NEVADA STATE BOARD OF EDUCATION
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION
THURSDAY, JULY 21, 2016

Meeting Locations:

Office	Address	City	Meeting Room
Department of Education	9890 S. Maryland Pkwy	Las, Vegas	Board Room (2nd Floor)
Department of Education	700 E. Fifth St	Carson City	Board Room

SUMMARY MINUTES OF THE REGULAR MEETING
(Video Conferenced)

BOARD MEMBERS PRESENT:

In Las Vegas:
Mark Newburn
Allison Stephens
Victor Wakefield
Felicia Ortiz
Elaine Wynn
Samantha Molisee
Pat Hickey

In Carson City:
Teri Jamin
Dave Jensen
Freeman Holbrook

DEPARTMENT STAFF PRESENT:
In Las Vegas
Dena Durish, Deputy Superintendent, Educator Effectiveness & Family Engagement
Tricia Cook, Administrative Assistant

In Carson City
Brett Barley, Deputy Superintendent, Student Achievement
Roger Rahming, Deputy Superintendent, Business and Support Services
Greg Bortolin, Public Information Officer
Lauren Hulse, Management Analyst
Peter Zutz, Administrator, Assessments, Data and Accountability
Will Jensen, Director, Special Education
Blakeley Hume, Education Programs Professional
Russ Keglovits, Assistant Director, Assessments, Data and Accountability

LEGAL STAFF PRESENT
In Las Vegas
Wayne Hawle

In Carson City
Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:
In Las Vegas:
Shawlyn Durodole, English Mastery Council
B. Larsen-Mitchell, Clark County School District
Amanda Morgan, Educate Nevada Now
Betsy Giles, Clark Country Education Association
Loretta Asay, Clark County School District
Monte Bay, National University
Mike Gentry Clark County School District
Karin Ekanger, Pearson Education
Bill Garis, Clark County Association of School Administrators and Professional-Technical Employees
Sylvia Lazos, Latino Leadership Council
Ignacio Ruiz, Clark County School District
Punam Mathur
Greg Manzi, Clark County School District
Jenn Blackhurst, HOPE
Caryne Shea, HOPE
Ruben Murillo, Nevada State Education Association
Glenn Christensen
Dave Berns, Nevada Succeeds
Eva White, Clark County School District

Carson City:
Andrew Feuling, Carson City School District
Ray Bacon, Nevada Manufactures Association
Phyllis Dowd, Churchill County School District
Dr. Sandra Sheldon, Churchill County School District
Patricia Stoddard, Mineral County School District
Patti Lamb, Storey County School District
Mike Schroeder, Washoe County School District
Jeannine Bell, Washoe County School District
Mary Pierczynski, Nevada Association of School Superintendents
Stephanie Bell, ACT
Emily Ellison, Washoe County School District
Kirsten Gleissner, Northwest Regional Professional Development Program
Scott Bailey, Washoe County School District
Holly Luna, Douglas County School District
Patrick Gavin, State Sponsored Charter School Authority

Call to Order; Roll Call; Pledge of Allegiance
The meeting was called to order at 9:00 A.M.

Public Comment #1
Ray Bacon, Nevada Manufactures Association, informed the Board that Ryan Costello, chair of the manufacturing sector council, announced that Faraday has committed to using the National Career Readiness Certificate (NCRC) for all their hires.

Amanda Morgan, legal director, Educate Nevada Now, expressed appreciation that special education, weights and additional funding are being discussed. The collaborative process from the Task Force on K-12 Public Education Funding determined what resources are needed for these students to achieve. She noted there is a problem with the 13 percent cap on the amount of funding for special education weights in S.B. 580. Districts dip into their general fund up to 60 percent to provide special education services.

