

**NEVADA STATE BOARD OF EDUCATION  
NEVADA STATE BOARD FOR CAREER AND TECHNICAL EDUCATION**

**REGULAR MEETING**

January 20 and 21, 2006

Department of Education, Second Floor, Conference Room  
1820 East Sahara, Las Vegas, Nevada

**MINUTES**

**BOARD MEMBERS PRESENT:**

Dr. John Gwaltney, President (January 21<sup>st</sup> only)  
Marcia Washington, Vice President  
Dr. Cliff Ferry, Clerk  
Gary Waters, Member  
Barbara Myers, Member  
Sharon Frederick, Member  
Cindy Reid, Member  
Louis Mendiola, Student Representative

**BOARD MEMBERS ABSENT:**

Patrick Boylan, Member  
Dorothy Nolan, Member (Excused, attending Board approved business)  
Dr. Merv Iverson, Member  
Dr. John Gwaltney, Member (January 20<sup>th</sup> only)

**DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
Doug Thunder, Deputy Superintendent, Administrative and Fiscal Services  
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction  
Nita Barnes, Administrative Assistant to the State Board  
Frankie McCabe, Director, Special Education, ESEA and School Improvement  
William F. Arensdorf, Director, Office of Fiscal Accountability  
Tom McCormack, Consultant, Charter Schools, Office of Fiscal Accountability

**LEGAL STAFF PRESENT:**

James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

January 20, 2006

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District  
Craig Kadlub, Government Affairs, Clark County School District  
Julie Whitacre, Nevada State Education Association  
Kimberly King-Patraw, Chair, Southern Nevada Homeschool Advisory Council  
Tim Brown, Legislative Auditor  
Paul Townsend, Legislative Auditor  
Kevin Davis, Parent  
Mary Jo Parise-Malloy, Nevadans for Quality Education  
Lee Rowland, Public Advocate, ACLU of Nevada  
Gary Peck, Executive Director, ACLU of Nevada

Richard Harjo, Chairman, Nevada Indian Commission  
Sherry Rupert, Executive Director, Nevada Indian Commission

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Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District  
Craig Kadlub, Government Affairs, Clark County School District  
Julie Whitacre, Nevada State Education Association  
Stacy Colwell, Program Director, The Davidson Institute  
Ricci Rodriguez-Elkins, Executive Director, Center for Charter School Development  
Hugh Rossolo, Director, Northern Nevada Regional Professional Development Program  
Richard Harjo, Chairman, Nevada Indian Commission  
Sherry Rupert, Executive Director, Nevada Indian Commission  
Lynn Manning, Clark County School District Indian Education  
Karen Taycher, Chairperson, Nevada Parents Encouraging Parents  
Alison Turner, Parent Representative, Vice President Northwest Education Advisory Group  
Lisa Bach, Las Vegas Review Journal  
Kevin Davis, Parent

Friday, January 20, 2006

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

Vice President Washington called the Nevada State Board of Education/Nevada State Board for Career and Technical Education Meeting to order at 4:23 p.m. with roll call reflected above. The Pledge of Allegiance was led by Member Frederick. Member Waters moved to approve the agenda, seconded by Member Frederick. Member Ferry moved to have a flexible agenda, seconded by Member Frederick.

**1. PRESIDENT'S REPORT**

This item was not addressed as President Gwaltney was not currently present.

**2. ELECTIONS**

Superintendent Rheault called for nominations for the office of President for the State Board of Education. Member Waters nominated Member Ferry, seconded by Member Myers. There were no other nominations. Member Washington moved to close the nominations. The motion to elect Member Ferry as President of the Board passed unanimously.

Superintendent Rheault called for nominations for the office of Vice President. Member Waters nominated Member Washington. There were no other nominations. Member Myers moved to close the nominations. The motion to re-elect Member Washington as Vice President passed unanimously.

Superintendent Rheault called for nominations for the office of Clerk. Member Washington nominated Member Myers. There were no other nominations. Member Waters moved to close the nominations. The motion to elect Member Myers as Clerk passed unanimously.

**3. SUPERINTENDENT'S REPORT**

Superintendent Rheault reported he prepared a packet of best practices to use for military opt-out information that complies with the No Child Left Behind Youth Militarization Awareness Project.

This packet was presented to District Superintendents at their January 2006 meeting by Deputy Superintendent Doug Thunder.

Dr. Rheault gave an update on the funding decisions made by the Commission on Educational Excellence Review Team. The Team consisted of 27 reviewers who reviewed 551 applications at the district and school levels utilizing \$91.9 million available for the prevention of remediation and innovation. Dr. Rheault reported that the preparations made by the Department prior to the review were monumental and instrumental, but it operated smoothly. Dr. Rheault reported 250 schools received full funding, 200 received partial funding and 60 schools received no funding. Dr. Rheault stated he provided a Review Summary by e-mail and hard copy to State Board Members.

Member Myers stated she briefly visited with the Review Team their first day and was pleased with the work the Staff had accomplished. Member Myers requested Staff report on how much of the funding will pay for new staff positions that will basically only be one year positions.

Dr. Rheault reported that Assemblywoman Bonnie Parnell is Chairperson for the Subcommittee for Career and Technical Education which met that week. Dr. Rheault stated the Department's Career and Technical Education Staff did an outstanding job preparing the agenda for that meeting and Assemblywoman Parnell was very pleased to have the statistics, funding and information about the programs for her recommendations to the Committee.

Deputy Superintendent Gloria Dopf reported on the Council of Chief State School Officers and the U.S. Dept. of Education on Hurricane Relief. Ms. Dopf stated that Clark County School District will benefit the most from the funds. Dr. Rheault stated approximately 250 students moved to Nevada because of the Hurricane. Ms. Dopf reported reimbursement per validated student will be \$6,500 and \$7,500 for special education students.

