

August 27, 2016

Nevada State Board of Education

Dear Members of the State Board of Education,

Thank you for the opportunity to provide input on the regulations to implement AB394 (“Regulations”), which implement the Plan to Reorganize the Clark County School District (“Consultant Plan”), and the Recommendations of Advisory Committee to Develop a Plan to Reorganize the Clark County School District (“Advisory Recommendations”; the Consultant Plan and Advisory Recommendations together are the “Plan”) approved by the Legislative Advisory Committee.

To follow up on the Working Session of August 22, please allow us to make the following recommendations and suggested drafting changes. We believe that all of these changes are within the scope and authority for the Board to adopt, as they are consistent with the Plan.

I. Fair and Authentic Representation in the Organizational Team

A. Recruiting Parents in Schools with No PTA/PTO.

According to CCSD, about 150 schools do not have a PTA or PTO. An informal survey conducted by NDE found that 80% of underperforming schools do not have a PTA or PTO.

Parent participation is essential to the Plan. The Consultant Plan states “[A] successful school must reach out and embrace the involvement and contribution of ... parents.” (p.2) It further states that “parental and community involvement must become intertwined in the culture of a local school precinct and integral to its operation.” (p.7)

How might a principal obtain parent participation without the assistance of PTA/PTO? We have spoken to high-performing principals of Title I schools, and also with the Consultant. All concur that a principal who knows her school, is talking to parents, and communicates with families will be able to recruit parents. For that reason, we recommend that parent membership in the organizational team be mandatory, as the Plan does not provide for organizational teams without parent participation.

How do we deal with possible legal liability of parents and others on the organizational teams? The Legislative Committee is in bipartisan agreement that in the 2017 Legislative session the leaders will push legislation to resolve this obstacle. We recommend inserting a proviso that would nullify mandatory team membership if the Legislature has not acted.

Consider adding the following new section 25(7)(a):

(a) An organizational team shall not be duly constituted unless its membership consists minimally of two parents and two teachers; provided that, NRS has been amended at the time that this Regulation goes into effect, to provide for civil and criminal legal immunity for any member of the precinct organizational team for any injury or harm connected with or arising from actions and decisions of the organizational team, individually or collectively.

Principals also recommended a timeline. Please consider adding a new section 25(7)(b):

(b) A principal shall have three months from the beginning of the school year to constitute and convene the organizational team.

B. Detail a Procedure to Elect parents.

Currently, the Regulations task each school PTA, or if there is not PTA, the school principal, with developing its election process for nominating and electing parent members. Given that over 40% of CCSD schools do not have a PTA, the regulations should take that task off the principal's list of many responsibilities. Moreover, the district would benefit in uniformity of process.

We recommend that this sentence be deleted from Section 25 (1)(d):

The association of parents for the school, if there is one, must establish the process for nominating and electing these members pursuant to this paragraph.

Add these suggested best practices for election procedures by replacing 25(5) with:

(a) The process for nominating and electing parents shall aim to be as inclusive and convenient as possible to ensure broad and diverse parent and legal guardian participation.

(b) A principal, or her designee, may enlist the help of an "election committee" consisting of staff, students, and/or outside community group members to assist in the election process, which shall post notices; gather nominations; and administer the election. The election committee shall be unaffiliated with any candidates.

No later than October 15, parents and legal guardians shall be given notice, in English and Spanish, via the school and district website, any school-based social media, posted in conspicuous places at the school, included in the school newsletter or other direct mailer, and sent home with the student detailing the:

- (i) Opportunity and procedure for nominating oneself for membership on the organizational team;*
- (ii) Duties and responsibilities associated with membership;*
- (iii) Availability of translation services for non-English speakers;*
- (iv) Dates and procedure for election; and*
- (v) Other information deemed relevant.*

(c) All parents and legal guardians with at least one child attending the school shall be eligible to vote, and will be provided ballots via email, at the front office, and sent home with the student, with information about each nominee, including but not

limited to a brief candidate statement, and information about the duties and responsibilities of the organizational team members. The ballot shall also include the dates in which ballots may be cast.

(d) Ballots shall be made available in English and Spanish. Parents and legal guardians shall be given no less than 10 calendar days from the publishing of the ballots to return their ballot, via email, in person, sent in with the student, and any other appropriate method.

(e) Ballots and other documentation related to the election should be retained and stored in a secure location in the event the procedure or results of an election is challenged.

(f) The qualified nominees with the most votes shall be given a position on the organizational team, with parents or legal guardians consisting of up to 50 percent of the voting members.

(g) All parents or legal guardians elected to the organizational team shall be provided training on the procedures, duties and responsibilities of the organizational team, as well as information regarding the scope of the team's authority and these Regulations.

