

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

January 25 and 26, 2008

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

And

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

MINUTES OF THE REGULAR MEETING - January 25, 2008

BOARD MEMBERS PRESENT:

Dr. Cliff Ferry, President
Marcia Washington, Vice President
Barbara Myers, Clerk
Jan Biggerstaff, Member
Sharon Frederick, Member
Dr. John Gwaltney, Member
Greg Nance, Member
Anthony Ruggiero, Member

BOARD MEMBERS ABSENT:

Dr. Merv Iverson, Member (phoned in for election only)
Cindy Reid, Member (phoned in for election only)
Madisen McGrath, Student Representative

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
James Wells, Deputy Superintendent, Administrative and Fiscal Services
Bill Arensdorf, Director, Office of Fiscal Accountability
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction
Orval Nutting, Consultant, Office of Fiscal Accountability
Tom McCormack, Consultant, Office of Fiscal Accountability
Phyllis Dryden, Director, Office of Career, Technical and Adult Education
Mary Katherine Moen, Consultant, Office of Career, Technical and Adult Education

LEGAL STAFF PRESENT:

Dr. James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Craig Stevens, NSEA
Tim Crowley, Grow
LeAnn Morris, 2008 Teacher of the Year
Mary Geisler, Coordinator, Teacher of the Year Program
Silvia Marin, Principal, ACE High School
Leigh Berdrow, Administrator, ACE High School
Yvonne Goodson, Associate McDonald Carano Wilson, Nevada Virtual Academy
Dr. Bryn Lapenta, Senior Director, Washoe County School District
Charlotte Curtis, Consultant, NDE
Julian Montoya, Consultant, NDE
Dr. Dotty Merrill, Executive Director, NASB
Alan Staggs, Spanish Springs High School
Ricci Rodriguez-Elkins, CFCSD
Valerie B. Fine, Wooster High School
Tim Crowley, Grow Network
Dr. Joyce Haldeman, Clark County School District
Jeanette Belz, ACE High School
Dr. John Hawk, Executive Director, Nevada State High School

CALL TO ORDER; PLEDGE OF ALLEGIANCE; APPROVAL OF AGENDA

President Ferry called the meeting to order at 4:20 p.m. with attendance as reflected above. He asked those present to join him in the Pledge of Allegiance. A flexible agenda was moved by Member Biggerstaff, seconded by Member Washington, and approved unanimously.

1. President's Report

Memories, Dreams and Reflections

President Ferry reflected upon his career in education and the erosion in education in previous years. He thanked the Department of Education for their work and the State Board for allowing him to be State Board President for two years.

At this time, President Ferry announced agenda item 5 would be heard.

5. Recognition of the 2007 Milken Family Foundation National Educator Award Recipient, Valerie Fine, U.S. History Teacher, Wooster High School, Washoe County School District

Superintendent Rheault introduced Valerie Fine, recipient of the Milken Family Foundation National Educator Award. He mentioned a bio on Ms. Fine was available on page 28 of Board packets. Superintendent Rheault reported there were two recipients in the State of Nevada. The award ceremony would take place on March 29 and 30, 2008 in Los Angeles, California.

Valerie Fine, Wooster High School, expressed her appreciation for the award. She stated the quality of students these days was high. She thanked the Board for recognizing her efforts and the program.

2. Elections

Superintendent Rheault stated he was acting as Secretary to the Board and opened up the floor for nominations for Board President.

- **Board President** - Member Iverson nominated Member Washington as Board President. The nomination was seconded. There were no other nominations heard. The nomination carried unanimously.
- **Board Vice President** - Member Frederick nominated Member Ruggiero as Board Vice President. Member Nance nominated Member Biggerstaff as Board Vice President. Member Washington moved to close nominations. Member Ferry seconded the motion. Motion carried unanimously. The following vote was taken to support Member Ruggiero as Board Vice President: four Board members by a show of hands; and two Board members by telephone. The following vote was taken to support Member Biggerstaff for Vice President: four Board members by a show of hands. Member Ruggiero was voted Board Vice President.
- **Board Clerk** - Member Frederick nominated Member Biggerstaff as Board Clerk. There were no other nominations heard. The nomination carried unanimously.

President Washington thanked everyone for their support and stated she would do her best to do the job her constituents expected of her which was looking out for what was best for students of the State of Nevada. She awarded a plaque to Member Ferry for his work with the State and the Board.

3. Superintendent's Report

Update of the Legislative Committee on Education Meeting

Superintendent Rheault reported the meeting was held on January 10, 2008. It provided the Department approximately an hour and a half's worth of time for a presentation on budget reductions, but the purpose of the meeting was on teacher recruitment and performance pay. There was also a quick update on the teacher signing bonus. Superintendent Rheault reported the next meeting was scheduled for February 21, 2008 and the purpose of the meeting would be on charter schools. The meeting would be held at the Andre Agassi Charter School in Las Vegas. The objective of the meeting was to achieve a clear understanding of the difficulties existing in the current structure for authorization of charter schools and to identify options to address those difficulties.

President Washington asked if State Board members were being requested to attend the meeting. Superintendent Rheault reported there was an agenda item that requested State Board member input.

Member Ruggiero stated he attended the last meeting and that it was his perception that the Legislative Committee on Education only wants State Board input specific to charter schools.

Member Biggerstaff asked President Washington if she would be in attendance at the next meeting and respond to questions. President Washington stated she was not sure if she would be representing the State Board or how the process would go.

Member Ferry offered to attend the meeting if travel expenses were covered. Superintendent Rheault suggested deciding on who should attend after agenda item 14.

Update of the P-16 Advisory Council Meeting

Superintendent Rheault reported the P-16 Advisory Council meeting was held on January 16, 2008. There was a two-hour presentation regarding gaps in student achievement. Recommendations were also made regarding what the P-16 Council should be reviewing. Handouts that listed the P-16 working group and suggested changes were distributed. The Chair, Patty Wade Snyder, provided directions to the Council to come back with input at the next meeting. Superintendent Rheault reminded the Board members that he was a non-voting member of the Council. The next meeting was scheduled for February 20, 2008 at 9:30 a.m.

Update of the Commission on Educational Technology Meeting

Superintendent Rheault reported the Commission on Educational Technology meeting was to be a two-day meeting to review applications for the \$10 million in technology funds that was provided by the 2007 Legislature. The funds were not yet distributed so the applications were up for reversion. Applications not considered for reversion would be reviewed at the next meeting although it seemed to be high priority to revert the \$10 million. The main discussion was on revision of the State Technology Education Plan. Based on a letter of intent from the Legislature, they would like the academic standards for technology to align with the State Technology Plan. The Commission approved a sub-grant award to UNLV, which requires a technology needs assessment of school districts to be completed this spring.

Update of the Council to Establish Academic Standards' Meeting

Superintendent Rheault reported he was staff to the Academic Standards Council. The focus of the meeting was on Dr. Doug Reeves via tele-conference to provide input regarding the evaluation of SB404 remediation funding. Dr. Reeves' full report would be provided to Board members once summarized due to its length. Superintendent Rheault reported the Council had invited public institutions to discuss how teacher education programs implement the standards that the Council develops for the State.

