

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

Friday, June 18, 2010

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

And

**Department of Education
9890 South Maryland
Second Floor Conference Room
Las Vegas, Nevada**

**MINUTES OF THE REGULAR MEETING
(Video Conferenced)**

BOARD MEMBERS PRESENT:

In Las Vegas:

Christopher Wallace, President
Jan Biggerstaff, Member
Gloria Bonaventure, Member
Willia Chaney, Member
Dave Cook, Member – arrived 8:40 a.m.
Charlotte Hill, Member
Anthony Ruggiero, Member – arrived 11:50 a.m.
Craig Wilkinson, Member
Dr. Cliff Ferry, Member (Excused)
Ken McKenna, Member (Absent)
Zhan Okuda-Lim, Student Representative (Excused)

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Diana Hollander, Program Officer, Pupil Transportation

In Carson City:

Marcia Calloway, Education Consultant
Steve Canavero, Director, Office of Charter Schools
Carol Crothers, Director, Office of Assessment, Program Accountability, and Curriculum
Anne Davidson, Assistant Director, Evaluation Consultant
Anna Severens, Early Childhood Consultant
Tom McCormack, Charter School Consultant
Greg Weyland, Deputy Superintendent, Administrative and Fiscal Services
Lori Johnson, Executive Assistant to Superintendent
Linda Nance, Administrative Assistant to Deputy Superintendent

LEGAL STAFF PRESENT:

In Las Vegas:

Dr. James E. Irvin, Senior Deputy Attorney General
Robert Whitney, Deputy Attorney General

In Carson City:

Thoran Towler, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Steve Knight, Executive Director, Silver State Charter School
Jeff Blanck, Attorney for Silver State Charter School
Richard Bryan, Attorney, Lionel, Sawyer & Collins Law Firm
Carol White, Silver Sands Montessori Schools
Steve Knight, Silver State Charter School
Jeff Blanck, Attorney, Silver State Charter School
Sue Cocking, Governing Body President, Silver State Charter School
Kathy Banack, Early Childhood, Clark County School District
Peter Yeager, Educational Testing Service
Deb Hegna, Clark County School District
Sue Daellenbach, Clark County School District
Feyzi Tandogan, Coral Academy of Las Vegas
Amanda Hearon, Clark County School District
Mike Payne, Committee to Form Provost Academy
Thom Jackson, Edison Learning Center
Laura Granier, Attorney, Lionel Sawyer & Collins Law Firm
Clairin DeMartini, Provost Academy
Nathan Bassing, Provost Academy
Pat Quan, Lead Counsel, Edison Learning Center

In Carson City:

Dr. Eugene T. Paslov
Chris MacKenzie, Attorney, Allison & MacKenzie Law firm
Dotty Merrill, Nevada Association of School Boards
Steve Hull, Washoe County School District
Susan Keena, Clark County School District

Silver State Charter School:

Keith Martin
Lynn Stephenson
Kari Stephenson
Monica Stephenson
Peter Stephenson
Parry Knight
Kristen Scott
Kim Coker
Mary Coker
Susan Luschar
Cecilia Sedano

Jan Martin
Elizabeth Campos
Vicki Hamilton
Ruth Ailes
Chris Brandon
Karyn Lickett
Al Adrian
Ashlee Wutch
David Lockhart
Brett Caron
Tara Shek
Delane Pennington
Abbey Gardner
Suzanne Quilici
Klaire Spires

CALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

President Wallace called the meeting to order at 8:30 a.m. with attendance as reflected above. Member Cook arrived at 8:40 a.m. and Member Ruggiero arrived at 11:50 a.m.

Member Chaney moved to approve a flexible agenda. Member Hill seconded the motion. The motion carried.

President's Report

President Wallace reported on the signing ceremony for the Race To The Top application held at the Capitol on May 27, 2010. He confirmed the application had been accepted by the U.S. Department of Education meeting the June 1, 2010 deadline. He said now we are waiting to hear whether Nevada has become a finalist.

Ed Irvin, Senior Deputy Attorney General, stated he was in Las Vegas, Thoran Towler, Deputy Attorney General was present in Carson City and Robert Whitney, Deputy Attorney General was present in Las Vegas representing the Board.

Superintendent's Report

Dr. Keith Rheault, Superintendent of Public Instruction, gave an update on staffing at the Department of Education (NDE). He stated that Nevada currently has a hiring freeze; however, individual positions can be approved through the justification process. Steve Canavero was recently hired as the Charter School Office Director and he began work on June 14, 2010. Grey Weyland was hired to replace Jim Wells as the Deputy Superintendent, Administrative Fiscal Services and will begin his new position beginning June 21, 2010. Two other positions were also filled; the Chief Auditor position was offered to Suzanne Etter and she will begin work on June 28, 2010. The final position filled was the Information Technology Director, Glenn Meyer was offered the position and he will begin on June 28, 2010, as well.

