

**NEVADA DEPARTMENT OF EDUCATION
REGULATION WORKSHOP
DECEMBER 6, 2019
9:00 A.M.**

Meeting Locations:

Office	Address	City	Meeting Room
Department of Education	2080 E. Flamingo Rd.	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson City	Board Room

SUMMARY MINUTES OF THE REGULAR MEETING

(Video Conferenced)

DEPARTMENT STAFF PRESENT

In Las Vegas

Seng Dao Yang Keo, Director of the Office of Student and School Support
Gabrielle Lamarre, Education Programs Supervisor
Britney Martin, Program Officer

In Carson City

Jonathan Moore, Deputy Superintendent of Student Achievement
Sarah Nick, Management Analyst III
Tracy Moore, Education Programs Professional
Will Jensen, Director of Inclusive Education
Amelia Thibault, Executive Assistant

AUDIENCE IN ATTENDANCE

In Las Vegas

Dan Musgrove, Nevada Strategies 360
Jamie Smith, Nevada Connections Academy
Allison Stephens, Nevada PEP

In Carson City

Chris McBride, Nevada Connections Academy
Mary Kay Koch, Nevada Connections Academy
Ryan Herrick, State Public Charter School Authority
Mary Pierczynski, Nevada Association of School Superintendents
Lindsay Anderson, Washoe County School District
Jen Van Tress, Washoe County School District
Bryn La Penta, Washoe County School District
Debbie Annand, Washoe County School District

1: Call to Order

Meeting called to order at 9:06 AM by Dr. Jonathan Moore, Deputy Superintendent of Student Achievement.

2: Public Comment #1

No public comment.

3: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388D, which pertain to Regulations to Carry out the Nevada National Guard Youth Challenge Program (Information/Discussion)

[Workshop called to order at 9:08 AM.]

[Presentation]

Gabrielle Lamarre, Education Program Supervisor, and Britney Martin, Program Officer, from the Office of Student and School Support, Nevada Department of Education, presented an overview of proposed amendments to NAC Chapter 388D.

SB 295 creates the Nevada National Guard Youth Challenge Program to be administered by the Office of the Military for the purposes of educating, training, and mentoring youth who have dropped out or are at risk of dropping out of high school. §7-21 outline the requirements for the operation of the program in partnership with the Nevada Department of Education (“Department”). The Challenge Program provides an alternative pathway to a high school diploma or its equivalent to eligible students. A Challenge school is a co-ed public high school designed to cater to the academic, social-emotional, and behavioral needs of students aged 16-18 who are credit deficient and at risk for non-promotion. Students attend both a residential and a non-residential version of the program where they participate in standard instructional coursework, mentoring, and training in the A-core components of the program, which are academic excellence, health and hygiene, job skills, leadership, life coping skills, physical fitness, responsible citizenship, and service to the community. 28 states across the country currently offer the Program to students and their families. The Department’s hope is that this initiative will be able to offer a pathway to success for a more vulnerable demographic. The Department and the Office of the Military will work collaboratively to adopt regulations to carry out the provisions of §7-21 of SB 295, which includes pupil enrollment, eligibility, apportionment, curriculum, and crediting.

[No public comment.]

[Workshop adjourned at 9:12 AM.]

4: Workshop to Solicit Comments on Proposed Amendments to NAC 388, which pertain to Charter Schools that Offer a Full-time Program of Distance Education (Information/Discussion)

[Workshop called to order at 9:12 AM.]

[Presentation]

Tracy Moore, Education Program Professional, from the Office of Career Readiness, Adult Learning & Educational Options, Nevada Department of Education, presented an overview of proposed amendments to NAC Chapter 388.

The Department would like to revise NAC 388.850 for the removal of language which is not in line with SB 441 (2019). Existing law requires a pupil who wishes to enroll full time in a program of distance education to receive written permission from the Board of Trustees in the school district in which the

pupil resides. §3 of SB 441 removes that requirement, and the Department proposes to amend the NAC to reflect this.

[Public comment]

Dr. Chris McBride, Superintendent of Nevada Connections Academy, provided suggestions on distance education, specifically in the context of enrollment and withdrawal. *(A complete copy of his statement is attached in Appendix A).*

Mary Kay Koch, Assistant Principal, Nevada Connections Academy Middle School, provided suggestions on distance education, specifically in the context of social and emotional well-being and learning. *(A complete copy of her statement is attached in Appendix A).*

Jamie Smith, Community Outreach Coordinator, Nevada Connections Academy, provided suggestions on distance education, specifically in the context of evaluation frameworks and unique issues with student mobility. *(A complete copy of his statement is attached in Appendix A).*

[Workshop adjourned at 9:23 AM.]

