

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

Thursday, February 20, 2014

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

And

Department of Education
9890 South Maryland
Board Conference Room
Las Vegas, Nevada

MINUTES

(Video Conferenced)

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DEPARTMENT STAFF PRESENT:

In Carson City:

Dale Erquiaga, Superintendent of Public Instruction
Steve Canavero, Deputy Superintendent of Educator Effectiveness
Donna Wix, Education Programs Professional
Karen Johansen, Assistant to the State Board of Education

LEGAL STAFF PRESENT:

Carrie Parker, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Julia Chavez, Clark County School District
Nicole Rourke, Clark County School District
Valerie Blake, Leadership Academy of Nevada
Abbe Mattson, Explore Knowledge Academy
DanTafoya, Clark County School District
Nicole Klimon, Clark County School District
Caroline McIntosh, Nevada Virtual Academy
Rachelle Nearn-Moorhead, Clark County School District
Gabriel Gonzalez, Nevada Virtual Academy
Heidi Arbuckle, Clark County School District
Lauren Tevis, CSAN

In Carson City:

Bryn Lapenta, Senior Director Washoe County School District
Romney Cronin, Director Curriculum and Instruction
Laura Granier, Nevada Connection Academy
Carol White, Principal, I Can Do Anything Charter School
Tom McCormack, Interim Director, State Public Charter School Authority
Joe Thomas, Nevada connections Academy
Steve Werlein, Nevada Connection

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

The meeting was called to order at 9:08 a.m. with attendance as reflected above.

Public Comment

There was no public comment.

8:30 A.M. Workshop to solicit comments on proposed changes to NAC 386.020 “Charter School” defined; NAC 386.033 “Educational management organization” defined; NAC 386.045 “Operational charter school” defined; NAC 386.050 “Written charter” defined; NAC 386.100 Administrative head: Selection; qualifications and responsibilities; notification of selection or replacement; NAC 386.110 Appointment of liaison between committee to form charter school and Department; NAC 386.120 Sponsorship of charter schools by board of trustees: Application for authorization; NAC 386.125 Submission and contents of letter of intent to form charter school; NAC 386.130 Application to form charter school: Forms; restrictions on submission and acceptance; NAC 386.135 Application to form charter school: Proposed dates of enrollment for first year of operation; NAC 386.140 Application to form charter school: Inclusion of information regarding facility, personnel and equipment; NAC 386.150 Application to form charter school: Inclusion of information regarding educational program; NAC 386.160 Application to form charter school: Inclusion of information regarding committee to form charter school, and governance and staffing; NAC 386.170 Application to form charter school: Inclusion of information regarding issues of health and safety; NAC 386.180 Application to form charter school: Inclusion of certain miscellaneous information; NAC 386.190 Review by Department of application to form charter school for sponsorship by board of trustees of school district or college or university within Nevada System of Higher Education; NAC 386.195 Review by Department of application to form charter school for sponsorship by State Board of Education; transmittal of application to Subcommittee on Charter Schools; NAC 386.200 Review of application to form charter school by board of trustees of school district; approval of application by sponsor; NAC 386.201 Review of application to form charter school by college or university within Nevada System of Higher Education; approval of application by sponsor; NAC 386.202 Review of and restrictions on application to form charter school submitted to Subcommittee on Charter Schools after previous denials of application; approval or denial of application by State Board of Education; NAC 386.203 Review of and restrictions on application to form charter school for sponsorship by State Board of Education originally submitted to Subcommittee on Charter Schools; approval or denial of application by State Board; NAC 386.204 Grounds for denial by State Board of Education of application to form charter school for sponsorship by State Board; NAC 386.205 Submission of certificate of occupancy for certain facilities; NAC 386.210 Duty of governing body to provide written notice of changes in facility; NAC 386.215

