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

August 8 and 9, 2008

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

And

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

MINUTES OF THE REGULAR MEETING - August 8, 2008

BOARD MEMBERS PRESENT:

Anthony Ruggiero, Acting President
Jan Biggerstaff, Clerk
Dr. Cliff Ferry, Member
Sharon Frederick, Member
Barbara Myers, Member
Greg Nance, Member
Becky Childs, Student Representative
Dr. John Gwaltney, Member (arrived 3:40 p.m.)

BOARD MEMBERS ABSENT:

Marcia Washington, President (excused) Dr. Merv Iverson, Member (excused) Cindy Reid, Member

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
James Wells, Deputy Superintendent, Administrative and Fiscal Services
Doris Arnold, Executive Assistant to the Superintendent
Phyllis Dryden, Director, Office of Career, Technical and Adult Education
Bill Arensdorf, Director, Office of Fiscal Accountability
Tom McCormack, Consultant, Office of Fiscal Accountability
Frankie McCabe, Director, Special Education, ESEA and School Improvement

LEGAL STAFF PRESENT:

Dr. James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Craig Butz, Director, Nevada Connections Academy

Kim Boyle, Director of Guidance, Clark County School District

Kaweeda Adams, Director of Instruction, Clark County School District

Terry Care, McDonald Carano Wilson, Nevada Virtual Academy

Dr. Vernon Luft, President, Commission on Professional Standards in Education

Steve Knight, CEO, Silver State High School

Edie Grub, Governing Body President, Silver State High School

Jonnie Pullman, Washoe County School District Trustee

Dr. Dotty Merrill, Executive Director, NASB

Dr. Bryn Lapenta, Senior Director, Washoe County School District

Kathleen Conaboy, Vice-President McDonald Carano Wilson, K-12 Inc.

Dr. Eugene T. Paslov, Silver State High School

Jerry Krummel, Nevada Connections Academy

Alan Staggs, Silver State High School

Val Olsen, District 7, Candidate for State Board

Jim Haug, Reporter, Las Vegas Review Journal

Doris Fletcher, District 3, Candidate for State Board

Jessica K. Marsh, Flangas McMillan Law Group

Lorraine Alderman, Clark County School District

Karen Gray

Call to Order; Roll Call; Pledge of Allegiance; Approval of Agenda

Acting President Ruggiero called the meeting to order at 2:00 p.m. and led those in attendance in the Pledge of Allegiance.

Jan Biggerstaff moved to approve a flexible agenda. Sharon Frederick seconded the Motion. Motion carried unanimously.

Roll call was heard at this time with attendance as reflected above.

1. President's Report

Acting President Ruggiero reported he attended the National Association of State Boards of Education New Member Conference. He stated the conference was informative and helpful and that he mentioned to Phyllis Dryden that a report would be issued in October regarding career and technical education. Statistics were encouraging.

Doris Arnold mentioned the cut-off date for registration to the October meeting in Arlington, Virginia was September 22, 2008.

2. Report from the Governor's Office

Dr. Keith Rheault, Superintendent of Public Instruction, announced Jodi Stephens was the new representative from the Governor's Office who would be in attendance at future meetings to provide a report. He read the following excerpt from an e-mail sent by Jodi Stephens who was not in attendance at today's meeting for personal reasons:

"My staff and I are carefully reviewing over 200 BDRs [Bill Draft Requests] from various departments in an effort to whittle this number down to 100, and will be in contact with the Department of Education next week to discuss its BDRs and any related concern the Department may have. Thank you for your patience. Very Truly Yours, Jodi Stephens, Legislative Director".

Dr. Rheault reported the Board submitted three BDRs related to fiscal concerns, primarily statutory changes.

3. Superintendent's Report

- 2008 AYP Results Dr. Rheault reported the 2008 AYP results were released on August 1, 2008. Results were better than expected this year due to the fact that the percentage of student proficiency had increased. He congratulated Clark County School District for getting off the AYP list this year. There was a decrease at the middle school and high school level that did not make adequate progress and an increase in elementary schools. Out of the 654 schools in Nevada, 405 schools made adequate yearly progress. There were six exemplary schools, but the exemplary school status was becoming harder to achieve due to the fact that there was no room for improvement for those schools that had been considered exemplary in previous years. There were 57 schools that reached high achievement status and 63 schools considered above the adequate designation.
- Advisory Council on Parental Involvement Report to the Legislative Committee on Education July 1, 2008 Dr. Rheault reported Deputy Superintendent Gloria Dopf and her assistant provided a summary report of the advisory council with recommendations to the Legislative Committee on Education on July 1, 2008. A copy of the summary report with the recommendations made was listed on page 9 and 10 of Board packets. Dr. Rheault reviewed recommendations. He reported the next LCE meeting would be held on August 21, 2008 when recommendations would be accepted as possible BDRs.

Member Ferry requested clarification of the third bullet in the third recommendation. Dr. Rheault clarified that the recommendation would provide more training to staff on how to be more "parent-friendly" when parents visit their respective schools.

Dr. Rheault mentioned they re-submitted a funding request for a 55,000 square foot building in Carson City for the Nevada Department of Education. A pre-meeting would be held next Tuesday with Public Works to review the request. The formal Public Works meeting to approve the funding request would be held on Wednesday, August 27, 2008. If approved, the request would be placed on a list for the 2012-2013 biennium.

4. Approval of Consent Agenda

- A. Approval of Minutes:
- October 5-6, 2007 Regular Meeting
- March 7-8, 2008 Regular Meeting
- May 1, 2008 Subcommittee on Charter Schools
- May 2, 2008 Joint Meeting with the Commission on Professional Standards
- May 2-3, 2008 Regular Meeting

- B. Approval of State Board Member Travel:
- Dr. Cliff Ferry to attend the NASH Conference, July 20-22, 2008, in Stevenson, Washington NOTE: *No cost to the State*
- Member Sharon Frederick to attend the NACTE Conference, July 29-31, 2008, in South Lake Tahoe, Nevada NOTE: *No cost to the State*
- C. Approval of USDOE Approved Nevada State Five Year Plan, Carl D. Perkins Career and Technical Education Act of 2006
- D. Approval of Licensing/Relicensing of Child Garden at South Meadows, Ginny's Child Garden, and Truckee Meadows School, Reno area schools

Member Frederick moved to approve the Consent Agenda. Member Ferry seconded the motion. Discussion followed.

Member Myers requested to know if Board members had been contacted about serving on a teacher quality task force as noted during the May 2, 2008 joint meeting on page 113 of Board packets. She also pointed out updates regarding the Clark County School District Violence in the School meeting had been postponed during the May and June Board meetings. She requested an update regarding this issue. Member Biggerstaff clarified information listed on page 55 during the March meeting regarded that issue.

Member Myers stated for the record that she would not be voting on agenda item 4.

Member Ferry requested clarification of what was meant by "CTE concentrators" and "CTE participants" beginning on page 145 of Board packets. Phyllis Dryden, Director, Office of Career, Technical and Adult Education, explained "CTE concentrators" meant a CTE student that had completed two or more courses in a series and "CTE participants" meant a student who took one or more of any course.

Member Ferry requested to know how funding was going for Perkins. Ms. Dryden reported there would be a \$685,000 budget cut in FY 2009.