(h) Every effort shall be made to ensure parents and legal guardians on the organizational team are able to participate, including but not limited to allowing parents to participate via telephone or video conferencing.

C. Teacher Representation.

The Advisory Recommendations call for an organizational team of up to four teachers or other licensed educational personnel. (p.3) The Regulations (Sec. 25(1)(b)) are under-inclusive, as well as over-inclusive, because they require that 50% of teacher leaders be a CCEA member. Almost half of teachers currently have chosen not to be represented by CCEA. Principals we surveyed believe that teachers will have already developed trust in a school leader, who may, or may not be, a CCEA member. Principals we surveyed strongly believe that there would be greater collaboration and investment from the staff, if teachers were able to freely select the person to represent them, rather than have an outside entity (CCEA) intervening in process and requiring membership of its identified teacher-representative.

First, we recommend that the first sentence of Sec. 25 (1)(b) simply state:

(b) At least two but not more than four members, as determined by the principal, who are teachers or other licensed educational personnel at the local school precinct who are elected by a vote of the teachers and other licensed educational personnel at the local school precinct.

Second, we recommend that the Regulations (not CCEA in each school) set forth the process for elections in order to eliminate additional work, promote transparency, and eliminate possible strife. Accordingly, the last sentence in 25(1)(c) should be eliminated, and insert the following suggested selection process based on best practices. Consider adding a new Section 25(5)(b):

(1) No later than September 15, teachers and other licensed educational personnel shall be provided notice of the:

- (i) Opportunity and procedure for nominating oneself for membership on the organizational team;
- (ii) Duties and responsibilities associated with membership on the organizational team;
- (iii) Dates and procedure for election; and
- (iv) Other information deemed relevant.

(2) All teachers and licensed personnel shall receive a ballot containing information about the nominees, including but not limited to a brief candidate statement, and the duties and responsibilities associated with membership on the organizational team. The ballot shall also include the dates in which ballots may be cast.

(3) Teachers and other licensed educational personnel shall be given no less than 10 calendar days after the ballots are published to submit their ballot.

(4) Ballots and other documentation related to the election should be retained and stored in a secure location in the event the procedure or results of an election is challenged.

(5) The qualified nominees with the most votes shall be given a position on the organizational team.

(6) All teachers and other licensed educational personnel elected to the organizational team shall be provided training on the procedures, duties and responsibilities of the organizational team, as well as information regarding the scope of the team's authority and these Regulations.

D. Community Input.

The Plan envisions robust community input (“principal must reach out and embrace the involvement and contribution of ... community” (Consultant Plan, p.2); “each local precinct is placed in a unique position to respond to local circumstances” (Consultant Plan, p.3)).

Section 25 (4) allows the organizational team to include non-voting members from the community at large. It is permissive. We recommend mandatory inclusion of community partners in cases where school-precincts are substantially benefitting from these partnerships. This would encourage the rich community partnerships that have substantially benefited children, particularly in the area of wrap around services. In some cases, philanthropy or businesses are investing upwards to \$1 million in a school. These strong partners should be given a seat at the table of the organizational team. A true partner is also given a vote. Please consider revising Section 25(d)(4) by adding the following at the end of the paragraph:

Whenever the precinct school has formed a community partnership, or already is a party to a memorandum of understanding, with philanthropy, nonprofit or business, where that group has invested substantially in the welfare of that school, either in services, donations of goods, or monetary contributions, the organizational team shall include one such community partner who shall be given a vote. No later than 10 calendar days after the organizational team's members made up of teachers and parents have been selected, the principal shall prepare a slate of such community partnership groups, and submit them to the team to vote on. The group with majority vote shall be invited to serve on the team, and the group shall select its representative for the team.

II. Principals

The Plan greatly expands the responsibilities of principals who will lead precincts. The State's evaluation framework is focused primarily on instruction, teacher development, and gains in student achievement. Now, principals will pivot and have to budget, comply with laws, become collaborative managers, and learn how to co-govern with community input. The Regulations should align these new expectations to NDE evaluative frameworks.

A. Precinct Principal Endorsement. Please consider the following changes in red to Section 34(1) to focus on new precinct principal competencies.

