

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR OCCUPATIONAL EDUCATION**

REGULAR MEETING

March 18 and 19, 2005

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

MINUTES

BOARD MEMBERS PRESENT:

Dr. John Gwaltney, President
Marcia Washington, Vice President
Dr. Cliff Ferry, Clerk
Gary Waters, Member
Barbara Myers, Member
Dorothy Nolan, Member
Sharon Frederick, Member
Cindy Reid, Member
Louis Mendiola, Student Representative

BOARD MEMBERS ABSENT:

Dr. Merv Iverson, Member
Mr. Patrick Boylan, Member

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
Doug Thunder, Deputy Superintendent, Administrative and Fiscal Services
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction
Nita Barnes, Administrative Assistant to the State Board
William F. Arensdorf, Director, Office of Fiscal Accountability
Frankie McCabe, Director, Special Education, ESEA and School Improvement
Frank South, Director of Technology and Innovative Programs
Phyllis Dryden, Director, Career, Technical and Adult Education
Chopin Kiang, Administrator, Teacher Licensure and Southern Office
Fawn Lewis, Consultant, Education and Secondary Education Act
Donnell Barton, Director, Child Health and Nutrition – March 19, 2005 only
Mike Raponi, Consultant, Trade and Industrial Education - March 19, 2005 only
Richard Vineyard, Consultant, Curriculum Development – March 19, 2005 only

LEGAL STAFF PRESENT:

James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

March 18, 2005

March 19, 2005

Judy Kroshus, Administrator for TEAM A Charter School
Dr. Christy Falba, Dir., Math, Science & Instruc. Tech., Clark County School District
Julie Whitacre, Nevada State Education Association
Kris Christiansen, Senior Director, Student Support, Washoe County School District
Kelly Wales, Director, Special Education, Nye County School District
Craig Kadlub, Clark County School District
Maureen Powers, Clark County School District
Scott Reynolds, Executive Director, Clark County School District
Ken McKenna, Lawyer representing Halima Academy
Saidah Pires, Administrator, Halima Academy
Janet Hartman, President, Sierra Nevada World Language Collaborative
Linda Cotton, Sierra Nevada World Language Collaborative
Audrey Cournia, Executive Director, SWCOLT
Marie-Anne Girard, Sierra Nevada World Language Collaborative
Geri G. Gonzales-Barnish, Clark County Foreign Language Teachers Association
Sharon Lee, Sierra Nevada World Language Collaborative
Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District
Maureen Powers, Director, EC Education, Clark County School District
Mike Pointer, Metals Writing Team Member

March 18, 2005

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

President Gwaltney called the Nevada State Board of Education/Nevada State Board for Occupational Education to order at 3:06 P.M. with roll call reflected above, and Dorothy Nolan arriving at 3:10 P.M. The pledge of allegiance was led by Member Reid.

Member Waters moved for approval of a flexible agenda, seconded by Vice President Washington. The motion passed unanimously.

1. PRESIDENT'S REPORT

President Gwaltney welcomed the new, Governor-appointed State Board member, Cindy Reid.

President Gwaltney reported he found more support for all-day kindergarten than he had seen in a long time and that the iNVEST Program presented to the legislators by the Superintendents was received in a very positive way. However, President Gwaltney expressed his concerns to Legislators regarding schools on the Adequate Yearly Progress list that stay on the list. President Gwaltney referred the Board to the Superintendent's printout in the Board Packet "School Designations/Consequences, AYP & Needing Improvement (NI)" regarding what a school's options are if they do not get off the AYP list. President Gwaltney invited the Board to share with Legislators this information.

2. SUPERINTENDENT'S REPORT

Legislative Update

Doug Thunder, Deputy Superintendent, provided an update on the budget hearings for the Department and Distributive School Account.

Gloria Dopf, Deputy Superintendent, attended the National Governor's Association Conference on High School Reform Initiative and provided an update.

Dr. Rheault provided an update on the closure of Clark County Team Academy and a brief report on the consequences for schools that don't make AYP. Dr. Rheault recognized Chopin Kiang, Administrator of the Department of Education Southern Office, who will be retiring on April 8, 2005. Dr. Rheault invited the Board to a reception for Mr. Kiang.

Dr. Rheault provided updates on the following legislative bills:

Assembly Bill 5: Passed by the Assembly, this bill would set up a model teacher mentor program in the State for 1st, 2nd and maybe 3rd year teachers.

