

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

April 28 and April 29, 2006

Department of Education
Second Floor Conference Room
1820 East Sahara, Las Vegas, Nevada

MINUTES OF THE SUBCOMMITTEE ON CHARTER SCHOOLS – April 28, 2006

SUBCOMMITTEE MEMBERS PRESENT:

Dr. Cliff Ferry, ex-officio member
Cindy Reid, Member
Gary Waters, Member

SUBCOMMITTEE MEMBERS ABSENT:

Marcia Washington, Vice President

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
William F. Arensdorf, Director, Office of Fiscal Accountability
Rob Campbell, Consultant, Office of Career, Technical and Adult Education
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

AUDIENCE IN ATTENDANCE:

Sandi Foster, Washoe County School District
Craig Kadlub, Clark County School District
Kimberlie King-Patraw, Nevada Homeschool Network

The Subcommittee on Charter Schools meeting was called to order at 3:30 P.M.; attendance indicated above.

Mr. William Arensdorf, Director, Office of Fiscal Accountability, discussed the subsection 4 charter application for Clark Nevada. Curtis Jones, liaison to the committee, had appeared before the State Board at the December, 2005 meeting, at which time the recommendation was not to approve a charter, but to give the school an additional thirty days to correct deficiencies found in the application.

Mr. Arensdorf indicated the following concerns still exist with the re-submitted application: (1) Excessive amount of control exercised by the educational management organization (EMO) over the governing board; (2) Lack of documentation that the school would have adequate insurance coverage; (3) Three teachers are required on the committee to form the school, and this is not demonstrated; (4) The budget still reflects an estimated first-year enrollment in excess of what historical data shows for charter schools; and (5) The application demonstrates a lack of understanding of how the special education funding works. Mr. Arensdorf explained that even if the school adjusted enrollment down to a maximum of 150 children, the average number of children needing special help probably would be 15 to 20, which would not generate a full special education unit of funding in the first year.

Mr. Arensdorf indicated the school had voluntarily withdrawn its request for subcommittee action at this time. He said the school is now looking toward a September, 2007 opening and will revise their application while working with Department of Education staff on the questionable items. He added if these items are clarified to the satisfaction of the Department, staff will bring the application back for Board action at the August or October meeting.

There being no questions from Board members, nor public comment, the subcommittee was closed at 3:45 P.M.

MINUTES OF THE REGULAR MEETING - APRIL 28, 2006

BOARD MEMBERS PRESENT:

Dr. Cliff Ferry, President
Marcia Washington, Vice President (arrived 4:15 P.M.)
Barbara Myers, Clerk
Sharon Frederick, Member
Dr. John Gwaltney, Member
Dr. Merv Iverson, Member
Cindy Reid, Member
Gary Waters, Member
Louis Mendiola, NASC Student Representative (outgoing)
Madisen McGrath, NASC Student Representative (incoming)

BOARD MEMBERS ABSENT:

Dorothy Nolan, Member
Patrick Boylan, Member

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
William F. Arensdorf, Director, Office of Fiscal Accountability
Orval Nutting, Consultant, Office of Fiscal Accountability
Rob Campbell, Consultant, Office of Career, Technical and Adult Education
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

LEGAL STAFF PRESENT:

Richard Dreitzer, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Sandi Foster, Washoe County School District
Mary Liveratti, Nevada Department of Health and Human Services, Office of Suicide Prevention
Craig Kadlub, Clark County School District
Kimberlie King-Patraw, Nevada Homeschool Network
Lisa Grayshield, Past Indian Education Consultant
Sherry Rupert, Nevada Indian Commission
Richard Harjo, Nevada Indian Commission
Cindy Spagna, Teen Screen
Rebecca Prephan, Teen Screen
Diana De laRosa, Teen Screen
Cheryl A. Williams-Jackson, Teen Screen
Rosanna H. Garcia, CCSN Instructor

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

President Ferry called the meeting to order at 4:00 P.M. with attendance as reflected above. A flexible agenda was approved unanimously.

1. President's Report

President Ferry thanked outgoing student representative Louis Mendiola for his service since May 31, 2004. Board members also thanked Mr. Mendiola for his excellent service and contributions to the Board, indicating they felt he had a promising future.

Mr. Mendiola said how important he felt his service on the Board was and thanked members for the insights they provided him. He also expressed his gratitude to Department of Education staff for their help.

He then introduced his successor, Madisen McGrath. She briefly outlined her background at Galena High School in Reno and indicated she looks forward to representing all Nevada students.

A certificate and gift were presented and photographs of the Board and Mr. Mendiola were taken.

President Ferry provided an update on the P-16 Council. He reminded members of last year's decision to reorganize this council partly because of a WestEd report on education in Nevada. Determination was to have the co-chairs come from the private sector rather than being the Superintendent of Public Education (K-12) and the Chancellor of the University of Nevada System (higher education).

Superintendent Rheault provided information on the recent P-16 meeting. He said finalization of priorities was discussed, one of which is the sharing of data between the K-12 system and the university system. The council will discuss their priorities in depth at its May 5 meeting.

President Ferry said he was pleased to see participation of more members at the P-16 meeting and encouraged Board members to pick up a list of the new Council members. He also requested that P-16 minutes be distributed to each Board member.

Member Myers suggested all members read the article on K-16 in the School 2 College Spring 2006 magazine.

Member Waters noted the business community has become quite active in public education policy, and urged that a fair balance in the decision-making process be maintained between education and business.

Doris Arnold noted the August retreat will be held in Incline Village at the Parasol Foundation.

Member Gwaltney said he felt sharing some "bridge-building" time with local superintendents and board members would be a positive part of the retreat.

Member Iverson said he hopes the retreat will have a clearly-defined purpose.

President Ferry asked members to submit suggested agenda items.

2. Superintendent's Report

Superintendent Rheault introduced the Department's newest employee, Virginia Beck, Consultant with the School Health and Nutrition Office in Las Vegas.