Update of the State Budget Reductions

With the handout provided, Superintendent Rheault explained Governor Gibbons had recommended that the school districts consider reducing the budget for new programs to assist with the budget shortfall. Cuts were to be presented to the Governor's Office by May 1, 2008. If the one-shots were approved, it would amount to approximately \$69 per student that the district would be returning. If the one-shots were not approved, it would amount to approximately \$216 per student. Superintendent Rheault reminded the Board that the Governor did not include the two percent and four percent salary increases in the reduction.

Member Myers asked about SB185 funding. Superintendent Rheault stated that would have to be clarified. It was about \$90 million that was provided for remediation grants and the Commission awarded approximately \$79 million, but it was funding that has not all been allocated this fiscal year.

James Wells, Deputy Superintendent, Administrative and Fiscal Services, reported the Board of Examiners approved a lease for the northern facility on 755 Roop Street on February 12th. The CTE (Career Technical Education) Group would be moving into the facility the weekend of February 9th and the Child Nutrition staff would be moving back into this facility. A lease for the new Las Vegas office would be presented to the Board of Examiners. The location was at the corner of Maryland Parkway and was called Silverado Ranch. It would occupy most of the second floor mall.

Member Ruggiero expressed concern with teachers and applicants being able to reach the new facility. He asked about mass transportation in the area. Mr. Wells stated he was not one hundred percent sure of the mass transit schedule, but the area was fairly quick to get to off Interstate 215. Member Ruggiero requested information about public transportation. Mr. Wells reiterated he was not familiar with the routes.

Member Frederick requested footage information of the old facility versus the new facility. Mr. Wells reported the existing facility was just over 10,000 square feet, and the new facility has approximately 12,000 square feet. The Board room would be quite a bit bigger than the existing facility.

Member Ruggiero asked if the new facility would have the technological advances for such things as teleconferencing. Mr. Wells stated it would. As soon as the lease was signed, they would begin working on setting up the video conferencing facilities. The projected occupancy date for Las Vegas was mid-April.

President Washington requested to know the differences in cost between the new lease and the old lease. Mr. Wells reported the current lease was approximately nineteen cents a square foot higher than the existing building, but there was more space.

Member Nance expressed concern with spending more money on a new facility rather than education given the current budget cuts and that the issue should have been presented to the Board beforehand.

Superintendent Rheault reported Board members were invited to the Indian Education Summit.

Update of the Mineral County School District's New Superintendent

Superintendent Rheault reported the new Superintendent, Dr. Paul Kirk, began on January 7, 2008. A presentation on changes that have been made to the school district could be given after the staff has been organized.

Member Myers expressed concern with how to monitor the Mineral County School District when there were no lines of communication. She asked how the Department of Education learns what is going on with the school district. Superintendent Rheault reported they send consultants to the district regularly on a number of issues.

Update of the Clark County School District's 3-year AYP Progress

Superintendent Rheault reported an update on the Clark County School District's 3-year AYP progress was asked for due to the fact that they had been designated as not making progress as a school district and sanctions were starting to be imposed.

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, reported corrective action needed to be taken due to Clark County's previous AYP status. The Department of Education began working with the school district on a new program of curriculum alignment. She reported Clark County made AYP as a district last year, which puts them in a "hold" status. If they stay in their current designation, that would end corrective action, but it may be difficult for them to stay in their current status given the fact that percentages of students needing to be proficient would be going up this year.

4. Approval of Consent Agenda

- A. Approval of upcoming State Board Member Travel: Sharon Frederick to attend the Nevada Indian Education Summit, March 25-26, 2008, at the University of Nevada, Reno
- B. Approval of awarding of .70 gifted and talented discretionary unit to the Washoe County School District and 1.00 unit to the Clark County School District
- C. Approval of awarding 1.00 special education discretionary unit to Nevada Virtual Academy
- D. Approval to receive an update on the status of Sky View Academy Private School located in Hawthorne, Nevada

Member Biggerstaff requested to know if students were still at the Sky View Academy Private School. Orval Nutting, Consultant, Office of Fiscal Accountability, reported children were withdrawn from the school on September 28, 2006 and that he received the school's official records and transcripts on October 10th. The school has been closed.

Member Biggerstaff asked if this was an on-going problem for the last three or four years or had it just developed in the last six to eight months. Bill Arensdorf, Director, Office of Fiscal Accountability, reported the school was relatively new. They had renewed their license for two years, but complaints of possible child abuse did not start to arise until the beginning of the 2007 school year. One of the allegations was that teachers were not following up on possible abuse, which is a requirement.

Member Ruggiero requested to know if the EMO in charge of the Sky View Academy was also under investigation. Mr. Arensdorf reported that was correct.

Member Ruggiero asked for an explanation regarding discretionary units. Ms. Dopf explained, when the State Legislature appropriates units or operation of special education programs, they allocate a certain number per school district at their discretion in conformance with State and Federal Law. Discretionary units were awarded based on applications of school districts or charter schools for a particular need that was met. There were other discretionary units awarded for gifted and talented programs that were technology-based. A unit in statute was defined as a certain amount of money that the Legislature provides for school districts to operate in special education or a related service program in accordance with State Law. The program has to be operating full-time with licensed educational staff. The amount of funding districts receive was approximately fifty percent of what was needed to operate the instructional program.

Member Myers asked what the current enrollment was for Nevada Virtual Academy. Mr. Wells reported it was 280 as of the end of the first month of the school year. Since, enrollment has well surpassed the 400 mark.

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

That the Nevada State Board of Education approves the consent agenda.

The motion carried unanimously.

6. Approval of the contract between the Nevada Department of Education and CTB McGraw-Hill in administering the Nevada Norm-Referenced testing program

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, reported the State statute requires norm-referenced tests at grades 4, 7, and 10. The current contract is due to the end on June 30, 2008. The Department has reviewed potential contractors to perform the tests. She introduced Julian Montoya, Evaluation Consultant.

Julian Montoya thanked Ms. Dopf for accompanying him to the meeting. He provided a review of the RFP process. He stated the process began in June and July. They received three proposals to bid from Harcourt, CTB McGraw-Hill and Riverside. There was a two-step process to evaluate the proposals. The NRT Alignment Committee Workshop was comprised of three content personnel from the Department in Reading/ELA, Science and Math and three individuals from Clark County, Washoe County and the rural areas were chosen for the evaluation. As a result, it was concluded that CTB McGraw-Hill was the first choice. The final evaluation committee was comprised of five Department staff members that included three content experts, an Assessment Director and Mr. Montoya. There were also three Test Directors from Clark County, Washoe County and Lyon County. As a result, it was concluded that CTB McGraw-Hill was the best in relation to the Nevada standards and cost. The proposed new contract was for four years with a one-year option to renewal. Mr. Montoya reviewed the time chart on page two of the handout provided and reported there would be shorter test times due to the new test.

Member Ferry commented that the State Legislature was concerned about the amount of testing and asked if that was the same issue for test times. Ms. Dopf explained the action of the Legislature was to exclude mandated testing from the issue of test reduction. The districts needed to make sure that any tests beyond mandated testing were not taking up more student time so a moratorium was set on additional tests being allowed for district assessment.

