

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

November 30, 2007 and December 1, 2007

Department of Education  
Board of Education Conference Room  
700 East Fifth Street, Carson City, Nevada

And

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

**MINUTES OF THE REGULAR MEETING - NOVEMBER 30, 2007**

**BOARD MEMBERS PRESENT:**

Dr. Cliff Ferry, President  
Marcia Washington, Vice President  
Barbara Myers, Clerk  
Jan Biggerstaff, Member  
Dr. John Gwaltney, Member  
Dr. Merv Iverson, Member  
Cindy Reid, Member  
Anthony Ruggiero, Member  
Sharon Frederick, Member (arrived at 6:10 p.m.)

**BOARD MEMBERS ABSENT:**

Greg Nance, Member  
Madisen McGrath, Student Representative

**DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
Jim Wells, Deputy Superintendent; Office of Fiscal Services  
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction  
Rick Rasmussen, Consultant, Office of Career and Technical Education and Adult Education  
Michael Raponi, Assistant Director, Office of Career, Technical and Adult Education  
Carol Crothers, Director, Assessments, Program Accountability and Curriculum  
Phyllis Dryden, Director, Office of Career, Technical and Adult Education  
William Arensdorf, Director, Office of Fiscal Accountability  
Tom McCormack, Consultant, Office of Fiscal Accountability  
Frankie McCabe, Director, Special Education, ESEA and School Improvement  
Richard Vineyard, Assistant Director, Assessments, Program Accountability and Curriculum

**LEGAL STAFF PRESENT:**

Dr. James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

Kaweeda G. Adams, Director, Instruction and Facilities Administration, Clark County School District  
Sharon Kientz, Director, NRRF  
Ray Bacon, EP  
Ricci Rodriguez-Elkins, Executive Director/Project Director, CFCSD/Nevada State Charter School Leadership Team  
Dr. Paul LaMarca, Assistant Superintendent, Washoe County School District  
Jeanette Belz, Ace Charter School  
Ed Horan, Co-Founder, Ace High School  
Sheila Ward, PQE  
Edie Grub, President, Silver State High School  
Deena Holloway, Coordinator, Clark County School District  
Craig Stevens, Director of Education Policy/Research, Nevada State Education Association  
Roy Parker, Principal, Andre Agassi College Preparatory Academy  
Catherine Levy, Andre Agassi College Preparatory Academy  
Ashley Talbert, Lead Teacher of Curriculum, NVVA  
Gina Anderson, Home Education Consultant  
Kent Anderson  
Tiffany Shively, Vice President, Nevada Connections  
Zoe Hardge, Connections Academy  
Shaundell Newsome, Academy of Excellence  
Dr. Bryn Lapenta, Senior Director, Washoe County School District  
Michael S. Robison, Instructor, University of Nevada-Las Vegas  
Dr. Dotty Merrill, Executive Director, NASB  
Virginia M. Abelt, Teacher, Nate Mack Elementary  
Louis Csaka, Attorney, Gordon and Silver  
Denise Karpelenia, Coordinator, Clark County School District  
Abigail Kirst, Testing Consultant, Washoe County School District  
Capra Jensen, Teacher, El Dorado High School  
Carol White, NCA  
Maria Omari, Carson Montessori  
Jessica Barker, Carson Montessori  
Chuck Muth  
Carrie Jean Ross, Nevada Connections Academy  
Craig Butz, Executive Director, Odyssey Charter School  
Elaine Haines, Las Vegas Charter School of the Deaf  
Pat Gorman, Las Vegas Charter School of the Deaf  
Roger Hanley, Insight Schools  
Evelyn Preston, Las Vegas Charter School of the Deaf  
Caroline Bass, Las Vegas Charter School of the Deaf  
Ray Quarterman  
Vicki Arthur  
Hopli Kalaleh, Clark County School District  
Teresa Crookham  
Tamara Butler, Imagine School at Las Vegas  
Brad Lester, Nevada Virtual Academy  
Patty Knight, Silver State High School  
Vicki Frazier Williams, Imagine Schools, Inc.

**AUDIENCE IN ATTENDANCE (Continued)**

Jamie Castle, NCA, Connections Academy  
Kirsten Mitchell, NCA, Connections Academy  
Carol Lark, Douglas County School District  
Steve Knight, Founder/Executive Director, Silver State High School  
Kim Boyle, Clark County School District  
Carolyn Edwards, Clark County School District Board of Trustees

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

President Ferry called the meeting to order at 3:35 p.m. with attendance as reflected above. He asked those present to join him in the Pledge of Allegiance.

At this time, President Ferry announced agenda item 14 will be presented in two parts: the first half considered in regards to the Board moratorium on approving all future state sponsored charter school applications will be discussed and it will refer to new charter applications, not the existing ones. The second half regarding future amendments to current state sponsored charter schools will not be considered. Dr. Ferry also indicated agenda items 13 and 15 will be removed from the agenda.

A flexible agenda was moved by Member Biggerstaff, seconded by Member Washington, and approved unanimously.

**1. President's Report**

Dr. Ferry stated he would give his WestEd attendance report at the next meeting. He gave a brief report on the Wallace Conference he recently attended.

**2. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 389, English Language Arts Content Standards – Kindergarten through Grade 12**

Ms. Tracy Gruber, English Language Arts Consultant, Office of Assessments, Program Accountability & Curriculum, and Denise Karpelenia, Coordinator, Secondary ELA, Clark County School District, gave an update of the presentation to the Council to Establish Academic Standards. Ms. Gruber briefly explained the proposed revision to regulation language for the English Language Arts Content Standards.

President Ferry opened the public hearing for public comment at 3:45 p.m.

Sharon Kentz, Nevada Chapter Right to Read Foundation and retired teacher, asked that the standards revision be tabled as she had reservation as to the 300 standards with the wording "with assistance".

Ms. Gruber stated with assistance is skills mastered and help given – not independent level. She indicated the oversight committee had received positive feedback that assistance is good. She shared that site word vocabulary needs to be mastered by all students.

Virginia Abelt, Nate Mack Elementary teacher, Clark County School District, spoke to the same issues of concern as Ms. Kentz.

Sheila Ward, PQE, explained the meaning of sight reading and provided an example. She suggested teaching this instruction to kindergarten children and stated it was a chance to put into place rigorous standards in order for all children to succeed.

President Ferry stated he understood Ms. Ward's concerns and asked if the Board had any comments regarding systematic phonics.

It was explained that phonics was a strand in methodology, but there were some words that could not be sounded out and those were sight words. The skills required to learn to read are phonics-based.

Virginia Abelt, Teacher, Nate Mack Elementary, commented she taught kindergarten for years and that children also learn words through the environment such as stop signs. Some children will learn phonetically and some children will learn by sight. It was a combination of strategies which would help children.

President Ferry commented that children would also have to learn words that could not simply be sounded out.

Sharon Kientz, Director, NRRF, reported she taught the phonics program and stated all children learn to read with phonics. She expressed concern that sight words not be the top priority.

Deena Holloway, Coordinator, Clark County School District, differentiated between irregular sight words and regular sight words. She reported Clark County believed in phonics instruction.

Superintendent Rheault reported that in previous years the Board was required to adopt the standards word-for-word, but the new Bill passed during the last Legislative session provided two options. He read the following: The Council shall forward to the State Board the standards of content and performance established by the Council. The State Board shall 1) adopt the standards for the course of study as submitted by the Council or 2) if the State Board objects to the standards for a course of study or a particular grade level for a course of study, they can return those standards to the Council with a written explanation setting forth the reason for the objection.

Member Biggerstaff stated her concern was the fairness of the process and complimented the Council on doing a great job.

Member Iverson explained direct instruction could be applied to all types of instruction. He suggested defining "with assistance" in the introduction or to re-word it. He stated it was a balance approach and stated he did not see anyway the concept of direct instruction was eliminated. He stated he would support approval if the concept of assistance was clearly clarified. Discussion followed regarding the meaning of "with assistance". Dr. Rheault explained the Board had received the legal language of the standards provided and the speakers were referencing the user-friendly document.

Member Iverson requested to know why "with assistance" was included when it goes without saying. It was reported "with assistance" was included to emphasize that teachers had been teaching that skill.

Member Myers expressed concern that the Board had LCB language and could not fully understand public concern.

Abigail Kirst, Testing Consultant, Washoe County School District, introduced herself.

President Ferry closed the public hearing. Member Iverson made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education approves the revised ELA standards as submitted in the document.**

The motion passed unanimously.

**3. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 386, Amended Language Regarding Sponsorship of Charter Schools and the Process for Applications as well as exemptions for completing their annual performance audit**

Bill Arensdorf provided an overview of AB334 and AB591 that had been passed during the 2007 Legislative session. He reported AB334 required the Administrator of a Charter School be responsible for the closing of that school. AB591 allowed exemptions to the annual performance report. In addition, there was a need to define two distinct procedures for applicants who wanted to open a Charter School. The original procedure had required applicants to seek a sponsor and, if an application had been denied twice, the applicant can ask for sponsorship from the State Board. The new procedure allows applicants to seek sponsorship directly from the Board. A workshop was held on October 5, 2007 with the State Board to review the new procedure. The new procedure had been put into regulation language and a public hearing was being requested for review and approval of R135-07 on page 203 of Board documents and R169-07.

Tom McCormack reviewed changes in R135-07 and R169-07. For R135-07, Section 1 addresses criteria for exemptions from annual monitoring for charter schools that were doing well; Section 2 revises an existing regulation that refers to a Charter School requesting a change of sponsor; Section 3 revises an existing regulation regarding the annual compliance report. It was a technical revision only to bring the regulation in accord with the new statute. For R169-07, Section 2 and Section 3 regard a new regulation that addresses State Board review of a Charter School application submitted directly to the State Board for sponsorship as opposed to an application that had been previously denied by another proposed sponsor; Section 4 was a technical revision as was Section 5, Section 6, and Section 7 if the paragraph referring to at-risk Charter Schools was eliminated. The paragraph had been in there originally because there was a cap on the number of non-at-risk schools that conformed; Section 8 changes the date by which an application needs to be submitted to the proposed sponsor. The original deadline had been January 15<sup>th</sup>. It was changed to December 15<sup>th</sup> in order to give more time to a Charter School developer to set up their Charter School after the application had been submitted to the proposed sponsor; Section 9 revises an existing regulation to give the present staff thirty days to review a Charter School application; Section 10, Section 11, Section 12, and Section 13 were technical revisions; Section 14 refers to the change in statute that the Administrator of a Charter School that closes was responsible for clean-up for a year after the closure of the school; Section 15 allows two representatives of the same organization to be on the Governing Board of a Charter School. Mr. McCormack stated there should be language added into Section 15 that had been approved by the State Board which prohibited representatives from the same organization making up the majority of the Governing Board of a Charter School; Section 16, Section 17, and Section 18 were technical revisions. An additional handout had been distributed regarding a correction to item 6B on page 4 of R169-07. It clarified what the State Board was requiring from Charter School applicants for approval.

