

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

June 23, 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 (Arrived 3:03 p.m.)
Dave Cook, Vice President
Adriana Fralick, Member
Sandy Metcalf, Member
Craig Wilkinson, Clerk
Annie Wilson, Member
Cliff Ferry, Member
Daniela Sanchez, Student Representative (Arrived 3:04 p.m.)

BOARD MEMBERS ABSENT:

Stavan Corbett, Member

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction

In Carson City:

Donnell Barton, Interim Deputy Superintendent of Instructional, Research and Evaluative Services

Rorie Fitzpatrick, Director, Office of Special Education, Elementary and Secondary Education and School Improvement Programs
Karen Johansen, Assistant to the State Board of Education

LEGAL STAFF PRESENT:

In Las Vegas:

Robert Whitney, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Kassandra Berger, Discovery Charter School

Dino Davis, Discovery Charter School

In Carson City:

Dr. Bryn Lapenta, Washoe County School District

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

President Wallace called the meeting to order at 3:00 p.m., with attendance as reflected above.

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

President's Report

President Wallace informed the Board that the NASBE Common Core conference in Las Vegas during August conflicts with the Board retreat and regular meeting dates. Dr. Keith Rheault, Superintendent of Public Instruction stated the NDE has developed an implementation and phase in plan for the Common Core and there would be no value in moving the Board retreat and meeting for the NASBE conference.

Superintendent's Report

Dr. Rheault informed the Board that he appointed Donnell Barton as Interim Deputy Superintendent for the summer. Ms Barton has been the Director at the Office of Nutrition and Health. She has agreed to help until August 30 but she is not interested in the position permanently. This allows time to find a permanent replacement for Gloria Dopf who has retired.

Consent Agenda

A. Minutes of May 13, 2011 Regular Meeting

B. Licensing of a new Reno School - Kindergarten @ the Goddard School, Somerset for a two-year period.

Approval of Relicensing for the two Reno Blue Kangaroo Kindergartens for a two-year period.

Approval of Relicensing of the following Las Vegas Schools: Kids R Kids #5 and Kids' Co-op for four-year periods.

- C. Appoint nominees to serve on the Title I committee of Practitioners, per Section 1902 of the No Child Left Behind Act of 2011, to advise the State on Title I issues.
- Kara Maddox - Local Education Agency
 - Robert Mayer - School board Member
- D. Appoint the following nominees to fill the current vacancies on the special Education Advisory Committee. (See support document for list of names)

Member Ferry requested comments he made during the May 13, 2011 Board meeting, regarding board member participation in setting cut scores be entered into the minutes. In addition, Dr. Rheault pointed out a technical name correction regarding the appointment to the Title I Committee of Practitioners; the name should be John Mayer rather than Robert Mayer.

Member Metcalf moved to approve the consent Agenda with the provisions mentioned. Member Wilkinson seconded the motion. The motion carried.

Approval of request for dual-credit courses offered by DeVry University to Nevada State High School

Dr. Rheault confirmed that DeVry University is an institution in Nevada. They are incorporated and have an office in Henderson, Nevada. Four remedial courses included on the list need to be removed, similar to other courses whose numbers fall under 100. Dr. Rheault recommended the board approve the dual credit request.

Member Fralick moved to approve the dual credit courses for Nevada State High School with the exception of course numbers that fall under 100. Member Bonaventura seconded the motion. The motion carried.

Approval of Conversion of the Subsection 7 Charter of the Renaissance Academy Charter School to a full charter.

Dr. Canavero stated Renaissance Academy Charter School was approved by the Board in January, and received a Subsection 7 charter. They have satisfactorily submitted documents to convert from a Subsection 7 to a full charter. He recommended approval of a conversion to a full charter for Renaissance Academy.

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 charter school items.

Member Fralick moved to approve a conversion of the Subsection 7 Charter of the Renaissance Academy Charter School to a full charter. Member Wilkinson seconded the motion. The motion carried. Member Cook abstained from voting.

Approval of Conversion of the Subsection 7 Charter of the Discovery Charter School to a full charter.

Dr. Canavero stated Discovery Charter has obtained a facility and established a governing body. They have satisfied all the requirements in their Subsection 7. He recommended approving the conversion of the Subsection 7 charter to a full charter.