The following roll call vote was taken:

Member Biggerstaff – yes Member Ferry – yes Member Frederick – yes Member Myers – abstained Member Nance – yes Acting President Ruggiero - yes

Discussion followed about reconsidering agenda item 4 at tomorrow's meeting.

Member Biggerstaff moved to reconsider the Consent Agenda at tomorrow's meeting. Member Frederick seconded the motion.

The following roll call vote was taken:

Acting President Ruggiero – yes Member Biggerstaff – yes Member Ferry – yes

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Member Frederick – yes Member Myers – no

Member Nance – no

Member Myers moved to approve the Consent Agenda except the March 7-8, 2008 Regular Meeting

Minutes. Member Nance seconded the motion.

The following roll call vote was taken:

Member Biggerstaff – yes Member Ferry – yes Member Frederick – yes Member Myers – yes Member Nance – yes Acting President Ruggiero – yes

The motion carried unanimously.

5. Review and update NAC 391.558 Section 11 (a) for the procedure and requirements for review of applications and approval of courses; provisional and final approval; denial, expiration and renewal of approval; review of course; annual reports by school district; and fee

Dr. Vernon Luft, President, Commission on Professional Standards in Education, explained NAC 391.558 Section 11 regarded pass rates for teacher competency exams in Nevada and that the State Board needed to exam this section. He indicated pass rates were considerably high when compared to requirements by other states therefore he recommended pass rates be adjusted more in-line with requirements from other states, which was approximately at 80-85%.

Member Frederick asked what "majority" meant for Vermont on the list of state percentages. Dr. Luft stated he did not know since the list was pulled from the Internet.

Dr. Rheault explained if the Board approved to review pass rates, a workshop could be held at a future meeting for additional public input. He stated he would be in favor of moving forward with holding a workshop.

Member Ferry requested to know if "During 1 year" listed on page 159, 11(a), meant during any year or during the first year. Dr. Luft stated it meant during any year. He explained ten or more students were required because that was the number of students that was needed for ETS results to be filed with Title Two reports.

Member Ferry asked about Nevada's pass rate. Dr. Luft reviewed 2005-2007 pass rates. He stated the pass rates have been approximately 90-93% on a state-wide basis.

Member Myers asked why the Board was being asked to reduce the percentage rate when the State was already maintaining scores above the suggested 80-85%. Dr. Luft stated it would be to the State's advantage to lower the percentage rate in order to reduce filing additional paperwork for accredited institutions.

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

That the Nevada State Board of Education schedule a workshop for agenda item 5.

The motion carried unanimously.

6. Approval to pursue a land purchase/building for Silver State Charter High School

Bill Arensdorf, Director, Office of Fiscal Accountability, reviewed the current location of the Silver State Charter High School. He explained a building was needed that would provide space for on-site students. The current lease expires in June 2009. An extension of the lease could be obtained until the building was completed. Mr. Arensdorf reviewed the proposed site of the new building which would be located adjacent to the Carson City Airport and that would be 43,000 square feet. He reported the cost of the land would be approximately \$10-15 per square foot and \$225 per square foot to construct the building. He suggested the Board approve proceeding with the purchase of the proposed site and building. A special use permit would also be needed due to the zoning in the area.

Acting President Ruggiero requested to know the Department's recommendation regarding this issue. Mr. Arensdorf stated the Department's recommendation would be to complete the transaction in stages with the land acquisition being the first step. He also mentioned the school recently purchased a school bus that would provide students outside of Carson City transportation to the school.

Member Biggerstaff expressed concern about zoning in the area. In response to Member Biggerstaff's concerns, Steve Knight, CEO, Silver State High School stated the school would not be under the flight path if re-located adjacent to the airport. He reviewed the proposed location. He added the school earned high achievement status for AYP this year therefore expansion was needed. Edie Grub, Governing Body President, Silver State High School, commended the school administration and commented that this would be a great opportunity for Board sponsorship.

Member Ferry requested to know why the school wanted to deal with such an undertaking. Mr. Knight explained it would help the school reach their original vision of technological and hands-on learning.

Member Biggerstaff asked if the school approached the County Commission about the zoning. Mr. Knight replied he has talked to the current Mayor who was in support of the plan. They have also contacted members of the Airport Authority Board who have expressed their support of the plan. Member Biggerstaff commended the school on their academic achievements, but expressed concern with the cost of the project.

Member Myers commended the school on their academic achievements and their advertising.

Acting President Ruggiero asked who the private bonding company was. Mr. Knight replied Providence and Nevada State Bank were assisting with the proposal. He commented on Providence's involvement with charter schools.

Acting President Ruggiero requested clarification from Department staff about what stages they would be comfortable with. Mr. Arensdorf stated there were several options such as: receiving zoning approval first and approval of a set fiscal amount for the purchase of the land. He stated they were not far enough along on the building cost for the Board to determine a final cost on the construction of the building.

The Board discussed making a motion to approve the purchase of the land. Member Myers expressed concern regarding whether or not the Board had the authority to make such an approval. Mr. Arensdorf explained a charter school would need to sign over security interests to the State if using public funding to purchase a

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building for their school and an addendum to the charter school contract to purchase land. Deputy Attorney General Ed Irvin stated he had no problem with allowing the school to acquire property.

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

That the Nevada State Board of Education approves Silver State Charter High School's purchase of property which is approximately three to five acres for their new school facility and approval from the Zoning Department.

The motion carried.

7. Consideration and discussion for possible removal of the moratorium approved at the November 30, 2007 meeting on approving new charter school applications

Acting President Ruggiero requested agenda item 7 be discussed at tomorrow's meeting when Member Reid would be in attendance. He announced agenda item 12 would be heard next due to the time certain of agenda items 8 through 11.

At this time, Acting President Ruggiero announced the Board would take a five-minute break.

12. Approval of the 2010-2011 Biennial Budget including prioritization of enhancements

James Wells, Deputy Superintendent, Administrative and Fiscal Services, reviewed information listed in Appendix C in the 2010-2011 Biennial Budget regarding changeable factors.

At this time, Member Gwaltney arrived at the meeting.

Mr. Wells noted changes in student support were due to the fact that projected enrollment for 2008-2009 did not materialize. He noted percentages would be reset twice: once in December by the Economic Forum for the Governor's recommendation and again in May for the Legislative session.

Member Biggerstaff pointed out there was no business tax or mining tax including in the information. Mr. Wells stated no unless it was received through the general fund allocation.

Member Gwaltney requested information about the slot tax. Mr. Wells explained the slot tax would be less than what was budgeted for FY2008. He reviewed budget cuts recommendations for K-12.

Member Ferry requested to know if recommendations were listed in priority. Mr. Wells replied no, but there would have to be a prioritization of recommendations in the future. Dr. Rheault reported an enhancement listing was being developed including one-shot funding that was cut.

Member Gwaltney requested to know the total 2009 funding for the Regional Professional Development Program. Mr. Wells stated it was a little over \$13.5 million. Member Gwaltney suggested equivalent training through the university system. Member Myers agreed with Member Gwaltney's suggestion.

Member Biggerstaff asked about the cost if all commissions and committees were combined. Mr. Wells stated he would look into that.

Acting President Ruggiero requested to know if district superintendents had been approached about the budget cut recommendations and provided feedback. Dr. Rheault explained their approach was to eliminate one-shot funding to be reinstated if future funding becomes available.