Member Biggerstaff requested to know if test directors opposed the method. Mr. Montoya stated they did not. Member Biggerstaff asked if the contract stated results had to be returned in a timely manner and, if not, there would be repercussions. Mr. Montoya reported it was stated in the contract that a contract could be terminated within thirty days.

Member Frederick requested to know the turnaround time. Mr. Montoya stated it was currently at fifteen to twenty days, but CTB McGraw-Hill was at fifteen days.

Member Myers expressed concern that McGraw-Hill had been used before, but had been terminated. Discussion followed regarding the history and delivery of results.

Member Gwaltney asked if a substantial amount of money was being saved from the transition. Mr. Montoya reported \$950,000 was budgeted each year for the norm-referenced testing and the price per year was \$900,000. Harcourt was over those figures and Riverside was under \$800,000 per year, but they did not align with standards.

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

That the Nevada State Board of Education approves the contract between the Nevada Department of Education and CTB McGraw-Hill.

The motion carried unanimously.

7. Report from the Governor's Office

There was no one in attendance to present a report.

At 5:50 p.m., President Washington called for a ten-minute break. At 6:00 p.m. the meeting resumed.

8. Workshop: to solicit comments to NAC 389.576 - Textiles and Clothing; NAC 389.582 - Interior Design; and a New Section for Food and Nutrition

Phyllis Dryden, Director, Office of Career, Technical and Adult Education, stated she and Karen Chessell, Family and Consumer Sciences Consultant, were in attendance to present and answer questions regarding possible Board adoption for standards for fashion, textiles and design, foods and nutrition, and housing and interior design. The courses were in the Family Consumer Sciences area. The proposed regulations were being requested to update Career and Technical Education programs and would replace portions of the occupational courses of study in the Nevada Administrative Code. The skill standards were adapted from national skill standards and other state standards. The proposed standards were also endorsed by local business and industry. She added they follow the same tradition as in the past. They also include the crosswalk on English Language Art standards.

Karen Chessell reported three committees were put together for the three different standards. Each group met between eight to fifteen days. Each committee also cross walked each standard with the academic areas of standards in Math, Science and Language Arts. The standards were also reviewed by business and industry representatives.

Member Biggerstaff thanked the committees for their efforts.

Member Ferry questioned the use of the wording "globally diverse foods".

Member Ruggiero requested to know if advanced education and advanced studies were considered. Ms. Chessell stated that was part of what they do. They try to prepare students for personal life at home for a career and post-secondary education. Member Ruggiero commented that he was a supporter of Career and Technical Education, but there were some other advanced courses to get students higher paying jobs or more prestigious positions.

At 6:00 p.m. President Washington opened the floor to public comment. Hearing none, she closed the workshop at 6:01 p.m..

9. Workshop: to solicit comments to LCB File No. R170-07 - NAC 386.033 - Educational Management organization defined; NAC 386.345 - Governing Body: Restrictions on Membership; Responsibilities; Submission of Certain Information to Department and Sponsor; Approval of Minutes of Public Meetings; NAC 386.405 - Contracts with Educational Management Organizations; Authority of Panel to Supervise Academic Probation of School

Superintendent Rheault reported letters from Lionel, Sawyer and Collins and a letter from Ronald Wilson regarding following proper procedure for posting public hearings should have been received by Board members for the record.

James Wells, Deputy Superintendent, Administrative and Fiscal Services, reported that for NAC 386.345, a change was being requested to add relatives and compensated personnel from serving on governing bodies. For NAC 386.405, there was a revision to require governing bodies to approve key personnel. Bill Arensdorf added there was also an e-mail from Craig Butz from Odyssey Charter School making a suggestion for a change to the definition of EMO.

Member Gwaltney expressed concern that there were no criteria for the performance evaluation. It was reported they would like to find someone to develop criteria and to try to identify all of the contracts that any of the charter schools currently have for review.

Member Biggerstaff expressed the same concern for item four. It was clarified item four stated the governing bodies shall comply with the recommendations, but it would be a support team making recommendations. The support team would be a part of the AYP process that was established for all public schools. Ms. Dopf commented that the school support team was required by the State when the school reaches a certain level on its improvement status to analyze a specific structure.

Member Ferry cautioned Board members not to confuse that with the accountability that currently exists for charter schools. It was reported the school was still responsible for making its academic gains. If not, the EMO should be evaluated.

President Washington asked how many charter schools at the present time had EMOs. Mr. Wells reported there were some charter schools that only used EMOs to hire personnel and then there were other charter schools that used EMOs for other things such as personnel, management, and curriculum. The three major EMOs working with charter schools were K-12, Connections Academy, and Imagine schools.

Member Myers requested to know why information from LCB was included that was totally different than the proposed language. Mr. Wells reported pages 224 and 232 were the same and that they were requesting to include the full italicized language on page 224 into section one on page 226. He explained the language was included to acknowledge the fact that information was being asked for before a governing body exists. Discussion followed.

The workshop was opened at 6:11 p.m. for public comment. Ricci Rodriguez-Elkins, CFCSD, stated she was largely in favor of the proposed changes. She questioned if legal authority had been addressed to terminate an EMO by a "support team".

Leigh Berdrow, Administrator, ACE High School, distributed revisions and requested that the Board recognize that the revisions in no way diminish the Department's intent to prohibit Board members of a charter school or their relatives from benefiting from the charter school. The strength of charter schools was the ability to develop public and private partnerships that contribute valuable resources to the students. A request was made to allow a governing board member to provide goods and services at no cost or at no profit.

Member Myers requested an exact example of Ms. Berdrow's request. Ms. Berdrow provided an example.

Member Gwaltney requested clarification of Ms. Elkin's comments. Ms. Elkin's clarified she was suggesting reviewing the language already adopted for legality purposes. Superintendent Rheault clarified the regulation was already in effect, but statutes state what "support teams" can and cannot do.

Dr. John Hawk, Executive Director, Nevada State High School, thanked the Department for their hard work. He stated Nevada State High School would like to take the position to support NAC 386.345 as amended. In addition, they also supported recommendations for NAC 386.033 from Craig Butz.

The workshop was closed at 6:54 p.m.

10. Workshop: to solicit comments to proposed NAC 386 regulations for charter schools sponsored by the Nevada System of Higher Education

Tom McCormack, Consultant, Office of Fiscal Accountability, stated they were asking for another workshop on proposed regulations to define the process by which the university or colleges in Nevada can be a sponsor of charter schools. In 2007, the Legislature approved of university or colleges to be potential sponsors of charter schools in addition to local districts and the State Board.

Member Ferry questioned the physical inspection of the location of the charter school which seemed different from the normal process. Mr. McCormack explained sometimes applicants present an application with a facility already in mind in which case they were skipping sub-section six. Mr. Arensdorf reported the sponsor has the duty to make sure the facility selected has passed all safety and health regulations.

Member Ruggiero requested to know if this eased the burden on the Department of Education staff and if the Nevada System of Higher Education provided input regarding this regulation. Mr. McCormack reported they had not due to the fact that they were not interested in sponsoring charter schools.

Member Gwaltney requested clarification that the State Board has no control over the application process. Mr. McCormack explained the first step in the application process was for the Department of Education to review the application. The proposal would not change the workload for the Department.