Assembly Bill 60: The first part of this bill would expand the definition of the 1/5th retirement credit incentive. The Bill was going to allow the addition of all license personnel basically to receive the incentive. The second part of the bill would make sure that funding continued for teaching signing bonuses. AB60 and the State Board's bill, AB110 were heard at the same time. The 1/5th credit retirement was deleted out of AB60 which left the Teacher Signing bonus. It was passed as amended to include all new licensed personnel to be eligible for the \$2,000 signing bonus. AB110 will be the vehicle to make changes to the 1/5th retirement credit, which is still being discussed. The plan is to eliminate schools that are on the AYP list from qualifying for the 1/5th credit, which the school districts supported. The recommendation, which will be under AB110, will probably be that it will only apply to At Risk Schools where it is difficult to obtain and keep teachers.

Assembly Bill 93: Last session there was a bill passed that required school districts to pay the difference between the school subsidy and the state subsidy for retired employees. This year that bill came to \$9,645,000. We are asking for a supplemental appropriation in the bill draft to pay the districts the difference. It was heard by Assembly Ways and Means and has not progressed past that. It is built into the Governor's recommended budget this year for 2006-2007.

Assembly Bill 108: This is the second State Board bill. It passed as of last week through the Assembly Education Committee. It revises the process for teachers that request a hearing because they are getting demoted or suspended by their school district or for Board Revocation and Suspension. We proposed that we use the Hearing Officers that are maintained through the Department of Administration. They agreed to do that. We will still encourage that matters be settled by themselves or the American Arbitrator Association before requesting a hearing officer.

Assembly Bill 109: Under Section 3, \$120,000 was provided for grants to school districts to pay the cost for English as a Second Language endorsements for teachers. We could not exceed \$1,200 per teacher. It would basically pay teachers \$100 per credit.

Assembly Bill 161: This bill requires the Department of Education to develop, print and distribute a manual for all School Board Members. It also requires that we develop specific conferences for them. I remained neutral on this as we could accomplish this without statute. We can assist and also include them at our Mega Conferences.

Assembly Bill 162: This bill would add Universities, State Colleges and Community Colleges as possible sponsors for a charter school. I suggested it be amended, because the University itself doesn't sign the charter. It will specifically state that the Board of Regents could be the sponsors.

This bill also gives allowance for flexibility in teacher licensing for certain individuals who did not complete a teacher training program, but had teaching experience in private schools outside the state. I stated my concern that this by-passes the Commission on Professional Standards, which is the licensing authority in the State, and the bill is being amended to reflect that.

This bill will also adjust the enrollment lottery for charter schools to allow a sibling of a currently enrolled student, and any student that lives within a two mile radius, first priority to enroll over the general public.

Assembly Bill 168: Language requiring the State Board to adopt a charter school if they meet all the technical requirements will be changed from "shall" to "may" was adopted and do passed out of the Assembly Education Committee without amendments.

Assembly Bill 180: This is the Department of Education's charter school bill and was heard this week. It includes changing "shall" to "may", which is already in AB168, and requires new governing board members to read, understand and sign a form accepting stated responsibilities. The third part to this bill is to correct wording on what licenses a teacher has to hold, depending on which grade. Even though there have been eight friendly amendments added, it should be adopted by the Committee.

Assembly Bill 198: The money for full day kindergarten is not in the Governor's recommended budget. However, this bill do passed taking recommended budgets from the iNVEST Plan to provide \$12 Million for infrastructure the first year of the biennium for all districts except Clark County, which has committed to obtain facilities on their own if this bill passes. In the second year \$59 Million would be provided. Parents can still choose to hold a student out until they are seven, take a test and go into 1st grade. The funding would change from .6 per every kindergarten student currently to a regularly funded student at one FTE.

Assembly Joint Resolution 2: This would institute a state lottery. It was heard by the Assembly Education Committee. No action was taken.

Assembly Concurrent Resolution 5: This resolution supports school breakfast which the State Board heard testimony about and supported. It was heard and approved and is out of the Education Committee.

Senate Bill 108: This bill gives supplemental appropriation for the Special Education 395 program. It is for special education students that need to be placed outside the district either in state or out of state. We are only supporting five students under this category; one of them is in Florida and has exceeded the budget. We haven't had to ask for more money for about eight years, but this year we had to go back and request more.

Mr. Thunder reported on the Department's budgets. Regarding the Distributive School Account, the Governor's budget for FY '06 is \$4,385 per student and is \$4,424 in '05. There was an amendment to the budget to increase the amount by \$7 in the first year and \$14 in the second year because of the inflationary increases.

