

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

March 19, 2009

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

**MINUTES OF THE REGULAR MEETING – March 19, 2009**

**BOARD MEMBERS PRESENT:**

Anthony Ruggiero, President  
Dr. Cliff Ferry, Vice President  
Christopher Wallace, Clerk  
Jan Biggerstaff, Member  
Gloria Bonaventura, Member  
Willia Chaney, Member  
Dave Cook, Member  
Charlotte Hill, Member  
Craig Wilkinson, Member  
Becky Childs, Student Representative

**BOARD MEMBERS ABSENT:**

Ken McKenna, Member (excused)

**DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
James Wells, Deputy Superintendent, Administrative and Fiscal Services  
Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services  
Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum  
Phyllis Dryden, Director, Office of Career, Technical and Adult Education  
Bill Arensdorf, Director, Office of Fiscal Accountability  
Frankie McCabe, Director, Special Education, ESEA and School Improvement  
Dr. Steve Canavero, Consultant, Office of Assessment, Program Accountability and Curriculum  
Dr. Richard Vineyard, Assistant Director, Office of Assessment, Program Accountability and Curriculum  
Carol Mason, Test Security Coordinator, Office of Assessment, Program Accountability and Curriculum  
Henry King, Program Manager, Office of Assessment, Program Accountability and Curriculum  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

**LEGAL STAFF PRESENT:**

Dr. James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

Jodi Stephens, Legislative Director, Office of the Governor  
Mark Pingle, Professor of Economics, ETECHS

Ricci Rodriguez-Elkins, Charter School Liaison, E-Techs, and Executive Director, CFCS  
Lee Ky Good, Managing Director, ETECHS  
Ruth Joseph, Director, Student Data Services, Clark County School District  
Dr. Bryn Lapenta, Senior Director, Washoe County School District  
Leigh Berdrow, Administrator, Ace High School  
Dr. John Hawk, Executive Director, Nevada State High School  
Patrick Painter, Test Director, Clark County School District  
Brenda Larsen-Mitchell, Executive Director, Clark County School District  
Steve Knight, Superintendent/Director, Silver State Charter School  
Sandi Foster, Washoe County School District  
Kim Boyle, Clark County School District  
Jeanette Belz, Academy for Career Education  
Nicole Rourke, Clark County School District

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

President Ruggiero called the meeting to order at 4:50 p.m., with attendance as reflected above. He led the meeting in the Pledge of Allegiance.

**Member Biggerstaff moved to approve a flexible agenda. Member Hill seconded the Motion. Motion carried.**

### **1. PRESIDENT'S REPORT**

- **Update of Meeting with the Governor** – President Ruggiero reported he had a meeting with Governor Gibbons who was receptive to his concerns regarding: 1) K-12 Governance; 2) charter schools; 3) the Apple Initiative, of which he would be traveling to Washington DC to lobby for a House Bill which may increase school trust lands for Nevada; 4) InVest '09; and, 5) unfunded mandates.
- **Update of NASBE Legislative Conference March 13-14, 2009** – President Ruggiero reported he attended the NASBE Legislative conference at which time he brought up concerns regarding No Child Left Behind (NCLB) and funding needed to implement the Elementary and Secondary Act (ESEA). He also met with western regional directors of WestEd to discuss innovation grants regarding national standards for school courses.

At this time, President Ruggiero announced agenda item 3 would be heard next.

### **3. REPORT FROM THE GOVERNOR'S OFFICE**

Jodi Stephens, Legislative Director, Office of the Governor, mentioned the Governor's Office would assist in obtaining funding for education. She reviewed questions submitted to the Governor's Office by State Board members. In response to question one regarding how to attract teachers to Nevada when teacher salaries and benefits were being cut, Ms. Stephens stated the cut was not taken lightly and that the six percent cut across the board was the best way to avoid 10,000 layoffs. She noted cuts would be reversed as the economy improves.

