

NEVADA DEPARTMENT OF EDUCATION  
REGULATION MEETING  
JULY 31, 2017

**Meeting Locations:**

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

SUMMARY MINUTES OF THE REGULATION MEETING

DRAFT

*(Video Conferenced)*

**DEPARTMENT STAFF PRESENT:**

**In Carson City**

Brett Barley, Deputy Superintendent, Student Achievement  
Kris Nelson, Director, Career Readiness, Adult Learning and Education Options  
Dave Brancamp, Director, Standards and Instructional Support  
Donna Wix, Education Programs Professional  
Amber Reid, Education Programs Professional  
Karen Johansen, Assistant to the State Board of Education  
Shawn Osborne, IT Technician

**In Las Vegas**

Steve Canavero, Superintendent of Public Instruction  
Dena Durish, Deputy Superintendent, Educator Effectiveness and Family Engagement  
Kim Bennett, Administrative Assistant

**LEGAL STAFF PRESENT**

**In Carson City**

Greg Ott, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

**In Las Vegas:**

Tim Lorenz, Odyssey Charter Schools  
Gia Moore, Clark County School District  
Heidi Arbuckle, Clark County School District  
Hope Nulf, Clark County School District  
Brian Scroggins, State Public Charter School Authority  
Phylitia Jamerson, SESS  
Dan Tafoya, Clark County School District  
Brandon Moeller, Clark County School District  
Craig Stevens, Clark County School District  
Shannon LaNeve, Clark County School District  
Abbe Mattson, Explore Knowledge Academy  
Michelle Guthrie, Odyssey Charter School  
Antoinette Cooper, Clark County School District  
Rodney Foutz, Clark County School District  
Jose Linares, Clark County School District

Kevin Biesinger, Clark County School District  
Shelly Stamp, Clark County School District  
Kyle Konold, Delta Academy  
Jeff Halsell, Clark County School District  
Chuck Sebek, Clark County School District  
Ben Gerhardt, NWA  
Dawn Burns, Clark County School District  
Rebecca Meyer, AARSI  
Manny Lamarre, Governor's Office of Workforce Innovation  
Jenn Blackhurst, HOPE  
Lisa Ramirez, Nevada Teacher of Tomorrow  
Gwen, LaFond, Doral Academy  
Ken Sobaszek, Legacy High School  
Tony Alexander, Gender Justice Nevada  
Jesse Welsh, Clark County School District

### **Carson City**

Pat Hickey, Charter School Association of Nevada  
Bryn Lapenta, Washoe County School District  
Jeannine Bell, Washoe County School District  
Ryan Smith, Washoe County School District  
Cheri Dimartino, Washoe County School District  
Byron Green, Washoe County School District  
Erik Jimenez, Academia Connections Education  
Lindsay Anderson, Washoe County School District  
Erica Nannini, Nevada Connections Academy  
Tom Greene, Excelin Education  
Mary Pierczynski, Nevada Association of State Superintendents  
Allison Combs, Nevada System of Higher Education  
Crystal Abba, Nevada System of Higher Education  
Elvira Diaz, Transgender Allies Group  
Brooke Maylath, Transgender Allies Group  
Janine Comoletti, PFLAG  
Kendra Fox, Washoe County School District  
Danna Ryan, Washoe County School District  
Debra Biersdorf, Washoe County School District

### **Call to Order;**

The meeting was called to order at 9:03 A.M. with attendance as reflected above.

### **Public Comment**

There was no public comment.

**Public Hearing on proposed amendments to R131-16; NAC Chapters 386 and 387. The proposed amendments concern: authorizing a pupil at a multi-campus school to matriculate to another campus of the multi-campus school; authorizing the sponsor of a multi-campus school to close a campus of the multi-campus school without closing the multi-campus school; authorizing the sponsor of a charter school to require the governing body of the charter school to develop and submit a plan for the recruitment of pupils; establishing provisions relating to enrollment at a charter school; requiring a charter school to provide certain notices to pupils and potential pupils; establishing provisions relating to the restarting of a charter school; establishing provisions relating to weighted lotteries for admission to a charter school; requiring a sponsor of a charter school to submit an application to the Department of Education before accepting an application to form a charter school in certain circumstances; establishing various provisions relating to audits of**

**charter schools; authorizing a committee to form a charter school to create an organization to raise funds on behalf of the charter school in certain circumstances; and providing other matters properly relating thereto.**

The hearing was opened at 9:07 A.M.

Steve Canavero, Superintendent of Public Instruction, stated this is the second public hearing for R131-16.

Patrick Gavin, Director, State Public Charter School Authority, provided an overview of this lengthy regulation. The first several sections align the definitions of multi-campus and a single-campus school with existing regulation in NAC 388A related to multiple and single campus schools. Section 4 describes how matriculation patterns and enrollment processes work between the campuses of a single charter school. Section 5 relates to the authority of sponsors to amend the written charter or charter contract to close the single campus of a school without closing the multi campus school. He recalled the State Board of Education approved regulations last year providing for the issuance of separate school codes and ratings for campuses of multi-site charters. This is critical; there are a number of charter schools which have enrollments larger than median school districts. Section 6 and following sections relate to enrollment, specifically related to capping enrollment and the restriction of schools from operating more than one county. Section 8, in areas related to specific prohibitions that exist in federal law ensuring state accountability limiting charter schools ability to engage in a number of exclusionary or otherwise discriminatory practices, including but not limited to admissions testing, the participation in informational meetings or interviews, the use of fees as a barrier to initial or ongoing enrollment, the submission of pupil records including but not limited to Individualized Education Program (IEPs) during the initial application phase, the completion of affidavits to home school, or other areas that are prohibited.

Subsection 3, page 5, specifies a charter school may administer a test to a pupil once he or she is enrolled in a school for the purposes of determining appropriate academic placement. A school should be able to determine a student's needs and design an instructional program that is appropriate to those needs after a student has enrolled. The beginning of Section 9 includes proposed language from Nevada Virtual Academy that Mr. Gavin read into the record: *charter school shall notify the families of all potential and enrolled pupils*. Section 10 relates to enrollment requirements related to the authority and obligation of sponsors and the NDE under state and federal law related to the tracking of enrollments for students who are in charter schools.