Member Chaney moved to approve a conversion of the Subsection 7 Charter of the Discovery Charter School to a full charter. Member Bonaventura seconded the motion. The motion carried. Member Cook abstained from voting.

Approval of Conversion of the Subsection 7 Charter of the Willie H Brooks SOAR Academy Charter School.

President Wallace explained this item has been pulled and will be rescheduled for the August Board meeting.

Approval of the Conversion of the Subsection 7 Charter of the Oasis Charter School to a full Charter.

Dr. Canavero stated Oasis Charter School has satisfied all their outstanding items in their Subsection 7. He recommended approving the conversion of their Subsection 7 charter to a full charter.

Member Wilkinson moved to approve a conversion of a Subsection Charter of Oasis Charter School to a full charter. Member Wilson seconded the motion. The motion carried. Member Cook abstained.

Review of K-12 related bills passed during the 2011 Legislative Session

Dr. Rheault explained NRS 385.210 requires the Superintendent of Public Instruction to summarize all the education bills affecting public and private schools that were passed during the legislative session, and then provide them to the school districts no later than July 1. The districts are required to review the report and provide a similar summary to the schools in their district as well as the public. The following bills he reviewed will require additional work by the Board.

Assembly Bill 113 - Revises provisions governing the statewide system of accountability for public schools.

Dr. Rheault stated the largest change from the bill came from the provision that *requires the Department of Education to review testing dates for the criterion-referenced tests in grades 3 through 8 and revise the testing schedule to establish testing dates at least 30 days later in the spring semester for purposes of determining adequate yearly progress of schools. Current date of testing is 120th day of school would be moved to the 150th day of school.* Dr. Rheault explained that by moving the test date, it moved the reporting dates, accountability reports and AYP designation. He said the NDE supported the changes. Now the date the Board must make the annual report of accountability (state report card) available to the public has changed from September 1 of each year, to October 15 of each year. The State Board will now be required to develop a five-year strategic plan that identifies the recurring issues in improving the achievement and proficiency of pupils in Nevada as well as establishing goals that address the issues. The plan must be based on actual data collected by the NDE from the previous school year and be designed to track the progress being made in achieving the strategic plan. Dr. Rheault stated the requirement is similar to the State School Improvement Plan (STIP) the Board is required to develop. The date the STIP is due changed from December 15 of each year to January 31 of each year.

Assembly Bill 222 - Creates the Teachers and Leaders Council of Nevada.

Dr. Rheault explained that a new Teacher and Leaders Council will be created and would have official status in the state. The bill *requires the information maintained in the state automated system of accountability related to the results of pupil achievement to account for at least 50 percent, but not be used as the sole criterion, in evaluating the performance of an individual teacher, paraprofessional or other employee.* The bill specifies the Teachers and Leaders Council will consist of 15 members, 11 to be appointed by the Governor, two are ex-officio members including the Superintendent of Public Instruction or designee and the Chancellor of the Nevada System of Higher Education or designee. In addition, the Superintendent of Public Instruction will appoint two persons with expertise in the development of public policy relating to education. The term is for three years. The bill also specifies the NDE shall provide administrative support to the council. No new positions were authorized, however, \$24,000 will be provided to support the council in FY2012 and \$8,000 in FY2013. The main responsibility of the council is to make a recommendation to the Board concerning the adoption of regulations for establishing a statewide performance evaluation system for both teachers and administrators. The council gives their recommendations on June 1, 2012 to the State Board, then the Board is to consider the recommendations made by the Council and adopt the regulations establishing a statewide performance evaluation system by June 1, 2013. The concern is that the current board may not have time to hold the workshops and public hearings before January 2013 when the new board takes over and it will take time for a new board to come up to speed and adopt the regulations before June 1, 2012.

Assembly Bill 224 - Revises provisions governing parental involvement in education.

Dr. Rheault informed the Board this bill creates *the Office of Parental Involvement and Family Engagement within the Department of Education and requires the Superintendent of Public Instruction to appoint an employee of the Department to serve as the Director of the Office.* He explained there is an extensive list of responsibilities and expected outcomes of the new office. The bill does provide an appropriation to the NDE to support the hiring of a Director. The position will be available October 1, 2011

Assembly Bill 230 - Authorizes an Alternative Route to Licensure (ARL) for teachers and administrators.