Member Wallace requested to know how the Governor's Office justified making cuts when it was reported staff members received salary increases. Ms. Stephens explained salaries changed as positions for staff members changed and sited a personal example.

Member Chaney noted there were married couples working as teachers and asked if the Governor took into account that the budget cut would amount to a 12% cut for those types of households. She commented that she did not understand how the State could recruit good teachers and ask teachers to meet state standards with a salary cut. Ms. Stephens stated the Governor did take into consideration husbands and wives who were both working within the education system, but the Governor and staff felt it was better to implement salary cuts rather than layoffs.

Member Bonaventura questioned how the state would keep current teachers with salary cuts and commented that, in her opinion, good teachers deserve salary increases.

Regarding question two about increasing funding for the K-12 system, higher education, and to consider the benefits of cultural programs, Ms. Stephens noted funding per pupil had been increased during the last Legislative session, but was reduced during the special Legislative sessions. She stated increasing funding per pupil is not an option during the current economic climate and is not the best way to reward educational success.

Regarding question three about the Governor declining to sign the Room Tax Bill after he had indicated he would sign the Bill, Ms. Stephens explained it was put in the budget because of overwhelming voter support, but the Governor would not sign it because he was against imposing any new taxes.

Member Biggerstaff requested to know at a future meeting the Governor's vision for K-12 governance.

Member Cook asked if the Governor provided any governance input regarding Senator Horsford's Senate Bill (SB) 330. Ms. Stephens reported Governor Gibbons did not provide input regarding that legislation and that Senator Horsford stated he would be contacting the Governor's Office.

Regarding question four about using alternatives other than the proficiency exam to increase graduation rates, Ms. Stephens stated Governor Gibbons would be open to other alternatives that would not falsely inflate graduation rates.

In response to question five regarding if stimulus funding would be used for the Head Start program and early education and, if so, how much would be used, Ms. Stephens reported Nevada would receive approximately \$14 million in formula funding and approximately \$3 million for Head Start programs and additional funding for early Head Start programs. In response to Member Biggerstaff's question regarding how stimulus funding would be utilized, Dr. Rheault stated agenda item 12 would provide answers to all questions about stimulus funding.

## **2. SUPERINTENDENT'S REPORT**

- **Update of the P-16 Council Meeting, February 18, 2009** – Dr. Rheault reported he attended the February 18, 2009 meeting to present information on budget cuts for K-12, but nothing came of the meeting due to the lack of a quorum. The March meeting has also been cancelled. There will be an Assembly Education Committee Bill that will direct the State Board and the Board of Regents on the alignment between K-12 and higher education including a date for completion.
- **Update of the Council of Chief State School Officer's Legislative Conference, March 8-10, 2009** – Dr. Rheault reported the conference was dominated by the American Recovery Act and that President Obama was also in attendance at the conference.

- **Update of the 2009 Legislative Session** – Dr. Rheault stated he would provide more information under agenda item 24 regarding legislation. He reported the Legislative session was moving slowly. Testimony was being heard regarding the items that legislators absolutely want to be funded.

**4. Time: 4:00 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 387.215 – Reason for withdrawal of a pupil**

For new Board members, Dr. Rheault explained workshops were held to obtain additional public input on possible regulation changes and that action was not taken by the State Board during a workshop. President Ruggiero added public comment would be heard after each presentation and that public comment would be limited to three (3) minutes.

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, introduced Dr. Steve Canavero, Consultant, Office of Assessment, Program Accountability and Curriculum, who oversees the accountability report card and who had recommended changes in the withdrawal codes to attract more students due to regulations imposed last fall with No Child Left Behind.

Dr. Canavero reported on page 70 a list of new withdrawal codes was established to provide more detail and was based on national best practices guidance. He noted the old code provided the State with three different ways for a school to define a student transfer, but the new code provides ten different ways to track a student.

Member Ferry requested to know where information was listed for the adult high school program. Dr. Canavero reported students who leave the school system to enter an adult high school outside of the K-12 setting would be classified as a drop-out under the new codes. Dr. Rheault stated new graduation rates do not allow anything but a regular or standard-equivalent of a standard diploma.