The public hearing was opened at 4:15 p.m. Public Comment was begun with Louis Csaka, Attorney, Gordon and Silver Law Firm, introducing himself. He stated he was appearing on behalf of Insight Schools of Nevada. He requested to know when regulations would go into effect if adopted.

Superintendent Rheault reported adopted regulations are forwarded to the Legislative Commission and the Secretary of State's Office for adoption, which was an approximately 30-45 day process.

Mr. Csaka asked if the regulations would be applicable to applicants currently in a pipeline. Dr. James E. Irvin, Deputy Attorney General, reported he was representing the State Board and the Department of Education. He reminded the public that questions do not have to be answered during the public comment portion of a meeting and action cannot be taken. Superintendent Rheault replied regulations were in effect once approved by the Secretary of State unless otherwise specified in the regulations.

Mr. Csaka expressed concern with the ambiguity of the language in Section 4: sub-section 8, on page 3 and proposed the language be amended to reflect that written reports would also be considered along with the application if written reports were provided and submitted responses were permitted.

Ricci Elkins, Executive Director/Project Director, CFCSD/Nevada State Charter School Leadership Team, reported her team was in favor of the proposed regulations due to the fact that the regulations may lead to more high-quality Charter Schools, but there were concerns regarding Section 6B on page 4. She requested that a clear and objective written report be provided regarding the reasons for denial of an application. In addition, there were concerns regarding the ambiguity of specific standards to evaluate proposed contracts between Charter Schools and contractors.

Ed Horan, Co-Founder, Ace Charter School, reported he was a Co-Founder and educator at the Academy for Career Education in Reno. He requested the date in Section 1: sub-section 3 for when a sponsor notifies an applicant be no later than December 15<sup>th</sup>. He also requested an explanation of the change in Section 4 on page 20. Mr. Arensdorf explained the current statute allows for two representatives from the same organization to sit on the Governing Board of a Charter School and that the State Board was requesting that representatives from the same organization do not comprise the majority of members on a Governing Board of a Charter School.

Steve Knight, Founder/Executive Director, Silver State High School, stated he supported the changes with the exception of the changes in 6B. He stated it needed to be clarified that the State Board does not need to approve every application that goes before them.

Dr. Bryn Lapenta, Senior Director, Washoe County School District, stated she agreed that there needs to be thirty days for a sponsor to notify an applicant.

Bill Arensdorf clarified the date of December 15<sup>th</sup> for when a sponsor notifies an applicant was in the original language.

The hearing was closed at 4:23 p.m. Member Ruggiero made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education approve the suggested amendments.**

Member Gwaltney thanked the public for their comments. He expressed concern that there was a change in the authority of the State Board and requested further clarification. He questioned if stronger questions were needed

regarding applications and provided an example. He suggested testimony should be heard under oath. He stated the Board needed to expand their responsibility and authority.

Member Myers stated she was troubled with the addition in Section 3, paragraph 6B and suggested another public hearing was needed with more clarification of the language. Tom McCormack explained the language came from the request from Department staff who had wanted further guidance on what the specific reasons would be for denying an application. Discussion followed regarding holding another public hearing for Section 3, paragraph 6B.

The motion failed.

**4. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 389, Career and Technical Education Skill Standards for: (1) Photography and (2) Digital Video and Broadcast Production**

Mike Raponi, Assistant Director, Office of Career, Technical and Adult Education, explained the proposed language changes to LCB R132-07 relating to standards regarding digital video and broadcast production and photography.

President Ferry opened the Public Hearing for public comments at 4:55 p.m.

Capra Jensen, Teacher, El Dorado High School, stated she was originally on the committee that was commissioned to write the State standards for photography for the State of Nevada. There was an overwhelming agreement in the way the standards had originally been written. She stated she did not hear any opposition to the proposed changes, but most of the photography teachers she heard from agreed that film photography should be kept within the curriculum.

Member Myers requested to know what changes had been made to the original standards. Mr. Raponi explained standards presented at the October 5<sup>th</sup> workshop did not include standards for film photography. The information provided in Board packets was requesting those standards be reinstated and the language for those standards.

The public hearing was closed by President Ferry at 4:59 p.m.

Member Biggerstaff made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education accepts regulation language regarding LCB R132-07 dated November 6, 2007.**

The motion passed unanimously.

**5. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 387, 388, 389, and 391 for Independent Study and Distance Education**

Bill Arensdorf explained a workshop on the proposed regulations had been held in October and the issue was being brought forth for a public hearing for approval of the changes.

Rick Rasmussen, Consultant, Career and Technical Education, reported the Legislative Counsel Bureau had reviewed the proposed language changes. He reviewed the proposed changes included in Board packets on page 222 through 235.

Public comment on the public hearing opened at 5:03 p.m. Craig Butz, Executive Director, Odyssey Charter School, stated there was a flaw in the proposed changed for 3B on page 228, regarding the recording time for a pupil. He explained seat time in front of a computer may be different for each child depending on their learning capability and that not all assignments or projects were completed on-line.

Member Biggerstaff asked if Mr. Butz could provide proposed wording for 3B on page 228. Mr. Butz replied he could provide proposed wording, but not in time for the Board to decide upon at tonight's meeting. Member Biggerstaff agreed with Mr. Butz's concerns.

Member Iverson stressed the importance of knowing to the extent that students were engaged in their studies.

Bill Arensdorf commented that 3B on page 228 was not suggesting recording seat time. He stated they understood students learn at different paces. Rick Rasmussen clarified the section being discussed does not necessarily address attendance, but full-time enrollment. Secondly, he explained there was an option for a competency-based program within NAC 387.131. Full-time enrollment would be determined by the student actually recording their time on the computer. Attendance would be determined by if the student was enrolled in a certain number of classes and whether or not the student was eligible competency-based instruction. Mr. Arensdorf stated this was a regulation that determined full-time enrollment and that it did not have to do with how long it takes a student to learn.

Member Gwaltney questioned the teacher-student ratio and if it would be in compliance with State Law. Superintendent Rheault responded Charter Schools were exempt from NAC 387.123 if Member Gwaltney was specifically talking about class size reduction in grades K-3. The State Board needed to consider if Charter Schools were meeting their proposals when they were adopted.

Member Gwaltney requested clarification of the teacher-student ratio in Charter Schools. Mr. Arensdorf clarified Charter Schools were not required to meet the 15:1 ratio because State funding was not provided. The teacher-student ratio proposed for a Charter School should be reviewed when sponsorship was being considered. Member Gwaltney expressed concern regarding this issue because it would affect public school attendance.

Member Reid asked if a Charter School could have a ratio of 200:1. Superintendent Rheault stated a Charter School could if the sponsors approved that ratio as a part of the application. Member Reid stated she was Chair of the Charter School Committee and expressed concern regarding this issue. She stated she did not know she was approving student-teacher ratios when approving applications.

The public hearing was closed by President Ferry at 5:30 p.m.

Member Biggerstaff made the following motion, seconded by Member Ruggerio:

**That the Nevada State Board of Education approves the amendments to NAC 387, 388, 389, and 391 as referenced in Board documents dated October 22, 2007.**

The motion carried.

Superintendent Rheault commented that they would make sure to record the intent described by staff regarding pupil attendance.

At 5:30 p.m., President Ferry announced there would be a short break. At 5:45 p.m., the meeting resumed.

**6. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 389.655 Alternative Criteria to the High School Proficiency Examination**

Carol Crothers, Director, Office of Assessments, Program Accountability and Curriculum, reported SB312 required the State Board to adopt regulations that describe alternative criteria for pupils to receive a standard high school diploma. She explained the intent of the Bill was not to limit the availability to alternative criteria. Therefore, Committee members were operating under the assumption that participation in the fall administrations of the HSPE in writing would serve as an alternative criteria. Science would be considered an alternative towards the end of the year. She clarified the R155-07 information dated November 28, 2007 provided in Board packets were a replacement for item 6.

President Ferry requested to know if there were any changes to the new information. Ms. Crothers reported the changes were listed in blue within Board packets.

Dr. Ferry opened the public hearing at 5:45 p.m.

Dr. Paul LaMarca, Assistant Superintendent, Washoe County School District, stated the district wanted to applaud department staff in their attempt to work with the school district on Legislation and that they were in support of the regulation as written. Details were needed to understand how the regulation would be implemented because of the impact it would have on current students. He requested it be recorded within the regulation if students were not required to fail the HSPE in its entirety three times before grade 12. He also asked if the State intended to modify the administration schedule for the writing test because it was not currently available to eleventh grade students.

Member Myers requested to know how alternative criteria went from the submission of a pupil essay, senior project, or portfolio to writing assignments and what districts were represented at the Committee meeting who suggested the proposed alternative. Ms. Crothers stated Clark County, Washoe County, Carson City, Lyon County, and Lincoln County were involved. She explained Committee members worked to come up with standards and had used a model from Washington for samples. Discussion followed regarding concern for the proposed alternative. Superintendent Rheault explained it was a concern to allow an alternative for any student who could not pass initially Math and English, which included writing and reading, but the Bill got watered down to only include writing by the time the Bill had passed.

Kaweeda Adams, Director, Instruction and Facilities Administration, Clark County School District, explained the language presented to the State Board constructed a portfolio of three different writing samples to show the student's work and proficiency. The Committee felt this would help ELL students. The grading of the writing samples would be completed at the State level.

Member Myers requested to know if all seventeen districts have a senior portfolio. Ms. Adams stated the Committee did not know that which was why an alternative criterion was a portfolio because a student would have submitted writing samples at some point during their schooling.

Member Myers requested to know if all seventeen districts had input regarding this alternative and expressed concern if this alternative would work in all seventeen districts. Ms. Adams explained there were several alternative criteria in order to allow school districts different options to choose from. Discussion followed.

The public hearing closed at 5:54 p.m.

