
- Be willing to participate in the decision-making process and, if a Governing State, final decision, and
- Identify and implement a plan to address barriers in State law, statute, regulation, or policy to implementing the proposed assessment system and to addressing any such barriers prior to full implementation of the summative assessment components of the system.

(c) Responsibilities of the Consortium

The Consortium will provide the following by the 2014-15 school year:

1. A comprehensively designed assessment system that includes a strategic use of a variety of item types and performance assessments of modest scope to assess the full range of the Common Core Standards with an emphasis on problem solving, analysis, synthesis, and critical thinking.
2. An assessment system that incorporates a required summative assessment with optional formative/benchmark components which provides accurate assessment of all students (as defined in the Federal notice) including students with disabilities, English learners, and low- and high-performing students.
3. Except as described above, a summative assessment that will be administered as a computer adaptive assessment and include a minimum of 1–2 performance assessments of modest scope.
4. Psychometrically sound scaling and equating procedures based on a combination of objectively scored items, constructed-response items, and a modest number of performance tasks of limited scope (e.g., no more than a few days to complete).
5. Reliable, valid, and fair scores for students and groups that can be used to evaluate student achievement and year-to-year growth; determine school/district/state effectiveness for Title I ESEA; and better understand the effectiveness and professional development needs of teachers and principals.
6. Achievement standards and achievement level descriptors that are internationally benchmarked.
7. Access for the State or its authorized delegate to a secure item and task bank that includes psychometric attributes required to score the assessment in a comparable manner with other State members, and access to other applications determined to be essential to the implementation of the system.
8. Online administration with limited support for paper-and-pencil administration through the end of the 2016–17 school year. States using the paper-and-pencil option will be responsible for any unique costs associated with the development and administration of the paper-and-pencil assessments.

SMARTER Balanced Assessment Consortium MOU

9. Formative assessment tools and supports that are developed to support curricular goals, which include learning progressions, and that link evidence of student competencies to the summative system.
10. Professional development focused on curriculum and lesson development as well as scoring and examination of student work.
11. A representative governance structure that ensures a strong voice for State administrators, policymakers, school practitioners, and technical advisors to ensure an optimum balance of assessment quality, efficiency, costs, and time. The governance body will be responsible for implementing plans that are consistent with this MOU, but may make changes as necessary through a formal adoption process.
12. Through at least the 2013–14 school year, a Project Management Partner (PMP) that will manage the logistics and planning on behalf of the Consortium and that will monitor for the U.S. Department of Education the progress of deliverables of the proposal. The proposed PMP will be identified no later than August 4, 2010.
13. By September 1, 2014, a financial plan will be approved by the Governing States that will ensure the Consortium is efficient, effective, and sustainable. The plan will include as revenue at a minimum, State contributions, federal grants, and private donations and fees to non-State members as allowable by the U.S. Department of Education.
14. A consolidated data reporting system that enhances parent, student, teacher, principal, district, and State understanding of student progress toward college- and career-readiness.
15. Throughout the 2013–14 school year, access to an online test administration application, student constructed-response scoring application and secure test administration browsers that can be used by the Total State Membership to administer the assessment. The Consortium will procure resources necessary to develop and field test the system. However, States will be responsible for any hardware and vendor services necessary to implement the operational assessment. Based on a review of options and the finance plan, the Consortium may elect to jointly procure these services on behalf of the Total State Membership.

(d) Management of Consortium Funds

All financial activities will be governed by the laws and rules of the State of Washington, acting in the role of Lead Procurement State/Lead State, and in accordance with 34 CFR 80.36. Additionally, Washington is prepared to follow the guidelines for grant management associated with the American Recovery and Reinvestment Act (ARRA), and will be legally responsible for the use of grant funds and for ensuring that the project is carried out by the Consortium in accordance with Federal requirements. Washington has already established an ARRA Quarterly reporting system (also referred to as *1512 Reporting*).

Per Washington statute, the basis of how funding management actually transpires is dictated by the method of grant dollar allocation, whether upfront distribution or pay-out linked to actual reimbursables. Washington functions under the latter format, generating claims against grant funds based on qualifying reimbursables submitted on behalf of staff or clients, physical purchases, or contracted services. Washington's role as Lead Procurement State/Lead State for the Consortium is not viewed any differently, as monetary exchanges will be executed against appropriate and qualifying reimbursables aligned to expenditure arrangements (i.e., contracts) made with vendors or contractors operating under "personal service contracts," whether individuals, private companies, government agencies, or educational institutions.

Washington, like most States, is audited regularly by the federal government for the accountability of federal grant funds, and has for the past five years been without an audit finding. Even with the additional potential for review and scrutiny associated with ARRA funding, Washington has its fiscal monitoring and control systems in place to manage the Consortium needs.

- As part of a comprehensive system of fiscal management, Washington's accounting practices are stipulated in the State Administrative and Accounting Manual (SAAM) managed by the State's Office of Financial Management. The SAAM provides details and administrative procedures required of all Washington State agencies for the procurement of goods and services. As such, the State's educational agency is required to follow the SAAM; actions taken to manage the fiscal activities of the Consortium will, likewise, adhere to policies and procedures outlined in the SAAM.
- For information on the associated contracting rules that Washington will adhere to while serving as fiscal agent on behalf of the Consortium, refer to the Revised Code of Washington (RCW) 39.29 "Personal Service Contracts." Regulations and policies authorized by this RCW are established by the State's Office of Financial Management, and can be found in the SAAM.

(e) Governance Structure and Activities of States in the Consortium

As shown in the SMARTER Balanced Assessment Consortium governance structure, the Total State Membership of the Consortium includes Governing and Advisory States, with Washington serving in the role of Lead Procurement State/Lead State on behalf of the Consortium.

A **Governing State** is a State that:

- Has fully committed to this Consortium only and met the qualifications specified in this document,
- Is a member of only one Consortium applying for a grant in the Program,
- Has an active role in policy decision-making for the Consortium,
- Provides a representative to serve on the Steering Committee,
- Provides a representative(s) to serve on one or more Work Groups,
- Approves the Steering Committee Members and the Executive Committee Members,
- Participates in the final decision-making of the following:
 - Changes in Governance and other official documents,
 - Specific Design elements, and
 - Other issues that may arise.

An **Advisory State** is a State that:

- Has not fully committed to any Consortium but supports the work of this Consortium,
- Participates in all Consortium activities but does not have a vote unless the Steering Committee deems it beneficial to gather input on decisions or chooses to have the Total Membership vote on an issue,
- May contribute to policy, logistical, and implementation discussions that are necessary to fully operationalize the SMARTER Balanced Assessment System, and
- Is encouraged to participate in the Work Groups.

Organizational Structure

Steering Committee

The Steering Committee is comprised of one representative from each Governing State in the Consortium. Committee members may be a chief or his/her designee. Steering Committee Members must meet the following criteria:

- Be from a Governing State,
- Have prior experience in either the design or implementation of curriculum and/or assessment systems at the policy or implementation level, and
- Must have willingness to serve as the liaison between the Total State Membership and Working Groups.

Steering Committee Responsibilities

- Determine the broad picture of what the assessment system will look like,

SMARTER Balanced Assessment Consortium MOU

- Receive regular reports from the Project Management Partner, the Policy Coordinator, and the Content Advisor,
- Determine the issues to be presented to the Governing and/or Advisory States,
- Oversee the expenditure of funds in collaboration with the Lead Procurement State/Lead State,
- Operationalize the plan to transition from the proposal governance to implementation governance, and
- Evaluate and recommend successful contract proposals for approval by the Lead Procurement State/Lead State.

Executive Committee

- The Executive Committee is made up of the Co-Chairs of the Executive Committee, a representative from the Lead Procurement State/Lead State, a representative from higher education and one representative each from four Governing States. The four Governing State representatives will be selected by the Steering Committee. The Higher Education representative will be selected by the Higher Education Advisory Group, as defined in the Consortium Governance document.
- For the first year, the Steering Committee will vote on four representatives, one each from four Governing States. The two representatives with the most votes will serve for three years and the two representatives with the second highest votes will serve for two years. This process will allow for the rotation of two new representatives each year. If an individual is unable to complete the full term of office, then the above process will occur to choose an individual to serve for the remainder of the term of office.

Executive Committee Responsibilities

- Oversee development of SMARTER Balanced Comprehensive Assessment System,
- Provide oversight of the Project Management Partner,
- Provide oversight of the Policy Coordinator,
- Provide oversight of the Lead Procurement State/Lead State,
- Work with project staff to develop agendas,
- Resolve issues,
- Determine what issues/decisions are presented to the Steering Committee, Advisory and/or Governing States for decisions/votes,
- Oversee the expenditure of funds, in collaboration with the Lead Procurement State/Lead State, and
- Receive and act on special and regular reports from the Project Management Partner, the Policy Coordinator, the Content Advisor, and the Lead Procurement State/Lead State.

Executive Committee Co-Chairs

- Two Co-chairs will be selected from the Steering Committee States. The two Co-chairs must be from two different states. Co-chairs will work closely with the Project Management Partner. Steering Committee members wishing to serve as Executive Committee Co-chairs will submit in writing to the Project Management Partner their willingness to serve. They will need to provide a document signed by their State Chief indicating State support for this role. The Project Management Partner will then prepare a ballot of interested individuals. Each Steering Committee member will vote on the two individuals they wish to serve as Co-chair. The individual with the most votes will serve as the new Co-chair.
- Each Co-chair will serve for two years on a rotating basis. For the first year, the Steering committee will vote on two individuals and the one individual with the most votes will serve a three-year term and the individual with the second highest number of votes will serve a two-year term.
- If an individual is unable to complete the full term of office, then the above process will occur to choose an individual to serve for the remainder of the term of office.

Executive Committee Co-Chair Responsibilities

- Set the Steering Committee agendas,
- Set the Executive Committee agenda,
- Lead the Executive Committee meetings,
- Lead the Steering Committee meetings,
- Oversee the work of the Executive Committee,
- Oversee the work of the Steering Committee,
- Coordinate with the Project Management Partner,
- Coordinate with Content Advisor,
- Coordinate with Policy coordinator,
- Coordinate with the Technical Advisory Committee (TAC), and
- Coordinate with Executive Committee to provide oversight to the Consortium.