Member Biggerstaff asked what happens to special education students age 16 to 17 who get expelled. Dr. Rheault reported charter schools were allowed to take in special education students. They could also be home schooled or enroll in a distance education school. Member Biggerstaff asked if withdrawal codes would be consistent across the country. Dr. Canavero reported there was consensus to have all states on the same page with regards to withdrawal standards.

Member Chaney requested to know if students were counted who do not pass the proficiency test, but continue to obtain a GED. Dr. Rheault stated those students would be listed as drop-outs because a signed form was needed that states the student dropped out in order to obtain a GED. Amendments to the proposed revisions would be presented to the Board for further review at tomorrow's meeting.

At 4:50 p.m., President Ruggiero opened up the workshop to public comment. There were 27 audience members in attendance at this time.

Dr. Bryn Lapenta, Senior Director, Washoe County School District, stated the Washoe County School District fully supported the regulation and thanked Ms. Crothers and Dr. Canavero for their efforts.

Ruth Joseph, Director Student Data Services, Clark County School District, stated she wanted to reiterate Dr. Lapenta's comments.

Hearing no further questions or comments, President Ruggiero closed the workshop at 4:55 p.m.

**5. Time: 4:15 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 386 – Charter School Budget and Finance Regulations**

James Wells, Deputy Superintendent, Administrative and Fiscal Services, noted only temporary regulations could be put in place at this time until the Legislative session concludes when other workshops and public hearings regarding proposed revisions to NAC statutes would need to be heard again for permanent inclusion. Mr. Wells explained this workshop was to solicit comments about proposed revisions to NAC 386 to require more budgetary information from charter schools other than budget and audit information and reviewed proposed temporary regulations on pages 74-83 of Board packets.

President Ruggiero asked if proposed budget information would still be required with the new charter school institute. Mr. Wells explained it may be difficult because one of the provisions to the Institute Bill would be to provide regulation authority to the institute that could reject providing standardized information to the State Board.

Member Ferry requested to know if the two charter schools planning construction know of the proposed revisions. Mr. Wells reported he contacted one school about statutes in NAC 351 requiring permission from the Department of Taxation to enter into medium-term financing.

Member Biggerstaff asked if charter schools provided input to the changes. Mr. Wells replied no. Department staff reviewed NAC 354 and made changes they considered applicable to charter schools. A public hearing regarding these proposed revisions would not be held until May.

At 5:10 p.m., President Ruggiero opened up the workshop to public comment. There were 30 audience members in attendance at this time.

Leigh Berdrow, Administrator, Ace High School, provided information regarding her school and commented that the majority of charter schools were small-staffed therefore providing more budgetary information to the State Board would be cumbersome. She requested the following minor changes to proposed revisions:

- On page 78, Section 28, items 5 and 6, to change 30 days to 45 days
- On page 79, Section 28, item 7, to allow 45 days after final count report is due
- On page 79, Section 30, item 1, to change 30 days to 45 days
- On page 82, Section 37, item 4, to add an additional two weeks to the four month time limit

Ms. Berdrow added they were willing to work with staff and support the revisions, but would like to submit the above changes in order to relieve some of the burden from charter school staff in providing additional budgetary information.

Dr. John Hawk, Executive Director, Nevada State High School, stated he wanted to concur with Ms. Berdrow's comments and Member Biggerstaff's comments about allowing charter schools to provide input. He requested individuals keep in mind charter schools embrace accountability and in exchange are offered flexibility.

Hearing no further questions or comments, President Ruggiero closed the workshop at 5:20 p.m.