Ms. Dopf reported that AB 580 Section 69 provides \$10 million, \$5 million per year of the biennium, to supplement other programs that exist for the recruitment and retention of teachers. The Statute identified four types of programs Districts could use to make application to the Department and stated if the amount requested exceeded the amount available, which it did, the funds would be distributed on a pro-rata basis. It also required a sign-off by the Employees' Association on the programs selected by the District.

Dr. Rheault stated he wrote a memo to Mrs. Rose Moore, who testified during Public Comments at the December Board meeting, regarding her concerns about the alternative route to licensure, and hoped he provided the answers to her concerns. Dr. Rheault stated Agenda Item #18 for this meeting would also explain in detail the alternative routes available for a teacher's license.

Deputy Superintendent Doug Thunder reported the ACR10 Committee, which was appointed by Legislature to determine the adequacy of funding for schools, met to select a consultant to undertake this determination. Mr. Thunder stated three applicants applied and the firm the Committee chose was Augenblick, Palaich and Associates, Inc. of Denver, Colorado. Mr. Thunder stated the Committee asked him to make a presentation on how the Distributive School Account is prepared and will provide copies of the presentation for the State Board members.

Mr. Thunder reported that SB525, the DSA bill, Section 20, appropriated \$4 million to the Interim Finance Committee to allocate among Districts experiencing greater insurance premiums than anticipated, if they can demonstrate their costs exceeded the budget.

A Public Comment was heard from Lee Roland, Public Advocate with the Nevada ACLU, requesting a copy of the "Best Practices" referred to by Superintendent Rheault regarding Military Opt-Out notifications by Districts and she also inquired if these were simply advisory practices. President Ferry responded that the Board may need to revisit this issue after the Districts have time to incorporate the suggested practices.

Dr. Rheault stated he would be attending the February District Superintendent's meeting and offered to report any changes they may have made based on the suggested practices.

Ms. Roland stated she will follow-up with the individual school districts as well and offered to share any responses for the record to compare how they are changing their practices.

Member Waters thanked Mr. Gary Peck, Nevada Director of the ACLU, for being present and for the ACLU addressing this important civil liberties issue.

Mr. Gary Peck thanked Member Waters for his gracious comments, stated the ACLU would never have been able to address this issue without the interested concern of engaged parents from all over the State, the ACLU speaks for the parents and the more parents are involved in the government of the schools, the better off we will all be.

#### **4. CONSENT AGENDA**

The following Consent Agenda items were submitted for approval: Minutes for the December 2 and 3, 2006 Meeting; Upcoming Board Member Travel (Member Nolan attending the NASBE Civic Education Study Group January 20 and 21, 2006); Appointments of Members to the Northern and Southern Homeschool Advisory Councils (re-appointment of Barbara Dragon and Robin Hollingshead to the Northern and Elissa Wahl and Anita Wilbur to the Southern); and Special Education Discretionary Units for Gifted and Talented (awarding of .25 to the Douglas County School District). Member Washington moved to approve the Consent Agenda, it was seconded. Member Myers requested the Minutes be corrected to read that Dr. Dotty Merrill did not agree to serve on the Curriculum Alignment Task Force, but only agreed to submit a name. The motion passed unanimously.

#### **5. SELECTION OF CONSULTANT FROM THE LIST OF APPLICANTS PROVIDED BY THE LEGISLATIVE AUDITOR TO CONDUCT A SCHOOL DISTRICT REVIEW OF FINANCIAL MANAGEMENT PRINCIPLES DURING THE CURRENT BIENNIUM**

Dr. Rheault stated Section 30 of AB580 provides pending funding that every six years all school districts must conduct a review of financial management principals. This year \$300,000 has been provided to start this process and initially the bill called for four Districts. The Legislative Commission is behind schedule but settled on Clark County to begin the Audit. The Legislative Auditor was required to collect and rank the applications from companies to conduct the audit and there were five respondents. Dr. Rheault introduced Mr. Paul Townsend, the Legislative Auditor, and Mr. Tim Brown, who were present to answer any questions. Dr. Rheault stated Mr. Thunder, Deputy Superintendent, has reviewed the applications and the Department is ready to present a summary and recommendation and that the Board President is required to nominate one Board member to sit on the Review Team of the Audit.

Mr. Thunder stated it is the State Board's responsibility to choose one of the following Consultants: MGT of America, Inc., Evergreen Solutions, LLC, Berkshire Advisors, Inc., Gibson Consulting Group or InfoSys Development Group, Inc. to oversee their progress.

Member Myers stated there is more involved here and she suspects this will be a one-time deal for only Clark County.

Mr. Thunder stated the whole package was taken from Florida and adapted to Nevada and that he recommended MGT of America, Inc. because they have the most experience. President Ferry agreed.

Member Waters moved that MGT be appointed as the contractor for the financial management study, seconded by Member Reid. The motion passed unanimously.

Dr. Rheault stated he will send letters to the Legislative Auditor and Clark County School District of the Board's choice.

Member Waters volunteered to be the Board nominee to serve on Review Team Committee.

Mr. Thunder stated the next step will be for LCB legal personnel to negotiate the contract.

Member Waters introduced Mr. Kevin Davis, Past President of the PTA at Doris Hancock Elementary, currently serving as Treasurer. Member Waters welcomed Mr. Davis, stated he is very interested in State Board matters, and hoped he will visit anytime.

Member Washington moved to recess for the evening, seconded by Member Waters. The motion passed unanimously. The meeting recessed at 5:35 p.m.

**Saturday, January 21, 2006:**

**RECALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE**

President Ferry recalled the Nevada State Board of Education/Nevada State Board for Career and Technical Education to order at 8:37 a.m., with roll call reflected above with Member Gwaltney arriving at 8:49 a.m. The Pledge of Allegiance was led by President Ferry.