Mr. Wells reviewed Department cuts and recommendations. Discussion followed regarding Class Size Reduction (CSR) cuts and the reduction of team teachers. Member Ferry commented on the CSR in Clark County and expressed concern with the Board agreeing to CSR cuts on the record.

Jonnie Pullman, Washoe County School District Trustee, stressed the importance of providing information to school district superintendents as soon as possible. Dr. Rheault reported a meeting would be held with school district superintendents on August 13, 2008. Mr. Wells stated every effort had been made to provide information to school districts, but he believed it was his duty to provide information to the State Board first.

Karen Gray reported southern Nevada has not received back-up material for agenda items 12 and 3 and requested a motion on agenda item 12 be recessed until tomorrow. Acting President Ruggiero stated material for agenda item 3 was provided in packets and back-up material for agenda item 12 would be provided.

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

That the Nevada State Board of Education approves the budget reductions recommended by staff.

The motion carried.

Dr. Rheault noted that the next four public hearings for proposed regulations had been previously reviewed and adopted by the Board and submitted to the Legislative Commission for final adoption. All four regulations were rejected by the Legislative Commission at the June 9, 2008 meeting. He noted a meeting was held with charter school representatives regarding agenda item 10, regulation R061-08 and recommended proceeding with public comments.

8. <u>Time: 4:00 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R170-07, NAC 386.033 – Educational Management Organization Defined; NAC 386.345 – Governing Body: Restrictions on Membership; Responsibilities; Submission of Certain Information to Department and Sponsor; Approval of Minutes of Public Meetings; NAC 386.405 – Contracts with Educational Management Organizations; Authority of Panel to Supervise Academic Probation of School. *NOTE: This is the second public hearing and possible action to adopt may be taken*.

At 4:50 p.m., Member Biggerstaff opened up the public hearing. Hearing no public comments, Member Biggerstaff closed the public hearing and asked for Board comments.

Member Myers stated she had no comments for agenda items 8, 9, and 10.

Member Ferry made the following motion, seconded by Member Nance:

That the Nevada State Board of Education accepts the proposed revisions to Regulation Language, LCB File No. R170-07.

The motion carried.

9. <u>Time: 4:15 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R169-07 – New Section to NAC 386; and Proposed amendments to NAC 386.010; 386.050; 386.090; 386.125; 386.130; 386.190; 386.202; 386.205; 386.240; 386.320; 386.335; 386.345; 386.365; 386.410; 386.445 – Regulations relating to charter schools; revising provisions governing applications to form charter schools; revising provisions relating to charter schools to include sponsorship by a college or university within the Nevada System of Higher Education and providing other matters properly relating thereto. *NOTE: This is the second public hearing; possible action to adopt may be taken.*

Dr. Rheault explained there were two comments requesting changes to the recommendations and that recommendations were adopted in the regulations, but were rejected by the Legislative Commission.

At 4:53 p.m., Acting President Ruggiero opened up the public hearing.

Jessica Marsh, Flangas McMillan Law Group, representing Imagine Schools, the Educational Management Organization (EMO) expressed concern that language was not clarified as NAC regulations. She also expressed concern that "any reports" could be considered with applications as listed in paragraph 4(a) on page 3.

At 5:00 p.m., Acting President Ruggiero closed the public hearing.

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

That the Nevada State Board of Education adopts the proposed revisions to Regulation Language, LCB File No. R169-07.

The motion carried with one opposition from Member Nance.

10. <u>Time: 4:30 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R061-08 – New Section to NAC 386. *NOTE: This is the second public hearing; possible action to adopt may be taken.*

Dr. Rheault reviewed changes made to the last adopted revisions to LCB File No. R061-08.

Acting President Ruggiero requested to know if deletions were made by the Legislative Council. Dr. Rheault explained lined items in black were deletions agreed to by the Board at the March 28th hearing and red items were deletions as a result of the August 4th meeting with charter school representatives.

At 5:15 p.m., Acting President Ruggiero opened up the public hearing.

Karen Gray requested to re-schedule a motion on this item until tomorrow's meeting until back-up material could be reviewed by the public. She expressed concern that members of the public were not being provided with this information before meetings. Ms. Marsh agreed with Ms. Gray's concerns and stated she had an issue with revisions to the language made to Section 2.1 (b) because standards, procedures, and requirements have not been defined within the document.

Acting President Ruggiero requested a motion on agenda item 10 be heard at tomorrow's meeting to allow the public to review the back-up material. Deputy Attorney General Irvin explained the time certain for the public hearing was scheduled for this time, but the Board could hold action over to tomorrow's meeting in order to

provide the public more time to review back-up material without being in violation of the Nevada Open Meeting Law.

Acting President Ruggiero requested moving agenda items 10 and 11 to tomorrow's agenda to provide the public in Las Vegas more time to review back-up material provided during this meeting. He requested the meeting be recessed until 8:30 a.m. tomorrow, Saturday, August 9, 2008. It was discussed and decided to allow the public hearing for agenda item 11 at this time.

11. <u>Time: 4:45 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R012-08, A New Section to Chapter 389 – Prescribing a Uniform Grading Scale for Pupils Enrolled in High School; and NAC 389.666 – Units Applied Towards. *NOTE: This is the second public hearing with possible action to adopt may be taken.*

Dr. Rheault noted agenda item 11 was included because the regulation language for LCB File No. R012-08 had been rejected by the Legislative Commission because they felt the Board had not followed the intent of the Legislation when the uniformed grading standards were adopted.

At 5:25 p.m., Acting President Ruggiero opened up the public hearing.

Dr. Bryn Lapenta, Senior Director, Washoe County School District, commented that the addition of the optional +/- grading system worked well with their school district therefore they were in support of it 100%.

Kim Boyle, Director of Guidance and Counseling, Clark County School District, expressed her support of the addition of the word "may" listed in Subsection 6 on page 253.

Kaweeda Adams, Director of Instruction, Clark County School District, stated she was in support of the proposed revisions and the addition of the word "may" as listed in Subsection 6.

Mr. Arensdorf clarified an "F" grade was added on page 251 to the revised version; Subsection 3 listed on page 252 was added to allow schools to use the same grading system for individual courses as it does to accumulate grade point averages; and, the final change on page 253, Subsection 6 was added to allow school districts to adopt a "+/-" system without value points.

At 5:35 p.m., Acting President Ruggerio closed the public hearing.

At 5:40 p.m., the meeting recessed until Saturday, August 9, 2008 at 8:30 a.m.

MINUTES OF THE REGULAR MEETING, August 9, 2008

BOARD MEMBERS PRESENT:

Anthony Ruggiero Acting President

Jan Biggerstaff, Clerk

Dr. John Gwaltney, Member

Dr. Cliff Ferry, Member

Sharon Frederick, Member

Barbara Myers, Member

Greg Nance, Member

Becky Childs, Student Representative

Cindy Reid, Member (arrived 8:35 a.m.; she left later in the meeting)

BOARD MEMBERS ABSENT:

Marcia Washington, President (excused) Dr. Merv Iverson, Member (excused)

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction James Wells, Deputy Superintendent, Fiscal Services Doris Arnold, Executive Assistant to the Superintendent Bill Arensdorf, Director, Office of Fiscal Accountability Tom McCormack, Consultant, Office of Fiscal Accountability

LEGAL STAFF PRESENT:

Dr. James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Jamie Castle, President, Nevada Connections Academy

Craig Stevens, NSEA

Yvonne Goodsen, McDonald Carano Wilson

Laverta Brenchley, Academic Advisor, Nevada Connections Academy

Kim Boyle, Clark County School District

Dr. Dotty Merrill, Executive Director, NASB

Dr. Craig Butz, Executive Director, Nevada Connections Academy

Senator Terry Care, Nevada Virtual Academy

Jerry Krummel, Nevada Connections Academy

Kathleen Conaboy, K-12, Inc.

