

NEVADA DEPARTMENT OF EDUCATION
REGULATION WORKSHOP
MARCH 28, 2017

Meeting Locations:

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

SUMMARY MINUTES OF THE REGULAR MEETING

(Video Conferenced)

DRAFT

DEPARTMENT STAFF PRESENT:

In Carson City

Steve Canavero, Superintendent of Public Instruction

Karen Johansen, Assistant to the State Board of Education

In Las Vegas

Kim Bennett, Administrative Assistant

LEGAL STAFF PRESENT

In Carson City

Greg Ott, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

In Las Vegas:

Ben Gerhardt, Nevada Virtual

Bill Garis, CCASAPE

Wendi Hawk, Chief Academic Officer, Nevada State High School

Dan Tafoya, Clark County School district

Jenn Blackhurst, HOPE

Jennifer Carvalho, Commission on Professional Standards

Shannon Ohlson, Staton Elementary, parent

Michael Vannozzi, TSC2

Anna Slighting's, HOPE

Barbara Konrad, HOPE

Glenn Christensen, CIC

Carson City:

Nicole Rourke, Clark County School District

Craig Stevens, Clark County School District

Shannon Yoelin, Washoe County School District

Pat Hickey, Charter School Association of Nevada

Ed Gonzales, Clark County Education Association

Call to Order;

The meeting was called to order at 9:04 a.m.

Public Comment #1

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.

Dr. Steve Canavero, superintendent of public instruction, opened the hearing at 9:06 a.m.

Patrick Gavin, executive director, State Public School Charter Authority, explained there have been many statutory changes related to charter school policies, most notably S.B. 509 from the 2015 Legislative Session. As a result of those changes Nevada qualified for one of the small number of charter school program grants. Some of the elements added in this regulation are intended to ensure implementation of policy necessary to be a high quality charter school state, including some areas related to enrollment and the inclusion of elements such as weighted lotteries.

Mr. Gavin discussed the proposed changes in each section. The first several sections are definitional and the SPSCA has adopted language related to these definitions regarding multi-campus school and single campus schools. The determination was made that the charter statute permitted a single operator to operate more than one campus under a charter. The current school performance framework treats those entities, regardless of size, as one single school. These definition elements are in large part to ensure campus by campus reporting can be done for the purposes of public transparency and to ensure parents are able to make fully informed choices. Also, to ensure that in the event there is variable across campuses that sponsors will have the ability to intervene appropriately. Sections 1 through 6 addresses governing bodies at schools have the ability to hold individual leaders of those campuses accountable. Mr. Gavin provided further details about the regulation.

Dr. Canavero asked to clarify that when referring to a charter school it can be a campus within a multi campus charter or a single campus. Mr. Gavin said for the purposes of the statute “charter school” refers to the entity as a whole, overseen by the governing body. He noted a charter school may operate more than one campus, all of which are component entities of the larger charter school, each of which can now be issued a separate performance rating as well as an aggregated rating for the school as a whole. The statute also allows for a single charter school governing body to hold more than one charter.

Dr. Canavero inquired if procedures by which a single charter school compact can add other campuses, thereby becoming a multi campus school under a single charter. Dr. Gavin said yes, proposed changes to NAC388A will allow for a charter school to amend its charter contract to occupy one or more additional facilities. That is the amendment process. There is also the process whereby a charter school governing body may choose to apply to the SPSCA to create another charter under the same governing body.

Dr. Canavero asked whether a single charter multi campus school would have performance ratings under the NSPF for each of its campuses underneath that parent charter. Dr. Gavin said that is accurate and the parent charter would also receive a performance rating because that is technically the school. Mr. Gavin

noted there is nothing in these regulations that interferes with the academic program of schools, the autonomy of schools to hire and fire staff, to engage with vendors or to make decisions critical to their autonomy.

Public Comment

Wendy Hawk, chief academic officer, Nevada State High School said the idea of splitting up the charter school campuses and having separate ratings is fantastic. They currently are operating three different sites under one charter. They also have two charters written to expand and create separate charters within those. They are a data focused school and can segregate their data so they know their demographics, what schools are in trouble academically, and if they see a school slipping then they are able to automatically create interventions.

Language in Section 7 addresses limiting restrictions on operating outside of instruction. As a school who wants to expand, and they have been known for 14 years has been one of the highest performing schools in the state and nationally ranked, being able to operate multiple charters within a charter as they are doing now outside of the county instead of having to write new charters for each one of those. When regulations are put on all schools it is difficult. Nevada State High School only has 11th and 12th grade students and their students are almost 100 percent enrolled in dual-credit courses at the colleges.

It makes it very difficult for schools like Nevada State High School when regulations specify that there is to be no testing upon enrollment. They do not test students but to get a college class at the proper level students must take placement tests for college to know what level they will be put in as a starting place. She suggested that it would be helpful to add a provision allowing for schools to inform why they are doing tests ahead of time that would allow for flexibility per the charters. There is also a provision that states transcripts, EL records, 504 records or IEP records cannot be requested when students are coming in. That is a problem she has fought for over 14 year, and it is the lack of school districts sharing records with charters. Until Infinite Campus can transfer those records straight across in a timely manner, this needs to be put on hold. They cannot get records for students.

