

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

**May 13, 2011**

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:**

Chris Wallace, President  
Gloria Bonaventura, Member  
Willia Chaney, Member  
Dave Cook, Vice President  
Sandy Metcalf, Member  
Craig Wilkinson, Clerk  
Annie Wilson, Member  
Cliff Ferry, Member,  
Zhan Okuda-Lim, Student Representative (arrived 10:00 am)  
Daniela Sanchez, Incoming Student Representative

**In Carson City:**

Adriana Fralick, Member

**BOARD MEMBERS ABSENT:**

Stavan Corbett, Member

**DEPARTMENT STAFF PRESENT:**

**In Carson City:**

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum (APAC)  
Mike Raponi, Director, Office of Career, Technical and Adult Education (CTE)  
Donnell Barton, Director, Office of Child Nutrition and School Health  
Dr. Steve Canavero, Director, Office of Charter Schools  
Tom McCormack, Education Programs Professional, Office of Charter Schools  
Allison Kellogg, Management Analyst, Office of Charter Schools  
Richard Vineyard, Education Programs Professional (APAC)  
Cindy Sharp, Education Programs Professional (APAC)  
Julian Montoya, Education Programs Professional (APAC)

Esmeray Odzemir, Education Programs Professional (APAC)  
Tom MacDiarmid, Education Programs Professional (APAC)  
Andrew Parr, Education Programs Professional (APAC)  
Karen Chessell, Education Programs Professional (CTE)  
Karen Johansen, Assistant to the State Board of Education

**In Las Vegas:**

Dr. Keith Rheault, Superintendent of Public Instruction  
Lisa Ford, Education Programs Professional, Special Education, Elementary & Secondary Education, & School Improvement Programs

**LEGAL STAFF PRESENT:**

**In Las Vegas:**

Robert Whitney, Deputy Attorney General

**In Carson City:**

Dr. James E. Irvin, Senior Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Robin Kincaid, Nevada Parents Encouraging Parents (PEP)  
Guadalupe Alvarex-Cerria, Nevada PEP  
Brenda Larsen-Mitchell, Clark County School District  
Ivet Santiago, University of Las Vegas (UNLV)  
Jose Melendez, UNLV  
Nora Luna, University of Nevada Cooperative Extension, University of Nevada, Reno (UNCE, UNR)  
Jasmine Roman, Imagine School of the Valle  
Marivelle Nunez, Imagine School of the Valle  
Francine Kelly, Imagine School of the Valle  
Jennon Hendrix, Imagine school of the Valle  
Niki Wolanzyk, Imagine School of the Valle  
Lynne Cherry, Imagine School of the Valle  
Tina Rieb, Imagine School of the Valle  
Sharon Powell, Imagine School of the Valle  
Jessica Bailey, Imagine School of the Valle  
Traci Usher, Imagine School of the Valle  
Kimberly Comelek, Imagine School of the Valle  
Feyzi Tandogan, Executive Director, Coral Academy of Science, Las Vegas

**In Carson City:**

Jeff Blanck, Esq., Silver State Charter School  
Nicole Rourke, Clark County School District  
Dr. Bryn Lapenta, Washoe County School District  
Kerry Pope, Douglas County School District  
Sue Cocking, Silver State Charter School  
Eddie Grub, Silver State Charter School  
Jodi Budd, Lyon County District Office  
Steve Knight, Superintendent, Silver State Charter School  
Alan Staggs, Silver State Charter School  
Jeff Uhart, Uhart Commercial  
Mark Palmer, Palmer Engineering Group

Greg Nixon, First Independent Bank  
Ricci Rodriguez-Elkins, Entrepreneurial-Technical and Engineering Charter High School (E-TECHS)  
Anne Barnes, Board Member, Imagine School of the Valle  
Vernon Law, Board Member, Imagine School of the Valle  
Robin Vitiello, Business Manager, Imagine School of the Valle  
Connie Jordan, Principal, Imagine School of the Valle

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

President Wallace called the meeting to order at 8:36 a.m. with attendance as reflected above.

**Member Cook moved to approve a flexible agenda. Member Wilkinson seconded the motion. The motion carried**

**President's Report**

President Wallace reported that he has met with legislators several times since the March board meeting. He said legislative bills concerning the governance and oversight of education and the Board's position on various education bills were discussed in education round table meetings with Assemblywoman Debbie Smith. Member Corbett accompanied President Wallace to speak with legislators and inform them about the duties of the State Board of Education and their stance on several education related bills. President Wallace along with members Corbett, Cook and Fralick attended the Charter School Summit and reception in Carson City. President Wallace recently attended a round table discussion with Assemblyman Stewart and other education stakeholders regarding the rollout of the Common Core standards. The implementation of the standards and comparing Nevada to current standards in other states was discussed.