Sylvia Lazos, Latino Leadership Council (LLC), recognized that most teachers are not trained to teach the demographics, in particular the immigrant population of ELL. Data reaffirms with the English mastery planning process at Clark County School District (CCSD) that most of the ELL kids are not getting a quality education. English language learner kids in CCSD were only actively engaged by their teacher four percent of their time. It is imperative that if Nevada is going to get out of number 50 that this issue is addressed. The revised recommendations from the English Mastery Council (EMC) reflect a collaborative approach. She requested the board approve the recommendations from the EMC.

Approval of Flexible Agenda
Member Newburn moved to approve a flexible agenda. Member Wakefield seconded the motion. The motion carried.

Superintendent's Report
Steve Canavero, superintendent of public instruction, informed the Board that possible agenda topics for a joint meeting with the Regents include use of the NCRC exam as an alternative to ACT, the teacher pipeline, college going rates, college readiness and post-secondary career certifications. The Legislative Committee on Education (LCE) meets on July 28, 2016 and Dr. Canavero will discuss aligning high school graduation requirements with post-secondary success at the meeting. An update was provided about NDE discussions related to the Strategic Plan and establishing the priorities for Nevada and aligning the Every Student Succeeds Act (ESSA) to priorities. A summary of objectives was provided.

Approval of Consent Agenda
Information concerning the following consent agenda items has been provided to Board members for study prior to the meeting. Unless a Board member has a question concerning a particular item and asks that it be withdrawn from the consent list, items are approved through one action.

President Wynn *(Information/Discussion/For Possible Action)*

a. Possible Approval of Instructional Material for Carson School District
b. Possible Approval of:
   - Re-Licensing of 3 Clark County Private Schools for four year periods: Grace Christian Academy (Boulder City), Alexander Dawson School at Rainbow Mountain and Merryhill School – Green Valley
   - Re-Licensing of 2 Clark County Private Schools for two-year periods: Mountain Heights Montessori and Crossroads Christian Academy.
c. Possible Approval of appointments to the Special Education Advisory Committee.
d. Possible Approval of June 16, 2016 minutes.

Member Newburn moved to approve the Consent Agenda. Member Wakefield seconded the motion. The motion carried.

Information and Discussion regarding teacher retention in the Clark County School District.
Board members will hear a presentation from Clark County School District on teacher attrition. The presentation will include overall districtwide data, information disaggregated by specific schools (Title I, Focus/Priority, Victory, Zoom, NSPF Ratings, etc.), and transfer patterns among and outside of these identified schools

Andre Long, chief human resources officer, CCSD, conducted a PowerPoint presentation about licensed classroom voluntary transfers and classroom vacancies. Data was provided about teacher transiency rates related to school type for 2014-15 to 2015-16 and 2016-17. Data was also provided about classroom vacancies for 2016 and 2015. There was a year over year significant decrease in classroom vacancies; however, special education still has problems with classroom vacancies.

Board members discussed recruitment and retaining teachers that have been hired. President Wynn said the Board was alarmed by issues surrounding CCSD teacher problems and they made their concerns clear. It is consoling to know this is being addressed.

Member Ortiz requested the Board receives CCSD recruitment and retention data year over year.

Information, Discussion, and Possible Action regarding English Mastery Council revised recommendations 3.1 - follow-up request from December 17, 2015 State Board meeting to the English Mastery Council regarding Nevada Teacher Preparation Programs in Nevada and TESL/ELAD endorsement.

Sharolyn Durodola, chair, English Mastery Council (EMC) conducted a PowerPoint presentation. She explained the recommendations to provide a framework for increasing the state's capacity to support a network of NSHE institutions who will collaboratively seek ways to produce a pipeline of teachers prepared to face instructional challenges in urban and rural school settings.

The EMC presented the following revised Recommendation 3.1 in an effort to improve the quality of instruction for all English Language Learners in PreK-12. All Nevada teacher pre-service preparation programs and Alternative Route to Licensure (ARL) programs will include the English Language Acquisition Development (ELAD) endorsement in Nevada by 2022:

- The first stage requires that Early Childhood Education (ECE) (birth to grade 2) and elementary (K-8) teacher preparation programs include an ELAD endorsement in the State of Nevada by 2020.
- The second stage would include an ELAD endorsement for secondary teacher preparation programs in the state of Nevada by 2022.