5: Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388.320, which pertain to Regulations to Carry out the Reimbursements to a (In or Out of State) Hospital or other Facility for the Cost of Providing Educational Services to a Pupil *(Information/Discussion)*

[Workshop called to order at 9:24 AM.]

[Presentation]

Will Jensen, Director of Inclusive Education, Nevada Department of Education, presented an overview of proposed amendments to NAC Chapter 388.320.

SB 485 expands current reimbursement policies, to hospitals or facilities in Nevada which are serving students in current school districts, to include any hospital or facility serving Nevada students in the United States or U.S. Territories. The Department worked with the Legislature to ensure that certain elements were included in the bill, specifically in regards to students with disabilities, but regulations are required to address all students who are served in facilities throughout the United States. SB 485 has language which requires that Nevada State Law be observed in the treatment of students, even when those students are being served in another state; for example, 19 states still permit corporal punishment, and the Department sought to ensure that funding would not be provided for actions which, in Nevada, could lead to discipline or termination. While the Department worked to clarify LEA status and contact with home districts, to have clear methods for tracking enrollment, attendance, and academic or social-emotional progress, and to ease creation of a reintegration plan for when students are ready to return to their home district, NDE is soliciting comments regarding regulations on these topics, as well as the process by which reimbursement is sought.

Director Jensen also noted that there was viability in digitizing the process.

[Public comment]

Dan Musgrove, Vice President of Nevada Strategies 360, on behalf of United Health Services Behavioral Health Hospitals, voiced a concern regarding reimbursement to current out-of-state facilities providing services to Nevada students. *(A complete copy of his statement is attached in Appendix A).*

[Workshop adjourned at 9:34 AM.]

6: Public Comment #2

No public comment.

7: Adjournment

Meeting adjourned at 9:34 AM by Dr. Jonathan Moore, Deputy Superintendent of Student Achievement.

Appendix A: Statements Given During Public Comment

1. Dr. Chris McBride, Superintendent of Nevada Connections Academy, on agenda item 4, Distance Education.
2. Mark Kay Koch, Assistant Principal, Nevada Connections Academy Middle School, on agenda item 4, Distance Education.
3. Jamie Smith, Community Outreach Coordinator, Nevada Connections Academy, on agenda item 4, Distance Education. (*For a copy of the attachment referenced in his statement, please see Appendix B*)
4. Dan Musgrove, Vice President, Nevada Strategies 360, on agenda item 5, Reimbursements to In or Out of State Hospitals or Facilities providing Educational Services.

Item A1, Chris McBride

Good morning, I'm Chris McBride the Superintendent of Nevada Connections Academy. I was engaged with various stakeholder groups throughout the development and ultimate passage of SB 441. I and my fellow Nevada Connections Academy speakers are here to present material elements for a framework for charter schools that offer full-time distance education. These will include my comments; social and emotional learning elements; and additional regulations.

Again, I am here this morning to comment on regulations that NDE will adopt pertaining to charter schools that offer full-time distance education programs. A separate comment will be made related to evaluating the efficacy of virtual schools and this public comment focuses specifically on regulations outside the context of the evaluation of school performance.

First, it is important to set students and families up for success by allowing schools, should they choose, to require orientations for both students and caretakers before being eligible for enrollment so that they understand the expectations and critical factors necessary for a successful virtual school experience prior to making any decisions to enroll. Currently too many students and families enroll in virtual schools and do not experience success because they had misconceptions about what is involved and required for optimal learning.

Second, as it takes time for students to successfully orientate into a virtual school experience, virtual schools should have the ability to close enrollment during each semester to ensure student success.

Third, for many students who do not experience success in virtual schooling it is often as a result of their not engaging with the school in a manner that is required for them to have success. Virtual schools lack some of the tools that are available in brick and mortar schools to compel engagement. Due to these facts, it is important that virtual schools have the ability to withdraw students for disengagement. We believe that schools should have the autonomy for this process and that virtual charter schools be required to develop student engagement policies that are published in their handbooks.

I would be happy to answer any questions or participate in any discussions or work groups as NDE engages in this regulatory process. Thank you for your time this morning.

Item A2, Mary Kay Koch

Good morning, my name is Mary Kay Koch, I'm the middle school assistant principal with Nevada Connections Academy. I am here to speak on Social and Emotional Well-Being & Learning

Virtual schools attract and serve highly mobile students with complex needs that are known to impact academic performance. These needs include, among others, mental and physical health concerns, bullying and safety, students looking to be challenged academically, students trying to catch up on credits, and students requiring flexible scheduling. These characteristics create a unique student population that simply differs from traditional brick-and-mortar schools.