**Superintendent's Report**

Dr. Keith Rheault, Superintendent of Public Instruction, provided the board with a legislative update. He reported all 23 Department of Education (NDE) budgets are closed. The K-12 budget for the Distributive School Account (DSA) was finalized using emergency measures to speed-up the process. The bill passed both sides of the legislature and then was sent to the governor's office for his signature. It is expected the governor will veto the K-12 DSA budget. Dr. Rheault reported on the Data Quality Campaign meeting held in Carson City. The Data Quality Campaign is a national non-profit group that reviews reports on the quality of education data released by all states. A report is released every year comparing states. He reported legislators have been working on redistricting data for the Board; however, they have not finalized the maps. Dr. Rheault informed the new Board members that the National Association of State Boards of Education (NASBE) is holding a New State Board Members Institute, and he encouraged new members to attend. Dr. Rheault also reported the Youth Behavior Survey would be conducted this year to survey eight through twelfth grade students on risk behaviors.

**Consent Agenda**

- A. Approval of Minutes
  - March 18, 2011 Regular Meeting
- B. Approve the awarding of .5 of a special education discretionary unit to Alpine Academy, 2 special education discretionary units to Washoe County School District and 7 special education discretionary units to Clark County School district for the 2010 -2011 academic year.
- C. Approval of Relicensing of the following Reno Schools for a two year period: Little Golden Goose and the Goddard School.
  - Approval of Relicensing of Lake Tahoe School of Incline Village for a 4-year period.
  - Approval of Relicensing of the following Las Vegas Schools: Omar Haikal Islamic Academy & Las Vegas Day School (4 years), Southern Highlands Preparatory School, Kinder Prep Academy, First Christian Montessori School (2 years)

**Member Metcalf moved to approve the Consent Agenda. Member Cook seconded the motion. The motion carried.**

**Approval of request for dual-credit courses offered by Great Basin College to White Pine County High Schools students.**

Dr. Rheault stated the recommendation is to approve all the courses on the provided list with the exception of English 85 and 95 and Math 89, 91, 95, 96 and 97 as courses under 100 cannot be approved for dual credit.

**Member Cook moved to approve the request for Dual credit courses at White Pine County High School District with the noted exceptions. Member Bonaventura seconded the motion. The motion carried.**

**Report from the Governor's Office and possibly Nevada State Legislators**

Dale Erquiaga, Senior Advisor, Office of the Governor and invited Legislator's were unable to attend the meeting due to their legislative schedules.

**Adopt Achievement Level Descriptors and Approval of Standard Setting Results for all Reading Tests CRT, HSPE, Alternate Assessment and Grade 8 Writing Assessment.**

Carol Crothers, Director, Office of Assessment Program Accountability and Curriculum, explained re-setting cut scores, a standard setting process, occurs when changes are made to assessments. Standard setting was conducted because of changes made to the tests for eighth grade writing, high school proficiency reading, grades three through eight Criterion-referenced Test (CRT) in reading, and the Nevada Alternate Assessment in Reading.

Ms. Crothers summarized the standard setting process. Educators familiar with the content and standards, including special education, second language and general education teachers, use their knowledge of the standards and content to make recommendations about proficiency. The standards setting panel take the actual test to understand what student's are expected to know and be able to do. Achievement Level Descriptors (which represent the knowledge, skills and ability (KSA) at each grade level and are designed to represent the assessed KSAs), are used to compare questions on the test and the difficulty of those items to set the cut points.

Ms. Crothers detailed the reading standard setting results and recommendations for the CRTs and the High School Proficiency Examination (HSPE). The tests change a bit from year to year. The assessment vendor reviews the previous year's tests comparing them to the current year's tests, and then statistical adjustments are made resulting in the scale score remaining constant.

When the standard setting committees viewed the proficiency cuts for high school, they determined a proficient student should perform at a higher level of rigor than they did on previous tests. The committee members felt strongly about this level of rigor, and in addition, there was an increase in rigor for grades six, seven and eight. Committee groups were adamant that increased rigor is consistent with the expectations of a student's progress upon their completion of each grade level. The recommendation is that the Board adopt the committee recommendations.

Ms. Crothers explained the Nevada Alternate Assessment is used for students with the most severe cognitive disabilities. There were approximately 2000 students statewide in grades three through eight and eleven that participated in the assessment.

Dr. Rheault informed the Board that the U.S. Department of Education reviews the tests from every state, and they required Nevada to review and re-do our cut scores to stay in compliance with the U.S. Department of Education. These cut scores will be short lived because new tests will need to be aligned with the Common Core Standards.

Ms. Crothers explained changes made in the eighth grade writing tests and the standard setting for this year. The committee recommendations set proficiency at the same levels as the high school test.

Member Ferry stated this process is based on recommendations of experienced teachers. Many states including Nevada have been accused of having standards that are set too low and it should be made clear we are setting higher standards for the assessment of reading for high school graduates. Member Ferry said he served on the science committee and found it to be an interesting process. He urged that if it is possible a board member should participate to understand how this important, consensus building, process works.