Member Ruggiero made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education accepts the amendments and revisions to the regulation language that pertains to Chapter 389 of the Administrative Code as referenced in replacement item 6.**

Discussion followed.

Member Myers asked if Career and Technical individuals or ELL individuals were in attendance at the Committee meeting. Ms. Crothers stated there were not.

The motion carried by a vote of six to one.

**7. PUBLIC HEARING and possible Board action regarding Proposed Revision to Regulation Language, NAC 389.445 Required Units of Credits Earned Before Promotion to High School**

Carol Crothers explained SB184 required the State Board to adopt regulations regarding the courses of study required for promotion to high school to include Science and Social Studies in addition to existing requirements for Math and English. Current regulation required a student earn at least one and a half units during the seventh and eighth grades for promotion to high school. A pupil with a disability and enrolled in a special education program may be promoted under the same requirements. Revisions had been made to LCB R154-07 dated November 19, 2007 in Board packets as replacement item 7. The proposed requirements would be implemented for students who were enrolled in the seventh grade in the 2008-2009 school year.

Public comments began after the 6:10 p.m. opening of the hearing. Dr. Paul LaMarca thanked Department staff for involving school districts in developing these proposed regulations. They met with the Board of Trustees regarding these regulations and the Board felt strongly for school districts to underscore the importance of these poor subject areas. They felt that a 1.0 credit requirement was adequate because a 1.5 credit requirement would create a greater fiscal impact and would also have a negative affect in participation of elections. They were also concerned about an alternative route for ELL students. A 1.0 credit requirement would not preclude a school district from having stricter credit requirements. The argument for a 1.5 credit requirement was that, because of the onset of the high school science test, it would be a disservice to students to have lesser credit requirements in middle school in Science than in Math and Reading. However, in high school, there were lesser science credit requirements. The State test was also a better indicator of how students would do on the high school proficiency test. He stated the Washoe County School District was in support of the 1.0 credit requirement. He asked for clarification that the regulations would impact the 2008-2009 school year and if promotion would also apply to seventh grade students in the 2008-2009 school year or to current middle school students. He stated they were also seeking clarification on if the policy must allow for some students to be promoted to high school.

Superintendent Rheault clarified the Academic Probation Policy that each district has to pass was separate from these regulations. Legislative intent was that the Academic Probation Policy could be developed and applied to

any student going forward regardless of credit requirement. He commented that he was in support of a 1.0 credit requirement until the affect of that credit requirement was known.

Member Biggerstaff asked if there was discussion about requiring five units of credit with the minimum of one credit for each subject and expressed concern about retention. Superintendent Rheault stated the Academic Probation Policy requirements could assist with retention.

Member Myers expressed her support of having a 1.0 credit requirement.

The public hearing was closed by President Ferry.

Member Biggerstaff made the following motion, seconded by Member Washington:

**That the Nevada State Board of Education approves the change of 1.0 units of credit for Science and Social Studies in NAC 389.445.**

The motion carried.

#### **8. PUBLIC HEARING and possible Board action regarding Hearing on Petition and Recommendation and Right to Hearing for Suspension of the Nevada Teacher's License for Ronald Scott**

Superintendent Rheault stated the request began on page 246 of Board packets and that the certified letter that described the agreement and that was sent to Mr. Ronald Scott was on page 247. Mr. Scott requested an appeal based on Department recommendation that his license be suspended. At the appeal hearing, a settlement agreement and general release was reached which began on page 248. Superintendent Rheault explained Mr. Scott reviewed the test booklet before the actual testing which was a clear violation. It was recorded that Mr. Scott admitted to his actions. The settlement agreement was for a thirty-day suspension of Mr. Scott's license. Superintendent Rheault clarified the incident occurred at a Charter School in Washoe County.

Member Reid asked if the teacher had resigned from his position. Superintendent Rheault explained the occurrence happened last year and the teacher had resigned before action was taken. He stated he did not know if Mr. Scott was currently employed.

Member Ruggerio requested to know the original penalty. Superintendent Rheault stated it was a 60-day suspension. He reported the 30-day license suspension would be listed within Mr. Scott's teaching file.

Member Myers commented on Mr. Scott's disregard for the importance of test security listed on page 249. Superintendent Rheault pointed out Mr. Scott initially did not believe he did any wrongdoing, but accepted responsibility for his action after he was notified of his suspension.

President Ferry requested to know if the suspension had been served. Deputy Attorney General Irvin responded to Member Myers's comment and that initially Mr. Scott did not show any remorse for his action, but that Mr. Scott understood the gravity of his action after the hearing. Deputy Attorney General Irvin stated Mr. Scott agreed to the language in the settlement agreement, but he was not sure when the 30-day suspension would occur. It would occur when the respondent would not lose monetary compensation. It would also be recorded on the respondent's license.

Member Washington asked if the punishment was adequate. Superintendent Rheault stated it was.

Member Reid commented that she felt the punishment was appropriate.

Member Washington made the following motion, seconded by Member Reid:

**That the Nevada Board of Education support the action recommended by the State in the case of Ronald Scott.**

Discussion followed.

Member Myers requested to know if Mr. Scott had signed for his actions at the Charter School where the incident had occurred. Superintendent Rheault explained the Principal of the Charter School would have that information and that if Mr. Scott had not signed for his actions that information would have been disclosed in the hearing.

The motion carried.

**9. PUBLIC HEARING and possible Board action regarding Hearing on Petition, Recommendation, and Right to Hearing and a Petition and Recommendation for Suspension of the Nevada Teacher's License for Pamela Calhoun**

Superintendent Rheault reported the settlement agreement began on page 256 in Board packets. It also included general release of information regarding the recommended 30-day suspension for Pamela Calhoun. On initial review, Superintendent Rheault stated he viewed this case as more serious than Ronald Scott's case. The respondent had access to working papers that contained identical questions to a test, but the problem was proving that the respondent copied those identical questions. It was her testimony that she had received the questions through files and other means. The main violation was that Ms. Calhoun was aware there were questions similar to test questions and had failed to report it. Ms. Calhoun agreed to the 30-day suspension recommendation and that it would occur when the respondent would not lose monetary compensation.

Member Frederick made the following motion, seconded by Member Washington:

**That the Nevada Board of Education accept the recommendation of the Department regarding Pamela Calhoun.**

Discussion followed.

Member Washington requested to know if only one student had been affected by Ms. Calhoun's actions. Superintendent Rheault explained it was a test administered to all students, but it was only a select few students at this particular school that had access to those working papers.

The motion carried.

**10. WORKSHOP to solicit comments on Proposed Regulations in Response to Assembly Bill 212, requiring a Uniform Grading System in all Nevada Public High Schools, Grades 9-12**

Bill Arensdorf reviewed sections of AB212. He stated it became clear that different school districts had different grading systems which affected their eligibility for the Millennium Scholarship. Different points were

awarded depending on the types of classes taken which was why the Legislation suggested having a point system that was equivalent to all school districts. The Law required the State Board to adopt a system and for each local school board to implement that policy.

Richard Vineyard, Assistant Director, Assessments, Program Accountability and Curriculum, explained a survey had been presented to all school districts and Charter Schools. A national survey had also been issued and they had received twenty-five responses from other states. He reported twenty-three of those states reported the grading policy was a local control issue and that they did not have a uniform policy for the state. Two states had a uniform grading policy, but it was not restricted for State-sponsored scholarships. He reviewed grading policies in other states. Information had been provided at the November 7, 2007 meeting along with the five different proposals presented at tonight's meeting.

Bill Arensdorf reviewed proposals on pages 265 through 270 of Board packets. Proposal number one was based on the majority of systems currently in place. Proposal number two had a slightly higher grading standard; otherwise, there was no other changes to proposal number two. In proposal number three, a differentiated grading system was considered. Proposal number four expanded on the differentiated grading system by awarding extra value points to grades with a plus (+). Proposal number five was a preferred alternate grading system which raised the passing grade range to 70. The proposal on page 270 was based on the University Grading Scale. Handouts regarding the two most favored proposals were distributed. Mr. Arensdorf explained Proposal number one had been favored with a modification to include a D grade and the second favored proposal was Proposal number six on page 270. It did not award value points. It also adjusts the value points for a minus (-) grade. Mr. Arensdorf stated they would be asking for more input regarding how to round up or round down grading situations and if the system should be implemented for ninth graders next year until they graduate or to adopt the new system for all high school pupils, grades 9-12.

President Ferry stated that, in his opinion, in order to make a good decision regarding this issue the next meeting needed to be a face-to-face with everyone and that better explanations be provided before the next meeting.

Member Frederick asked if there had been Committee discussion regarding phasing in a portion of the system during the next school year. Mr. Arensdorf reported there had been discussion regarding implementing the new system for the ninth grade, but other Committee members did not like operating two dual systems which would be only using the new system for ninth graders and the old system for the tenth through twelfth grades.

Member Gwaltney asked if computer systems were capable of implementing the new system. Mr. Arensdorf stated it was.

Member Iverson questioned the use of plus (+) and minus (-) grading. Member Reid agreed with Member Iverson's comments.

Dr. Ferry opened the hearing for public comments at 6:42 p.m.

Dr. Bryn Lapenta, Senior Director, Washoe County School District, recommended using Proposal number one.

Ray Bacon, EP, questioned the point value between the two most favored proposals. Mr. Vineyard explained the point value was based on an addition factor and not a multiplying factor.

Member Washington requested to know if a representative from Clark County had an opinion regarding the grading system. Kim Boyle, Clark County School District, stated they had agreed on recommending Proposal number one and that it was a system already in place in the Clark County School District.

Member Myers requested to know why a new grading system was being proposed for certain schools. Mr. Vineyard stated the Legislature wanted consistency for Advanced Placement courses and Honors courses.

Member Iverson recommended creating a grading system that was an accurate reflection of a student's performance.

Member Reid made the following motion, seconded by Member Washington:

**That the Nevada State Board of Education moves this item to a Public Hearing.**

President Ferry requested Department staff provide a handout regarding the pros and cons of difficult issues such as this one for further discussion.

The motion carried; the hearing closed at 6:45 p.m.

A request was made to move to agenda item 14 due to meeting time constraints. President Ferry stated agenda item 14 would be heard after a ten-minute break.

President Ferry apologized, but agenda item 14 regarding a moratorium for future state sponsored charter school applications should not have been listed on the agenda. It would not be heard during this meeting. He also explained the intent of this item was not to include new charter schools. He asked Member Reid to explain the intent of the moratorium.