Decision-making

Consensus will be the goal of all decisions. Major decisions that do not reach consensus will go to a simple majority vote. The Steering Committee will determine what issues will be referred to the Total State Membership. Each member of each group (Advisory/Governing States, Steering Committee, Executive Committee) will have one vote when votes are conducted within each group. If there is only a one to three vote difference, the issue will be re-examined to seek greater consensus. The Steering Committee will be responsible for preparing additional information as to the pros and cons of the issue to assist voting States in developing consensus and reaching a final decision. The Steering Committee may delegate this responsibility to the Executive Committee. The Executive Committee will decide which decisions or issues are votes to

SMARTER Balanced Assessment Consortium MOU

be taken to the Steering Committee. The Steering Committee makes the decision to take issues to the full Membership for a vote.

The Steering Committee and the Governance/Finance work group will collaborate with each Work Group to determine the hierarchy of the decision-making by each group in the organizational structure.

Work Groups

The Work Groups are comprised of chiefs, assessment directors, assessment staff, curriculum specialists, professional development specialists, technical advisors and other specialists as needed from States. Participation on a workgroup will require varying amounts of time depending on the task. Individuals interested in participating on a Work Group should submit their request in writing to the Project Management Partner indicating their preferred subgroup. All Governing States are asked to commit to one or more Work Groups based on skills, expertise, and interest within the State to maximize contributions and distribute expertise and responsibilities efficiently and effectively. The Consortium has established the following Work Groups:

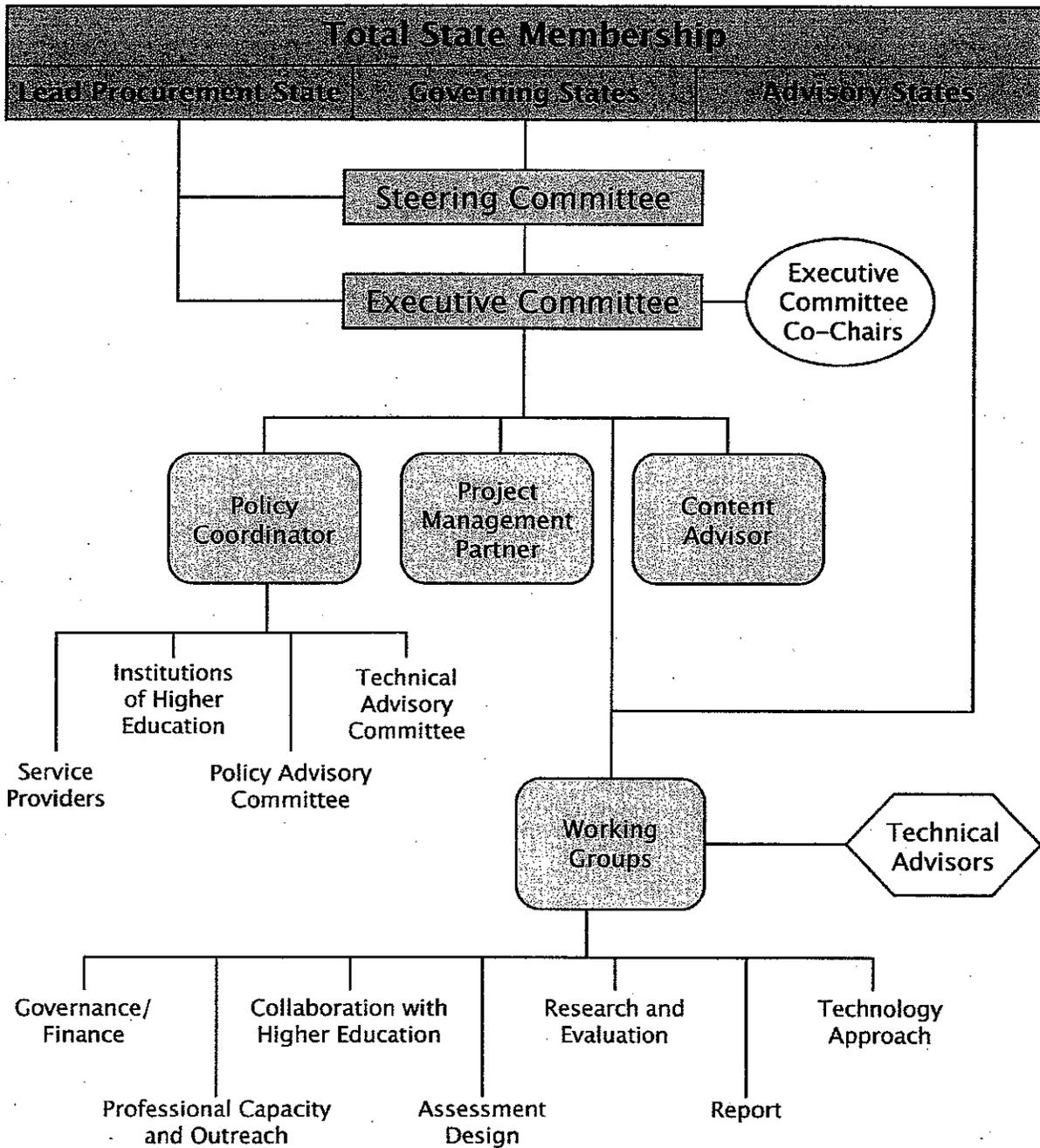
- Governance/Finance,
- Assessment Design,
- Research and Evaluation,
- Report,
- Technology Approach,
- Professional Capacity and Outreach, and
- Collaboration with Higher Education.

The Consortium will also support the work of the Work Groups through a Technical Advisory Committee (TAC). The Policy Coordinator in collaboration with the Steering Committee will create various groups as needed to advise the Steering Committee and the Total State Membership. Initial groups will include

- Institutions of Higher Education,
- Technical Advisory Committee,
- Policy Advisory Committee, and
- Service Providers.

An organizational chart showing the groups described above is provided on the next page.

SMARTER Balanced Assessment Consortium Organizational Structure



(f) State Entrance, Exit, and Status Change

This MOU shall become effective as of the date first written above upon signature by both the Consortium and the Lead Procurement State/Lead State (Washington) and remain in force until the conclusion of the Program, unless terminated earlier in writing by the Consortium as set forth below.

Entrance into Consortium

Entrance into the Smarter Balanced Assessment Consortium is assured when:

- The level of membership is declared and signatures are secured on the MOU from the State's Commissioner, State Superintendent, or Chief; Governor; and President/Chair of the State Board of Education (if the State has one);
- The signed MOU is submitted to the Consortium Grant Project Manager (until June 23) and then the Project Management Partner after August 4, 2010;
- The Advisory and Governing States agree to and adhere to the requirements of the governance;
- The State's Chief Procurement Officer has reviewed its applicable procurement rules and provided assurance that it may participate in and make procurements through the Consortium;
- The State is committed to implement a plan to identify any existing barriers in State law, statute, regulation, or policy to implementing the proposed assessment system and to addressing any such barriers prior to full implementation of the summative assessment components of the system; and
- The State agrees to support all decisions made prior to the State joining the Consortium.

After receipt of the grant award, any request for entrance into the Consortium must be approved by the Executive Committee. Upon approval, the Project Management Partner will then submit a change of membership to the USED for approval. A State may begin participating in the decision-making process after receipt of the MOU.

Exit from Consortium

Any State may leave the Consortium without cause, but must comply with the following exit process:

- A State requesting an exit from the Consortium must submit in writing their request and reasons for the exit request,
- The written explanation must include the statutory or policy reasons for the exit,
- The written request must be submitted to the Project Management Partner with the same signatures as required for the MOU,
- The Executive Committee will act upon the request within a week of the request, and
- Upon approval of the request, the Project Management Partner will then submit a change of membership to the USED for approval.

SMARTER Balanced Assessment Consortium MOU

Changing Roles in the Consortium

A State desiring to change from an Advisory State to a Governing State or from a Governing State to an Advisory State may do so under the following conditions:

- A State requesting a role change in the Consortium must submit in writing their request and reasons for the request,
- The written request must be submitted to the Project Management Partner with the same signatures as required for the MOU, and
- The Executive Committee will act upon the request within a week of the request and submit to the USED for approval.

(g) Plan for Identifying Existing State Barriers

Each State agrees to identify existing barriers in State laws, statutes, regulations, or policies by noting the barrier and the plan to remove the barrier. Each State agrees to use the table below as a planning tool for identifying existing barriers. States may choose to include any known barriers in the table below at the time of signing this MOU.

Barrier	Issue/Risk of Issue (if known)	Statute, Regulation, or Policy	Governing Body with Authority to Remove Barrier	Approximate Date to Initiate Action	Target Date for Removal of Barrier	Comments

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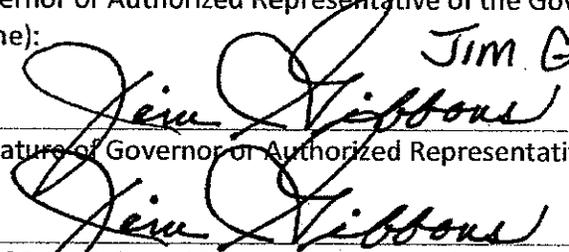
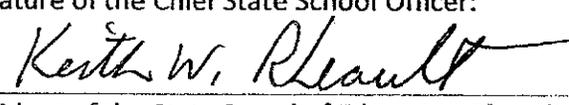
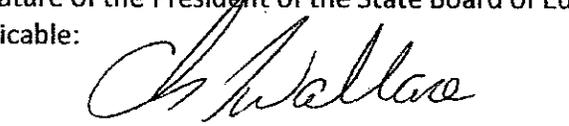
SMARTER Balanced Assessment Consortium MOU

(h)(i)(B) GOVERNING STATE SIGNATURE BLOCK for Race to the Top Fund Assessment Program Comprehensive Assessment Systems Grant Application Assurances

(Required from all "Governing States" in the Consortium.)

As a Governing State in the SMARTER Balanced Assessment Consortium, I have read and understand the roles and responsibilities of Governing States, and agree to be bound by the statements and assurances made in the application.

I further certify that as a Governing State I am fully committed to the application and will support its implementation.

State Name: NEVADA	
Governor or Authorized Representative of the Governor (Printed Name): JIM GIBBONS	Telephone: 775-684-5670
Signature of Governor or Authorized Representative of the Governor: 	Date: 05-27-2010
Chief State School Officer (Printed Name): Keith W. Rheault	Telephone: 775-687-9217
Signature of the Chief State School Officer: 	Date: 5/27/10
President of the State Board of Education, if applicable (Printed Name): Chris Wallace	Telephone: 702-586-1742
Signature of the President of the State Board of Education, if applicable: 	Date: 5/27/2010

SMARTER Balanced Assessment Consortium MOU

(h)(ii) STATE PROCUREMENT OFFICER SIGNATURE BLOCK for Race to the Top Fund Assessment Program Comprehensive Assessment Systems Grant Application Assurances.