Provision and maintenance of insurance coverage; NAC 386.220 Written charter: Inclusion of certain agreements; term; NAC 386.227 Incorporation of governing body or charter school prohibited; NAC 386.230 Failure to become operational charter school; reapplication; NAC 386.240 Issuance of written charter to applicant not prepared to commence operation on date of issuance; expiration, renewal, and contents of charter; submission of supplemental application before expiration; NAC 386.300 Application for renewal of written charter: Contents; NAC 386.310 Application for renewal of initial charter: Contents; NAC 386.320 Application for renewal of initial charter: Verification of contents; consideration at public meeting; NAC 386.323 Request for change in sponsorship of charter school; NAC 386.325 Amendment of written charter: Request; authority for approval by staff of sponsor; NAC 386.326 Amendment of written charter: Request to expand instruction to grade levels of pupils other than those for which charter school is currently approved; NAC 386.3265 Amendment of written charter: Request to occupy new or additional facility; NAC 386.327 Revocation of charter of charter school providing education for at-risk pupils; NAC 386.330 Procedure for revocation of written charter; NAC 386.335 Closure: Duties of governing body, sponsor and Department; failure of compliance by licensed teacher who is member of governing body; NAC 386.340 Location of facilities; NAC 386.341 Compliance with Occupational Safety and Health Act; NAC 386.342 Equipment and supplies: Removal from premises; disposition upon closure; written inventory; NAC 386.345 Governing body: Restrictions on membership; responsibilities; submission of certain information to Department and sponsor; approval of minutes of public meetings; NAC 386.350 Governing body: Miscellaneous duties; NAC 386.353 Restrictions on limitation of enrollment of pupils; establishment of waiting list and lottery system for enrollment; application to limit enrollment or for waiver to enroll from waiting list; NAC 386.357 Apportionment from State Distributive School Account: Submission of enrollment information before payment of first apportionment in first year of operation; NAC 386.365 Reporting of data required for automated system of accountability information for Nevada; NAC 386.400 Contracts for services: Required provision; submission of certain information by governing body to sponsor and Department; NAC 386.403 Contracts with contractors or educational management organizations: Prohibited provisions; NAC 386.405 Contracts with educational management organizations: Initial term; renewal; prohibited provisions; approval of key personnel by governing body; annual performance review by governing body; submission of written report by educational management organization; effect of reference to a particular educational management organization in written charter; NAC 386.410 Performance audits: Report of compliance; NAC 386.412 Eligibility for available money for facilities; waiver of annual performance audits; NAC 386.430 "Operational charter school" defined; NAC 386.435 Application for loan from Account; annual determination of balance of money in Account; NAC 386.440 Priority for loans; considerations for approval of loans; NAC 386.445 Repayment of loans; NAC 387.700 Preparation and submission of annual capital improvement plan; limitation on amount of expenditures; required contents; reconciliation of capital outlay; NAC 387.725 Final budget: Adoption and submission; NAC 387.740 Limitation on expenditure of money in excess of amount appropriated; exceptions; NAC 387.770 Establishment of property and equipment records; inventory controls; NAC 387.775 Annual audits.

The workshop was opened at 8:40 A.M. There were 10 individuals present in Carson City and 11 individuals present in Las Vegas.

Tom McCormack, Interim Director, State Public Charter School Authority, informed that in October 2013 the Authority began working with stakeholders on revisions to the charter school regulations. Draft revisions were sent to stakeholders for their comments regarding adopting new regulations or revisions to existing regulations. Included are revisions that was developed with input from charter school stakeholders and reviewed by the Authority Board on January 10, 2014. Staff was directed to send suggested revisions provided in a letter from Laura Granier, that memo was not received by the authority until January 10, and as a result was not reviewed by the Authority Board. The two additional documents regarding the charter school loan fund regulations replace several of the regulations in the 61 page document.

The first document is titled NRS Application for loan from Account. He requested the document replace regulations NAC 386.435, NAC 385.440 and NAC 385.445. This language is the current language for the regulations and is to replace the language in the 61 page document.

Mr. McCormack said the accountability of repayment for the loan given to a charter school is being considered. Existing regulation states that in case of default the charter school is responsible for repaying the loan. Of concern is that a charter school is the members of the governing body. If a charter school begins operation, or starts operating then stops, the individual members of the governing board were responsible for repayment of the loan. NAC 386.435 (1) (l) addresses this change in language. NAC 386.445(4) (c), states the charter school shall be primarily liable and the governing body shall be secondarily liable for repayment of the full amount of the loan.