In addition, there is staff who will be retiring soon at the DOE, Orval Nutting, Private School Consultant will be retiring in July and permission will be required to fill his position. Mary Katherine Moen, Adult Education Director will be retiring the end of July, and Kathy St. Clair, Title I Director, will be retiring in July, too.

Dr. Rheault explained the justification process to fill the critical positions. A two-page justification must be filed, then it is sent to personnel and if they approve, it goes to the budget office. If the budget office approves it is then forwarded to the Governor's office. When the Governor signs off it will come back to Dr. Rheault and then he has authority to fill the positions.

Dr. Rheault said the Department is also in the process of requesting to fill positions for the new Charter School Office including a Special Education Consultant, an Assessment and Accountability Consultant, as well as the NDE needs a Grants Analyst and two Information Technology position. The Interim Finance Committee has approved the positions and we are moving forward on hiring.

Approval of Consent Agenda

- Approval of the 2010-2017 Elementary and Secondary textbook adoption list for the Adoption period June 18, 2010 to June 30, 2017
- Approval of Nominations for Nevada public Education Foundation (NPEF) Board of Directors: Kay Ko, Pedro Martinez, David L. Washington and Larry Seedig
- Special Education Discretionary Units FY11
- Gifted and Talented Discretionary Units FY11
- Approval of Licensing/Relicensing of Private schools:
 - License two new private schools in the Las Vegas area: Challenger School – Los Prados Campus and LVVWD School’s Out Program.
 - Relicensing for four years to six Las Vegas schools: Green Valley Lutheran School; La Petite Academy–Harbor Island Drive; La Petite Academy–Simmons Street; La Petite Academy–Warm Springs Road; Lit’l Scholar Academy–Hillpointe Road and Lit’l Scholar Academy–Rainbow Boulevard
 - Relicensing for four years to two northern area schools: Bethlehem Lutheran School in Carson City and Faith Christian Academy in Gardnerville.

Member Hill moved to approve the Consent Agenda. Member Cook seconded the motion.

Member Biggerstaff commented that the people who evaluate the text books deserve a Thank You.

The motion carried.

Approval of the Nevada School Bus Driver Out-of-Service Manual

Diana Hollander, Program Officer, Pupil Transportation, presented the School Bus Out of Service Criteria manual. She explained the Board approves updates to the manual once a year. The Nevada Highway Patrol is in charge of inspecting the buses twice a year, and the manual informs when they can legally pull a bus or driver out of service.

Member Biggerstaff moved to approve the changes to the Nevada School Bus Driver Out-Of-Service Manual. Member Hill seconded the motion. The motion carried.

Approval of Conversion of the Subsection 7 Charter of the Entrepreneurial-Technical and Engineering Charter High School (ETECHS) to a full charter

The conversion of the Subsection 7 Charter was not heard and will be rescheduled at a future Board Meeting.

Possible approval of Silver State High School’s response to the NRS 386.530 written notice of nonrenewal of the charter correcting deficiencies identified in the written notice

Tom McCormack, Charter School Consultant, reported that the State Board, at the May 2010 meeting, took action to not renew the Silver State Charter High School. As required by statute, a notice of non-renewal was sent to the school May 17, 2010. The notice of non-renewal states the reasons and gives the school an opportunity to correct the deficiencies. Per Nevada statute, if the school corrects the deficiencies in a satisfactory manner, the State Board shall renew the charter. The school responded to the non-renewal notice June 9, 2010. The Department has reviewed the school’s response to the non-renewal notice and has determined that the school has corrected some, but not all of the deficiencies. Rather than renewing the charter today, it is the Department’s recommendation that the State Board authorize the Superintendent to

approve renewal of the charter when the Department has determined that the school has corrected the remaining deficiencies. Because the charter expires July 1, 2010, the school would need to conduct a governing board meeting and submit responses to the remaining deficiencies by July 1, 2010. Mr. McCormack said there is no reason why an extension to July 15, 2010 could not be granted. He continued to summarize the deficiencies that have not been corrected.

Mr. McCormack stated that on April 23, 2010, the school submitted amended bylaws with the request to have the charter amended to incorporate these bylaws. The Department has identified six specific concerns with the bylaws that were submitted with expectations that these concerns would be addressed by the governing board.