Section 11 relates to the concept of re-start in S.B. 460 of the 2017 Legislative Session. Section 12 is an important change that aligns state policies with federal law providing for the use of weighted lotteries under certain limited circumstances and also clarifying what is not permissible, most notably the establishment of any racial quotas. Of importance is bullet B, sub-bullet 7, providing for an admissions preference for pupils who were recently enrolled in a public school that received an annual rating established as one of the two lowest ratings, possibly indicating under performance of the elementary or middle or high school levels, pursuant to the statewide system of accountability. Section 13 is conforming language to align with codification of the statute and areas related to sponsor accountability to the NDE, the provision that in the event the sponsor has not accepted or reviewed applications to former charter schools for three consecutive years, that the sponsor must re-apply to the Department to sponsor additional schools before accepting such applications. That was a statutory innovation from A.B. 489 of the 2013 Legislative Session creating the State Board and the Superintendent of Public Instruction as having specific oversight over sponsors.

Section 14 codifies what is already in existing practice, which is the capping of enrollment both school wide or a grade level as well as the allowance for specific student-teacher ratio in the charter. Sub-section 3 of section 14 codifies what is in existing practice which is the expectation that charter schools immediately fill or back-fill spaces when there is a vacancy. Section 13 is new language related to the definition of the term *deliberately causes the decline in the enrollment of pupils* as used in NRS 387.1223.

That is important to ensure the limited circumstances under which the payment of hold harmless due to a condition imposed by renewal or an amendment solicited by the school that those kinds of changes should not allow.

Section 18 and following, relates to clarifications of how schools and non-profit fundraising entities affiliated with schools need to be structured to ensure compliance with the OML and a variety of other statutory requirements. This is important given there are schools that have historically used that fund raising as an informal educational management organization hiring staff that then provides services to the school.

Section 19 relates to the auditing of charter schools and clarifies the specific requirements. He noted one area with proposed amended language from the initial draft is in sub 4 of this section where it attempts to align the expectations related to what is included in the audit to include findings of compliance by that auditor with the performance indicator for organizations and finance set forth in the performance framework for the charter school. There are some cases where the auditor has not performed the appropriate agreed upon procedure audit of these areas and boards been unaware of potential legal issues as a result. This is an attempt to ensure the governing board of the charter schools are well informed of issues as they arise.

Section 20 relates to the review of those audits by the sponsor and the provision that in the event that the school does not take appropriate corrective actions that there are mechanisms in place for the sponsor to take appropriate oversight action against such schools. The remaining sections of this regulation are parallel conforming language omitting the term written charter as that will expire in early 2020.

### **Public Comment**

Ben Gerhardt, Director, Federal Grants and State Assessments, Virtual Academy, said he was representing Yolanda Hamilton, head of school, who could not attend the meeting today. Dr. Hamilton submitted concerns to Superintendent Canavero and Director Gavin on proposed amendments. Comments submitted in April 2017 raise concerns with four new provisions proposed by Director Gavin.

- Section 7 – Nevada Virtual opposes subsection 3 which prohibits the sponsor to unilaterally prohibit enrollment for specific counties. Nevada Virtual’s ability for students statewide is part of the schools mission. No child should be told they cannot participate based solely on their zip code. The rule is not justified.
- Section 8 – The proposed regulations would prohibit certain orientation requirements from being placed on a student prior to applying, enrolling or attending the charter school. Students should not be screened during the enrollment phase. Schools should have the flexibility to hold onboarding orientations sessions for students and their families after they have enrolled and prior to the first day of school
- Section 9 – Change *pupils* to *families*.
- Section 16 – Suggested that all of section 16, which attempts to interpret the term “*deliberately causes a decline in the enrollment of pupils*,” as used in NRS 387.1223 be deleted. By definition, an involuntary action, imposed by a third party, cannot be defined as “deliberate”. The definition conflicts with statutory language.
- A new concern related to Section 8, sub-section 2, requires that a school submit its marketing material for the sponsor for approval. This past legislative session proposed statutory language that marketing material be regulated. The Legislature disagreed with that level of intrusion and struck it from the bill. Including this in the regulations would seem to be a conflict with the legislative intent.

Kyle Konold, Delta Academy, commented about Section 8, subsection E1, CCSD sponsored charter

schools such as Delta are not their own LEA and are not required to provide the full spectrum of Special Education requirements that SPCSA-sponsored schools are required to meet. The school would end up harming the student if they were forced to accept them under the new regulation. Mr. Konold noted that in Section 14-3 the work “immediately” was added to the proposed regulation and historically Delta Academy sees a lot of credit deficient 12<sup>th</sup> graders enrolling late in their senior year, but this drives the graduation rate down to 17 to 20 percent.

Section 19-2A, the process of creating approved lists for the CPA audit, takes away from the charter school autonomy. As a charter operation, Mr. Konold said the responsibility should fall onto the school and should not be mandated by the sponsor. If an approved list were to be required, the committee that is formed to select these CPA’s should include members from all sponsors, not just representatives from the SPCSA alone. Superintendent Canavero asked Mr. Konold to clarify his concern regarding Section 8-E1. Mr. Konold said that some students require services that Delta Academy is unable to provide and if Delta were to be forced to service the pupil they may not be given the services they would otherwise receive if they had attended a different CCSD school. Superintendent Canavero emphasized that charter schools are required to be accessible to all students under state and federal law. Executive Director Gavin clarified that the proposed audit language is based on requirements from states that have higher achieving and more accountable charter school sectors. This regulation would provide greater clarity to auditors who frequently request guidance on how to audit charter schools consistent with state law.

Abbe Mattson, Explore Knowledge Academy, agreed with Mr. Konold regarding the CPA and the need to have district sponsored representation on the CPA selection committee. Ms. Mattson said that charter school marketing may be encroaching on the autonomy of the charter school. Ms. Mattson discussed Section 10-3, regarding the list of students who enter the lottery and are not selected. She asked if there is an issue giving student information to a third party when that student is not enrolled at the charter school. Ms. Mattson asked for clarification and said she would like to see the charter school audit guide.

The Charter School Authority reported that as both LEAs and authorizers charter school sponsors have obligations under state and federal law to ensure equitable and transparent enrollment practices. The Authority also noted that the proposed language was consistent with sponsor and NDE authority and obligations under federal law as part of the CSP grant. The procedures outlined in the regulations are consistent with best practice from states with higher quality and accountable charter schools.

Tim Lorenz, Odyssey Charter School, stated the essence of the NAC regulations are related to inclusion and accountability and Odyssey championed those ideas. He said the school applauded the Department for holding these aspects in high regard. Mr. Lorenz said Odyssey would continue to be a fully inclusive learning model with full accessibility to the CCSD resources. He hopes that charter school autonomy is not affected by this new regulation and would like to continue to work to fulfill Odyssey’s obligation to student advocates. He said Odyssey is committed to following the law and will work with the sponsor to provide top quality for all students in CCSD.