(Required from all States in the Consortium.)

I certify that I have reviewed the applicable procurement rules for my State and have determined that it may participate in and make procurements through the SMARTER Balanced Assessment Consortium.

State Name:

Nevada

State's chief procurement official (or designee), (Printed Name):

GREG SMITH

Telephone:

775-684-0184

Signature of State's chief procurement official (or designee),:

Greg Smith

Date:

5-28-10

Attachment 8

A copy of the average statewide proficiency based on assessments administered in the 2010-2011 school year in reading/language arts and mathematics for the “all students” group and all subgroups

Statewide Achievement Gaps in Reading/Language Arts, Mathematics, and Graduation Rates by Subgroup

	All Students		Economically Disadvantaged		Students with Disabilities		English Learners		White		African American		Hispanic		Asian/Pacific Islander		Native American	
	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap
ELEMENTARY SCHOOL LEVEL	08	58.6	-12.2	31.4	-27.2	41.2	-17.4	70.5	11.9	45.4	-13.2	47.0	-11.6	69.6	11.0	52.6	-6.0	
		09	60.6	-11.1	33.0	-27.6	45.4	-15.2	71.9	11.3	47.3	-13.1	49.4	-11.2	72.4	11.8	55.9	-4.7
	10	59.7	-10.5	32.3	-27.4	45.3	-14.4	71.0	11.3	44.1	-15.6	49.7	-10.0	74.2	nd	48.8	-10.9	
		08	63.4	-10.0	39.3	-24.1	52.3	-11.1	72.8	9.4	47.0	-16.4	55.0	-8.4	76.9	13.5	54.1	-9.3
	09	67.5	-9.1	42.9	-24.6	59.1	-8.4	76.0	8.5	51.2	-16.3	60.3	-7.2	79.7	12.2	58.1	-9.4	
		10	70.0	-7.9	45.4	-24.6	62.5	-7.5	78.3	8.3	51.6	-18.4	63.9	-6.1	84.9	nd	57.4	-12.6

	All Students		Economically Disadvantaged		Students with Disabilities		English Learners		White		African American		Hispanic		Asian/Pacific Islander		Native American	
	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap	% Proficient	Gap
MIDDLE SCHOOL LEVEL	08	63.7	-11.8	27.3	-36.4	46.8	-16.9	74.6	10.9	51.3	-12.4	52.3	-11.4	76.9	13.2	59.3	-4.4	
		09	67.0	-10.6	29.7	-37.3	51.1	-15.9	77.0	10.0	54.2	-12.8	57.3	-9.7	79.6	12.6	62.0	-5.0
	10	54.1	-11.2	20.0	-34.1	33.8	-20.3	65.9	11.8	38.1	-16.0	43.6	-10.5	71.2	nd	44.5	-9.6	
		08	61.8	-11.3	27.9	-33.9	47.8	-14.0	73.0	11.2	44.8	-17.0	51.0	-10.8	77.9	16.1	55.4	-6.4
	09	62.1	-11.5	28.4	-33.7	47.3	-14.8	73.2	11.1	45.8	-16.3	51.3	-10.8	78.8	16.7	55.3	-6.8	
		10	67.1	-9.6	31.2	-35.9	53.3	-13.8	77.5	10.4	48.1	-19.0	58.7	-8.4	84.7	nd	58.5	-8.6

		HIGH SCHOOL LEVEL																							
	Students	Economically Disadvantaged				Students with Disabilities				English Learners				White		African American		Hispanic		Asian/Pacific Islander		Native American			
		% Proficient	% Proficient	Gap	% Graduating	% Proficient	% Proficient	Gap	% Graduating	% Proficient	% Proficient	Gap	% Graduating	% Proficient	% Proficient	Gap	% Graduating	% Proficient	% Proficient	Gap	% Graduating	% Proficient	% Proficient	Gap	
		MATHEMATICS				READING/ ELA				GRADUATION RATE*															
		08	09	10	11	08	09	10	11	08	09	10	11	08	09	10	11	08	09	10	11	08	09	10	11
	All Students	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Economically Disadvantaged	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Students with Disabilities	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	English Learners	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	White	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	African American	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Hispanic	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Asian/Pacific Islander	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Native American	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Proficient	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Gap	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	% Graduating	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								
	Gap	89.5	82.7	-6.8	54.3	80.9	-8.6	93.2	3.8	84.8	-4.7	84.1	-5.4	92.6	3.1	87.0	-2.5								

* Graduation rate data for school year 2010-2011 is based on the four-year adjusted cohort graduation rate calculations.
 **nd = not determined or reported for the 2008-2009 and 2009-2010 school years.
 nd = no data, not calculated due to adoption of new race/ethnicity categories for the 2010-2011 school year. The 2010-2011 subgroups are not entirely comparable to the subgroups prior to 2010-2011 due to the race/ethnicity changes.

Note: A gap for a particular year is the difference between the percentage of students proficient in the particular subject or graduating in the "all students" group and the percentage of students proficient in the subject or graduating in the indicated subgroup. A negative gap indicates that the subgroup is performing below the "all students" group; a positive gap indicates that the subgroup is performing above the all students group.

Attachment 10

A copy of the guidelines that the SEA has developed and adopted for local teacher and principal evaluation and support systems

Assembly Bill No. 222—Assemblymen Smith, Bobzien, Ocegueda, Conklin, Anderson; Atkinson, Benitez-Thompson, Carrillo, Daly, Dondero Loop, Frierson, Hansen, Hickey, Hogan, Horne, Kirner, Mastroluca, Segerblom and Stewart

Joint Sponsors: Senators Horsford and Leslie

CHAPTER.....

AN ACT relating to education; creating the Teachers and Leaders Council of Nevada; prescribing the membership and duties of the Council; requiring the State Board of Education to establish a statewide performance evaluation system for teachers and administrators; revising provisions governing the policies for the evaluation of teachers and administrators; revising the designations required of the evaluations of teachers and administrators; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Sections 4-6 of this bill create the Teachers and Leaders Council of Nevada and prescribe the membership and duties of the Council. **Section 6** requires the Council to make recommendations to the State Board of Education for the establishment of a statewide performance evaluation system for teachers and administrators employed by school districts.

Existing law requires the automated system of accountability information for Nevada to track the achievement of pupils over time and to identify which teachers are assigned to individual pupils. The information is required to be considered, but must not be the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher or other employee. (NRS 386.650) Existing law also requires the board of trustees of each school district to develop a policy for the evaluation of teachers and administrators pursuant to which the performance of an individual teacher or administrator is designated as "satisfactory" or "unsatisfactory." (NRS 391.3125, 391.3127) **Section 7** of this bill requires the State Board of Education, based upon the recommendations of the Council, to establish a statewide performance evaluation system for teachers and administrators employed by school districts. Effective July 1, 2013, the statewide performance evaluation system will require the evaluation of an individual teacher or administrator as "highly effective," "effective," "minimally effective" or "ineffective." Assembly Bill No. 229 of this session, which was enacted by the Legislature on June 2, 2011, requires that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for at least 50 percent of the evaluations of teachers and administrators. **Sections 2 and 7** of this bill make conforming changes on the use of pupil achievement data in the evaluation of teachers and administrators as the requirements on the use of that data contained in Assembly Bill No. 229. **Sections 8.5 and 9.5** of this bill require the policies for the evaluations of teachers and administrators employed by school districts to comply with the statewide performance evaluation system established by the State Board.

Until the implementation of the statewide performance evaluation system, **sections 8 and 9** of this bill provide that the policies for the evaluations of teachers



and administrators employed by school districts must require that certain information on pupil achievement which is maintained by the automated system of accountability information for Nevada account for a significant portion of the evaluation, as determined by the board of trustees.

Assembly Bill No. 229 of this session, provides that if the written evaluation of a probationary teacher or probationary administrator states that the overall performance of the teacher or administrator has been designated as "unsatisfactory," the evaluation must include a written statement which states that if the teacher or administrator has received two evaluations for the school year which designate his or her performance as "unsatisfactory" and the teacher or administrator has another evaluation remaining in the school year, the teacher or administrator may request that the remaining evaluation be conducted by another administrator. **Section 10.3** of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request if the teacher or administrator receives an "unsatisfactory" evaluation on the first or second evaluation, or both evaluations. Effective on July 1, 2013, **section 10.4** of this bill amends Assembly Bill No. 229 to provide that the probationary teacher or probationary administrator may make such a request for an outside evaluator if he or she receives an evaluation of "minimally effective" or "ineffective" on the first or second evaluation, or both evaluations.

Section 10.5 of this bill makes an appropriation to the Department of Education for the costs associated with the Teachers and Leaders Council of Nevada created by **section 5**.

EXPLANATION - Matter in *bolded italics* is new; matter between brackets [omitted-material] is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 2. NRS 386.650 is hereby amended to read as follows:

386.650 1. The Department shall establish and maintain an automated system of accountability information for Nevada. The system must:

(a) Have the capacity to provide and report information, including, without limitation, the results of the achievement of pupils:

(1) In the manner required by 20 U.S.C. §§ 6301 et seq., and the regulations adopted pursuant thereto, and NRS 385.3469 and 385.347; and

(2) In a separate reporting for each group of pupils identified in paragraph (b) of subsection 1 of NRS 385.361;

(b) Include a system of unique identification for each pupil:

(1) To ensure that individual pupils may be tracked over time throughout this State; and

(2) That, to the extent practicable, may be used for purposes of identifying a pupil for both the public schools and the Nevada



System of Higher Education, if that pupil enrolls in the System after graduation from high school;

(c) Have the capacity to provide longitudinal comparisons of the academic achievement, rate of attendance and rate of graduation of pupils over time throughout this State;

(d) Have the capacity to perform a variety of longitudinal analyses of the results of individual pupils on assessments, including, without limitation, the results of pupils by classroom and by school;

(e) Have the capacity to identify which teachers are assigned to individual pupils and which paraprofessionals, if any, are assigned to provide services to individual pupils;

(f) Have the capacity to provide other information concerning schools and school districts that is not linked to individual pupils, including, without limitation, the designation of schools and school districts pursuant to NRS 385.3623 and 385.377, respectively, and an identification of which schools, if any, are persistently dangerous;

(g) Have the capacity to access financial accountability information for each public school, including, without limitation, each charter school, for each school district and for this State as a whole; and

(h) Be designed to improve the ability of the Department, school districts and the public schools in this State, including, without limitation, charter schools, to account for the pupils who are enrolled in the public schools, including, without limitation, charter schools.