The budgets in the distributive school account was built with 2% cost of living increases in both years, and have provided repair increases at 5% in each year to the Legislature. A primary concern right now is the effect of the different tax plans and how that will affect the funding for schools.

President Gwaltney introduced and congratulated the Teacher of the Year Scott Panik, his wife Michelle and their daughter Grace. President Gwaltney thanked Mary Geisler, Assistant to Deputy Superintendent Gloria Dopf, for her work on the Program.

Deputy Superintendent Dopf reported that she attended the Education Summit in conjunction with the National Governor's Association meeting. The American Diploma Project was adopted by thirteen states to improve high school performance. Nevada was part of the pilot project. States will compete for funds provided by the Gates Foundation and other foundations. Governor Guinn requested Superintendent Rheault and Deputy Superintendent Dopf provide dialogue regarding this project. The fifth goal in our State Improvement Plan is high school reform.

Dr. Rheault reported on Clark County TEAM Academy Charter School which had its charter revoked by the Clark County School District in November. The school officially closed December 30, 2004. An independent audit for their governing board was completed last week. It was reported that bank reconciliations were incomplete, there was incomplete documentation on petty cash expenditures, failure to maintain a schedule of property and equipment, missing documentation of employee advances, inadequate documentation in almost every regard, missing accounts payable invoices, and missing documentation regarding the money CCTA received from in-kind grants. Superintendent Rheault reported that a copy of the audit will be distributed to all Members. He reported that the Department and the Attorney General's Office will work with Clark County School District on what needs to be done as a result of the closure.

President Gwaltney referred Members to the report Superintendent Rheault prepared with reference to steps involving No Child Left Behind for the next three years and stated that it be discussed Saturday morning.

3. ORGANIZATIONAL STRUCTURE

President Gwaltney stated there were four options concerning Board Committees: keep the committee structure as it is; combine committees; abolish the committee structure except for the mandatory Charter School Subcommittee, or handle committee business through Agenda Items.

Member Nolan noted that Committee meetings allow individuals to voice opinions that a general board meeting would not have time for. Member Nolan would like to see some of the committees continue and would agree to combine them.

Vice President Washington commented that there is a lot of redundancy.

Member Waters stated that he does not have a personal investment in continuing committees. Originally they were formed for concerned citizens to make their comments known which rarely happened. Member Waters believes it would save time not to have committees.

Member Myers agreed with Member Waters and stated that every Member did not attend the committee meetings unless they were on the committee. Besides the Charter School Subcommittee, Member Myers would want to eliminate all the committees due to redundancy and it isn't an efficient use of time.

Member Ferry stated that the Board needs to reduce the number of committees. Member Ferry noted that one advantage of the committee structure was that Members could become more expert in particular areas. As the Chairman of the Charter School Subcommittee, he tries to become informed on the issues.

President Gwaltney suggested utilizing the National Association of State Boards of Education's studies for specific topics by creating a temporary task force, limiting the amount of time to collect information.

Member Myers commented that we have that capability in the Board Operations to assemble a task force for a specific purpose.

President Gwaltney commented that it is essential to have input from the Board to be effective during legislature. President Gwaltney stated he believes strongly in combining or reducing the number of committees. If the committees are eliminated he believes it would be the President's responsibility to reflect the Board's governmental legislative interests.

President Gwaltney stated that by law, the Charter School Subcommittee remains. He suggested that the following needs to be accomplished: 1) the Board must operate with a set of rules; 2) a process needs to be in place for the Superintendent evaluations; 3) a process to deal with awards and nominations; 4) President Gwaltney would be looking for a governmental relations group; and 5) our highest priority is quality education.

Member Waters agreed and suggested the Board eliminate committees and appoint Task Forces for appropriate items.

Member Myers commented that Task Forces are to be appointed by the Board or the President, if the Board delegates.

Member Waters moved that the State Board of Education, in the Standing Rules and Procedures, eliminate all committees except the Charter School Subcommittee and the Board adheres to the written document of Task Forces and Study groups, seconded by Member Myers.

Deputy Attorney General Irvin commented that the Board has eight committees at this time. In dissolving the committees the Board may wish to dissolve or change the methodology of the Standing Rules. President Gwaltney questioned if the Board should alter the Standing Rules as well as eliminate the committees. Deputy Irvin responded that it would have to be agendized and go through the regulatory process.

Deputy Irvin stated that a mechanism for the Board to react to legislative actions would be difficult but a special meeting would not be a problem. However, if it is not agendized, it is problematic.

President Gwaltney commented that in the previous legislative session the Board held telephone committee meetings every two weeks. That committee had the ability to be a sounding board.