Superintendent Rheault provided an update on the Commission on Education Excellence, formed during the 2005 Legislative session. He indicated allocations had been made in January for almost all of the budgeted \$92 million. \$5,938,000 remains to be distributed and the Commission determined it would have a second round of applications. May 3 is the deadline for these applications; the Commission will meet May 22-24, 2006 to review them. He briefly went over the Commission's priorities, the first of which include (a) the 65 schools which previously applied but were not funded; (b) the 8 schools which were in need of improvement but did not apply. He said the fact that 8 schools in need did not even apply was a big concern of the Governor. He noted that seven of these were in Clark County and one was in Washoe County.

Superintendent Rheault doubts there will be any funds remaining after the first priority, but if there are, the second priority would be the 150 schools which received less than 25% of their request on initial application. A third priority would be any new schools opening which can demonstrate they are receiving a majority of their students from schools in need of improvement. The fourth priority would be any other schools that did not apply during the first round.

He reported the contractor/evaluator has been hired and has a good data base. He will see if they can provide a report to the Board at an upcoming meeting.

Superintendent Rheault said Senator Raggio, Chair of the Legislative Committee on Education, expects followup to assure funds are utilized appropriately, and to provide input to the 2007 Legislature as to what programs have proven successful, and if additional funding would be desirable in the future for improvement and innovation. He added that the Legislative Committee allocated an additional \$50,000 to the Commission for travel so each member could visit 18 schools, or about half the funded schools; the contracted evaluator will visit about one-half. Funding also has been provided for "Best Practice Fairs" next fall to showcase the best innovative programs as well as "share-alike" meetings where schools can share what is working and what isn't. He said much reliance will be placed on the evaluator for details on the various programs.

Member Gwaltney said he understood the Governor is requesting \$100 million, but this funding will be approved prior to full evaluation of the various programs. He then asked if the outside evaluator's input would be used to determine funding. Superintendent Rheault said the Commission would be reporting to the Legislature before completion of spring testing, but he hopes the final budget decisions will occur after the Legislature has had an opportunity to review the actual test results.

Superintendent Rheault told the Board the first priority will be to show the Legislature what happened at each of the schools, highlighting results of the programs for which the school was given improvement funds. He added that the Governor's earmarked \$100 million is for education programs and might not be tied specifically to this particular program when the final budget has been approved.

Ms. Dopf indicated the evaluator had submitted a detailed proposal including quantitative as well as qualitative analysis. Each site recipient will turn in their own data in addition to what the state gathers and random follow-up will provide additional information.

Superintendent Rheault gave an update to his April 10 memo regarding Department personnel. He noted the recently-filled Assistant to the Board position is vacant again, but the two Administrative Assistant positions in Career/Technical Education have been filled; the remaining positions are still in various stages of recruitment, and the Board will be apprised as vacancies are filled. He noted Frank

South will be retiring on September 1 and has volunteered to be temporarily reassigned to the Cultural Diversity position to enable hiring of an Educational Technology Director upon Interim Finance approval in May under the Department's reorganization. Superintendent Rheault indicated the Indian Education Consultant will be housed in Carson City to facilitate weekly meetings with the Indian Commission; the Business, Office and Marketing position could be in Las Vegas depending upon who is hired; Betty Hartnett, the newly-hired grant writer, is in Carson City; and the Cultural Diversity position will be in Las Vegas.

Superintendent Rheault told the Board of a June 9 hearing on the Halima Academy to determine if the Board's action to close the school will be overturned or upheld. The judge has indicated he will provide an hour's time for both sides to give any additional information, and he will render his decision prior to June 30.

Regarding the recruitment of highly qualified teachers, Superintendent Rheault referred to a comparison of states which listed Nevada as 46th in compliance, with just 68% of the state's teachers being "highly qualified." Secretary of Education Spellings has granted an extension for states to meet the 100% requirement if certain criteria are met: Does the state (a) have its own definition of "highly qualified" (b) have a reliable accountability system to document teachers, and (c) make a good faith effort to recruit highly qualified teachers at both high-poverty and low-poverty schools? He said Nevada was one of the first to be monitored by the U.S. Department of Education on teacher quality requirements and was one of two without a finding that something needed to be changed. He has also been contacted by about ten other states inquiring about Nevada's procedure to document teachers. He noted that any newly-hired teacher with any provision on their license cannot be considered "highly qualified," and added that he feels the state will be about 80% "highly qualified" at the time the extension application is submitted.

Superintendent Rheault related how he told a Gannett news reporter that Nevada is in a "catch-22" since the state's definition of "highly-qualified" is stricter than many others, making it harder for teachers to reach that level; thus placing Nevada lower on compliance comparison charts. Nevada has refused to lower its standards even though it would allow us to claim a higher proportion of "highly qualified" teachers.

He described a beneficial meeting two weeks ago called by Senator Reid to discuss ramifications of "No Child Left Behind" before the reauthorization process begins. Participants were Senator Reid, all school district superintendents and Superintendent Rheault. Highly-qualified teachers, assessments, and AYP were discussed in depth. Senator Reid reported he will work to obtain school bus money in order to eliminate some of the very old buses in rural Nevada. The Superintendent told how the Senator jokingly inquired if Board member Reid was being treated OK.

Superintendent Rheault indicated he attended the annual legislative meeting of the Chief State School Officers in Washington, D.C. There were presentations from the original backers of the "No Child Left Behind Act" and the forty or so present discussed strategies to clean-up the Act during its reauthorization process. He described how Ray Simon and Henry Johnson from the U.S. Department of Education had to hold a closed-door meeting since so many state superintendents expressed anger at the lack of flexibility being exhibited by the U.S. Department of Education. He described Connecticut's situation where the USDOE indicated they did not like the state's teacher quality standards, which have been in effect since about 1989, and removed about 12,000 teachers from "highly-qualified" status, telling the state to come up with new methods at the last minute. He related a second example from Michigan, which was within hours of putting out the final report on their

three-year testing of grades 3-8 when the USDOE informed them they were not approving the “N” count of 30 (the minimum number of students needed from each ethnic group or category to qualify for AYP). Michigan has been working with USDOE for over two years with no indication there might be any problem. He indicated how many of the USDOE decisions are seemingly purely political.