Member Myers asked how it was perceived that this got into the Legislation process. Mr. McCormack stated he did not know. It was reported there was a current charter school that was interested in switching sponsors to a university, but nothing materialized. Mr. McCormack reported there were some states where universities sponsor charter schools.

The workshop was opened at 6:55 p.m. for public comment; having none, the workshop closed at 6:56 p.m.

11. Review of Nevada testing data from The Proficiency Illusion, October 2007

Superintendent Rheault reviewed the Proficiency Illusion report which compared NWEA (North West Evaluation Association) test results to CRTs. He requested the Board keep in mind the two tests were for two different purposes. There were also twenty-six states listed, but not all the states use the NWEA. The comparisons were of CRT test results of third and eighth graders in 2003 and 2006 in Reading and Math. From the comparison, it was estimated that Nevada's third grade standards were difficult compared to the other twenty-six states in the study and that the eighth grade test was easier based on the number of proficient students passing the test. For Nevada, on page 243, there were some recommendations for consideration, but overall it stated Nevada was fairly consistent in tests.

Member Ferry stated there was something positive in the study in that it was stating that Nevada was trying to comply with testing law.

Member Myers commented on the usefulness of the information in the report.

12. Receive Nevada State Education Association's proposed Initiative Petition, "Save Our Schools", to amend the Nevada Constitution to provide additional funding for Nevada's school districts and charter schools

President Washington reported this item would be agendaized for the March meeting.

13. Review staff responses to request for information for the February 21, 2008, Legislative Committee on Education meeting regarding services performed for charter schools and use of charter school's fee assessments for the fiscal year 2007

Bill Arensdorf, Director, Office of Fiscal Accountability, stated they would be providing a preview of information that had been provided to the LCE on February 21, 2008. They discussed the workload of charter schools to the Department of Education. He reviewed the time spent on charter schools listed in the charts on page 258 to 297. Jim Wells, Deputy Superintendent, Office of Fiscal Services, explained they continue to show a collection of hours and update this information throughout the year. He reported the Department needed resources in special education due to the fact that they help charter schools meet requirements.

Member Gwaltney commented that this information was very helpful and would give the Legislature a better understanding. He questioned the use of fees. Mr. Wells reported the Legislature does not like to provide general funds for NDE positions.

Member Gwaltney asked how much revenue was received this year. Mr. Wells stated they received approximately \$45,000 in revenue from schools, but that included having to write off the amount that was owed by Team A. The amount was projected to be \$150,000 next year.

Member Gwaltney asked if there was a problem to carry over revenues and what percentage of fees would be appropriate to fund two more positions. Mr. Wells reported it was not a problem to carry over revenues and that two more positions would cost about \$90,000 each. He reported the current revenue amount was approximately \$85,000, which had to last until September, 2008 when the new resources came in. He asked the Board to keep in mind that revenue also went to pay for other items.

Member Myers requested that charter schools be listed in the report as those that school districts sponsored and those that are State Board sponsored for more clarification. Discussion followed.

President Washington requested overtime hours be listed in the report. Discussion followed.

Member Frederick requested an organizational chart be created with titles to show that individuals were helping charter schools.

In response to Member Gwaltney's comments, Mr. Wells explained the differences between State and Federal funding allocations. Mr. McCormack reported the second chart on page 298 to page 302 shows how much money was spent from the fee account.

At 7:45 p.m. President Washington recessed the meeting to reconvene at 8:30 a.m. on Saturday, January 26, 2008 with agenda item 14.

MINUTES OF THE REGULAR MEETING, January 26, 2008

BOARD MEMBERS PRESENT:

Marcia Washington, President
Anthony Ruggiero, Vice President
Jan Biggerstaff, Clerk
Dr. John Gwaltney, Member
Dr. Cliff Ferry, Member
Barbara Myers, Member
Sharon Frederick, Member
Greg Nance, Member

BOARD MEMBERS ABSENT:

Dr. Merv Iverson, Member
Cindy Reid, Member
Madisen McGrath, Student Representative

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services
James Wells, Deputy Superintendent, Administrative and Fiscal Services
Bill Arensdorf, Director Office of Fiscal Accountability
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction
Orval Nutting, Consultant, Office of Fiscal Accountability
Tom McCormack, Consultant, Office of Fiscal Accountability
Mary Katherine Moen, Office of Career, Technical and Adult Education
Donnell Barton, Director, Office of Child Nutrition and School Health.
Robinette J. Bacon, School Health Education Coordinator

LEGAL STAFF PRESENT:

Dr. James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Silvia Marin, Principal, ACE High School
Dr. Bryn Lapenta, Senior Director, Washoe County School District
Dr. Dotty Merrill, Executive Director, NASB
James Endres, Executive Director, MCW Government AFF
Yvonne Goodson, Associate McDonald Carano Wilson, Nevada Virtual Academy
LeAnn Morris, 2008 Nevada Teacher of the Year
Leigh Berdrow, ACE High School
Ed Horan, ACE High School
Jeanette Belz, ACE High School
Dr. John Hawk, Nevada State High School
Craig Stevens, NSEA
Tim Crowley, Growth

RECALL TO ORDER; ROLL CALL; PLEDGE OF ALLEGIANCE

President Washington recalled the meeting to order at 8:35 p.m. with attendance as reflected above. The Pledge of Allegiance was led by Member Biggerstaff. President Washington announced agenda item 15 would be heard first.

15. Recognition of the 2007 Teacher of the Year, LeAnn Morris, Technology Teacher, Empire Elementary School, Carson City School District

Superintendent Rheault introduced the 2007 Teacher of the Year, LeAnn Morris. He provided a brief history of Ms. Morris' professional background. Superintendent Rheault also mentioned the Governor appointed Ms. Morris to the Commission on Educational of Excellence.

LeAnn Morris thanked the Department of Education and the State Board for the accolade. She reported she would be attending the National Conference on January 30, 2008. They would be traveling to Washington D.C. in April. In July, they would be going to the NASA Space Camp in Huntsville, Alabama, which will also be the International Conference. They would also be attending the ETS Regional Service in New Jersey in October.

Member Myers commented that Ms. Morris would be a good representative for the State of Nevada.

At this time, the plaque was awarded and photos were taken.

President Washington announced agenda item 14 would be heard next.

14. Staff responses and possible action to the questions in a letter dated December 17, 2007, from Carol Stonefield, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, on behalf of Senator Maurice Washington

Superintendent Rheault explained the letter on page 304 of Board packets was from the Legislative Committee on Education and pertained to a list of questions from Senator Washington that was distributed to Board members. Written responses to the questions were due by February 7, 2008. Questions were provided on page 305.

James Wells, Deputy Superintendent, Office of Fiscal Services, reported the questions were received as a result of the December 13, 2007 meeting of the Legislative Committee on Education. The gist of the questions was how the State Board came about determining that there was a liability under State Law to approve charter schools. In statute, charter school applications can be submitted to the Department of Education who then determines if the applications were complete. The applications were then returned and the school can begin seeking a sponsor. At that point, the sponsor reviews the application for compliance with State law. Mr. Wells stated that, in his opinion, what the Board had the right to do was to approve or deny applications. In 2005, the word "shall" was changed to "may", which gives flexibility to the Board. There was also a criterion for the Board to explain why an application was denied or why there were deficiencies in the application. Mr. Wells reported they were looking for input from the Board members regarding the questions that were submitted.