The culmination of this effort is full ELAD endorsement for all pre-service and ARL teachers by 2022 (or no later than 6 years after adoption of the regulation by the regulatory board)

Chair Durodola provided details about the four EMC leadership and NSHE collaboration meetings regarding the recommendations and the impact on students and teachers along with the expected outcomes. The revised recommendation 3.1 represents varied voices of constituents and educational programs throughout the state. It combines recommendations of individuals, deans, faculty members and others who will work together for success.

President Wynn acknowledged this work has been arduous and taken a considerable amount of time but is evidence of how people can come together and resolve a difficult issue. It shows great internationality and there was great consideration of research and evidence with a spirit of collaboration. Most important was the excellent communication and the results of the process. President Wynn commended the work as one of the best achievements made as a group in the state making significant changes going forward. She recognized this is not just a Nevada issue; it is an American issue as well.

Member Wakefield noted two simple questions were addressed in order in order to bring a revised 3.1 back and approve it;

- Do we have a strong belief this will not hinder our ability to hire, and
- Is this done in collaboration with the institutions that must implement it?

This does not mean there is perfect consensus and why it is important to phase it in over time. He said he appreciates the years of advocacy from the leadership of the EMC.

Member Newburn inquired whether the Commission on Professional Standards has approved the EMC recommendation. Karl Wilson, education program professionals, said the Commission received the recommendation from the EMC about 18 months ago and they recommended it was presented to the Board for their approval. The Board rejected Recommendation 3.2 earlier and requested it was revised and brought back for consideration.

Member Stevens said there are concerns about buy in from the Nevada System of Higher Education (NSHE). She suggested discussing the necessity for this at the joint meeting with the Regents to have the Board of Regents weight in and express its support for institutions to move in this direction.

Member Jensen said the ELAD endorsement requires 12 credits plus the practicum and right now the Bachelors for education is 120 credits. He asked to confirm that under this proposal that the ELAD endorsement would fall within that 120 credits and not be in addition to. Dr. Durodola responded it depends on the institutions. Some have cross listing of courses. Part of the six year plan is helping to understand where this fits and how to make it work.

Member Newburn moved to approve Recommendation 3.1:
In an effort to improve the quality of instruction for al English Learners in PreK-12, all Nevada teacher pre-service preparation programs and Alternative Route Licensure (ARL) programs will include the English Language Acquisition Department (ELAD) endorsement in Nevada by 2022 and that:

- **The first stage requires that Early Childhood Education (ECE) (birth to grade 2) and elementary (K-8) teacher preparation programs include an ELAD endorsement in the state of Nevada by 2020.**
- **The second state would include an ELAD endorsement for secondary teacher preparation programs in the state of Nevada by 2022.**

The culmination of this effort is full ELAD endorsement for all pre-service and Alternate Route Licensure (ARL) teachers by 2022 (or not later than 6 years after adoption of the regulation by the regulatory board).

Member Ortiz seconded the motion. The motion carried.

Information, Discussion and Possible Action regarding the allocation of FY17 grants from the Great Teaching and Leading Fund. Members will review applications submitted to NDE and hear recommendations for awards based on 2016-2017 priorities previously identified by the Board. Possible action may include awarding of FY17 funds in the amount of approximately $4.9 million.

Deputy Durish conducted a PowerPoint presentation about the Great Teaching and Leading Fund and explained legislation directs the Board to select priorities in six categories. The following priorities were identified at the March board meeting:

- Teacher preparation and recruitment,
- Professional development for teacher and leadership retention with focus in one of two areas; Academic content standards for science implementation including real world applications and effective use of technology, or leadership development to increase retention of effective educators and expand models of school improvement,
- School districts and /or governing bodies of a charter school,
- One of the NSHE institutions in Nevada,
- Employee organizations,
- Non-profit organizations.

