

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

March 19, 2009

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

**MINUTES OF THE SUBCOMMITTEE ON K-12 GOVERNANCE – March 19, 2009**

**COMMITTEE MEMBERS PRESENT:**

Ken McKenna, Chair  
Christopher Wallace, Member  
Willia Chaney, Member  
Charlotte Hill, Member  
Dr. Cliff Ferry, Member

**DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services  
James Wells, Deputy Superintendent, Administrative and Fiscal Services  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

**LEGAL STAFF PRESENT:**

Dr. James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

Dr. Eugene Paslov, Member Board of Trustees, Silver State Charter School  
Patty Knight, Silver State Charter School  
Mark Brandon, Imagine School at Mountain View  
Jodie Anderson, ETECHS  
Lee Ky Good, ETECHS  
Mark Pingle, ETECHS  
Ricci Rodriguez-Elkins, ETECHS  
Dave Cook, Member, Nevada State Board of Education

**1. Call to Order; Roll Call**

Chairperson McKenna called the meeting to order at 1:15 p.m. Roll call was heard and a quorum of five members was determined.

**2. Review and possible recommendations by the Committee regarding 2009 legislative bills affecting state board responsibilities, to include, but not limited to: ACR 2; AB 55; SB 150; BDR 34-13; BDR 170; BDR 171; BDR 232; and BDR 34-746** *The Subcommittee on K-12 Governance will discuss issues affecting charter schools under consideration by the 2009 Legislature; including, but not limited to, the above list of bills and bill draft requests. The Subcommittee*

*may adopt a position and make a recommendation to the Board regarding the issues being considered to direct staff to take such a position before the 2009 Legislature, or take similar or related action pertaining to these issues.*

Dr. Rheault noted BDRs 170, 171 and 232 have become SB 330 and SB 275 and BDR 34-13 is now SB 326. He reviewed ACR 2 which was an Assembly Concurrent Resolution to form a legislative commission during the next biennium to conduct an interim study of the K-12 system in Nevada. Dr. Rheault stated his recommendation was to have ACR 2 as a fallback. Discussion followed stressing the importance of ACR 2.

Deputy Attorney General Irvin explained State Board of Education members in attendance during today's K-12 Governance meeting needed to clarify they were only speaking as a private citizen and not as a State Board member if speaking during public comment in order to avoid violation of the Open Meeting Law.

Dave Cook disclosed he was an elected member of the State Board of Education, but that he was speaking during public comment as a private citizen. He stated he saw a trend and expressed concern that the legislative bills being presented were a vaguely defined effort to redefine governance without stated goals by the Legislature.

Member Ferry requested to reserve the right to make a motion regarding ACR-2 later in the meeting. Chairperson McKenna granted the request.

Dr. Rheault explained AB 55 and SB 150 regarded creating a public education stabilization fund which would hold extra funding generated from local taxes for education rather than revert unused funding into the general fund, but there was concern that other departments may request their own stabilization funds. James Wells, Deputy Superintendent, Administrative and Fiscal Services, explained the amendment would be to apply additional funding from one-third property tax and the local school support tax or sales tax to be used only during shortfalls of those taxes. The second part of the amendment would be to cap the rainy day fund at 15% of the basic support guarantee to meet periods like the current economic downturn.

Chairperson McKenna requested to know if there would be enough surplus funding to justify a stabilization fund. Mr. Wells explained there would be if taxes were budgeted low enough.

Member Chaney asked if tax funding was specifically designated for K-12 education. Mr. Wells confirmed it was.

**Member Ferry moved to recommend support for the Department's amendment to the Financial Stabilization Bills. Member Hill seconded the Motion. Motion carried unanimously.**

Dr. Rheault explained SB 275 was to create the Commission on Spending, Government Efficiency, and Educational Equity similar to the Spending and Government Efficiency (SAGE) Commission. The K-12 education portion would be to determine whether the pupil enrollment in public schools was providing comparable educational opportunities for pupils that live in both rural and urban areas and to identify any inequities in public education and determine if inequities were a result of the current system of financial public education in the State.