1. The name of the school in the bylaws does not match the name of the school. The school appears to have changed its name without amending the charter to do so. The school must request an amendment to the charter if it wishes to change the name of the school.
2. It is not clear, if two three-year terms is the maximum, or if a member could serve more than two three-year terms. The school could clarify the matter by stating that there is a "maximum term limit of two three-year terms, consisting of not more than six years in total."
3. The bylaws should clarify that the source of nominations for new board members may not be the administrator, because this can lead to a lack of independence of the board from the administrator.
4. Typographical errors in Section 9 and 12 obscure the meaning of those items.
5. Article 6 refers to "Contracts, Loans and Deposits, "Section 3 of Article 6 refers to "Checks, Drafts and Notices." Section 3 gives the administrator authorization to sign all checks up to \$25,000 without prior board approval. This is too high a threshold. Additionally, the bylaw should state that checks over the threshold amount require dual signatures, and specify whose signatures those should be.
6. The Treasurer position, which was in the prior bylaws, has been removed from the bylaws. This conflicts with the school's charter, which states, "All orders for payment of money will be approved by the governing body and signed by the Treasurer."

Mr. McCormack stated there is still a deficiency that has not been responded to by the school, regarding a purchasing policy. The written notice of non-renewal required the school to produce a purchasing policy. The Department's finding is:

- The school does not have a purchasing policy for performance contracts. The performance contract provisions are referenced beginning in NRS 332.340. The Department recommends the school adopt provisions in its purchasing policy regarding criteria that the contractor should meet including prevailing wage and the furnishing of bonds before the school can enter into a performance contract with a qualified service company.

There is also still a problem concerning the reprimand of Edie Grub and Steve Knight in regards to purchasing a truck with school funds. The Department's finding is:

- As stated in the May 17, 2010, non-renewal notice, found that the truck purchase "appears to be illegal and unethical." The non-renewal notice signed by Dr. Keith Rheault states "The governing body of the school shall reprimand the actions of former governing Body President Edie Grub and Executive Director, Steve Knight regarding the purchase of a vehicle without proper authorization and from a party related to the Executive Director without following proper purchasing procedures."

Mr. McCormick said the school submitted an agenda and minutes from a May 10, 2010 governing body meeting identifying item 10 as relevant to the correction action. A motion is identified in the minutes: Judith Dragon moved that the board take the action that the NDE wants and have a verbal reprimand to Steve Knight and Edie Grub set forth by NDE.

He added that as evidenced by the following statements in the May 10, 2010 meeting minutes, *there is no real acknowledgement of the problem for which Grub and Knight are being reprimanded, and therefore, the problem is likely to occur again.* The governing body appears to deny the Department's findings that "Steve Knight violated the code of ethical standards in NRS 281A.

Mr. Mc Cormack explained that in the minutes, Steve Knight, appeared to deny the wrongdoing that the Department had determined he committed, commenting: "...I was not at fault...it was unfounded." The statement in the minutes that "Everyone (on the governing body) is in agreement that no action (to reprimand) should be taken "and"...no one wished to take any action against either party (Grub and Knight)" clearly indicate the failure of the governing body to reprimand Grub and Knight.

The statement that "Steve Knight has been exonerated" completely negates the vague, almost meaningless "reprimand" language of Dragon's motion. The motion itself, referring to "action *that NDE wants...*for reasons *set forth by NDE*" fails to accept responsibility by the governing body for what the Department has deemed an "illegal and unethical" truck purchase by the school. Mr. McCormack stated the Department believes that the reprimand should at least state the reasons for the reprimand, currently it does not. Mr. McCormack's final concerns are with the schools response to the revision of their existing policy for expense reimbursement for meals. The Department's finding is:

- The meals expense reimbursement policy appears to be incomplete. Appendix 1, Page 28, has only some of the reimbursement policy and does not contain the times the employee may claim reimbursement for dinner expenses.

Mr. McCormack said the text of the expense reimbursement policy that was submitted stops at the bottom of the page in mid-sentence and a missing page appears to be an oversight.

Member Chaney asked what is the limit amount an administrator can spend without going to the governing board. He said on average a \$25,000 purchase should require a formal approval by more than one person on the governing board. It should be clearly explained in the bylaws so the public can see that information.

Member Chaney asked if it is the NDE's position that Mr. Knight was not reprimanded to the satisfaction of the Department. Dr. Rheault said the NDE asked for acknowledgement that there was an inappropriate purchasing action.

Member Cook disclosed that he sits on the governing body of the Sierra Crest Charter School, which is sponsored by Douglas County, until the end of the month. He added he is also employed as a part time math teacher at Beacon Academy, a state sponsored charter school. He stated he would be abstaining from all discussions and would not vote on the matter.