**14. Consideration and possible action to place a moratorium on approving all future state sponsored charter school applications and all future amendments to current state sponsored charter schools**

Member Reid stated she had served as a member of the Charter School Committee for the last few years and then as Chair of the Committee on the State Board. She explained the importance of Charter Schools and stated the State Board directly sponsors five charter schools and had two more charters who were currently looking for a site. They also oversee twenty-one charters in the state and that there were eleven new applications next year. She reported the State Sponsored Charter Schools ranked number twelve in the number of students served in the State and number six as an entire Charter School District. However, there was one staff member to manage all duties. Member Reid reviewed those duties and expressed concern with fiscal responsibility of Charter Schools. She reported there was also concern with how many Charter Schools should be in the state. She stated that as staff and funding stay the same and the number of Charter Schools grow, she has reached the conclusion that it was irresponsible to take on any more charters and that Douglas County had reached this same conclusion in 2005 as well as Washoe County and Clark County in 2007. A moratorium needed to be placed on Charter Schools until there was a change in funding and staffing. Further, Member Reid stated, more responsibility should be shown towards Charter Schools already in existence.

President Ferry agreed with Member Reid's comments regarding the staff load and expressed concern regarding the hiring freeze due to Government budget cuts.

Bill Arensdorf explained State Board concerns regarding staffing for Charter Schools. He reported there were thirty Charter Schools proposed for next year. He provided an example of the components missing from the state when it acts as a sponsor. The state does not provide services for special needs assessment due to the fact that the Department of Education was not a school district. He explained time would be taken away from other staff duties if a Charter School asked for assistance from the State Board in getting them back on track and provided an example. He stated the Department was not out to close Charter Schools. They provide training for Governing Boards. There were no resources to provide training or policy books. He suggested the State Board consider prioritizing the kinds of Charter Schools they would like to see and provided some examples. He suggested a broader study in demographics be conducted regarding who was being served in Charter Schools compared to similar demographics of children who were in comparable public schools. There should also be an emphasis on quality Charter Schools. Clark County and Washoe County should also be re-opened as sponsors.

Member Iverson stated he was an advocate of Charter Schools such as Odyssey Charter School. He stated he read all the letters that had been received and that it was his conclusion individuals do not understand the dilemma faced by the State Board. He also questioned the use of the wording "all future" in the agenda item title and suggested that a moratorium be placed on approving "stated sponsored school applications until the State Board has the capacity". He explained the State Board was placing a moratorium on approving applications for the right reason, but that it was individuals who would not give the State Department the capacity to do what needs to be done. He suggested the Board develop criteria that show the diversification of charter schools they sponsor.

Member Biggerstaff requested to know if a moratorium could legally be placed on accepting new applications. Deputy Attorney General Irvin responded by stating that the process for asking for Attorney General Opinion was through the Superintendent. He advised the Board and the Department of the Open Meeting Law. He suggested Member Biggerstaff's question be broken into at least three sub-parts. The first analysis would be whether or not the Board was sticking close to their agenda and whether or not the agenda was sufficient. An issue that could arise would be that the public should know before action was taken relating to the moratorium. There may be an Open Meeting Law complaint filed after the meeting. The alternative could be a judicial review of a public agency and a final determination. He suggested having an intensive data-filled transcript if a motion was made. It would also be helpful with the Open Meeting Law. There could also be an issue that the final determination of the Board was arbitrary and capricious. Lack of funding could support the State Board's decision to not fulfill a requirement. He stated more data should be considered before a decision could be made. He stated it would be fool hardy for him to answer Member Biggerstaff's question and then defend his answer in court because his answer should not be the final determination of an administrative body.

Member Frederick stated she wanted to address some comments to Mr. McCormack and Mr. Arensdorf. She commented on an article in "Converge" magazine that listed the number of Charter Schools in other states and asked how other states have managed the large number of Charter Schools and their staffing level. Tom McCormack stated he did not know what the staffing levels were in those other states, but he reported Charter Schools in those other states were their own LEAs, which changed the administrative relationship. Mr. Arensdorf reported some of the states mentioned offer multiple kinds of sponsorship such as City government and non-profits. Some states also have larger populations. It also depends on accountability and standards that are in place.

President Ferry added that Louisiana has received Federal funding for their Charter Schools due to Hurricane Katrina.

Member Reid reported the Arizona State Board for Charter Schools were not in compliance with State Law.

Member Washington asked if the original language states that a school district may or shall sponsor a Charter School. Mr. Arensdorf reported school districts could approve or not approve Charter Schools in the original Legislation language. If a school district denied sponsorship for a second time to a Charter School, then that school could seek sponsorship from the State Board. Member Washington commented that she made decisions based on what was best for students and that she did not appreciate a letter she had received trying to intimidate her to vote a certain way.

Member Gwaltney commented that there were more costs associated with Charter Schools. He stated it was over \$1 million that the State should have received back from Charter Schools that had been closed or had their charter revoked. He explained he was in favor of Charter Schools, but the resources to the State need to be reviewed. He expressed concern about the cost that EMOs were extracting from Charter Schools and States. He suggested balancing the issue of Charter School needs and future plans including LCE.

Member Reid thanked the staff for their efforts and Board comments. She stated moratorium was defined in the dictionary as a waiting period set by an authority for a suspension of activity.

Member Iverson recommended changing the recommendation to include “(a waiting period)” after the word moratorium, striking the verbiage “all future” and for the recommendation to reflect including state sponsored Charter School applications until the Board has the capacity to adequately manage them.

Member Myers expressed concern with agenda item 14 and commented on the role of the Subcommittee on Charter Schools. She suggested reviewing Board operations and for Board members to be provided with draft agendas.

Member Ruggiero stated he was a member of the Nevada State Charter School Leadership Team and that the letter received from the Team articulated the Team’s goals. The principle goal was to improve the implementation of Nevada Charter School. He stated his intent of serving on the Leadership Team was to take back information from the Team to the Subcommittee who would provide recommendations to the State Board on improving the application and acceptance and approval of Charter Schools. He stated all Board members were in favor of Charter Schools and that the need for additional staffing had been a topic of concern at Board meetings for several months. He requested to know if funding had been approved for an additional full-time staff member. Superintendent Rheault reported the last position had been approved four years ago and that it was a quarter of one position that was earmarked for Charter Schools and the other three-quarters of the position were for Social Studies. Member Ruggiero expressed frustration with still having only one full-time staff member when another full-time staff member has been requested for several months. He stated the Board was acting responsibly both fiscally and administratively. He commented on Legislative concern regarding this issue when the Board was attempting to manage the issue as the Legislative had requested of the Board. He explained there should be parameters set to the moratorium.

Member Iverson stated the Board did not have the capacity to do what was being requested for the future unless things change.

President Ferry announced public comment would be heard at this time. He stated public comment would be limited to three (3) minutes due to the number of individuals who requested to speak. He requested members of the public not repeat information already stated.

Gina Anderson, Home Education Consultant, stated she was in favor of every option and that options should be kept open and for choices not to be limited. She suggested reviewing ways to fund and manage Charter Schools rather than placing a moratorium on Charter Schools. Everyone having a choice in education should be able to weigh the options without limitations.

Ricci Elkins read the letter provided to the Board from the Nevada State Charter School Leadership Team as requested by the Governor's Office. She expressed disappointment that a moratorium was being requested at this time when resources and support have been garnered for Charter Schools and for everyone to work as a bipartisan team.

Tiffany Shively, Vice President, Nevada Connections, pointed out education was always under-funded and that stopping services was not the way to receive funding, but to demonstrate the need. She suggested a Committee be created to review the needs of staffing and putting a cap on Charter School applications until the Legislation meets again to show the need. She commented on the relief that Charter Schools provide for overcrowded public schools.

Ray Bacon commented on the cap that had been placed on Charter Schools a year ago. He suggested reviewing the number of students Charter Schools have helped along with problems. He recommended putting a date on a moratorium and to consider national sponsorship for Charter Schools.

Catherine Levy, Andre Agassi College Preparatory Academy, read the following letter for the record:

"Dear Board: We would like to express our great concern regarding the proposed charter school moratorium slated for consideration on this evening's agenda. While we understand and appreciate the need for proper oversight in the charter school process, we believe it would be negligent to choose to exclude the opportunity for reputable and established organizations who express desire to expand and enhance the charter movement here in Nevada. Ten years ago, no one would have guessed that a tennis player would have committed to joining the effort to improve public education. We hope you recognize that by taking action such as this, you will impede progress in the state, which could be detrimental to the progress already being made nationally."

Roy Parker, Principal, Andre Agassi College Preparatory Academy, stated they were very proud of what they have been able to accomplish in a very difficult neighborhood.

Zoe Hardge, Connections Academy, commented that there was a great demand for Charter Schools.

Craig Stevens, Director of Education Policy/Research, Nevada State Education Association, stated they were in attendance to lend support to Member Reid's proposal. They were not anti-Charter School, but the State was ill-equipped at this time to handle any future Charter Schools. He stated more resources were needed.

Steve Knight, Executive Director and Founder, Silver State High School, thanked the Board for their sponsorship. He commended Board members and Department Staff on their comments regarding the problems being faced by the Board regarding Charter Schools and the efforts they have put forth so far. He stated he was in support of a moratorium until the Legislature sees there was a need for more staffing.

Eddie Grub, President, Silver State High School, concurred with Mr. Knight's comments.

Shaundell Newsome, Academy of Excellence, commented on the importance of the Academy of Excellence Charter School. He suggested the Board find alternate solutions than placing a moratorium on Charter Schools. He asked the Board to assist in fighting the negatives of a community and to assist in the positives.

Michael Robison, Instructor, University of Nevada-Las Vegas, commended Tom McCormack's efforts as the one full-time staff member. He stated the Board was acting responsible in realizing public concerns, but the real problem was resources and finding resources. He stated he hoped current applications would be excluded from the moratorium.

Dr. Dotty Merrill, Executive Director, NASB, stated she was in attendance as a retiree of the Washoe County School District. At the request of Member Reid, she provided archival information regarding the decision made by the Board of Trustees and the Washoe County School District in 2004 to no longer sponsor Charter Schools.

Carolyn Edwards, Clark County School District Board of Trustees, stated she was not speaking on behalf of the Board. She reported they did withdraw their application to sponsor Charter Schools due to the significant costs and the number of staff members it required. She stated they were in support of Charter Schools and that they were pleased with the Charter Schools they do sponsor and that the Board voted and would re-apply if there was sufficient funding to do so.