Senate Bill 474 specifies an entity may not receive more than 20 percent of the total in the fiscal year. There was over $10 million requested by 29 different applications with just under $4.9 million to award. A review team including member Wakefield and member Ortiz was convened to make recommendations using a rubric. Deputy Durish provided details about the review team recommendations. The review team recommendations are:

- $1,103,695.09 – Recruitment/Retention (23%)
- $2,022,793.64 – Science (42%)
- $1,719,765.80 – Leadership Development (35%)

Member Wakefield recused himself from discussions because his employer, Teach For America, submitted an application.

Member Newburn moved to approve the grant as proposed. Member Holbrook seconded the motion. The motion carried.

Information and Discussion regarding Senate Bill 508 and the modernization of the Nevada Plan. Members will be provided an overview of the requirements of Senate Bill 508, recommendations regarding the factors used in the equity allocation model of the Nevada Plan, and the Department's progress on developing a plan to provide additional resources to the Nevada Plan expressed as a weight for the following identified students: Special Education, English language learners, at-risk or poverty, and Gifted and Talented Education.

President Wynn explained this item will provide information about work to modernize the Nevada Plan, which is a cornerstone of the Governor's education reform package. The work done today will likely take several years to implement but should have a long lasting impact. The plan has not been adjusted since the 1960s. It is a work in progress and this is a starting point. Many other states and districts are already engaged in this activity. There is a consensus this is the appropriate way to address funding in education today.

Dr. Canavero stated people recognize the challenge and difficulty of the work, and that changes must be made. The Legislature and the Governor's budget that was passed reflect some components of this change. Three items will be discussed today:

- Equity Allocation Model and recommendations that will be moved forward to the LCE.
- Where NDE is in relation to the multiplier and weights with Zoom, Victory, Special Education and Gifted and Talented students requiring additional resources to drive outcomes for students
- Special Education

Dr. Canavero explained the Board's authority from S.B. 508 is to identify an alternative measure other than Free and Reduced price Lunch (FRL), and to qualify students for additional funding. A report will be sent to the LCE and their recommendations on how to add additional resources to the Nevada Plan will be sent to Governor Sandoval by October 1, 2016.

Dr. Canavero conducted a PowerPoint presentation about the Nevada Plan: Factors Used for the Equity Plan Allocation. An overview was provided about funding and the Equity Allocation Model, then and now. The Equity Allocation working group is composed of district and NDE staff, a team from LCB, Budget and the Charter School Authority. There were seven meetings and established sub-groups met to discuss key initiatives including making this Nevada Plan or Equity Allocation Model more understandable and transparent. The plan can be accessed at the Department of Education. Recommendations will be brought to the LCE to become permanent:

- Adopt new Simplified Model
- Consistency in Formatting
- Stabilization of Cost Impact
- Incorporating Average Daily Enrollment (ADE)
- Uniformity of Data Sets
- Continuation of the Working Group
- Ensure consistent NRS 387.303 Reporting
- Stabilization and Four Year Phase in
- Charter School Impact

In response to questioning from President Wynn, Dr. Canavero explained the presentation today is for information only; the Board is not required to take action. Discussion continued as board members asked clarifying questions.

Dr. Canavero conducted a second PowerPoint presentation about improving Student Outcomes and providing additional resources to the Nevada Plan. Information was provided about the state investments made, how many students were served, the average per pupil cost for Zoom or EL students, special education, poverty or At Risk, and Gifted and Talented students. Dr. Canavero explained this will be continuous work for the state and will take time to understand.

Member Stephens asked which students are included under the definition of special education in S.B. 508. Dr. Canavero responded any student with an Individualized Education Program (IEP) that is reported through the state system. Member Stephens noted that S.B 508, section 4, specifies including without limitation pupils with disabilities. She asked about students who are on 504 plans of the rehabilitation act not being included. How and why are students that meet the intent not being included?