For that reason, as virtual school educators, we hold ourselves accountable for two important steps at the beginning of each student's journey:

First, we must ensure that we help all new students become ready to learn. That means that we as a school community must commit to creating a learning environment that is safe, stable, and supportive using trauma-informed practices and training and other best practices related to supporting the whole child.

Second, we must help them learn to learn -- or develop the skills necessary to be effective learners. We do so by actively teaching both students and teachers those essential social-emotional Learning skills that have a demonstrated impact on academic achievement, positive social interactions, and college and career readiness.

Now we alongside our students are able and ready to focus our full attention on learning. Research tells us over and over again that students who commit to the school and remain, enrolled will be able to reach their academic potential with these starter blocks in place.

But for students who choose virtual schools -- at this stage it's important to acknowledge that some students do choose to return to their brick and mortar schools. For their families, returning is what success looks like. And one of our concerns is that from an accountability standpoint, this success counts as the virtual school's failure.

We propose that it's time to acknowledge this reality and shift our attention to the important service the school does to get that student back on his or her educational path AS WELL AS hold ourselves accountability for their academic outcomes.

We know that a safe and stable environment is critical for all learners.

But it is an indisputable fact that students who attend virtual schools have a disproportionate amount of instability -- NCA, for example, has more than 2 1/2 times the average mobility in the state of Nevada for all of the reasons we've cited above that characterize this unique and complex student population.

Research tells us time and time again that mobility has a negative impact on academic performance - and it's the number one predictor of STAR ratings in NV (as opposed to other state-reported demographic data). We feel that ignoring this fact and the important work schools do to remediate it, will only perpetuate the problem vs. elevate and encourage positive solutions that some virtual schools are already laser focused on ..

We're obviously not alone in our assertions -- the focus on supporting the whole child has grown by leaps and bounds in recent years. The Aspen Institute recently launched its national Commission on Social, Emotional, and Academic Development (SEAD) in collaboration with academic, political, and educational leaders across the nation-- and in its inaugural report, *Nation at Hope* it includes a quote that resonates for virtual educators:

"Children learn best when we treat them as human beings, with social and emotional as well as academic needs. As one teacher put it, 'I don't teach math; I teach kids math.' To reach a child's mind, we must be concerned for the whole person ... The promotion of social, emotional, and academic learning is not a shifting educational fad; it is the substance of education itself."

We're grateful to be part of a state like Nevada that is already ahead of most states in terms of its commitment to school climate and social emotional learning. With the Nevada School Climate/Social Emotional Learning Survey (NV-SCSEL), we already have an excellent system for collecting and reporting on ready to learn and learning to learn data.

We simply propose making these measures an essential part of how we assess and hold virtual schools accountable. A performance framework that is created specifically for charter schools that offer full-time distance education programs, as part of these regulations is an ideal opportunity to include these measures. NV-SCSEL includes scale scores that align with benchmark performance level categories that could provide valid and reliable data to the framework.

There are important and complex reasons students are choosing to leave their local schools to enroll in a virtual school. We believe that virtual schools should be held accountable and have their successes acknowledged for the work they do to support the needs of all of Nevada's students -- in the short-term as well as the long-term .

Item A3, Jamie Smith

Hello, I am here today to address the topic of an evaluation framework for virtual schools that is to be developed as part of the regulations pertaining to charter schools that operate full-time distance education programs.

As NDE develops an evaluation framework for virtual schools, it is important to remember that this framework is not constrained by the requirements of ESSA or the NSPF. Instead, it provides an opportunity to develop a framework that is designed with virtual schools in mind. It can and should contain elements that are not currently contained in the NSPF. It also should take the opportunity to include measurements that further refine items included in the NSPF that may not accurately capture the performance of virtual schools.

This raises the question of what is problematic with the NSPF when it comes to virtual schools? In a word - mobility. Virtual schools have a significantly higher mobility rate. This doesn't reflect a failure of virtual schools but instead reflects the unique group of students that enroll in a virtual school that have struggled to find a school that meets their needs

Pearson, the company that NCA contracts with to provide a variety of services for the school has developed a detailed list of items that should be considered in a framework. I am including a copy of these recommendations in my written materials but let me briefly discuss some of the reasons why the NSPF is problematic for schools with high mobility.