President Ferry stated the Board understood the concern for demand and quality.

Member Reid thanked individuals for their public comment and requested that concerns be shared with the Legislature. She requested to be e-mailed to visit Charter Schools.

Superintendent Rheault stated there was no question current statutes need to be reviewed and that he was in support of a moratorium with a time limit, but that action did not need to be taken on the issue at this meeting since current applications would proceed. New applications are due in September 2008. It would be politically prudent to hear from the Governor's Charter School Committee on January 7, 2009. The agenda item also needed more clarification.

Member Frederick requested Mr. McCormack create a spreadsheet on what the other states were doing regarding Charter Schools.

Member Reid suggested voting on the moratorium to have it in place in order for things to be completed more quickly.

Member Biggerstaff agreed that the moratorium needed to be reviewed, but suggested postponing the vote until after January when the Legislative Committee on Education meets.

Member Iverson agreed with Member Reid's suggestion.

President Ferry requested to know if applications were due in September. Superintendent Rheault stated work on the current applications was going on; new applications were only reviewed once a year and due by September 15<sup>th</sup>. Bill Arensdorf clarified the final date was in September, but applications can be accepted at anytime and applications can be dispensed to the Board at anytime.

Member Ruggiero made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education temporarily suspend the approval of new Charter School applications excluding applications already received until the Department of Education pursuant to NRS 386.542 determines that it can affectively carry out the provisions of NRS 386.500 to 386.610 inclusive without limitation or until the State Board of Education receives funding or staffing and/or support from other respected stakeholders including, but not limited to the Governor's Office, the Nevada State Senate, the Nevada State Assembly, the Legislative Committee on Education, the Interim Finance Committee, and the Nevada State Charter School Leadership Team.**

Discussion followed.

Member Iverson suggested bringing the issue to the forefront at the present time because it would force action on the issue.

At this time, a roll call vote was taken. The motion carried unanimously with those Board members present.

President Ferry recessed the meeting at 10:03 p.m., to reconvene at 8:30 a.m. on Saturday, December 1, 2007.

### **MINUTES OF THE REGULAR MEETING, DECEMBER 1, 2007**

#### **BOARD MEMBERS PRESENT:**

Dr. Cliff Ferry, President  
Marcia Washington, Vice President  
Barbara Myers, Clerk  
Jan Biggerstaff, Member  
Sharon Frederick, Member  
Dr. John Gwaltney, Member  
Cindy Reid, Member  
Anthony Ruggiero, Member  
Dr. Merv Iverson (arrived 8:40 a.m.)

#### **BOARD MEMBERS ABSENT:**

Greg Nance, Member  
Madisen McGrath, Student Representative

#### **DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
Jim Wells, Deputy Superintendent, Office of Fiscal Services  
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction  
Rick Rasmussen, Consultant, Career and Technical Education  
Michael Raponi, Assistant Director, Office of Career, Technical and Adult Education  
Carol Crothers, Director, Assessments, Program Accountability and Curriculum  
Phyllis Dryden, Director, Office of Career, Technical and Adult Education  
William Arensdorf, Director, Office of Fiscal Accountability  
Tom McCormack, Consultant, Office of Fiscal Accountability  
Frankie McCabe, Director, Special Education, ESEA and School Improvement

Richard Vineyard, Assistant Director, Assessments, Program Accountability and Curriculum

**LEGAL STAFF PRESENT:**

Dr. James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE (continued):**

Terry Care, Counselor for NVVA  
Bill Bukovi, Head of Governing Board, NVVA  
Brad Lester, Head of School, Nevada Virtual Academy  
Don M. Curry, Board member, Nevada Virtual Academy  
David Bachman, Student, Nevada Virtual Academy  
Matthew Bachman, Student, Nevada Virtual Academy  
Dr. Dotty Merrill, Executive Director, NASB  
Marguerite Bachman, Teacher, Nevada Virtual Academy  
Mo Denis, Assemblyman, District 28  
Steve Knight, Executive Director, Silver State High School  
Elissa Wahl, Nevada Home School Network Officer  
Ed Horan, Ace Charter School  
Jeanette Belz, Ace Charter School  
Jamie Castle, NCA Charter School  
Kim Boyle, Clark County School District  
Brian Myl, Clark County School District  
Carrie Ross, NCA Charter School  
Holli Kalaleh, Clark County School District  
Davis Ayers, Clark County School District  
Thad Simmons, NVVA  
Ashley Talbert, NVVA  
Jhone Ebert, Clark County School District  
Edie Grub, Silver State High School  
Sheila Moulton, Clark County School District

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

President Ferry recalled the meeting to order at 8:35 A.M. with attendance as reflected above. He asked those present to join him in the Pledge of Allegiance. President Ferry announced agenda item 17 would be heard first followed by agenda item 16 with the agenda to proceed in order following that.

**17. Superintendent's Report**

Update of P-16 Council Meeting

Superintendent Rheault reported the P-16 Council had met about a month ago, but it was more of an informational meeting. At the meeting, he provided a 20-minute summary on educational demographic data. Another meeting would be held in about a week. The date and location of the meeting would be e-mailed to Board members. The meeting would discuss the top three priorities that the P-16 Council should be working on. Patty Wade Snyder was selected as the Chairperson of the Council.

### Update on the Legislative Committee on Education Meeting

Superintendent Rheault reported the Legislative Committee on Education held their first meeting about two weeks ago. Funding was requested to begin the Educational Technology Standards in the spring and the PE Standards in the fall. Once the PE standards begin, revision of the Arts would begin. The next meeting would be held on December 13, 2007. The meeting would focus on counselors. The staff would also be working with Phyllis Dryden and Gary Wyatt. They would be reviewing how many school districts passed the required policy that limits the time counselors spend on testing. Superintendent Rheault stated he would be covering the summary of the Testing Irregularity Report that had been distributed two months ago.

Superintendent Rheault pointed out there was a schedule of the Legislative Committee on the back of the letter that had been issued during discussion of agenda item 14 at yesterday's meeting.

### Update of the Council to Establish Academic Standards' Retreat

Superintendent Rheault reported a retreat had been held with the Academic Standards Council about two weeks ago in Las Vegas. The purpose of the retreat was to review past Council action and future Council action at the request of Elaine Wynn who had been an original member of the Council. A summary would be provided to the Legislative Committee. The next step would be to look at how to work with school districts to ensure action is implemented.

Superintendent Rheault reported the Commission on Educational Technology had their first meeting of the year and it was primarily to develop proposals for school districts. There was \$9.7 million in Educational Technology funding. The Commission also discussed how a Needs Assessment would be accomplished for the spring.

Superintendent Rheault stated he missed the West Ed meeting. He also missed the Davidson Academy meeting of which he is a member of the Governing Board.

### Update on State Budget Cuts

Deputy Superintendent Wells reported alternative cuts would be submitted on Tuesday, December 4, 2007. Three out of the twelve new positions requested had been denied due to the hiring freeze, but can be appealed. The three positions were for Parental Involvement, Diversity, and the State Board.

Superintendent Rheault added the Governor may be inviting the agency to discuss the budget cuts.

Member Ruggiero requested clarification that K-12 was exempt from budget cuts, but not the Department of Education. Deputy Superintendent Wells stated that was correct. There were four K-12 budget accounts that were exempt.

Member Reid requested to know what items would be cut. Superintendent Rheault reported the 6.5% would total approximately \$1.2 million over the biennium and 8% would total approximately \$1.7 million. In total operating expenses, \$4 million was reduced for testing contracts.

Member Reid commented that Deputy Superintendent Wells stated "it would leave everything else". Member Reid requested to know what was meant by "everything else". Deputy Superintendent Wells reviewed the State

Budget Account and stated the remaining monies were primarily Federal matched. They were also able to exempt some of the budget. Superintendent Rheault reported it was state-funded staff and operating expenses that were reduced.

Member Frederick asked how budget cuts would reflect the plans for the Department of Education building. Superintendent Rheault reported the building plans were separate and paid from the Indirect Cost Account.

Member Reid commented that there may not be assistance with Charter School staffing in the future due to budget cuts.

Superintendent Rheault distributed handouts regarding additions to 17A and 17B regarding the Teacher Education Committee. 17A regarded the responses provided by the student teachers who completed the program and 17B was the responses from the supervisors of the student teachers.

### **16. Virtual Education for Elementary Students, A review of Both Sides of the Issue**

Superintendent Rheault reported item 16 begins on page 292 of Board packets. He stated the item was a carry-over from the State Board retreat in which a presentation had been given regarding Distance Education. The information provided was just to provide a balanced view on the issue. He suggested the Board review the information provided on page 295 to learn of some of the key policy decisions that need to be made regarding Distance Education. He encouraged the Board to read the information on page 304 to provide direction with future e-learning discussion.

Member Myers expressed concern with the lack of adaptive technology.

Member Reid stated she had requested information regarding the other side of virtual education to understand what it meant for students to be taught by virtual education. She reported she had asked a presenter to give a presentation to the Board on the issue, but the presenter stated she had not been contacted by the Board of Education Department. Member Reid expressed concern with the information provided in Board packets because it was outdated information and only dealt with technology used within public school settings. She requested information on the opposing side of the effects of virtual education on students in order to make an informative decision.

President Ferry requested this issue be discussed later in the meeting. Discussion followed. Deputy Attorney General Irvin explained meeting procedure according to Robert's Rules of Order. He suggested the public comment on this item during the public comment portion of the meeting, according to the Open Meeting Law and suggested the Board wait on hearing discussion until the proper agenda item. He clarified a policy discussion does not relate to a decision and stated discussion could continue but cautioned the Board about using the word "decision".

Member Myers agreed that discussion should continue.

Member Reid clarified she had been requesting information regarding the opposing side of virtual education which was what the discussion was to be about according to the agenda item. Discussion continued.

Member Washington requested to know if the information provided discussed enhancement of a child's social skills with virtual education. Superintendent Rheault reported that was one of the concerns of early learning mentioned in the NASBE document.

Member Iverson stated that, in his opinion, the information provided was a description of what should be. He stated he approved of technology, but technology could be introduced in the classroom for K-2.

Member Gwaltney explained policies need to be strengthened and expanded.