↪ The information maintained pursuant to paragraphs (c), (d) and (e) must be used for the purpose of improving the achievement of pupils and improving classroom instruction. The information must ~~be considered,~~ **account for at least 50 percent**, but must not be used as the sole criterion, in evaluating the performance of or taking disciplinary action against an individual teacher, paraprofessional or other employee.

2. The board of trustees of each school district shall:

(a) Adopt and maintain the program prescribed by the Superintendent of Public Instruction pursuant to subsection 3 for the collection, maintenance and transfer of data from the records of individual pupils to the automated system of information, including, without limitation, the development of plans for the educational technology which is necessary to adopt and maintain the program;



(b) Provide to the Department electronic data concerning pupils as required by the Superintendent of Public Instruction pursuant to subsection 3; and

(c) Ensure that an electronic record is maintained in accordance with subsection 3 of NRS 386.655.

3. The Superintendent of Public Instruction shall:

(a) Prescribe a uniform program throughout this State for the collection, maintenance and transfer of data that each school district must adopt, which must include standardized software;

(b) Prescribe the data to be collected and reported to the Department by each school district and each sponsor of a charter school pursuant to subsection 2 and by each university school for profoundly gifted pupils;

(c) Prescribe the format for the data;

(d) Prescribe the date by which each school district shall report the data to the Department;

(e) Prescribe the date by which each charter school shall report the data to the sponsor of the charter school;

(f) Prescribe the date by which each university school for profoundly gifted pupils shall report the data to the Department;

(g) Prescribe standardized codes for all data elements used within the automated system and all exchanges of data within the automated system, including, without limitation, data concerning:

- (1) Individual pupils;
- (2) Individual teachers and paraprofessionals;
- (3) Individual schools and school districts; and
- (4) Programs and financial information;

(h) Provide technical assistance to each school district to ensure that the data from each public school in the school district, including, without limitation, each charter school and university school for profoundly gifted pupils located within the school district, is compatible with the automated system of information and comparable to the data reported by other school districts; and

(i) Provide for the analysis and reporting of the data in the automated system of information.

4. The Department shall establish, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, a mechanism by which persons or entities, including, without limitation, state officers who are members of the Executive or Legislative Branch, administrators of public schools and school districts, teachers and other educational personnel, and parents and guardians, will have different types of access to the accountability information contained



within the automated system to the extent that such information is necessary for the performance of a duty or to the extent that such information may be made available to the general public without posing a threat to the confidentiality of an individual pupil.

5. The Department may, to the extent authorized by the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, and any regulations adopted pursuant thereto, enter into an agreement with the Nevada System of Higher Education to provide access to data contained within the automated system for research purposes.

Sec. 3. Chapter 391 of NRS is hereby amended by adding thereto the provisions set forth as sections 4 to 7, inclusive, of this act.

Sec. 4. *As used in sections 5 and 6 of this act, "Council" means the Teachers and Leaders Council of Nevada created by section 5 of this act.*

Sec. 5. 1. *There is hereby created the Teachers and Leaders Council of Nevada consisting of the following 15 members:*

(a) *The Superintendent of Public Instruction, or his or her designee, who serves as an ex officio member of the Council.*

(b) *The Chancellor of the Nevada System of Higher Education, or his or her designee, who serves as an ex officio member of the Council.*

(c) *Four teachers in public schools appointed by the Governor from a list of nominees submitted by the Nevada State Education Association. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.*

(d) *Two administrators in public schools appointed by the Governor from a list of nominees submitted by the Nevada Association of School Administrators and one superintendent of schools of a school district appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents. The members appointed pursuant to this paragraph must represent the geographical diversity of the school districts in this State.*

(e) *Two persons who are members of boards of trustees of school districts and who are appointed by the Governor from a list of nominees submitted by the Nevada Association of School Boards.*

(f) *One representative of the regional training programs for the professional development of teachers and administrators*



created by NRS 391.512 appointed by the Governor from a list of nominees submitted by the Nevada Association of School Superintendents.

(g) One parent or legal guardian of a pupil enrolled in public school appointed by the Governor from a list of nominees submitted by the Nevada Parent Teacher Association.

(h) Two persons with expertise in the development of public policy relating to education appointed by the Superintendent of Public Instruction. The members appointed pursuant to this paragraph must not otherwise be eligible for appointment pursuant to paragraphs (a) to (g), inclusive.

2. After the initial terms, each appointed member of the Council serves a term of 3 years commencing on July 1 and may be reappointed to one additional 3-year term following his or her initial term. If any appointed member of the Council ceases to be qualified for the position to which he or she was appointed, the position shall be deemed vacant and the appointing authority shall appoint a replacement for the remainder of the unexpired term. A vacancy must be filled in the same manner as the original appointment.

3. The Council shall, at its first meeting and annually thereafter, elect a Chair from among its members.

4. The Council shall meet at least semiannually and may meet at other times upon the call of the Chair or a majority of the members of the Council. Nine members of the Council constitute a quorum, and a quorum may exercise all the power and authority conferred on the Council.

5. Members of the Council serve without compensation, except that for each day or portion of a day during which a member of the Council attends a meeting of the Council or is otherwise engaged in the business of the Council, the member is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. A member of the Council who is a public employee must be granted administrative leave from the member's duties to engage in the business of the Council without loss of his or her regular compensation. Such leave does not reduce the amount of the member's other accrued leave.

7. The Department shall provide administrative support to the Council.

8. The Council may apply for and accept gifts, grants, donations and contributions from any source for the purpose of carrying out its duties pursuant to section 6 of this act.



Sec. 6. 1. The Council shall:

(a) Make recommendations to the State Board concerning the adoption of regulations for establishing a statewide performance evaluation system to ensure that teachers and administrators employed by school districts are:

(1) Evaluated using multiple, fair, timely, rigorous and valid methods, which includes evaluations based upon pupil achievement data as required by NRS 386.650 and section 7 of this act;

(2) Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations; and

(3) Provided with the means to share effective educational methods with other teachers and administrators throughout this State.

(b) Develop and recommend to the State Board a plan, including duties and associated costs, for the development and implementation of the performance evaluation system by the Department and school districts.

(c) Consider the role of professional standards for teachers and administrators and, as it determines appropriate, develop a plan for recommending the adoption of such standards by the State Board.

2. The performance evaluation system recommended by the Council must ensure that:

(a) Data derived from the evaluations is used to create professional development programs that enhance the effectiveness of teachers and administrators; and

(b) A timeline is included for monitoring the performance evaluation system at least annually for quality, reliability, validity, fairness, consistency and objectivity.

3. The Council may establish such working groups, task forces and similar entities from within or outside its membership as necessary to address specific issues or otherwise to assist in its work.

4. The State Board shall consider the recommendations made by the Council pursuant to this section and shall adopt regulations establishing a statewide performance evaluation system as required by section 7 of this act.

Sec. 7. 1. The State Board shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations



establishing a statewide performance evaluation system which incorporates multiple measures of an employee's performance.

2. The statewide performance evaluation system must:

(a) Require that an employee's overall performance is determined to be:

- (1) Highly effective;*
- (2) Effective;*
- (3) Minimally effective; or*
- (4) Ineffective.*

(b) Include the criteria for making each designation identified in paragraph (a).

(c) Require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for at least 50 percent of the evaluation.

(d) Include an evaluation of whether the teacher or administrator employs practices and strategies to involve and engage the parents and families of pupils.

Sec. 8. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. *The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.* The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

- (a) December 1;
- (b) February 1; and
- (c) April 1,



↳ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;



(e) If necessary, recommendations for improvements in the performance of the teacher;

(f) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

(g) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 8.5. NRS 391.3125 is hereby amended to read as follows:

391.3125 1. It is the intent of the Legislature that a uniform system be developed for objective evaluation of teachers and other licensed personnel in each school district.

2. Each board, following consultation with and involvement of elected representatives of the teachers or their designees, shall develop a policy for objective evaluations in narrative form. The policy must ~~set forth a means according to which an employee's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.~~ **comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.** The policy may include an evaluation by the teacher, pupils, administrators or other teachers or any combination thereof. In a similar manner, counselors, librarians and other licensed personnel must be evaluated on forms developed specifically for their respective specialties. A copy of the policy adopted by the board must be filed with the Department. The primary purpose of an evaluation is to provide a format for constructive assistance. Evaluations, while not the sole criterion, must be used in the dismissal process.

3. A conference and a written evaluation for a probationary employee must be concluded not later than:

- (a) December 1;
- (b) February 1; and
- (c) April 1,



↳ of each school year of the probationary period, except that a probationary employee assigned to a school that operates all year must be evaluated at least three times during each 12 months of employment on a schedule determined by the board. An administrator charged with the evaluation of a probationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 45 consecutive minutes.

4. Whenever an administrator charged with the evaluation of a probationary employee believes the employee will not be reemployed for the second year of the probationary period or the school year following the probationary period, the administrator shall bring the matter to the employee's attention in a written document which is separate from the evaluation not later than March 1 of the current school year. The notice must include the reasons for the potential decision not to reemploy or refer to the evaluation in which the reasons are stated. Such a notice is not required if the probationary employee has received a letter of admonition during the current school year.

5. Each postprobationary teacher must be evaluated at least once each year. An administrator charged with the evaluation of a postprobationary teacher shall personally observe the performance of the teacher in the classroom for not less than a cumulative total of 60 minutes during each evaluation period, with at least one observation during that 60-minute evaluation period consisting of at least 30 consecutive minutes.

6. The evaluation of a probationary teacher or a postprobationary teacher must include, without limitation:

(a) An evaluation of the classroom management skills of the teacher;

(b) A review of the lesson plans and the work log or grade book of pupils prepared by the teacher;

(c) An evaluation of whether the curriculum taught by the teacher is aligned with the standards of content and performance established pursuant to NRS 389.520, as applicable for the grade level taught by the teacher;

(d) An evaluation of whether the teacher is appropriately addressing the needs of the pupils in the classroom, including, without limitation, special educational needs, cultural and ethnic diversity, the needs of pupils enrolled in advanced courses of study and the needs of pupils who are limited English proficient;



(e) *An evaluation of whether the teacher employs practices and strategies to involve and engage the parents and families of pupils in the classroom;*

(f) If necessary, recommendations for improvements in the performance of the teacher;

~~{(f)}~~ (g) A description of the action that will be taken to assist the teacher in correcting any deficiencies reported in the evaluation; and

~~{(g)}~~ (h) A statement by the administrator who evaluated the teacher indicating the amount of time that the administrator personally observed the performance of the teacher in the classroom.