Erica Nannini, Attorney, representing Nevada Connections Academy, summarized written comments submitted just before the public hearing. She stated her concerns are with Section 2, 5 and 11, and the draft regulation as proposed in those sections by the SPCSA exceeds their statutory authority and violates the statutory requirements for the mandated regulations. As an administrative agency, the SPCSA is limited to those powers set forth in the statutory chapter through which the legislature created the agency, NRS chapter 388A. If the statute does not clearly grant a certain power to an administrative agency, then the agency lacks that power. Statute provides the authority with limited ability to adopt regulations related to process, procedure and the content of applications. Under NRS 388A.171, the authority has limited authority to recommend or propose changes in regulations to the NDE. The authority must make recommendations to the State Board and the NDE concerning any changes to regulations that would assist charter schools in achieving their academic, fiscal and organizational. She noted the following concerns;

- Section 11 – The SPCSA exceeds its ability to propose regulations under this section. She

recommends striking Section 11, or amend the section with the following language:

*Sec11.1 If the sponsor of a charter school revokes he written charter or terminates the charter contract of the charter school pursuant to NRS 388A.300, as applicable, the sponsor may restart the charter school by soliciting:*

*a.)Requests to amend the written charter or charter contract , as applicable, for expansion from operating charter schools; and*

*b.)Applications for a charter contract from committees to form a charter school and charter management organizations*

*The sponsor of the charter school shall review and evaluate such requests or applications on an expedited basis outside of its normal timeline for amendments or applications. The sponsor may select one or more such persons or entities to restart the charter school.*

*2. The sponsor of a charter school shall grant the person or persons selected by the sponsor to restart a charter school pursuant to NRS 388A.300 the right of first refusal to acquire any assets of the previous charter school, including, without limitations, any facility owned by the previous charter school. Such person or persons may enter into negotiations to assume a lease of the previous charter school or secure a new facility in close proximity to the previous schools.*

Ms. Nannini argued that the SPCSA’s proposal in Section 11 far exceeds its statutory authority should the NDE consider the proposal, and urged the Department to clarify the scope as outlined to prevent the potential of misuse of the section in pending and future closure proceedings.

Some of the concerns Ms. Nannini listed with Sections 2 & 5: Multi-Campus Proposal include:

The SPCSA exceeds its authority in proposing that the NDE adopt regulations that 1) create the term “*multi-campus school*” under Section 2 of the draft regulations, and define the term as “*a charter school that operates two or more campuses, each of which has a distinct academic leader who is responsible for its staff and each of which may serve the same group of grade levels or differing groups of grade levels, under one written charter or charter contract, as applicable,*” and then 2) provide that “*the sponsor of a multi-campus school may amend the written charter or charter contract, and applicable, to close a campus without closing the multi-campus school*” under Section 5. By proposing the draft regulations, the SPCSA is effectively causing these regulations to be adopted, should the NDE accept the SPCSAs proposal, violating both the language and spirit of NRS 388A.168, as the SPCSA previously recognized, it lacks the statutory authority to unilaterally compel amendment of a charter contract in this manner.

Ms. Nannini stated that the substantive proposals far exceed the SPCSA Authority, which is limited to certain processes, procedure and application which puts Director Gavin in violations of NRS388A.196(4). Also, because the SPCSA does not have the authority to adopt regulations like those proposed in Section 5, it proposes the same to the NDE with proposed language that appears to conflict with existing statutory mandate. Though the SPCSA can adopt regulations regarding the “*process*” for submission of an application to amend a written charter or charter contract and the contents for the application, the SPCSA does not have the authority to determine that a sponsor can unilaterally amend a charter with no apparent regard for statutes which require sponsors to follow certain closure procedures and triggers existing amendment procedures. Neither the SPCSA nor the NDE has the authority to adopt regulations that prescribe the substantive nature of charter amendments, which happens to overstep executive rulemaking boundaries to predetermine a sponsor’s rights in the event of an amendment to a charter contract – violating the constitutional right to freedom of contract.

Additionally, Ms. Nannini noted:

- As its overreach with Section 11, the SPCSAs recommendations to the NDE in Sections 2 and 5 are not permitted under NRS 388A.223 because neither appears to “assist charter schools in

achieving their academic, fiscal or organizational goals.”

- Section 5 as proposed exceeds the agency’s statutory authority and creates an overly broad means of bypassing closure requirements; it violates the purpose of the SPSCA stated by the Nevada Legislature. The SPSCA lacks the ability to recommend Sections 2 and 5 under *Andrews*
- The SPSCAs proposals in Sections 2 and 5 are an attempt to changes the outcome and potential remedies in a contested proceeding.

Ms. Nannini concluded that Sections 2 and 5, should the NDE adopt them as regulations, would allow the SPSCA to circumvent the hurdle, exceed the statutory authority for the agency, and would unfairly prejudice Nevada Connections Academy after the school has invested significant time and money in its attempt to both cure the cited deficiently and defend closure proceedings pursuant to existing Nevada law. Superintendent Canavero stated, for the record, that the legal regulation language is drafted by LCB. In terms of her authority argument, it appears that LCB (audio difficulties) He has not received notification from LCB related to the regulations today that they exceed statutory authority.

Superintendent Canavero said he would take other matters that have been raised under advisement, and then proceed with these regulations based upon that information.

The hearing closed at 10:39 A.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 385, relating to NAC 385.602; NAC 385.6065.** Change quarterly report due dates to October 1, November 30, February 15 and May 15;

The hearing was opened at 10:39 A.M.

Donna Wix, Education Programs Professional, Private Schools & Opportunity Scholarship, noted that part of the posting indicated there were more than just dates to change, however those changes were addressed in a guidance memo. The private schools and the one public school registered for participating in the scholarship program, along with the scholarship grant organizations (SGOs) were notified. The reason for the change of dates is that the original dates began with the first quarter of the report, August 15. During the two years this program has been operating, only one of the SGOs made a payment to any schools before August 15. Many of the schools did not start their calendar year by that date. Researching planned payment dates, Ms. Wix requested the due dates for the quarterly report of October 1, November 30, February 15, and May 15. All payments will be allowed to be made prior to those reports being due which still allows for the fifth report the schools must submit with academic progress to not have a conflicting timeline with the final quarterly report.

Superintendent Canavero clarified that the support material includes seven bullet points, but the only one being considered today is the first point. Ms. Wix concurred and said the later dates proposed by the SGO could make it difficult to produce requested reports as a result of quarterly report due dates. It helps to have clarity in timelines and separate report due dates. Superintendent Canavero explained that the June 15 date overlaps with other calendared reporting dates and there could be a mix-up of what needs to be submitted.