Deputy Irvin stated that communication is one matter, but if it can be conceived to be action, that would be another. Action is defined as a decision made by a majority of the Members present during a meeting of the public body and another possibility is a commitment or promise made by a majority of the Members present.

The motion passed unanimously that all committees except the Charter School Subcommittee will not meet in the future.

President Gwaltney called for recess to the Teacher of the Year Banquet at 4:47 pm.

March 19, 2005:

RECALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

President Gwaltney recalled the regular meeting to order at 8:35 a.m., with the roll call reflected above except for Member Waters arriving at 8:40 a.m. President Gwaltney thanked the staff for the pleasant dinner in honor of Steve Panik, Teacher of the Year.

18. REPORTS AND RECOMMENDATIONS FROM BOARD COMMITTEES

Mr. Arensdorf, Director of Fiscal Accountability, requested the appointment of two new members to the Southern Nevada Homeschool Advisory Council: Mr. Steve Brown to serve for one year and Mr. Michael Silic is a reappointment eligible to serve four years.

Member Nolan moved to appoint Michael Silic and Steve Brown to the Southern Home School Advisory Committee, seconded by Member Frederick. The motion carried unanimously.

Ms. Frankie McCabe, Director of Special Education, ESEA and School Improvement, requested the appointment of the following to serve on the Committee of Practitioners to advise the Department of Education on Title I issues required under the No Child Left Behind Act: Janice Keith, Connie Conrad and Karen Barreras.

Member Myers and Vice President Washington inquired about the balance of administrators from Douglas County and the balance of ethnicity in the north and south. Ms. McCabe responded that recruitment went out to every district and choices were limited to who responded. Vice President Washington requested that the Board have opportunities to recommend candidates.

Member Frederick moved to appoint Karen Barreras, Janice Keith and Connie Conrad to three year terms to the Committee of Practitioners, seconded by Member Nolan. The motion passed unanimously.

For the record Member Ferry stated that he will abstain from upcoming debate and voting on any recommendation that the State Board approve the review team members for the teacher education program review at Great Basin College in Elko, Nevada, due to possible conflict concerning his employment ties with Great Basin College.

Chopin Kiang, Director of the Office of Teacher Education and Licensure, submitted a panel of names for appointment of a Review Team to conduct a review of the Teacher Education Programs offered by Great Basin College. Mr. Kiang stated that he and the Superintendent have addressed the issue of diversity. Mr. Kiang will retire on April 8, 2005 but for continuity purposes, Dr. Rheault requested Mr. Kiang serve as Chairman and member from the public. Mr. Kiang proposed the following panel members: Member Ms. Dorothy Nolan, Dr. Francine Mayfield, Ms. Jeanette Calkins, Ms. Anna Bolin, Mr. Tom Reagan, Mr. Mark Owen, and as a non-voting staff resource person, Mrs. Rorie Fitzpatrick.

Member Nolan asked if she should reclude herself from voting because her name is on the list and Deputy Attorney General Irvin suggested that if she is not receiving any monetary compensation nor advancing her career, there was no reason she could not vote.

Member Waters moved that the Board approve the list for Great Basin College as submitted by Mr. Kiang, seconded by Member Frederick. The motion passed unanimously.

Dr. Rheault recommended Member Waters to continue as Board representative to the Far West Board position of WestEd effective June 1, 2005 for three years. Vice President Washington moved to appoint Member Waters to the Far West Board as part of the WestEd Board, seconded by Member Nolan. The motion passed unanimously.

11. APPROVAL OF THE CONSENT AGENDA

Member Ferry moved to accept the Consent Agenda, seconded by Vice President Washington. The motion passed unanimously.

5. PUBLIC HEARING AND POSSIBLE BOARD ADOPTION OF PROPOSED REVISIONS TO NAC 389.244, 389.256, 389.2947, 389.411, 389.491 AND 389.4915 SCIENCE STANDARDS AND ADOPTION OF NEW SCIENCE STANDARDS.

President Gwaltney opened the Public Hearing at 9:20 a.m. There were ten people in attendance.

Richard Vineyard, Assistant Director of the Office of Assessment Program Accountability and Curriculum and K-12 Science Consultant reported that for one year the development of the proposed revisions have been under the direction of the Council to Establish Academic Standards. A final draft was sent to national experts in December, posted to the Department's website and public input was collected.

Member Nolan asked Dr. Vineyard to speak on the subject of creationism and biological evolution.

Dr. Vineyard replied that creationism is based on a belief system and that is why it isn't appropriate for science classrooms.