Dr. Rheault explained this bill *requires the State Board, on an annual basis, to evaluate each provider approved by the State Board or the Commission on Professional Standards in Education that offers a course of study.* Every seven years, all teacher education programs in the university and private system in the state must be reviewed and recommendations made. This bill is speaking to providers that provide an alternate means for a teacher to qualify to teach in schools. Teach for America is a good example. The Commission on Professional Standards will set up a process for providers to apply to be an approved provider in the state. If they are approved, then anyone coming out of their programs can be hired and fully licensed in the state. The bill requires the commission to evaluate providers and teacher performance when they are employed by a school. This information will be compiled into an annual report for the State Board to review.

Assembly Bill 233 - Revises provisions governing the circumstances under which a pupil may receive credit for a course of study without attending the course.

Dr. Rheault stated the Board was required to establish how a student could earn credit without taking the course in 2009. Regulations have been adopted and are in place. The regulation stipulated which courses require 70 percent to pass tests given by the school district. This bill modifies the requirement and now requires the Board to adopt regulations that prescribe how a pupil can apply to the board of trustees to earn credit based on a request from a principal. It gives flexibility for teachers and principals to work with students. The regulations addressing the new requirements must be adopted by December 31, 2011.

Assembly Bill 257 - Revises provisions relating to the Open Meeting Law.

Dr. Rheault stated this bill does not directly affect K-12; however, it affects the State Board and school district Boards of Trustees. The bill *revises the requirements by which a public body must provide for public comment and discussion of public comments during all meetings of the public body held under the Open Meeting Law provisions of the state.* Public comment may be taken at the beginning of the meeting before any items on which action may be taken are heard by the public body and again before the adjournment of the meeting; or after each item on the agenda on which action may be taken is discussed by the public body, but before the public body takes action on the item.

Assembly Bill 579 - Ensures sufficient funding for K-12 public education for the 2011-2013 biennium.

Dr. Rheault provided a basic overview of this large funding bill that contains many sections. The bill funds the DSA, adult education, special education, full day kindergarten, early childhood, career & technical education and technology funding. All specific ongoing programs are covered in this bill.

Senate Bill 14 - Requires the State Board of Education to develop a model curriculum for English language arts and mathematics.

Dr. Rheault said this bill came from the Nevada Youth Legislature. It *requires the Board to develop a model curriculum for English language arts mathematics for grades 1 to 12, inclusive which are the two subject areas currently covered by the Common Core Standards.* He explained the NDE already has plans to implement these provisions as part of the plan to implement the Common Core Standards. Nevada is working with 40 other states to develop curriculum materials and a good product will be provided at little to no cost for Nevada. When the model curriculums are developed, they will be brought back to the Board for approval. They will not be in regulation because the Board cannot advise local districts which curriculum to use. Dr. Rheault stated the NDE deadline was to have the model curriculum to the Board by June 30, 2012 for approval.

Senate Bill 197 - Revises provisions governing the system of governance and oversight of public education.

Dr. Rheault said he testified in committee that the Board reluctantly supported the *creation of a new board consisting of seven voting members and four non-voting members whose terms will commence on January 8, 2013,* as compared to an all appointed board. In response to a legislator commenting that with the passage of the bill it would help streamline the governance in K-12, Dr. Rheault informed the committee that the governance would be worse. Not only are all

commissions and councils that were scheduled to be eliminated being retained but now the superintendent will be responsible for the commissions and councils without the authority to appoint members.