He reported that Nevada applied for the Growth Model, hoping to get it in place for 2007; the USDOE response was generic, clearly indicating they hadn’t even read the application and telling Nevada to reapply in the summer since the state “didn’t want to implement until 2007.” He added that many of the things now happening at the national level are of great concern to many states.

Member Myers asked who would be eligible to re-apply. Superintendent Rheault said he felt all states would be eligible, not just those which had been previously rejected. He added that Senator Reid inquired about this issue and Superintendent Rheault informed him that the law should prescribe the acceptable means for measuring achievement, and not allow USDOE the option to determining based upon their selection of ten pilot sites.

Member Waters presented certificates to four interns with the University of Nevada, Las Vegas School of Social Work and Regis University Marriage and Family Therapy and Psychology programs. He commended them for the hundreds of hours they volunteered in the public schools screening students for mental health and suicide through a program at the Center for Health and Learning.

A discussion followed indicating that Nevada’s suicide rate is third in the nation and the second cause of death in the state and mental health issues play a large part in this community problem which has a big impact on the schools.

3. Approval of Consent Agenda

President Ferry said the March minutes have not been finalized. There are also changes in the Elementary and Secondary Textbook Adoption list. Superintendent Rheault requested that the following five books be removed from the proposed State Textbook Adoption List before its consideration on the consent agenda: on page 17—Farm and Ranch Business Management; the duplicate Introduction to Landscaping; Welding Skills Third Edition; on page 18—Business and Personal Finance; and on page 21—Drafting for Industry.

The motion was made by Member Gwaltney, seconded by Member Reid:

That the Nevada State Board of Education approve the consent agenda, minus approval of the March minutes and including the textbook changes described above.

The motion passed unanimously.

4. Nevada School District Representative to the WestEd Board of Directors

After brief discussion, Member Reid made the motion, seconded by Member Gwaltney:

That the Nevada State Board of Education approve re-appointment of Dr. Agustin Orci

as the Nevada school district representative to the WestEd Board of Directors.

The motion passed unanimously.

5. Subsection 4 Charter for Clark Nevada Charter School

William Arensdorf explained that Clark Nevada has voluntarily withdrawn their application for the time being and will be working toward a 2007 opening. In the meantime, they will work with the Department of Education to clarify the items of concern. The revised application will probably come before the Board at the August or October meeting.

Mr. Arensdorf informed the Board that the state is in its first year of a three-year federal cycle for planning and startup grants to charter schools. Member Gwaltney asked if the Board could get a list of all schools that had applied for such a grant. Mr. Arensdorf clarified that a charter school must have an application on file with the Department of Education and Clark Nevada would be eligible to apply for a \$50,000 start-up grant. Mr. Arensdorf said each school is eligible for funds over a three-year period for planning and early operational costs. Member Gwaltney said the Department should stress the requirements in the early process of assistance. Mr. Arensdorf indicated they do have summer orientation sessions for prospective charter school applicants and they do have training for governing board members and administrators of charter schools. Member Gwaltney urged thorough training and information so that if future litigation occurs, it can be demonstrated that each charter school applicant is on record that they had been thoroughly informed in advance of all requirements and ramifications of operating a charter school.

Mr. Arensdorf mentioned the 2005 legislation which requires an affidavit from governing board members affirming that they have read and understood the responsibilities of being on a charter school board.

6. Proposed Changes to Indian Education Programs in Nevada

President Ferry introduced Richard Harjo, Chair of the Nevada Indian Commission, and Sherry Rupert, Executive Director of the Nevada Indian Commission.

Member Frederick explained recent activities of the Indian Education Task Force, which has been invited to participate in the P-16 Council.

Mr. Harjo explained how they are forming partnership relationships with the University and Community College system, as well as the College of Education. He offered to hold a round-table discussion so all stake-holders can have a say in developing a good long-term plan to reduce the achievement gap of Native American students. He requested help to improve the graduation rates of Native students statewide and noted Montana, Minnesota, New Mexico and Washington have given monetary support from \$5 to \$12 million for their state's plans. He added that the graduation of just 40 additional students would improve the state's graduation rate by 20%.

He and Sherry Rupert explained their request that the Board make Indian Education a priority and provide increased funding as well as policy support. They urged implementation of goals, objectives and outcomes which would be mutually agreed upon by the Board of Education and the Nevada Indian Commission and outlined several proposals, including upgrading of the Department's Indian Education Consultant.

Member Iverson indicated he agrees with the things pointed out by Mr. Harjo and Ms. Rupert, but would like to have more information and data on what specific activities might actually improve the graduation rate of Native American students. He suggested this issue should be discussed fully at the retreat in order to determine how it can be incorporated into the overall goals and objectives of education in the state. He noted that each group coming before the Board asks that their issues be designated a priority—if all were, it would result in none becoming a priority. He noted the Board does have a mission statement to fostering excellent educational opportunities for all learners, and somehow the critical needs of all these groups must be considered, and the causes and effects defined in such a way that all groups benefit to the utmost.

Additional discussion pointed out that more information and data are needed in order to make recommendations. Member Gwaltney asked Mr. Harjo if he had a suggestion on the best way to proceed, whether finding a legislator to carry a bill or incorporating the item into existing Board requests might be best. Mr. Harjo emphasized again that the first steps need to be taken and Board support of the concept would help. He said there definitely needs to be collection of more data.

Superintendent Rheault noted several items which could be worked on without legislative action and described the legislative and budget process, indicating that anything requiring additional funding would first have to be approved by the Board and then receive the Governor's support in his budget. Any statutory changes would have to go through the legislative process next year.

Mr. Harjo clarified that their proposals would help in the gathering and analysis of data.

In response to a question from Member Reid, Linda Grayshield, former Department of Education consultant, noted a report she had compiled while she was at the Department of Education which included test scores, graduation and dropout rates by district (those that reported), special education, parental involvement, successful programs, and summaries. She indicated there is also information on successful programs in other states.