Member Myers stated that she would not want evolution to be the standard for her science curriculum. Member Myers and Member Waters asked if any of the 300 hits to the website addressed the issue of creationism and evolution.

Dr. Vineyard replied that none of the comments specifically addressed this issue in terms of requesting a change or raising objections to creationism not being in the standards.

Dr. Christy Falba, Clark County School District Director of Math Science and Instructional Technology, complimented Dr. Vineyard on the revisions and commented that there were many opportunities for teachers to provide input during this process.

Member Ferry moved that the revised Science standards be accepted, seconded by Member Reid. The motion carried, with Member Myers in opposition.

6. WORKSHOP TO SOLICIT COMMENTS ON NAC 386.345(6) ADJUSTING DATE FOR SUBMISSION OF GOVERNING BOARD MINUTES, 386.355(2), DELETES LEGAL HOLIDAYS AS PART OF MONTHLY SCHOOL DAYS, 386.140(2)(g), ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE, 386.140(3) ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE, AND 386.140(4) ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE

President Gwaltney opened the workshop at 9:42 a.m. There were eight people in the audience.

Mr. Bill Arensdorf, Director of Fiscal Accountability reported the needs for these Charter School revisions.

Dr. Dottie Merrill, Assistant Superintendent of Washoe County School District, commented on the need for a Charter School to hold enough insurance to indemnify the sponsor against financial loss and encouraged the Board's support for these revisions.

Ricci Rodriguez-Elkins, Executive Director for Charter School Development, testified in favor of all three insurance revisions even though it will be a financial burden for charter schools.

A break was granted and President Gwaltney closed the workshop at 10:00 a.m. The meeting reconvened at 10:09 a.m.

7. PUBLIC HEARING AND POSSIBLE BOARD ADOPTION OF PROPOSED REVISIONS TO NAC 386.345(6) ADJUSTING DATE FOR SUBMISSION OF GOVERNING BOARD MINUTES, 386.355(2), DELETES LEGAL HOLIDAYS AS PART OF MONTHLY SCHOOL DAYS, 386.140(2)(g), ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE, 386.140(3) ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE, AND 386.140(4) ADDS MINIMUM AMOUNTS REQUIRED FOR INSURANCE

President Gwaltney opened the Public Hearing at 10:11 a.m. There were eight people in the audience.

Mr. Arensdorf requested acceptance to the revision for NAC 386.140 which stipulates that sponsors of charter schools have the ability to determine and request that charter school developers be aware and include in their budgets the appropriate insurance. Mr. Arensdorf asked for the Board to defer on NAC 386.345 and he will bring it back for a public hearing in April. Mr. Arensdorf requested acceptance to the revision to NAC 386.355 that deletes legal holidays from the first school month calendar for all charter schools.

Member Myers commented on NAC 386.345(6) that unless there are changes in the language in this legislative session, there will be no school districts left who have agreed to be charter school sponsors. Mr. Craig Kadlub, Clark County School District, testified that the Clark County School Board has not

sought to rescind the approval and currently they have five applications in process. There is currently an effort to have university sponsored charter schools as well.

Dr. Dottie Merrill reported that neither Carson City nor Churchill County have had action by their Board of Trustees to withdraw their applications. Washoe and Douglas County have withdrawn their applications.

Member Nolan moved that NAC 386.140 and NAC 386.355 revisions be approved as submitted, seconded by Vice President Washington. The motion passed unanimously.

8. WORKSHOP TO SOLICIT COMMENTS ON NAC 389, OCCUPATIONAL SKILL STANDARDS FOR METALWORKING AND WELDING

President Gwaltney opened the Workshop at 10:20 a.m. There were 15 people in the audience.

Phyllis Dryden, Director of Career, Technical and Adult Education, and Mike Raponi, Consultant for Career and Technical, explained these revisions would replace the standards developed in the 1980's. The revisions reflect national skills standards for Nevada students to compete nationally. Mike Pointer from the Regional Technical Institute of Reno served as the writing team facilitator for this project. Mr. Raponi commended Mr. Pointer on his students' accomplishments at the national level.

Members Waters, Ferry, Reid, Frederick, Myers, Vice President Washington, and Student Representative Mendiola commented on the outstanding accomplishments the Career and Technical Education Office has made.

Dr. Dottie Merrill testified on behalf of Janet Hay, Coordinator for Career and Technical Education for Washoe County, requesting full support for the revised standards.