**Member Ferry moved to adopt the Cut scores and Achievement Level Descriptor for CRT of Reading, HSPE of Reading, Nevada Alternate Assessment of Reading and Grade 8 Writing Assessment. Member Cook seconded the motion. The motion carried.**

**Updates on Initiatives: Common Core State Standards, SMARTER-Balanced Assessment Consortium, and the Cohort Graduation Rate**

Ms. Crothers explained how the three different graduation rates reported to the public are calculated. Nevada reports their graduation rate as a Leaver Rate promoted and endorsed by the National Center for Educational Statistics (NCES). The Leaver Rate is currently reported in Nevada and 25 other states. It is an estimation of the population of students in the state based upon the dropouts each year of the cohort. Students receiving an adjusted diploma or a certificate of attendance are not counted in the rate.

Ms. Crothers said that several years ago under No Child Left Behind, all states needed to reconsider who was a graduate against federal guidelines. An adjusted diploma option is given to Special Education students who meet their IEP requirements.

Nevada increased their standards to achieve a diploma by requiring students pass four high school proficiency exams (Math, English, Science and Writing). Students who finish high school with the appropriate number of credits, but have failed to pass one or more space portions of the high school proficiency exam are not calculated in the rate. If the adjusted diploma recipients and the certificates of attendance were built into the rate, the hypothetical "completer" rate would increase from 71.3 percent in 2009 to 80 percent. Not all students who fail to graduate are dropouts.

Dr. Rheault added he provided a similar presentation to the Assembly Education Committee. An example used in the presentation is that Wisconsin includes the adjusted diploma and the certificate of attendance in their graduation rate. Comparatively, 2500 students that Nevada does not count as graduates would be considered graduates in another state. Due to one bad formula used in Quality Counts, Nevada is the worst in the nation, with less than 50 percent graduating. Dr. Rheault said he stands by 70.3 percent of students graduate in Nevada not including the adjusted diplomas or certificates of attendance.

Ms. Crothers stated the federal regulation requirement that all states move to an Adjusted Cohort Graduation Rate (ACGR) attempts to level the playing field across the country. A cohort of students would be followed from ninth to twelfth grade to determine the percentage of those students who graduated. The rate can only be calculated in states that have robust student information systems and Nevada expects to report the ACGR for the graduation class of 2011.

Ms. Crothers reported on the Averaged Freshman Graduation Rate (AFGR), which is a different attempt to estimate the percentages of students who graduate from high school. It is calculated by the Institute of Educational sciences. She explained the formula of numbers reported by each state to the NCES Common Core of Data. Especially critical to Nevada is the rate can be influenced when ninth and tenth grade enrollments in a state reflect higher numbers of students due to policy to retain students in those grades. She agreed with Dr. Rheault that the numbers are not as bleak as some statistics indicate.

Member Chaney asked why Nevada opted to go with Leaver Rates to calculate graduation rates. Dr. Rheault responded that Nevada began to use the Leaver Rate because the NCES was the entity at the national level that

claimed it was the best formula and more accurately measured graduation rates. The Leaver Rate was not adopted by some states because it gave a true graduation rate, and the numbers were not as good.

Member Ferry commented that much time is spent leveling playing fields and racing to the top, and much time is spent comparing states and countries. It is interesting information, but it does not deal with the issue of the students, and that is where the emphasis should be. He said it is important to continue improving our systems of education.

Member Wilkinson inquired about the status of making CRTs, three through eight, computer based for a quicker response. Dr. Rheault responded there is no movement towards changing that with the current test. It would cost a few million dollars to have dual testing. He said it is his plan for the New Common Core Assessment to be computer based. It will be a high-level test, with a quicker assessment and it is a matter of schools and school districts being ready in two to three years with computer capability. Nevada has the shortest turnaround time with the paper/pencil test for any State in the country, taking five weeks total. Member Wilkinson asked if the date could be pushed further out towards the end of the year. Dr. Rheault replied there is a bill moving through the legislature to move the testing date from the 120<sup>th</sup> day of the school year to the 150<sup>th</sup> day. That would push the AYP reports and the report cards further out as well and could be implemented as soon as July 1, 2011.

Ms. Crothers said this bill has been coming for a long time, and the NDE is ready to implement it next year. It needs to be confirmed with the school districts to ensure they are able to make that adjustment and can proceed.

Ms. Crothers reported the NDE website has a running banner that can be clicked to receive updates on the progress the NDE has made since the adoption of the Common Core Standards by the Board. They have worked collaboratively with the Regional Professional Development Program (RPDPs), the school districts, charter schools and higher education to begin rolling out the Common Core Standards. There is an implementation timeline on the website as well. There is more detail to come; she said to keep checking the website for updates.