Bill Arensdorf, Director, Office of Fiscal Accountability, called the Board members' attention to the third question regarding what criteria the Board adopted to evaluate charter schools. He explained staff had provided bulleted ideas on page 305-1 for criteria.

Member Ruggiero stated the only question he had in reviewing the draft was where it questioned why the Board approved a moratorium. He clarified the motion that was made included some verbiage from the NRS, which stated the Department of Education had to follow procedure to administer the statute. He requested that be included in the response. Mr. Arensdorf explained they were saying they did not find any confusion in the Board's ability to deny an application. Member Ruggiero clarified his request was for question four.

Member Gwaltney reported he spoke with Senator Washington before the prior vote. He stated he had voted on the motion not because there was a shortage of staff, but because he believed they needed to become a better "gate keeper" on the type of schools being created before the fact. There should be no judgment on which groups of people should receive a charter, but qualifications should be reviewed. Mr. Arensdorf reminded the Board that being "gate keepers" and having good charter models had been discussed during the retreat.

Member Ferry stated his position was that he was dealing with both the short-term and long-term issues of a moratorium. He believed there was still the issue of staff shortage for the number of applications being submitted and that at the December meeting the intent was not to deny applications being submitted.

Member Myers stated she wanted it on the record that she did not vote at all during the last meeting because, in her opinion, the motion and the subsequent approval was not a legal vote. She would have supported a temporary suspension of State Board sponsorship until criteria was developed.

Member Biggerstaff stated she appreciated the responses and that she requested a policy be in place that would support the information.

Member Nance stated he believed the moratorium was a stupid idea and had made a comment to that effect last time. There could be a lawsuit with no ground to stand on.

President Washington stated she was speaking as a member of the Board and not as President. She stated she was appalled by the questions from Senator Washington due to the fact that the questions seemed like an insult to the Board, that the Board was not able to make wise decisions. The Board made decisions based on what was best for students. The Board has also always requested more staff, but that request was always denied. She stated she stood by her vote.

Member Frederick stated she appreciated the responses to the questions and also supported Member Ruggiero's request to include NRS verbiage in the response to question four. She explained the Board had a fiscal responsibility to charter schools so she appreciated the comments made by Member Gwaltney and the concerns expressed with having to close charter schools. She stated the Board was acting responsibly in this situation.

Superintendent Rheault explained there should be a motion to move forward with the responses due to the fact that responses were due by February 7, 2008.

Member Ruggiero asked if the response to question three was based on some action the Board would be taking later on during today's meeting. Mr. Arensdorf stated that was correct. If the regulations proposed did not pass, they would have to probably rethink the response to question three. Member Ruggiero requested to know if it was possible to delay this action until after that agenda item. Superintendent Rheault stated action could be held until after the public hearing items.

Member Ferry stated he would try to attend the LCB meeting on February 21, 2008. He asked if the Board would allow him to speak on their behalf at the meeting.

Member Biggerstaff stated she appreciated Member Ferry's input, but information should be provided at the meeting by staff due to the fact that the decision was made by the Board as a whole. She suggested President Washington and Superintendent Rheault be in attendance at the meeting to represent the Board.

Member Myers requested to know at some point during discussion of this item or the item discussed later in the meeting specifically what letterhead would be used and who would sign it.

Member Ruggiero stated he was in agreement with Member Biggerstaff's comments and Member Myers' comments.

Superintendent Rheault suggested one of the Board members be in attendance at the meeting to respond to questions.

Member Frederick stated she was comfortable with President Washington representing the Board at the meeting and Superintendent Rheault as staff support, but the letterhead should be the State Board letterhead because the questions were addressed to the State Board.

16. Public Hearing and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R135-07 - NAC 386.323 - Request for Change in Sponsorship of Charter School; NAC 386.410 - Annual Report of Compliance; and a New Section relating to Charter Schools; Prescribing the Eligibility Requirements for a Charter School to Receive a Waiver for an Annual Performance Audit and Submit to the Audit every three years

Mr. Arensdorf reported a public hearing was being requested on proposed regulations for charter schools that came about as a result of AB334 and AB591 from the 2007 Legislature. It addresses the requirement that charter schools have to complete an annual performance report. The proposed regulation would provide the requirements by which a charter school would be exempt from having to complete an annual report.

Tom McCormack, Consultant, Office of Fiscal Accountability, explained section two on page 316 was revised to state that a charter school could request a change of sponsorship at any time. Section three on page 318 was only a technical revision resulting from changes in the 2007 Legislature.

Member Ruggiero asked if there was any undue hardship on charter schools because of section 4 on page 317. Mr. McCormack stated no. They thought 60 days was a reasonable amount of time.

Member Gwaltney asked if a charter school could seek a new sponsor if the current sponsor was about to revoke sponsorship under the current law. Mr. McCormack explained there were criteria established for those types of situations.

President Washington asked if the State Board would be the only sponsor left if a charter school wanted to change sponsors. Mr. McCormack replied yes. The current law allows for the university system to sponsor charter schools, but there has not been much interest in sponsorship from the university system.

Member Frederick requested to know the history behind the change. Mr. McCormack reported the revision was in response to the Legislature's action in changing a charter school's request for a new sponsor to anytime.

Public Comments for the public hearing began at 9:40 a.m. with Silvia Marin, Principal, ACE High School, stating ACE High School was in support of the proposed language in Section 1, sub-section 2 on page 316. Their position was that seventy-five percent of their twelfth graders who have completed credit and course work meet the requirement for the provisions. It was also important to note that the calculation could only be based on the information of twelfth grade students from the previous year who had completed the credit and course work. Ms. Marin stated they also wanted it on the record that they were asking for clarification that their sponsor could make the determination if they would be eligible to be exempt from the performance audit.

Member Gwaltney requested to know if they were asking for clarification from the Department or if they were offering a solution. Ms. Marin replied both. Member Gwaltney asked for the solution. Ms. Marin stated it was to clarify that the seventy-five percent of required students who take and pass the proficiency were twelfth grade students from the previous years who completed their course and credit work.

Leigh Berdrow, ACE High School, explained they were asking for guidance regarding students who were required to take the proficiency exam and who would be exempt. Superintendent Rheault agreed clarification was needed. He suggested leaving the wording for sub-section 2 on page 316 the way it was with additional wording at the end as follows: "to be determined by the percentage of seniors from the previous school year".

Mr. Arensdorf stated they do not disagree. The law clearly states it is the number of students who have passed the proficiency exam. Because the application for exemption was due in November, the current seniors could not have had time to complete the exam so it was agreed to use the senior class of the previous year. It was not included because it would be taken care of during administrative procedures.

Superintendent Rheault clarified his interpretation was that the percentage was based on those seniors who passed from the previous year.

Member Biggerstaff asked where resolution was sought when charter schools have a conflict with their sponsor. Superintendent Rheault reported it would be from the district that sponsored them or the State Board.