7. The teacher must receive a copy of each evaluation not later than 15 days after the evaluation. A copy of the evaluation and the teacher's response must be permanently attached to the teacher's personnel file. Upon the request of a teacher, a reasonable effort must be made to assist the teacher to correct those deficiencies reported in the evaluation of the teacher for which the teacher requests assistance.

Sec. 9. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. *The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.* The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the



superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 9.5. NRS 391.3127 is hereby amended to read as follows:

391.3127 1. Each board, following consultation with and involvement of elected representatives of administrative personnel or their designated representatives, shall develop an objective policy for the objective evaluation of administrators in narrative form. The policy must ~~set forth a means according to which an administrator's overall performance may be determined to be satisfactory or unsatisfactory. The policy must require that the information maintained pursuant to paragraphs (c), (d) and (e) of subsection 1 of NRS 386.650 account for a significant portion of the evaluation, as determined by the board.~~ ***comply with the statewide performance evaluation system established by the State Board pursuant to section 7 of this act.*** The policy may include an evaluation by the administrator, superintendent, pupils or other administrators or any combination thereof. A copy of the policy adopted by the board must be filed with the Department and made available to the Commission.

2. Each administrator must be evaluated in writing at least once a year.

3. Before a superintendent transfers or assigns an administrator to another administrative position as part of an administrative reorganization, if the transfer or reassignment is to a position of lower rank, responsibility or pay, the superintendent shall give written notice of the proposed transfer or assignment to the administrator at least 30 days before the date on which it is to be effective. The administrator may appeal the decision of the superintendent to the board by requesting a hearing in writing to the president of the board within 5 days after receiving the notice from the superintendent. The board shall hear the matter within 10 days after the president receives the request, and shall render its decision within 5 days after the hearing. The decision of the board is final.

Sec. 10. NRS 391.3197 is hereby amended to read as follows:

391.3197 1. A probationary employee is employed on a contract basis for two 1-year periods and has no right to employment after either of the two probationary contract years.

2. The board shall notify each probationary employee in writing on or before May 1 of the first and second school years of the employee's probationary period, as appropriate, whether the



employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing on or before May 10 of the first or second year of the employee's probationary period, as appropriate, of the employee's acceptance of reemployment. If a probationary employee is assigned to a school that operates all year, the board shall notify the employee in writing, in both the first and second years of the employee's probationary period, no later than 45 days before his or her last day of work for the year under his or her contract whether the employee is to be reemployed for the second year of the probationary period or for the next school year as a postprobationary employee. The employee must advise the board in writing within 10 days after the date of notification of his or her acceptance or rejection of reemployment for another year. Failure to advise the board of the employee's acceptance of reemployment constitutes rejection of the contract.

3. A probationary employee who completes a 2-year probationary period and receives a notice of reemployment from the school district in the second year of the employee's probationary period is entitled to be a postprobationary employee in the ensuing year of employment.

4. If a probationary employee receives notice pursuant to subsection 4 of NRS 391.3125 not later than March 1 of a potential decision not to reemploy him or her, the employee may request a supplemental evaluation by another administrator in the school district selected by the employee and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in this State. If a probationary employee has received during the first school year of the employee's probationary period three evaluations which state that the employee's overall performance has been ~~{satisfactory,}~~ **highly effective or effective**, the superintendent of schools of the school district or the superintendent's designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of the employee's probationary period is waived. Such an employee is entitled to be a postprobationary employee in the ensuing year of employment.

5. If a probationary employee is notified that the employee will not be reemployed for the second year of the employee's probationary period or the ensuing school year, his or her employment ends on the last day of the current school year. The



notice that the employee will not be reemployed must include a statement of the reasons for that decision.

6. A new employee or a postprobationary teacher who is employed as an administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an ~~unsatisfactory~~ evaluation *indicating that his or her performance is minimally effective or ineffective* during the first year of probation, the superintendent or the superintendent's designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment. If:

(a) A postprobationary teacher who is an administrator is not reemployed as an administrator after either year of his or her probationary period; and

(b) There is a position as a teacher available for the ensuing school year in the school district in which the person is employed, the board of trustees of the school district shall, on or before May 1, offer the person a contract as a teacher for the ensuing school year. The person may accept the contract in writing on or before May 10. If the person fails to accept the contract as a teacher, the person shall be deemed to have rejected the offer of a contract as a teacher.

7. An administrator who has completed his or her probationary period pursuant to subsection 6 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the administrator serving the additional probationary period is not reemployed as a principal after the expiration of the additional probationary period, the board of trustees of the school district in which the person is employed shall, on or before May 1, offer the person a contract for the ensuing school year for the administrative position in which the person attained postprobationary status. The person may accept the contract in writing on or before May 10. If the person fails to accept such a contract, the person shall be deemed to have rejected the offer of employment.

8. Before dismissal, the probationary employee is entitled to a hearing before a hearing officer which affords due process as set out in NRS 391.311 to 391.3196, inclusive.



Sec. 10.3. Section 9 of Assembly Bill No. 229 of this session is hereby amended to read as follows:

Sec. 9. 1. *If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as "unsatisfactory":*

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive an 'unsatisfactory' evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. *If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:*

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. *If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or probationary administrator in correcting those deficiencies.*



Sec. 10.4. Section 20 of Assembly Bill No. 229 of this session is hereby amended to read as follows:

Sec. 20. Section 9 of this act is hereby amended to read as follows:

Sec. 9. 1. If a written evaluation of a probationary teacher or probationary administrator designates the overall performance of the teacher or administrator as ~~["unsatisfactory"]~~ **"minimally effective" or "ineffective"**:

(a) The written evaluation must include the following statement: "Please be advised that, pursuant to Nevada law, your contract may not be renewed for the next school year. If you receive ~~[an 'unsatisfactory']~~ a **'minimally effective' or 'ineffective'** evaluation on the first or second evaluation, or both evaluations for this school year, and if you have another evaluation remaining this school year, you may request that the evaluation be conducted by another administrator. You may also request, to the administrator who conducted the evaluation, reasonable assistance in correcting the deficiencies reported in the evaluation for which you request assistance, and upon such request, a reasonable effort will be made to assist you in correcting those deficiencies."

(b) The probationary teacher or probationary administrator, as applicable, must acknowledge in writing that he or she has received and understands the statement described in paragraph (a).

2. If a probationary teacher or probationary administrator requests that his or her next evaluation be conducted by another administrator in accordance with the notice required by subsection 1, the administrator conducting the evaluation must be:

(a) Employed by the school district or, if the school district has five or fewer administrators, employed by another school district in this State; and

(b) Selected by the probationary teacher or probationary administrator, as applicable, from a list of three candidates submitted by the superintendent.

3. If a probationary teacher or probationary administrator requests assistance in correcting deficiencies reported in his or her evaluation, the administrator who conducted the evaluation shall ensure that a reasonable effort is made to assist the probationary teacher or



probationary administrator in correcting those deficiencies.

Sec. 10.5. 1. There are hereby appropriated from the State General Fund to the Department of Education the following sums for the costs associated with the Teachers and Leaders Council of Nevada created by section 5 of this act:

For the Fiscal Year 2011-2012.....\$24,000
For the Fiscal Year 2012-2013.....\$8,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal years by the Department of Education or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 21, 2012, and September 20, 2013, respectively, by either the Department of Education or the entity to which the money from the appropriation was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 21, 2012, and September 20, 2013, respectively.

Sec. 11. The Teachers and Leaders Council of Nevada created by section 5 of this act shall, not later than June 1, 2012, submit to the State Board of Education the recommendations of the Council for the adoption of regulations establishing a statewide performance evaluation system for teachers and administrators pursuant to section 7 of this act.

Sec. 12. On or before June 1, 2013, the State Board of Education shall, based upon the recommendations of the Teachers and Leaders Council of Nevada submitted pursuant to section 6 of this act, adopt regulations establishing a statewide performance evaluation system for teachers and administrators that complies with section 7 of this act.

Sec. 13. Each school district in this State shall, not later than the 2013-2014 school year, implement a performance evaluation policy for teachers and administrators that complies with the statewide performance evaluation system established by the State Board of Education pursuant to section 7 of this act.

Sec. 14. The appointed members of the Teachers and Leaders Council of Nevada created by section 5 of this act must be appointed to initial terms as follows:

1. The Governor shall appoint to the Council the members described in:



(a) Paragraph (c) of subsection 1 of section 5 of this act to initial terms of 2 years.

(b) Paragraphs (d) and (e) of subsection 1 of section 5 of this act to initial terms of 3 years.

(c) Paragraphs (f) and (g) of subsection 1 of section 5 of this act to initial terms of 1 year.

2. The Superintendent of Public Instruction shall appoint to the Council the members described in paragraph (h) of subsection 1 of section 5 of this act to initial terms of 3 years.

Sec. 15. 1. This section and sections 3 to 8, inclusive, 9, 10.3, 10.5 and 11 to 14, inclusive, of this act become effective on July 1, 2011.

2. Sections 1, 2, 8.5, 9.5, 10 and 10.4 of this act become effective on July 1, 2013.



Attachment 11A

Evidence that the SEA has adopted all of the guidelines for local teacher and principal evaluation and support systems

**Uniform Performance Evaluation of
Teachers and Administrators in Nevada**

System Guidelines White Paper

February 17, 2012 Edition

Nevada Teachers and Leaders Council (TLC)
February 2012

Nevada Teachers and Leaders Council Membership

Pamela Salazar, Chair	Representing Nevada Regional Professional Development Program
Barbara Surritte-Barker, Vice Chair	Representing Teachers
Linda Archambault	Representing School Administrators
Christine Cheney	Designee for Chancellor of Nevada System of Higher Education
Theresa Crowley	Representing Teachers
Rorie Fitzpatrick	Designee for State Superintendent of Public Instruction
Kathleen Galland-Collins	Representing Teachers
Sharla Hales	Representing School Board Members
Robert McCord	Appointed Expert in Education Policymaking
Theo McCormick	Representing School Board Members
Heath Morrison	Representing School Superintendents
Dale Norton	Representing School Administrators
Mary Peterson	Appointed Expert in Education Policymaking
Theodore Small	Representing Teachers
Kimberly Tate	Representing Parents

Overview

This *Systems Guidelines White Paper* sets forth preliminary recommendations established by the Nevada Teachers and Leaders Council (TLC). It is expected that this document will be useful in informing diverse stakeholders about the preliminary thinking of the TLC, and that it will be especially relevant for Nevada school districts as they engage in planning efforts about current and/or future expansion or revision of existing teacher and administrator evaluation systems. The document explains why this change is happening, describes the background behind the creation of the TLC, and addresses the opportunities the work of the TLC presents. The paper also documents the beliefs the TLC has identified which will drive final recommendations, the goals and purposes of the evaluation system, and the categories of performance against which teachers and administrators will be evaluated. Also noted are considerations with regard to balancing local autonomy and priorities with statewide uniformity, as well as initial thinking with regard to purposefully phasing in a new statewide evaluation system. Lastly, the appendix contains a set of definitions to support understanding of the terms associated with the development of the performance evaluation system and the content of this document.