#### **Public Comment**

Denise Lasher. American Federation for Children said it was her understanding that what is changing is required by the SGO. One of the advantages of changing the last due date, and she supports a June 15 date, is then the SGOs would have all their data for the entire year. If it is May 15, there may be other partial payments that would be made and the total amount of payment any single student receives from all

the SGOs could not be synced. It would be an accurate year-end report of the data versus if it is done on May 15 because there is still a possibility there may be additional payments or transfers of monies.

Ms. Lasher asked about Guidance Memo 17-17 issued July 10, 2017. Superintendent Canavero replied that guidance memos are not formal regulations; rather they fill the void between a regulatory set and the policy by the NDE. Guidance memos are formal communications offered to ensure that people comply with the regulations.

Ms. Lasher suggested a workshop on items in the guidance memo to clarify why some information is collected under the academic progress report such as the recipient's behavior, their GPA and their academic rating based on a teachers input. Some of those items are subjective information and good data on academic progress and gains of the students is needed. She questioned some of the objective data and whether it is the same data being collected from every K-12 student in the state, or would those items pertain only to kids on the scholarship program.

Prior to awarding a scholarship it states the school must be contacted to determine whether the child is actually enrolled in the school. Awarding a scholarship is different than making a payment. Many times students and families that apply have not selected a school yet, or have not been admitted to a school yet because they do not know if they are going to receive a scholarship. Ms. Lasher suggested it is verified the child is enrolled in the school prior to any scholarship payments. Not just the first payment, for every single payment.

Another item related to scholarship awards and relative to household size and income for a sliding scale of how much the SGOs would award, but because stacking is allowed and they can get scholarships from more than one SGO it negates a sliding scale. They could get a 50 percent scholarship from SGO1 and a 50 percent from SGO2, so now they have the maximum amount that can be awarded. There is no guidance regarding a sliding scale and how it would be monitored. It would be helpful to have a workshop on the guidance memo to receive public comment on these items.

Superintendent Canavero said he would request that Ms. Wix convenes a group for a phone conference to work through details of the guidance memo.

Brian Reeder, AAA Scholarship Foundation, said he looks forward to working with Ms. Wix and the June 15 date.

The workshop was closed at 10:53 A.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 394, relating to NAC 394.025; NAC 394.200.** Replace *Northwest Accreditation Commission* with a nationally recognized organization for K- 12 schools. [5 replacements]

The workshop was opened at 10:53 A.M.

Ms. Wix stated NAC 394 refers to the Northwest Accreditation Commission, but in reality private schools are accredited by many groups. Northwest is no longer the main group it was when the NAC was written. Now they are a subsidiary of Advanced Education and schools can go to any number of accreditation commissions, some of which have a relationship with Advanced Education. Others are affiliated with commissions that are recognized by the U.S. Department of Education. Rather than listing a dozen or more accreditation commissions, MS. Wix acknowledged there are many and the verbiage was changed to "nationally recognized accreditation organizations for K-12 schools".

There was no public comment.

The workshop was closed at 10:55 A.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 394, relating to NAC 394.050 Qualifications of staff; reports; annual directory of private schools; NAC 394.160 – local occupational permits; background investigations; reputation and character of officers and staff of private schools; NAC 394.165 - memorandum of understanding between Department and local law enforcement agency; NAC 394.225 – employees of private schools; occupational permits; reports; NAC 394.225 – employees of private schools; occupational permits; reports; conviction of crime; background investigations.**

The workshop was opened at 10:55 A.M.

Ms. Wix stated the proposed amendment is to eliminate the requirement for social security numbers when sending information, especially related to the applications and declarations for private school licenses. This information is not used at the NDE and since those documents are open for public record, there is no reason to include the social security numbers. Another proposed change is to allow private schools to be responsible for the criminal background checks on their employees, especially those that do not have an educator license from the NDE. This would keep the responsibility at the school site; it expedites getting the information in place so teachers can be hired and functioning in their roles. The NDE would no longer issue occupational permits which are letters stating a person has an acceptable background check.

It was discovered when checking enforcement agencies across the state that none of them know about having MOUs to take care of background checks. It seems appropriate to have those background checks go through public safety and the FBI via the school as is done through the licensure office with the NDE. Private schools are eligible to have an account with the Department of Public Safety under the Adam Walsh act. Private schools shall not knowingly employ any person who has been convicted of a felony of an offense involving moral turpitude unless it is permitted by their private school governing board.

Superintendent Canavero noted there may be more areas to consider related to bills from the 2017 Legislation session.

There was no public comment

The workshop closed at 10:58 A.M.

**Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388 (Regulation R111-15), which prescribes a policy for use by all school districts and public schools and charter schools to provide a safe and respectful learning environment (NRS 388.135).**

The workshop was opened at 11:02 A.M.

Amber Reid, Social Work Liaison, provided an over view of S.B. 504 from the 2015 Legislative Session that created the Office for Safe and Respectful Learning Environment. The bill required the NDE to prescribe by regulation a policy for ensuring safe and respectful learning environments. Senate Bill 225 from the 2017 Legislative session requires the NDE to amend the policy to include requirements and methods for addressing the rights and needs of persons with diverse gender identities or expressions. NRS 388 specifies the legislature will ensure that public schools in Nevada will provide a safe and respectful learning environment in which persons of different beliefs, races, colors, national origins, ancestries, religions, gender identities or expressions, sexual orientations, physical or mental disabilities, sexes or any other distinguishing characteristics can realize their full and academic and personal potential. NRS 651 prohibits discrimination in places of public accommodations.

Research consistently demonstrates that when compared to their peers, lesbian, gay, bisexual, transgender, questioning (LGBTQ) youth suffer increased rates of violence, both inter-personal and from their peers.

They feel disconnected from others, do not feel safe at school or in their community, are more likely to abuse substances and suffer from depression or other mental health issues. They comprise a large portion of the population of homeless teens and have alarmingly higher rates of suicidal attempts. In addition to poor outcomes in terms of physical or mental health, LGBTQ students also suffer from poor academic outcomes when compared to their peers, including increased rates of truancy, lower grade point averages, lower rates of continued education through college attendance, and they experience a higher and disparate of exclusionary discipline practices. Concept of school push out has been applied to marginalized populations that are on the receiving end of zero tolerance disciplinary practices for minor and vague infractions which push the student out of the school and into the juvenile system thereby feeding the school to prison pipeline.