Ms. Berdrow explained they did not have a conflict with their sponsor, but their sponsor was waiting for clarification from this meeting.

Member Myers requested to hear before the end of the meeting that this issue had been resolved for them.

Dr. John Hawk, Executive Director, Nevada State High School, agreed with Superintendent Rheault's amendments.

Member Ruggiero requested to know if action should be taken on the proposed regulation now or should the Board wait for the additional language. Superintendent Rheault recommended the Board consider the amendment he suggested about adding "to be determined by the percentage of seniors from the previous school year" to Section 1, sub-section 2 on page 316.

The Public Hearing ended at 9:44 a.m. and Member Ruggiero made the following motion, seconded by Member Frederick:

That the Nevada State Board of Education adopt the proposed regulations prescribed in the requirements by which a charter school may receive a waiver from completing its annual

performance report and the revision to the process of a charter school to change its sponsor to include the amendment read into the record by Superintendent Rheault.

The motion carried unanimously.

17. Public Hearing and possible Board adoption of Proposed Revision to Regulation Language, LCB File No. R169-07, NAC 386.010; 386.050; 386.090; 386.125; 386.130; 386.190; 386.202; 386.205; 386.240; 386.320; 386.345; 386.365; 386.410; 386.445; and a New Section relating to Charter Schools

Mr. Arensdorf stated they were asking for a second public hearing on proposed regulations relating to when the State Board is the direct sponsor to a charter school. In the past, most of the applications presented to the Board for sponsorship were from charter schools that had been denied sponsorship twice from a local school district. Now, all schools can come to the Board for sponsorship irregardless of the fact. They were proposing regulations to clarify procedures for the Board, which began on page 327 of Board packets.

Member Ferry asked if the items on page 330 answered Member Gwaltney's concerns about gate keeping. Member Gwaltney reported no, the items do not sufficiently answer his concerns. However, they would take a look at the long-term goals. He stated he still believed testimony for an application should be presented under oath for accountability.

Member Biggerstaff strongly encouraged the Board to review policy to support their vision of what they would deem acceptable in a charter school and suggested the charter subcommittee present verbiage at the next meeting for the Board's review.

Member Ferry suggested agendizing these issues for discussion at the next meeting.

Member Ruggiero suggested "under oath" be included in the language for Section 3, item C on page 328. He stated he was also trying to get the Nevada Charter School Leadership Team to stay focused and provide the Board with a compilation of suggestions from the stakeholders of charter schools. A meeting would be held before the LCE meeting on February 21, 2008 and hopefully suggestions from the stakeholders can be obtained. It was hoped to provide feedback to the Board at the March meeting.

Member Myers expressed concern about the language until there was a clear definition of an EMO. Mr. Arensdorf explained their definition of an EMO was an outside organization that provides employees for a charter school.

Member Frederick requested to know if there were other accreditors than the Northwest Association of Accredited Schools as listed in Section 25 on page 355. Mr. Arensdorf explained that group was cited due to the fact that that was the group identified in statute.

Member Ruggiero commented the first workshop was held yesterday on the definition of an EMO. Discussion followed regarding contracts with retirees.

President Washington opened the public hearing at 9:45 a.m. James Endres stated he was representing K-12 and was in attendance to answer questions for Senator Terry Care on behalf of Nevada Virtual Academy. He introduced Yvonne Goodson, Associate of McDonald Carano Wilson who was also in attendance on behalf of Nevada Virtual Academy.

Member Gwaltney requested more information on their position. Mr. Endres explained Nevada Virtual Academy has struggled to construct an application that would satisfy the Board and that their concern was with the “softness” of the language being proposed. In 2005, the Legislature gave the Board the ability to deny applications based upon objective criteria. He suggested the Board construct objective criterion before they move forward and approve items. Compliance reports could be requested if the Board expressed concerns with certain issues.

Member Ruggiero expressed his confidence in the Board and staff.

Superintendent Rheault clarified there were two letters from Terry Care starting on page 357-1 in Board packets. There was also supporting documentation beginning on page 357-4. He stated, for the record, the issue that he raised last night was on new items that he received Friday that only discussed procedural issues. There were also concerns about some of the regulation, but that was not a part of his comments.

Member Myers and Member Biggerstaff thanked Mr. Endres for his comments. They agreed more objective criteria were needed.

Yvonne Goodson, Associate McDonald Carano Wilson, stated she was in attendance to support questions on the procedural arguments presented by Terry Care. She offered a brief summary of concerns with the regulations such as the fact that the LCB version that was amended on January 9th.

Member Gwaltney requested to know if it was appropriate for the Board to approve the regulations with the understanding that they could be revised, if needed, or to put the approval on hold. Superintendent Rheault stated it did not make sense to adopt the regulations if the Board was expressing concern that the regulations were not detailed. He recommended bringing the regulations back for approval at the March meeting. The Board should not review new applications until criteria were in place.

Member Gwaltney suggested each Board member be given the option to provide input before the next meeting.

Member Ruggiero stated he was comfortable with Superintendent Rheault’s suggestions. He wanted to make sure an amendment application falls within the temporary suspension of new applications. Superintendent Rheault explained this was an amendment to an existing charter. There should be authority to hold off on approving amendments. Member Ruggiero clarified his concern was the legality of the action. Superintendent Rheault stated it was the President and three Board members that determine what issues get put on the agenda, so there was some discretion.

Member Myers cautioned Board members to be specific with all amendments.

Member Ruggiero stated he wanted to be careful that an amendment application does not come before the Board before objective criteria was in place.

It was suggested a subcommittee be created to make recommendations at the March meeting.

President Washington requested clarification that the moratorium was not to accept new applications and not to accept amendments. Deputy Attorney General Irvin stated the question would be better asked of Superintendent Rheault. He stated he would agree if Superintendent Rheault reported the amendments were excluded from the moratorium. Superintendent Rheault reported he considered amendments to an existing charter excluded from the moratorium.

The public hearing closed at 10:50 a.m. with Member Ruggiero making the following motion:

That the Nevada State Board of Education have an agenda item at the next meeting to hold a workshop regarding the proposed regulation changes regarding criteria to deny charter school applications and that an agenda item also be placed on next meeting's agenda concerning receiving amended applications.

Discussion followed.

Member Myers suggested having an agenda item that stated the Board was taking action to revert the language back to a workshop for the Board only.

Member Ruggiero withdrew his motion.

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

That the Nevada State Board of Education table this item as it appears in the public hearing and revert it back to a workshop to be held with the entire State Board of Education at the next scheduled meeting.

Discussion followed.

Superintendent Rheault suggested the Board come up with a list of specific criteria for review by the stakeholders. Member Frederick agreed with Superintendent Rheault that all of the charters should be notified.

The motion carried with one opposition from Member Nance.

At 10:50 a.m., President Washington called for a ten-minute recess. At 11:00 a.m., the meeting resumed. President Washington announced agenda item 14 would be reopened.

14. Staff responses and possible action to the questions in a letter dated December 17, 2007, from Carol Stonefield, Supervising Principal Research Analyst, Research Division, Legislative Counsel Bureau, on behalf of Senator Maurice Washington (Reopened)

President Washington stated the only change that would be made would be the response to question three.