9. PUBLIC HEARING AND POSSIBLE BOARD ADOPTION OF PROPOSED REVISIONS TO NAC 389 OCCUPATIONAL SKILL STANDARDS FOR METALWORKING AND WELDING

President Gwaltney opened the public hearing at 10:46 a.m. There were 16 people in the audience.

Member Waters moved that the Board adopt the Occupational Skills Standards for Metalworking and Welding as submitted, seconded by Member Frederick. The motion passed unanimously.

10. PUBLIC HEARING AND POSSIBLE BOARD ADOPTION OF PROPOSED REVISIONS REGARDING THE ESTABLISHED LIMIT OF UNDER SIX YEARS OF AGE FOR STUDENTS TO BE IDENTIFIED AS DEVELOPMENTALLY DELAYED

President Gwaltney opened the public hearing at 10:46 a.m. There were 16 people in the audience.

Frankie McCabe, Director of Special Education, invited Mary Ann Demchak, Chair of the Special Education Advisory Committee to help answer questions. This item was placed on the agenda at the request of a Board member and requests to change the age limit for the category of the Developmentally Delayed from under the age of six to under the age of eight.

Dr. Demchak reported that this issue has been discussed extensively and the Special Education Advisory Committee (SEAC) is not supporting the current proposed regulation change. Dr. Demchak stated that this will be placed on the SEAC agenda to look at the issue again.

Scott Reynolds, Executive Director for Student Support Services in the Clark County School District and Maureen Powers, Director for Early Childhood, Special Education Services, both testified that they do not support this revision.

Kelly Wales, Director of Special Education and Related Programs for Nye County School District, stated for the record: The Nye County School District does not support the adoption of the proposed revisions regarding the current age established for students to be identified as Developmentally Delayed. The proposed revisions would significantly impact our district financially with a concern for the need for teachers, support staff and facilities. Furthermore, the Nye County School District already faces difficulties locating highly qualified teachers in the area of early childhood who are certified. As a rural school district they face challenges hiring highly qualified special education teachers every year. If the revisions were made to establish the criteria for the Developmentally Delayed age limit, this could additionally affect the district's efforts to remain in compliance. The Nye County School District continues to put all children first where their education and developmental needs are concerned and respectfully requested that the Board consider the County's position towards this proposed revision.

Member Myers testified, as a speech pathologist in Lyon County School District, in favor of the revision. Ms. Myers distributed statistics prepared by the Department that Developmentally Delayed students are funneled into other special needs categories and therefore the age limit should be extended. Ms. Myers contacted 12 of the 14 States who use age eight for their cut off for Developmentally Delayed and none could identify a downside to having that age being higher than six.

Dr. Dottie Merrill stated on behalf of Superintendent Paul Dugan and the Washoe County Board of Trustees, that it is not the District's intention to prolong eligibility in the Developmentally Delayed category and limit access to the general curriculum if the student does not have a specific disability.

Dr. Christy Falba, Clark County School District, testified concerning the increase of students entering into the speech and language area after the age of six. Dr. Falba explained that in Clark County they struggle to ensure students who are disabled receive support. There are many developmental changes at younger ages but Clark County strives to have good transition at age six into general education with intervention, support and professional development, which is why the state directors, SEAC and others have not supported this age extension in the Developmentally Delayed category.

Deputy Superintendent Dopf clarified that the statistics Member Myers distributed do not necessarily reflect a longitudinal tracking of the youngsters. There is also strong support from the parental community not to raise the age.

Ricci Rodriguez-Elkins represented herself as a parent of a student with a disability categorized by their school district for ADHD, seeking outside sources, was correctly diagnosed with severe dyslexia.

Member Nolan moved to deny the proposed regulation and leave the pupil age for Developmentally Delayed at age six, seconded by Member Ferry.

President Gwaltney called for a roll call vote and that the motion be repeated. Member Nolan moved that the proposed regulation to change the Developmentally Delayed pupil to age eight not be accepted and to remain at age six. Vice President Washington, Members Ferry, Frederick, Nolan, Reid and President Gwaltney voted yes. Members Myers and Waters voted no. The motion passed and the change was denied.

Member Waters asked that this item be put on a future board agenda for another opportunity to vote on it. Member Nolan requested a child development expert be on hand for the next public hearing on this item. President Gwaltney asked Superintendent Rheault if any new information would be forthcoming on this item. Dr. Rheault responded that there will be new Special Education requirements in the future. President Gwaltney stated that unless there is new information forthcoming, this item will be tabled.

A break was granted at 11:47 a.m.
The meeting reconvened at 12:03 p.m.