### **Presentation Outlining the Career and Technical Education (CTE) Improvement Plan**

Mike Raponi, Director, Office of Career, Technical and Adult Education, provided an overview of the office of Career and Technical Education and its new Improvement Plan. He said the plan is a continuation of efforts over many years involving many people dedicated to Career and Technical Education. Mr. Raponi conducted a PowerPoint presentation outlining the plan.

Mr. Raponi stated the plan began last October with an outline of nine essential goals to strengthen its infrastructure. He said the intent is to focus efforts where they are needed most - using limited resources to drive CTE programs that result in student attainment of skills that result in student engagement in meaningful career paths leading to industry and other postsecondary credentials. The Improvement Plan has nine essential goals developed to reach the vision:

- State CTE standards;
- Programs of Student;
- Academic Integration;
- Assessments and Credentialing;
- CTE Course and Program Approval System;
- Program Review Process;
- Accountability and Reporting System;
- Professional Development;
- Business and Industry Partnerships.

Mr. Raponi provided a detailed description of the steps and process involved to reach each of the nine essential goal areas. He explained part of the process includes a statewide catalog for all CTE courses, which is currently being developed. The State Board of Education would have oversight once the catalog is approved and the goal

is to have the catalog complete by August 2011. In addition, the State CTE Advisory Committee needs to be reestablished and reconstituted as a council. The thirty-member council would be reorganized to include key stakeholders representing education, state legislature, economic development and workforce development. The Council would include a representative of the State Board of Education who would report to the Board.

Mr. Raponi reported Nevada became a member of the Career and Technical Education Consortium of States (CTECS) to assist with the development and validation of skill standards and to assist Nevada with developing a workplace readiness assessment to ensure 21<sup>st</sup> Century skills. He stated Nevada is on a clear mission and track with this effort.

Member Ferry asked if the plan has timelines and target dates. Mr. Raponi said not yet but they are developing a clear workplan and timeline relative to the components in the improvement plan.

Member Ferry inquired about the federal funding for the Carl Perkins Act. Mr. Raponi replied he has communicated with the director of the Office of Adult Education at the U.S. Department of Education and stated he has not received the allotment for fiscal year 2012. He expects to receive Nevada's allocation by Monday, and then funding tables for the state will be revised.

Member Fralick asked if the salaries of the additional full time employees would come from the Perkins grant or somewhere else. Mr. Raponi said CTE administers two grants; state CTE monies and the federal Perkins grant, which allows for staff support.

#### **Presentation of Community Engagement with Parental Involvement**

Jose Melendrez, Assistant Vice President, Diversity and Inclusion at University of Las Vegas (UNLV) introduced Ivet Santiago, Director, Leadership and Education for Advancement of Diversity (LEADS Program at UNLV and Nora Luna, Assistant Professor, University of Reno (UNR) Cooperative Extension.

Mr. Melendrez reported the program at UNLV is part of GotoCollegeNevada.org and creates an effort to establish and build a Go to College culture in Nevada. Initiatives were funded through the College of Education that came through the Nevada System of Higher Education (NSHE). The purpose is to introduce low-income and underrepresented students in Clark County to college knowledge and financial literacy.

The Latino Youth Leadership Conference (LYLC) is in its 18<sup>th</sup> year and brings students together from Clark County high schools for six days of leadership training and development during the month of June of each year. Selected students are housed at UNLV to engage in interactive and emersion education activities. There is no cost to the students and all students are eligible regardless of race or ethnicity.

The Multicultural Youth Leadership Conference (MYLC) was established from the LYLC and brings together high school youth from diverse backgrounds for a three day-full emersion program at UNLV. The MYLC focuses on multicultural leadership training and development with an emphasis on creating college-going aspirations. Students are housed at UNLV for three days and there is no cost to them or their families. Parent workshops with an emphasis on becoming an advocate for student success are also available.

Ivet Santiago stated she is the program director for LEADS and LYLC. Some of the modules focused on in LEADS are the college admission process, financial aid and scholarships. Other components include introducing students to student organizations and student leaders on campus with an emphasis on becoming involved and connecting with leaders on campus. Students are prepared with English and Math placement tests to help them decide what courses they need.

Member Wilson said she attended training for parent/student financial aid and was impressed. She asked for an explanation regarding how students and parents were brought together.

Mr. Melendrez responded as part of the requirements for the grant they were required to identify five high schools they would work with. A workshop is set up for parents to introduce them to the LEADS initiative regarding what it means to prepare for college and students are shown how to fill out applications. Anyone can participate in and attend the program.

Member Chaney asked if there has been outreach to community groups other than the Latino Chamber. Mr. Melendrez replied they are working to bring diverse groups together. Currently they are targeting six high schools as well as the Urban and Asian Chamber. They are also working with the Clark County Black Democratic Caucus regarding the establishment of a black youth leadership conference. Mr. Melendrez said there is a great deal of expense involved and they must apply and receive a grant to help cover the costs of the conferences.