Member Biggerstaff asked if the complaints that surfaced in the last year with Silver State Charter School are new. Mr. McCormack replied that compliance issues with the bylaws were identified as a problem during last year's annual performance audit, a recent attendance audit and some came from the investigation of the illegal truck purchase.

Steve Knight, Executive Director Silver State High School stated there are inconsistencies from the letter dated May 17, 2010 concerning *the governing body must revise existing policies regarding expense reimbursement from employees that travel 25 miles or further*. He said the governing board changed the policy to 50 miles and that the bylaws state they only need to give an excerpt, which he said, is why the text trails off at the end of the page. Mr. Knight reported it was clearly noted on the document that the school would be known as Silver State Charter School when they came before the State Board last year to add the middle school. The high school would be known as Silver State High School and the middle school would be known as Silver State Middle School. He said that was the amendment to the document when the middle school was added, and the approved document stated the name was Silver State Charter Schools.

Jeff Blanck, Attorney for Silver State Charter School, addressed the deficiencies in the order they were presented:

- The bylaws state, “A board member may be elected for a second three year term after which the board member must no longer serve on the board for at least one year.” He said it is clear that a board member may have a second three years, and then be off for one year. In addition, all charter schools have names of persons interested in being on the governing board submitted to the board. If Mr. Knight submits a name to the board, they are not obligated to take that person.
- The truck purchase is identified two ways. The purchase was legal because the limit was \$25,000 and then changed to \$50,000 two years prior. The truck cost \$28,000 and bids were sent out to 16 car dealers. The purchase came under \$50,000 therefore they complied with the procedure. He said he takes strong issue with the statement that Steve Knight’s actions were illegal. He was exonerated by an independent investigation and he had nothing to do with the truck purchase after he identified the truck. He said accusing someone of a crime is slander if it is not true.
- The bylaws for Silver State Charter were obtained from the NDE.

Mr. Blanck said the charter expires July 1, 2010 and to ask for another extension for these minor discrepancies is inappropriate. He added the charter should be approved and they are happy to work with Dr. Rheault and Mr. Canavero to correct the problems. He stated the unresolved issues are not enough to shut down one of the most successful charter schools in the state. He asked for a vote of approval rather than a further delay.

Member Chaney asked Dr. Rheault what he thought about working with the school to bring them into compliance. Dr. Rheault stated he did not anticipate any problems cleaning up the technical bylaw issues. He said the charter could be approved today adding the amendments the Department asked for as part of a future clean up.

Further discussion occurred regarding the purchase of the truck.

Member Biggerstaff moved that the Board accept a provisional renewal based on the Superintendent signing off on the minor discrepancies and next year re-visiting the issues to assure the corrections have been made. Member Bonaventura seconded the motion. The motion carried. Member Cook abstained.

Member Wallace stated 43 letters from parents and students in support of Silver State High School were received, and the support was impressive.

Presentation on Adoption of the Nevada Growth Model of Achievement (NGMA)

Carol Crothers, Director, Assessment, Program Accountability and Curriculum gave a presentation about the DOE’s response to AB14, which requires the growth model, NGMA, be developed. Ms. Crothers stated the growth model was built into the Race To The Top (RTTT) application as part of Nevada’s reform agenda and is part of the Smarter Balance Assessment System. She said raising student achievement is the ultimate goal of the educational system. Measuring achievement in scale scores is informative and important, but the scale scores do not answer all the questions. The biggest question is, are Nevada students improving from year to year because of instruction? She explained the United States Department of Education defines student growth as the change in individual, student achievement, between two or more points in time. Ms. Crothers added it is important to note that student growth is individual growth. She reported that the NGMA is:

- A high-quality, valid and reliable measure of student academic growth;
- Currently, 4th - 8th graders receive growth scores for Mathematics and Reading;
- Reported annually based on CRT results;
- Accurate growth scores, even at the highest and lowest levels of academic achievement.

The purposes of the NGMA are:

- Provide valuable information about student growth;
- Aggregate student growth at the school level;

- Compare school' effectiveness at promoting student growth;
- Complement other data sources on student achievement;
- Promote discussion about school improvement across the state;
- Support curriculum and instruction improvement efforts.