**6. BOARD MEMBER COMMENTS**

Member Waters stated he and Superintendent Rheault attended a recent WestEd meeting and commented that WestEd is a national leader that has grown from operating at \$1.6 million in 1963 to \$73 million currently.

Member Myers requested that the Board Assistant begin a systematic "To Do" list of Board requests and due dates to accomplish them because she has requested items be addressed at future meetings and has not received a response. Member Waters agreed.

Member Washington requested information on the procedures and guidelines used for appointing and hiring Task Force and Committee Appointees and Consultants, specifically for consultants being paid \$20,000.

Member Reid inquired about the Department's involvement in a statewide nutrition and physical wellness policy. Ms. Dopf responded that the Department has developed a Wellness Policy and that Donnell Barton, Director of Child Nutrition, could be available to speak with her on the issue. Member Reid shared her concerns about the lack of physical exercise in our schools and commented that it might be an issue the Board address. Ms. Dopf alerted the Board NASBE will be sponsoring a symposium in Chicago on this subject. Dr. Rheault stated there is no mandate on how many minutes or how often each week students must participate in Physical Education.

Member Frederick, as liaison to the Board and the Nevada Public Education Foundation, reported she will be serving on the Re-Engagement Committee for the Foundation and commented that a recent survey reported the reason most students drop out is failure to pass the High School Proficiency Exam.

Member Gwaltney reported that while he was in Idaho on family business, the local news reported their State Board wanted to raise Math and Science standards and their Legislature did not. Member Gwaltney thanked the Board for expressing their kind thoughts for his family, congratulated and thanked the new officers serving on the Board.

Student Representative Louis Mendiola commented that he did not recall if his school district's stance on military opt-out was the same as what the ACLU reported but if it was true, he could not support it. Student Representative Mendiola encouraged the Board to re-visit issues that need to be re-visited, especially if it concerns students; and that his last meeting as State Board Student Representative will probably be the April meeting, when he will introduce his replacement.

Member Waters commented that Louis will be missed; and Member Myers stated that Louis has been one of the most insightful students the Board has had in terms of representing all student populations.

President Ferry stated he would like to focus on the Governance Issue and hoped that Member Gwaltney would stay involved with that issue as Legislature prepares for its next Session. President Ferry invited Board comments during the year regarding K-12 and higher education as the Board of Regents have indicated they are interested in moving forward on this issue as well.

Member Gwaltney stated he would be pleased to carry on with being involved with Legislature and looking at the Governance Issue.

**7. PUBLIC HEARING TO SOLICIT COMMENTS FOR NAC 386: NEW LANGUAGE FOR PROPOSED REGULATIONS GOVERNING A UNIVERSITY SCHOOL FOR PROFOUNDLY GIFTED STUDENTS**

President Ferry opened the Public Hearing at 9:06 a.m. There were 11 people in attendance.

Dr. Rheault explained the background concerning the language for LCB R210-05 and stated if the Board adopted this language, he would go before the Legislative Commission to argue this regulation should be adopted.

Mrs. Stacy Colwell, Program Director for The Davidson Institute, thanked the Board for providing the opportunity to make it possible to provide an education that is appropriate for profoundly gifted students here in Nevada and for families who move to Nevada to be a part of the school. Mrs. Colwell reported the school is expecting an enrollment of 35 students in the first year.

Member Waters requested that the Institute keep detailed records of data on where students would be moving from for future research and asked that the Board be kept informed. Mrs. Colwell agreed.

Student Representative Mendiola asked if the Institute gave thought to students possibly becoming naive due to so many highly intelligent people together and not part of the outside world.

Mrs. Colwell responded that her research along with working with these students has shown that although the students are very different than an average student, there is still diversity among these students as to strengths, weaknesses and talents. Mrs. Colwell stated the students are learning together only during school hours, which research supports as important, but they are still exposed to the outside world after school hours.

Member Gwaltney stated his concern that this public school will not have a tax base to operate on after its first year. Dr. Rheault explained the school could be similar to a public charter school that it would have separate funding

Member Reid stated the American Indian students number in the thousands and they are not adequately served, yet this very small group, most of them not Nevada residents, will be served and this is hard for her to take.

President Ferry closed the Hearing at 9:29 a.m.

Member Washington agreed with Member Reid that it is not fair that a large group of students are being overlooked because of a lack of funding and this school is already bought and paid for.

Member Waters explained that no public money would be paying for the first year, but with regard to the second he agrees with Members Reid and Washington that the public should be concerned about all students getting an adequate education and reiterated that this process should be watched closely.

Member Gwaltney stated this was an opportunity for the Board to go on record supporting that all students of Nevada are treated fairly and equally with a formula structure and a public charter attached to this activity because he has a problem with the school being separated out from other institutions and given a different treatment.

Member Myers suggested a motion state that the Board approves the proposed language but not the methodology by which the school was established.

Dr. Rheault reminded the Board he still has a duty to request the Legislative Commission make final approval of the language after the Board approves it.

Member Gwaltney requested that Staff devise a methodology by which the Board could attach special needs groups in Nevada to a formula and prepare a technique for the Board to clearly put these all in the same basket to ensure that all students who receive State funding are treated equally.

President Ferry asked Legal Counsel if the Board could make a motion that goes beyond an agenda item. Deputy Attorney General Irvin replied "no". Mr. Irvin suggested what Member Gwaltney suggested might be beyond the powers of the Board and possibly the laws of the State.

Dr. Rheault suggested this could be placed on a future agenda.

Member Gwaltney clarified that he did not intend for the motion to include his suggestion but that the Staff offer advice on this subject.

President Ferry suggested this be brought up as a future agenda item and called for a motion.

Member Myers moved the board approve the language as proposed, but not the methodology by which the school was established, seconded by Member Gwaltney.

Member Reid stated for the record she is opposed to this school and that if she voted against it she would be giving them more power and less structure, and that is the only reason she is voting for it.

The motion passed six votes to one, with Member Washington voting in opposition.