Dr. Rheault explained the bill *identifies the following seven voting members as: One member elected by the registered voters of each congressional district in the state (4 members total); One member appointed by the Governor; One member appointed by the Governor that is nominated by the Majority Leader of the Senate; and one member appointed by the Governor that is nominated by the Speaker of the Assembly. The four nonvoting members are identified as: One member appointed by the Governor who is a member of a board of trustees of a school district that is nominated by the Nevada Association of School boards; One member appointed by the Governor who is the superintendent of schools of a school district that is nominated by the Nevada Association of School superintendents; One member appointed by the Governor who represents the Nevada System of Higher Education that is nominated by the Board of Regents of the University of Nevada; and one member appointed by the Governor who is a pupil enrolled in a public school in this State and is nominated by the Nevada Association of Student councils or its successor organization and in consultation with the Nevada Youth Legislature.*

Dr. Rheault explained the bill *specifies the Superintendent of Public Instruction is to be appointed by the Governor from a list of three candidates submitted by the Board and serves at the pleasure of the Governor, and the bill revised some of the qualifications and duties of the Superintendent of Public Instruction. A new revision now applies that the plan to improve the academic achievement of pupils enrolled in public schools, to require the Board, in developing the plan, to establish clearly defined goals and benchmarks for improving the achievement of pupils and prescribes these goals and benchmarks. In addition, there are many specifics required that will be outlined in an annual report of public education in this State.*

Senate Bill 212 - Revises provisions governing charter schools.

Dr. Rheault stated this bill creates the State Public Charter School Authority. It removes the authority of the Board to sponsor charter schools and authorizes the Public Charter School Authority to sponsor charter schools. It transfers the sponsorship of all charter schools currently sponsored by the Board to the Authority. The bill provides for the *transfer of certain personnel positions from the NDE to the State Public Charter School authority on or before January 1, 2012*, however, the Governor will appoint the Director of the Authority by October 1, 2011 for a term of three years. He said there would need to be further discussions to work out the details regarding the transfer of duties. The bill also repeals statutes relating to the Subcommittee on Charter Schools of the Board.

President Wallace addressed Agenda Item #15, the Board Retreat. He recommended the Board use this time in August to discuss the transitions required by SB 197 and SB 212 with the goal of making the additional responsibilities and the transitions as smooth and seamless as possible.

Senate Bill 229 - Revises provisions governing the policy adopted by the State Board of Education to encourage parental and family involvement in supporting the education of their children.

Dr. Rheault stated that in the past the Board had a requirement to adopt the policy to encourage parental and family involvement based on the national PTA parent involvement standards. This

bill came forward because the national PTA involvement standards were revised and they no longer reflect the initial Board policy standards described. The bill requires revisions under the new PTA standards. This is policy rather than a regulation, and will be brought back to the Board for adoption. Department staff will develop draft policy no later than December 30, 2011.

There was no public comment.

The meeting was recessed at 4:49 p.m. until Friday, June 24 at 8:30 a.m.

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June 24, 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 (Arrived at 8:42 a.m.)
Dave Cook, Vice President
Cliff Ferry, Member
Adriana Fralick, Member
Sandy Metcalf, Member
Annie Wilson, Member (Arrived at 8:33 a.m.)
Craig Wilkinson, Clerk

BOARD MEMBERS ABSENT:

Stavan Corbett, Member

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dr. Keith Rheault, Superintendent of Public Instruction
Steve Canavero, Director, Office of Charter Schools

In Carson City:

Donnell Barton, Interim Deputy Superintendent of Instructional, Research and Evaluative Services

Jane Splean, Education Programs Professional

Karen Johansen, Assistant to the State Board of Education

LEGAL STAFF PRESENT:

In Las Vegas

Robert Whitney, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Shandell Newsome, Imagine School in the Valle

Nancy Hall, Imagine School in the Valle

Alan Staggs, Principal, Silver State High School

Steve Knight, Superintendent, Silver State High School

Jeff Blanck, Esq., Silver State Charter School

Nicole Rourke, Clark County School District

Connie Jordan, Imagine School in the Valle

Anne Barnes, Imagine School in the Valle

Lucretra Glidewell, Willie H. Brooks SOAR Academy

Jasmine Roman, Imagine School in the Valle

Marc Abelman, Imagine School in the Valle

Eileen Bakke Imagine School in the Valle

In Carson City:

Brett Caron, Silver State Charter School

Tanya Caron, Silver State Charter School

Cindy Talia, Silver State Charter School

Donna Unsinn, Silver State Charter School

Tom Werts, Silver State Charter School

Judith Dragon, Silver State Charter School

Patty Knight, Silver State Charter School

Dave Lockhart, Silver State Charter School

Edie Grub, Silver State Charter School

Sue Cocking, Silver State Charter School

Jan Martin, Silver State Charter School

Al Adrian, Silver State Charter School

Elizabeth Campos, Silver State Charter School

Dianna Lightfeather, Silver State Charter School

Gail Della Vediva, Silver State Charter School

Kimberly Pilant, Silver State Charter School

Karen Taycher, Nevada PEP

John Uhart, Real Estate Broker

Greg Nixon, Vice President, First Independent Bank

Mark Palmer, President, Palmer Engineering Group

RECALL TO ORDER; ROLL CALL;

The meeting was recalled to order at 8:30 a.m. with attendance as reflected above.