Dr. Canavero explained these students are not included in the plan. Will Jensen, director, Special Education clarified the discussion is only about the disbursement of new monies. The students under 504 continue to be paid with services that are not under the category of specially designed instruction. Those students are being served as they always have been; they are just not calculated in the formula for the new money distribution. Districts have money to meet the accommodations of those students already in place. Generally, services to students under a 504 plan are significantly less expensive to fund than students who are eligible under the Individuals with Disabilities Education Act (IDEA). These students are considered in the bigger picture, just not under the funding of this particular issue.

Member Stephens stated that if they are to follow S.B. 508, and those students are included in the intent listed, not addressing how those students are accommodated does not meet the intent of the Legislature. She expressed concern and discomfort at not meeting the intent that is specifically outlined in S.B. 508.

Deputy Barley explained the Board has an option to prescribe a measure for pupils who are at-risk. Senate Bill 508, section 4, subsection 2, defines pupils who are at-risk as pupils who are eligible for FRL. This is an opportunity for the Board to prescribe an alternative measure if they choose but poverty at the pupil level would need to be identified. He explained the numbers listed that relate to poverty and at-risk students and also explained how families apply and are approved for FRL. Families apply for and are approved for supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) through the Department of Welfare and Supportive Services. This information is shared with the Department of Agriculture who then shares the information with local education agencies. Local data is reported to the State student information system.

Direct Certification is a straight line between students that qualify for federal services such as SNAP and TANF. The Department of Welfare and social services identify the student, and then share the information with the NDE. Pros are the information is accurate, it is means tested data and there is student level data. The NDE has not used this process before so they will need to sync up with the Department of Welfare and Social Services to use it.

The overview provided is so the Board can understand some of the issues, and the investigation to date. Moving forward, the Board will be asked for input and whether they would like to exercise their prerogative to ideal an alternative measure for poverty.

President Wynn commented that it appears direct certification is the most accurate; it is means tested and gets to the student level. The difficulty to overcome is syncing it with the Department of Welfare and the NDE. If the Board agrees to use direct certification, how can the cons be overcome. Deputy Barley responded that staff members at the NDE have already begun discussions with the Department of Welfare and the Department of Agriculture.

Member Ortiz pointed out that although direct certification gets to the student level, it assumes the student and or their family has applied for assistance. It is not acknowledging all the students that need help but their families did not apply. It leaves out a significant percentage of students. Deputy Barley agreed and said to qualify for direct certification of federal programs a family needs to volunteer information for those federal programs. If they do not apply it is not known whether they qualify.

President Wynn noted that is an important point and would make a difference in what the Board recommends. If asking for Board feedback today, the feedback is they do not think it is a good direction to go because so many deserving students would be left out. Deputy Barley clarified the overlay between FRL and direct certification. Depending on the school site, they know that between 0 and 70 percent of Nevada's FRL comes from paper based applications, and that Direct Certification does not include paper certifications. In every instance Direct Certification rates are going to be equal to or less than the FRL rates. President Wynn acknowledged that is the concern and recognized it is still a work in progress. She suggested this item is revisited when a recommendation can be made that satisfies all the concerns.

Member Jensen reflected about what is happening at the local school district level regarding special education and the weighted analysis. Originally the calculations that were sent by NDE aligned with what the majority of districts thought would truly be a weighted measure. Districts were seeing an increase of $29 million which was an increase over last year and had been fairly adequately dispersed. It provided some fiscal relief to districts. That was soon corrected, and as a result 12 districts now are in a hold harmless situation.

One of the support documents included today relates to the responsibility of individual school districts meeting special education obligations being faced. In most cases it runs from a low of six to ten percent of general fund resources to offset the cost to meet the needs of special education students. In the disbursement of the $29 million districts see a widening gap as salaries and benefits accommodate the heavy expenses districts are facing. Those only continue to go upward. As the student education numbers grow, the general fund transfer to meet the needs of those students' increases. There is no control of the enrollment numbers. As students move into Humboldt County some schools have approximately 50 percent of incoming students on an IEP. Those students are entitled to a free appropriate education, but that education comes at a cost to the school districts. There needs to be greater efforts to gather information from the school districts. The majority of the districts think there has not been ample opportunity to express concerns noted at the individual level.