Member Waters stated there is a deep concern about what this approval does, not just for this school or the merits of it, but a more endearing message about how to create schools and who gets to create them in our state and what really are our priorities for educating students in our State. This is a wake-up call for the entire Board and the public education system, stakeholders, the Union, the University System, and all people who care about all of the students. Member Waters stated this should be on the Pending List and the Board ought to have reports from this school frequently.

Member Washington stated the reason she voted no is because she did not like the way this was handled; Legislators do not respect the Board; and do not always look out for our students' best interests. Member Washington stated she has nothing against the Institute, but objects to the Legislature providing for 35 students when there are thousands of Indian students that could use a public private school.

Student Representative Louis Mendiola stated he thinks it is "profoundly sad" for the hundreds of thousands kids who don't have an advocate for them. He thanked the Institute for working hard for their children and wished more did. He stated it was "profoundly a slap in the face" from Legislators who developed this school to the 400,000 other students in the State of Nevada.

Dr. Rheault stated that he is an ex-officio member with the President of the University of Nevada Reno where the school is established and he will report back regularly to the Board on this school.

A break was granted at 9:52 a.m.

The meeting resumed at 10:00 a.m.

**8. & 9. WORKSHOP AND PUBLIC HEARING TO SOLICIT COMMENTS FOR LCB FILE NO. R172-05; NAC 386.415, ADDING NEW SECTION TO NAC 389, ALSO NAC 389.076, 389.450, 389.516, 389.562, 389.564, 389.566, 389.663, 389.664, 389.672, 389.688, 389.800, 389.805 AND 389.810: CHANGING THE TERM "OCCUPATIONAL EDUCATION" TO "CAREER AND TECHNICAL EDUCATION"**

Phyllis Dryden, Director, Office of Career, Technical and Adult Education, reported that because Assembly Bill 388 was passed, the Department is recommending the State Board of Education approve the proposed regulation which will add an endorsement to a high school diploma for CTE, change terminology from "occupational education" to "career and technical education" and creates statute that recommends six areas of representation on the Advisory Technical Skills Committee.

President Ferry opened the Workshop at 10:16 a.m. There were 12 people in attendance.

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, testified that Washoe has already gone to press for descriptions of courses, diplomas and other career education terminology for the next school year. Dr. Merrill stated it would be incredibly difficult for the District to implement any adoptions made today in time for graduation and asked for flexibility from the Board and Dr. Rheault to make the implementation date July 1, 2006.

Mr. Craig Kadlub, Government Affairs, Clark County School District, testified that Clark County also prefers to implement these changes effective July 1, 2006.

President Ferry closed the Workshop at 10:22 a.m. and opened the Public Hearing at 10:22 a.m. There were 15 people in attendance.

There were no Public Comments.

President Ferry closed the Public Hearing at 10:23 a.m.

Member Myers moved the Board approve the changes as presented and also approve flexibility to Districts to make the changes immediately or be granted an extension until July 1, 2006, seconded by Member Frederick. The motion passed unanimously.

**10. SECOND OF TWO PUBLIC HEARINGS TO SOLICIT COMMENTS FOR LCB FILE NO. R171-05 AND R188-05; NAC 386.080, 386.220, 386.345, 386.410 AND NEW LANGUAGE FOR 386: CHARTER SCHOOL REGULATIONS**

The Public Hearing opened at 10:25 a.m. There were 13 people in attendance.

Mr. Bill Arensdorf stated these Charter School regulations were brought about by a Senate Bill and two Assembly Bills during the 2005 Legislative Session.

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, stated she testified previously in support of the proposed language, continues to support the regulations and believes that the pieces of the regulation stating the responsibilities and statutory requirements for governing body members of charter schools will improve their functioning and relationships with school districts as well as improve education for the students in the long run.

Craig Kadlub, Government Affairs, Clark County School District, stated Clark County's position is essentially the same as Washoe County. Mr. Kadlub stated there was one issue he questioned but after discussing it with Mr. Tom McCormack, Charter School Consultant, he is now completely fine with what is being presented.

Ricci Elkins, Executive Director for the Center for Charter School Development, stated her organization is also in support of the language and they appreciate the hard work the Department has done to ensure equitability for Charter Schools throughout the State.

President Ferry closed the Public Hearing at 10:29 am.

Member Waters moved that the Board adopt the regulations as posted, seconded by Member Reid. The motion passed unanimously.

**11. PUBLIC HEARING TO SOLICIT COMMENTS FOR NAC 387.345: ESTABLISH AN UPPER AGE LIMIT FOR HIGH SCHOOL PUPILS, FOR WHICH SCHOOL DISTRICTS AND CHARTER SCHOOLS COULD RECEIVE APPORTIONMENT**

The Public Hearing opened at 10:29 a.m. There were 13 people in attendance.

Mr. Bill Arensdorf stated a Workshop was conducted at the December 2005 State Board Meeting to solicit comments on establishing an upper age limit for high school students which would not detract or pull out students who are more appropriately enrolled in adult education, but to assist students who need an extra year to complete high school and receive a diploma.

Mr. Arensdorf stated he has discussed this language with representatives from Washoe and Clark County School District and does not believe it is contradictory to anything in place presently.

Dr. Rheault stated that seniors returning for a fifth year must have at least four credits or the school will not be paid from the distributive school account funding.

There was no public comment.

President Ferry closed the Public Hearing at 11:02 a.m.

Member Waters moved to adopt this regulation, seconded by Member Reid. The motion passed unanimously.

**12. HEARING ON REVISED PROPOSED LCB FILE NO. R-71-05; MINOR REVISIONS MADE BY LEGISLATIVE COMMISSION FOR SPECIAL EDUCATION NAC 388 LANGUAGE**

Frankie McCabe, Director, Special Education, Elementary and Secondary Education and School Improvement, explained this language was approved by the State Board in August 2005, but changes were recommended by the Legislative Commission in October 2005 relating to NAC 388.071.5, "Parent" definition and NAC 388.283 "Surrogate parents".