Member Ferry commented that, in his opinion, this Commission was not needed. Member Wallace concurred with Member Ferry's comment.

Dr. Rheault explained SB330 proposed:

- A new formation of the State Board of Education on January 1, 2011 that would include members representing congressional districts; Governor Appointees; and one non-voter Governor Appointment.
- To appoint a new Superintendent of Public Instruction through State Board nominations or Governor nomination confirmed by the Senate for a two-year term to be re-appointed and confirmed during legislative session.
- To create four divisions within the Department of Education: 1) Innovation, Research and Professional Development; 2) Assessment and Accountability; 3) Curriculum and Instruction; and, 4) Operations, Fiscal Services, and Technology. The first two divisions would be under the supervision of the State Superintendent. The third division would be under the supervision of the Deputy Superintendent. And, the fourth division would be under the supervision of the Fiscal Deputy. Section 78 requires the Department of Personnel to put displaced employees on a re-employment list maintained by the department through October 1, 2011.
- Identifying requirements of the new State Board of Education including adopting a model to measure and track student achievement; establish a program of performance pay; adjust beginning teacher salaries from approximately \$33,000 to \$40,000; and require the Board to develop specific measurable objectives to measure school district performance.
- Eliminating all councils and commissions currently in place within the state as of July 1, 2009 and giving the new State Board the authority to establish advisory committees to the Board regarding work by current councils and commissions.
- Creating a new 6-member commission appointed by the Governor, Assembly, and Senate to oversee education reform.

Discussion was heard between Chairperson McKenna and Dr. Rheault regarding concerns about proposed changes to the Superintendent of Education position in SB330. Dr. Rheault noted there may also be a conflict with the name of the Bill: “Enacts the Initiative for World Class Education” and an item within the bill that lowers the grade point average to complete an alternative assessment.

Member Chaney requested to know if there were similar educational models in other states. Dr. Rheault stated he did not know if there was a model that matched this proposed model. There were approximately twenty different models used by other states, both with appointed and elected members. Discussion followed regarding objection to the Superintendent of Education being appointed by anyone other than the State Board.

Member Wallace agreed there may be a conflict that students would not receive a “World Class Education” when standards were being lowered. He commented that there may be difficulty in appointing representatives from congressional districts. He explained that the State Board of Education should be empowered to improve educational standards with increased funding without interference from the Legislature and that more parental involvement and accountability was needed.

Chairperson McKenna explained constructive comments regarding the Bill should be submitted and that diversification of the State Board should be acknowledged and should include a teacher representative and a Board of Regents representative.

**Member Ferry moved to recommend to the State Board of Education support for further investigation of the elimination of councils; support for the Bill’s performance measures; support for the tracking of student achievement; support for the expansion of the Superintendent Search Committee to include members from the Governor’s Office and the Legislature; and no support for the four divisions being proposed.**

Member Ferry suggested the composition of the State Board should be addressed at a later time.

**Member Wallace seconded the Motion.** Discussion followed.

Member Chaney suggested the makeup of the State Board also be discussed.

**Member Chaney amended Member Ferry's motion to include discussion of the makeup of the State Board. Member Ferry agreed to the amendment. Member Wallace seconded the amended Motion. Motion carried unanimously.**

Dr. Rheault mentioned SB326 would eliminate the State Board and replace the State Board's name in Nevada Revised Statutes with the Superintendent of Education. The second portion of the Bill would be to create a Nevada Charter School Institute to oversee the State Board's current sponsorship responsibilities regarding charter schools. The last portion of the Bill would create an Accountability for Public Schools Division with the authority to hire a new Deputy Superintendent.

Chairperson McKenna commented that the State Board needed to be restructured in order to get educational committees back under its authority which would eliminate the need for the elimination of the State Board. He commented that, in his opinion, charter schools should have their own district with the State Board overseeing the district.

**3. Public Comments** – There were no public comment requests.

#### **4. Adjournment**

There being no further business, the meeting adjourned at approximately 2:30 p.m.