Member Ruggiero thanked Board members for their comments. He agreed with Member Reid's comments regarding having both sides of the issue to make an informed decision. He stated he also agreed with Member Myer's comments regarding the Board starting to make policy decisions and consider regulation changes.

President Ferry stated cheating was an issue. He commented on the book "A Classroom of One" and explained why virtual education should be tried.

Member Iverson explained he was on the side of the students. He suggested virtual education for grades K-12 should be compartmentalized into elementary grades, middle school grades, and high school grades. He expressed concern with the qualifications of parents of home school students. He suggested postponing discussion until more information was obtained.

Member Myers commented on the National Association for Special Education report that discussed on-line learning.

Member Reid clarified she was requesting a presentation of an opposing side from someone who had studied the issue and was an expert in the field in order for her to feel comfortable with moving forward on the issue. She requested that Dr. Jane Healy, author of "Endangered Minds" give a presentation on how virtual education would affect younger students. Member Reid expressed concern that the information received was only from those who have an interest in one side of the issue.

President Ferry closed discussion on this issue at the present time to be heard again later in the meeting.

## **18. Approval of Consent Agenda**

A. Approval of Minutes for May 4-5, 2007 Regular Meeting

B. Approval of upcoming State Board Member Travel

C. Approval of the 2008-2015 Elementary and Secondary textbook adoption lists for the Adoption period December 3, 2007 to June 30, 2015

D. Approval of the first private licenses for two years to A Montessori Children's Academy, Las Vegas and relicense for two years the Merryhill School at Spanish Trail and Merryhill School on Alta Drive, Las Vegas, and relicense for four years the Southern Highlands Preparatory School, Las Vegas

E. Approval of Daniel Combo to serve on the Title I Committee of Practitioners

F. Approval of Appointments to the Special Education Advisory Committee

G. Approval of the awarding of one gifted and talented discretionary unit to the Elko County School District, one unit to the Eureka County School District, and one unit to the Pershing County School District

H. Approval of the awarding of one-half (.50) special education discretionary unit to the Nye County School District, and one (1.00) special education discretionary unit to Nevada Connections Academy

Member Biggerstaff made the following motion, seconded by Member Frederick:

**That the Nevada State Board of Education approves items A through H of the consent agenda.**

The motion carried unanimously.

### **19. Approval to the Request for Dual Credits from the Clark County School District**

Superintendent Rheault reported a listing of specific courses to be considered for dual credits was listed on page 389 of Board packets. The list of courses would be in line with previously approved dual credit courses the Board provided to other school districts and the Clark County School District so approval was being requested.

President Ferry stated he still believed this should be tied into individual colleges. The Board had also indicated if these courses were elected or required courses in the past.

Member Frederick made the following motion, seconded by Member Iverson:

**That the Nevada State Board of Education approves the request for dual credits from the Clark County School District per the attached list of courses.**

The motion carried.

### **20. Approval of the 2007 Nevada State Improvement Plan and 2006 Report of Accomplishments**

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, requested members of the Steering Committee and members of the public comment on the issue after her comments. She thanked the Board for their review of the 2007 Nevada State Improvement Plan. She reported the plan was required by statute and to be delivered to other Government entities with revisions by December 15<sup>th</sup> annually. The plan was developed by the Nevada Department of Education and a broad base Steering Committee. The process used for the initial plan was the SAGE (Student Achievement Gap Elimination) process, which was a data-driven analysis. This was the third year of the Improvement Plan and the evaluation mode of the strategies was currently being conducted. The document has been reformatted for better understanding. Last year, Board accomplishments were listed in full in the front of the document. This year, Board accomplishments were provided in summary form throughout the document. The Steering Committee reviewed the draft from the Nevada Department of Education and a meeting was held regarding recommendations. President Ferry had also provided a handout to staff regarding technical amendments to the document. Ms. Dopf briefly reviewed the 2007 Nevada State Improvement Plan and the 2006 Report of Accomplishments.

Dr. Dotty Merrill reported the statute stated two representatives from a large school district above 100,000 students and from a small school district could participate on the State Improvement Planning Team. This year, the NASB was represented by Dr. Karlene Lee from Clark County and Nancy Bryant from Douglas County. Dr. Merrill stated their report mentioned how impressed they were with the efficiency of the process, the openness of discussion, the attentiveness to detail, and the vast array of data elements provided for consideration and review.

Jhone Ebert, Assistant Superintendent, Clark County School District, reiterated the commendation of the duties of staff and the process. She also commended the visionary portion of the document. She stated they welcomed the monitoring aspect as the process goes forward especially with high school and the twenty-first century course of study.

Member Iverson requested to know if the plan was written in its final form for approval. Ms. Dopf reported the document was a Board draft documents. Modifications can be requested to staff. The document had to be finalized by December 15<sup>th</sup>.

Member Iverson commended the document and stated it was a comprehensive, overview of education in the State of Nevada. He expressed concern with some of the wording in the mission statement, but stated he liked the document, overall.

Member Washington asked if more than one license had been revoked during 2006 as stated on page 3. Ms. Dopf stated she would review that information for accuracy.

Ms. Dopf requested the Board approve the document as proposed with the Department's ability to make technical amendments reflecting direction from the Board including President Ferry's suggestions in the handout. She also indicated she would share the document with Commissioners, the Academic Standards County, the Legislative Committee on Education, and the P-16 Council. The Department office plan was structured against Board goals and those goals reflect the actions to be taken and could be used as a way to evaluate accomplishments. She suggested an additional strategy to the action plan beginning on page 42 to ensure there was an alignment between Board interest and actions and provided some examples.

Member Iverson complimented President Ferry's comments in the handout and recommended that some of his suggestions be included. He stated he liked the recommendations regarding virtual education and requested to know if there were special needs the Board needed to address.

Member Reid stated she would like to adopt the review of Charter Schools and virtual education and Indian education. She stated there was a need for a Charter School in Indian education.

President Ferry requested the Board review the mission statement and goals and strategies next year.

Member Iverson stated individuals have complimented the Board on their professionalism in dealing with difficult issues and stated he hoped it would continue.

Member Frederick stated she was disheartened to see the statistics on Indian education and requested an additional copy of the statistics so it can be forwarded to the Nevada Indian Commission. She reported there would be an Indian Education Summit held in March and suggested postponing discussion of this issue until after the summit.

Member Myers commented on the helpfulness of the standard base report card, but expressed concern that no action has been taken on the recommendations for issues such as teacher quality and Indian education. Ms. Dopf reported the report card was missed in the timeframe and that activities needed to be more pronounced in the action plan. She pointed out teacher quality was a continuation of the role out of the alignment of pre-service in service licensure which was the compelling mission of the teacher quality task force on page 47 of the

plan. She reported the intent of the Professional Standards Commission was to review the reciprocity with alternate route and alternate route methodology to be incorporated in the document, if recommended.

Member Myers requested more discussion was needed regarding the textbook issue. Ms. Dopf pointed out the pre-service issue had been discussed on page 2.

Member Gwaltney stated the information should be been received earlier in the meeting so the Board could have more time to effectively review the information. He also suggested information be provided to the Board in October or November so Board recommendations could be made before the December 15th deadline. Ms. Dopf explained time frame constraints were that critical data was collected in spring. The testing and accountability reports were received in September and the AYP testing was conducted in August. She stated a draft with enough information for feedback could be provided. The Board could also hold a tele-conference meeting before the regular December meeting to discuss the issue.

Member Gwaltney reiterated Member Iverson's concerns regarding the wording in the mission statement and asked how the subcommittee would measure success as stated by the wording "objectives to success". Ms. Dopf stated that had been a challenge since the beginning of the document and trying to set a contrast with the vision and broad goals that would drive the state and also trying to have the document data-driven. They were set to work with national leadership next cycle in rewording the language so it was more measurable and would specify performance targets and to bring it back to the Board for review.

Member Washington requested why there was an increase in the Nevada dropout rate listed on pages 24 and 25. Ms. Dopf clarified there was actually a decrease in the dropout rate. Member Washington requested to know if proficiency exams were the reason for the decrease. Ms. Dopf reported credit deficiency causes a higher percentage of students from dropping out than high school proficiency exams. The exams were a component, but it can be taken multiple times.

Member Iverson reiterated the State Board of Education's mission was to "foster" and that this was very much in line with the mission. He stressed the need for administrative training and asked if that had been considered. Sheila Moulton confirmed administrative turnover has increased and that leadership was also a concern at the local level. Ms. Dopf reported goal number four on page 47 was a strategy for teachers and for administrators. There was also a collaboration book with the RPD and the NASA.

Member Biggerstaff stated she appreciated the process, but the goals and strategies could be discussed more fully at the retreat.

Member Reid requested to know what occurred in 2004 that created a peak in the charts listed on page 17 and why there was a drop in ethics performance in fifth through eighth graders. Ms. Dopf reported the CRT performances in fifth through eighth grades were consistent with NRT performances and that the best practices to defy that trend needed to be reviewed and replicated. Member Reid stated there seemed to be a correlation with junior high school years and ethnic groups. She asked if that was also true of non-ethnic groups. Ms. Dopf stated it was, but not as dramatic. She explained some of the reasons had to do with the introduction of multiple teachers and in some cases that also meant more class integration. Another reason was puberty. There were also individuals that have issues with language and who may have problems with how educational content is presented.

President Ferry requested to discuss problems with his suggestions, if any. Ms. Dopf reported there were no problems were comments, but that there were concern regarding a policy implication to have affirmative assessment as part of the assessment component.

Member Ruggiero made the following motion, seconded by Member Reid:

**That the Nevada State Board of Education approves the 2007 Nevada State Improvement Plan and the 2006 Report of Accomplishments to include the changes that were discussed by Deputy Superintendent Dopf with respect to the Board's goals to include the adequacy of funding for Charter Schools and the criteria for technical schools.**

Discussion followed.

Member Iverson suggested adding an objective and some suggestions about virtual education in the primary grades. Member Ruggiero stated that was what he meant by including Ms. Dopf's suggestions regarding criteria for technical schools.

The motion carried unanimously.

At 10:50 a.m., President Ferry called for a break. The meeting resumed at 11:07 a.m.

## **21. Approval of the Amendment to Nevada Virtual Academy Charter School for Adding Grades K-3**

President Ferry provided an overview of the law regarding Charter Schools. He reported the Governing Body of a Charter School may submit a written request for an amendment to the written charter of a Charter School to expand to other grade levels as long as it does not change the school. He reported the Nevada Virtual Academy submitted material on pages 491 through 510 of Board packets. The material constitutes a request for an amendment to the Charter School. He pointed out the Board's approval of grades 4-8 for Nevada Virtual Academy was not the issue, but whether the proposed amendment was in compliance with NRS Codes.