Nora Luna, Assistant Professor, University of Reno (UNR) Cooperative Extension stated their goal is to provide educational programming in the community based on needs. The Anahuac School and Community Engagement is a program funded through general operating funds that comes from the state, county and federal funding that cooperative extensive receives. They also have a small grant from NSHE to augment the program and include a parent component as well as a fieldtrip to UNLV. The main goal of the program is to increase academic aspirations and high school completion by improving positive ethnic identity. Research indicates students that have a positive identity with their racial ethnicity are more likely to do better in school. It is a curriculum based educational program offered in middle schools and high schools. They served 400 students this year, mostly in Clark County.

Together For a Better Education is another program funded through Go to College Nevada. It is a six-week program offered this year at 13 high schools for high school students and their parents. The program provides information regarding rules at the schools, grade point averages, various types of diplomas, how to read a transcript and financial aid.

Member Cook asked about the role of the Cooperative Extension with UNR. Ms. Luna responded the Cooperative Extension has offices in every county in the state and their goal is to provide educational programming based on needs. The Children Youth and Families department is within the Cooperative Extension. Three years ago it was determined it was important to have a specialist in school retention. Ms. Luna added the proposed budget for UNR has proposed a 72 percent cut from Cooperative Extension that would eliminate most of programs and service just discussed.

Member Wilson requested that board members are informed about the upcoming programs and trainings.

**Presentation concerning Proposed Purchase of Real Property for Silver State Charter School: Purchase Agreement**

- 788 Fairview Drive, Carson City, NV
- 900 Fairview Drive, Carson City, NV
- 900 Mallory Way, Carson City, NV

Jeff Blanck, Counsel, Silver State High School stated Silver State Charter School (SSCS) is doing extremely well and for the past three years has been looking to purchase property to expand and enlarge their school. In August 2008, they received board approval to purchase three to five acres of property. The discussion was focused on purchasing property located near the Carson City airport. That fell through and they continued to look for new property. In January 2011, SSCS found the above listed property and contacted NDE stating they wanted to move forward and purchase the property. A letter was received by SSCS from NDE that stated if they were ready for board approval to submit their request on or before April 19, 2011. They submitted the request to authorize the purchase of real property for SSCS. They thought they were on the agenda for approval however when they arrived at the meeting they discovered the item was listed for discussion only. Timelines have begun for purchase escrow in hopes to open the school in the new facility in August. Coming back to the Board in



June for approval will require extensions on escrow and will delay opening school until after school begins. He stated they are willing to come back to the Board in June; however, he does not know what he needs to do to ensure the agenda item is set for approval. Mr. Blanck offered to delay the presentation until the June board meeting.

Steve Knight, Superintendent, Silver State Charter School recapped the information provided by Mr. Blanck. He added they received zoning approval last week from Carson City Planning and from the Carson City Board of Supervisors. All three pieces of property are in escrow with deposits. Mr. Blanck said it was his understanding they complied with NRS and he submitted the required documents to NDE. Mr. Knight asked for further direction as to how to get on the June agenda for an action item.

Dr. James Irvin, Senior Deputy Attorney General assigned to represent the Department of Education, and the State Board of Education, stated an approval for an item on the agenda would require a request sufficient to put the public on notice regarding the transaction. Nevada Revised Statute (NRS) 385.550 subsection k states, a charter school shall refrain from using public money to purchase real property or buildings without the approval of the sponsor. Dr. Irvin explained the charter school needs the approval of the sponsor before using public money to purchase real property or buildings. It is more complex than contract law.

Dr. Irvin explained that when real property is purchased, documents are received including a mortgage, financing and a deed. He suggested for the Board to approve a request for approval of the sponsor to purchase real property, the Board needs to know the details of the deal. It should be presented with the request. In addition, the source of the money for the purchase of real property needs to be explained. He suggested SSCS advise the Board what they are requesting, and provide support materials that are capable of leading to a legal conclusion with substantial evidence. How it is going to be financed is one issue, how state dollars are going to be spent is another issue. The budget needs to be shown how the funds are going to be expended

Dr. Irvin stated he has not received any phone calls or messages regarding this issue. He advised that action could not be taken on the item today. He added the public does not have the right to set an agenda item. Nevada law is clear; the public can request an item and he suggested how the public and SSCS can accomplish the goal.

President Wallace stated he agrees with legal counsel including they cannot take action on the item today. He suggested SSCS provide the documents the NDE is requesting so a clear and concise decision can be made, and he tabled the item until the June board meeting.

Mr. Blanck stated the impression is that they had not submitted documents; however, they had but will do so again. They have had public meetings with their board that explains their progress. Mr. Blanck said they were not advised of deficiencies or the need to contact the State Board counsel however, they will provide all the documents needed so they can move forward in June.