Phillip Thompson, Grow Network

Lorraine Alderman, Clark County School District

Laura Granier, Nevada Connections Academy

Val Olsen, District 7, Candidate for State Board

Karen Gray

Amy Bayouth

Carrie Ross, Parent Support Outreach Manager, Nevada Connections Academy,

Tim Crowley, Grow Network

Steve Insley, Grow Network

Recall to Order; Roll Call; Pledge of Allegiance

Acting President Ruggiero re-called the meeting to order at 8:33 a.m. and led those in attendance in the Pledge of Allegiance. Roll call was heard with attendance as reflected above. Acting President Ruggiero announced the meeting would begin with agenda item 10 held over from yesterday's meeting.

10. <u>Time: 4:30 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R061-08 – New Section to NAC 386. *NOTE: This is the second public hearing; possible action to adopt may be taken.* (Continued)

Dr. Rheault announced new handouts entitled "Proposed Suggested Revisions to R061-08" were made available for public comment.

At this time, Member Reid arrived at the meeting in Las Vegas.

Jessica Marsh, Flangas McMillan Law Group, representing Imagine Schools, the EMO, explained a charter school application should not be denied based on the determination that it was a public school if the school's budget was balanced because cost of fees could be different. She pointed out there were different requirements in other states for charter schools therefore there was a problem with the wording of "in any other state" in item 6(b) for denying a charter school application. She noted she also had a concern with streamlining applications for new teachers in order to save money.

Dr. Craig Butz, Executive Director, Nevada Connections Academy, expressed his thanks to Dr. Rheault for holding the meeting with charter school representatives to discuss a compromise on proposed language. He explained the benefits of working with an EMO. He stated he supported the proposed rates as is.

Kathleen Conaboy, K-12 Inc., echoed Dr. Butz's comments and thanked Dr. Rheault and Mr. Wells for the meeting with charter school representatives to discuss issues of concern. She noted contradictions in wording in Section 3, subsection 1 does not give the contractor or the EMO direct control of hiring or dismissing an administrator, but on page 190 there is information that allows the Governing Body of a charter school approving an appointment if the administrator is a direct employee of the EMO. In Section 3, subsection 9, the reference to indirect costs was contradictory with information listed on page 191. In Section 3, subsection 12 regarding incentive fees, they endorse having incentive fees based on academic improvement. She suggested incentive fees should also be based on student and family satisfaction and/or fiscal responsibility.

Dr. Rheault suggested changing "hiring" of administrators with "with approval", which would allow governing bodies control to approve or dismiss employees hired by the EMO or the contractor. He explained governing bodies could reward incentive fees for items other than academic improvement. Suggested language to clarify Section 3, subsection 9 was welcomed. He clarified the information listed on page 191 and 192 related specifically to charter schools and sub-contractors.

Yvonne Goodsen, McDonald Carano Wilson, Nevada Virtual Academy, stated the Academy supported the EMO and regulations.

Karen Gray requested that her comments be attached to meeting minutes for the record. She noted changes that should be made to Section 2, subsection 4(d), Section 2, subsection 9, and Section 3, subsection 12 regarding

incentive fees. Dr. Rheault pointed out language in the last few pages of the document have already been adopted.

Member Myers thanked charter school representatives for their input.

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

That the Nevada State Board of Education adopts the proposed revision to Regulation Language, LCB File No. R061-08 with the changes to Section 3, Subsection 1 changing the word "hiring" to "approval and Section 3, Subsection 12 to add "or other factors related to school performance".

Discussion followed.

Member Myers noted the word "including" should be changed to "excluding" on page 122 of the May 2-3, 2008 meeting minutes.

The motion carried.

At this time, Acting President Ruggiero announced agenda item 11 would be continued from yesterday's meeting.

11. <u>Time: 4:45 p.m. PUBLIC HEARING</u> and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R012-08, A New Section to Chapter 389 – Prescribing a Uniform Grading Scale for Pupils Enrolled in High School; and NAC 389.666 – Units Applied Towards. *NOTE: This is the second public hearing with possible action to adopt may be taken.* (Continued)

Dr. Rheault reiterated public comment should be addressing the revised version of the regulations. He reviewed public comment heard at yesterday's meeting and stated Mr. Arensdorf had also handed out additional information newly received at yesterday's meeting.

At this time, Acting President Ruggiero opened up the public hearing. Hearing no public comments, he asked for Board comments.

Member Myers requested input from Dr. Rheault regarding the gap in the grading system noted by the Elko County School District listed on pages 257-258. Dr. Rheault explained it was a part of another legislative Bill and was consistent with the increase in the Millennium Scholarship grading system. There was no discussion about teachers grading students individually. Member Ferry pointed out some high schools grade differently for college entry courses. Member Gwaltney commented that these types of Bills should be resolved by the public school system and not the Legislature.

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

That the Nevada State Board of Education adopts the proposed revision to Regulation Language, LCB File No. R012-08 to include the LCB revisions of March 17, 2008.

The motion carried with one opposition from Member Myers and one non-vote. Member Myers stated she was opposed to the motion because of Carson City and the Davidson Group input.

At this time, Acting President Ruggerio announced agenda item 15 would be heard next.

15. Possible motion to renew consideration of Item #5 from the July 16, 2008 meeting, including new written materials provided following that meeting and written materials dated February 6, 2008, provided by Dr. Carol White, Principal, Nevada Connections Academy

Member Reid requested this item be put on hold until the Attorney General can provide an official opinion on revisiting this issue. Deputy Attorney General Irvin explained a formal process was needed in order to receive an official opinion from the Attorney General and that the agenda item was allowed under Robert's Rules of Order. Member Frederick asked how long a typical AG's opinion would take. Deputy Attorney General Irvin explained it would take approximately two to three months to obtain an official opinion from the Attorney General, if not longer.

Dr. Rheault explained three Board members had requested this agenda item and that the Board was considering a motion to renew consideration of Item 5 from the July 16, 2008 meeting and, if so approved by the Board, the Board would then review new written materials as well as previously provided materials dated February 6, 2008 from Dr. White.

Acting President Ruggiero clarified the agenda item from the February 6, 2008 meeting regarded an expansion of Nevada Connections Academy's charter to include grades K-3.

Craig Butz, Executive Director, Nevada Connections Academy, requested the Board consider the recent AYP results when re-considering this issue.

Laura Granier, Nevada Connections Academy, stated it would be appropriate for the Board to re-consider the issue since new material has been brought forth since the Board decision made in March. She thanked Deputy Attorney General Irvin for his efforts in reaching a resolution on this matter. She commented on the efforts put forth by parents and school faculty to find a resolution.

Acting President Ruggiero requested to know if Dr. White was in attendance. Dr. Rheault reported Dr. White was no longer the administrator of the school.

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

That the Nevada State Board of Education renew consideration of item 5 from the July 16, 2008 meeting.