The second additional document, Proposed New Regulatory Language for the Account for Charter Schools, includes NRS 386.578, stating an eligible applicant for a loan is the governing body of a charter school that has a written charter issued or a charter contract. The law did not contemplate that a school with a charter contract will not necessarily begin operation. Pre-opening requirements for the school come with the charter contract. One of the requirements is getting adequate enrollment for financial viability. The established system requests the NDE to not begin funding a new charter school until they have been informed that the school has obtained adequate enrollment. The number is based on the break even number that has been identified in the charter school application.

NAC 386.577 (1) refers to statutory language that states the loan is for costs incurred in starting up a charter school. That has been interpreted that the loan application would include a list of items that they would spend the money on. The loan application would be approved with the list. Then per this language, the school would purchase the items on the list, and they would be reimbursed upon receipts.

Superintendent Erquiaga asked to clarify that the account was created by the legislature, but it has no funds. The NDE or the Authority has not had to deal with the issue. In 2013 funds were put in the account which has resulted in proposed regulation changes to dispense funds. He asked about the legislative intent of NRS 387.577(1)(a) in preparing a charter school to commence its first year of operation. He asked if is a problem that if a school wishes to commence operation, but requires funds to begin operation and the legislature indicates funds are available, but regulations state they cannot have funds until they are in operation.

Superintendent Erquiaga asked about the reimbursement procedure, if the intent is to provide funds to improve a charter school or to commence the operation of a charter school, do they have money to lay out to be reimbursed, or is the intent of the loan because they do not have capital.

Public Comment

Laura Granier, Attorney, Nevada Connections Academy, stated she has concerns regarding page 21, NAC 386.215 (d); pages 26,27,28,29, NAC 386.325 and page 38, NAC386.355. Ms. Granier submitted written comments to consider with suggested changes in language. (attachment A)

Superintendent Erquiaga clarified that the change in location would not change the allocation per pupil, because the allocation per pupil is based on the students district of residence, count day is based on the school location.

Valarie Blake referenced NAC 386.135 stating their new charter schools unable to open last year due to low student enrollment. She said she is the Chairman of the Governing Board for Leadership Academy of Nevada; a charter that could not open because they did not meet their enrollment numbers. Ms. Blake supports changing this NAC which now states the *proposed dates of enrollment for a charter school for its first year of operation must not be more than 120 days before the date on which the charter school will open* and amending it to *before the charter school application is approved by the proposed sponsor of the school*.

There are two periods of time when enrollment is very high; early spring and then late August into September. For the purpose of opening a new charter school, enrollment numbers need to be submitted to the sponsor in early to mid-August. Automatically, they were not able to utilize the time period of late August into September enrollment and with the 120 day stipulation. The earliest available enrollment time is in May so they missed the entire spring enrollment process. In essence it restricted their enrollment to the later part of May, June and July which is a time period when families are not thinking about enrollment for school.

Abbe Mattson, Superintendent, Explore Knowledge Academy said NAC 386.323 (5) (b) language is specific on a three, four or five star school. She requested it be reworded to state *the school is found to be in good standing as determined by the new proposed sponsor regarding performance framework and the sponsor may approve the request*. This allows the receiving sponsor the ability to determine what good standing is instead of being directed by the star rating.

Ms. Mattson suggested a language change in NAC 386.325 from the word *authority* to *authorizer*, because not every school is under the Authority. An additional suggested language change in NAC 386.350 (7) is because as an alternative kind of school they do not maintain a normal calendar. Every year they must fill out an alternative schedule She requested the language not be *per day*, but rather that *kindergarten needs 21,600 minutes per year*; to adjust it to minutes per year for each of the break outs as the alternate schedule is; it would make things easier for them with one less form. She said she understands that if someone at the state wants to see and acknowledge what their calendars are.

