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November 17, 2017

GUIDANCE MEMORANDUM #17-30

TO: School District Superintendents

FROM: Steve Canavero Ph.D.
Superintendent of Public Instruction

SUBJECT: Support for Implementation of Senate Bill 178

This Guidance Memorandum addresses the reporting requirements and responsibilities at the School, District, and State levels for SB 178. This memo also provides additional information of the requirements of SB 178 and releases the SB 178 Guidance Document. Schools and Districts can reference the SB 178 Guidance Document for further information.

Reporting Requirements due November 30, 2017

For the 2017-2018 school year, the SB 178 SPP Addendum will satisfy the reporting requirements (SB 178 Section 11.3). Districts are responsible for submitting the following three documents to the Department of Education through the district's ePAGE "LEA Document Library" by November 30, 2017:

1. SB 178 SPP Addendum for every eligible school;
2. School Level State Grant Assurances document; and
3. LEA Level State Grant Assurances document.

Please reach out to one of the Department's contacts if you need additional support to satisfy this requirement.

Responsibilities

The SB 178 Guidance Documents identifies the responsibilities at the school, district, and state levels:

Schools receiving SB 178 funds

1. Before using any SB 178 funds, a public school must develop a plan that incorporates required input. To meet this requirement, schools receiving SB 178 funds are to complete the School Performance Plan (SPP) Addendum (Guidance Document Appendix B) and sign the school level

General State Grant Assurances document (Guidance Document Appendix C). The assurances will be submitted to the school's LEA. The LEA will submit school level assurances to the Nevada Department of Education.

- a) Schools consult with appropriate staff of the school district to coordinate the use of the money by the school in a manner that maximizes the efficient use of such money [SB 178 Sec 9.2(a)(1)].
 - b) Schools must consult with parents or legal guardians of students enrolled at the school, and an organizational team (if one exists), to determine the needs of the students and their preferences for services provided for in sections 9.4 and 9.5 (allowable strategies) [SB 178 Sec 9.2(a)(2)].
 - c) In consultation with parents, legal guardians, or the organizational team, schools must develop a plan for the use of the money and the goals to be achieved as a result of the use of the money [SB 178 Sec 9.2(a)(2)(b)].
 - d) Schools can only use the money on evidence-based programs and services [SB 178 Sec 9.3].
 - e) Schools must ensure the services provided for EL students with SB 178 funding complies with any plan adopted by the school district for services to students who are English learners [SB 178 Sec 9.7].
 - f) Schools must use the measurable objectives and performance targets prescribed by the Department [SB 178 Sec 11]. See Appendix A in the Guidance Document.
2. Schools must submit an annual report to the local board of trustees [SB 178 Sec 11.2]. For the report due November 30, 2017, schools are to submit the SB 178 SPP Addendum. Starting in 2018, the report must include:
- a) The measurable objectives and performance targets prescribed by the Department of Education to measure the effectiveness of the public school in providing SB 178 programs and services.
 - b) Information for the preceding school year, including relevant data regarding the number of students served, costs, and outcome measures for each intervention, program, or services provided with SB 178 funds.

Local Education Agencies (LEAs) with schools receiving SB 178 funds

Funding

1. LEA shall establish a special revenue fund and direct the money to be deposited into the special revenue fund [SB 178 Sec 7.3]
2. LEA shall disburse the money to the eligible schools [SB 178 Sec 7.3]. The board of trustees is responsible to ensure that the money in the special revenue fund is used only for the evidence-based programs and services defined in section 9 of this act.
3. LEA will return any remaining funds at the end of the year to the Account for the New Nevada Education Funding Plan [SB 178 Sec 7.3(c)].

Plan Approval

4. The LEA is responsible for reviewing and approving the SB 178 SPP Addendum for each school receiving SB 178 funds prior to authorizing the expenditure of SB 178 funds.

5. For the 2017-2018 school year, to verify the LEA has reviewed and approved each SB 178 SPP Addendum, the NDE requires the LEA to collect, complete, and **submit the following documents by November 30, 2017:**
 - a. SB 178 SPP Addendum (Guidance Document Appendix B)
 - b. School Level State Grant Assurances document for each participating school (Guidance Document Appendix C)
 - c. LEA Level State Grant Assurances document (Guidance Document Appendix D)

Documents are to be submitted into the district's ePAGE "LEA Document Library." A folder titled "SB 178 SPP Addendums and Assurances" will be available to upload the documents.