Member Iverson expressed his displeasure that the Board had been given a proposal which did not include sufficient backup information. However, he also indicated he would like to see the Board make a commitment toward achieving the goals outlined by Mr. Harjo and Ms. Rupert. Member Frederick noted that the report referred to by Ms. Grayshield was still in draft form so it hadn't been included in the current Board packet. She added that the next task force meeting will be held at Pyramid Lake, providing an opportunity to view successful programs.

Superintendent Rheault told them the draft report will be updated and information from other states made available to the Board by June.

President Ferry said the Pyramid Lake School would be invited to make a presentation at the August retreat.

Member Waters indicated the cooperative efforts between the Board, Mr. Harjo, Ms. Rupert, the Indian Commission, and others will result in positive changes to improve education for Native American students.

After further discussion, the motion was made by Member Gwaltney and seconded by Member Frederick:

That the Nevada State Board of Education commit a portion of at least two regular meetings per year for Indian Education issues.

Member Myers emphasized there must be a focus and purpose for these meetings, with adequate backup on any topics to be discussed.

The motion carried unanimously.

President Ferry reiterated that the Board will invite Pyramid Lake representatives to the August retreat, that the Board will hold a minimum of two meetings per year including Indian Education, and there will be a June agenda item dealing with data on Indian Education.

Mr. Harjo thanked the Board and requested the Indian Education Task Force be made a standing advisory committee to the Board.

Informational background on agenda item 8

Member Waters asked that Mary Liveratti, Deputy Director, Department of Human Services, be able to address the Board at this time. Ms. Liveratti briefly described a handout regarding the newly-formed Office of Suicide Prevention and the development of the statewide plan which will be presented to the 2007 Legislature. She noted receipt of a Garrett Lee Smith grant specifically to address youth suicide prevention efforts in Nevada. She indicated education is one of the main partners in these efforts, and the Office of Suicide Prevention looks forward to working with the Board.

7. Task Force of the Commission on Professional Standards, proposed regulatory amendments

Member Myers described the proposed regulation change to NAC 391.057 and NAC 391.058 pertaining to the licensure of teachers of students with disabilities. The proposal, brought forward originally by Clark County because of the shortage of special needs teachers, would make changes to the current regulations for conditional licensure. Member Myers explained that the Special Education Advisory Committee will need to comment by phone due to the timeline. The areas being addressed by the proposed change include: teachers of hearing impairment, early childhood special education, adaptive physical education, speech and language impairment, autism, orthopedic impairment, health impairment other than orthopedic, performance, traumatic brain injury, and visual impairment. As an example, she noted a teacher for visual impairment could obtain a conditional license with a bachelor's degree and have three years to complete the requirements for specific licensure.

Member Myers is concerned that sufficient discussion may not take place by the Special Education Advisory Committee on the reduction of requirements being proposed since they will be doing this by phone as a one-time hearing prior to taking action. She added that her concerns were particularly in the areas of visual, hearing and orthopedic impairment, wondering if a non-specific bachelor's degree provides enough background for a teacher to deal with these special needs students for three years while the teacher obtained needed classes. She is encouraging more discussion prior to approving any changes.

Member Gwaltney asked what specifically could be done to address Member Myers' concerns. Member Myers said the Board could request the Commission on Professional Standards hold another hearing in addition to the Special Education Advisory Committee phone discussion.

Member Gwaltney made a motion, seconded by Member Frederick:

That the Nevada State Board of Education request the Superintendent write a letter to the Commission on Professional Standards in Education asking them to hold a second hearing on the issue of conditional certification for teachers of certain special education students.

The motion carried unanimously.

President Ferry introduced and welcomed Richard Dreitzer, Deputy Attorney General.

Member Gwaltney introduced Sandi Foster, who replaces Dotty Merrill as representative from the Washoe County School District. Ms. Foster indicated Ms. Merrill will be retiring this fall.

Flex agenda note: Item 8 follows 19; item 9 is 1st on April 29; item 10 follows item 8

11. District Plans to Improve the Education of Students

Gloria Dopf distributed a summary of the seventeen district improvement plans. She explained these plans are required by December 15 of each year and are distributed to several entities, including the Department of Education. She discussed the two types of summaries: one of identified primary needs and one of action plan priority goals. She noted that students in need are identified as group clusters of English, language arts, math and writing. The needs are identified based upon data, using the SAGE school improvement model developed for the state by the Department. She said the action plans identified items such as professional development, formative data assessment and expansion of data analysis, and remediation instruction. She said the summaries were just a snapshot of district plans and she suggested Board members examine the full plans to get the entire picture.

Superintendent Rheault noted some districts are working specifically with Native American students: Elko County in both reading and math, and Douglas County High School in math. He added that districts, Clark County particularly, do have many disparate groups with needs which must be addressed within whatever plans are devised.

Member Frederick asked about the diversity training for Washoe County. Ms. Dopf replied that this included improving teacher awareness of diversity and cultural issues, and a component about looking for gifted and talented performance in children from areas not traditionally looked at, such as poverty. It was noted that Native American students would be included.

President Ferry indicated he attended the Elko County School District Board meeting and noted they are also developing a large parents group for gifted and talented issues.

Ms. Dopf said she has noted a definite improvement in utilization of data in preparation of district action plans over the past two years, with very strong connection of data to goals.

Ms. Dopf replied to Member Washington's question by explaining that the plans do conform to "No Child Left Behind" requirements.

At 7:00 P.M., the meeting was recessed until 8:30 A.M. Saturday, April 29, at the same location.