She said she had not been involved in the money in the account referenced in NAC 386.435, noted Mr. McCormack explained that the school being primarily liable and then the governing body secondarily liable. She said it will be an issue. If a parent is on the board for two years, and the school is closed so the loan responsibility reverts to the board members, it will result in schools not using the loan or the school will not be able to find board members.

Superintendent Erquiaga recommended that Ms. Mattson and Mr. McCormack work on the suggested language and agreed with the proposed change of using *authorizer* instead of *authority*. The reason the State Board transmits regulations for charter schools is because it is possible to have more than

one authorizer in the districts. He inquired if the board is not personally liable, then who is? How would the money be guaranteed? Ms. Matteson responded that is a valid question, and that she did not know how to guarantee funds because the school can close.

Superintendent Erquiaga suggested the Board might need to post a bond. He asked if this pledge is meant to be the securing of a bond for the state or the acknowledgment that board member personal bank accounts could be garnished if needed. Mr. McCormack said his understanding of the language is the later.

Dan Tafoya, Director, Office of Charter Schools, Clark County School District, asked for clarification about NAC 386.120, which states *sponsors of charter schools by the board of trustees or a college or a university within the Nevada System of Higher Education application for authorization*. He interpreted this state that current sponsors of charter schools do not need to reapply for sponsorship because within the next two years they will be going through a comprehensible audit by the NDE it ensures they keep sponsorship status.

Superintendent Erquiaga asked Mr. McCormack if that is an accurate statement to leave on the record that current sponsors would not be required to reapply? Mr. McCormack responded they removed some language and discussed requiring current school district sponsors of charters to apply to NDE for permission to sponsor, but they did not include language to that effect in the proposed regulation.

Caroline McIntosh, Head of School, Nevada Virtual Academy, asked for clarification about NAC 386.340. She said they are a statewide virtual educator with students in 16 of the 17 counties. Tutoring is provided for students in many of the counties, but it is not at the primary instruction location which is a virtual setting and online. She asked about the proposed language with regard to teachers meeting students in public libraries.

Mr. McCormack responded they did not contemplate that type of facility in the language. They tried to enable distance education schools to provide instruction outside of their county of location. Previously there was a restriction against that. They believe that face-to-face instruction could enhance distance education and online instruction.

The intent was to allow distance education schools be able to provide instruction if the facilities were outside their county of location. They did not want a debate about instruction. Is tutoring instruction? Is counseling instruction? Is a small group discussion instruction? Instead they proposed the school describe the appropriate building to officials, then allow the building officials to determine what type of approval is needed. Is it a business approval, or an educational approval?

Ms. McIntosh responded that counseling or tutoring would be secondary instruction at best and she wanted to be assured that meeting students in a public setting such as a library is acceptable. Mr. McCormack responded that Nevada Virtual uses distance education as its primary method of instruction.

Superintendent Erquiaga stated existing language in NAC 386.340 that precludes a charter school sponsored by a board at the school district level from enrolling students outside that district for distance education. He asked if he was reading that correctly.

Mr. McCormack responded yes, they were leery of a situation in which a school that is sponsored by WCSD would have facilities in Clark County. Currently they are discussing responsibilities of the sponsor to monitor the school, including facilities. That is why those prohibitions appear in the regulation.

Superintendent Erquiaga clarified that existing language does not preclude from enrolling a student who sits in his home, in another district. He suggested Mr. McCormack discuss the proposed revised language with the Charter Authority Board, and revisit the issue of loans for commencing schools and reimbursement versus an outlay. Superintendent Erquiaga explained he is concerned that using funds for the improvement of existing schools or the incubation of new schools which is a critical initiative for the NDE would be viewed as a barrier. He suggested Mr. McCormack consult with the Governor's office because how the money would be used was in the executive budget.

Mr. McCormack commented on suggestions made by Ms. Granier. He said the intent is quality control regarding NAC 386.325, and the ten percent enrollment matter.