Special Education Advisory Committee (SEAC) Annual Report

Karen Taycher, Chairperson, Special Education Advisory Committee reported SEAC is required under the Federal Special Education law to advise the NDE and the Board on special education issues in Nevada. The committee is a vehicle for dissemination of information to a wide range of constituents throughout the state as well as being an entity to provide support for policies and procedures that are being considered. She said the membership is broad representing parents of children with disabilities, teachers, advocates, special ed administrators, representatives from juvenile and adult corrections, individuals with disabilities, representation from foster care and early intervention human resources division.

Ms. Taycher provided a summary of what the committee accomplished in the last year:

- Advise the State educational agency of unmet needs within the State in the education of children with disabilities.
- Comment publicly on any rules or regulations proposed by the State regarding the education of children with disabilities.
- Advise the State educational agency in developing evaluations and report on data to the Secretary under section 618.
- Advise the State educational agency in developing correction plans to address findings identified in Federal monitoring reports under this part.
- Advise the State educational agency in developing and implementing policies relating to the coordination of services for children with disabilities.

Member Ferry commented that SEAC deals with the heart of special education issues at the level of the child, teacher and parent. He asked Ms. Taycher to speak further about telepractice. Ms. Taycher said that Jane Spleen, Assistant Director, Special Education was involved in the project and could provide further information. Ms. Spleen reported telepractice was an idea that came forward through a speech pathologist as an alternative way to provide services, especially in rural areas. Specific training was provided to a select group of individuals from around the state to learn about telepractice as a way to provide speech and language services. Pilot projects are being implemented in a variety of districts between a speech pathologist and a student and will be reviewed with webinar training. The response has been very positive.

Member Ferry asked if telepractice is working through interactive video. Ms Spleen responded it is using interactive video such as Skype or similar technology. The student and speech pathologist sit in front of monitors with webcams and speakers so they can work in real time face to face.

Member Wilson asked when the program began and if it is available in all of Nevada, or just rural areas. Ms. Spleen responded it is being used in Clark County with two or three pilots. Washoe County has one or two pilots as well as Elko, White Pine, Carson and Churchill have pilot projects in place.

Overview of the NDE Office of Assessment, Program Accountability, and Curriculum (APAC)

Carol Crothers, Director, Office of Assessment Program Accountability and Curriculum presented the Board with an outline that detailed the primary functions of APAC. The fundamentals of the APAC office begin with Academic Standards, then the adoption and implementation of the standards through development, administration, and finally the reporting and accountability of the assessments. With the passage of SB 14, sponsored by the Nevada Youth Legislature, APAC will be working with Regional Professional Development Programs (RPDPs) and school districts to develop curriculum frameworks particularly in the areas of English Language Arts and Mathematics as the Common Core standards are adopted. Ms. Crothers said their office also works in the area of textbook adoption and the development of assessments including the Criterion Reference Test (CRTs), the High School Proficiency Exam (HSPE) and the Nevada Alternate Assessments. The second primary function of APAC is the administration of those assessments. The final primary responsibility is Accountability and Reporting, which includes the Nevada Report Card. The Nevada Report Card includes the Adequate Yearly Progress (AYP) graduation rates, dropout rates, and assessment reporting. Beginning August 15, 2011, APAC will report the Nevada Growth Model of Achievement.