For the 2018-2019 school year, LEAs will submit the SB 178 SPP Addendum, the School-level State Grant Assurances document for each school receiving funds, and the District Level General State Grant Assurances document to NDE by August 30, 2018.

Reporting

6. LEA will submit school reports to SEA by November 30 of each year:
 - a. LEA will establish a due date for schools to turn in a report to the district, measuring the effectiveness of the school in providing services pursuant to section 9 [SB 178 Sec 11.2].
 - b. Although the report should contain information from the preceding school year [SB 178 Sec 11.3], for the November 30, 2017 report, LEAs are to submit the SB 178 SPP Addendum for each participating school.
 - c. Starting in 2018, the report must include:
 - i. The measurable objectives and performance targets prescribed by the Department of Education to measure the effectiveness of the public school in providing SB 178 programs and services.

The Nevada Department of Education

Identification and Funding of Eligible Schools

1. SEA will identify the eligible EL and FRL students scoring at or below the 25th percentile starting with the lowest performing schools (students who are not enrolled in Zoom or Victory schools and do not have an IEP) [SB 178 Sec 8.1(a-d)].
2. By July 15 of each year, the Department shall transfer money from the Account for the New Nevada Education Funding Plan to the board of trustees of each school district and each sponsor of a charter school, in accordance with statutory language [SB 178 Sec 8].
 - a. NDE shall provide a per pupil amount of \$1,200 for each pupil identified to each school starting with funding 1-star schools and proceeding to 2-star schools and up until not all schools in the star range can be funded.
 - b. In the category of schools that cannot be fully funded, the NDE will rank the schools within the star range by the highest number of pupils identified and distribute funding until the funding is exhausted.

Plan and Application Procedures

3. SEA will provide the SB 178 SPP Addendum template for the eligible schools to complete.
 - a. SEA will provide training for the districts and schools on how to complete the SB 178 Addendum. Training will include:
 - a) Use of funds: Schools can only use the money on evidence-based programs and services [SB 178 Sec 9.3].
 - b) Alignment: Schools must ensure the services provided for EL students with SB 178 funding complies with any plan adopted by the school district for services to students who are English learners [SB 178 Sec 9.7].
 - c) Growth Targets: Schools must use the measurable objectives and performance targets prescribed by the SEA [SB 178 Sec 11].
4. SEA will review SB 178 SPP Addenda and General State Grant Assurances submitted by the LEA to identify alignment with the intent of the program and any potential concerns.

Monitoring of SB 178 Schools

5. SEA will monitor a sample of the SB 178 schools each year. Procedures may include desktop and/or on-site monitoring.
6. SEA will conduct a Risk Assessment to determine which schools should be included in the monitoring sample.
7. The NDE may require corrective action of SB 178 schools if it is determined through the monitoring process that:
 - a. Schools are not using funds according to the allowable expenditures and interventions for eligible students as outlined in SB 178;
 - b. Schools are not using evidence-based programs and services as outlined in SB 178 Sec 9.4 and 9.5; or
 - c. Schools are not demonstrating increases in student performance for those students eligible for SB 178.
8. If implementation of the school corrective action plan does not resolve specific concerns, the NDE may recommend the State Board of Education consider withholding future SB 178 funds until concerns are appropriately resolved.

Evaluation and Reporting

9. The Department shall contract with an independent evaluator to evaluate the effectiveness of programs and services provided. The evaluation must include:
 - a. A determination of whether each public school is making an effective use of the SB 178 money received; and
 - b. An identification of which SB 178 programs and services offer the greatest and the least improvement to pupil performance.
 - c. The NDE will submit the independent evaluator report to the Legislative Committee on Education or the Director of the Legislative Counsel Bureau in accordance with SB 178 Section 11.4 requirements.
10. The Department shall conduct an RFP for an independent consultant who is qualified and knowledgeable on issues relating to the funding of public education to complete the requirements outlined in Section 14.

- a. The independent consultant shall submit a preliminary report to the NDE on or before August 1, 2018 as outlined in Section 14.
 - b. Upon receipt of the independent consultant report, the NDE shall immediately submit the preliminary report from the independent consultant to the Legislative Committee on Education (LCE).
11. SEA will review LEA reports due November 30th of each year as indicated by the SB 178 SPP Addendum Checklist as part of the Risk Assessment process.

School Performance Plan Addendum

SB 178 Schools must incorporate their strategies within their School Performance Plans (SPP) and complete the SB 178 SPP Addendum indicating the programs and services to be implemented that meet the needs of the pupils identified as eligible for SB 178 funding.