Introduction

Enhancing educator evaluation presents Nevada with an unprecedented opportunity for systemic reform that can initiate the process of repositioning Nevada at the top in education. Educator evaluation can serve as the foundation to increasing educator effectiveness, retention, and equitable distribution of effective teachers and administrators. Nevada has an opportunity to recognize this strong connection by aligning educator preparation and licensure, student standards, curriculum and instruction, and in-service professional learning with educator performance evaluations.

Promoting educator voice in the design and implementation of performance evaluation is imperative so that the model is perceived as fair, accurate, and useful for the stakeholders it is designed to support. Therefore, educators should be considered integral to the design process. Building a system whereby educators consider the process equally advantageous, and not as happening to them, will go a long way in gaining stakeholder support and improving teacher capacity and student outcomes. Such a system presents opportunities for:

Students to:

- be taught and supported by a highly effective educator
- meet academic expectations – graduating from school college and career ready
- take on ownership for their own learning
- have a voice in determining the performance evaluation of educators

Educators to:

- positively impact the achievement of students in Nevada
- grow professionally through targeted, sustained professional development and other supports
- monitor student growth, identify quality instructional practices, share effective educational methods with colleagues, and for effective practice to be acknowledged and rewarded

- reflect upon practice and take ownership for their professional growth
- participate in constructive dialogue and obtain specific, supportive feedback from evaluators

Districts/Schools to:

- ensure all students are taught by a highly effective educator
- ensure that all educators are adequately supported
- allocate resources and supports based upon identified needs
- make more informed human capital decisions
- provide educators with clear performance expectations aligned to professional responsibilities

The Need for Systems Change

National research (Reform Support Network, 2011) has demonstrated that too few current educator evaluation systems are effectively used to: provide teachers and administrators with the training and tools they need to be effective; better identify and meet individual professional development needs; provide targeted intervention to help struggling educators; make personnel decisions; and reward the accomplishments of effective educators. Implementation of evaluation systems has been perceived as a perfunctory exercise, with insufficient measurement of characteristics directly linked to student achievement. In a national analysis of evaluation systems, the New Teacher Project study *The Widget Effect* (2009) found many design flaws with evaluation systems, including the following considerations:

- infrequent evaluations
- evaluations not focused on behaviors and practices having a focused impact on student learning
- evaluation ratings of “satisfactory” and “unsatisfactory”, a “pass/fail” system making it impossible to differentiate great teaching from good, good from fair, and fair from poor, and whereby 99% of educators in many districts earned a “satisfactory” rating
- evaluations that did not provide useful feedback on classroom instruction, and
- lack of use of evaluation results to make important decisions about development, compensation, tenure or promotion.

At the same time that evaluation systems have come under fire, years of research tell us that providing students with effective teachers is the most important variable for achieving student success (New Teacher Project, 2009). Key to this success is the articulation of expectations for teachers, and the implementation of models of supervision that are aligned to standards. We also know that effective teachers must be supported by effective administrators. Quality Counts (2012) gives Nevada an overall grade of C- for the Teaching Profession, with a C for accountability for quality and a D for building and supporting capacity. Clearly change is needed within the state.

Ten years of collecting and analyzing “highly qualified” personnel data, as gathered in response to the No Child Left Behind Act (NCLB), have revealed that assessing educator capacity and impact is much deeper than considerations of licensure and years of experience. Accordingly, national and state reform agendas to improve educational outcomes for PreK-12 students have begun in earnest in the last three

years to shine a spotlight on educator evaluation systems. As spurred by the Obama Administration's Blueprint for Reform: The Reauthorization of the Elementary and Secondary Education Act (ESEA), competitive Race to the Top funding was made available to incentivize states and districts to focus on assessing and developing educator capacity, including using student achievement data as a central measure to diagnose and classify educator success. In 2010, then-Governor Gibbons created the Nevada Blue Ribbon Task Force, which was charged with developing a set of recommendations for overall reform of public education for Nevada's children. A central tenet for the reform agenda that emerged was that every student should be taught by a great teacher and every school building should be led by a great administrator, and that in order to accomplish these outcomes, changes were needed in Nevada statute and regulations, including a need to establish a uniform performance evaluation system for Nevada educators.

Nevada's Directive

In 2011, Assembly Bill 222 — as approved in a bi-partisan effort of the Nevada Legislature and embraced by Governor Sandoval — created the Teachers and Leaders Council (TLC) and requires this body to submit recommendations to the State Board of Education concerning the adoption of regulations for establishing a statewide uniform performance evaluation system for teachers and site-based administrators. A first set of recommendations will be presented to the Board by June 1, 2012, with final recommendations to be presented to the Board on December 6, 2012. Based upon the recommendations, and after obtaining stakeholder input, the State Board of Education shall adopt regulations establishing a statewide evaluation system no later than June 1, 2013.

AB 222 specifically states that teacher and administrators are to be:

- Evaluated using multiple, fair, timely, rigorous and valid methods which includes pupil achievement data (as required by NRS 386.650) to account for at least 50% of the evaluation
- Evaluated on use of practices and strategies to involve and engage the parents and families of pupils in the classroom
- Afforded a meaningful opportunity to improve their effectiveness through professional development that is linked to their evaluations
- Provided the means to share effective educational methods with other teachers and administrators throughout the State
- Classified under a four-tier design in which each teacher and administrator must be rated as highly effective, effective, minimally effective, or ineffective.

Guiding Beliefs for a New Educator Evaluation System

The following beliefs support an underlying vision for all educators to be supported in their development to be effective so that all students master standards and attain essential skills to graduate high school ready for college and highly skilled for career success. Accordingly, the TLC believes that:

- Educators will improve through effective, targeted professional development, as identified through the evaluation process and connected to district improvement plans/goals, that informs and transforms practice.

- An effective evaluation system must include clear expectations for both professional practice and student growth as well as fair, meaningful, and accurate feedback.
- The evaluation process will engage stakeholders in a collaborative process that informs practice and positively influences the school and community climate.
- The evaluation system must include student, teacher, and administrator achievement and performance as measured over time using multiple measures, multiple times, over multiple years.
- An effective evaluation system must include observation of practice.
- Educator evaluations must be consistent with and supported by federal, state, district, and school-level systems.
- A consistent and supportive teacher and administrator evaluation system includes opportunities for self-reflection and continuous, measurable feedback to improve performance of students, teachers, administrators, and the system.
- The evaluation system is a part of a larger professional growth system that consistently evolves and improves to support the teachers and administrators that it serves.
- The evaluation system is implemented with fidelity, ensuring that all educators and evaluators are adequately trained.

Evaluation System Goals*

To improve performance for all educators and students, Nevada will develop and implement an accountability framework that:

1. Fosters student learning and growth
2. Improves educators' effective instructional practices
3. Informs human capital decisions based on a professional growth system
4. Engages stakeholders in the continuous improvement and monitoring of a professional growth system.

* These goals may be refined over the course of recommendations development.

Main Purposes of the Evaluation Framework**

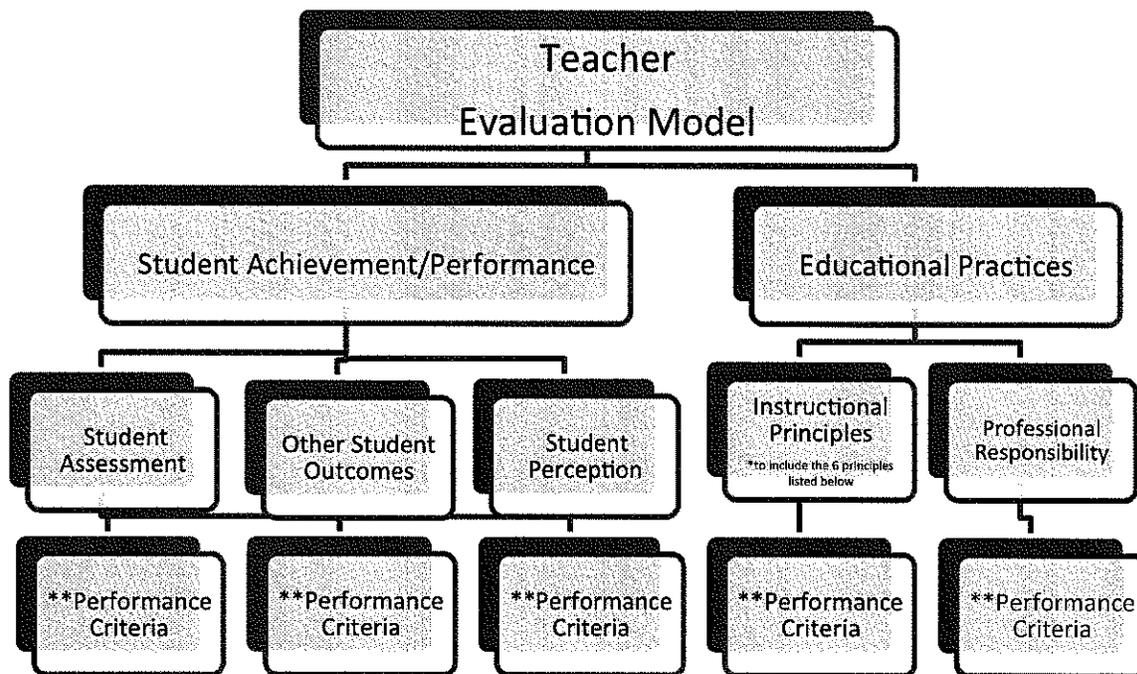
The overall purpose of Nevada's Educator Evaluation Framework is to identify effective instruction and leadership, and to establish criteria to determine:

- whether educators are helping students meet achievement targets and performance expectations (*supports goals 1 & 4*)
- whether educators are effectively engage families (*supports goals 1 & 2*)
- whether educators are collaborating effectively (*supports goals 1, 2, & 3*)
- the professional development needs of educators (*supports goals 1, 2, 3 & 4*)
- human capital decisions including rewards and consequences (*supports goal 3*)
- educators who use data to inform decision making (*supports goals 1, 2 & 4*)

**These purposes may be modified as the TLC work continues and as the evaluation framework is implemented, researched, and validated.