They have schools that are well enrolled but are not performing per the measurement system established by the state. The largest school, 4,000 students enrolled, was recently sent a notice of concern by the authority because of academic under performance. There is a concern about schools that continue to enroll students but do not measure up. That is the intent of the ten percent enrollment issue. He said that if a school is in good standing they want the school to grow and would approve the amendment to expand enrollment. But they want to avoid situations for schools that are not performing well and continue to enroll pupils. Superintendent Erquiaga suggested a discussion with Ms. Granier, in the case of a school that is underperforming, that they might file a new application if the ten percent enrollment increase is seen. However, a school that is not experiencing underperforming student achievement would not need to. There might need to be a trigger for the ten percent trigger to apply.

The workshop closed at 9:20 A.M.

Workshop to solicit comments on proposed changes and additions to NAC Chapter 389 to prescribe a uniform grading scale for all public high schools, including without limitation, a uniform grading scale for advanced placement courses and honors courses.

The workshop was opened at 9:20 a.m. There were 10 individuals present in Carson City and 11 individuals present in Las Vegas.

Deputy Canavero stated the 2007 Legislative Session passed AB 212 that amended NRS 389.0195 to direct the State Board of Education to adopt regulations prescribing uniform grading policy for high schools in Nevada. The amended statute directed school boards to adopt and use the uniform grading policy recommendations.

The State Board adopted regulation R012-08 on March 7, 2008. It was forwarded to the Legislative Commission that approves regulation changes and was rejected because the Commission thought the State Board had not followed the intent of AB 212. After review of the legislative language and consultation with stakeholders, a revised proposal was brought back to the Board in August 2008. The revised regulation included a specific point range and grade point allocation for an "F grade" and also provided a district option regarding which cohort groups, and graduating classes should apply first to the new policy. The changes were supported by Department staff in public testimony and the

revised regulations passed. The revised regulation was sent back to the Commission where it was rejected again for not fully meeting legislative intent. At this time, Superintendent Rheault decided not to bring the regulation back until after the end of the temporary regulation period, July 1, 2009.

The regulation language from August 2008 was updated with the current school year in spring 2013. It is recommended that the current State Board consider the regulation for approval. NAC 389(7) specifies that the board of trustees of a school district and governing body of a charter school may adopt a policy of signing a plus or minus to the grade set forth in subsection 1. The policy must ensure that the value assigned to each grade earned by a pupil complies with the value set forth in the grading scale prescribed in section 1 and, if applicable the weighted value prescribed in subsection 2. The NDE interpretation is that a school district may have a plus or minus value in the course point range, but the corresponding value of 4.0, 3.0, 2.0, 1.0 and 0 would remain the same without regard to a plus or a minus value associated with the grade.

Bryn Lapenta, Senior Director, Washoe County School District, commented on rounding grades. If in one school district a student received 89.975 that might be considered an A for 90 percent, where in another school district there could be a policy of no rounding and 89.975 would be a B. That does not make the grades uniform. Rounding at the teacher grade level needs to be addressed. Additionally, in (4)(a) it states if there is numerical value assigned, a b+ would be a 3.3, and a grade would need to be assigned. That does not lend itself to uniformity. They would like to be able to translate those just as in (7) to the 4 point grade scale. If the pupil comes in with a numerical grade value such as a 3.3 because he received a B+ , and instead of a B+ being on the report card, then it would fall in the same uniform grade scale where a 3.3 would translated to a 3 as in (7).

Superintendent Erquiaga clarified that Bryn would ask that the course point range found in section 1, subsection 1, would be 90-100, 80-89.99, 70-79.99. Bryn replied if grades were 100 to 90.0, it would be good, then 80-89, or simply indicate no rounding. If you have a 90 that implies there is no rounding because you stop at 90. That is preferable to adding a new subsection 8 to this section that would allow the Board of Trustees of a school district to adopt a policy for rounding. Bryn agreed; if a board adopts a policy in one county it may be different than the board in a different county and that does not make it uniform.

Romnie Cronin, Director of Curriculum, Douglas County School District said the concern in DCSD is that the regulations created in 2008 do not reflect a change in thinking regarding standards based grading. The district are working hard toward a 5 point grading scale which is reflected in these regulations, but away from the percentages as a way to measure achievement in each course. She asked for flexibility in the regulation to still meet the intent and value of the grade, but not be held to the percentage requirement as a course. One reason is that if 60 percent is an F, then 59 of a possible course is in the range of an F. She commented that may not reflect a standards based grading system and would prefer to use a value system that a four is an A, a three is a B, but not be mandated to use the percentage system.