### **Presentation and discussion concerning proposed purchases of real property for Charter Schools**

Dr. Irvin stated this is a separate agenda item from the previous item. He suggested to the participants of the prior agenda item that it would be helpful if they listened to the discussion. The difference between the two agenda items is that currently there are no regulations that describe the process of approval of an application. The applicant is required to know what to submit, and if it is sufficient then it is capable of being approved. The board has the opportunity to approve guidelines and the ability to make regulations related to these issues. Dr. Irvin explained this agenda item is for discussion as it relates to how the Board would like to proceed with the issues related to a charter application to purchase real property.

Dr. Steve Canavero, Director, Office of Charter Schools, reported that securing appropriate facilities to open a charter school can be a daunting challenge. Charter schools receive per-pupil dollars from the state but most charter schools must stretch those dollars to cover their facilities. Three primary concerns from states in relation to securing facilities include; direct cash assistance for facilities, the ability to borrow money for

facilities and district provisions of facilities. Nevada law does not contain provisions for equitable access to capital funding and facilities. In a recent ranking, Nevada scored 0 points for Equitable Access to Capital Funding for Facilities.

Nevada has statute that relates to school districts and speaks to the governing body of a charter school contacting a school district for facilities, or using a public facility within a school district owned by a school district. There is also statute that establishes criteria for a charter school's eligibility to apply to the NDE for money for facilities should money be available. No money has yet become available.

Since there is no money available, Nevada charters secure their facilities on their own. The following are most common:

- Enter into a lease for suitable space including strip malls, office/industrial space and big box retail stores;
- Lease from an investment group. A related entity may purchase a building and lease it to the school;
- Lease through their Educational Management Organization (EMO). Currently, Imagine school is the only EMO in Nevada to sublet a building to the school.

The purchase of real property and buildings by the charter school has not been explored previously; however, Nevada has statute related to such a purchase. NRS 386.550 address a schools ability to purchase real property by stating: A charter school shall refrain from using public money to purchase real property or buildings without the approval of the sponsor. NRS 386.570 states, if a charter school uses money from this State to purchase real property and buildings, the governing body of the charter school must assign a security interest in the property and buildings to the State of Nevada. Additionally, NRS 386.342 states, if a charter school uses money received from this State to purchase property, and the charter school closes, the governing body of the charter school must ensure the property and equipment are transferred to the department for appropriate accounting and disposition.

Dr. Canavero explained the Board has not developed an application and process by which a charter school may apply to the Board for the approval to purchase property yet. In developing a process, the Board may want to contemplate:

- How the school pays for the transaction and monitors the fiscal procedures;
- the details of the deal including, purchase agreements, deed restriction, terms of the financing process by which a lender is engaged and how the property will be used;
- questions regarding the security interest, and what it means should a charter school close;
- if a school were to consider constructing a facility, standards by which the construction would adhere to;
- additional legal matters not yet determined.

Dr. Canavero stated he would like to convene a group and bring in representatives from NDE, taxation, buildings and grounds, public works and members from the charter school community to begin addressing the questions and recommendations to the Board.

Dr. Rheault stated he strongly supports moving forward with regulations to clarify the steps a charter must follow that wish to purchase their own property.

President Wallace requested a future agenda item outlining regulations concerning the purchase of real property by a charter school.

Member Ferry asked if a decision regarding SSCS would have to wait until regulations are made. President Wallace responded that it would not affect the SSCS decision; rather regulations would improve the process for the future.

**Conversion of the Subsection 7 Charter to a full Charter for the Entrepreneurial-Technical and Engineering Charter High School (ETECHS).**

Dr. Steve Canavero, Director, Office of Charter Schools, stated ETECHS is located in Sparks. They plan to enroll between 180-250 students in their first year with a focus on Entrepreneurial-Technology and Science. They were approved a couple of years ago and are ready to become operational. They have satisfied all conditions of their subsection 7, with board approval today they will be the first new charter school for the fall startup.

Member Cook disclosed that he is a part-time math instructor for Beacon Academy Charter School, sponsored by the State Board of Education and he will not discuss or vote on the item.

**Member Wilkinson moved to approve the Conversion of the Subsection 7 Charter to a Full Charter for ETECHS. Member Metcalf seconded the motion. The motion carried.**

**Recognition of the 2011 Nevada Teacher of the Year award - Cheryl Macy**

Cheryl Macy, 2011 Nevada Teacher of the year, was unable to attend the meeting. She will be recognized for her accomplishments at the August State Board meeting.

**Review and possible action regarding 2011 Legislative Bills affecting State Board Responsibilities to include but not limited to: AB 554, AB 555, AB558, AB222, SB 197 Sections 6&55**

Dr. Rheault discussed bills that died on April 15, 2011 because they did not pass the original house where they were introduced. These bills did not have a fiscal cost and were not exempt from the requirement. He continued to review the above listed bills.