Discussion followed.

At 9:55 a.m., Acting President Ruggiero called for a five-minute break in order for members of the public in Las Vegas to be provided with and review the new material for re-consideration. At 10:00 a.m., the meeting resumed.

Amy Bayouth, Parent, commented on her experience with the school and stated her concerns regarded the difficulty of testing requirements and insufficient staff. She requested the following statement be entered into the record:

"I am writing to let you know of my experience with Connections Academy. I was a "Learning Coach" for my son, Dominick Bayouth, who was enrolled in the 6th grade for the 2007-2008 school year. He is a gifted and

talented student normally with a B average. Dominick was placed into 9 classes in the beginning of the year, with 4 of those being GATE classes. Per the Handbook, we were to complete a minimum of 5 hours of instruction a day, 5 days a week. It became obvious after the first week that more than 5 hours a day would be necessary to complete the assignments that were added to his planner. Several days a week, Dominick and I spent 10-12 hours per day just to stay caught up. Connections Academy switched our homeroom teacher 3 times, and added a Math specialist later in the year. We never heard from the Math specialist by telephone, and had very limited e-mail communication. The homeroom teacher admitted she was swamped because of a load of over 200 students. She said the Academy was trying to hire more teachers, but was not having much luck. Initially, we heard from the homeroom teacher via telephone about twice a month. Toward the middle and end, this was reduced to about once every 2 months. When we first set up our Learning Management System in August, we attempted to contact the Technical Support several times to get authorization to install a wireless adapter. Our messages were not returned and we were never able to talk to anyone when we called. The telephone system was much the same when attempting to contact the teacher. First, the telephone number they gave us was disconnected. Then, the extension was incorrect. Once we got that right, messages seemed to get 'lost'. It became impossible to contact a teacher immediately if we were having trouble with an assignment. There were also several times when the LMS was unavailable due to maintenance or upgrade issues. The tests were incredibly difficult. I have a college degree, but was unable to answer several of the questions on the tests, even after studying the material with my son. The questions were vague and did not always correspond with the material. They were too limiting because there would only be 2-3 questions. If he got 1 or 2 wrong, he'd fail the test. There was no opportunity to 'show work' or offer explanations on how he arrived at the answer in order to get partial credit. The teacher would not give him an opportunity to make this up or to get any extra-credit. The essay questions were graded very subjectively and too harshly. He was expected to have perfect spelling and format. If the question was not answered just as the teacher expected, even though it was not explained in the question itself, he would be docked several points or get the question completely wrong. The explanations for wrong answers were most often limited to one sentence, if any at all. The one good thing about the system was the interactive Live Lessons held once a week or every two weeks. It gave my son the opportunity to ask a few questions about the particular assignment they were discussing that week, and to have some interaction with other students. However, the scheduling of these lessons was often very erratic. We would receive an e-mail about an hour before the lesson informing us when it was to be held. If we got up too late that day, we missed the lesson. This happened several times in the beginning. Once we finally got an established schedule, we began having problems with the links to the lessons. They seemed to switch the link weekly, also making it difficult to keep up with the lesson. We were given faulty headphones and had to resort to our own until they could be replaced 3 weeks later. As my frustration grew with the fact that I had become my son's "teacher" instead of his "Learning Coach", I increasingly e-mailed his teacher. When several days passed, I finally e-mailed the Principal in October. The next day I received an e-mail from the teacher once again apologizing and explaining the backlog from the overload of students and other duties assigned to her. I never received a reply from the Principal. My son's grades began to slip quickly and there was nothing I could do about it. There was no way to lighten his work load without putting the missed lessons into "overdue" status. If we would rush through assignments to get them turned in on time, he would miss points for it being incomplete. The school touts a flexible schedule and curriculum. In our experience, there was nothing flexible about it. There were many assignments that were required to be mailed in approximately once a month as part of a Portfolio. If they were labeled incorrectly or incompletely, my son would receive no credit or only partial credit for the assignment. At the end of the year, we were told the remaining portfolio items were due by June 1st. We mailed in the last one on May 30th, 2 days before the deadline. Somehow, a few of the assignments were missing. Rather than ask for an explanation, or give us an opportunity to resubmit them, the assignments were given a zero. Also, we were told on the last day that any remaining assignments would be cancelled. We were to finish what was on the planner for that day. There were several assignments scheduled that were supposed to be submitted by mail. I marked them as finished, even though we could no longer submit the mail-in portion. Therefore, he received

several more zeros, with no opportunity to rectify it. At the last week of school, my son was averaging 82% among all of his classes. After all the zeros were computed in, he dropped to a 71% average. He dropped from a C in Reading to an F just like that. He dropped from a B in Science to a D. He failed Educational Technology as well. My son has received awards in Reading and was being tested at a 10th grade level in the 5th grade. To see him get an F is absolutely unacceptable. He did the work, even if it wasn't exactly the way the teacher though it should be done. The fact that 1 teacher decided the fate of my son in all of his classes except Math was appalling. While I have no proof of discrimination, there is no good reason to explain why he was graded so harshly. If he had been in a conventional school, he would have had the benefit of having the subjectivity of multiple teachers, not just one. Upon reviewing my son's final grades, I attempted to contact the teacher for several days to see if we could remedy the situation. I then e-mailed the Principal to see if the grades could be changed. After a conference with the teachers Dominick had had throughout the year, she decided the blame was to rest on me for 'lack of communication' and that the grades would remain as is. I had sent over 60 e-mails throughout the year. I sent at least 2-3 a month explaining my frustration with the entire system and the fact that nobody seemed to care that my GATE student had not become sub-par. I'm not sure even another 60 would have made a difference. An incident happened in May where my son was accused of spreading a rumor about another student dying. According to him, an e-mail was sent to him by the student's cousin from the student's email account informing him of her death and asking him to pass it on. He did pass it on to several other students in their e-mail group. Hours later, his teacher was calling him asking him about it. As I later found out, the school did not have access to the e-mails that were sent to him as he deleted them directly after reading them. Therefore, there was no proof of where the rumor originated. Of course, the other student denies any participation in it. Where my concern lies with this is that I was led to believe that my son's e-mails and web access were monitored and logged at all times. Unfortunately, this was a lie. The Principal explained that it would be too time consuming and would cost too much to do this. She also explained that she expected all the students to be responsible and that by monitoring them, it would not teach them this. Unknown to me, my son had basically been given a porthole to access anything he wanted with no restrictions nor any trail for me to follow. I feel lucky that this incident is all that happened to us this year. I feel very strongly that this is an issue that breaches the safety of all the students at the school and that they have no intention of 'fixing' it. I attempted to access the LMS today to print my son's progress reports, report cards, and the e-mails that I sent. I was unable to access it and received a message saying "Login Denied". I believe the ideas of this school were a good one. However, it is still merely an idea that needs to be perfected before involving something as important as our children. There are not enough teachers and staff, not enough accountability, safety issues, technical issues, and a lack of moral character. At this time, I would not recommend anyone enrolling their students and I would strongly discourage anyone from supporting the addition of any more grades or programs to the school. If anyone would like to discuss these issues with me further, I can be reached at home at (702) 452-0883 or on my cell phone at (702) 556-3272."

Member Nance commented that Nevada Connections Academy may not be the appropriate school for Ms. Bayouth's son.