Member Biggerstaff asked about the recommended change. Superintendent Rheault explained question three was specifically asking what criteria has the Board offered through the regulations to evaluate charter schools consistent with the flexibility. He recommended the response be re-worded to reflect the action taken to hold a workshop at the March meeting and that more specific criteria would be established during the workshop at the March meeting.

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

That the Nevada State Board of Education accepts the changes Superintendent Rheault suggested and that it would go out under State Board letterhead.

The motion carried with one opposition.

18. Request for Variance from Class Size Reduction Requirements, 2007-2008 School Year

Superintendent Rheault reported the annual request for variance submitted by school districts regarding class size reduction began on page 358 of Board packets. He provided a brief overview of the process. On page 358-1 was a listing of the school districts that needed approval for variance request. On page 358-2 was a listing of the school districts that have chosen to implement the alternative class size program. The school districts that have chosen the alternative class size program do not need a variance. Superintendent Rheault provided an example on how the numbers originated. He recommended the Board approve the variance request for the school districts listed.

Member Nance commented that the numbers seem better than in the past. Superintendent Rheault reported, in 2005, they were successful to get some wording in the class size reduction statutes. They eliminated a lot of the districts that were coming in at the 15:1 ratio requirement because it was now based on actual funding for the class.

Member Nance requested to know if charter schools were under the same law. Superintendent Rheault reported charter schools were not included. There was specific wording in the statute that states charter schools were not included. Teachers were also not provided for class size reduction to charter schools.

Member Myers stated she would deny the request due to the high numbers of some school districts with no explanation.

Member Frederick asked why the request from Lyon County was not signed or dated and the request from Mineral County was dated December 9th. Superintendent Rheault reported he received two separately signed documents from Lyon County that provided an additional explanation because when the initial ratios were provided and calculated, they were different than Department calculations. He also commented that there were school districts that were under-funded due to the fact that the amount that is paid per teacher under the class-size reduction act does not cover the actual expenses for those positions.

Member Myers expressed concern with the lack of information provided by Lyon County. Superintendent Rheault explained there was a third alternative to class-size reduction which was to remove class-size reduction teachers to teach alternative programs and Lyon County was still the only one who uses this third alternative, which may make their ratio seem larger.

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

That the Nevada State Board of Education accepts the Department's recommendation regarding class variance.

Discussion followed.

Member Myers asked about Elko County. Superintendent Rheault reported Churchill, Douglas, and Elko counties were the only three counties that have gone for the alternative programs and they can meet the ratios at the top of the chart. He also explained staff sends out the information in August and school districts have until October to come up with a signed agreement. Staff can modify the information sent out and the variance requests forms to provide additional information.

Member Ferry suggested agendaizing this issue if there were concerns.

Member Myers stressed the importance of having more information before granting the request. Superintendent Rheault reported he would have to provide a summarized report to the Legislature.

The motion carried unanimously.

19. Distribution of materials regarding Teacher Quality Issues:

- **National Council on Teacher Quality 2007 Summit Report**
- **Teacher Evaluation Completer's Report**
- **Teacher Quality Task Force Report**

Superintendent Rheault reported the Executive Summary began on page 360 of Board packets. It was a National Report distributed by the National Council on Teacher Quality. The Teacher Evaluation Completer's Report began on page 377. The data was broken up by individual colleges. There were not major anomalies between the individual colleges. The Teacher Quality Task Force Report was on page 393.

Gloria Dopf, Deputy Superintendent, Instructional, Research and Evaluative Services, explained the Teacher Quality Task Force Report originated to allow the Department of Education to work with a task force to review the issue of alignment with programs of teacher preparation, licensure, professional development, and expectations of student performance. The group consisted of representatives from each of the areas that would be affected by the alignment. The task force was to identify areas where there were potential disconnects. The recommendation from the analysis was to begin a discussion with the various governing structures that would review outcome and teaching standards and teaching as a practice that would relate to student achievement and to put some emphasis on the outcome of the teaching product. A future meeting would be set with the Commission on Professional Standards in Education to discuss this issue. Other state models would be considered as they were recognized as exemplary in this area.

Member Myers stated she had brought this to the Board's attention last August because, at that point, they were discussing how to connect teacher quality to student achievement, which the report addresses. She commented on the issues that she had been concerned about a year ago such as teacher preparation of special education teachers; quality of teachers; how to teach reading; and training in ELL and behavior. Member Myers stated Teddy Ranham from UNR was a good source to assist the Board. The Board should focus on one item to make a difference.

Member Gwaltney commented on student evaluation. Superintendent Rheault commented that they were working with universities to track teachers and who complete programs at their respective institutions.

Member Ferry requested to know if the survey was just for one year. Superintendent Rheault reported it was just for the completers last year, but it will be completed every year. Member Ferry stated he agreed with Member Gwaltney's and Member Myers' comments.

Member Biggerstaff requested information about the percentage of teachers. Superintendent Rheault stated last year there were 3,333 new teachers hired in the state, which was approximately seventy-eight percent that received their degree from out of state. Member Biggerstaff pointed out universities were not the only area that needed to be reviewed. She agreed with Member Myers' comments to focus on teacher quality. Ms. Dopf

reported there was a recommendation from the Task Force to review the issue of continuing professional development with an emphasis on a reduction program and that Superintendent Rheault had put forth a request for funds for this action at the last Legislative session. She also reported high school improvement efforts were being reviewed to better prepare students for the 21st century.

Member Ferry agreed with the issue to review other areas besides universities so as not to place the blame on one particular area.

20. Presentation of the Nevada 2007 Youth Risk Behavior Middle and High School Survey Summary Data

Robinette J. Bacon, School Health Education Coordinator, introduced herself and Donnell Barton, Director, Office of Child Nutrition and School Health. With a PowerPoint presentation, Ms. Bacon reviewed the 2007 Youth Risk Behavior Middle and High School Survey which begins on page 396 of Board packets. Grades 6-12 were surveyed and separate survey samples were provided to school districts to compare to the statewide survey. She acknowledged the assistance received to construct the survey. She highlighted the positive and the negative aspects of the survey. At the high school level, there was an increase in parental supervision and students who were still encountering verbal slurs. There was a decrease in the number of students who said they belonged to a street gang. There was a decrease at the high school level in suicide rates. Tobacco use saw a decrease. There was a decrease in the question: "Have you gambled one or more times during the past twelve months". There has been a gradual decrease in the question: "Have you ever had sexual intercourse", but the question was not asked at the middle school level. Data could not be compared if there was a slight change to the question. There was an increase in the data collected on students who rode with a driver who had been drinking alcohol during the past thirty days, but it was unknown if that increase was due to the slight change to the question. There was a decrease in the number of students who were encountering verbal slurs and who joined gangs at the middle school level, but an increase in students who carry weapons at the middle school level. There was also an increase in suicide rates at the middle school level. Tobacco use also saw a decrease at the middle school level as well as gambling. She reviewed data based on race percentages.

President Washington commented on "Friends with Benefits" which was occurring at middle schools, which was essentially oral sex. She asked if there was an educational class on this issue. Ms. Bacon reported they had community coalitions who provided parenting education on this issue. Ms. Bacon reported students look to parents for guidance, but parents were not providing that guidance.