Dr. Canavero asked to clarify that this would preclude her ability to operate multiple campuses outside of the county in which they are sponsored? Ms. Hawk said they cannot operate instruction outside the county in which they are already sponsored. Allowing some provision instead of restricting is allowing flexibility with provision. Dr. Canavero asked if she could suggest language in Section 7.

Ms. Hawk said not immediately, but she has notes that refer to restricting those schools. It sounds like when it says schools including distance education schools, that there is already the provision but there is not. Instruction cannot be operated outside of the county in which the school is located. They cannot go to Nye County where they have students that make the transfer to CCSD to attend school. They cannot offer support courses such as study skills classes in Nye County so students do not need to commute three times a week.

Dr. Canavero referenced Section 8 regarding assessments; basing an enrollment decision on the results from any test of the ability or achievement of a prospective pupil. Mr. Gavin clarified the intent in Section 8 is not to limit a schools best practice of offering or requiring a placement test once a student has been enrolled in the school. When a child is enrolled in a charter school and has completed the paper work, a placement test may be requested to determine whether the student should be in remedial English, English I or AP English. This is not about impacting what happens once a student is already enrolled, has started attending and has completed the paperwork. This is about beforehand to ensure, if for no reason other than there has been a perception at points in other states, where schools have placement testing before school begins. That has been perceived as being an admissions test.

Dr. Canavero asked if Section 8, subsection 1a were to read *administer a test to a prospective pupil and based on enrollment decision on the results from any test*, would that meet the intent? Mr. Gavin said it is twofold. It is impermissible under federal law to administer a test to a prospective pupil. That pupil must

already be enrolled. There is nothing in these regulations that precludes a school from assessing students once they are enrolled to determine the best placement for the child. Post 2015, the statute permits a charter operator to operate in more than one county, but if it would be helpful to clarify that based on Dr. Hawks concerns that would be appropriate.

Dr. Canavero referenced two items, one in section 7 and another in section 8. He asked Dr. Hawk about her concerns regarding sharing information and asked her to point out the section. Dr. Hawk said her understanding is that the Infinite Campus transfer of records is not going to happen again for any foreseeable future. If a parent comes in and does not write down that the student has an IEP, which occurs frequently, if and when they get the records the IEP information is not included. Records are not received in a timely manner and they could be out of compliance on an annual IPE or an evaluation and would be held accountable.

Regarding Mr. Gavin's comments about testing, they cannot enroll students until they have a full college schedule that is based on their college placement. They do not administer the test, but if students want dual-credit courses within their program, they need to take the placement test. They have to give those assessments, and they do proctor tests for the college including semester, mid-terms, and regular chapter tests. Not being able to give assessment tests until after the student is enrolled is putting the cart before the horse. It is miserable and they lose kids for enrollment because it is a tedious awful process that is worse for them than the families. They have to enroll, give the placement testing, show them how to build a college schedule, get their college schedule, send payments to the colleges, they have so much to do it can take up to a month to get a student processed to where they are able to enroll. She would like a one-stop shop such as traditional schools and their enrollment would be much higher.

Dr. Canavero noted Section 8 has areas that require clarification and Dr. Gavin is proposing to clarify and make clear to the public and the schools that you cannot screen students before they are enrolled. Enrollment cannot be based on those records, which Dr. Gavin is trying to protect by complying with federal and state law. He reserved section 8 and section 7 for further discussion before the regulations are adopted to come back with language that strikes the right balance. We want to honor federal rules and make sure it is clear to the charters that in some cases they are complying with the law, but this may open up a challenge.

Dr. Hawk, agreed, Section 8 has some provisions that bring red flags, it is about intent and trying to keep kids out of schools. It is frustrating that people do that and you have to put limits and restrictions on people. When it comes to the assessment part, she cannot send a student to a college for a placement test knowing they are on an IEP without saying lets go and help get your accommodation set up at the college. Again, the cart comes before the horse.

Dr. Hawk asked to clarify Section 8, subsection 1d specifying that there cannot be a mandatory information meeting or conference with a parent when they enroll their child. She asked for further clarification because they require parents are with students when they register. Would this be considered a one-on-one meeting when parents are there to sign registration enrollment documents with the student? She agreed with Dr. Canavero that Section 8 needs work to become more concise, clear and transparent.

Dr. Canavero asked Dr. Hawk to work with Mr. Gavin on Section 7 and 8, and then pending feedback the regulation can be adopted.

The hearing was closed at 10:28 a.m.

Workshop to Solicit Comments on Proposed Amendments to NAC Chapter 388G relating to education, specifically R142-16.Presentation and discussion of the Clark County School District's proposed changes, rationale for each change, and supporting evidence.