MINUTES OF THE REGULAR MEETING, APRIL 29, 2006

BOARD MEMBERS PRESENT:

Dr. Cliff Ferry, President
Marcia Washington, Vice President
Barbara Myers, Clerk
Sharon Frederick, Member
Dr. John Gwaltney, Member
Dr. Merv Iverson, Member (arrived 8:38 A.M.)
Cindy Reid, Member
Gary Waters, Member (arrived 8:45 A.M.)
Madisen McGrath, NASC Student Representative

BOARD MEMBERS ABSENT:

Dorothy Nolan, Member
Patrick Boylan, Member

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
William F. Arensdorf, Director, Office of Fiscal Accountability
Orval Nutting, Consultant, Office of Fiscal Accountability
Rob Campbell, Consultant, Career, Technical and Adult Education
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

LEGAL STAFF PRESENT:

Richard Dreitzer, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Sandi Foster, Washoe County School District
Mary Liveratti, Nevada Department of Health and Human Services, Office of Suicide Prevention
Craig Kadlub, Clark County School District
Kimberlie King-Patraw, Nevada Homeschool Network
Lisa Grayshield, Past Indian Education Consul
Sherry Rupert, Nevada Indian Commission
Richard Harjo, Nevada Indian Commission
Cindy Spagna, Teen Screen
Rebecca Prephan, Teen Screen
Diana De laRosa, Teen Screen
Cheryl A. Williams-Jackson, Teen Screen
Rosanna H. Garcia, CCSN Instructor

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

President Ferry called the meeting to order at 8:30 A.M. with attendance as reflected above.

9. Requirements for Schools Designated as “Needing Improvement” for

Three Consecutive Years

Gloria Dopf directed the Board to the background materials and briefly explained the sequence of events in the designation of “adequate yearly progress” (AYP) and what needs to occur at the school level should the adequate yearly progress not be made. She noted differences between Title I and non-Title I schools and indicated there are currently sixteen schools in the third year of “needs improvement” and two schools in the fourth year—all Title I schools. This is because Title I schools, although in a different designation process, retained a “needs improvement” status when “No Child Left Behind” became effective in 2002.

She noted the issue is confused further because it takes two years of failing to achieve AYP before a school is designated as “needs improvement.” The Department has designated “Needs Improvement-1” to refer to a school which has not met AYP for two years, and so on. Further complicating the issue is the fact that to be un-designated as “needing improvement”, a school would have to meet AYP for an additional two years; therefore, it is not that Title I schools are doing worse, it is that they “started the race” before the non-Title I schools started.

Referring to the handout submitted by Member Myers, Ms. Dopf discussed the nine questions in depth. She pointed out that Title I schools and non-Title I schools are treated differently. The school support team makes recommendations, which may include corrective action when a school is in “Need Improvement-3” classification. The Department of Education may make corrective action for non-Title I schools whether the school support team recommends it or not. For Title I schools, it is the school district which makes the decision on whether to take corrective action and what the action will be.

She noted corrective actions for non-Title I schools include developing and carrying out a new curriculum at the school, decreasing the number of managerial employees, and extending the school year or day. For Title I schools, the district can contemplate six corrective actions: replace the school staff, institute a new curriculum, decrease managerial positions, appoint an outside expert, extend the school day or year, and restructure the school’s internal organization.

Member Washington asked if the Department provided oversight to the districts on Title I schools. Ms. Dopf replied that the district would be subject to procedures as outlined in “No Child Left Behind” and noted the Department established and served on the school support teams.

Ms. Dopf said a restructuring plan as defined under federal law must be developed for those schools in the “Needs Improvement-4” category. She added that the Department and districts are not certain what will be expected of them following the fifth year, as the law is silent. She said absent any specifics, it is presumed the cycle would begin again, with the restructured school being considered a new school in its first year.

Ms. Dopf replied to Member Gwaltney’s question by saying federal funds can be used for support activities in Title I schools, but cannot be used for non-Title I schools, even though the law requires the accountability process to be the same for all sites.

Member Gwaltney asked for an estimate of the number of non-Title I schools which might be in stage 4 in upcoming years. Ms. Dopf said it is expected that about 75% of all schools will be at some stage of “Needs Improvement.” She predicts having to provide help to approximately 100 school support teams next year. Hopefully, some schools will no longer “need improvement” during the fourth year.

Member Gwaltney asked for a cost estimate for support activities. Ms. Dopf noted the amount of support activity required is different for Title I and non-Title I schools, but approximately \$50,000 is received by Title I schools for these activities.

Member Gwaltney asked if the Department had yet communicated this situation to the Legislative Counsel Bureau so preparation for the financial and staffing crisis can take place. Superintendent Rheault indicated a bill draft request from the Legislative Committee on Education will address school support teams. He said \$20,000 per school support team had been discussed during the 2005 session, but it wasn't funded since there were no teams at that time. It was noted that each team is composed of seven or eight individuals, and finding enough people may pose a problem, since some must be from outside the district.

It was emphasized that the Department and the Board needs to be "ahead of the game," in planning for these contingencies and in notifying the Legislature of the problems and resultant financial impact.

Member Myers noted she had read the reports and it is evident to her that much federal money had come to the Title I schools, but adequate training for the teachers in the programs was not provided, and the new programs were not working as envisioned as a result. She said training in the programs, as well as time to implement them, is critical. It was noted that limited professional development funds for training are available, but a plan for consistency in using them for student achievement needs to be worked on.

President Ferry mentioned that in Maryland when their state board tried to approve a plan to take over failing schools, it was overturned by the politicians.

With regard to impact upon Department staff, Ms. Dopf said logistics are being worked out, and it might be possible that a Department staff member could serve on more than one team. She added many requirements kick in this school year and there is concern because there is currently no recourse for any state relief.

It was agreed that this is one of the more critical issues currently faced by the Board.

Item 10 on page 20; item 11 heard April 28

12. Workshop on Proposed Regulations for Issuing a State Board Notice to Revoke a Charter (NAC 386.330)

There were five present in the audience.

William Arensdorf reported that legal counsel at the March 3-4, 2006 meeting indicated it might be a good idea to support regulations outlining procedures should it become necessary to revoke a private school charter; agenda supporting materials include these proposed regulations. Staff is suggesting a minor change to these: Since the Board only meets every six-to-eight weeks, there needs to be a procedure to cover the gap in the timeframe. It is proposed that regulations authorize the Superintendent or his designee to issue the formal written notice of revocation. He added it would not diminish the Board's authority or responsibility, but would facilitate quicker corrective action on the part of charter schools.

There was discussion about the use of the word “may” as opposed to “shall” with respect to issuance of the letter of intent. Superintendent Rheault explained if the language were changed to “shall” it would mean that all notices would have to be issued by the Superintendent; “may” would permit the notice to originate with either the Board or the Superintendent.