**Assembly Bill 554 (A.B. 554)**

Dr. Rheault said this bill was heard in Assembly Education and re-referred to Ways and Means because it has a fiscal impact. It was referred without any recommendations. The bill would require the Board to determine letter grade assignments for every school in the state based on the criterion-referenced test results of students. He stated he does not support another method to label a school as failing or being good. The No Child Left Behind Act currently rates schools as being adequate or not adequate or in need of improvement. This would be another grade based on one test for a student in third, fourth, fifth and sixth grade. Another piece of the bill ends social promotion for third graders in the area of reading. The State Board would be required to determine a reading proficiency level for students to be promoted to fourth grade. The key piece to the fiscal cost of the bill is if students in kindergarten, first or second grade are determined to be lagging behind in reading skills, it requires the principal of each school to provide intensive instructional services to the non-proficient students. Schools are concerned about funding to support this requirement. The bill also eliminated zoning within a school district that would allow parents to apply for any school within their district.

Member Metcalf commented there is a zone variance already in Clark County and that portions of the bill seem redundant. Dr. Rheault said most school districts have responded stating they currently have a variance request.

Member Ferry moved to go on record as strongly opposing the parts of the A.B. 554 dealing with letter grades in schools and social promotion. Member Metcalf seconded the motion. Member Cook stated he would oppose the motion. He said identifying social promotion is difficult and he does not support it, however, it needs to be addressed in a pragmatic way.

The Board continued to discuss giving schools a letter grade. President Wallace informed the Board that it is not required they take action on the bills discussed today.

Member Fralick agreed with President Wallace, that board action regarding bills is not required and that Dr. Rheault can get a consensus based on the Board's comments.

Member Okuda-Lim said it is complex and there is much to consider when looking at social promotion and the development of children. He added he hopes the legislature will consider all aspects.

Member Ferry rescinded the motion.

**Assembly Bill 555 (A.B. 555)**

Dr. Rheault stated this bill was heard in Ways and Means on a Saturday with approximately 300 people in the audience. He said he does not see this bill moving forward because there are three other bills, A.B. 222, A.B. 229 and A.B. 225 that are being promoted, and cover similar points.

Teachers, principals, parents and businesses participated in discussions at the meeting. A key piece included the State Board requirement to adopt new regulations for a new teacher and administrator evaluation system. The system would need to include four tiers from highly effective to ineffective; currently licensed employee evaluations are either satisfactory or unsatisfactory. Section 12 of the bill was the most controversial piece and stated all contracts for teachers would be for one year and they would have no right to reemployment. Provisions included layoffs could not be based on seniority and it would prohibit salaries being paid for years of service and educational attainment. Dr. Rheault cautioned the timelines in the bill would be impossible to meet.

**Assembly Bill 558 (A.B. 558)**

Dr. Rheault reported this bill has not had a hearing and it appears to be dead. When the NDE budgets were closed on May 3, part of the budget decision included whether class size reduction funding would be moved to the block grant. The Assembly and Senate will not support the block grant. The budgets are closed without any funds being transferred to a block grant.

**Assembly Bill 222 (A.B. 222)**

Dr. Rheault reported this bill came out of the Race to the Top (RTTT) and it is supported by the Blue Ribbon Task Force. The bill creates a teacher leader council that would have specific membership and their responsibility would be to make recommendations to the State Board as to what a new performance evaluation for teachers and administrators might look like. The council would have until June 1, 2012 to make recommendations to the Board as to what the system would look like. There would be one year to hold hearings and workshops on regulations from council recommendations. The board would need to have the regulations in place by June 1, 2013. The school districts must implement the performance system adopted by the Board beginning in the 2013-2014 school year. Another piece of the bill would require the new performance evaluation system include at least 50 percent of the evaluation based on some student achievement data. The NDE supports A.B. 222.

In response to Member Metcalf inquiring when testing will occur, Dr. Rheault stated testing with the criterion reference test is currently on the 120<sup>th</sup> day of school and the bill will mandate testing on the 150<sup>th</sup> day.

Member Cook commented that as an online math teacher he would prefer pre and post testing to show how students have progressed from the beginning to the end of the class.

**Senate Bill 197 (S.B. 197), sections 6 & 55**

Dr. Rheault stated the bill has not been heard yet, but will be heard in committee before the end of session. The Board has previously discussed this bill however; questions and comments came up at the last board meeting regarding section 6 and 55. Section 6 outlines the make-up of the revised board where four members would be elected, three appointed with four appointed nonvoting members. Section 55 addresses the dates and terms of when current board members would be replaced as of January 1, 2013, which coincides with the 2012 elections. Current board members would be replaced and to run as a board member the candidate would be required to live in one of four congressional districts. Board member clarification on support of the bill would be helpful before it is heard.