Nicole Rourke, Clark County School District said the current proposal reflects their current practice and so if a working group comes together to make changes to the regulation she requested they are part of the group and work through the issues to get to a uniform grading policy.

Superintendent Erquiaga said the statute requires that the Board adopt regulations that prescribe a uniform grading scale for all public high schools, including without limitation a uniform grading

scale for advanced placement and honors. The notion of flexibility in a uniform grading scale is challenging.

Superintendent Erquiaga suggested dealing with the rounding issue, either 80.0 or 89.999 is a legitimate request and better than providing a policy for rounding if working towards uniformity; then send the regulation back to LCB for that correction, then to the Board. As instruction changes statewide in the coming years, Superintendent Erquiaga asked to consider convening a group to contemplate grading in the standards based world to possibly establish a standards based grading scale or choose to depart from the tradition,

The workshop closed at 9:44 a.m.

Workshop to solicit comments on proposed changes and additions to NAC Chapter 389 to provide for the administration of the high school proficiency exam for the Graduation Classes of 2014, 2015 and 2016 and establishing the courses of study, number of times a student may take an exam, and other matters related to the new end of course examinations provided for as a requirement for graduation from high school.

The workshop opened at 9:44 am. There were 9 individuals present in Carson City and 11 individuals present in Las Vegas.

Superintendent Erquiaga explained transitory language is required and NAC provides the provisions for the High School Proficiency Exam (HSPE) as if the HSPE will continue to exist. The Legislature has given the board authority to extend it for a certain period of time, which the Board has done. Some of this language is clean-up to adjust to AB 288 of the 2013 session, and some is new language.

Deputy Canavero explained the proposed changes are a result of action taken from the January 30, 2014 State Board meeting. The first two items addressed under certificate of attendance and requirements for promotion and issuance of diploma are clean-up; the certificate of attendance no longer exists. Deputy Canavero suggested cohort is referenced instead of classes, which is how students are ascribed to a graduating cohort. When students first enter ninth grade they are assigned into a cohort that is the graduating class 4 years out.

The requirement is that students must pass at least four end-of-course examinations in order to receive a standard diploma using a cohort. The next item begins to address the eligibility and who must take and pass the end-of-course exams as a graduation requirement. Commencing with the 2014-15 school year, and each school year there after a pupil must pass at least four end-of-course examinations. Related to the course of study discussion by the State Board in which they establish that the cohorts for 2017 and 2018 must pass Math I, Math II, ELA I and ELA II. The cohort for 2019 must pass Math I and Math II, ELA I and ELA II or they can collapse ELA into one assessment and call it English Language Arts end-of-course and for the cohort for 2019 is the addition of science for an end-of-course exam. The pupil enrolled in the standards based course that aligns with the corresponding end-of-course blueprint will determine eligibility.

The Board recommended using generic language, Math I, then identify the standards in the blueprint. School districts will align their course names with the particular end-of-course exam. End-of-course exams are based on standards and aligned; using similar language that is currently in regulation for the HSPE is suggested. The times for administering the end-of-course exam is a motion that should be incorporated into NAC. There are two ways for the end-of-course to be delivered per the motion at

the January 30 State Board meeting. One is by a semester to allow districts the opportunity to take a summative assessment of the end-of-course exam that is a full year of instruction and deliver it both in a semester base or as a summative end-of-course.

The final consideration is the number of opportunities a student may have to pass the end-of-course exam. The State Board requested it be unlimited, but also that there be a provision included cost recovery by the NDE after the second re-take. If a student takes an end-of-course exam and does not pass it, and they retake it many times, after a specific point in time the cost would fall on the school district. When addressing the costs of the end-of-course exam, it is not just the cost of the delivery and scoring of the end-of-course exam, but determining the cost of unlimited opportunities. There would need to be an unlimited number of unique assessments for unlimited opportunities to take the test. Ensuring the tests are valid and reliable will be expensive, and the costs may include those incurred in the development of the assessments given the unlimited re-take opportunities.