Member Jamin concurred that the 13 percent cap is having an impact on resulting calculations. It is important to pass on recommendations to the Legislature and to recognize the responsibilities the state and districts have to serve special education students while ensuring there are adequate funds to do so without impacting the rest of the programs they are required to provide through state standards.

Member Ortiz asked to ensure that when this item is presented to the Legislature to clarify the weights are based on the actual funding and not the proposed weights in the bill, and that it does not reflect what would be adequate funding.

Information, Discussion and overview of key responsibilities of the State Board regarding Special Education related terms, programs, federal and state mandates; the existing Nevada Special Education strategic plans; and the roles and responsibilities of the State Board of Education pertaining to Special Education.

Will Jensen, director, Special Education, conducted a PowerPoint presentation explaining the Board has many roles in special education. He defined terminology used in special education federal law as he went through the presentation:

- Individuals with Disabilities Act (IDEA) is the "Education for all Handicapped Children Act" law. Every few years the law is reauthorized.

- Free and Appropriate Public Education (FAPE) relates to special education and related services.

- Individualized Education Program (IEP) is a written statement for a child with a disability that is developed and reviewed in accordance with §§303.320 through 300.324.

- Least Restrictive Environment (LRE) a public agency must ensure that to the maximum appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and removal of children with disabilities from a regular classroom only if the severity of the disability is such that education in regular classes cannon be achieved satisfactorily.

- Maintenance of Effort (MOE) a requirement placed upon many federally funded programs that the State Education Act (SEA) and Local Education Act (LEAs) demonstrate the level of State and local funding remains constant from year to year.

Board members asked clarifying questions.

Member Jamin expressed concern about the increase proposed for the State Public Charter Schools, based on the information received; they do not have the same requirements in place through FAPE. Also, they may not be serving the same severity of students as the rest of the districts. She asked if there could be a phasing in for funding to ensure the funds are being used in an effective and equitable manner.

Dr. Canavero said the law identifies charter schools that are sponsored by a school district, and that the school is the LEA. The responsibility falls upon the LEA. Mr. Jensen added unless it is a state sponsored charter school and emphasized there is no question under law that a continuum of service is necessary in any K-12 public school.

Member Jamin noted a chart referenced earlier specified state charter and she assumed those were state sponsored schools and did not include any locally sponsored charters. Mr. Jensen reiterated that all public schools have the same obligations for students with disabilities. Dr. Canavero added to avoid any confusion the law specifically identifies a state public charter school as a LEA for these purposes. There are obligations and protections of a charter school as a public school. It is not allowable for a school to turn away special education students.

Member Wakefield said he would like to understand the root of this discussion. What is the concern? Member Jamin responded the concern is twofold; one, she understands that some students have been turned away at charter schools. Also, by expecting the local district to assist the charter school, then the funding and impact of that on the local district occurs. When it is referred to as an agreement, then she assumed the agreement allows for some financial remuneration. The students need to be served. If the family chooses to go to the charter school, and therefore the funding from the local formula goes to that charter school, then if the charter school is unable to serve that student it is double impact on the district. The huge funding for state charters percentage wise is a very large impact for a relatively small number of students. She suggested implementing increases based on performance over time rather than a large increase in one fiscal year.

Member Stephens asked for clarification about the requirement for providing certain types of accommodations that are different for charter schools than a traditional public school. For example, if a student were to attend a regular CCSD school they would be entitled to certain transportation if disabled. Those requirements do not appear to be there for charter schools. She asked if there is a level of accommodation that charter schools are required to provide that would lend itself to a difference in the funding structure, and she stated for certain there are children turned away from charter schools because they do not have the ability to provide certain accommodations.