President Ferry asked for public comment. Sandi Foster, Washoe County School District, indicated that the district was in support of the proposed revisions.

Craig Kadlub, Clark County School District, indicated they were also in support of the proposed changes, as they would foster compliance in a more timely manner.

President Ferry closed the workshop and opened the public hearing on this topic at 9:27 A.M.

13. Public Hearing on Proposed Regulations for Issuing a State Board Notice to Revoke a Charter (NAC 386.330)

There were five present in the audience.

Mr. Arensdorf requested approval of the proposed regulation to include the change described during the workshop: That 1(a) be amended to read, “Be signed by the Superintendent of Public Instruction or his designee.”

There being no additional public comment, the hearing was closed at 9:30 A.M.

Member Waters made the following motion, seconded by Member Gwaltney:

That the Nevada State Board of Education approve the proposed regulation to NAC 386.330 including the following changes to the proposal: replace “may” with “shall” and change 1(a) to read, “Be signed by the Superintendent of Public Instruction or his designee.”

The motion carried unanimously.

14. Workshop to Consider Proposed Regulations for Transfer of Credits Earned at Junior High and Middle School Level (NAC 389.445)

There were five present in the audience.

William Arensdorf brought forth proposed clarifications for credits that are earned by children who are being home-schooled, noting that something similar had been done about a year ago with credits being earned by home-schooled high school students. The Department would like to make the regulations consistent, as many students transfer to public schools after elementary school. He noted certain credits in language and math are required for promotion to high school and the proposed changes would provide clarification on the process and what credits would be accepted by a receiving middle or junior high school.

He said the focus would be on when home school courses would be determined to be equivalent and the conditions under which correspondence courses would be accepted by the receiving junior high school.

Kimberlie King-Patraw, Chair, Southern Nevada Home School Advisory Council, described their concerns with the proposed section 3 (e). In the first sentence, they recommend a change specifying, “as determined by the school district” be inserted following “equivalent” and the phrase, “and the school district approves the transfer of units” be deleted. This would assure the district makes its determinations based upon fact, not feelings.

Member Iverson wanted to know why the approval of equivalency would come after the fact rather than before. Discussion followed about who should determine equivalency and it was agreed the regulations should clearly specify who and how equivalency would be determined so everyone knew what the standards were and decisions would not be arbitrary. Ms. King-Patraw said generally it has been each receiving school counselor who evaluates home schooling transcripts and she would like to see this be made less subjective so that each individual school would not be making its own determination.

Orval Nutting, Consultant, Office of Fiscal Accountability explained that the regulation being discussed pertains to a Nevada Revised Statute on the State Course of Study and requirements for graduation. He went on to say that each school district board of trustees is responsible for determining equivalency of transferred-in courses based upon the approved courses the district offers in its public schools. He said clarification of the regulation needs to be made to cover home schooled students transferring at the junior high level.

Superintendent Rheault indicated the statutes are quite specific on the districts having to set a policy on equivalency, which will vary greatly from district to district, so the regulations need to be flexible in order to take this into consideration. The district policy is available for parents and for any appeal process.

Ms. King-Patraw agreed, saying the proposed wording changes would eliminate subjective decisions at the school level and would also make an appeal possible should a parent disagree with the decision made on the equivalency of any course.

Member Iverson asked to go on record that he never disagrees with the State Superintendent of Public Instruction.

Mr. Nutting referred to section 7 concerning correspondence courses. This change would align the requirements for middle, junior and high schools. He indicated there is currently very good cooperation between the Board, local districts and the home school associations.

President Ferry closed the workshop and opened the public hearing at 9:47 A.M.

15. Public Hearing to Consider Proposed Regulations for Transfer of Credits Earned at Junior High and Middle School Level (NAC 389.445)

There were no questions or comments from the Board or the five individuals in the audience so the hearing was closed at 9:48 A.M.

Member Waters made the following motion, seconded by Member Frederick:

That the Nevada State Board of Education approve the proposed regulations to NAC 389.445 to include a change to the first sentence of section 3(e) by placing “as determined

by the school district” following “equivalent” and by deleting the phrase, “and the school district approves the transfer of units.”

The motion carried unanimously.

16. Workshop to Consider Amendments Affecting NAC 385.420 Governing the Issuance of Certificates of Educational Equivalence (LCB file R-013-06)

There were seven present in the audience.

Superintendent Rheault indicated the proposed changes clarify the requirements for earning a General Equivalency Diploma. The current code has not kept pace with technological changes and it is no longer necessary for testing sites to send a list of test-takers to the Department of Education as all test results are now stored in a centralized system.

There being no questions or comment from the public, President Ferry closed the workshop at 9:51 A.M. and opened the public hearing.

17. Public Hearing to Consider Amendments Affecting NAC 385.420 Governing the Issuance of Certificates of Educational Equivalence (LCB file R-013-06)

There were seven present in the audience.

There being no public comment, President Ferry closed the hearing at 9:53 A.M.

The following motion was made by Member Frederick and seconded:

That the Nevada State Board of Education approve LCB File R-013-06 as proposed by staff.

The motion carried unanimously.

18. Workshop to Consider Recommendations for Amendments to NAC 389 Pertaining to Occupational Skill Standards

There were seven present in the audience.

Rob Campbell, Consultant, Office of Career, Technical, and Adult Education, outlined changes being recommended to the regulations on Career and Technical Education. He noted these changes are consistent with national industry skill standards and other states' standards. They have also been endorsed by local business and industry.

He said the changes refer to automobile body repair; cabinetmaking; and heating, air-conditioning and refrigeration. These changes, replacing NAC 389.596, 389.614 and 389.59, would impact the schools because they are either new or revised standards which might require new curriculum development and equipment purchase.

He indicated the proposal was developed by teachers, administrative representatives, the Department of Education, and other interested parties.

Member Gwaltney complimented those involved with developing the recommendation. He wondered if it could be determined if the students are performing as well on the proficiency exams as it was anticipated they would with the crosswalked standards.

