

**NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
PUBLIC HEARINGS
Friday, July 11, 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)

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dale Erquiaga, Superintendent of Public Instruction

In Carson City:

Steve Canavero, Deputy Superintendent for Student Achievement

Dena Durish, Director, of Educator Effectiveness and Family Engagement

Karen Johansen, Assistant to the State Board of Education

Richard Vineyard, Assistant Director, Assessments, Program Accountability and Curriculum

LEGAL STAFF PRESENT:

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Ben Gerhardt, Nevada Virtual Academy

Jennifer Gaynor, Connections Academy

Jason Lamberth

In Carson City:

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

The meeting was called to order at 9:00 A.M.

Public Comment

There was no public comment.

Public Hearing and Possible Adoption on Proposed Amendments to R030-14; NAC Chapter 389 related to confidential records related to an investigation of a testing irregularity

The public hearing opened at 9:00 A.M. There were three individuals present in Las Vegas and no individuals were present in Carson City.

Richard Vineyard, Education Program Supervisor, Assessments, Data Systems and Accountability Management stated the proposed regulation establishes rules for confidential records related to testing irregularities. The requirements are regarding files that will be kept confidential during the investigation. The confidential documents include records or files submitted to the NDE for investigations of testing irregularities, requested copies of records or files that are received from school districts or charter schools during investigations, or any information obtained or created that is requested concerning investigations. The regulation does not prohibit the NDE from disclosing information before the investigation is concluded if the superintendent determines it is in the best interest of the department and the state. Documents that are not confidential are written summaries of reports annually prepared for the Legislature and the Legislative Counsel Bureau (LCB) and any plan for corrective action produced based on investigations pursuant to NRS 389.636 or NRS 385.175.

Superintendent Erquiaga noted this regulation clarifies confidentiality. Mr. Vineyard added it is important to adopt a regulation about requests for information concerning documents that are produced during testing irregularity investigations. It is a welcome addition.

There was no public comment.

Superintendent Erquiaga stated that based on the authority granted to the superintendent of public instruction, as executive head to the department to adopt regulations, he declared the regulation adopted and requested it is forwarded to the Legislative Council Bureau and the Legislative Commission.

The public hearing closed at 9:05 A. M.

Public Hearing and Possible Adoption on Proposed Amendments R031-14; NAC Chapter 391 related to the procedure for a school district or charter school to notify the Department of Education of the arrest of a licensee; maintenance of the Department's file on the licensee; and confidentiality of records and the file.

The public hearing opened at 9:05 A.M. There were three individuals present in Las Vegas, and no individuals were present in Carson City.

Superintendent Erquiaga explained that to comply with legislation, the NDE was required to adopt this procedure a few years ago. Dena Durish, Director of Educator Effectiveness explained that NRS 391.055 has been in effect since 2007. Section 1 specifies the NDE shall adopt a regulation that establishes a procedure for the notification, tracking and monitoring of the status of criminal cases involving persons who are licensed. A procedure was established for districts to notify the NDE in a timely manner of the arrest of a person who is licensed, which may include a ground for the suspension or revocation of the person's license. This regulation was proposed to create a policy and procedure for the districts to notify within the time frame established.

Deputy Canavero clarified that over the last few years the NDE has been notified about teacher criminal misconduct and teacher licenses have been revoked by the Board.

There was no public comment.

Superintendent Erquiaga stated that based on the authority granted to the superintendent of public instruction, as executive head to the department to adopt regulations, he declared the regulation adopted and requested it is forwarded to the Legislative Council Bureau and the Legislative Commission.

The hearing closed at 9:09 A.M.

Public Hearing and Possible Adoption on Proposed Amendments to R069-14; NAC 386.355, Apportionment from State Distributive School Account: prerequisite to receive apportionments.

The public hearing was opened at 9:10 A.M. There were three individuals present in Las Vegas and no individuals were present in Carson City.

Deputy Canavero explained this change in regulation allows a charter school that offers a program of distance education sponsored by the State Public Charter School Authority (SPCSA) to request a count day other than the count day of the district in which they are located, if the majority of pupils who attend the charter school also reside in that district.

This stems from one charter school that is located in Washoe County School District (WCSD). Historically, the county of location determines the charter schools count day. This charter school is a distance education school however the majority of its pupils reside in Clark County School District (CCSD). A solution was offered by changing to the CCSD count day, which must be accomplished by a change in regulation.

Deputy Canavero explained that subsection 3 of section 1 specifies a written declaration must be submitted on or before September 1. It has been determined that May 1 is a better date to allow for necessary changes in the longitudinal student information system and that also coincides with the submission of district calendars. Deputy Canavero asked to consider changing September 1 to May 1. In addition, if LCB determines this change to be substantive, rather than re-do the regulation process, retain the language as written to include September 1.

Further discussion ensued between superintendent Erquiaga and deputy Canavero.

Superintendent Erquiaga stated non-substantive amendments can be made to a regulation at the public hearing, and the requested date change is not substantive. The date change is to align with existing state policy. He clarified the amendment to the regulation is to subsection 3 of section 1, *declaration of that election on or before **May 1** of the year for which the election is made.*

The NDE will contact the school this regulation affects to advise a late election will be accepted this year because their calendar has not been approved yet. Mr. Ott agreed the change is non-substantive.

There was no public comment.

Superintendent Erquiaga stated based on his authority as the executive head of the Department and the Departments authority to promulgate regulations he declared R069-14 adopted with the amendment of section 1, sub-section 3, changing September to May and requested it is forwarded to the Legislative Council Bureau and the Legislative Commission.

The public hearing was closed at 9:34 A.M.

The meeting was adjourned at 9:35 A.M.