Member Myers brought to the Board's attention that the Legislative Commission legally has only two reasons to change State Board-approved language: 1) the regulations do not conform for statutory authority and 2) the regulation does not carry out state legislative intent. Member Myers questioned the Commission's authority in delaying these regulations.

Ms. Dopf stated the Legislative Commission has been a standing requirement as basically an automatic process. Ms. Dopf stated for the record that the Commission had previously questioned State Board-approved language for Special Education some time ago due to fiscal impact reasons.

Dr. Rheault reported he did request the Commission approve the original language, and offered to bring their changes back to the Board to add them later, but was informed that was not an option.

Dr. Rheault stated the Commission did not specify which of the two authorities they had for making changes but their Counsel stated the reason was legal. Dr. Rheault stated the Board could challenge the changes but he and Ms. Dopf agreed that because this language is tied in with federal law, if the language was not adopted today, the Department would be non-compliant with Federal law.

Member Gwaltney inquired if the Legislative Commission was listed on the Governance Chart and Dr. Rheault responded that it was not. Member Gwaltney commented this extra governance entity may yet prove the point the State has so splintered the effectiveness of Education, it borders on ludicrous.

Member Myers agreed there is a lot of silliness in Nevada when it comes to making decisions that impact children and families, which this one does. Member Myers stated the public needs to know that the 35 members of the Special Education Advisory Committee spent many hours on this language over a 10-month period and were required to spend more because of the Legislative Commission's recommended changes. Member Myers thanked Karen Taycher, Chairman of the SEAC Committee, for attending this Public Hearing as well.

Ms. Taycher introduced herself as Chairman of SEAC, the Executive Director of Nevada Parents Encouraging Parents, and the Vice Chairman of the Nevada Special Education Advisory Committee. Ms. Taycher stated that SEAC has spent a lot of time on this language and the amendment they endorsed would have been for children to clarify how foster parents are involved in the IEP process; the Committee does not see any negative effect to what the Legislative Commission requested; they are committed to working with the Department on the issues of concern to Assemblywoman Buckley related to children in child welfare and special education and that a lot of students in Nevada will benefit from NAC 388 being finalized.

President Ferry closed the Public Hearing at 11:02 p.m.

Member Frederick moved to accept the new language for the Nevada Administrative Code, defining this new definition of parent, seconded by Member Reid. The motion passed unanimously.

### **13. UPDATE ON ACTIVITIES REGARDING THE NORTHEASTERN REGIONAL PROFESSIONAL DEVELOPMENT PROGRAM**

Hugh Rossolo, Director of the Northeastern Regional Professional Development Program, stated he is one of three adult State Advisors for the Student Council Association and thanked the Board for showing appreciation for Louis Mendiola as Student Representative to the Board and for allowing students to participate in Board matters. Mr. Rossolo commented that the Association is also proud of the way Louis expresses thoughtfulness and applies knowledge while representing the students of the State of Nevada.

Mr. Rossolo reported that the Northeastern RPDP serves Humboldt County through Lander, Eureka, Elko and down to White Pine County and it covers two time zones. There are thirteen employees, two are part-time, one is an internal evaluator and the other provides technology support.

Member Waters asked how the RPDP measures their effectiveness in terms of addressing the needs of low performing schools. Mr. Rossolo responded they start with WestEd's guidance, make evaluation based on their own observations and plan to create a measurement to use besides CRTs.

Member Waters stated he wanted to make it very clear that if an RPDP claims success due to their involvement, they will need to prove to him it was not because of an involvement of some other professional development effort, or initiative, or even that of a teacher, because the Legislature should know to whom and to what organization success is attributed to.

Member Myers stated the shift from teacher to administrator training has been long in coming. Member Myers estimated that currently the cost for professional training for each teacher in Nevada is \$1,000, but that accountability should also be with administrators.

Member Gwaltney stated he is deeply committed to Member Myers' Curriculum Alignment Task Force goals, encouraged Mr. Rossolo to push for a Statewide Curriculum, and asked his opinion if he believes it would make the use of State funds more efficient.

Mr. Rossolo responded a Statewide Curriculum would make their work easier because some of their schools and counties only use books as a curriculum.

Mr. Rossolo stated two questions will drive their program in the future: 1) what should be done with the students that don't know the standards and 2) what needs to be done for the students who do. Mr. Rossolo stated a real benefit of NCLB has been forcing educators to look at every student, not just the ones who passed.

Member Gwaltney encouraged the Board to become familiar with BAM, the Backward Assessment Model, because in his opinion it is the most significant step that is taking place in the State right now.

## **21. PUBLIC COMMENT:**

Allison Turner, parent representative, Vice President of the Northwest Regional Education Advisory Board in the Clark County School District, Public Information Officer and Northwest Liaison for the Lake Mead Council of Parent Teacher Associations and serves on the Legislative Commission of the Nevada Parent Teacher Association spoke as a representative for a number of parents, teachers and administrators who have grave concerns about the first round of funding under SB 404. Ms. Turner requested information on the process that was followed, by whom the grant application was reviewed, how those people were trained, what rubric was used, what the scoring system was, how the scores were derived and how were they applied to the grant applications.

Ms. Turner stated applications with virtually identical scores were funded at wildly different levels, 20% for one and another at 100%. Ms. Turner cited several concerns and requested the Board hold up disbursement of any funds until the process has been reviewed and clearly explained to the public.

President Ferry informed Ms. Turner that the State Board has no jurisdiction over the disbursement of these funds and the next meeting of the Commission will be February 16<sup>th</sup> in Las Vegas.

Member Myers informed Ms. Turner the Board has very little information about the grant application process and stated because the Commission has no accountability to voters, the Board will probably receive more complaints and asked Staff to make this information available to the Board.