Ms. Crothers reported that the NGMA would allow student growth scores to be compared across the state, and will answer how much the schools grew in a given year and how much growth is needed to reach a given target. She explained the Student Growth Percentiles (SGP) that students receive as a score and how they are used as a comparison in achievement. Percentiles are developed to identify the growth of students in each of the performance areas across the state. A clearer picture of how a school is performing is obtained by looking at both student growth and achievement

Ms. Crothers said the NGMA was designed and piloted using statewide assessment data from 2005-06 through 2008-09. The NGMA was designed collaboratively by working closely with the NDE staff and the Carson City, Clark, Douglas, Lander and Washoe school districts.

Member Biggerstaff asked how students are tracked. Dr. Anne Davidson, Assistant Director of Assessments answered that tracking students occurs within the System for Accountability Information in Nevada (SAIN), and through the Longitudinal Data System (LDS). Students are tracked using data and then that data is used to populate reports. Member Biggerstaff asked what happens when a student moves to Nevada a month before the final results, and if they leave the state is the information transferred to another school. Dr. Davidson responded there might be problems with students who arrive at times other than count day or at the beginning of the school year, and they may miss a testing date. If a student is not included in at least two of the four years of data, they cannot receive a score.

Member Biggerstaff inquired if teachers will be evaluated based on the results of the NGMA. Ms. Crothers responded that state assessment results contribute to 33 percent of a teacher's evaluation. Local growth data from interim assessments contribute an additional 17 percent to a teacher's evaluation and the remaining 50 percent comes from other means.

Dr. Rheault added that regardless of whether Nevada receives the RTTT grant, the teacher's evaluation is built into the state statutes. School districts will still be required to revise their teacher evaluations regardless of whether Nevada receives the grant. During the first year, school districts and charter schools will be working to develop a template with the criteria of what should be included. The assessments that will be included in the evaluation will be developed during the second year..

The Legislature revised the statute during the 2010 Special Legislative Session to stipulate that school districts *must* consider student achievement as part of teacher and principal evaluations. That system will be developed in 2011 by working with school districts and charter schools.

Member Biggerstaff asked if there is an additional need for staff and if so, how will they be funded. Dr. Rheault responded that funding for 20 additional Department of Education staff was included in the RTTT application. If Nevada does not receive the RTTT grant, it will stretch the budget.

PUBLIC HEARING and possible Board action regarding Hearing of Petition and Recommendation for Revocation of the Nevada Teacher's License for William Beeson

Dr. Irvin, representing the Department of Education, stated a certified letter of notification of the date, time and place of the hearing was mailed to William Beeson on April 21, 2010. His license has been summarily suspended due to a crime of moral turpitude and the recommendation is that the Board permanently revoke his teacher license for the crimes he committed. William Beeson and his lawyers did not respond that they would participate in the hearing, and they were not in attendance at the Board meeting.

Member Cook moved to revoke the teacher license of William Beeson. Member Hill seconded the motion. The motion carried.

PUBLIC HEARING and possible Board action regarding Hearing of Petition and Recommendation for Revocation of the Nevada Teacher's License for Angel B. Menes, Jr.

Dr. Irvin, representing the Department of Education, stated a certified letter of notification of the date, time and place of the hearing was mailed to Angel B. Menes at his last known address, on May 19, 2010. Mr. Menes license was summarily suspended due to a crime of moral turpitude. Mr. Menes and his lawyer did not respond that they would participate in the hearing, and they were not in attendance at the Board meeting. His teacher license has expired; however, Dr. Rheault stated the recommendation is that the State Board revoke the teacher license for Angel B. Menes.

Member Cooked moved to revoke the teacher license of Angel B. Menes. Member Bonaventura seconded the motion. The motion carried.

PUBLIC HEARING and Possible Board Adoption of Proposed New Regulation R031-10; New Regulations to NAC 385 Regarding Schools in Need of Improvement Relative to Corrective Actions, Consequences, Supports or Sanctions; Monitoring Implementation of Corrective Actions; and Turnaround Restructuring Plan Requirements.

President Wallace opened the hearing at 10:10 a.m. There were six individuals present in Las Vegas and three individuals in attendance in Carson City.

Marcia Calloway, Title I Consultant, reported that SB 389 enacted in the 2009 Legislative Session requires the State Board to regulate the corrective actions, sanctions and/or consequences that will be applied to schools when they are identified in year 3 or beyond of in need of improvement. The purpose stipulated in statute, and the intent of the districts and the NDE was to move away from the previous practice of assigning school support teams to work in schools identified in year 3 and year 4 in need of improvement, and move to a more differentiated approach based on the needs of the schools. The conceptual framework that was brought to the Board for the public workshop was developed in collaboration between the NDE and a task force that was comprised of members from the school districts. The group met several times to develop the conceptual framework. The draft regulations have been sent to all the school districts, Title I and Special Education Directors as well as members of the task force encouraging them to review it again, and then provide feedback. Ms. Calloway stated that to date there has been no feedback.