First, there is the fact that Growth and Growth related measurements such as Closing the Gap in the elementary and middle school frameworks make up more than half of the available points. On the surface this sounds like a good thing as it is intended to level the playing field for schools with different demographics.

However, the Student Growth Percentile measurement, the growth system used in Nevada, is known to disadvantage schools with high mobility; a fact that has been acknowledged by Damian Betebenner, the creator of the system. There is established research that when students switch schools for reasons other than a normal grade progression (i.e. mobile students), there is a short-term (one to two years) decrease in academic performance. The Student Growth Percentile system doesn't take this into account and thus when students exhibit this short-term decrease in performance at the virtual school, the student scores lower than what other students with the same previous academic performance, which is the basis of the Student Growth Percentile measurement.

A second area where mobility highly impacts performance is graduation rate which makes up approximately one-third of the points for the high school framework. By its very nature, graduation rate is a measure of four years of performance. However, in a highly mobile school where the average length of enrollment is closer to two years, the graduation rate measurement is distorted.

A second and equally important aspect is the fact that highly mobile schools also tend to enroll a significant percentage of students that are credit deficient at the time they enroll at the school. At NCA, this has sometimes been as high as 50% of the graduation cohort.

Thank you for your time today and for the time you will take in considering the specific recommendations provided in writing. We look forward to an opportunity for our continued involvement in the process.

(For the attachment referenced in his statement, please see Appendix B).

Item A4, Dan Musgrove

Thank you Dr. Moore. My name is Dan Musgrove, I am a lobbyist with Strategies 360 here in Nevada, and I'm representing the Universal Health Services Behavioral Health Hospitals. We were the prime proponent of this legislation both in the original legislation in 2013 that allowed for students that were attending in-state facilities to receive their education paid for, and now in working with the department of education, over the interim prior to the 2019 session, it was determined that legislation was in fact needed to allow for out of state facilities that are essentially taking care of Nevada kids that do not, are unable, to receive services within the state of Nevada. These are children as Mr. Jensen stated that are suffering from behavioral health problems, mental health, even those that may be out of state for, let's say, cancer treatment. There has never been an ability for those facilities, that are continuing to educate those students to make sure that they stay on track with their classmates, to make sure that there is not even further complications when they try to return to their home school district, because they've been away, in working to get in a better condition, be there physically or mentally, it was very important that these students stay on track. And I appreciate all the comments that Mr. Jensen talked about in terms of insuring that these students are up to date with Nevada standards, and in fact the bill SB 485 sponsored by Senator Woodhouse and the committee on finance put in additional dollars into the budget for the department of education to do proper auditing to make sure that in fact, those Nevada students who are out of state, are receiving the proper care, and more importantly, the proper education that Nevada mandates.

Our concern however is some feedback that we've gotten from the department of education that perhaps students that are attending school right now in out of state facilities, and I can tell you that we have three facilities in Utah that have 60 Nevada children. These are Nevada children that have been placed, through no fault of their own, in an out-of-state facility to receive medical care, and they are being educated up to Nevada standards. And our concern is that we want to make sure that the regulations that are contemplated by the DOE right now make sure that those students, or excuse me, those facilities can receive the compensation that SB 485 contemplated. I will assure you that SB 485 is in effect, it was in effect as of July 1, and so therefore any student that we believe is attending an out of state facility should have the opportunity to receive reimbursement for their educational services. And so that's our only concern, we believe that the work Mr. Jensen is doing on auditing, digitizing, insuring, is everything that we want to make sure that takes place. Our concern however, and which was the emphasis behind this bill in the first place, was making sure that those out of state facilities do in fact receive the compensation that they would be due, that SB 485 contemplated that went into effect on July 1. And so that would be our only public comment. We stand ready to assist the department of education with anything going forward, we believe that they've been a great partner especially through the legislative session in ensuring that this bill meets or exceeds all of the issues that we contemplated. And so I appreciate the opportunity to put our comments on the record, and we stand open to working with the Department of Education on a going-forward basis. Thank you for the opportunity.

Appendix B: Attachments for Consideration provided by the Public

1. Jamie Smith, Community Outreach Coordinator, Nevada Connections Academy, on agenda item 4, Distance Education. Submitted a document from Pearson on Potential Suggestions for Nevada Distance Education Evaluation Framework.



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POTENTIAL SUGGESTIONS FOR NEVADA DISTANCE EDUCATION EVALUATION FRAMEWORK

General

The Nevada legislature has determined that an additional framework beyond the Nevada State Performance Framework (NSPF) is appropriate to evaluate virtual schools. This new framework provides an opportunity to identify those items that most accurately determine the effectiveness of virtual schools. At the same time, it provides an opportunity to address any issues with the Nevada State Performance Framework that do not accurately reflect the performance of virtual schools because of the unique nature of virtual schools and the students they serve.