Ms. Dopf explained to Ms. Turner that SB404 sets up the Commission independently and members are appointed by the Governor. It has authority to set up the application, evaluation, criteria and disbursement of funds. The Department is identified as providing support and staff to the process, but

not the decision-making. Ms. Dopf detailed the review steps and stated the process was fast and furious because the Governor and Legislature directed the Commission to disperse the funds as soon as possible. Ms. Dopf stated that although her name was on every letter sent to schools, it was a review team decision and voted on in public forum by the Commission on Excellence.

Ms. Turner asked if the rubric was available. Deputy Attorney General Irvin suggested this discussion was getting beyond public comment.

A recess was granted at 12:16 p.m.  
The meeting reconvened at 12:40 p.m.

**17. REPORT BY MEMBER FREDERICK REGARDING A POSSIBLE RECOMMENDATION TO DETERMINE IF A TASK FORCE IS NECESSARY TO ACCOMPLISH THE PROPOSED STRATEGIC PLAN FOR INDIAN EDUCATION IN NEVADA**

Member Frederick disclosed for the record that she is a Commissioner with the Nevada Indian Commission and Chair of the Indian Education Advisory Committee for the Nevada Indian Commission.

Member Frederick read a brief report for the record (copy of the Report is attached).

Student Representative Louis Mendiola inquired if student representation was present at the Indian Education Advisory Committee Meetings. Mr. Harjo replied their meetings usually take place during the school day. Louis encouraged Mr. Harjo that representation would be worth a good student missing a day of school.

Member Myers asked Member Frederick if there was still a need to form a Task Force because the Department's Indian Education Consultant resigned and she didn't see how it would be possible to move forward quickly. Member Myers also questioned if a replacement would be set up for failure when there is still discussion on who the consultant reports to and what funds are available to support Indian Education.

Member Frederick responded there is a need to move forward with the Task Force to avoid losing momentum, the job description is acceptable and there is funding for the position.

Dr. Rheault stated the Indian Education Consultant position includes the 14 items listed when the position was approved and that this job description will be more clear as to what the expectations, assignments and responsibilities will be. Dr. Rheault clarified it was the presenters who made the additional recommendations as to structure and oversight, not the Department.

Mr. Harjo stated it has been very difficult for the Department and the Indian component to mesh, and it could not be resolved overnight. Mr. Harjo stated that Dr. Rheault and he have a difference of opinion on issues regarding the Consultant's work performance standards.

Dr. Rheault stated the Consultant's position has no additional funding provided by the Legislature but has many priorities that are almost impossible to accomplish and will suggest these be set, with the Indian Commission, to accomplish year by year.

Member Myers stated she would not support the inclusion of four people from the Indian Education Advisory Committee on the interview team, but would support two, because her experience in personnel and affirmative action supports that problems might occur.

Dr. Rheault agreed and stated if the Board approved the Report, the request for four Advisory Council Members as part of the interview process is still only a request because it is the Superintendent's responsibility to organize the recruitment of an employee of the Department. Dr. Rheault assured the Board and the Commission that he would honor the Advisory members' input regarding applicants.

Member Frederick stated the request for four members to be on the Interview team was made because those people represent the larger number of Native Americans in the State.

Deputy Attorney General Ed Irvin suggested Member Myers' comments were correct because he believes it would be difficult to defend a process that was not under State control and the State of Nevada would be susceptible to suit if regular hiring practices were not in place.

Member Frederick stated the recommendation to have four Advisory members participate in the hiring process would not consist of the entire interview team and would not necessarily constitute a majority.

Member Myers stated the last three Consultant hiring processes have come very close to being an Affirmative Action issue because all three candidates hired were Native American and there were other qualified applicants each time, and cautioned the Department to be careful during this process.

Mr. Harjo responded there is a very limited number of people that know Indian Culture and Indian Education. Mr. Harjo explained that position has been watered down under the umbrella of the Department of Education since it was established in 1997 and he is concerned it will eventually disappear like other positions have in the State. Mr. Harjo stated the Consultant position is responsible to collaborate with tribal entities and tribal government and that is a slow, methodical process that must be part of the Consultant's work performance standards. Mr. Harjo explained that non-Native American applicants could never fully understand the culture and their children's very unique processes to learning.

Member Gwaltney stated he was uncomfortable with either of the directions being discussed and requested the Department select the most competent and effective applicant that is acceptable to the Commission as soon as possible.

Sherry Rupert, Executive Director for the Indian Advisory Commission, invited the Board and the Department to meet Mr. Denny Hurtado, Director of Indian Education for Washington State who is speaking locally, to listen to his presentation on his curriculum, the Northwest Native American Reading Curriculum.

Mr. Harjo asked the Board if there was going to be vote on the formation of a Task Force.

Dr. Rheault informed the Board they could move to accept the Report, even if they did not agree with everything in it and the Board could vote to recommend the Joint Nevada Indian Commission Group and the State Board Task Force is one in the same.

Member Gwaltney moved to accept the Report, seconded by Member Washington. The motion passed unanimously.

Mr. Harjo requested to make a Public Comment at this time: "I traveled 500 miles to attend this meeting on a limited budget to see action taken on forming a Task Force and I am disappointed the Board is setting Indian Education back, which is typically what has been happening since this process started nearly two and half years ago, and this is as far as it has gotten." Mr. Harjo asked President Ferry and Member Gwaltney at what point will the State Board make a decision on whether a Task Force will be formed.

Member Myers made a second motion that indeed this Board agrees that a Task Force needs to be created to accomplish the proposed strategic plan for Indian Education in Nevada, seconded by Member Gwaltney. The motion passed unanimously.

#### **14. CORRECTIVE ACTIONS TAKEN BY HALIMA ACADEMY AND TEAM A CHARTER SCHOOLS**

Mr. Arensdorf refreshed the Board's memory regarding Halima Academy's non-compliant items.