Member Reid requested to know who the Principal was Ms. Bayouth tried to contact, but never heard back from. Ms. Bayouth replied the Principal was Dr. Carol White. Discussion followed between Member Reid and Ms. Bayouth clarifying information noted in Ms. Bayouth's written statement.

Laura Granier, Nevada Connections Academy, stated the school had a due process right to respond to Ms. Bayouth's statement if the Board takes Ms. Bayouth's statement into consideration during this agenda item. Acting President Ruggiero clarified Ms. Bayouth's statement was brought forth during this agenda item because it indicated the written material discussed during the February 6, 2008 meeting and that this agenda item included reconsideration of written material presented during that meeting.

In response to Ms. Bayouth's concerns, Dr. Butz explained Internet access by students was outside of their control and that parents signed a computer policy in the school's handbook to monitor their students when on the Internet. He noted there were staffing issues last year due to the school's late start, but those issues were being addressed currently.

In response to Ms. Bayouth's concern regarding the student to teacher ratio, Laverta Brenchley, Academic Advisor, Nevada Connections Academy, reported no elementary teacher had over 200 students in their classroom.

The following roll call vote was taken:

Member Biggerstaff - yes Member Gwaltney - yes Member Ferry - yes Member Frederick - yes Member Myers - yes Member Nance - yes Member Reid - no Acting President Ruggiero - no

The motion carried by a vote of six to two.

At 10:40 a.m., Acting President Ruggiero called for a 5-minute break in order to distribute newspaper articles regarding Nevada Connections Academy to members of the public in Las Vegas. At 10:45 a.m., the meeting resumed with agenda item 16.

- 16. Possible renewed review and discussion concerning written materials dated February 6, 2008 provided by Dr. Carol White, Principal, Nevada Connections Academy, to Tom McCormack, Consultant, Office of Fiscal Accountability and additional materials provided by Nevada Connections Academy, which may include a Proposed Settlement Agreement. NOTE: This discussion and action may include:
- a. Staff may discuss and describe the written materials and may make recommendations concerning them.
- b. Representatives of Nevada Connections Academy may have the opportunity to describe and discuss the written materials provided by them, which may include a Proposed Settlement Agreement and may make requests related to them.
- c. A discussion may occur related to what those written materials are in connection with NRS 386.527(6), which states: "The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school."
- d. Findings of fact may be made related to these issues leading to conclusions of law.

Dr. Rheault reported a letter in support of the new materials presented for Nevada Connections Academy was listed on page 313 of Board packets. He reviewed the Settlement Agreement beginning on page 314 and Terms of Agreement beginning on page 315. He stated the Board needed to consider the Terms of Agreement for this agenda item and that, in his review of the terms, it was a fair agreement and that, as Superintendent of the Department of Education, he would support the agreement.

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

Acting President Ruggiero noted members of the public may file complaints or concerns about Board members' conduct during public meetings.

Jamie Castle, Governing Board President, Nevada Connections Academy, introduced school representatives in attendance at today's meeting to answer questions.

Laura Granier, Nevada Connections Academy, noted the school had AYP results requested during a previous meeting. The school is proposing a teacher to student ratio of 35:1. In response to Member Gwaltney's concern regarding the school's survey, Ms. Granier stated they would welcome Board input as to who conducts the independent survey. In regards to Ms. Bayouth's concerns during agenda item 15, Ms. Granier highlighted parent quotes noted in newspaper articles about Nevada Connections Academy.

Member Gwaltney requested to know if it was clearly understood that the Board could revoke the charter school if they agreed to the Settlement Agreement, if violations to the agreement occurred. Deputy Attorney General Irvin stated it was his impression that the Settlement Agreement and the charter would be separate entities.

Member Gwaltney stated he would feel more comfortable if the school would agree to a teacher to student ratio of 32:1. In response to Deputy Attorney General Irvin's comments, Dr. Butz stated the school would incorporate the agreement into the school's charter in the future. In response to Member Gwaltney's comments, Dr. Butz stated they would agree to a 32:1 teacher to student ratio if so requested by the Board.

Member Ferry requested to know the percentage of parents that responded to the survey. Dr. Butz stated he did not have that data at the school level, but nationwide it was 65%. Discussion followed about changing the term "bricks and mortar" to "traditional school".

Member Nance expressed his support of allowing Nevada Connections Academy to include grades K-3.

Acting President Ruggiero applauded Nevada Connections Academy's persistence with regards to this issue. He stated he has not changed his mind that Nevada Connections Academy was similar to home schooling and that he still had strong concerns regarding parental "Learning Coaches". He requested to know what parental training the school would be offering. Carrie Ross, Parent Support Outreach Manager, Nevada Connections Academy, explained it would be a three-hour orientation training session. She reviewed different aspects of the training that would be provided. She stated training forms would also be saved in PDF. Form for access by parents. Parents would also be required to take a quiz on the information they learned at the end of the training program. Discussion followed about requiring mandatory parent training as "Learning Coaches".

Member Reid requested to know the three Board members who requested this item be revisited. Dr. Rheault replied it was Board members Myers, Frederick, and Gwaltney. Member Reid expressed concerns about the EMO making a profit while the State was experiencing budget cuts for public schools.

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

That the Nevada State Board of Education approves the negotiated settlement agreement with two alterations: 1) the Department's final approval for the independent evaluation; and 2) to change the teacher to student ratio from 35:1 to 32:1.

The following roll call vote was taken:

Member Biggerstaff – yes Member Gwaltney – yes Member Ferry – yes Member Frederick – yes Member Myers – yes Member Nance – yes Member Reid – no Acting President Ruggiero – no

The motion carried by a vote of six to two.

13. Possible motion to renew consideration of Agenda Item #3 from the July 16, 2008 meeting, including new written materials provided following that meeting and written materials provided prior to that meeting, which are related to review and discussion concerning written materials dated February 5, 2008, provided by William Bukovi, Chairman of the Board, Nevada Virtual Academy

Terry Care, McDonald Carano Wilson, Nevada Virtual Academy, expressed his support for the Board to renew consideration of agenda item 3 from the July 16, 2008 meeting.

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

That the Nevada State Board of Education renews consideration of agenda item 3 from the July 16, 2008 meeting including new written materials provided following that meeting and written materials provided prior to that meeting which are related to review and discussion concerning written materials dated February 5, 2008 provided by William Bukovi, Chairman of the Board, Nevada Virtual Academy.

The following roll call vote was taken:

Member Biggerstaff – yes Member Gwaltney – yes Member Ferry – yes Member Frederick – yes Member Myers – yes Member Nance – yes Member Reid – no Acting President Ruggiero – no

The motion carried by a vote of six to two.

The motion carried by a vote of six to two.

14. Possible renewed review and discussion concerning written materials dated February 5, 2008, provided by William Bukovi, Chairman of the Board, Nevada Virtual Academy, to the Superintendent of Public Instruction and additional materials provided by Nevada Virtual Academy, which may include a Proposed Settlement Agreement. NOTE: This discussion and action may include:

- a. Staff may discuss and describe the written materials and may make recommendations concerning them.
- b. Representatives of Nevada Virtual Academy may have the opportunity to describe and discuss the written materials dated February 5, 2008, and additional materials provided by them, which may include a Proposed Settlement Agreement and may make requests related to them.
- c. A discussion may occur related to what those written materials are in connection with NRS 386.527(6), which states: "The governing body of a charter school may submit to the sponsor of the charter school a written request for an amendment of the written charter of the charter school."
- d. Findings of fact may be made related to these issues leading to conclusions of law.