Superintendent Rheault reiterated a proposed amendment request was the issue and that it falls within the guidelines to submit such a request. The Nevada Virtual Academy Charter School was currently operating a charter sponsored by the Board for grades 4-8. The amendment request was to add grades K-3, which would not change the school. The staff recommended a delay in approval because it was perceived that was the direction the Board indicated during the approval of the original charter. He added the original application was reviewed and it was recommended that grades K-8 be submitted for approval. The staff recommended the Board base their decision on the information provided in packets and on the presentation given and the support shown for the applicant. He added K-12 was approved under the Distance Education curriculum and was on the State Provider List.

Bill Bukovi, Head of Governing Board, NVVA, introduced himself, Board members and representatives of Nevada Virtual Academy in attendance. Mr. Bukovi thanked President Ferry and the State Board for allowing the issue to be presented to the Board again. He also thanked Superintendent Rheault for his recommendation. Mr. Bukovi provided an overview of Nevada Virtual Academy. He stated currently the school has 380 students enrolled in grades 4-8. There was an increase of 100 students since the end of September. Currently, more than 30 Nevada Virtual Academy students have siblings in grades K-3. Additionally, nearly 150 families sought to enroll their children in Nevada Virtual Academy, but were unable because the Charter School does not offer the services of grades K-3. The teaching staff was made up of highly qualified professionals who work diligently to

bring a sense of community to the school. The school currently conducts seven field trips a month around the state which brings students, parents, and teachers together for academic and social enrichment. Students who attend these events come from diverse social, cultural and geographical settings thereby enhancing the overall experience. Students can also participate in six different school clubs weekly. Club meetings were conducted live on-line. Study hall was also a web-interface tutoring session held weekly. Teachers conduct seven separate subject specific study halls weekly designed to reinforce concepts, assess performance, observe student interaction and provide encouragement and positive feedback. The Board of the school has increased its members from four to seven. The Board also consisted of individuals from a variety of professional backgrounds. The Board identified grades K-3 as an important piece for student academic success and determined grades K-3 were needed. The Board understood grades K-3 were not computer-, but textbook- and activity-driven. Therefore, the Board requested an amendment to add grades K-3.

Terry Care, Legal Counsel for NVVA, provided background on the amendment request. He questioned if Board concerns regarding the application in March 2007 were based on policy founded in statute and regulation and unique to Nevada Virtual Academy. They would submit they were in order for the application. He pointed out there was information regarding discussion of the demonstration program in Board packets.

Member Gwaltney requested to know if the application was in compliance with NRS Codes that the Board had to approve it. Deputy Attorney General Irvin stated he would confine his representation to the State Board. He clarified Mr. Care had not stated the Board would have to grant the proposal if the proposed amendment was in compliance and that the statute that related to this issue as read by President Ferry stated the sponsor may amend the written charter in accordance with the proposed amendment if it fulfills the requirements of the charter school statutes and NAC regulations. He stated he did not hear Mr. Care state anything he did not agree with. Specifically, it was a hearing under Chapter 233B, a due process hearing, and a final determination should be presented at this meeting. He read Chapter 233B. There was no discretion related to whether or not this application was granted. He agreed with Mr. Care that there should be a good basis for a decision if the amendment was denied and that there should be specific finding of fact by motion. The Board should base their decision on substantial evidence, which was legally defined as "evidence which a reasonable mind might accept as adequate to support a conclusion".

Member Iverson reiterated virtual education was a significant part of the education process and asked if substantial evidence was also needed to approve the amendment. Deputy Attorney General Irvin answered in the affirmative. Member Iverson explained the Board did not think there was substantial evidence which was why that was asked to be a goal. He stated that, in his opinion, parents needed to be trained and screened on how to interact with children; teachers should also be trained for this type of school setting; there should be supervision and a performance evaluation which would establish objective criteria; there should also be formative discussions at the end of the year and performance evaluations for teachers.

Mr. Care explained they were asking about what more could be done for Board approval since they were in compliance back in March 2007. Member Iverson stressed the importance of substantial evidence for approval. Deputy Attorney General Irvin emphasized substantial evidence needed to be presented at today's hearing.

Brad Lester, Head of School, Nevada Virtual Academy, reported teacher training included both local and national training. Teachers were also receiving specific training to virtual education and how it should be implemented as a public school in Nevada. In addition, teachers were trained in a weekly staff-type orientation and monthly training sessions specific to Nevada Virtual Academy. Parent-teacher conferences were also held regarding virtual education before parents enroll their children. They screen parents as legally as possible. There were also regular, weekly conferences with parents. Staff performance evaluations were conducted and will be

increased to more than twice a year. Monthly performance assessments were based on criterion that is specific to teaching responsibilities and the performance of their students. A personalized instruction plan was being implemented for students. It would evaluate State testing data and specific information in AYP. It would also establish criteria for long-term as well as weekly goals. He clarified Nevada Virtual Academy was not an on-line school. They were concerned with socialization issues and that they were innovative on how to bring the human factor and technology together in a successful model. He acknowledged there was a need for a K-12 virtual school and the Nevada Virtual Academy offered something along those lines. They offered a balance of socialization and research-based and scientifically-founded approaches to curriculum design. Their proposal is that they work collaboratively in a partnership to develop virtual education data. The proposed amendment would evaluate the efficacy of distance education for grades K-3. It would not have a fiscal impact on Nevada. It would evaluate the use of innovative and age-appropriate distance education technology and curriculum. It would measure parent satisfaction levels of K-3 distance education learning. He reported the acronyms listed on the bottom of the chart on page 503 are as follows: ARVS (Arkansas Virtual School); CAVA (California Virtual Academy); COVA (Colorado Virtual Academy); IDVA (Idaho Virtual Academy); OHVA (Ohio Virtual Academy) and WIVA (Wisconsin Virtual Academy). He explained the chart information on page 503 and reviewed the information provided in Board packets. He stated the amendment would allow an assessment and collection of data specific to grade levels that had not been evaluated on a State level. The data would be provided to the State Board of Education in a summary report by June 30, 2009. Interim reports would also be available upon request.

Member Iverson requested more documentation regarding teacher training and teacher evaluations and suggested a decision regarding this issue be postponed until more documentation was received. Mr. Lester stated the information he provided was consistent with the documentation being requested and that documentation had not been previously requested by the Board.

Member Biggerstaff stated she felt this was a worthwhile program that needed to be discussed and that they provided more than enough information for a decision.

Member Frederick requested to know if a computer was provided to every student. Mr. Lester stated it was based on the number of students in a family who was enrolled in Nevada Virtual Academy and increased as a student moved towards the high school level. Member Frederick asked if a plan was in place for the parent advisory committee to address some of the issues brought up by the Board or how many parents would serve on the committee. Mr. Lester stated they have not defined specific details, but the number of parents on the committee should be compared to the number of students enrolled in the school for a fair representation. He stated items of concerns would be those items that were discussed during the presentation.

Member Gwaltney asked about the student-teacher ratio and if teachers were employed in Nevada or from out-of-state. Mr. Lester reported students do not receive instruction from teachers who do not reside in Nevada, employed by Nevada Virtual Academy or credentialed by the State of Nevada. The student-teacher ratio was 60 students per teacher, but the one-on-one approach was never a 60:1 ratio. Instruction was broken up from among those 60 students. In response to Member Gwaltney's question, Mr. Lester reviewed the chart listed on page 504. Member Gwaltney questioned the major difference in change of instruction. Mr. Lester stated they do not characterize it as a major difference in instruction. It was viewed as a typical and appropriate change in instruction based on subject-specific areas of expertise with high school teachers. In virtual education, this does not constitute a separate and distinct program or for the proposed amendment.

Member Washington requested to know how student progress was monitored. Mr. Lester explained course work was reviewed. The personalized instruction plan was also another weekly tool to assess student progress and to

set goals specific to increase that student's performance over the week. In addition, portfolio assignments were required throughout the semester.

Member Myers pointed out questions being asked today were answered in the original application. She questioned K-3 grades in other Charter Schools. She commended Nevada Virtual Academy's original application and the fact that they have provided more information at today's meeting. She stated the amendment should be granted.

Member Reid pointed out the Legislators' decision to change the word "shall" to "may" was to provide discretion. She felt the presentations were pushy and that she did not like to be pushed into doing something. She suggested a change in the approach. She pointed out staff recommendation was that the Board direct the charter school to resubmit their amendment request no sooner than August 2008 which would coincide with the release of the Nevada Accountability Report and which would also provide information regarding student progress through the proposed model as stated on page 491 and that on the same page in the background information the Board had requested the school provide documentation on the effectiveness of the instructional model for a period of time when it could be evaluated. She explained her reasons for not approving the request were: 1) there were not an objective look at how much funding would be provided to the curriculum company or the EMO; 2) there was concern regarding the student-teacher ratio because it was documented that the ratio would actually be 200:1; Member Reid requested objective information regarding the actual ratio; 3) there was concern that there was not a working knowledge of the program; and 4) there was also a lack of information regarding how parents would be guided through the process. Member Reid also pointed out the study that was provided in Board packets was not sufficient to staff and requested a study with more information.

Mr. Lester reported the preliminary budget provided on page 506 that had been a part of the initial charter authorization. The only change was the total funding amount, which was based on a base amount plus additional funding. Currently, it was below DSA's projected funding, but it would become clear at the end of the year. He reviewed the chart on page 506. He stated the percentage was a greater amount that goes to student instruction than anywhere in the State of Nevada. He explained the for-profit enterprises that were a part of the educational landscape at every level.

Member Reid requested more information be provided to staff regarding how funding was being utilized. She expressed concern with funding going to outside entities. Mr. Lester reported those concerns had not been expressed to them. The budget information provided was to submit a complete and compliant application for the charter and continues to be the budget format for operation. He requested to know how the Direct Instruction budget information could be broken down further and commented that legal services were a requirement for all schools. With regard to State recommendations, there was a lack of specific information requests and that was what they were hoping to accomplish working in concert with the Board.

Member Ruggiero maintained his position from the last meeting that approval of their charter was in violation of Legislative intent. He agreed with the Board's recommendation to wait until August 2008 until more information was received and requested information regarding how many students currently enrolled were previously home-schooled.