Presentation of the Nevada Growth Model of Achievement

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum updated the Board about the Nevada Growth Model of Achievement. Ms. Crothers reported that Clark and Washoe county school districts will contract with the same vendor that produced the reporting modules in Colorado. Twenty states have adopted the same Growth Model and Nevada is among the first three that will report their results. She advised the Board they plan to put a link on the NDE website at Nevada Report Card that will show growth model reporting. The report requires individual student tracking progress on state assessments over time, and then compares the performance of students within their academic peers. This will reflect growth at all levels of academic achievement including the top and bottom level. Changes can easily be made in the assessment system. The report is expected in August 2011.

Member Ferry said he would like to learn more about the Growth Model and asked Ms. Crothers if the Board could have a more detailed report at a future board meeting. Ms. Crothers responded she would be happy to provide a more in depth presentation any time after August 2011.

Update on Imagine School in the Valle

Dr. Steve Canavero, Director, Office of Charter Schools provided the Board with background on Education Management Organizations (EMOs). He stated Nevada defines an EMO as a corporation, business or organization, with whom a committee to form a charter school or the governing body of a charter school, contracts to assist with the operation, management and implementation of educational services and programs of the charter school. Approximately 30 percent of charter schools are supported by an EMO. It is expected the role of EMOs will expand in the country. Dr. Canavero provided details about the information required in the review of charter applications that are contracting with EMOs and added that NRS provides a list of prohibited provisions in an EMO contract. The charter school packet has a specific area for committee to forms to fill out should they seek to contract with an EMO. This is consistent with national model practices across the country. The founding group is encouraged to make an

informed selection and questions are asked to understand why the committee to form is seeking a specific EMO.

Dr. Canavero stated there is no singular variable that is more important to a charter school's success than the quality of its governing body, and the governing body is required to evaluate the EMOs performance annually. He outlined provisions listed in NAC for charter school applicants that intend to use an EMO, including a provision that if the EMO is not performing in a satisfactory manner, the governing body shall require the EMO to prepare, in consultation with the governing body, a plan of corrective action for the EMO.

Specific to Imagine School in the Valle, the school has been working with a national EMO, Imagine Inc. The committee to form for Imagine in the Valle submitted an application that included a contract with Imagine Inc. The application was approved and the school opened. Consistent with NAC the contract existed for two years. The governing body of Imagine in the Valle was not satisfied with the work and Imagine Inc. provided a corrective plan to the governing body. A one-year extension was negotiated to the original contract. At the expiration of the agreement, negotiations continued between Imagine Inc and the Valle. The negotiations centered on two aspects; the education of services agreement and the lease agreement. The lease is through School House Finance, which is an affiliate of Imagine Inc. Consistent with NAC; the governing body of a charter school may not enter into a contract with an EMO that is contingent upon another contract. While two contracts terminate at the same time, they must be addressed independently of one another. The negotiations continued, and Imagine reluctantly offered a one-year transitional contract providing an ala carte education services approach, although that is not consistent with their model, they are a comprehensive school model. In the end, the governing body of the Valle and Imagine Inc. successfully negotiated the following:

- Imagine Inc. will no longer have an education services contract with the Valle.
- The Valle is currently finalizing a lease agreement with School Finance House for two years and a draft of the expenditures for the lease agreement was received for approval.
- The governing body of Imagine in the Valle will amend their charter to change their name and will no longer have an education services contract with Imagine Inc. They will have 2 years in their current facility.

Presentation of Proposed Purchase of Real Property for Silver State Charter School

Robert Whitney, Deputy Attorney General, advised the Board there would be testimony under oath for this hearing. Dr. Rheault administered an oath to Steve Knight, Executive Director, Silver State Charter Schools and Alan Staggs, Principal of Silver State Charter Schools.

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 this item. Steve Knight, Executive Director, Silver State Charter Schools stated a binder of information was prepared in response to the information requested that includes documents for the security interest, deed of trust and a supplementary document of the promissory note. Also provided was the asbestos report, which was just received as well as the Phase I Environmental report for all three properties. The resolution for the commitment to a medium term obligation required by the board initially only included two of the three properties. When the third property went through escrow, it was republished in the newspaper as required by statute, and then the resolution was passed unanimously by the SSCS governing board at their meeting.

Alan Staggs explained their timeline based on receiving an approval today for SSCS to open their school. Mr. Knight reported they have received full zoning and approval through the Carson City Planning and Board of Supervisors that endorsed the move of the school to the new location. Over the past three months with multiple public hearings, SSCS was approved by the city of Carson City and they complied with all necessary requirements.