It is important to consider the effects that being a member of more than one marginalized population has on the experience of students. Research has found that policies which have traditionally focused on student safety and the creation of safe and supportive learning environments primarily through anti-bullying programs only scratch the surface in supporting the needs of sex gender diverse students. While focus on safety should be the primary concern, feedback from LGBTQ students indicate that more comprehensive supports are still needed. There continues to be a high level of disconnect between what research consistently demonstrates as core elements which are crucial to the support of LGBTQ students and the specifics of district, state or federal level policies. Today there is an opportunity to bridge that gap.

#### Public Comment

Laura Hernandez, parent of a transgender student in CCSD, is an advocate for transgender students in CCSD, and has supported over 50 students to transition in CCSD schools over the last three years. She joins families in meeting with their children's schools to support both the family and school in the process, and to ensure the student's needs are being met. Currently she is working with six students that are transitioning prior to the beginning of the coming school year. These numbers will grow year by year as more students are supported in coming out. This is why it is important that regulations are updated to reflect the diversity that exists.

Kelly Edmundson, Lead Safe School Professional, Carson City High School, and SAGE a group advocating for gender equality, informed that SAGE is a diverse club made up of LGBTQ students and staff as well as allies who commit to fostering a safe and respectful learning environment for all gender diverse students. They provide community resource referrals to students and their families and work collaboratively with Carson High School administration to increase awareness, acceptance, and cultural competent support to sex gender diverse students. She voiced support for S.B. 225. All students have a right to a safe and respectful learning environment and this includes creating an environment of acceptance, free of bullying and discrimination. LGBTQ rights are human rights.

Janine Comoletti, President of Parents, Family, and Friends of LGBTQIAP Community, said they are a non-profit with a mission to educate, advocate, and support the LGBTQIAP community. She is also employed as a substitute teacher in the Carson City School District. Her concerns include lack of training for substitutes teaching LGBTQ students. It is especially challenging when substitutes are unaware of a student's identity. Information on attendance sheets may be misleading. Unless a student has an official gender and name change, their records will miss-identify their gender identity and name. This can be potentially traumatic for a student who is miss-gendered in front of their peers. It is critical the attendance systems are reviewed and allow a child to get their gender identity status next to their chosen name, no matter what their legal status. She proposed training for substitutes as well as other adults in the school systems.

Brook Maylath, President, Transgender Allies Group, said they are proud to have worked closely with WCSD to create Nevada's first inclusive transgender and gender diverse student policy, one that has been held up as a national model through the NDE under the Obama administration. This type of policy helps tremendously in being able to accept and affirm transgender and gender diverse students to be able to diminish the negative outcomes from bullying, and miss-identification throughout the school system. Kids

need to be protected in an understanding way from the time they express that they are different and need to be accepted and affirmed.

Sydnea Hanses, Paraprofessional, Dayton Intermediate School, said one of their issues is sex education. Last school year Dayton Intermediate School had their first sex education class in ten years. The amount of information they had for anyone who was not hetero-normative was none. A question came up in class about being gay and the teacher answered the question in an honest way. A student complained to their parents about the question, the parents took it to Lyon County School District and sex education was stopped for a long time. Students who are different are bullied and suspended for being different.

Tobias Arreola, Carson High School Student, said he had an opportunity this past year to work with teachers and staff while creating the Students Advocate for Gender Expansivity (SAGE) club at Carson High School. The initial role of the club was to provide a safe place at school where members of the LGBTQ community can meet and talk with other members. It provided an opportunity to connect with others that have similar experiences at school. This club began with five members and has expanded and grown stronger creating a bigger community at school where people are proud and feel safe. Tobias said he was picked on and bullied because he identifies as being male. The club has given him the ability to go back to school with confidence. Without the club he would not be in school. It is not a matter of being lazy, rather you cannot learn because too many try to keep you from learning. It is important for every school to have a similar support system for students to connect with one another.

Zackery Hames, Advanced Psychiatric Registered Nurse (APRN), in California and Nevada, and a seven generation Nevadan, said he belongs to the board of directors for a few LGBTQ organizations that work with youth and their families. He has seen the high end flux in bullying issues with these youth that has escalated into suicide, substance abuse, and mass amounts of depression leading to high levels of mental health issues. He works with two groups in the Carson Valley and he hopes to see a safe learning environment for each and every student. Gay Straight Alliance (GSA), which he helped establish at UNR, has helped but they are far from eliminating bullying in schools. He would like to see a plan in place to help educators and staff at school and train them about working with LGBTQ youth to establish a safe learning environment for all students. He would also like to see staff administration and educators help facilitate a safe caring compassionate environment no matter what walk of life, sexual orientation, religion or ethnic background.

Cody Jean Mancini, a student at Carson High School, shared his experiences growing up in a system that had no protections to ensure his safety. He came out in 7<sup>th</sup> grade in a conservative school in California. It was one of the most difficult journeys he has taken. He was offered zero protection and shelter from bullies. Day in and day out he was followed and bullied by a group of 8-10 friends. He was bullied and hurt physically and mentally because there were no rules in place to ensure his safety. He participated in a remediation and eventually was held responsible for all the issues, and punished for his conduct. Things got worse in high school, the bullying became harsher. He re-located to Las Vegas in his sophomore year. The bullying was more physical and he was verbally attacked daily in PE classes. He was tortured throughout school and was finally left alone in 12<sup>th</sup> grade. None of this should have happened; the school should have stepped in and stopped the bullying. He wants to ensure that kids in the LGBTQ community are protected and can grow up in a safe and stable environment.

Elvira Dias, parent of a transgender, said she has a son who determined he was transgender at 4 ½ years old. He had problems learning in first grade because he was concerned about who he was. Ms. Dias became an activist and fought for equality for transgenders who are Latino. When school policy changed and her son could go to the bathroom he chose and when he got support from counselors in the school he became an honor student in 6<sup>th</sup> grade. Today he is enrolled in middle school and they are calling him by the wrong name. To love life and our kids, they need respect for who they are, whether one is in agreement or not. We need to support our children and bullying is not good. Forty percent of the student transgender community tries to commit suicide.

Koda, a student, spoke about her experiences in public schools. She attends a charter school and her biggest issue with public schools is physical education, where students must go into a locker room and change clothes in front of other students. When she attended public school she had to change clothes with the same sex, although she did not identify with being a female. Having gender dysphoria made it difficult for her and caused her to have many self-esteem issues. It is hard for transgender people to explain to others how they feel about themselves when they get bullied and harassed. She was seen as a freak going through middle school because she liked girls and identified as a boy and was the oddball of the class. She wishes the educational system would be able to teach their teachers how to help identify children and stop the bullying.