Dr. Rheault reported a letter of support for renewal of consideration was listed on page 284 of Board packets. He reviewed the Settlement Agreement beginning on page 289. Changes to the initial proposal were listed on page 290. There were four versions to consider that would allow Nevada Virtual Academy to expand to include grades 9-12 beginning on page 291. Dr. Rheault stated he would recommend the Board consider Version 3. The class size reduction was a teacher to student ratio of 35:1.

Terry Care, McDonald Carano Wilson, Nevada Virtual Academy, introduced Mike Kazek, the Head of Nevada Virtual Academy. Mr. Care stated he was in attendance to answer questions. He pointed out AYP information was provided. He commented on the Settlement Agreement.

Acting President Ruggiero requested to know if Mr. Care had Nevada Virtual Academy's authorization to make changes to the Settlement Agreement. Mr. Care stated he had.

Mike Kazek, Head of Nevada Virtual Academy, provided an overview of the K-3 program. He stated there were over 300 families that expressed an interest in the K-3 program. Face-to-face reading assessments would be provided with the program based upon agreed-upon standards by Nevada Virtual Academy, the State Board, and the Department of Education. Parents, as the learning coaches, will be asked to work closely with teachers to provide support to their at-risk students. Every student would have an individualized learning plan developed specifically for them. He stated he wanted to stress the program was teacher-driven with parents as "Learning Coaches". Students would have direct interaction with teachers at least twice a month. Parents would be trained through the on-line school site. Teachers will ensure parents understand the on-line lessons. He provided an overview of the parent training aspect.

Acting President Ruggiero requested to know if the school would agree to such stipulations as having an independent study completed. Mr. Care replied the school would agree. Acting President Ruggerio commended staff for drafting a new agreement.

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

That the Nevada State Board of Education approves the Settlement Agreement for Nevada Virtual Academy to include the following: 1) To change the teacher to student ratio to 32:1 in Section 2(a); 2) to add a stipulation that a parental satisfaction survey be conducted and to allow the Department of Education to choose the independent organization to conduct an independent study; and 3) to accept Version 3 in Section 4.

The following roll call vote was taken:

Member Biggerstaff – yes Member Gwaltney – yes Member Ferry – yes Member Frederick – yes Member Myers – yes Member Nance – yes Member Reid – no Acting President Ruggiero – no

The motion carried by a vote of six to two.

At 12:05 p.m., Acting President Ruggiero called for a short break. At 12:15 p.m., the meeting resumed with agenda item 7.

7. Consideration and discussion for possible removal of the moratorium approved at the November 30, 2007 meeting on approving new charter school applications

Bill Arensdorf, Director, Office of Fiscal Accountability, explained this agenda item was brought forth to bring a resolution for new charter school applications due by September 1, 2008 seeking sponsorship. He noted the school applications the Board has approved since imposing the moratorium in December 2007. Alpine Academy and Elko Institute may come before the Board during the October meeting to request a Subsection 7. The Board would need to move forth in approving the new applications that come in between September and December in order for schools to then seek sponsorship. Schools would need to seek sponsorship by early January 2009 in order to open in the fall of 2009.

Dr. Rheault noted he presented this information to the Interim Finance Committee who approved one additional staff therefore he suggested the Board consider lifting the moratorium.

Member Biggerstaff requested clarification that there was additional staff to assist with charter school applications. Dr. Rheault stated no one has been hired yet, but they would be hiring for an analyst position.

Member Biggerstaff requested to know why schools did not want to seek sponsorship from universities. Mr. Arensdorf stated he did not know why they were reluctant to seek sponsorship from universities; there just does not seem to be much interest in their sponsorship. He reviewed the other four and a half positions the Department was requesting.

Member Reid asked if the LCE was looking to have a separate board to deal with charter school applications. Dr. Rheault reported the next Legislative Committee on Education meeting would be held in August. He stated he expected one of the agenda items to be a Bill Draft Request for a separate charter school oversight group. Discussion followed about new positions and the funding that would be provided for new positions.

Member Ferry asked why four and a half positions were needed. Mr. Arensdorf explained how the workload demanded more than one person's assistance. Dr. Rheault noted the budget enhancements for new positions listed on page 260 of Board packets. Member Ferry asked if Special Education would be the first priority. Mr. Arensdorf explained it would not be the first priority, but it was a critical area because most schools had difficulty meeting Special Education requirements.

Member Gwaltney requested clarification that federal funding was not received for charter schools. Dr. Rheault stated that was correct. There was a current Analyst position funded with federal funding, but U.S. Department of Education did not approve a renewal of the charter school federal grant beyond September 30, 2008. Member Gwaltney commented that he hated earmarks at the federal level, but encouraged the Department of Education in their pursuit of federal funding for new positions. Member Gwaltney asked if the workload would be equivalent to the first year for charter schools. Mr. Arensdorf reported the first year was review of charter school applications with annual monitoring of the school. He noted that AYP results showed charter schools sponsored by the State Board did better than local board-sponsored schools that need improvement. He reported there were yearly, on-going occurrences that required staff input.

Member Myers asked if there could be a Bill Draft Request that would grant discretionary units to the Department. Dr. Rheault replied it could be done by the Legislature. Member Myers stated she wanted it on the record that she would be available on Fridays after 3 p.m. to remain on the Subcommittee on Charter Schools.

In response to Member Reid, Mr. Arensdorf clarified there were two Imagine schools that would not open in the fall of 2008.

Acting President Ruggiero asked if the Interim Finance Committee approved one new position. Dr. Rheault replied yes. Acting President Ruggiero requested clarification that the other three and a half positions would be financed with fees. Dr. Rheault clarified the Special Education position would be financed through the General Fund; the Consultant and Analyst positions would be financed through fees; and the half-time auditor position would be financed through indirect costs. Acting President Ruggiero requested to know a timeframe for the new positions. Dr. Rheault reported the position already approved would be filled in approximately a month and a half. The other three and a half positions may be filled by October 1, 2009.

Member Biggerstaff commented that the Department should not be rushed or pressured into having all of the application steps completed before presenting applications to the Board. Mr. Arensdorf stated the regulations the Board approved yesterday and today change the time stance. They would review applications in thirty days and, if not complete and complaint upon the first review, the applicant would have thirty days to re-submit. The Department would provide assistance with fixing applications. Dr. Rheault announced either he or Jim Wells, the Deputy Superintendent, could sign off on applications.

Member Gwaltney commented on his previous support of the moratorium and questioned if there was value in continuing the moratorium. Discussion was heard from Member Reid and Member Gwaltney about how the moratorium has made the Legislature pay attention to the State Board.

Member Ferry expressed concern that the State Board would be relieved of charter school responsibilities if the moratorium was not lifted. He commented that the State Board made their point when the moratorium was placed. Member Myers agreed and pointed out that the Board had agreed to lift the moratorium when the provision of NRS 386.500 to 386.610 could be carried out or until the Department received adequate funding for more staff personnel, which they have received. Member Biggerstaff agreed.