Mr. Jensen said he did not want to represent himself as an attorney, but wants to share his perspective. The issue is about FAPE, a Free and Appropriate Public Education, and a school bus or a ride to school can be a provision of FAPE contingent on the student need. It is not always a condition of FAPE, only sometimes. He asked, could a charter school be required to provide a ride to school under provisions of IDEA? His opinion is yes, that could happen.

Member Stephens clarified the transportation issue was just an example. Her question is more general. Are there distinctions where a charter school would provide less costly accommodations than the traditional public school, and in some way it would that justify or explain differences in overall costs between charter and traditional public schools. Mr. Jensen said it is about the provision of FAPE and there is no difference in federal law between a charter and a traditional K-12 school being obligated to make that provision for any student.

Greg Ott, deputy attorney general, disclosed that he also represents the State Public Charter School Authority (SPCSA). The question is about the obligation to provide a free and appropriate public education, but not necessarily to provide it in the same way. In representing both clients the SPCSA and the NDE, he has had complaints about charter schools turning students away. He has yet to see a statement of someone who was been turned away. A student could go to a charter school with an IEP, and ask how will it be met? The charter school could respond they do not have the ability to provide these services, but they have a contract with someone else to provide the services so it will be done in a manner that will take the student off school premises. That is allowed under a federal law. But a student or parent could hear that as a rejection because the student will be taken off campus to have services provided. It can be a tricky analysis.

Member Stephens said about a month ago a school advised her that her son could enroll but they knew he would not be successful because they could not provide for him. They did not actually deny him, because that qualifies as a rejection. It is a specific example of how to wiggle around the letter of the law to reflect a student is rejected by removing them entirely to meet the requirement.

Deputy Ott asked member Stephens to forward written details to him because what she described is troubling.

Public Hearing and Possible Action regarding the Hearing and Petition and recommendation for Revocation of the Nevada Educators License for:

a. Shannon Giardino
b. Timothy D. Lawson

Vice President Newburn opened the hearing of petition and recommendation for the revocation of the Nevada teacher's license for Shannon Giardino. Deputy Attorney Greg Ott explained he is normally the attorney for the Board, but today he will represent the superintendent of public instruction and the NDE in their efforts to revoke these educator licenses. For this hearing and the hearing of Timothy D. Lawson the Board was represented by Wayne Hawle in Las Vegas.

The State Board of Education may suspend or revoke the license of any teacher, administrator or other licensed employee after notice and an opportunity for a hearing based on the grounds set forth in NRS 391.330. Mr. Ott listed the relevant grounds in the case of Shannon Giardino. Ms. Giardino was noticed and did not appear for the hearing. The evidence was presented and Mr. Ott proceeded with the hearing.

Member Ortiz moved to approve the findings of fact 1-5 and conclusions of law 1-5. Member Wakefield seconded the motion. The motion carried.
Member Ortiz moved to revoke the educator license of Shannon Giardino. Member Wakefield seconded the motion. The motion carried.

Vice President Newburn opened the hearing of petition and recommendation for the revocation of the Nevada Educator's license of Timothy D. Lawson. Mr. Ott listed the relevant grounds in the case of Timothy D. Lawson. Mr. Lawson was noticed and did not appear for the hearing. The evidence was presented and Mr. Ott proceeded with the hearing.

Member Ortiz moved to approve the findings of fact 1-5 and conclusions of law 1-5. Member Wakefield seconded the motion. The motion carried
Member Ortiz moved to revoke the educator license of Timothy D. Lawson. Member Wakefield seconded the motion. The motion carried.