Member Ferry inquired if there are any changes with the basic model of the school. Mr. Knight replied there are no changes with instruction; it is only a physical change to a much larger location. Discussion continued regarding the cost, financing and space in the new buildings and location of the school.

Member Fralick commented that about a year ago, the State Insurance Commission was in one of the buildings and had to evacuate the premises because of a pigeon infestation that resulted in health issues with employees. She asked if the problem has been resolved. Mr. Knight responded a cover was left off an air conditioning unit on the roof and that allowed pigeons to get in. It was cleaned and the entire unit including all the ductwork was replaced. The unit was sprayed with berry juice that pigeons do not like, however some employees became sick from the berry juice. All units were replaced, and the air quality has been checked. A document has been included with the air quality inspection. A second air quality inspection has been requested to assure there are no additional problems. He stated passing air quality inspections including asbestos inspections are required before escrow can close.

Dr. Rheault commented the timeline described is aggressive with no extra days allowed for unanticipated delays. He asked if there is a contingency plan in place should a delay occur and the certificate of occupancy is not received until after school begins. Mr. Knight responded they would not move into the new facilities until a certificate of occupancy is received and all inspections are completed. He explained they still have the lease at their old property on a month-to-month basis. Dr. Rheault asked if there is further remodeling that needs to be completed for the classrooms. Mr. Knight responded the building is almost a turnkey. Every room is hardwired for internet, several large rooms can be used as classrooms, and they have plans to move three walls to increase the size of additional rooms. He said there are sufficient bathrooms for the school however they have plans to add additional bathrooms for the junior high students.

Dr. Rheault administered an oath to Dr. Canavero. Dr. Canavero reported that SSCS submitted a 1000 page packet in response to a letter sent to them following the last board meeting. Silver State has been well advised to work through the submission and authenticate the pieces that were submitted. Dr. Canavero worked through each appendix in the submission to determine if they were complete and compliant with the following results:

- Index A Determination: Noncompliant
 - ✓ The requested detailed timeline and phasing plans are absent. It remains unclear how and when SSCS will achieve its goal.
 - ✓ The plans to submit a charter amendment to reflect the proposed facility were not submitted
- Index B Determination: Noncompliant
 - ✓ A request for the SSCS governing body agenda and minutes where the purchase of real property was authorized and where the resolution to enter into a medium term debt allegation was made, were not provided. Silver State has yet to act on a

resolution that contains all three properties. They appear to be on their way, it is a procedural matter for approval and should be easy to remedy.

- Index C Determination: Compliant
 - ✓ The request for the intended use of the properties with other entities with agreements was received.
- Index D Determination: Compliant
 - ✓ Permits and zoning issues were fully documented and received.
- Index E Determination: Noncompliant
 - ✓ Silver State must submit the WISE consulting and BCEnvironmental reports to their sponsor for consideration. Final environmental reports have not been received.
 - ✓ Silver State has yet to amend their charter, which is required prior to occupancy.
 - ✓ Guidance on how to amend a charter has been provided.
- Index F Determination: Noncompliant
 - ✓ The draft terms provided in the submission are from Bank of America and First Independent Bank but not City National.
 - ✓ Assurances are needed that SSCS will comply with Nevada's local government purchasing laws as they proceed. Their governing board will select a lender; however, in addition they must meet the government purchasing laws in terms of improvements made to the project.
- Index G Determination: Noncompliant
 - ✓ There is no timeline for moving into the facility. It remains unclear as to which areas in the "immediate attention" are reflected in the Phasing documents.
- Index H Determination: Noncompliant
 - ✓ The preliminary title report for 900 Fairview is missing.
- Index I Determination: Noncompliant
 - ✓ The minutes and agenda from the SSCS governing board indicate the security interest document has not been reviewed or signed by the governing board. The security interest and the promissory note must be approved by the SSCS Board, then they must submit signed copies to the NDE for their review.

Dr. Canavero stated the NDE recommendation is to entertain a conditional approval today. Silver State would need to correct the items that were found to be noncompliant and submit the security interest that was agreeable to the SSCS board, acted upon in a meeting and reviewed by the sponsor. President Wallace confirmed with Dr. Canavero and Mr. Whitney that conditional approval would allow SSCS to move forward with their plans.