Hope Nulf, special education teacher, CCSD, noted a couple of things are missing from discussions about school systems and kids that are in trouble. Kids are only as safe on campus as the teachers feel on campus. Mr. Nulf said he has been the designated gay at his school for seven years. If a teacher has a question about how to teach a gay student, they come to him. There are seven teachers at his school that are not out, but would like to be. A school environment cannot be created where children feel safe if the teachers do not feel safe. He noted that educators are often unwilling to learn about new issues and suggested they find a new profession.

The workshop was closed at 11:47 A.M.

**Workshop to solicit comments on proposed new regulations for compliance with Senate Bill 213.** AN ACT relating to education; authorizing the Superintendent of Public Instruction to carry out an inspection of a provider of special education in certain circumstances' authorizing the Superintendent of Public Instruction to take certain measures to ensure compliance with the law governing the education of pupils with disabilities in certain circumstances.

The workshop was opened at 11:48 A.M.

Will Jensen, Director, Special Education, explained that S.B. 213 creates an opportunity to enhance the current district and student support options. Prior to this regulation issues of compliance were relegated to official IDEA complaints which are federally regulated. Occasionally some of the complaints did not meet the federally regulated process. The expectation of S.B. 213 is to work quickly, concisely and collaboratively with districts and constituents to remedy issues. The result is an expedient remedy, a less costly option and a process that preserves relationships that are essential.

The superintendent of public instruction will determine if there is cause to conduct an inspection of the provider of special education and the type of inspection needed. If the inspection concludes there are issues of compliance with state and federal laws regarding students with disabilities and the carrying out of their rights, then they will work with the district to create a plan of corrective action. The proposed regulation does not depart from federal law. This is a change in direction for the NDE and specifically the superintendent's office and its involvement with non-compliance.

In response to questioning from Superintendent Canavero, Mr. Jensen clarified that this process is one option for a constituent or a parent bringing a concern forward. There is no pre-requisite to exhaust this remedy before taking other steps in the two remaining processes. A family currently has the right to choose a due process hearing. Nothing in the legislation, or the plan to regulate would cause them to not have access to the two other remedies available. Mr. Jensen is hopeful this process delivers the results everyone wants, which is a service to students that they are entitled to, and clarification for families regarding their rights. Funding a parent training organization in Nevada is required which is where the primary work of informing the public will occur. The special advisory committee will be accessed and will be comprised of multiple constituents across the state with specific interests in special education.

There was no public comment.

The workshop was closed at 12:01 P.M.

**Workshop to solicit comments on proposed amended regulations for compliance with Senate Bill 544.** Proposed changes would amend NAC 388.435; eligibility and service.

The workshop was opened at 12:12 P.M.

Mr. Jensen explained that he oversees Gifted and Talented Education (GATE) at the NDE. Senate Bill 515 from the 2015 legislative session specified that GATE funds were to be delivered to students on a per pupil basis. Legislators questioned service when the change was made to support students on a per pupil basis. The way the law was written and regulated allowed for students being funded because they were identified. However, they may not have received GATE services in accordance what is currently regulated.

The regulation today is about the student being identified through an existing state approved process. The student is being served by a teacher who is licensed and trained to deliver service to this unique population. Funding was increased over the next biennium in two bumps. The federally reported October 1 count was referenced with the funding level that was established for GATE. Regulated changes have been discussed over the course of a year. The intent was to service and identify the funding apportioned for FY18. Some districts were concerned by the October 1 look-back. Mr. Jensen's response was *if we do not do the year look-back with the legislative expectation, it needs to be understood that all districts are going to follow that set of rules and circumstance*. Mr. Jensen stated that all of the funding that goes out of his office for special education and GATE is based on the October 1 count. In discussion with fiscal and stake holders, there has not been an overwhelming desire to regulate it.

There was no public comment.

The workshop was closed at 12:22 P.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 389, relating to the standards of instruction in the content area of social studies.** The proposed amendments revise the language in NAC 389.238 Kindergarten, NAC 389.2421 Grade 1 NAC 389.2437 Grade 2, NAC 389.254 Grade 3, NAC 389.2933 Grade 4, NAC 389.2942 Grade 5, NAC 389.372 Grades 6-8, NAC 389.511 Grades 9-12 to reflect the inclusion of Multicultural Education standards, as required in Assembly Bill 234

The workshop was opened at 12:22 P.M.

Mary Holsclaw, Social Studies Education Programs Professional, explained the proposed changes are a re-write of the 2007 Nevada Academic Content Standards for social studies. The amendments are based on the recommendations of the social studies revision committee and shifts in the field of social studies education to utilize the college and career framework. The 2017 draft of the Nevada Academic Content Standards for social studies have been approved by the Council to Establish Academic Standards.

Public Comment

Craig Stevens, CCSD, thanked the NDE for the work that has been done on the standards and for including all the voices that moved this forward.

The workshop was closed at 12:27 P.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 389, relating to the standards of instruction in the content area of health.** The proposed amendments revise the language in NAC 389.2423 Grades Pre-Kindergarten through 2nd grade, NAC 389.2938 Grades 3 through 5, NAC 389.381 Grades 6 through 8, NAC 389.455 Grades 9 through 12, to reflect the inclusion of

Personal Safety Standards for Students, as required in Senate Bill 394 (Chapter 389, *Statutes of Nevada*, 2015).

The workshop was opened at 12:27 P.M.

Andre' DeLeon, Education Programs Professional, stated the proposed amendments provide for student safety standards that will be used to educate students about how not to put themselves in situations that could cause danger.

The proposed addendums are collaboration between a task force from S.B. 258 and provisions in S.B. 354 to provide the standards, and for education stakeholders to implement the standards. In response to questioning from Superintendent Canavero, Mr. Deleon confirmed the standards were adopted by the Council to Establish Academic Standards.

There were no public comments.

The workshop was closed at 12:30 P.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 389, relating to the establishment of criteria by the State Board of Education for the Executive Officer to award grants of state Career and Technical Education.** (Chapter 388, *Statutes of Nevada*, 2017)

The workshop was opened at 12:30 P.M.

Kris Nelson, Director, Career Readiness, Adult Learning and Education Options, said that A.B. 482 from the 2017 Legislative Session called for the State Board of Education to establish criteria for the awarding of State Career and Technical Education (CTE) grants based on prescribed criteria.

Documentation provided today lists what is currently in statute along with proposed criteria that correlates with the Governor's education workforce initiatives and the Governor's Office of Workforce Innovation (OWINN) in S.B. 516. The additional criteria are based on the state longitudinal data and labor market information that aligned the high priority and in demand workforce development and education programs. It also includes priority career pathways for secondary and post-secondary education as identified by OWINN. Industry recognized credentials, certificates, and workforce development programs on education that OWINN is currently working on are also referenced.