Member Biggerstaff commented about the reference on page 6 of *charter schools as a separate entity*, and said that she thought charter schools were public schools, and why wouldn't they fall under the same requirements. Ms. Calloway responded that charter schools are answerable to a school district in some terms, however they have a different governing body than the school board of trustees, therefore separate regulations must be written to address those circumstances.

There was no public comment. President Wallace closed the hearing at 10:22 a.m.

Member Cook moved to adopt Regulation R 031-10 pertaining to schools in need of improvement relative to corrective actions, consequences, supports or sanctions; monitoring implementation of corrective actions; and turnaround restructuring plan requirements. Member Hill seconded the motion. The motion carried.

Approval of Revised Pre-Kindergarten Content Standards

Anna Severns, Early Childhood Education Consultant explained the Nevada Pre-Kindergarten Content Standards were first approved in March 2004. The document, provided in the board packet, is based on developmentally appropriate practices that support young children's development in learning. Guidelines set

forth by the National Association for the Education to young children provides a framework for curriculum and instruction for Nevada's Pre-K classrooms. Ms. Severens added that members of the original steering committee met in the fall of 2009 to discuss the Nevada Pre-K standards revision process. A workgroup was facilitated by Ms. Severens and the State Pre-K Standards Coordinator was assigned to compose a draft including the following goals:

1. Design a user-friendly document that combines the valuable information and resources provided in the previous teacher and family guidebooks and standards in one comprehensive document.
2. Re-align the Pre-K Standards with appropriate K-12 revisions by working with the NDE K-12 curriculum specialists for appropriate realignment to maintain linkages to kindergarten and the primary grades.
3. Review the documents from other states to help devise an appropriate format that will easily integrate and connect state infant-toddler early learning guidelines currently being developed.

Ms. Severens remarked that after completion, the draft was reviewed by the original steering committee and sent out to other early childhood professionals across the state for input and feedback via written responses and e-mail. The Revised Nevada Pre-K Standards were finalized by the Steering Committee in February 2010. She added the format of the revised Nevada Pre-K Standards has changed and the teacher and family guidebooks have been integrated into the standards document. This revised version is more user-friendly, and has been developed to meet the needs of teachers, parents and Early Childhood Education (ECE) professionals. Ms. Severens explained the formatting in the document.

Member Chaney asked if the standards are applicable to childcare centers.

Ms. Severens stated they work in collaboration with the Department of Health and Human Services, while licensing requirements do not require the standards are used in childcare centers, a training department that helps the childcare programs to use the standards appropriately is available. Ms. Severens reported there is an office of Early Childcare in Education in Nevada that provides free training to the childcare programs.

Dr. Rheault said the standards are called Nevada Revised Pre-Kindergarten Standards, and Nevada statutes give authority to the Board to adopt K-12 standards. There was a need and a request for alignment when adopting the kindergarten standards and there was additional funding if a state had Pre-K standards. He stated they worked closely with the Department of Health and Human Services who oversees the daycare centers. He added the standards would be formally adopted by the Board, but they will not be found in regulation. Once they are officially adopted by the State, Health and Human resources use them as well as other agencies.

Member Biggerstaff inquired about training teachers at the University level and asked if they will they receive a copy of the standards. Dr. Rheault said there are two different versions of teaching licenses for Pre-K and that the Universities have a couple of programs that would provide training. They will receive the revised versions so their programs can be updated.

He said after they are adopted the next step will be for the Commission on Professional Standards and the Licensing office to look at whether licensing requirements need to be adjusted.

Member Cook moved to adopt the revised the Revised Pre-Kindergarten Content Standards. Member Wilkinson seconded the motion. The motion carried.

Adopt Common Core Standards

Dr. Rheault presented the draft Common Core Standards (CCS) to the Board for formal adoption today. He reported that the Standards came before the Board as agenda items for discussion during meetings in March and May. Beginning last year, the NDE entered into a memorandum of understanding with the governor's office and 48 other states to develop CCS in English Language & Arts and Mathematics. The purpose of the

CCS is to provide internationally benchmarked and higher quality standards that are commonly used throughout the states.

The first draft of the CCS came out this spring and they were reviewed by various groups' in states with periods for review and comment. A great deal of positive feedback was provided. The final draft was released on June 2, 2010. Nevada will be the eighth state to adopt the CCS. Dr. Rheault stated that assurances were given in the Race To The Top application that Nevada would formally adopt the CCS by August 2, 2010 and provide evidence they were adopted and approved.

