

August 15, 2016

Advisory Committee to Develop a Plan to Reorganize the Clark County School District

Dear Chair Roberson and Members of the Committee,

Thank you for the opportunity to provide input on Assembly Bill 394, and the proposed Clark County School District Reorganization Bill regulations (Regulations). We applaud the bi-partisan effort to work on the reorganization of CCSD, the nation's fifth largest school district, with new strategies such as site-based budgeting, collaborative school governance, and local empowerment, all structures that hold promise for improved teaching in every classroom at CCSD.

Educate Nevada Now, powered by The Rogers Foundation, has a mission to protect and improve public education, and ensure equitable opportunities for every child, regardless of their zip code. In that spirit, please allow us to submit the following suggestions and observations:

**1. Clarify Civil Rights Responsibilities of CCSD.** The Regulations should make clear that CCSD is a local education agency (LEA), and is responsible for ensuring compliance with states and federal law. The CCSD Trustees asked for this clarification in their working group session on August 3. The Regulations should remove any ambiguity, and spell out that although the Regulations create "local school precincts," CCSD is still the LEA, and retains responsibility for ensuring compliance with federal and state law aimed at protecting students from discrimination, ensuring students receive appropriate services, and other civil rights protections.

In particular, the Regulations should spell out that CCSD would have the responsibility to ensure school level compliance with several state and federal mandates, and the Regulations should codify that CCSD, as the LEA, remains responsible for compliance with:

- **Individuals with Disabilities Education Act**, federal law that requires schools evaluate and properly serve student with disabilities (20 USC §1400 et seq.);
- **Equal Educational Opportunities Act**, federal law that protects students from discrimination and requires schools to take action to ensure student participation, such as providing services to English language learners (ELLs). (42 U.S.C.A. § 2000 et seq.);
- **Public Accommodations Law**, Nevada law that requires places of public accommodation, such as schools, to ensure students have full and equal access to school services, facilities, privileges, accommodations, and advantages, without discrimination based on race, color, religion, national origin, disability, sexual orientation, sex, gender identity or expression (NRS § 651.070);
- **Every Student Succeeds Act**, federal law that ensures compliance with student achievement testing requirements, identifying equity gaps with monitored key groups, and new school performance accountability;

- **Title VI**, a federal law that prohibits discrimination based on race, color, or national origin. (Title VI, 42 U.S.C. § 2000d et seq.);
- **State laws governing student discipline** that mandate due process for students facing suspension or expulsion. (*See e.g.* N.R.S. § 392.467);
- **Any other state law requirements** that mandate requirements aimed at student achievement, such as Zoom Schools, Victory Schools, Class Size Reduction, etc.

**2. ELL as a “Central Service.”** We applaud that the Regulations allocate responsibility for implementation of the ELL Master Plan as a “Central Service.” This will allow CCSD to implement its cutting-edge ELL Master Plan, which focuses on professional development to improve across-the-board teaching in high-FRL and high-ELL classrooms.

In developing the ELL Master Plan last fall, CCSD’s ELL department documented that CCSD principals do not uniformly understand what is high quality teaching for ELL children, and how to help teachers’ instruction develop language skills for all children. The ELL Master Plan process also documented a severe student achievement gap for ELLs, and children with low language skills. This underperformance, in our view, is part of the challenge of why CCSD is such a low performer.

Moreover, knowing and tolerating that ELLs are not receiving adequate instruction is a civil rights violation. In one CCSD reorganization public meeting, a leader from a rural community acknowledged that their schools were made up of 50% ELL kids, that these children were not getting ELL instruction, and that as a result, many Latino families were abandoning that community.

Our observation is that CCSD does not have, or has not yet allocated, sufficient funds to implement the ELL Master Plan, so this is an area where Legislative funding would make a difference. CCSD Superintendent and the ELL Department should retain responsibility to ensure that the ELL Master Plan is implemented so that it actually changes teaching practices in every classroom. ENN will continue to monitor implementation of ELL master plan, and protect the civil rights of ELLs (one in three children attending CCSD schools).

**3. Diversity Training as Central Service.** As many community members noted in town halls, there is *not* a high degree of confidence that principals possess the skills to deal with diversity issues at the local precinct level. As the Regulations propose, one solution is to keep diversity and cultural training centralized. CCSD has a cultural training plan in place that is funded. CCSD should continue to support the plan’s implementation so that new teachers and newly-appointed administrators receive training. This central office department should also continue to make improvements in reducing racial disproportionality of student disciplinary actions, a civil rights issue.

In addition, we suggest that additional regulations be put in place (either proposed by this Committee or the State Board of Education (SBOE)) that require principals, who will lead autonomous precincts, to demonstrate that they have achieved cultural competency sufficient to

ensure success in the leadership of these precincts. While there are many good principals, there are also some who do not understand the needs of the children they serve. In testimony, this Committee heard repeatedly that leadership of the principal can make or break a school. In the transition, principals should receive additional professional development, and at the conclusion, demonstrate competency in cultural understanding of the community they serve, as well as other core competencies, such as budgeting and academic leadership. For those principals who cannot demonstrate these key competencies, exit from principalship would seem the only cost-effective option. It may be necessary to enact legislation next session, so the Legislature can ensure that the move to autonomous district is led by principals who have the actual skills to lead precincts.

**4. Special Education as a Central Service that is Adequately Funded.** Like ELL services, special education services require District oversight. A centralized office must ensure schools are properly evaluating students and providing the necessary services in the least restrictive environment. As with the delivery of ELL services, principals have varying levels of understanding and experience with special education services and mandates, and ultimately, IDEA holds the LEA, not the school, legally responsible for providing special education services and meeting other compliance requirements. We urge that the regulations include compliance and oversight of special education services as a “Central Service,” like that of the ELL Master Plan.