Not included in A.B. 482, but suggested in the documentation provided in the proposed regulatory language, is CTE grant funding to allow for middle school programs to apply. Currently the Carl Perkins act allows for CTE funding in middle schools. Also proposed are the specific CTE programs of study listing under each of the six CTE program areas to be scaled down in regulation to just list the six areas. Currently there are 77 and those are developing and evolving regularly. Removing those and inclusion of additional 77 plus programs is overly prescriptive.

In response to comments from Superintendent Canavero, Ms. Nelson stated that the accountability of Perkins funding is moving in the direction of funding CTE programs and programs of study that align with Nevada's specific labor market information with in-demand high priority occupations and industry sectors. The state CTE funding is aligned with what is happening on the federal front. It is not inappropriate; it is data based decision making towards areas of needs that states identify. It also aligns with the OWINNs initiatives that this state CTE money comes from.

#### **Public Comment**

Jesse Welsh, CCSD, said making sure the funds are aligned to the programs in need is the right way to go. For existing programs, or for when a program may fall out of need, as long as there is flexibility with language to help off-road over a period of time it is the right way to go.

Patrick Gavin, Director, State Public Charter School Authority, noted that throughout the bill it refers to grants to both traditional school districts and the governing bodies of charter schools. The existing regulation, NAC 389.800, is silent on the matter of charter school participation eligibility. For the purpose of providing the grants in the new language that it might be valuable to note what the opportunities or constraints are in charter school participation.

He suggested because of the different natures of approval for charter schools to start up and operate there are opportunities for misalignment. An innovative proposal may need to wait a year or more after approval for a charter school to qualify for one of the grants. Mr. Gavin inquired whether there is an opportunity to align the processes to allow for innovative programs in this sector.

The workshop was closed at 12:49 P.M.

**Workshop to solicit comments on proposed amendments to NAC Chapter 389, relating to the passage of A.B. 7 (2017)**, which requires that the State Board of Education prescribes criteria for a pupil to receive a college and career ready high school diploma and its requisite endorsements, which must include requirements that the pupil: (1) satisfy the criteria for receipt of a standard high school diploma; and (2) obtain a college-ready endorsement or a career-ready endorsement. Furthermore, the State Board of Education prescribes the criteria for a pupil to obtain each endorsement.

The workshop was opened at 12:49 A.M.

Kristine Nelson, Director, Career Readiness, Adult Learning and Education Options, provided an overview informing that A.B. 7, section 41.5, specifies that the Board shall prescribe the criteria for the high school college and career ready diploma type. This is to include the same criteria for the standard high school diploma, plus the additions of the requirement for the college ready endorsement and a career ready endorsement associated with that diploma type. The Board is to prescribe the number of credits and courses of study that must be completed for each endorsement and prescribe any assessment that a pupil is required to pass for each endorsement, and prescribe any credential, certificate of certification that a pupil must obtain for each endorsement.

### **Public Comment**

Ms. Nelson read comments from Manny Lamare, Executive Director, OWINN. A.B. 7 will provide more nuance to what it means to be college and career ready. Mr. Lamare is in full support of S.B. 7 and the establishment of a college and career ready diploma type with its associated endorsements as they have been proposed.

Jesse Welsh, CCSD, said that his understanding is these endorsements will appear on both students' diplomas as well as on their transcripts. It is important for the endorsements to show on the transcripts. He recognizes the significant list with the different endorsements, diploma types and seals, both already existing and those recently adopted. The requirements for the college ready endorsement require passage of the corresponding exams for AP IB dual credit and those results are typically not received until July. His understanding is that if a senior was taking those courses and needed to obtain the endorsement, they could still earn it subsequent to their graduation so it would be on their transcript. That would be helpful.

It is also understood that students can get both types of endorsements, which is great. A couple other issues regarding the requirements on both the endorsement types, it lists that only two social studies credits are required for either the endorsements. However, the advanced diploma and the Guinn scholarship require three social studies credits. He questioned the disconnect, students who earn a college ready or career ready endorsement would not be automatically eligible for the Guinn scholarship. How can a student be college ready and not be ready for the Guinn scholarship? His last couple of questions, based on recent discussion, will the NCRC replace the end of program assessments for CT, and is that the plan moving forward? Is it known at what point this going to kick in, to what cohort do these changes apply?

Craig Stevens, CCSD, said a principal, Ken Sobaszek, Legacy High School was in attendance to make public comments but had to leave the meeting. Mr. Stevens thanked the NDE for creating a framework to prepare students for college and careers as they complete high school experiences. Mr. Stevens, along with some of

his colleagues, are concerned about some of the unintended consequences that may arise in review of the college and career readiness index.

Section 41.5, specifies criteria for college and career readiness. The Board adopts regulations for grants to be awarded to schools for each pupil who earned a career readiness diploma. The concerns are that some are equipped by design to offer varied diploma course work. This could ruin their ability to receive grants. Trend indicates at risk high schools could be severely limited to receive such grants based on current AP and advanced diplomas. This could promote a disparity for at risk students. Mr. Stevens inquired whether there is current funding identified for reimbursement cost for certifications?

Students would be required to make a four year commitment in order to pursue a college and career readiness diploma as they enter eighth grade in high school. Stanford University does not allow students to choose a major as a freshman. In regard to access when equity costs are associated with AP exams, IB courses and exams dual-credit and participation in internships concerns are unintended consequences on placing a price tag on advanced or college readiness diplomas. Not all schools have the equal ability to provide the curriculum and or facilities for students participating in course work needed to pursue the diplomas. Out of state transfer students could be penalized for being limited in their belief to pursue all diploma types based on their out-of-state transcripts. How can these students be identified so those that deserve these diploma types, and have earned them, can do so.

Crystal Abba, vice chancellor, Nevada System of Higher Education (NSHE) said they are extremely supportive of these regulations support the enactment of AB7. Ms. Abba stated they have some technical revisions to suggest. (See Attachment A)

Tom Greene, Foundation for Excellence in Education, echoed Crystal Abba's comments. This approach is innovative and comprehensive and is a shining example of how the bar should be raised to modernize education. He offered a minor edit regarding the 4-unit of AP and IB and the dual credit requirement for the college ready diploma. The career diploma is aligned and focused on the workforce needs of the New Nevada economy. He recommended adding that in the requirement for the college ready diploma and suggested certain courses should be prioritized to meet the requirement of others, such as AP computer science over AP psychology. During the previous academic year, 78 Nevada students took AP computer science and 41 of those students scored three or higher. About 1,982 students took AP psychology and about 1200 student received three or higher. Mr. Green noted that most will agree that the greatest employment opportunities will be for those students who are proficient in computer science and related fields.