Mr. Tom McCormack reported TEAM A is now in compliance.

Mr. McCormack reported Halima Academy remains non-compliant due to the following reasons: the correct affidavits for the governing body have not been received; in addition to a missed third quarterly meeting of the governing board, there is no documentation a meeting was held for the fourth quarter; a revised student handbook with corrected typographical errors has not been submitted; and criminal history documentation has not been received for staff at Halima Academy. Mr. McCormack also stated that an Annual Independent Audit due in October of 2005 has not been received, and that an extension until January 16<sup>th</sup> was granted and that as of this day, January 21<sup>st</sup>, has not been received.

Member Gwaltney stated the Board sets the model and precedence for Districts on how charter schools ought to be handled and he is distressed that Halima Academy has been an on-going difficulty. Member Gwaltney stated he strongly encourages revocation as it is bordering on criminal.

Dr. Rheault stated these items were not difficult to collect and supports corrective action.

Mr. Arensdorf explained a "Notification of Intent to Revoke" letter signed by the Board President needs to be sent to Halima Academy giving them 30 days to respond.

Mr. McCormack clarified that a Sponsor may revoke a charter for any violation; and merely missing a third quarter governing body meeting is indeed a violation.

Member Waters stated there is no doubt in his mind that the Board has done everything possible to help this school, but it is out of compliance with the meaning and intent of the charter school law. Member Waters stated there is a drastic need for criteria for satisfactory performance and accountability for State sponsored charter schools.

Mr. Craig Kadlub, Government Affairs, Clark County School District, testified that during his years of responsibility for overseeing charter schools in Clark County he quickly learned the value of the Letter of Revocation and after every evaluation that reported a non-compliance, he sent the letter which informed the school that if compliance wasn't met in 30 days, the school would lose their charter.

Dr. Dotty Merrill, Assistant Superintendent, Washoe County School District, testified that during her experience as an administrator supervising charter schools she learned extending time limits to display good will and provide technical assistance complicated litigation processes due to a precedence set.

Ricci Elkins, Executive Director with the Center for Charter School Development, testified she agrees with Member Waters, Dr. Merrill and Mr. Kadlub; it is imperative that precedence be set for charter schools to be in compliance. Mrs. Elkins stated the Charter school movement believes in accountability and are amazed that Halima Academy is still open. Mrs. Elkins attributed this to the extraordinary patience of and assistance by Mr. Arensdorf and Mr. McCormack. Mrs. Elkins stated her organization is in support of the Board doing what it must to ensure students have appropriate placement and the State isn't losing very valuable funds down a big hole.

Member Gwaltney moved that the President of the Nevada State Board be instructed to prepare and send a letter to Halima Academy indicating the revocation process has commenced and they have 30 days to comply with the requirements and a vote will take place at the next State Board meeting, seconded by Member Reid.

Member Waters requested the Department develop criteria for satisfactory charter school performance, accountability and progress regarding the State Proficiency Examination for Board review; and suggested the Board empower the President to direct Staff to send a letter due to non-compliance.

Deputy Attorney General Ed Irvin suggested Member Waters' request be placed on the next Board agenda. Mr. Irvin stated he did not recall exactly what Case Law defines for that process, but he would study it and advise the Department.

The motion passed unanimously.

Ms. Dopf stated the review process the Department follows for Board sponsored charter schools is consistent with the materials developed by Washoe and Clark County School Districts and it is based on a systems analysis and not an outcome analysis which measures student performance.

A break was granted at 2:22 p.m.  
The meeting resumed at 2:38 p.m.

## **15. Proposed 2006 Calendar of Nevada State Board of Education Meetings**

There was Board discussion on the possibility of conducting one day only Board meetings.

Board Assistant Nita Barnes reported the dates that absent Members Nolan and Boylan would and would not be available for Board Meetings during 2006.

Member Myers called for a record of attendance for Members for the last two years.

The proposed calendar was amended. Member Gwaltney moved that it be approved, seconded by Member Frederick.

Member Myers requested a tentative meeting date be added in November.

Member Gwaltney amended his motion, and Member Frederick amended her second. The motion to accept the following Calendar passed unanimously: Friday, January 20 and Saturday, January 21, Las Vegas; Friday, March 3 and Saturday, March 4, Carson City; Friday, April 28 and Saturday, April 29, Las Vegas; Friday, June 2 and Saturday, June 3, Carson City; Thursday, August 3, Friday, August 4 and Saturday, August 5, (**Board Retreat**) Carson City; Friday, October 6 and Saturday, October 7, Las Vegas; **Tentative Meeting:** Friday, November 17 and Saturday, November 18, Carson City; Friday, December 1st and Saturday, December 2nd (Tentative Joint Session with UCCSN Board of Regents on Friday, December 1st), Las Vegas

**16. REQUEST FOR VARIANCE FROM CLASS SIZE REDUCTION REQUIREMENTS, 2005-2006 SCHOOL YEAR**

Dr. Rheault referenced the Support Documents in the Board Packet and explained that previously state statute required requests for variances come from every District if they exceeded the ratio, for which every District did. The State Board Bill Draft for AB 526 requested statute change to allow school districts to only request a waiver based on the legislative appropriation for the Program.

Member Waters moved to approve the request for variance for school Districts as published, seconded by Member Frederick. The motion passed unanimously.

**18. DISCUSSION ON TEACHER LICENSING QUALIFICATIONS FOR ALTERNATIVE LICENSING PROGRAM AND NEW SPECIAL QUALIFICATIONS LICENSES**

Dr. Rheault stated this Agenda Item is in response to past Board requests for information on qualifications for teachers and he explained in detail the requirements for each of the current three types of alternative licenses in the State: 1) The Alternative Route to Licensure, 2) The Special Qualifications License and 3) The Alternate Special Qualifications License.