Mr. Care explained he felt his presence was needed because of due process as stated by Deputy Attorney General Irvin.

President Ferry disclosed he had discussed the issue with representatives from the Nevada Virtual Academy. He commented on parent participation and explained more information was needed regarding how students would

learn best from this type of approach. He expressed concern with the lack of information presented to the Board and the Board's change in attitude from trying something new which had been reflected during yesterday's meeting.

Member Frederick commented that the discussion regarding the applicant retaining legal counsel should be discontinued. The Board had no right to hold it against the applicant and it should not have any bearing on the decision made by the Board.

Member Iverson stated he would be willing to support approval of the amendment if conditions were attached that information requested by the Board be provided. Deputy Attorney General Irvin explained the charter was presented as is, but stipulations could be added if agreed to by the applicant.

Member Ruggiero clarified he was not holding it against the applicant that their attorney was present. He was concerned with the conflict with NRS statute regarding funding and converting a home school to a charter school.

Member Reid apologized for her comment regarding their presentation. She expressed concern regarding the lack of information she had been requesting for months. There had been a heavy push by some Department staff and some Board members to approve the application with only the information provided, but it was unfair to the school.

Mr. Lester reiterated the amendment before the Board was put forth by Nevada Virtual Academy and not a company, in response to Member Ruggiero's previous comments. With regard to a concern raised earlier by Member Reid, Mr. Lester requested to see the article that documented their student-teacher ratio at 200:1 in order for the information to be corrected. It was not and never would be the student-teacher ratio at Nevada Virtual Academy. Mr. Lester stated Member Iverson's requests were reasonable and that he would defer to President Bukovi to provide the information requested. They had information regarding teacher training, performance evaluation criteria, and training for parents who were interested in becoming involved in the program. He acknowledged they had and would continue to invite members of the State Board to participate in daily events of the students. He stated he does feel comfortable that the Department of Education in reviewing the initial application and this amendment took into consideration Nevada statute. Mr. Lester stated a table of the differences between home schooling and a virtual academy had been provided on the second to the last page of Board packets and he highlighted some of those differences.

Member Ruggiero clarified he did not make the statement that the amendment request was from a company. He understood it was an amendment to an existing charter school that was approved by the Board. He also was not making a comparison between home schools and charter schools. He was stating it was not Legislative intent to convert a program of home study to a charter school and that he could not go against what is written. He suggested postponing the amendment until August 2008 as staff had recommended so more information could be presented and to find out if that was Legislative intent. He stated he believed this was a program of home study which was being converted to a charter school, which was contrary to Legislative intent.

At 1:17 p.m., President Ferry called for a break. At 1:30 p.m., the meeting resumed.

President Ferry requested other members of the Governing Board for the Nevada Virtual Academy be introduced.

Mr. Lester introduced Thad Simmons from the Governing Board for the Nevada Virtual Academy. Mr. Simmons stated he had no comments to make and deferred to public testimony.

President Ferry reminded members of the public that comment heard at this time would be on this issue.

Ashley Talbert, Lead Teacher, NVVA, read a prepared statement explaining the pros of Nevada Virtual Academy.

Elissa Wahl, Nevada Home School Network Officer explained it was their belief that Legislative intent was so that a group of home schoolers would not form a co-op to ask for Federal or State funding.

Steve Knight, Executive Director, Silver State High School, reminded the Board the first three years of a child's life were informative years and that there was a vast amount of research to support that claim.

Assemblyman Mo Denis mentioned it was his Legislation that changed the word from "shall" to "may" and explained the change stemmed from previous Legislation language that allowed anybody to start a Charter School. One of the concerns that arose when approving the change was that the State Board would not approve another Charter School. He stated he was pleased that Board discussion included parent involvement. He stressed the importance of Charter Schools. He expressed concern that Charter Schools would be approved based upon different criteria.

Marguerite Bachman, Teacher, Nevada Virtual Academy, commented on her children's attendance in public and private schools and the improvement she had seen in her children from attending Nevada Virtual Academy. She reported she had direct contact with teachers at all times. There were weekly conferences and weekly field trips. She stressed the importance of parent involvement.

Member Iverson requested to know Ms. Bachman's teaching training from Nevada Virtual Academy. Ms. Bachman stated she had not had formal training and testing. She had been supplied with teaching guides and extra-curricular activities from the administration of K-12 and Nevada Virtual Academy program. The best resource was communication with the teachers at Nevada Virtual Academy. She clarified she was not her son, Matthew's teacher, but was involved in his education as his parent. She stated she was hoping the second grade would be expanded so her son, David, could enroll. The Academy offers standardization and test assessments. She commended the Academy for their flexibility, socialization, and accountability.

Member Myers made the following motion, seconded by Member Biggerstaff:

**That the Nevada State Board of Education approves the amendment as presented.**

Discussion followed.

Member Ruggiero requested a roll call vote.

Member Myers explained she had no problem with funding going to EMOs because it would provide a relevant education to children.

Member Ruggiero clarified Assemblyman Dennis did not address his concerns regarding tax dollars, but indicated the Legislative intent regarding the changing of statutory language from "shall" to "may". He reiterated he was not adverse to the concept, but that Member Gwaltney's concerns were overlooked by the

Academy. He wanted to follow Board recommendations and obtain additional information before a decision was made.

Member Iverson stated he wanted to go on record that he had concerns about a safe environment both physically and mentally for children and suggested screening be implemented. He also reiterated his concern with the lack of parent training in spite of school material being provided.

Member Gwaltney agreed with Member Iverson's comments and felt it was appropriate that another application be submitted. He was not opposed to school liberty, but it was clear an independent school was being created.

The motion failed by a vote of five for and four against; a vote of six in favor of the motion was needed for the motion to pass.

Member Ruggiero made the following motion, seconded by Member Gwaltney:

**That the Nevada State Board of Education follow the recommendations that the school re-submit their amendment request no sooner than August 2008 which will coincide with the release of the Nevada Accountability Report and provide information on student academic progress instructed at the school for this model; Additionally, that the Board receive their requested documentation of effectiveness of the instructional model at that time.**

Discussion followed.

It was clarified "re-submit" was not a request for a new application.

Member Iverson requested including a submission of evidence of parent training in the motion. Member Ruggiero stated that request fell under the requested documentation portion of the motion.

Member Gwaltney withdrew his second to the motion due to the fact that the motion was to re-submit the amendment request.

Member Iverson seconded the motion made by Member Ruggiero.

Deputy Attorney General Irvin stated Chapter 233B required one finding of fact and separate conclusion of law.

President Ferry clarified a finding of fact was needed that explained some of the reasons to re-submit the application.

Member Ruggiero stated a finding of fact was that Nevada Virtual Academy had not complied with the approval proviso at the March meeting where Member Gwaltney had requested the school provide additional information for review. Discussion followed explaining a finding of fact. Deputy Attorney General Irvin reminded the Board a finding of fact required must be based on substantial evidence and that it should be made in a motion.

Member Ruggiero amended his motion, seconded by Member Iverson.

**To include that most Board members requested additional information and that there be a finding of fact that most Board members did not have sufficient information as well as requested information to make a determination.**

Discussion followed.

A question was asked regarding if the Board was setting precedence and if these same requirements would be consistent when approving other charter school applications in the future. Member Gwaltney expressed concern with the Board setting precedence since Washoe County and Clark County were no longer accepting charter school applications. Member Ruggiero stated the Board may be setting precedence for future charter school applications since it was a part of the intent for agenda item 14.

President Ferry stated he would not vote for the change because he did not believe the finding of fact was true because the Board had differences of opinion regarding the finding of fact. Discussion followed.

Member Iverson withdrew his second from Member Ruggiero's motion.

Member Ruggiero withdrew his motion.

In response to Member Gwaltney's comments, Deputy Attorney General Irvin apologized for adding to the confusion. He stated when he commented on a finding of fact and conclusion of law that was for a motion that the application be denied.

Member Biggerstaff requested to know what action would be taken if a decision was not made at today's meeting. Deputy Attorney General Irvin responded a written or oral notice would be issued of today's actions. The school could re-submit their proposed amendment anytime after today. A notice would also be issued for a failed motion. He suggested the Board allow a representative of the school to address the issue.

Terry Care requested to know if a written notice would be issued identifying the deficiencies of why the application was not approved. Deputy Attorney General Irvin stated he had suggested a new motion for that action.

President Ferry announced agenda item 24 would be heard next.

#### **24. Approval of 2008 Proposed Calendar**

President Ferry reported the 2008 proposed calendar was listed on page 553 of Board packets.

Member Biggerstaff made the following motion, seconded by Member Iverson:

**That the Nevada State Board of Education accepts the proposed meeting calendar for 2008 with the Friday, January 25<sup>th</sup> and Saturday, January 26<sup>th</sup> as the first meeting.**

The motion carried.

#### **22. Governance discussion and possible action for the State Board to recommend to the Interim Legislative Committee on Education to revise structure for statewide K-12 governance**

President Ferry stated he hoped there could be closure on item 22 at today's meeting.

A suggestion was made to hold this item over for the January meeting due to the length of the November 30 and December 1, 2007 meeting.

Member Ruggiero agreed and suggested tabling his agenda item on school trust loans until the January meeting.

Member Myers expressed concern that too many agenda items were being tabled.

Member Biggerstaff suggested including two proposals at the next meeting regarding governance and that the proposals are concise. Discussion followed regarding reviewing previous minutes to learn of Board member comments regarding this issue.

### **23. Board Member Comments**

- **NASB Conference Report**
- **State Committee on Federal Land Laws' Report**

The sub-items were tabled until the January meeting.

Member Myers reported she left last night during the vote taken on the moratorium and clarified the vote was not valid, according to NRS 386.525.5.

President Ferry reminded the Board it was not appropriate to discuss this issue again.

Member Ruggiero stated he did not agree with Member Myers' comments and that the Board had curbed the Department of Education's approval of charter schools and the State Board would not approve new applications.

Member Biggerstaff commended President Ferry's efforts.

### **25. Approval of Future Agenda Items**

Member Gwaltney requested an AYP update.

Member Myers requested a TQ update, Mineral County School District update, as she had requested in August. She requested a University design update be presented in March.

### **26. Public Comment**

No public comments given.

### **27. Adjournment**

Upon motion of Member Ruggiero, seconded by Member Biggerstaff, the Nevada State Board of Education meeting was adjourned at 3:03 p.m.

DRAFT