Kindra Fox, Director of Curriculum Instruction, WCSD, stated she likes the requirements of the diploma. Her only concern is that in order to get the diploma you must have one of the endorsements. With the college endorsement, it requires the passing of the AP test and those results do not come in until July. It would be difficult to add that endorsement later, or not know whether a student earned that diploma then they graduate in June. Ms. Fox expressed confusion about the passing of the exam being aligned to dual credit. Usually students that take a dual credit, pass the class and she questioned the exam.

She also commented about the statement *and one of these with the IB diploma*; that is usually awarded for or five months later. There is an IB graduation in December, and she suggested a change in language to state *meet the course requirements of the IB diploma*, so students are not waiting to get the endorsement. Because AP tests are aligned to the seal, students often do not come back to get the seal put on their diploma. She is concerned the same thing would happen in this situation.

Bryn Lapenta, WCSD, commented that with the uniform grading scale, under NRS 389.007, there is the 3.85 GPA from the bill. It might be a good idea to keep the advanced diploma and have the standard diploma the advanced at a 3.25 with higher options than the standard, and the college and career ready with a 3.85 and even higher standards. She questioned the dual credit, and suggested it would be better to do this without the corresponding exams so there would be an alternative to issuing this diploma if we are not able to get that STEAM and STEM endorsement. She said it would be great to have a delineated path between OWINN and the districts so that they could determine how the internships were being conducted.

Ms. Nelson clarified that NRS 389.018 will change the core requirements for the standard diploma. Those become effective July1, 2010, a coincidence with that in the CCR diploma, keeping in mind that those academic requirements are changing in the standard diploma. She mentioned the current requirement in the

standard diploma versus the advanced diploma with regards to social studies. The standard diploma did not include any social science because the intent was tying the CCR diploma tied to the standard diploma.

The workshop was closed 1:33 P.M.

**Public Hearing and Possible Adoption of proposed regulation R108-15, adding provisions to NAC Chapter 388B to establish the process for selecting public schools for conversion to achievement charter schools;** Prescribe the procedure by which an operator will be selected for an achievement charter school; prescribe the order of priority for enrolling pupils in an achievement charter school; authorize homeschooled children and opt-in children to participate in classes and extracurricular activities at an achievement charter school under certain conditions; clarify provisions of law governing improvements to the building in which an achievement charter school operates; provide that multiple achievement charter schools may be considered one achievement charter school for purposes of its designation as a local educational agency; authorize the early termination of a contract to operate an achievement charter school under certain conditions; and provide other matters properly relating thereto.

The public hearing was opened at 1:33 P.M. Superintendent Canavero noted the process for R108-15 began with a workshop in August, 2015.

Deputy Barley provided history and background on the regulation to date. He highlighted that protections of students has been clarified including parent information, parent empowerment and what parents can do to help their schools improve. Accountability for school performance is maintained which is why the ASD was created in 2015.

Local interventions are honored with a voluntary school performance compact to allow for interventions that continue to work. Collaboration is ensured with the sharing of information and the timely notification of different parties throughout the process. Feedback received from districts about capital investments has been included.

Director Fieden summarized the proposed changes to the language t provided.

### **Public Comment**

Craig Stevens, CCSD, noted the list of suggestions from CCSD has grown shorter. He expressed appreciation for their concerns being addressed, specifically section 10 to remove the students not enrolled regarding the petition; section 13 of the three year period for performance compact and the clarification of a school cannot be chosen under the compact and section 24, subsection 2 which includes several items requests regarding the definition of capital expense.

He listed suggestions with the current regulation today:

- Section 7; subsection 1 – regarding the most recent school years. CCSD would like to have trend data over three years.
- Section 7; subsection 2 – requiring the school district to provide contact information within five days while limiting district ability to address concerns. Their concerns are when it comes to student data and parent data, giving five days to prepare the families for why information is being shared can be difficult. He would like to work through a process with the executive director on how to ensure families are informed and why information is being shared. Five days, providing all that information without parents understanding or knowing why it is being done is a concern and they would like to develop a process on how that information is distributed and how families are contacted so they understand why their data is going out to someone they do not know.
- Section 9 – The regulation allows any school, even a four or five star school to become an ASD school. This is an overreach of the intent of the ASD. The original intent did not include that the ASD would be expanded to schools that are four and five star schools. This goes against the

intent of the original ASD bill.

- Section 20, subsection 6a – this is regarding the hours that must be provided. He appreciates the protections put in for students because it is important. However, many schools, especially those that could be eligible for the ASD, provide full day kindergarten. If a school previously offered full day kindergarten before the conversion, would they be required to provide it afterwards.
- Section 22 – concerns about allowances to cap enrollment. Many schools are overcrowded and they want to ensure it does not conflict with the idea of taking every student that was in that zone including EL and special education students. He understands that there are capacity issues but they want to ensure that if an ASD charter school were to come in that the enrollment cap will not provide or not allow every student that is in that attendance zone to attend that school.
- Section 31 – CCSD appreciates its employees and understands why some would want to teach at an ASD charter school. However restricting their ability during financial circumstances could prove difficult. Staff would fall under the requirements of the CVA, and they should not receive any additional protections. They are still employees of the school district and would fall under the collective bargaining agreement. There could be a better way by following the CVA and should the district or state fall under financial hardships that the CVA is followed as intended.

Superintendent Canavero asked Ms. Fieden clarifying questions. (Intermittent audio difficulties)

Superintendent Canavero stated he would like Ms. Fieden to work with CCSD regarding the process, section 7, sub 2 to see if there is language that could be settled on as necessary. Kindergarten makes sense that we are not going to further regulate outside of voluntary full day K into full day K, that is a decision for the school community. The cap has been made clear, the intention is that this is to avoid capping artificially and that that 500 students means 500 students. He asked to hold back provisions in section 9 related to schools that are not eligible and subsequently only provide for that opportunity for eligible schools.

#### Public Comments

Jesse Welsh, CCSD, added that since AB 7 references NAC 389.625, the grading scale, he brought forward a request made by their board of school trustees regarding that section, sub 2. There has been discussion for those students who are participating in (audio difficulties) . Currently, in NAC, students get that bump in the GPA whether they participate in those exams or not. They would like to propose language that would say they get that GPA bump if they participate in those exams. The caveat is the cost and if that is part of college and career ready that might take care of that.

The meeting was adjourned at 2:05 p.m.