17. DISCUSSION ON STATE BOARD MEMBERSHIP TO THE NATIONAL ASSOCIATION OF STATE BOARDS (NASBE)

Dr. Rheault reported that the current dues the Department pays to remain a member of the National Association of State Boards of Education is \$16,048, due by June 30, 2005. In order to use the funds somewhere else the Board would need to be specific where the \$16,000 should be moved to. The moving of funds could be placed for approval at the April meeting.

Member Myers and Vice President Washington commented they do not feel they are receiving their \$1,600 per Member portion of the \$16,048 dues. Both Members commented that NASBE's orientation for new board members is valuable; and perhaps the Board could pay for those orientations without being NASBE members.

Member Nolan and Member Waters believe the Board needs to be part of a national organization such as the Western Regional or the Education Leadership Council. Member Myers suggested the Board consider membership with the National School Board Association.

16. UPDATE REPORT ON TEAM A ACADEMY CHARTER SCHOOL

Dr. Rheault reported that Team A had included in their curriculum a classification as a vocational school with a full auto body program as an elective. There have been difficulties to date with obtaining the facilities for the lab portion of the class.

Judy Kroshus, Administrator for Team A, distributed a written statement explaining steps Team A will take to accomplish their goal by the first week of school this Fall. The school has been offering the pencil and paper portion of the class.

15. UPDATE REPORT ON HALIMA ACADEMY CHARTER SCHOOL

Dr. Rheault went on record, that due to exceptional circumstances, he retroactively approved an extension of the 60 day limit for the substitute Math teacher who began on October 1, 2004. Halima has employed another teacher effective February 1, 2005. However, this teacher has a license in physics but does not possess the math endorsements which will be obtained this Spring.

Dr. Rheault will send a letter to Halima with a copy to the Board, requesting repayment of the \$197,533 due to discrepancies in the final student audit. Dr. Rheault commented that all the Members should have received a packet from Halima's governing body Chair, Jenny Latham. Dr. Rheault reported that the Department has been contacted by legal counsel representing the teachers from Halima that testified at the January meeting. The issue of Halima's governing body composition has been resolved.

Member Myers and Member Waters raised concerns that the Department has been recommending certain consultants and accountants to charter schools. Dr. Rheault responded that no recommendations come through his office and that it should never occur and he would make sure the Department did not make recommendations.

Ricci Rodriguez-Elkins, Executive Director of the Center for Charter School Development, invited the Board to question her concerning Halima's attorney notifying her regarding the impugning of the character of Halima Academy. This matter will be taken care of in civil court. The Center for Charter School Development has a provision in their contract that clearly identifies their right to terminate a school's contract if the charter school refuses to adhere to solid advice or they purposely take illegal or irresponsible actions in the management or planning of their school.

Judy Kroshus testified that TEAM A has never received a Department recommendation.

Ken McKenna, attorney representing Halima Academy, stated that recommendations from the Department are occurring regularly and it needs to stop.

Member Waters requested any backup documentation from Mr. McKenna and asked the Superintendent to investigate.

Deputy Attorney General Irvin clarified that this is not an action item.

Dr. Rheault clarified that Halima is a State Board sponsored Charter School. The Board and the Department have responsibility to provide technical assistance but cannot come up with answers to all issues. However, if recommendations are happening from the Department, that can be corrected.

13. RECOMMENDATIONS OF THE REVISIONS TO NEVADA PUBLIC EDUCATION FOUNDATION BYLAWS

Mr. Arensdorf, Director of Fiscal Accountability, and Ron Krump, Member of the Nevada Public Education Foundation, requested the Board approve the revisions suggested at the December 2004 meeting to increase the maximum number of Trustees from 15 to 21 with no student representative, increasing the terms of those members from two years to three years, changing the title from President of the Foundation to Chairperson of the Foundation, and that an informational report of their activities be provided to the State Board annually, at the end of the fiscal year. Member Waters moved to approve the by-laws of the Nevada Public Education Foundation, seconded by Member Frederick. The motion passed unanimously.

14. WORLD LANGUAGE INITIATIVE AND RECOMMENDATIONS

Audrey Cornia, Janet Hartman, Maryann Girard, Gerrie Barnish and Linda Cotton all testified individually for the advancement of foreign languages being at the forefront of studies emphasized by Nevada schools, as well as all requesting the need for a State Supervisor to accomplish this.

President Gwaltney thanked everyone and agreed our schools do need a more multi-cultural approach to education. President Gwaltney offered to discuss it at a later date and will notify them at that time.