Dr. Rheault said until SSCS receives some approval they will not be able to finalize the bank notes. The final provision will be to approve the amendment to change the location of the charter. Provisions to move forward would need to be complete before a final amendment would be approved. Discussion continued regarding a contingency plan and conditional approval.

Member Chaney asked if SSCS would need to come back before the Board for final approval. Dr. Rheault responded it is up to the Board.

Member Fralick moved for a conditional approval of the proposed purchase and project. Dr. Canavero would have contact with SSCS to assure everything that is on his noncompliant list is met. Once those items are met, SSCS will receive full approval with an update to the Board. Member Chaney seconded the motion.

Member Ferry requested Dr. Canavero to list the items needing remedy.

Dr. Canavero described the items that need to be complete and compliant for conditional approval be a part of the motion:

- **Index A: A timeline and plan to move the present campus to the proposed location. When SSCS plans to submit for a charter amendment to move to the proposed facility and include a general timeline to progress from one phase to another**
- **Index B: Evidence that an appropriate resolution has been passed by the SSCS board under the title Index B**
- **Index E: All final reports for environmental WISE consulting in BCEnvironmental reports submitted to the sponsor as soon as they become available. It is noted that those will also be included in considering the nature of 788 Fairview in the charter amendment.**
- **Index F: Assurance that SSCS will comply with Nevada's local government purchasing laws**
- **Index G: Which areas and what work must be complete in order that the site is feasible for student occupancy.**
- **Index H: Provide the preliminary title report for 900 Fairview**
- **Index I: The security interest and promissory note as heard and passed by the SSCS governing board submitted to the NDE for review.**

President Wallace stated all items listed need to be complete and compliant.

Mr. Whitney stated, as part of the motion the Board does find there is substantial evidence there has been enough compliance to offer conditional approval. President Wallace confirmed that SSCS will be in contact with Dr. Canavero to assure all the provisions are remedied. In addition, an update from the NDE will be heard at the August meeting. **The motion carried. Member Cook abstained.**

Public Comment

Jasmine Roman, with the former Imagine Valle Charter School, stated she is representing over 500 parents in thanking the Board for all the hard work they put into their journey. She thanked Member Wilson for attending their governing board meeting to understand their issues and said they appreciate the new opportunities that are now available for them.

Ann Barnes said she is treasurer of the Valle school. She thanked President Wallace, Dr. Canavero and the Board for their support during their long hard journey. She said it has been a wonderful experience to have the support of the NDE and thanked them again on behalf of the Governing Board for their school.

Bryn Lapenta, Senior Director, Washoe County School District said Dr. LaMarca, chief accountability officer of the Washoe County School District asked Ms. Lapenta to express his gratitude for department staff and particularly Dr. Rheault for working with them on AYP.

Peggy Lear Bowen, former elected member of the State Board of Education stated she was speaking as an individual with a constitutional concern. She said she was concerned with the passage of SB 197 and the portion of the bill that specifies that the Superintendent of Public Education is to be appointed by the Governor from a list of three candidates submitted by the State Board, and to serve at the pleasure of the Governor. Ms. Bowens read a portion of the Nevada State Constitution of 1864 addressing education. She said she believes that in SB 197 the Governor is taking on authority that is not authorized in regards to the appointment of the Superintendent of Public Instruction. She stated this act requires a constitutional amendment and that it should be revisited by the Nevada Legislature for more deliberate action. She asked that her concerns be addressed to the appropriate authorities to be considered if they have merit.

Board Comment

Member Metcalf thanked Dr. Rheault and the NDE for providing two speakers at the NASS meeting at Lake Tahoe. Carol Crothers and Cindy Sharp provided an informational presentation on the Common Core Standards that was well received by the attendees.

Member Cook commented on legislative meetings and SB 197. He stated he plans to run for the State Board after the congressional districts have been decided.

Future Agenda Items

Member Fralick asked how will the Board handle the future changes to public comments on agenda items. President Wallace stated he would like to take public comment at the beginning and at the end of the meetings.

The meeting was adjourned at 11:28 a.m.