Categories of Performance/Evidence for Evaluation

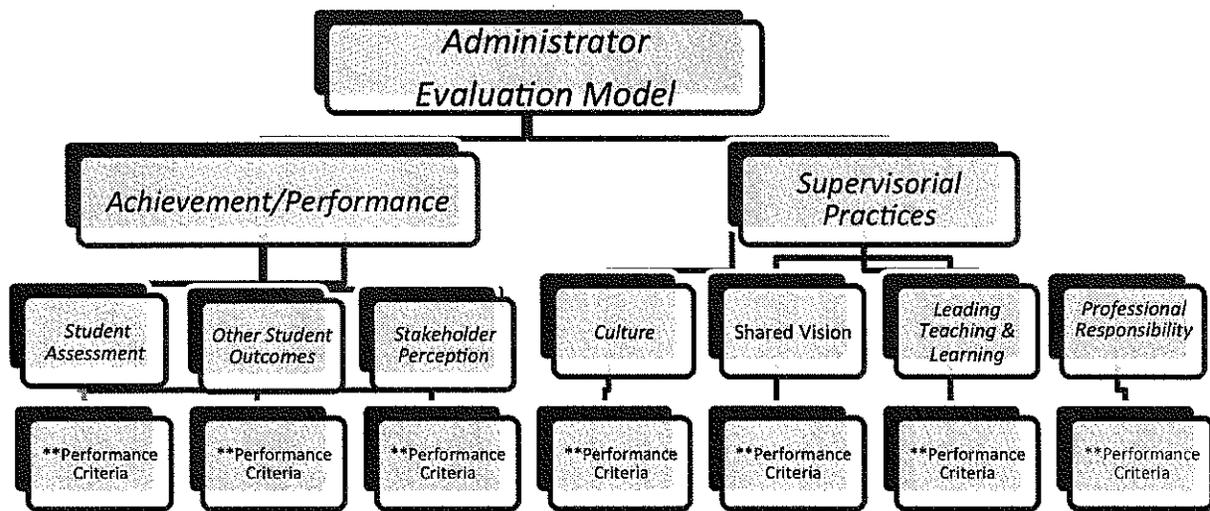
The working framework represented below characterizes the draft categories of performance/evidence in which teachers and administrators will be evaluated. The TLC believes that the teacher and administrator categories of performance should align. Decisions related to the percentage of each category have not been determined as of the publication date of this *Systems Guidelines White Paper*.



* Instructional Principles

1. New learning is connected to something already learned (knowledge base, prior experience).
2. Students are clear about intended learning and performance criteria.
3. Learning tasks have high cognitive demand for diverse learners.
4. Students engage in meaning-making through discourse and other strategies.
5. Students engage in metacognitive activity.
6. Assessment is integrated into teaching and learning.

***Performance criteria will be established during March-May, 2012.*



***Performance criteria will be established during March-May, 2012.*

Statewide Uniformity & Local Implementation Considerations

This content will be discussed during the TLC meeting on March 5, 2012 in Las Vegas.

Evaluation Models, Indicators, Measures, and Performance Criteria

The TLC will need to recommend characteristics of the model(s) (i.e., system by which the measures are combined to make performance decisions) to be used to evaluate educator effectiveness and indicators/measures that operationalize the potential models. Issues related to the indicators and measures are anticipated to include:

- Review of research and documentation on potential classes of indicators, as well as performance criteria (e.g., validation studies, description of where they have been employed);
- Description of potential measures to be used within each class of indicators;
- Advantages of using potential indicators and measures;
- Challenges facing successful implementation of potential indicators and measures

The choice of model(s) is related to but somewhat independent to the selection of indicators/measures. Issues related to selection of the model are anticipated to include:

- Determination if certain indicators and/or measures are mandatory or illustrative;
- Pros and cons of the State developing sample effectiveness models;
- Potential subscores within each measure;
- Pros and cons of various methodologies for combining the various measures to obtain a rating of highly effective, effective, minimally effective, or ineffective;

- Design studies to evaluate the implementation of local educator effectiveness models as part of a state continuous improvement plan.

Stakeholder Involvement and Communication

The TLC recognizes that evaluation systems are more likely to be accepted, successfully implemented, and sustained if stakeholders are included in the design, implementation, and revision process. Beyond stakeholder representation within the TLC, the council anticipates the possibility of stakeholder input throughout the process via surveys, focus groups, and/or town hall meetings. Information gained from these sources will be used to design and/or modify the evaluation system accordingly. Additionally, the TLC anticipates developing a strategic communication plan portraying a clear and consistent message and detailing steps for the broader school community about implementation efforts, results, and future plans for implementation. The specifics of this work will be determined during the meeting of the TLC on March 5, 2012 in Las Vegas.

Differentiating the Evaluation Framework

The TLC believes that setting high expectations for educators across all teaching and supervisory contexts is critical to improving student outcome and school systems. However, there may be situations in which the instructional practices, roles, and responsibilities vary according to content, student populations, and discipline. As indicators and measures are determined and the work of the TLC ensues, the TLC will consider the need for differentiation based on the role of the educator given differences in assignments and responsibilities. The TLC will consider whether the indicators and measures would vary according to:

- the specific role and responsibilities of the educator;
- the grade level (e.g., elementary, middle, and/or high school)
- the level of experience
- the context in which they work (e.g., co-teaching)
- the performance level (e.g., the need for more intensive services)

Purposefully Phased-in Implementation

In order to realize desired results, the TLC believes the evaluation framework must be developed and staged in a calculated and thoughtful manner so that expectations for both performance and assessment are clearly articulated and fidelity is maintained throughout implementation. The TLC will continue to deliberate over the appropriate phase-in process to ensure quality implementation and outcomes.