Member Biggerstaff stressed the importance of having a curriculum that would teach students on how to be good parents.

Ms. Bacon reported the State of Nevada was high on the list of HIV infections. There has been an increase among adolescents through transmission.

Member Frederick requested to know what "other" meant for grades. Ms. Bacon explained "other" were for students who may be between grades. Member Frederick asked why the Asian ethnicity was listed at the middle school level, but not at the high school level. Ms. Bacon reported there were not enough Asian students for a separate category.

Member Myers requested to know if data was collected on expulsion rates by category. Superintendent Rheault stated they do not.

Member Ruggiero applauded the effort that went into the survey. He asked if mandatory drug testing had been considered based on the data collected or was it considered a little excessive. Ms. Bacon stated the question was more of a local school district policy issue and should be directed to school districts.

Member Gwaltney requested to know the proactive part of the data. Ms. Bacon explained it was up to the school districts to decide how to publicize the data and provide an example.

Member Frederick asked how the survey would be treated to include other issues. Ms. Bacon stated the Centers for Disease Control was already thinking about future questions. There were three lengthy conference calls relating to keeping the survey to manageable proportions, but still meet criteria. Questions were chosen from a list of core questions and verbiage was provided for optional questions. The CDC also conducts a validity study with students.

President Washington commented on the adverse effects of television and the acceptance of teen pregnancy during the present time.

Member Frederick requested to know how many years Nevada has participated in the survey. Ms. Bacon stated Nevada has participated since 1991 and the survey was conducted during the odd number of years.

President Washington requested to know if a breakdown of school district data was possible. Ms. Bacon stated that would not be possible due to the fact that the school districts own their own data. The data could be requested, but it would be up to the school districts to provide that data.

At this time, President Washington called for a ten-minute break.

21. Reconsideration of the 2008 Board Calendar:

- **Consideration of Boardmanship Training Retreat**
- **Consideration of State Per Diem Impact**
- **Consideration of Department of Education Budget Impact**
- **Consideration of Date, Time and Location of Future Board Meetings**
- **Consideration of Joint Meeting of State Board of Education and the Commission on Professional Standards**
- **Consideration of Administrative Assistant to the State Board of Education**

Superintendent Rheault commented on the Per Diem Impact on page 407 of Board packets. He reported it was received as part of the State Administrative Manual through the budget office. Traveling less than fifty miles to a destination did not qualify for the Per Diem expenses. Per Diem expenses refer to hotel and meal expenses. There was no flexibility within an agency's own regulations or policies. Changes would have to be approved through the Legislature. There is a statute that stated the State Board was entitled to the same per diem as State employees.

Member Myers stated she would still submit travel expenses so there was a paper trail.

Member Ruggiero asked why there was no meeting with the Board of Regents scheduled for the 2008 calendar. Superintendent Rheault explained no meeting was scheduled because there was an indication that nothing was gained from the last meeting.

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

That the Nevada State Board of Education change the calendar of meetings to May 2nd and 3rd to Carson City and June 13th and 14th to Las Vegas.

The motion carried unanimously.

Superintendent Rheault provided information on employee vacancies due to budget cuts. Discussion followed.

Member Biggerstaff asked if the Board received an overview of the budget reduction affecting school districts. Superintendent Rheault reported there was a timetable regarding the process that would be followed provided in the handouts. A specific report had to be presented to the Governor by May 1st. Discussion followed.

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

Superintendent Rheault explained agenda item 22 was a continuation of discussion on SB540.

Member Gwaltney commented on the range of issues discussed by the Board regarding SB540. Member Biggerstaff suggested leaving the members appointed in tact. Discussion followed.

Member Ruggiero stated he had made a motion during the June 2007 meeting based upon Member Gwaltney's recommendations, but now he was of the opinion to suggest making recommendations or changes to their proposal. He also pointed out a representative from the Governor's Office was asked to attend meetings, but they have not availed themselves to that opportunity.

Member Myers commented on the lack of power by the President, Vice President, and Clerk.

Member Ferry suggested not doing anything until the Legislative session begins.

Member Frederick requested to know if there were any other Boards or Commissions that have a figurehead for a Chair or President.

Member Gwaltney explained the Assembly should be used as a back-up. Discussion followed.

Member Ferry suggested agendizing this issue to the March meeting for further discussion.

23. Board Member comments

- **State Committee on Federal Land Law's Report**

Member Nance commented on the election of Board members.

Member Biggerstaff thanked Member Ferry for his efforts as Board President. The mega-conference would be held in April. A Parent Involvement Summit would be held on February 29, 2008 at the Northwest Career and Technical Academy. She encouraged Board members to attend.

Member Gwaltney congratulated President Washington on her election. He thanked Member Ferry for his service. He expressed his appreciation for the thank-you cards received for his wife, Elly.

Member Myers stated on September 21st she contacted the Attorney General regarding the duties of the Attorney General representing the State Board. A written response was received on January 14th. She provided copies of her original correspondence and the response. She requested the issue of universal design be discussed at the March meeting.

Member Frederick thanked Member Ferry for his service to the Board. She congratulated President Washington on her election. She also expressed her appreciation of Deputy Attorney General Irvin's services to the Board. She would provide a report from the Indian Education Summit.

Member Ruggiero pointed out the information provided in Board packets regarding the Children's Land Allegiance was not complete. He stated he would provide the Board with more information as it was discussed. He thanked Member Ferry for his efforts and congratulated President Washington and Member Biggerstaff on their elections. He reported he had lunch with Senator Raggio yesterday and that, in his opinion, the Board was receiving more credibility.

President Washington thanked the Board for her election as President and stated she expected everyone's help. She wanted to try to schedule the NASBE retreat. She also announced she would not be running again when her term was up.

24. Future agenda items

President Washington asked to be contacted if there were issues to be placed on future agendas.

Member Ruggiero suggested the Board review Board committees at the March meeting and to add an agenda item regarding language for the amended applications.

Ms. Dopf provided information regarding the mega-conference in April and the Parent Advisory Council.

25. Public comments

Dr. Dotty Merrill, Executive Director, NASB, reported the 2008 conference would be held on November 13th through the 16th. She invited the Board to attend the dinner on Saturday, November 15th at the Airport Plaza. Member Gwaltney asked about the cost. Dr. Merrill stated they had not set their registration yet, but the cost of the registration for the last conference was \$100.

Dr. John Hawk, Nevada State High School, commended the Board on their growth and development. He extended his assistance to the Department of Education to review charters.

Member Biggerstaff asked Dr. Merrill to review NASBE budget resolutions. Dr. Merrill reported on January 12th the Board of Directors and the Executive Committee unanimously adopted a resolution in opposition to the budget cuts and proposed several ways to work together to establish a consistent, reliable way to fund K-12 public education, to eliminate reversions from monies designated for public education to general funds, and to establish a rainy day fund. Eight or nine school districts have already adopted the resolution.

Member Biggerstaff requested the NASBE resolution be agendized for the March meeting.

26. Adjournment

The Nevada State Board of Education meeting was adjourned at 2:25 P.M.

DRAFT