Member Reid requested to know projected administrative fee revenues for the additional staff. Mr. Arensdorf reiterated the IFC approved a new analyst position and that additional positions would be paid through fees. The estimate of fees for this year was approximately \$165,000. They can proceed with the new positions if the IFC approved them anytime between January and March 2009. He noted there would not be any fee revenue from the K-3 programs approved during this month's meeting until September 2009. The Department would rely on

existing charter fees for this year. He explained the Department would continue their review of new applications if the moratorium was lifted or not.

Member Frederick asked if there would be in-house positions. Dr. Rheault reported they would allow a week for in-house personnel to apply for positions. If no in-house personnel apply, the position would be open to the general public.

Acting President Ruggiero clarified there was not criteria in place at this time. The Legislative Counsel Bureau would still need to approve the draft. He also commented that he was not comfortable lifting the moratorium at this time due to the fact that the Department was still understaffed. He stated that the Legislature would still create a charter school district irregardless of the State Board's actions.

Member Ferry clarified the creation of a charter school district had nothing to do with Legislative action, but was for federal reasons. Dr. Rheault stated the wording included for federal purposes only and is not recognized as a school district for state purposes.

Member Ferry made the following motion, seconded by Member Biggerstaff:

That the Nevada State Board of Education lifts the moratorium on new charter school applications.

The following roll call vote was taken:

Member Biggerstaff – yes
Member Gwaltney – yes
Member Ferry – yes
Member Frederick – yes
Member Myers – yes
Member Nance – yes
Member Reid – no
Acting President Ruggiero – no

The motion carried by a vote of six to two.

At this time, Member Reid left the meeting. Acting President Ruggiero announced agenda item 12 would be reopened for additional public comment.

Tim Crowley introduced himself, Steve Insley and Phil Thompson. He stated they were with the McGraw-Hill Company called the Grow Network that provides services to the State called the Parent Network. He explained the Parent Network assisted in improving education for students in grades 3-8. They were requesting to be added to the enhancement list for the biennial budget. He commented on previous financial support received from the Legislature and that they wanted to partner with the Nevada Department of Education.

Dr. Rheault added he was in support of the Grow Network because student data needed to be shared and because the Department needed to be in control of contracts rather than a third party. He stated a motion could be made to amend the enhancements to include the Grow Network as item number 68 on the enhancement list.

Member Myers stated there was not value of the Grow Network at this time and that it should continue to receive Legislative funding.

Member Biggerstaff requested additional information on the Grow Network. Mr. Crowley explained they take grades from students in grades 3-8 and do individualized reports so parents can help their child improve their grades. The cost came down from the \$950,000 received from the last Legislative session for the on-line service. Member Biggerstaff expressed concern about the cost. Member Myers commented that parents can obtain information through other sources.

Member Gwaltney requested to know the percentage of parents that were using the service. Mr. Insley stated they do not have the data at this time. He noted a similar program in Florida was being utilized by approximately ninety percent of parents.

Acting President Ruggiero stated the Board may not be willing to approve an approximately \$1 million enhancement for the Grow Network.

12. Approval of the 2010-2011 Biennial Budget including prioritization of enhancements (Reopened)

Karen Gray requested the Board reconsider their vote and re-agendize agenda item 12 for a future meeting because no public information was provided on this issue.

Acting President Ruggiero asked for a motion to reconsider yesterday's vote on agenda item 12. Hearing none, Acting President Ruggiero closed agenda item 12.

17. Approval of Appointments to the Subcommittee on Standing Rules

Acting President Ruggiero stated he had not received information from President Washington regarding this issue. He requested this item be re-agendized to next month's meeting.

Member Myers asked if President Washington resigned as State Board President and, if so, a written resignation would need to be submitted. Dr. Rheault reported President Washington was reconsidering her verbal resignation from the State Board, but no written resignation has been received by the Department.

18. Approval of Sharon Frederick to be appointed to the Commission on Postsecondary Education

Member Myers requested Member Frederick reconsider the appointment because there was no relationship between the Commission on Postsecondary Education and the State Board of Education.

Acting President Ruggiero stated he was at a stalemate, but would proceed since President Washington asked for the appointment to be considered by the Board.

Member Ferry stated the Board should proceed with the appointment in spite of the fact that one member disapproved.

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

That the Nevada State Board of Education approves the appointment of Sharon Frederick to the Commission on Postsecondary Education.

Discussion followed.

Member Biggerstaff requested to know what a Board member could get from this Commission. Dr. Rheault stated he was not sure of the original intent of the appointment, but that it was in statute to appoint a Board member that was interested.

The motion carried with one opposition from Member Myers.

19. Board Member Comments

Member Nance stated he was changing his name due to his recent marriage.

Member Ferry reported he and Member Gwaltney attended the P-16 Conference in Washington. He commented on the individuals in attendance at the conference and stated that the program concentrated on having a rigorous curriculum. He also announced the new educational book was available.

Member Frederick reported she attended the Nevada ACTE Conference last week. She stated Phyllis Dryden and staff did a great job and that it was a valuable conference.

Member Myers cautioned Board members about pointing fingers at the conduct of other Board members.

Member Gwaltney apologized for being late to yesterday's meeting. He commented on the difficulties to come given the current economic situation and that he had changed his position on charter schools in that the charter school movement was to help students succeed in the future.

Member Biggerstaff thanked Dr. Dotty Merrill for the newsletter and Doris Arnold for her efforts to email to the Board members. She suggested the Board discuss what needs to be done as a pro-active School Board after the first of the year. She commented that the Board had spent a year on a limited number of charter school students. She stated the Board needed to return to ensuring that all students receive quality educations.

Becky Childs, Student Representative, stated it was nice to meet Board members and that it was now time to look ahead to the future.

Acting President Ruggiero commented he would do what was asked of him to ensure future Board meetings were run efficiently and accomplish what it sets out to accomplish.

20. Future Agenda Items

Future agenda items include:

- Approval of Appointments to the Subcommittee on Standing Rules
- Glen Moses' Presentation on Technology
- Presentation of a 3-Year Progress Report on the Clark County School District
- Overview of Textbook Adoption Procedure
- Overview of Safety Crisis Management in Schools
- Discussion of a Task Force on DSC

Member Myers requested the October meeting be video-conferenced if possible.

21. Public Comments

Dr. Dotty Merrill, Executive Director, NASB, thanked Dr. Rheault for the document regarding the budget cuts and the press releases for the AYP results. The new NASB brochure was distributed.

Jessica Marsh suggested the Board reconsider the word "regulation". She commented on streamlining the charter school regulation process so it would be easier to understand. Dr. Rheault stated he would check with LCB legal regarding the use of the word "regulation".

Karen Gray requested the Board reconsider agenda item 12 and review standing rules for attendance, and conduct at meetings. She asked that the record reflect Member Nance's sexual misconduct during the meeting and that he was sleeping for the majority of the meeting only to wake up to cast his vote.

Member Myers asked Ms. Gray to clarify her issues with agenda item 12. Ms. Gray stated she did not have the opportunity to review all materials for agenda item 12. The Board requested Ms. Gray submit her specific concerns about agenda item 12 to Dr. Rheault who would provide that information to the Board.

Val Olsen stated she was a candidate for the State Board of Education. She commented on Member Nance's misconduct during the meeting. She requested to know how the public can file a complaint against Board members. Dr. Rheault stated he could provide some information.

22. Adjournment

There being no further business, the meeting adjourned at 2:15 p.m.