Superintendent Erquiaga clarified that the Board and Subcommittee's motion dealt with the Board's intent that the courses of study be the four core academic subjects. Social Studies will need to be included, but the Board recognized new social study standards would be adopted, so no cohort was designated for social studies.

The underpinning regulation that the four academic courses of study are to be subject to end-of-course should be stated in the regulation and the regulation should state that if the board approves new standards for social studies, then the NDE would proceed with the development of a social studies end-of-course exam subsequent to cohort 2019. That needs to be in the regulation so successors will see it clearly. The Board did not act on a provision to allow local boards to adopt a policy by which the end-of-course score could be used to determine passing a course of study.

Superintendent Erquiaga suggested including language that the Board of Trustees may adopt a policy to assign a plus or minus in the uniform grading language. Some districts have expressed interest in assigning a plus or minus.

Deputy Canavero clarified that local boards may adopt a policy that would allow for passage of the end-of-course or incorporation of the end-of-course assessment score in the final grade of the class. In addition, there has been discussion about prohibiting students from using a calculator for pupils taking an exam in math, per NAC. There is some desire to propose revisions to NAC which would allow a pupil to use a calculator while taking specified portions on the Nevada State Assessments in Math.

It would provide the opportunity for the NDE or the Board to weigh in and determine whether calculator use on an exam is reasonable and in accordance with modern assessment practices. Superintendent Erquiaga added in reviewing the existing NAC it falls within this transitory language and it would not be adding anything new to the discussion from which this workshop was posted.

Carol White, Principal, I Can Do Anything Charter High School, said their students are on an alternative schedule, their students take a full half year of courses in nine weeks. They take four classes per day for a quarter, and that quarter equals a half of semester. If they finish a course in nine weeks, and the end-of-course will not be administered until the semester break which is mid-year, there is a concern about moving those students to the next class. She asked if there is a way the system will allow alternative schools to run their quarter programs. Their school runs on an eight

credit per year system instead of a six credits per year, which allows their students to retrieve credits, make up what they have not earned in a traditional school, or they can escalate their education and graduate in three years. She is concerned with regard to only administering the exam at the semester break or the end of the year. Also, if a student does not pass the end-of-course exam but has a passing grade in the course, can they move forward, or will they be held back until they pass the end-of-course exam. If they finish an Algebra II or geometry class in nine weeks, but the exam is not administered until the following nine weeks, will they receive credit?

Superintendent Erquiaga said he will ask staff to consider language in the regulation that would establish a process for the administration for an end-of-course exam for a school that is not on a traditional calendar. The exams are required to be administered by an outside vendor and the NDE will need to determine how the alternative schedule will work. An alternative schedule will need to be considered either with stop gap permissive language or something else.

He added the passage of the end-of-course examination is a requirement for graduation, not for the accumulation of the course credit. If the Board of Trustees or the Governing Board of the Charter School chose to make the end-of-course score part of the grade, the student would fail. It would be a local decision and needs to be stated in this regulation, because the law does not address it. If a student does not pass the end-of-course can they still advance beyond sophomore English. The answer is yes, the charter schools will need to provide remediation so the student passes the end-of-course examination. That should be reflected in the regulation, that they have a plan or submit a plan.

Romnie Cronin, Director of Curriculum, Douglas County School District, said some accelerated students who are freshman in the class of 2017 have taken English I this year, and some took math I last year. She asked to clarify how these students will have equal access to the end-of-course exams, in some cases, taking them two years following the time they took the course.

Superintendent Erquiaga said he has asked the districts for their thoughts regarding this issue because the class of 2017 is caught in this place with law. He said he does not know if this regulation can provide an escape or a remedy for this class, they must continue to deal with the issue on behalf of those students even if that means proposing a BDR to change the requirement in the 2015 legislature for the graduating class of 2017. These kids have been caught in a bad place and there may be no other recourse but to ask the legislature to provide a different structure for them. In the interim, he asked to continue thinking about this class and if there is a way to turn the requirement around in the regulation.

