

**NEVVADA DEPARTMENT OF EDUCATION
Rulemaking Workshops and Public Hearings
Tuesday, November 4, 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

DEPARTMENT STAFF PRESENT:

In Las Vegas:

Dale Erquiaga, Superintendent of Public Instruction

In Carson City:

Karen Johansen, Assistant to the State Board of Education

LEGAL STAFF PRESENT:

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Dan Tafoya, Clark County School District
Mary Pike, Clark County School District
Ben Gerhardt, Nevada Virtual Academy
Mike McLamore, Nevada State Education Association
Nicole Rourke, Clark County School District
Craig Stevens, Clark County School District6

In Carson City:

Kathleen Conaboy, Chair. State Public Charter School Authority

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

The meeting was called to order at 1:35 p.m. with attendance as reflected above.

Public Comment

There was no public comment.

Public Hearing and Possible Board Adoption on Proposed Amendments to R035-14; 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 386.325 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 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 387.775 Annual audits.

The hearing was opened at 1:37 p.m. There was one individual present in Carson City and six individuals present in Las Vegas.

Superintendent Erquiaga explained this regulation was heard in workshop months ago. Due to the transition at the State Public Charter School Authority (SPCSA) the public hearing was delayed so the new director and board could make any recommended changes to the proposed regulation that they saw fit.

Patrick Gavin, executive director, SPCSA, said the broad change of the regulation is clean-up. Currently the framework references a five-star, four-star or three-star school, and the language has been written that if it is changed to a letter grade, the intent remains the same. He continued to list the proposed clean-up language throughout the regulation.

Superintendent Erquiaga stated R035-14 will not be adopted today. He summarized the major changes in the document as posted. Most changes deal with the language throughout regarding the 25th percentile of the framework and changing that to first, second or third. Changes include the shift in language from *shall approve* to *may deny*, also changes related to requiring an email address if it is *applicable*, to an email address is *required*. There are changes related to each year and then providing new language allowing for a waiver to degrees of consanguinity in section 51. This is not a complete list, however these are changes heard that Superintendent Erquiaga will accept as non-substantive and within the original scope of the document. He stated he will also accept the change in section 51 because there is precedent in law.

Public Comment for R035-14

Dan Tafoya confirmed that Mr. Gavin has covered every issue he had concerns about. The collaboration was positive between the authority and the charter sponsor of the CCSD. He commented that in section 43 and 44, addressing facilities, and changing language from *shall approve* to *may deny*, is important. The way it is currently written does not allow the board flexibility to view certain situations such as, if the sponsor determines a written request should be approved due to health, safety, academic or fiduciary concerns at the charter school. He stated he does not have anything else to add.

Nicole Rourke provided the following written recommended amendment regarding section 42:

5. [~~If the~~] The sponsor of the charter school may approve the written request if:

(a) The sponsor finds [~~pursuant to subsection 3~~] that the written request is compliant and complete [, ~~the sponsor may approve the request.~~]; and

(b) The charter school was rated in the 25th percentile or higher during the last rating of the charter school pursuant to the statewide system of accountability for public schools, with exceptions to this subsection allowed if the sponsor determines the written request should be approved due to health, safety, academic or fiduciary concerns at the charter school.

Superintendent Erquiaga instructed Mr. Gavin to provide written comments, as discussed, to the Board assistant, and he will accept the written comments as discussed. He asked to see language regarding a waiver for consanguinity and upon doing that will declare the regulation adopted.

The public hearing was closed at 2:21 p.m.

Public Hearing and Possible Board Adoption on Proposed Amendments to R062-14; NAC 388.850 – written agreement with board of trustees; NAC 387.294 – pupil enrolled in distance education; NAC 387.193 – part-time enrollment; and NAC 387.193 – pupil enrolled in distance education.

The public hearing was opened at 2:21 p.m. There was one individual present in Carson City and six individuals present in Las Vegas.

Mike Raponi, director, Office of Career Readiness, Adult Learning and Education Options, explained the proposed changes encompass amendments to NAC 388.850, NAC 388.855 and NAC 387.294. NAC 388.850 covers provisions of written agreements between school districts. One of the first changes is in section 6, which eliminates the categories for pupil participation and eligibility to participate in distance education programs. It also adds language related to statements of apportionments made to the school district or charter school that provides the program with distance education pursuant to NRS 387.124 and NRS 387.123, and any tuition that is to be paid pursuant to 392.010 for the pupil.