Ms. Dopf said these students are actually exceeding the performance of the general student population, in some cases dramatically improved.

She added that Assemblywoman Parnell is chairing a legislative subcommittee looking into successful programs and practices and that committee will be presenting recommendations to the legislature for support to expand successful CTE programs.

In answer to President Ferry's question, Mr. Campbell indicated that the positive information on the programs is being shared with other states.

President Ferry noted that one of the priorities, particularly in rural areas, was health care occupational courses.

Sandi Foster, Washoe County School District, thanked the Department for allowing Washoe County School District teachers, technical skills advisory committee and other interested persons to be involved in formation of the standards. She said the school district supports approval of the proposed regulations.

President Ferry closed the workshop and opened the public hearing at 9:59 A.M.

19. Public Hearing to Consider Recommendations for Amendments to NAC 389 Pertaining to Occupational Skill Standards

Seven were present in the audience.

There being no questions or comments, the hearing was closed at 10:00 A.M.

Member Myers made the following motion, seconded by Member Washington:

That the Nevada State Board of Education approve the changes to NAC 389.596, 389.614 and 389.59 as recommended by the Department of Education.

The motion passed unanimously.

President Ferry recessed the meeting at 10:02 A.M.; he called the meeting to order at 10:12 A.M.

8. Discussion on Proposed State Framework for Review and Approval of Supplemental Mental Health and Suicide Prevention Programs in Nevada Public Schools

Member Waters reported that a three-year development project has resulted in a suggested structure for the review and approval of supplementary materials and information on mental health and suicide prevention to assure all information and materials are not unscientific nor inaccurate or misleading. He recommended any standards be approved by the State Board of Education rather than by local school boards of trustees in order to provide consistency across the state.

He said studies have shown that students with mental health issues or suicidal tendencies do not learn as well as other students, so the school is a logical place to provide services; however, the State Board needs to set standards for textbooks, materials, and methods used in the classroom to assure accuracy, quality and appropriateness.

He said advocacy groups, teachers, counselors and administrators have basically been quite supportive, and he encouraged the Board to approve standards.

Member Iverson asked if any standards were now in place to govern materials. Member Waters replied there are approved textbooks as well as curriculum standards. He added that when a textbook is approved, the content is also approved.

Member Waters responded to Member Iverson by indicating the supplemental materials are handled differently, with the district having primary control.

Member Iverson indicated this could be a controversial area, noting earlier discussions on values education, i.e., "whose values do we teach?"

Member Waters gave an example of one company which wanted to contract with schools to do screening services, but did not want any school employee present while screening was being done. He said this is inappropriate, and a licensed educator should be present at all times. He noted that if statewide regulations were in place, this type of demand couldn't be made to districts.

He replied to Member Iverson that guidelines would require that providers and materials meet existing health education standards and be scrutinized under standard guidelines by the State Board of Education. He said he feared that if the Board did not set guidelines, in the future an entity outside the Board of Education might assume the responsibility for approval of materials and curriculum for the schools.

Superintendent Rheault said if a school offered a program in mental health or suicide, then it would have to comply with certain criteria that would be outlined by regulation.

Member Waters indicated anything taught within the school would have to be aligned with the health curriculum. It would also have to be on the federal Substance Abuse and Mental Health Administration's list of credible programs. Any screening programs would also have to be scientifically validated.

Member Myers wondered if this should be incorporated into the existing health standards. She said the local district needs to have some control over the content of programs in its schools to assure it is compatible with local needs.

Member Waters said State guidelines would not mandate that the district use any particular program, but it would assure that any program used did meet some basic criteria. He indicated there is a small portion on this in existing health curricula, but the supplementary materials and screening issues are not covered. He indicated this could assist the district to avoid problems with untested or unsuccessful programs.

Superintendent Rheault referred to Member Myer's question about DARE by saying currently the district policy would cover this, and the policy might vary from district to district. A consistent State Board policy would provide guidance to districts in setting their own policy so they all met at least minimum standards.

President Ferry said he feels the Board needs to look at a more specific proposal before taking action.

Superintendent Rheault suggested that draft language be prepared for possible Board action at the June meeting. President Ferry indicated he would like to have more district input into the issue.

Member Waters made the following motion, seconded by Member Reid:

That the Nevada State Board of Education direct staff to develop a draft regulation regarding suicide prevention programs for the June Board meeting.

Superintendent Rheault said since the next meeting is June 2, it would not be possible to have a formal LCB draft regulation in time, but staff would have the suggested wording for a workshop.

The motion carried unanimously.

10. 2007 Bill Draft Requests

Superintendent Rheault referred to the packet of seven suggested bill draft requests, telling the Board that state agencies are generally limited to five bill drafts and he will outline the different options as he discusses each proposal.

He pointed out the cover letter from the Governor noting the recommendation that an agency's 2007-2009 biennial proposal does not exceed two times the approved budget for FY 2007. He added that the Governor has been flexible in allowing the Board to request enhancements. He noted requests for school nurse, gifted and talented, foreign language positions, and for upgrading the Indian Education Consultant position. He indicated the Board would have to determine if they wished to incorporate these items in their proposed budget.

He noted the on-going study with State Buildings and Grounds and Public Works for a new Department of Education facility. September 1 is the deadline for budget submission and BDRs to implement the budget. He suggested that any bill drafts which might require budgetary support can be considered later along with the budget. He hoped the non-budgetary items could be approved today so they could be transmitted by the May 1 deadline.

He suggested elimination of the one on Career and Technical Education Funding, as Assemblywoman Parnell has indicated her committee will be bringing forth a bill which will include both funding and program information for CTE.

Superintendent Rheault said request #1 would modify Nevada Revised Statutes: (1) NRS 394.170 - to change the mandated number of fire drills required in private schools to bring it in line with the State Fire Marshall's requirements for public schools and licensed child care institutions; (2) NRS 394.245 - to clarify when an inspection of a private school may take place and what information will be reviewed, making it clear that the Department can inspect both exempt as well as licensed private schools during investigations of a complaint; (3) NRS 394.311 - to clarify that an inspection may take

place during verification of a complaint of a violation of the private school regulations; and (4) 394.331 – to clarify what the fees have historically been. Currently there are no agent permits. However, it is suggested that the low \$50 fee be aligned closer to the \$200 fee charged at the postsecondary level.