Dr. Canavero responded to a letter he received from Superintendent Skorkowsky on March 24, 2017, that

was in response to a letter Superintendent Canavero sent on March 22, 2017. The CCSD Board of Trustees withdrew their lawsuit, another discussion was held and then the CCSD board of trustees sued again authorizing the lawsuit. Dr. Canavero felt it was prudent to continue discussions outside of the public regulation procedure. He addressed additional comments from Superintendent Skorkowsky stating the public hearing notice is not highly unusual rather it is quite normal to hold more than one public hearing to receive further comments and feedback about the regulation.

Dr. Canavero noted some proposed language submitted from CCSD is specific but most is general. He would like to get specific to further understand CCSDs concerns with R142-16. When it became clear that the litigation was proceeding he decided to hold another regulatory workshop to continue the dialog. It is not his intent to hold multiple workshops to address step-by-step proposed changes but rather to combine the proposed changes and hold one workshop and then one public meeting.

Nicole Rourke, representing CCSD, said she was there to discuss additional proposed changes in response to the NDEs agenzized notice for today's workshop. As previously noted, the parties are in litigation and CCSDs appearance today does not waive any aspect of the court action. Her intent is to focus on the regulation and the items not discussed at the previous workshop. Ms. Rourke walked-through of all the proposed changes in the [document](#) submitted to the NDE regarding regulation R142-16, addressing each section.

Dr. Canavero thanked Ms. Rourke for providing the substantive changes in detail.. Member Newburn expressed appreciation for CCSD providing the changes in such a detailed format. He has concerns about the special education weights and a commitment was made to resolve the issue. (*audio difficulties*)

Ms. Rourke expressed appreciation for the opportunity to present the recommendations from the CCSD. This is a complex process and CCSD staff are engaged in trying to move this process forward. Dr. Canavero said his touchstone is the plan and can see there are items inconsistent with the plan and will address them in more detail. The regulations are clear that they must be consistent with the plan that has been adopted which is important to consider when discussing the proposed changes.

Public Comment #2

Jenn Blackhurst, Honoring Public Education (HOPE), thanked the NDE and CCSD for working together to resolve issues with regards to the reorganization of the CCSD. She reiterated HOPEs support of the Union requirement for teachers and support staff on a school organizational team. They would like to ensure that all teacher leaders and support staff have an equal opportunity to participate regardless of their ability or willingness to pay a membership fee. There are anecdotes about support staff and involved members of their school community who were unable to serve on their SOT despite their willingness to do so because they were not members of their union. Whether this affects one or many schools they do not believe union membership should be a qualification for serving.

Parents have expressed concern about removing an SOT member as part of the pre-screen process and the hiring of a new principal in Section 26. She asked that language is included in Section 26 subsection 4 that clearly states SOT members may be involved in the interview process of the final 3-5 candidates; something such as *the organizational team may participate in interviews in consultation with the school associate superintendent, and shall recommend that one candidate for the position.*

Jennifer Carvallo, member, Commission on Professional Standards, requested an amendment in R142-16 Section 27 as it pertains to hiring a principal. As written, the regulation is in contradiction to the governing statute and legislative intent. As a parent she was excited when A.B. 394 was passed in the 2015 session because it would pass the responsibility for operating the school from the district to the teachers, staff and parents of the school. Her children's school, Dayton Elementary, was operated under the former empowerment model at one time. The empowerment model allowed a team to make many operational decisions similar to the SOT. The school thrived and she was excited when the legislature moved in that direction. She is pleased with how the new structure is working this school year. So far this

school year she has been please at how the new structure works. Everything was going well until the school began looking into how the process works to fill the principal when she retires this year.

Currently, as the regulation specifies the CCSD superintendent has the sole discretion in hiring the principal. If a school SOT picks candidate A for principal, the superintendent can hire candidate B and under the regulation the school has no recourse. There is a question about whether that was the intent for A.B. 394. The purpose behind the bill was to shift control of the operation of each school from the district to the school itself. The school is supposed to operate based on site based decision making. The teacher, staff and parents decide how the school is run. A.B. 394 was meant to provide an education system that is responsive to the needs and concerns of the residents of each individual precinct.

With regard to hiring employees of each school, the legislature was clear. The school is the employer of all the employees in its school. This was expressly enacted in NRS 288.060. The statute cannot be ignored. If a statute is not clear enough, the preamble to A.B. 394 states that the school precinct becomes the local government employer of the employees of the school. This means the school hires all of its employees, including the principal. What the regulations currently state does not make sense. The regulations currently state the school has the authority to hire all the staff at the school except the principal, who is the most important employee of the school.

It can be inferred from the regulation that if a school can legally hire staff for its entire school without there being personal issues, then it should be able to hire the principal. During the rulemaking process, the legislature said the school is the employer of its employees. Then the advisory committee report stated that the principal must be selected in a collaborative manner. Now here we are with a regulation that states the superintendent has the sole discretion (*audio difficulties*). With each step we have strayed farther from the statute. The statute states the school hires its employees, the citizens through our legislators have spoken. We want site based decision making and we want our school, through our SOT, to hire our principal.

The workshop was closed at 12:56 p.m.

Public Comment #2

There was no public comment.

The meeting adjourned at 12:56 p.m.