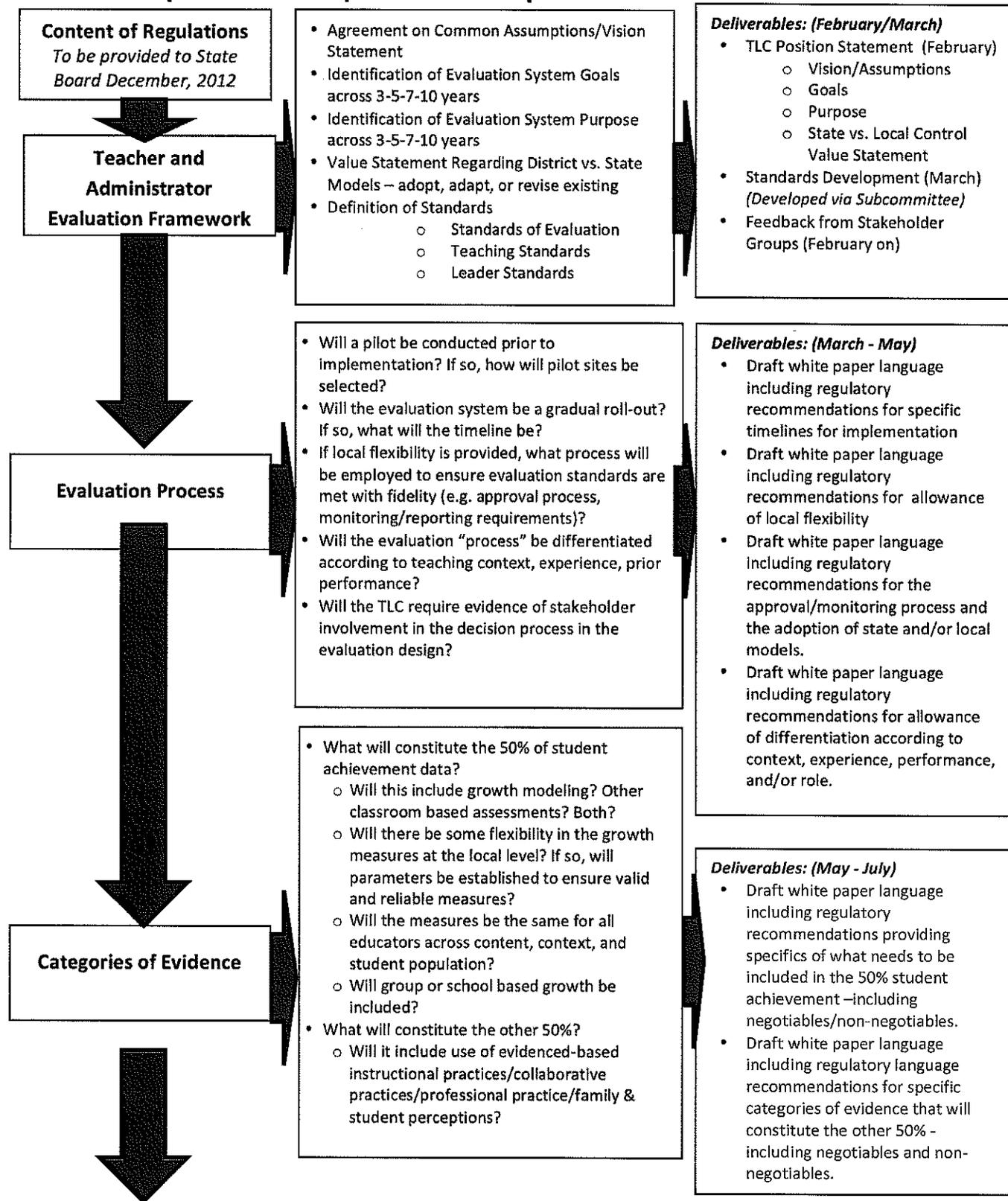
Development and Implementation Timeline

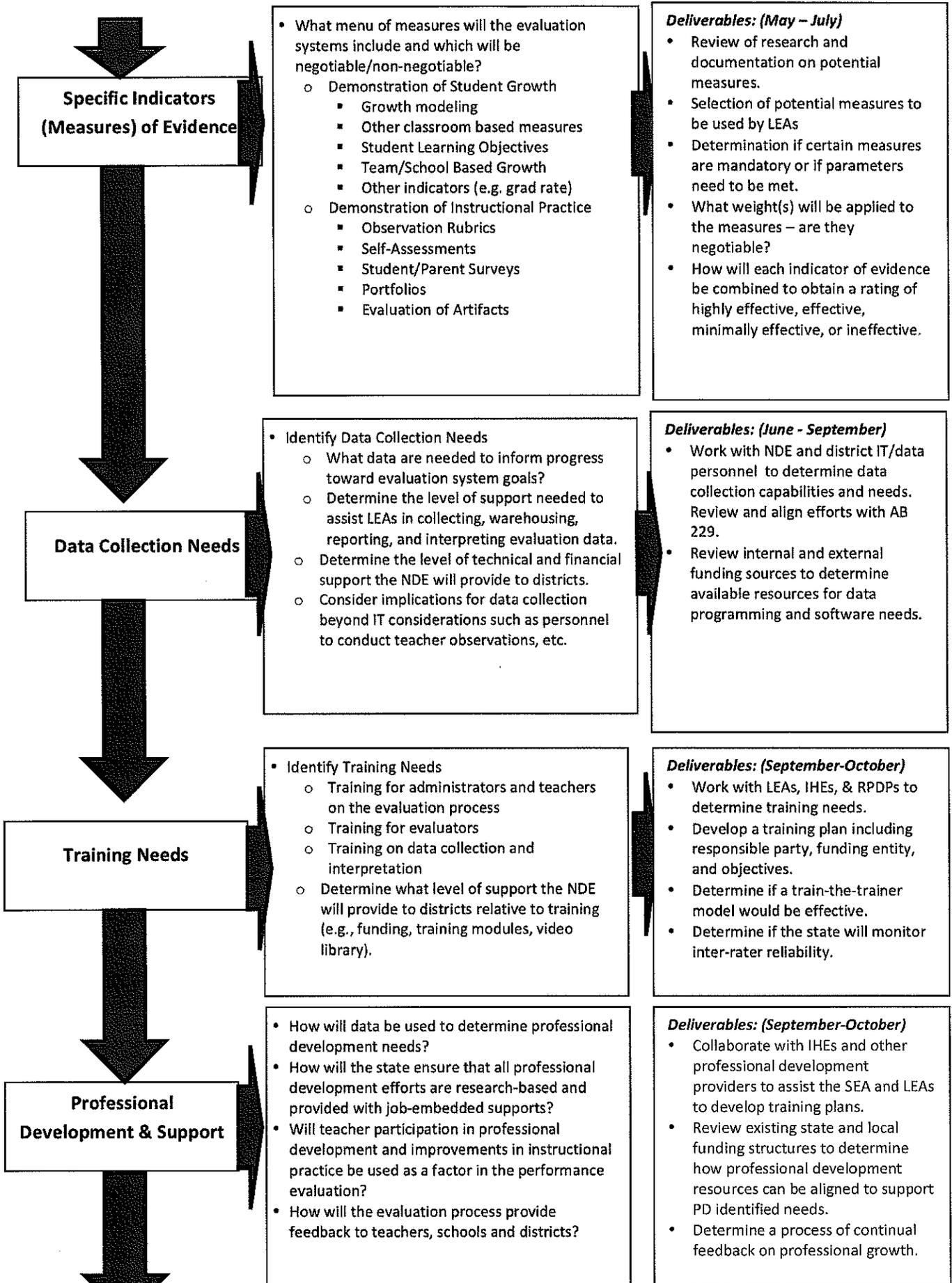
Given the rigorous timeline, the tasks facing the TLC are considerable and may be well beyond the capacity of the TLC alone. Therefore, the TLC may commission the efforts of technical assistance agencies to carry out specific deliverables with the understanding that the work will be directed by the

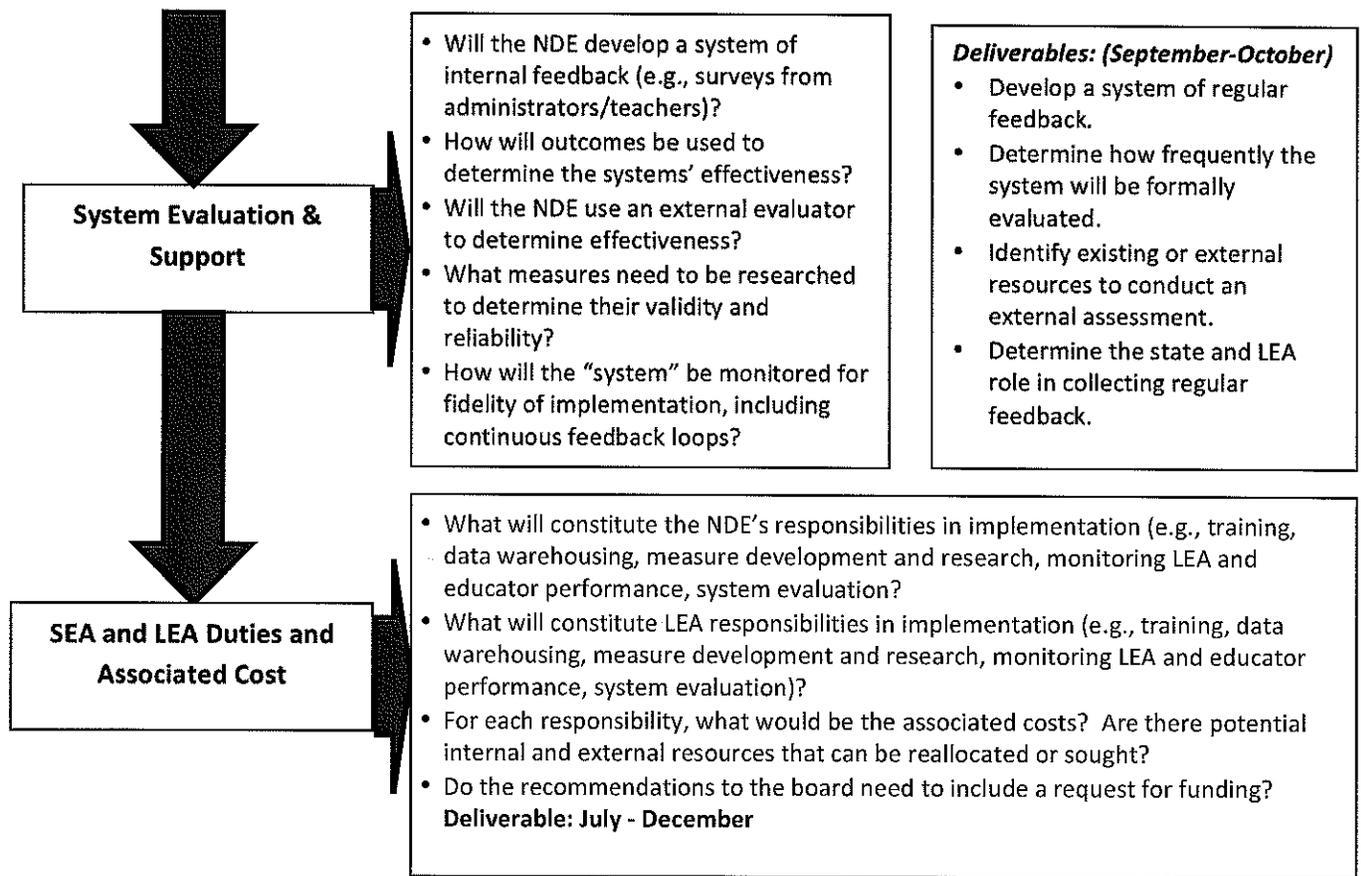
TLC. Included below is a tentative development and implementation timeline that will guide the work of the TLC.

Teachers and Leaders Council (TLC)

Proposed Development and Implementation Timeline







Stakeholder Involvement and Communication (On-going -beginning in February, 2012)

- Determine the appropriate stakeholders to assist in designing the evaluation framework.
- Identify how stakeholders will be used to determine effectiveness and need for modification.
- Determine how frequent feedback should be sought. Determine a method to obtain stakeholder feedback (e.g., town meetings, forums, surveys).
- Develop a mode of communication to keep stakeholder informed (e.g., website, emails, public announcements)
- Identify resources to communicate messages from the TLC.

TLC Glossary

Administrator - An individual within the school serving in a managerial or supervisory role, including principals and assistant principals. Administrators are generally charged with the evaluation of teaching and teachers, as well as curriculum and program development within the school.

Data - Information, including classroom observations, student achievement scores and artifacts, gathered during the evaluation process for determining teacher/administrator performance.

Defensible – Having grounds to deem a conclusion or judgment valid and reliable based on various measures and assessments.

Educator – within this context, inclusive of all teachers and administrators at a school level.

Evaluator - The individual in an evaluation system that collects educator data, analyzes the data, and collaborates with educators to make judgments regarding performance.

Feedback - Information and/or recommendations given to an educator about performance which is based on evaluation results. Feedback is intended to provide insight to the educator so that professional learning can be targeted and improvements in performance can be achieved.

Indicator - Categories of evidence used to determine effectiveness.

Measure- One component used to assess educator performance that is used to determine the total performance rating. A measure could be classroom observations, student achievement scores, student surveys or the evaluation of artifacts.

Model - The system by which the measures are combined to make overall performance decisions.

Performance Criteria - A quantifiable measurement that defines and gauges progress toward an established goal/standard.

Professional Development - The process by which teachers' and principals' competencies and capacities are increased. This includes all types of professional learning activities including professional development sessions, job-embedded support, coaching, observing and/or mentoring, peer reviews etc.

Reliability - The extent to which an assessment or tool is consistent in its measurement. There are several types of reliability:

- ***intra-rater*** - the degree to which an assessment yields the same result when administered by the same evaluator on the same teacher at different times
- ***inter-rater*** - the degree to which an assessment yields the same result when administered by different evaluators on the same teacher at the same time
- ***internal consistency*** - the degree to which individual components of an assessment consistently measure the same attribute
- ***test/retest*** - the degree to which an assessment yields the same result over time of the same teacher

Student Achievement - The performance of a student on a particular measure (usually a standardized assessment) at a single point in time.

Teacher and Administrator Evaluation Framework - The outline of the approach used to evaluate the effectiveness of teachers and administrators.

Validity- The extent to which an assessment or tool measures what it intends to measure..

Weight - The adjustment of a given measure to reflect importance and/or reliability that determines the influence of the overall performance rating. For instance, the educator observation rubric may account for 40% of the overall performance rating.