BDR request #2 relates to charter schools. One item would change the “may” employ an administrator to “shall” employ. He noted other changes can be incorporated once the BDR has been submitted but before LCB has drafted the official language. A school-district sponsored charter is affiliated with the local district and qualifies for funding through LEA. A state-sponsored charter school isn’t affiliated with a local district, and the state isn’t one, so perhaps something like an 18th district could provide this. There are some regulations on the use of educational management organizations, but language needs to be included on how much authority these can be given. He noted this is the issue with Clark Charter.

He said he is currently recommending BDR draft #3 be pulled. He said there may be needed statutory changes, but since the Department has applied for the extension to the federal deadline pertaining to “highly qualified” teachers, these can perhaps be incorporated into the BDRs submitted by the legislative education committee.

#4 would modify and clarify NRS 388.532, NRS 388.537 and NRS 389.155 pertaining to reduction of the number of drop-outs. The wording pertaining to grades 1-8 has no mention of independent study, and some districts are using this means, yet the section on independent study restricts it to high school students. The section on alternative programs refers to students who drop out of high school, while the other section talks about students who drop out of school. He said the language needs to be consistent, and perhaps even add middle school. He indicated there are additional confusions in the language which need to be cleaned up. He urged support of this, as no one else would be bringing up a BDR on this.

He explained the fifth request was to change the collection date for the required detail report of fiscal activity by the districts from November 25 to December 15 to provide additional time for gathering and reporting the large amount of data. He feels the districts would be in support of this and hopes the Board will approve it.

Member Gwaltney asked if these requests could be merged somehow in order to save BDRs. Superintendent Rheault responded that the instructions asked specifically that requests be limited to one subject area.

Member Gwaltney inquired about the request for a new facility.

Superintendent Rheault said there will be a final meeting with Public Works and the architect next week. Public Works is putting the request forward. He said as soon as he gets the proposal he will share it with the Board. He also noted that any staff enhancements would be part of the budget and not separate BDRs.

Member Myers said she would like a BDR separating the State Department of Education from the State Board of Education for the purposes of submitting BDRs. She said this concerns her since the Board’s bill drafts are considered agency bill drafts. She noted other non-elected commissions get their own bill drafts, and she feels the Board should be able to submit BDRs that don’t have to go through the Governor. She indicated it bothers her that the Governor does not appoint the Board, but

is able to control its bill draft requests. She stressed that the Board was not a state agency and she does not understand how it is being treated as one in the legislative process.

It was noted that each school district gets its own five BDRs.

Member Gwaltney likened the issue to the fox asking for access to the henhouse--he doubted the Governor would be pleased about removing the Board from his jurisdiction and he said this issue might have to be carried by those outside the Department or Board.

Member Myers agreed this would have to be submitted by someone else, but feels the Board should make the decision about moving toward obtaining support for this issue. She clarified that the Board would then have five BDRs and the Department would have five; additionally, the deadline for the Board's BDR submissions would be September 15 and would not go through the Governor for prior approval.

Superintendent Rheault requested approval of non-budgetary BDRs he earlier described as: 1) private schools; 2) charter schools; 4) independent study and alternative programs; and 5) NRS report.

President Ferry noted that he had requested the BDR pertaining to salaries of unclassified Department staff, relating how he feels the salary set by law for the Superintendent and deputies is much too low in comparison with other educators in both K-12 and university.

It was suggested that the BDRs approved for submission by the Department be numbers 1, 4 and 5 as described by the Superintendent in non-budgetary group, and the first two in the budgetary group (eliminating the one on Career and Technical Education funding).

Superintendent Rheault indicated the budgetary BDRs could be postponed for later discussion, as they did not have to be submitted until September 1.

The following motion was made by Member Gwaltney, seconded by Member Iverson:

That the Nevada State Board of Education approve the three non-budgetary bill draft requests referred to as numbers 1, 4 and 5 in the report given by the Superintendent (to bring the number of fire drills required in private schools in line with the State Fire Marshall's standards; to standardize wording in the statutes pertaining to reduction of dropouts; and to extend to December 15 the date for districts' required fiscal reports).

The motion carried unanimously.

20. Strategies Regarding K-12 Governance Issues

President Ferry said with the establishment of yet another committee, "The Commission on Educational Excellence," it is becoming apparent that something needs to be done with the governance of education. He added that a discussion on what should be the vision for the State Board of Education could be the second major topic for the August retreat.

Member Iverson said he thinks the visual representation demonstrated by the flow chart on page 331 in the book is one of the most significant things done by the Board over the past couple of years.

Member Gwaltney said he has not talked to any politicians who do not recognize there is a problem. He indicated the tendency is to try to deal with the problem in a rather fragmented manner. He feels it may be early to “put anything in stone.” He said at least two, probably more, bills will be introduced in the legislature with daring changes to education. He doesn’t feel there will be an attempt to do away with the Board, but does feel that there may be changes. He feels finding two senators and two assemblymen to carry bills with proposals agreed upon by the Board might be the way to go. He suggested the appointment of a Board subcommittee to develop alternate strategies for this purpose.

Superintendent Rheault noted that authority to form a task force had been given at the March meeting. President Ferry then appointed Member Gwaltney, Member Iverson and Member Reid as the Task Force on Governance, with President Ferry serving as ex-officio member.

Items 21 through 23 were not discussed.

24. Public Comments

There were no public comments.

ADJOURNMENT:

President Ferry adjourned the meeting at 11:20 A.M.

Respectfully submitted:

Dr. Keith Rheault, Superintendent of Public Instruction

Approved by:

Dr. Cliff Ferry, President, Nevada State Board of Education/
Nevada State Board for Career and Technical Education

Transcribed by:

Mary Bean, Temporary Minutes Clerk to the Nevada State Board of Education/
Nevada State Board for Career and Technical Education