Dr. Rheault reminded everyone that if the draft CCS are adopted today, the final version of the document will be submitted to the Legislative Counsel Bureau after the interim regulation period for conversion into Nevada Administrative Code (NAC) language. After the interim regulation period ends, the Board will be presented with the NAC regulation language for final approval. The NDE has already started a two-year implementation process, including professional development for teachers and curriculum to phase these standards into the districts and charter schools.

Dr. Rheault stated he hopes all the states will adopt the CCS so shared information can be maximized in developing curriculum, textbooks, and assessments. He noted there has not been any negative comment regarding the standards.

Member Cook commented that he is very impressed with the CCS, particularly the content standards for calculus, and thinks schools will be able to adapt to the standards without too much difficulty.

Member Hill moved for adoption of Common Core Standards. Member Cook seconded the motion. The motion carried.

Recommendations from the Subcommittee on Charter Schools will include item A. below and may include item B. and C. as developed from the Subcommittee's agenda for June 17th:

- A. The Department of Education has been informed that an Order may have been issued with language similar to the following:

ORDERED that a writ of mandate issue under the seal of this court compelling Respondent State of Nevada ex. Rel. Nevada Department of Education (the "Department") to forward the Petitioner's application to form a charter school to the State Board of Education immediately after receipt of this order.

The Department is hereby forwarding the application to the State Board of Education.

- B. Provost Academy Nevada and Edison Learning have forwarded the following request for an agenda item:

"Provost Academy Nevada's charter application be placed on the June agenda for a hearing to consider approval/denial of the application by the Subcommittee on Charter Schools and the State Board of Education."

The Board may make findings of fact and conclusions of law concerning whether or not it should consider this item; possibly whether or not it should and will consider the application; and, possibly whether or not it will approve/denial the application. The Subcommittee might consider whether there is sufficient time for review and consideration of this item. The Board may either set a hearing or continue the hearing, if it decides to consider this agenda item. The Board may make findings of fact and conclusion of law related to all issues considered related to this agenda item.

C. Provost Academy Nevada and Edison Learning have forwarded the following request for an agenda item:

”Consideration of Provost Academy Nevada’s proposal to resolve pending litigation and hearing on approval/denial of Provost Academy Nevada’s charter application. **Action.**”

The Board may make findings of fact and conclusions of law concerning whether or not it should consider this item; possibly whether or not it should and will consider the application; and, possibly whether or not it will approve/denial the application. The Subcommittee might consider whether there is sufficient time for review and consideration of this item. The Board may either set a hearing or continue the hearing, if it decides to consider this agenda item. The Board may make findings of fact and conclusion of law related to all issues considered related to this agenda item.

Richard Bryan, Counsel for Edison Learning Inc, requested a brief recess to visit with counsel and Dr. Rheault in an attempt to resolve the issue and save time.

President Wallace granted a 15-minute recess.

Dr. Irvin said the discussion has been that there will not be a special meeting but the lawsuit against the NDE will be dismissed with each party bearing its own cost. Within the next 30-days, Tom Jackson and Mr. Bryan will commit to reaching an agreement on whether Provost/Edison can meet the burden of correcting deficiencies. If at that time Provost/Edison cannot meet the burden, no further lawsuits will be filed.

Richard Bryan of Lionel, Sawyer and Collins introduced lead counsel, Laura Granier of Lionel, Sawyer and Collins and Mr. Tom Jackson, general counsel for Edison Learning, Inc., as they joined him. Mr. Bryan said he urged the Board to take the recommendations as stated by the Deputy Senior Attorney, in doing so the Board could avoid the necessity of a protracted hearing. They further agreed not to file a lawsuit challenging the decision and they would agree not to request special meetings. In effect, they would have a global settlement of the entire issue. Mr. Bryan added they would be able to move forward and save staff time, and get a decision one way or another after the 30-day period if the board felt they had satisfied the staff’s requirements.

Tom Jackson, Executive Vice President, General Counsel and Corporate Secretary for Edison Learning, Inc. stated he agreed with the comments made by Dr. Irvin and Mr. Bryan. On behalf of Edison Learning, Inc., he thanked the Subcommittee for hearing them yesterday. Mr. Jackson repeated if at the end of the 30-day appeal process and the opportunity to sit down with Dr. Rheault occurs, if the Department still feels that Provost has failed to meet their burden, Edison would not file another lawsuit to try to obtain different results. Mr. Jackson said this process is about the kids and they would learn from their lessons and reapply if so needed.

Chris McKenzie, local attorney for Provost Academy, stated that he has been on the phone with the Committee to Form members and they are in full agreement as discussed above.