President Wallace stated that discussion with legislators regarding S.B. 197 indicate they do not favor four ex officio members. He added there is consensus for the councils and commissions to go under the purview of the Board, but there is no consensus on the make-up of the Board. He added there is a chance it may not move forward out of the Finance Committee.

Member Cook said the number of the Board members was not as important as preserving elected Board member positions.

Member Okuda-Lim recommended the student member term run from school year to year to avoid a turn over midyear and that the student representative should have more authority on the Board.

Dr. Rheault said it is possible the first sections of the bill could be deleted and the section regarding the councils and commissions could remain in the bill. He reported A.B. 568 passed under emergency measures regarding funding for K-12 education. When the budget was closed the per pupil funding was raised to \$5542 due to additional funds being found. It also included a recommended 5 percent salary reduction for teachers be eliminated. The legislature closed the budget and it went to the governor for his signature or veto by Monday.

#### **Review of August Board Retreat**

- A. Retreat location - Carson City,
- B. One or two day retreat – currently scheduled for Aug 10-12
- C. Conduct Regular meeting prior to or following retreat
- D. Agenda items to be discussed at the retreat

President Wallace reported the retreat would be located in Carson City and the length of the retreat would depend on the agenda. He suggested recapping the legislative outcome with bills that will affect the Board and education, merging them into the Board workplan goals and strategies adopted during the 2010 retreat. President Wallace requested that Dr. Rheault and staff prepare a draft agenda for the retreat that can be adopted at the June meeting.

#### **Public Comment**

Jasmine Roman, stated she is a concerned parent of two children at Imagine School of the Valle. She stated she is concerned the state is being taken advantage of by their Education Management Organization (EMO) Imagine Inc. The building, being leased from Imagine Inc. is being used as leverage for them to sign the EMO agreement that expires June 30, 2011. Attempts the governing board has made to negotiate with Imagine Inc. have failed. She asked for assistance in regulating Imagine Inc.

Marivelle Nunez-Rucker stated she is a parent concerned over the future of Imagine School in the Valle and the power the EMO has over the school. She stated they are over paying the EMO for services they are not receiving, and the funds are that are not being used for services are not coming back to the students. There are 135 students waiting to enter the school that cannot be enrolled because they cannot expand the school. The money is being sent out of state to the EMO rather than staying at the school. She requested regulation be imposed for the way EMO's conduct business with charter schools.

Amy Manness said she is concerned parent of a student in Imagine in the Valle. She stated the EMO wants to increase the building lease every year for 10 years. In order to do that, the school needs to expand with more students to help pay. The EMO suggested they discontinue their special courses and use those rooms to accommodate more students for core curriculum. Special classes such as Art, Spanish, Physical Education, Technology and a school library enhance the students' education. She asked for assistance to regulate Imagine so they cannot hold a building as leverage and increase the cost by 12 percent.

Kimberly Comelek stated she is a concerned parent of a daughter in Imagine School in the Valle. She said she learned charter schools are owned by the public, not the EMO. Parents want to be involved in the education of

the school. She reported a letter from the CEO of Imagine Inc. states that it is their school, their money, their risk and they expect selected board members to side with Imagine Inc.

Niki Wolanzyk said she is a parent of three children who attend Imagine School in the Valle. She explained they compiled a binder that lists fees and services Imagine Inc. is suppose to provide the school along with a rebuttal of what is actually being provided. The binder also includes enrollment information with a waitlist of over 300 K-8 students that want to attend their school next year. The building is not big enough for the additional students. The Statement of Operations and copies of the Leases are included in the binder as well as other additional information. She stated Connie Jordan, Principal of Imagine School in the Valle is delivering the binder to the governor's office today.

### **Board Comment**

Member Wilkinson welcomed Daniela Sanchez as the new Student Representation and thanked outgoing Student Representative Zhan Okuda Lim for his two years of service on the Board.

Dr. Rheault reported that Dr. Ferry would be recognized by the Nevada Public Education foundation and inducted into their Hall of Fame.

Member Chaney reported she visited Coral Academy in Henderson for their science, math and arts award ceremony. She said she was very impressed by the school stating they have won many awards. Member Chaney encouraged board members to visit schools if they have a chance.

Student Representative Okuda-Lim re-capped what he learned as the student representative member on the Board. He thanked Dr. Rheault, the Board and NDE staff for their leadership and support. He congratulated Daniela Sanchez as the new student representative.

Dr. Rheault reported that Student Representative Okuda-Lim has accepted an offer from Princeton University.

Member Cook welcomed Daniela Sanchez and commented he was proud of Student Representative Okuda-Lim.

Student Representative Daniela Sanchez said she is looking forward to working with the Board and has many concerns regarding education in Nevada

There were no Future Agenda items.

The meeting was adjourned at 2:20p.m.