**19. UPDATE ON STATE BOARD TASK FORCE ACTIVITIES**

Member Waters, Chairman for the Emergency Preparedness Task Force, reported he read the Emergency Preparedness plans for each of the Districts and believes they are adequate at this time to meet the needs of our State, but added they should be reviewed and assessed should any homeland security recommendations occur.

President Ferry, Chairman of the Special Needs Task Force, and Dr. Rheault reported there is a group from the P-16 Council that will be meeting soon to make a formal recommendation for State Board endorsement to be delivered to Senator Reid's office requesting federal funds for improving education for student achievement in Nevada.

Member Nolan was not present to give an update on the Apple Initiative Task Force.

Member Myers, Chairperson for the Curriculum Alignment Task Force, reported a first meeting will be held in February and she would be reviewing the recently available District Improvement Plans in preparation for that meeting.

## 20. FUTURE AGENDA ITEMS

Member Gwaltney requested the formation of a Task Force to study Public Education Governance Reform as it relates to how the current Superintendent's organizational chart should look and reminded the Board that a motion was jointly passed by the Board of Regents and the State Board to study this reform. Dr. Gwaltney stated he met with the Board of Regents' Chairman Whipple and Senator Raggio to discuss the Governance issue and did not receive a negative response.

Member Waters requested an item for the next Consent Agenda for Board approval of a Suicide Prevention Plan and a program for screening mental health for use in public schools. Member Waters stated he has researched it, spoken with Dr. Rheault extensively about it and has previously distributed material on it to the Board. Member Waters invited the Board to ask him questions and stated he would like to be able to say Nevada was one of the first States to approve a program for Suicide Prevention for Youth, the third leading cause of death of young people between the ages of 11 and 17.

Member Waters stated the staff at the Las Vegas office is doing a tremendous job and especially commended Tammy Kratz and William "Doc" Holladay for their friendly and helpful assistance. Dr. Rheault stated he will be at a Staff meeting in Las Vegas and will convey Member Waters' commendations.

President Ferry stated that because he is now President of the State Board, he will be selecting his replacement as Chair for the Subcommittee on Charter Schools and invited Members who are interested to call or e-mail him.

## 21. PUBLIC COMMENTS

Julie Whitacre, Representative for the Nevada State Education Association, reminded the Board of the invitation to attend their Gubernatorial Debate Monday evening in Las Vegas.

## 22. ADJOURNMENT

Member Gwaltney moved for adjournment at 4:10 p.m., seconded by Member Washington. The motion passed unanimously.

Respectfully submitted:

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Dr. Keith Rheault, Superintendent of Public Instruction

Approved by:

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Cliff Ferry, President, Nevada State Board of Education/  
Nevada State Board for Career and Technical Education

Recorded/Transcribed by:

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Nita Barnes, Assistant to the Board  
Nevada State Board of Education/Nevada State Board for Career and Technical Education

ATTACHMENT TO MINUTES:

**Indian Education Report to State Board of Education  
January 21, 2006**

As directed by the Board at our December 2, 2005 meeting, representatives of the Nevada Indian Commission's (NIC) Indian Education Advisory Committee met with Nevada Department of Education (NDE) staff on December 19, 2005. Those in attendance were:

Richard Harjo	Keith Rheault
Sherry Rupert	Gloria Dopf
Sharon Frederick	Frankie McCabe
Wayne Howle	Jacque Moore

Dr. Rheault explained that the creation of a new committee would be redundant and that the current NIC committee could operate as the task force since this committee is already functioning on a regular biweekly basis. It was decided that the committee calendar be adjusted in order to include NDE staff and accommodate their meeting schedule. Per Member Myers request, a copy of committee attendees is attached.

Dr. Rheault also volunteered to obtain information from each school district on their specific Indian education policies. It was suggested that a designated school employee or Title I employee in each district be responsible for accurate assessment data on subgroups. School improvement teams, Title VII funding, SAIN data, HSPE/graduation rates, and best practices from UNLV and UNR were also discussed. It was also stated that the following NDE staff would be able to provide assistance with the following:

Phyllis Dryden – military enlistment/vocational training/employment opportunities/career preparation  
Paul LaMarca – precise assessment data  
Jacque Moore – PSAT statistics for 10<sup>th</sup> graders

Through the efforts of Lisa Grayshield, Indian Education Consultant, a reception and presentation will be held on January 26<sup>th</sup> and 27<sup>th</sup> to welcome Denny Hurtado, Director of Indian Education, Washington State Office of the Superintendent of Public Instruction. An invitation to this event and article from Teacher Magazine on Mr. Hurtado's unique curriculum for Native American students are attached.

Pam Abercrombie, Yerington Paiute Tribe Education Director, and Ms. Grayshield have developed an "American Indian Cultural Competency" professional development course which will be presented in Yerington on January 27<sup>th</sup> and 28<sup>th</sup>. A copy of the course syllabus is attached.

Lisa Grayshield, Indian Education Consultant, has submitted her resignation effective February 2, 2006. In order to continue this momentum to further the education of Native American students in Nevada, we are requesting the recruitment for this critical position commence in a timely manner. Richard Harjo, Chairman/Nevada Indian Commission, Richard Arnold, Commissioner/Nevada Indian Commission and Executive Director/Las Vegas Indian Center, Daryl Crawford, Executive Director/Inter-Tribal Council of Nevada, and Sharon Frederick respectfully request inclusion in the interview process for the new consultant.

My involvement with this committee has been for a short period of time, but there are constituents who have patiently waited years, if not decades, for higher academic performance for their students even with State and Federal legislation in place specifically for Native American education. The Federal education initiative is appropriately named "No Child Left Behind" and Native American children should not be "left behind" because their subgroup is statistically small in numbers. Therefore, an Indian Education Task Force can be and should be created from the current existing committee of dedicated members.

Respectfully submitted,  
Sharon L. Frederick  
District 1