Nicole Rourke, CCSD, said there are concerns about the development costs of the exams. She said that was not previously contemplated and it is hard to put a ball park number on. Administration exams can look at history and take an educated guess. But the development cost would be difficult to sign off on without an estimate.

Superintendent Erquiaga responded that it was not contemplated because districts requested the unlimited option to retake the test. They will need to look at the development costs and that cannot be shared in the regulation, but they will need further discussion. There are dramatic implications to build an unlimited bank of tests with the appropriation provided by the legislature, and forever building an unlimited amount of tests. No one contemplated there were associated development costs. He said they will try to get some ideas of what the cost will be.

The workshop was closed at 10:06 am.

There was no public comment.

The meeting was adjourned at 10:07 am.

LIONEL SAWYER & COLLINS

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MEMORANDUM

TO: Steve Canavero, Ph.D.
NEVADA DEPARTMENT OF EDUCATION
Director, Office of Charter Schools
1749 Stewart Street, Suite 40
Carson City, NV 89706

FROM: Laura K. Granier, Esq.

DATE: January 10, 2014

SUBJECT: Nevada Connections Academy

Via Hand Delivery

Thank you for the opportunity to comment on the draft Charter School Regulation revisions (the "Regulation Revisions") being considered for presentation to the Nevada State Board of Education. The stakeholder meetings have been an excellent opportunity for dialogue on important issues affecting charter schools in Nevada. We respectfully request you consider the suggestions provided below with respect to the December 19, 2013 draft of the proposed Regulation Revisions.

- P.21 – NAC 386.215(d) we propose adding the following language with respect to requiring coverage for special education due process complaints, hearings or litigation – "provided such coverage is necessary to ensure the financial stability of the school, reasonably available and economically feasible to obtain, and the potential exposure for such special education due process complaints, hearings or litigation is not otherwise reasonably addressed by other means documented by the school."

This ensures the regulation does not impose any undue burden on the school in the event such insurance coverage is (i) unavailable; (ii) extremely expensive; or (iii) unnecessary because of other financial resources (or in the case of a school with a contracting EMO, because of coverage it offers).

- P.26 – NAC 386.325 – this latest version on amendments to the charter includes any increase or decrease in total enrollment of 10%. This imposes a new "cap." What is

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the statutory authority and, if the school is in good standing, what is the policy for such a requirement and administrative burden?

- a. Same page and provisions – add “new” before EMO to avoid amendment of the charter required for renewal of an existing contract.
 - b. Page 27 – same section – last provision allows the sponsor to base denial of a material amendment on the charter school’s “standing” in regard to the school’s performance framework. While we understand the policy issue, we would like clarification regarding “standing” and statutory authority and limitations.
- Page 28-29 – on the new/additional facility, the 120 day period causes concerns with respect to the school’s ability to negotiate with a landlord. In addition to “emergency” safe harbor could we include “or compelling circumstances.” Alternatively, given the concern raised is the expansion of schools that have performance issues, would you eliminate the approval requirement for schools meeting performance requirements and require approval only for those that are not?
 - Page 38 – NAC 386.355 –count day has posed a particular challenge to virtual and blended learning schools. We offer two proposals for your consideration:

Given that all public charter schools are governed by the SPCSA--which functions as the "district," the decision as to when a specific school's count day must be held should be left to the discretion of the SPCSA and include factors such as geographic location, school calendar, and type of instructional program (ie--traditional, blended, virtual). A charter school's geographic and physical location do not supersede its inclusion in the SPCSA district.

Or

The count day for a charter school is the same as the count day for the school district in which the charter school is located and is the last day of the first school month of that school district except for those schools whose sponsor is the SPCSA. The SPCSA should approve school calendars including count day for all sponsored charter schools and consider facts such as locations served, type of instructional program.

Again, we appreciate the opportunity to work with you on these important issues. Should you have any questions, or require any additional information, please do not hesitate to contact me at (775) 788-8602 or lgranier@lionelsawyer.com.



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