It also requires a statement of the manner in which the information regarding a pupil who is enrolled in a program with distance education is reported to the district in which the pupil resides, pursuant to NRS 387.193. Under NAC 388.355 the proposed language changes are similar. This section pertains to charter schools. It adds language to require a statement of the apportionments made to the school district or charter school that provides a program of distance education.

Mr. Raponi noted a typographical error under section 7; NRS 387.193 should instead be NRS 387.123. This addresses where a pupil resides and where a pupil is enrolled. It calls for the apportionments made between the resident school district and the school district offering the distance education program in which the pupil is enrolled, and also allows provisions for a combination of scenarios that could occur. A student could be enrolled as a resident in one school district and enrolled in distance education in two or more other school districts. This regulation requires an agreement between a resident school district and the school districts offering the program of distance education, regarding how the tuition will be paid from the DSA apportionment.

Superintendent Erquiaga clarified the regulation is a result of the change to statute in 2013 that removed the requirement for distance education, and opens distance education to any pupil. The proposal removed language about a category by stating when this agreement is executed it must contain a statement about apportionments rather than to set in regulation you shall apportion. The agreement will be made between the school districts. Another stipulation in the new statute for distance education is that school districts must still grant permission to enroll, and upon request shall grant permission to enroll.

Public Comments for R062-14

Nicole Rourke, CCSD, stated she has a proposal regarding section 1, subsection 2; *part time* still remains in that part of the regulation which was removed from the statute in 388.855. Ms. Rourke said she understands the needs for an agreement for part-time students given there are still items regarding apportionment, data and testing for those students. She proposed eliminating *part-time* in that section and introduce a second subsection that includes *an agreement between the district(s) and/or the charter school(s) in which the pupil resides in the school district(s) and or/ charter school(s) providing the program of distance education* to ensure the inter-local agreement is executed also in part-time students but not necessarily requiring permission of the board of trustees.

Ms. Rourke clarified the idea is to add a provision for part-time students, but not require the permission of the board of trustees because that was removed from statute.

Superintendent Erquiaga requested that Ms. Rourke send her proposed changes to Director Raponi and counsel for review to be sure it does not add something that is not covered in statute as amended by Clark County's bill.

Superintendent Erquiaga closed the public hearing at 2:33 p.m. noting that upon receipt of the language from CCSD regarding part-time students, and if the language is acceptable to counsel, then the regulation will move forward noting to LCB the potential typographical error in section 2, subsection 7 and ask for further clarification of statute.

Workshop to Solicit Comments on Proposed Amendments to NAC 389.411 Eighth Grade: Science; NAC 389.492 Life science; NAC 389.494 Earth science; NAC 389.496 Physical science; Deletion of NAC 389.244 Kindergarten through Second Grade: Science; NAC 389.2939 Third through Fifth Grade: Science; NAC 389.491 Science: Generally; NAC 389.4915 Science: Standards; NAC 389.498 Environmental science; Add new sections for Kindergarten: Science; First Grade: Science; Second Grade: Science; Third Grade: Science:

Fourth Grade: Science; Fifth Grade: Science; High School: Engineering and Technology Science.

The workshop was opened at 2:34 p.m. There was one individual present in Carson City and six individuals present in Las Vegas.

Superintendent Erquiaga explained as the executive head of the Department of Education he has the ability to hold workshops. The Science Standards were approved by the Council to Establish Academic Standards and this is the next step. After this workshop, the science standards will come to the Board in a public hearing.

Andre' DeLeon, Education Programs Professional, conducted a PowerPoint presentation about the transition from the Next Generation Science Standards to the Nevada State Academic Content Standards, adopted earlier this year. Mr. DeLeon explained when the standards were adopted into regulation earlier in 2014; examples were included regarding how the standard could be taught. Previous regulations have not included examples in content standards and examples will no longer be included in NAC. However, teachers will still have examples included in their instructional materials.

Superintendent Erquiaga clarified these science standards have been proposed by the Council and adopted by the Board. When the science standards were proposed to the Legislative Commission in the last step for approval, concern was expressed that in some instances the examples are statements of policy of belief. To allow this regulation to move forward, the NDE agreed to hold another workshop and public hearing to remove the examples. Andre' DeLeon explained all examples have been stricken from the Science Standards.

There was no public comment regarding the Science Standards.

Superintendent Erquiaga stated the public hearing for the science standards will go to the Board for adoption sometime in the future.

The workshop closed at 2:39 p.m.

There was no public comment.

The meeting was adjourned at 2:40 p.m.