Items Not Addressed in the Current NSPF

Social & Emotional Learning

Nevada has acknowledged the importance of Social & Emotional Learning (SEL) by implementing the annual Nevada School Climate Social Emotional Learning Survey. Previously the NSPF provided bonus points for schools achieving a high participation rate. SEL is especially important for virtual schools because a high percentage of students enrolling in virtual schools are doing so because they have experienced problems such that a traditional school is not able to adequately meet their needs. Creating a learning environment where students' social and emotional needs are being met is the first step for students to be prepared for academic learning. Taking into account the results of the SEL survey is especially relevant to determine if the foundational needs of these students are being met in a virtual school. It also provides an opportunity to determine the success of students that are enrolled for a short period of time and thus are not captured in the measures of the NSPF.

Graduation

While graduation is addressed in the NSPF, it is appropriate for the virtual school framework to consider other aspects related to graduation that cannot easily be addressed within the constraints of the Every Student Succeeds Act (ESSA). Specifically, it is appropriate to look at the nature of the student's credit deficiency status *when initially enrolling in a virtual school*. For example, a student enrolling at the beginning of his/her third year of high school would be expected to have already earned two years of credit. Students that meet this expectation would be considered on-track for graduation, while students not meeting the credit expectations would be credit deficient and thus at-risk for not graduating within four years. The level of risk for a given student varies depending on the amount of missing credits.

It would be appropriate for the virtual school framework to take into account information about the credit deficiency of enrolling students. If two schools have the same graduation rate, the school that has enrolled a higher percentage of credit deficient students, especially students with a greater level of credit deficiency, is a higher performing school with respect to graduation rate. In essence, taking into account



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the credit deficiency profile of a school is a measure of the growth the virtual school has achieved with students.

Another graduation item to consider is the success rate virtual schools are achieving with late graduates. Specifically, what is the graduation rate of students that attempt a fifth year of high school? For example, if 20 students enroll for a fifth year and 15 of these students graduate during that fifth year, this would be a 75 percent success rate. Note that a success rate is different than simply looking at the five-year graduation rate. The success rate only looks at the students that have decided to try to enroll for a fifth year, while the five-year graduation rate includes all of the students that didn't graduate in four years, including those that chose to not enroll for a fifth year.

Items Addressed in the Current NSPF

The remaining sections identify areas where the current NSPF does not accurately reflect the performance of virtual schools. The virtual school accountability framework should consider addressing these issues. While ESSA provides a general structure and some requirements for a state accountability framework, it also provides a lot of flexibility and states should be comfortable in using that flexibility.

Mobility

State accountability frameworks often provide inaccurate results for highly mobile schools. Significant academic research exists that shows a short-term negative impact on academic results when students switch schools. In addition, graduation rate can be negatively impacted by mobility rates, especially if students that transfer to the school arrive credit deficient. Specific recommendations on how to partially counter the impact of mobility are provided below.

Academic Achievement

To address mobility issues, two options exist. One is to include only Full Academic Year (FAY) students in the calculation of school performance. In this manner, a school is only being held accountable for students that were learning with them for a significant portion of the year. The second is to add weighting to the calculation of school performance--students in their first year at the school would be given the lowest weighting, students in their second year at the school are given more weight, and students enrolled for three or more years at the school are given the greatest weight, placing the greatest emphasis on the students that have been learning at the school the longest.

Achievement calculation: Probably the most common system is one that simply looks at the percentage of students scoring proficient. However, this system treats the student that just barely scored proficient the same as the very advanced student. It treats the student that just missed the proficiency cut score the same as the lowest achieving students. This system also creates an incentive for schools to focus only on the students close to proficiency because those are the students that can most readily improve the school's score. A much better system is based on the difference between the student's scale score and the score



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required for proficiency. This system not only differentiates all student performance but also encourages schools to support all students since improvement by any student will have the same benefit to the school's score. In between these two systems is one that provides partial credit for students that score at a level just below proficient and provides extra credit for students who score at the advanced level.

Growth

Including only full academic year (FAY) students is a very easy change to make and is an option overlooked by a number of states. The specifics of how weighting should be handled depends on the growth system the school is using, but the general idea is to give the greatest weighting to students that have been enrolled at the school for three or more years and the least weighting to students in their first year at the school. In addition, there are a variety of growth systems in use by different states, so states should consider how the growth system being used does or doesn't account for student mobility.