In addition to oversight, it is imperative that special education weights are adequate and based on the actual costs associated with delivering various types of services, not past expenditures. As envisioned in the Regulations, it is important that special education funding weights follow the student, but without adequate weights, schools will continue to struggle to serve these students. ENN has advocated before the SBOE and the Legislature’s Interim Education Committee for a weight of 2.0 for special education students, which was determined by the bipartisan Task Force on K-12 Public Education Funding for modernizing the Nevada Plan. The State Superintendent has proposed a weight of 1.53, which constitutes only a small overall increase in special education funding. With districts currently drawing 30-60% from their general funds to cover all of their identified special education costs, *all* students are impacted when special education is not adequately funded. One high-needs group is pitted against another, and special education children run the risk of being underserved and having their civil rights violated.

**5. Authentic Parental Leadership is Likely to Continue to be AWOL.** To its credit, this Committee created the environment to collect feedback from all members of our community through townhalls and hearings. However, our observation is that many parents, mostly from lower performing schools and key underrepresented demographics, like special education, FRL and ELLs, are still confused by the CCSD reorganization. Some have registered their dissatisfaction. Yet, there is work to be done in preparing *all* parents to be key partners in the leadership of precincts. We recommend that this committee fund community organizing work that would begin as soon as the Regulations are adopted, to devise a better community education strategy and fund efforts to develop parental leadership.

**6. Budgeting for “Actual” instead of “Average” Teacher Salaries.** We also urge the Committee to reconsider the Regulation’s use of “average teacher salaries” rather than “actual teacher salaries,” as the basis for individual precinct budgeting in the Regulations (The following is based on our understanding of current CCSD flex budget practices, which we assume are codified in the Regs. We recommend clarifying the language the Regulations).

Testimony presented before the committee established that CCSD experienced teachers cluster in magnet schools and CTAs, and highly-rated schools mostly located in the suburbs. Schools that are “focus” schools (one or two start schools for five plus years) are mostly in the inner city. These low performing schools have an abundance of novice teachers and vacancies. For example, at Petersen ES, a one-two star focus school two miles from the Strip, 80% of its teaching staff is one- to two-year teachers. The data show that first- and two-year teachers who are learning their craft achieve lower student achievement. Research has also shown that when novice teachers are not supported in learning their craft and are thrust into difficult environments, they are more likely to abandon the profession, throwing CCSD into the cycle of filling large number of teacher vacancies and, when unsuccessful, causing schools like Petersen to fill vacancies with substitutes.

This Committee heard testimony on the importance to successful implementation of using “actual” salaries in budgeting, on February 26, 2016 from Mr. Nadelstern (p. 44):

*When we charged average teacher salaries, which we did for many decades, we began to realize schools in the poorest neighborhoods were being underfunded by as much as \$2,000 per student because they had the least senior staff and a revolving door for staff. The most senior teachers always want to work with the kids who least need them. It is human nature among teachers. So the middle class schools would have the highest salary expenditures and the poorest schools would have the lowest. We opted for real teacher salaries and the principals had to decide, based on available funds, who to hire and in what stage of their career. The union argued that there was a natural bias against more senior teachers. We did not see that, but we did see principals with a newfound focus on whether they could afford the teachers they wanted to hire.*

If the Regulations were to use “actual” budgets, there would be additional flexibility in the system to help inner city schools retain talented teachers and those with experience and address the equity gap in teacher talent. High-performing principals in CCSD inner city schools have devised incentives within the CBA restrictions that allow them to retain teachers and attract experienced teachers, such as, prep time buy outs, paying for extra teaching time. CCSD has already piloted “actual” flex budget at one franchise school which has met with success in teacher retention and produced innovation -- the expected benefits of CCSD reorg.

For example, as we understand the Regulations, under “average” salary calculations, Petersen, would continue to be short-changed \$300,000 per year (the difference between Petersen’s median actual salary and CCSD’s average teacher salary is \$7500 for 40 teachers). Under “actual” salary budget, Petersen’s principal would be able to compensate for her staff’s inexperience by hiring additional

personnel, such as teachers' assistants, or buy additional professional development, teacher release time, and specific coaching to support her novice teachers.

The ideal is to change this feature now. The CCSD reorg transformation should help solve the most important "root cause" that holds CCSD back, incentivizing the best and most talented teachers and principals to serve at the lowest performing schools, where kids need them the most. Providing additional budget resources that principals can use to address their actual school needs is at the heart of the proposed reforms.

There may be pragmatic reasons for not going with "actual" salaries at this time. We believe there are ways to address these issues:

- a. We understand that CCSD needs a functional and up-to-date human resources (HR) system to implement a budgeting structure based on actual expenditures. The solution is to allocate one-time funds to modernize CCSD HR computerized systems.
- b. The inequities that stem from reliance on average salaries could be mitigated by providing additional funds to inner city schools by accelerating implementation of the 2015 Task Force funding formula weights that addresses needs of FRL and ELL kids.
- c. The Legislature can increase the amount of categorical funding for Zoom schools, which have had great success, since high ELL concentrations overlap with inner city schools that experience inequitable distribution of teacher talent.

We view as positive that the Regulations provide for a two-year period during which NDE would collect data to assess the impact of the use of "average" vs. "actual" calculation. In addition, NDE and CCSD should compile data to analyze the root causes of inequity, specifically, whether allocating resources based on average salaries fails to change the ability of inner city schools to retain teachers and attract talented teachers. Based on these data, the Legislature, NDE and SBOE have the obligation to revisit this issue and set right inequities.

We look forward to continuing to collaborate to remove the equity gaps that hold the District back and result in a school system that is rated #50. Nevada can and should do better.

Respectfully,

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