12. BOARD COMMITTEE APPOINTMENTS AS NEEDED PER DISCUSSION OF ITEM 3 ON MARCH 18, 2005

President Gwaltney reported that he has communicated with legal counsel as to the methodology to deal with the topics that until recently came through Committees. Mr. Irvin interpreted that another Board Member could chair those particular items when they come up for discussion before the Board. The Board will be functioning as a committee of the whole and the President will be asking for assistance when placing ongoing topics that committees handled in the past onto the agenda.

President Gwaltney had discussed with Vice President Washington her role in overseeing that these topics are not neglected. President Gwaltney asked the Board to provide any suggestions that would make this transition as easy and democratic as possible.

President Gwaltney requested Members contact him for the two positions opening July 2005 on the mandatory Charter School Subcommittee. Vice President Washington has agreed to continue to serve and Member Ferry has agreed to continue to serve as Chair. President Gwaltney will be recommending these two members in an Open Memo at the next meeting as an information item.

19. BOARD MEMBER COMMENTS AND POSSIBLE ITEMS TO BE PUT ON THE NEXT AGENDA

Student Representative Louis Mendiola stated that he plans to run for re-election as Student Representative to the State Board at the Nevada Association of Student Council in April and that he will not be able to attend the June State Board Meeting as he has been accepted to the Page Program (high school internship) with the honorable Senator Harry Reid in Washington, DC.

Member Frederick thanked the staff for accommodating the Board's schedule and welcomed Member Cindy Reid.

Member Nolan hoped her handout on teacher quality was interesting to the Board. Member Nolan requested to be part of the subcommittee comprised of Members from the Board of Regents and the State Board to address dual credits and act in an advisory capacity to the P-16 Council. Member Nolan asked Dr. Rheault for an update on this issue.

Dr. Rheault reported that the P-16 Council was reorganized two weeks ago and Member Ferry attended that meeting. The next meeting is scheduled for April 1, 2005.

Member Reid thanked everyone for being so helpful at her first meeting and commented how impressed she was with the Board's background, knowledge and dedication to education.

Member Myers requested clarification regarding the P-16 Council and is the current Board President to serve on it. Is there to be a Board representative who is not appointed by the President, or is it volunteer? Member Myers asked Superintendent Rheault how the waiver of days for Nevada State and Halima Charter Schools was calculated and to address that at the next meeting.

Member Waters congratulated Student Representative Mendiola and welcomed Member Reid and offered any assistance to her. Member Waters stated that he provided Mr. Arensdorf with information concerning the operation of a possible illegal school operating in Nevada and the Board's need to address the concept of what is considered virtual instruction versus distance education and correspondence schools.

Vice President Washington welcomed Member Reid.

President Gwaltney thanked the Board for making changes in operations. President Gwaltney stated that he feels strongly the Board needs to work harder to create a link with legislative committees.

Member Waters asked Dr. Rheault if he would agree that the Board has not taken a position on AB168, for which Dr. Rheault answered that is correct. Member Waters went on record to say that he opposes AB168 or anything that would strengthen or separate out a private school in the name of a celebrity in and above other charter and public schools.

20. PUBLIC COMMENTS

Ricci Elkins, Executive Director for the Center for Charter School Development, assured the Board that the Center for Charter School Development has never asked for, nor did she expect, nor is she aware of any department staff ever recommending them specifically to any schools. Secondly, addressing Ms. Myers comments regarding the lack of credentialing for consultants, because of the lack of definition and credentialing, organizations, boards and government frequently rely on the advice of testimony from persons trained and experienced in their field. Ms. Elkins stated it is important to state her credentials for the record so that the Board may have confidence in the testimony that she provides, or of any her associates may provide, is coming from knowledgeable and creditable sources. "I have a Master's Degree in Educational Leadership with an emphasis on Business Administration from Arizona State University West, was awarded a grant from the US Department of Education to design and administer a program specifically for charter school leaders, was in the first cohort and was one of 24 chosen from a pool of 250...I attend numerous conferences every year and I'm also an invited speaker to national conferences, I sit on Boards at national levels, steering committees and task force and the Center for Charter School Development is the only nationally recognized technical assistant center in the State."

21. ADJOURNMENT

President Gwaltney adjourned the meeting at 2:27 p.m.

Respectfully submitted:

Dr. Keith Rheault, Superintendent of Public Instruction

Approved by:

John Gwaltney, President, Nevada State Board of Education/
Nevada State Board for Occupational Education

Nita Barnes, Assistant to the Board
Nevada State Board of Education/Nevada State Board for Occupational Education