The SB 178 SPP Addendum serves as a working document for the school staff to participate in creating the goals, objectives, and action steps focused on raising achievement levels of the eligible students identified in SB 178. The goals, objectives, and action steps reflect the outcomes of the consultation meeting with staff, parents, legal guardians, and/or organizational teams. The plan must include the strategies and ESSA evidence-based intervention (EBI) levels within the action steps.

When choosing programs and services outlined in SB 178 Sections 9.4 and 9.5, schools must follow the ESSA evidence-based intervention (EBI) levels 1-3 indicated for particular strategies and EBI levels 1-4 indicated for alternate strategies. See page 5 in the Guidance Document for an overview of ESSA evidence-based intervention levels 1-4. See page 6 in the Guidance Document or pages 13-14 for SB 178's allowable strategies that align with ESSA's EBI levels [SB 178 Sec. 9.4 (a-e) and Sec. 9.5 (a-c)].

Annual Measurable Objectives

The Department shall also prescribe annual measurable objectives and performance targets for schools that receive the money to track the performance of pupils to ensure a high return on investment for eligible students.

Sec. 11(1). The Department shall prescribe annual measurable objectives and performance targets which must be used by a public school that receives money pursuant to section 8 of this act to evaluate and track the performance of pupils who receive services pursuant to section 9 of this act. The annual measurable objectives and performance targets prescribed by the Department must be aligned to the statewide system of accountability for public schools.

For consistency purposes, the Department prescribes the Long-term Goals and Measures of Interim Progress in the Nevada ESSA State Plan that was approved by the U.S. Department of Education. A summary of the Nevada Long-term Goals and Measures of Interim Progress is provided in Appendix A of the SB 178 Guidance Document.

Assurances

Both the SB 178 School and the LEA serving the public school are required to sign and submit a General State Grant Assurances document. The assurances document verifies the school has completed the requirements and responsibilities as outlined in SB 178 and the Guidance document. It also verifies the LEA has reviewed and approved the SB 178 SPP Addendum for each school receiving SB 178 funds prior to authorizing the expenditure of SB 178 funds. The assurances document also verifies the LEA has

completed the requirements and responsibilities as outlined in SB 178 and the Guidance Document. The LEA will submit the school and district level General State Grant Assurances document, located in Appendices C and D of the Guidance Document, to NDE by November 30, 2017.

Corrective Action

The Nevada Department of Education will implement the following procedure for corrective action:

1. Identify SB 178 Schools that have not produced an increase in student performance, have not met state long-term goals and measures of interim progress, or are not making progress toward state goals.
2. Provide formal notification to the school and district.
3. Require a revision of the school plan to implement a partnership with an evidence-based support provider, as well as other evidence-based strategies, programs, and services.
4. Review/approve revised school plans.
5. Monitor implementation of school plan. If implementation of the school plan is unsatisfactory, the state may impose corrective action, including the possibility of withholding future SB 178 funds.

Timeline

The following timeline outlines the estimated/proposed dates for SB 178 activities:

Proposed Timeline for SB 178 Programs

DATE	ACTIVITY
July 1, 2017	Initial Guidance Memo for SB 178 released
July 15, 2017	NDE allocates SB 178 funds to eligible LEAs/schools
November 30, 2017	SB 178 SPP Addendum and School and District level General State Grant Assurances documents due to NDE
November 30, 2017	Districts submit SB 178 reports to NDE (For this report, LEAs are to submit the SB 178 SPP Addenda)
February 1, 2018	NDE submit SB 178 external evaluator report to Legislative Committee on Education
June 30, 2018	End of FY19
Approximately August 15, 2018	SB 178 FY19 Final Financial Report (FFR) due to NDE
August 30, 2018	SB 178 SPP Addendum Checklists and District level General State Grant Assurances document due to NDE
November 30, 2018	Districts submit SB 178 reports to NDE (refer to page 9-c.i.ii, for the requirements)

Contacts

NDE team members within the Office of Student and School Supports can provide additional support for SB 178 program implementation. Please contact any of the team members below for technical assistance and support for SB 178 schools and districts.

SB 178 NEVADA DEPARTMENT OF EDUCATION CONTACTS

Name	Title	Contact Information
Susan Ulrey, Ed.D.	Education Programs Professional, Victory Programs and Services	702-668-4349 sulrey@doe.nv.gov
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