On or before July 1, 2017, the Nevada Department of Education shall, in consultation with the Clark County School District review the responsibilities, skills and competencies, **including but not limited to cultural competency, budget management, collaborative leadership, legal compliance, and parental engagement**, necessary to serve as the principal of a local school precinct and consider whether the current licensing requirements adequately prepare a principal for that role

Also, timelines are important when developing new regulations. Consider additions in red:

Sec. 34(2). If the Department determines that additional licensing requirements are necessary to ensure that principals are prepared to serve as the principal of a local school precinct, **no later than September 1, 2017**, the Department, must provide recommendations for revisions to the Nevada Administrative Code to the Commission on Professional Standards in Education created pursuant to NRS 391.011, including whether to create a separate endorsement for a person who will serve as the principal of a local school precinct. **If Commission on Professional Standards in Education does not report a recommendation by December 1, 2017, the State Board of Education may consider this matter independently and promulgate appropriate regulations to ensure that licensure requirements for precinct principals are current and relevant.**

B. Align Precinct Principal Evaluations

The Board has developed uniform evaluations for all state administrators. The skills and competencies of CCSD precinct principals will not be aligned with the new state administrator rubric, because more competencies have been added to the precinct principal's job. We suggest that CCSD be permitted to develop its own performance evaluation rubric to tighten accountability. It would have to be approved by the Board. Consider adding a new Section 34(3):

Pursuant to 391.465(4), Clark County School District is hereby authorized to apply for a different evaluation system and rubric than currently in effect, that is to be consistent with the overall goals of the current state administrator rubric, and aligned to the current expanded competencies of leading a precinct. The new precinct evaluation system and rubric shall be submitted to the State Board no later than July 1, 2017.

III. Better Community Outreach.

A. Plan of Operation.

The Consultant Plan states “the process used by the school to develop the school budget must include involving the wider school community.” (Consultant Plan, p.6) Section 24 details a process for community input. The following changes would ensure better community outreach.

- 1) Timelines are too short. We recommend that 24(2) require that the principal post notice of the community meeting to discuss the plan *no less than 10 calendar days*, rather than the current 3 working days.
- 2) We recommend that Section 24(2) add language that would provide that notice is given to the community at large, not just school members.
- 3) Federal law requires that notices be published in English and Spanish, for Clark County with a high Spanish speaking population.

Please consider revising 24(2) with additions in red:

The principal shall post notice of the meeting, in English and Spanish, in the major places of business surrounding the school, the places of worship serving the school's families, proximate community centers, and any other places where the school community congregates, not less than 10 calendar days before the date on which the meeting will be held. The notice shall direct the community to the plan, and the proposed budget, to be published in English and Spanish.

IV. Transparency and Accountability

A. Superintendent's Evaluative Report

The Consultant Plan proclaims that “transparency .. of information and operation is critical” (p1) and that “the core principle .. is establishing the responsibility of the local school precinct for results ...” (p.5).

Section 31 requires that the Superintendent prepare a report with evaluative information about the operation of precincts. This report will allow the community, CCSD Trustees, the Board, Governor, and Legislature to evaluate whether AB394's CCSD reorganization has been successful.

1. The Superintendent's report should be aligned with NDE's strategic plan and state improvement plan. Section 31(1)c should add the language in red:

(c) An assessment of the performance of the local school precincts **based upon the State's strategic plan, state improvement plan's goals**, as well as any additional specific measures of achievement which are established by the Superintendent on or before January 1 of the immediately preceding school year;

2. Section 31(1)(d) assessment of school precincts performance should be tied to the benchmarks of the state’s NSPF accountability framework.

(d) An assessment of the effectiveness of operating local school precincts and the School District in the manner set forth in sections 2 to 31, inclusive, of this regulation **and the State’s NSPF school accountability framework**;

3. In public comments, many stakeholders, as well as the CCSD Trustees, questioned whether this reorganization is feasible given SB508 projected weights and timeline. Please consider adding a new Section 31(f):

(f) summary of any transfers from the Centralized budget to Precincts that were used to cover additional expenses of instruction for GATE, AP classes, children with IEPs under IDEA, ELLs, Read by Three, and any other relevant student populations in order to comply with mandates under state and federal law, and an analysis of whether the existing weights applied by CCSD pursuant to this Regulation were sufficient to provide instructional services and comply with federal and state law civil rights obligations of CCSD, the legally responsible Local Educational Agency.

V. Actual vs. Average Budgets.

Public comments have raised the issue of potential inequity caused by using average salaries, rather than actual salaries, for setting precinct budgets. CCSD currently has permitted high performing franchise principals in Title I schools the flexibility of using actual budgets. Our survey has reported back great success, high teacher satisfaction, and instructional innovation. We suggest providing the Superintendent with flexibility to continue this pilot, which would help gather information for the Board’s evaluation as to whether “actuals” assist in closing the equity gap experienced by T. I schools. Consider adding this sentence to the end of section 35:

The Superintendent may allow no more than 10% of the school precincts, which are also designated Title I schools under federal law, to operate their budgets by using actual salaries.

We appreciate the opportunity to provide these detailed comments to these important Regulations that will shape instruction in CCSD for years to come.

Respectfully,

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Cc: Nevada Superintendent of Education, Steve Canavero