Public Comment #2
Lindsay Anderson, WCSD, noted that member Jensen clearly articulated the impact some of the special education funding formula shift to the weighted formulas has had on districts. She emphasized three points on behalf of WSCD to assure it is clear. By interpreting maintenance as the same dollar amount that equals less services; the same dollar amount year over year does not purchase the same services in the following year. That either forces districts to reduce the number of services provided to special education students or cut other areas of their budget to subsidize the need of those students. She asked that is reconsidered. The 13 percent cap placed on this funding is not taken into account by the federal government. While that funding cap is placed in Nevada, maintenance of effort requirements on every special education student must still be met whether or not they are provided with the additional special education funding. The timing is problematic. The first iteration they received was what they used to build their preliminary budget in early March. There were four iterations of the funding, and they were significantly different and in their case significantly less. Adjusting those budgets downward is a complicated process with their boards of trustees.

Andrew Fueling, CFO, Carson City School District, informed the board that Carson City is small, with approximately 175,000 students and about 1000 are special education students who are harmed by the new funding formula. From fiscal year 15 to fiscal year 16, their special education expenditures went up $1 million dollars. For a district their size that is significant, it is a 10.5 percent increase. The state special education revenues went up $200,000. Next year they are expecting expenses to go up $800,000 which is an additional 7.8 percent while their special education revenues will be held flat at zero. They have few choices to slow this due to IEPs and leadership environment. They continue to have more special education students; over 13 percent of the student population has an IEP. Students continue to have more severe needs with more costs. Of their total general fund expenditures, 12.2 percent goes to transfer to the special education fund, which is high for Nevada. Mr. Fueling provided additional data about how the expenses have gone up.

Holly Luna, chief financial officer, Douglas County School District (DCSD), referred to testimony at the 2015 Legislation by Julie Waller, senior program analyst. She testified the Task Force recommended stakeholder involvement pertaining to Hold Harmless and MOE issues. Given the success of the Nevada Plan revisions proposed and reviewed today, it is unfortunate that district level experts were not tapped to provide insight and impact to the harmful way the special education funding has been rolled out. If funding on the unit weight funding, Douglas County they would have had a 21.3 percent increase. Instead they are one of the 12 districts that will receive nothing. Costs have increased 13 percent related to professional services. This is not unique to DSCD, it occurs in every district. Professionals are required to provide services to special education students. Given the fact that many of the professionals needed are not being hired, they are not getting people in the door as experts in the school system. They are required to provide services so they purchase professional services from external agencies. Those costs have increased in the last five years by 513 percent. The costs going towards the students are incredible. Their general fund provides a $4.2 million transfer, or 10 percent of the general funds revenue is being transferred to their special education students.

Phyllis Dowd, director business services, Churchill County School District, said in preparation for public comment today she polled all the districts in the state. Thirteen responded to a last minute request on their transfers from their general fund into their special education fund. The overall state average for the 13 districts is that 13 percent of their general fund goes into the special education fund to pay for those needs. She added they are not held harmless from inflation. They still have increasing costs. When the legislation was passed they were excited about the new funding and the increased allocation for special education. But she does not agree with how it was allocated to just a handful of districts and it did not reach all districts in some manner.

Patrick Gavin, director, State Public Charter School Authority (SPSCA), confirmed that pursuant to NRS 388.159, the SPSCA is the local education agency for the purpose of directing proportional funds from federal and state categorical programs to charter schools that it sponsors, or is sponsored by the Nevada System of Higher Education (NSHE). For schools that are sponsored by local school districts, the district is the LEA. Mr. Gavin stated it is unacceptable for any charter school to exclude a special education student from enrollment. He shared member Stephen's concern and outrage with the situation she described and concurred with Deputy Attorney Ott. He asked that she provide the details of what occurred in writing and any supporting information about which charter school committed the violation.

Future Agenda Items

Member Wakefield requested a presentation about charter governance at the Board level. He expressed concern about communication and would like to discuss district and NDE communication. He asked for a briefing about the Achievement School District, how it works, and a school list can they vet before formal decisions are made.

Member Holbrook asked for an update on cut scores for the End of Course exams.

Vice President Newburn said the Board has a role in the CCSD reorganization and asked for information about what their responsibilities are, and what the issues are before comes to a meeting.

The meeting adjourned at 1:24 p.m.