Member Cook disclosed he is a member of the governing body of Sierra Crest Charter School, sponsored by Douglas County, until the end of June. He stated he is also a math teacher at Beacon Academy Charter School sponsored by the State of Nevada and would not be involved in any discussions and he will recuse himself from voting.

Member Chaney asked who will oversee that the deficiencies are corrected if the Board denies the application today, and a 30-day corrective action period begins. Dr. Rheault responded he would personally commit his

time and participate with his legal counsel for the Department along with staff that is familiar with the information presented in the original application.

Dr. Rheault does not question the Subcommittee's recommendation, however when looking at the big picture and staff time, they realized they could end up back in the same place a year from now if they could not reach an agreement today.

Chair of the Charter School Subcommittee Jan Biggerstaff made the motion regarding the finding of facts in evidence of the Provost application; Substantial evidence was presented that the Board should follow the recommendation of the Nevada Department of Education (the Department). Substantial evidence was presented that the application was not complete and compliant. Member Wilkinson seconded the motion. The motion carried. Member Cook abstained

Dr. Irvin stated for the record that he has three copies of the Finding of Fact and Conclusions of Law, which he will submit to President Wallace for signing, then; he will distribute one copy to Edison Learning, Inc., and one to Provost Academy.

The motion carried. Member Cook abstained.

Review of August Board Retreat

Dr. Rheault noted the Board agreed to meet in Carson City in August, and the full meeting would cover three days. The Board agreed they wanted to work on issues in line with recommendations that came from the ACR 2 Subcommittee. These issues include that as the leader in education in Nevada, the Board needs to re-visit its mission. The main emphasis of the meeting would be defining their mission along with objectives and a strategic plan.

Dr. Rheault suggested the retreat might conclude at 3: 00 p.m. on Thursday, August 12 with the full board meeting beginning that afternoon. The Board will need to approve the full DOE budget at the August meeting.

Member Biggerstaff said she hopes there will be time for the members to discuss what they want to accomplish over the next 4 years.

President Wallace suggested that if any Board members have topics or items they want to discuss at the retreat to contact Dr. Rheault and they will be used in formulating an agenda for the retreat. Dr. Rheault suggested it might be helpful if staff could find an example or two from other states that have strategic plans. Rather than schedule speakers for the retreat, more time will be given to the Board for discussion.

Board Member/Public Comments

Member Cook reported that as the designated liaison to the Board of Regents, he attended the Board of Regents meeting on June 3-4, 2010 at the UNR campus. He said he presented the following message at the meeting: The State Board's desire to create a more direct relationship with the Board of Regents and explain the reason why they created a liaison. He gave thanks to Chancellor Klaich for his help with the successful writing and presentation of the RTTT grant application. He reported the BRTF would continue creating BDR's that will go forth at the 2011 Legislature Session. He said he supports Higher Education's efforts to receive adequate funding, and that the Education Board's are not two separate halves as much as a consistent continuum of education in Nevada.

Member Biggerstaff asked if the Board would be continuing their membership in the National Association of State Boards of Education (NASBE). Dr. Rheault responded the invoice for the dues was received, but it cannot be paid until July 1, 2010. He said there are funds to pay the dues, however NASBE raised the rates

for dues by \$5,000 and the Board may need to consider the issue. He said the legislature approves the dues for the organization every biennium and it was approved at the current year's rate, which may require further discussion.

Member Biggerstaff asked if they received that much value from the organization. Dr. Rheault stated that decision is up to the Board and will be discussed in the budget in August. The funds set aside for dues can only be used for dues and registrations. Member Biggerstaff commented that she would like to see the budget every board meeting.

Gene Paslov, former State Superintendent of Public Instruction in Nevada and Michigan listed his extensive experience in education including serving on the Committee to Form Silver State Charter School Board for six years. He said he resigned from the Silver State Board in January along with half of the board members. He reported he was at the meeting to say Silver State Charter School is a very good school serving the needs of over 500 students who might otherwise not be served. The facility is outstanding and is the major contributing factor to the overall success of the school. He said he supports the recommendation to renew the charter but he has two serious concerns. The Silver State School Board is not as independent from their administrator as it should be. He added it is very important for charter schools to have independent boards. He said his second concern involves the charter school's staff having virtually no protection from arbitrary discipline. They have been threatened with firing for talking to board members and it is a disturbing situation. He said he realizes the State Board does not have authority, but may want to look seriously at these concerns with their continuing involvement with charter schools.

Member Ruggiero arrived.

Future Agenda Items

There were no future agenda items.

The meeting was adjourned at 11:55 a.m.