**6. Time: 4:30 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 389.056; 389.0565; 389.057; 389.061; 389.071; 389.079; 389.081; 389.083; and 389.655 – High School Proficiency Examinations**

Carol Crothers, Director introduced Carol Mason, Test Security Coordinator, and Dr. Richard Vineyard, Assistant Director, from the Office of Assessment, Program Accountability and Curriculum. Ms. Mason stated proposed revisions were to bring NAC language in alignment with current Nevada Revised Statutes. Discussion followed clarifying only IEP students are permitted to use calculators on tests and that calculators were not permitted unless all students in all districts were provided calculators for use on state-wide tests.

Member Ferry requested to know why the word “proficiency” was being used. Ms. Crothers stated that language was maintained because there is a determination of proficient on all assessments, but it does not have the same meaning as the high school proficiency exam.

Member Biggerstaff suggested the State Board consider alternative ways to determine if a student was prepared to exit high school. Dr. Vineyard stated alternatives were being explored to demonstrate proficiency in science and writing courses.

Member Cook requested to know how other states address using calculators in the classroom. Ms. Crothers reported Nevada recently responded to a survey from another state with a similar question and that she would provide survey information to the Board when that information becomes available.

At 5:35 p.m., President Ruggiero opened up the workshop to public comment. There were 31 audience members in attendance at this time. Hearing no public comment, President Ruggiero closed the workshop at 5:35 p.m.

**7. Time: 4:40 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 389.051 to eliminate the February administration of the High School Proficiency Examination, allow juniors to test in the fall and limit the July administration to pupils otherwise ready to graduate**

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, reported students were provided several opportunities to take the high school proficiency test in the spring for 10<sup>th</sup> and 11<sup>th</sup> graders and in the summer for 12<sup>th</sup> graders including five opportunities in July. The proposed revisions would cut costs; provide more flexibility to schedule spring assessments; and, allow more time to receive results before May testing begins. Another proposed change was to eliminate 11<sup>th</sup> grade summer testing since November testing was being provided. She noted current regulations prohibit 11<sup>th</sup> graders from participating in summer writing proficiency exams. She introduced Henry King, Program Manager, Office of Assessment, Program Accountability and Curriculum.

President Ruggiero requested to know if her proposed revisions were listed on page 96 and 97. He stated the State Board was interested in department recommendations. Ms. Crothers reviewed proposed changes listed at the bottom of page 96 and noted there was district consensus on the elimination of the February test. Mr. King added that one problem with the administration of summer testing was that some school districts were closed during the summer.

At 5:40 p.m., President Ruggiero opened up the workshop to public comment. There were twenty-eight audience members in attendance at this time.

Patrick Painter, Test Director, Clark County School District, stated there were concerns about the elimination of July testing for 11<sup>th</sup> graders.

Member Biggerstaff requested to know how much it cost to administer summer testing. Mr. Painter stated it was approximately \$60,000 for the Clark County School District last year.

Member Cook requested to know the department's budgetary impact versus school district budgetary impact. Ms. Crothers stated she did not have that information available at this time, but that a public hearing would be held tomorrow and information regarding an approximation of testing budgets per student would be provided. She noted it was approximately \$16-20 per student.

Dr. Bryn Lapenta, Senior Director, Washoe County School District noted the Washoe County School District supported the regulation as written.

Hearing no further questions or comments, President Ruggiero closed the workshop at 5:50 p.m.

**8. Time: 4:50 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 389.048 – Eligibility for High School Proficiency Examinations; and 389.659 – Units Required for Promotion to Next Higher Grade Level; Waiver of Certain Requirements**

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, explained proposed revisions would eliminate retention of students to the 9<sup>th</sup> grade in order to correctly identify first-time 9<sup>th</sup> graders. Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, added grade equivalency was for the purposes of passing proficiency exams.

At 5:55 p.m. President Ruggiero opened up the workshop to public comment. There were twenty-eight audience members in attendance at this time.

Dr. Bryn Lapenta, Senior Director, Washoe County School District, Kim Boyle, Clark County School District, and Ruth Joseph, Director, Student Data Services, Clark County School District, stated their school districts were in support of the regulation.

Hearing no further questions or comments, President Ruggiero closed the workshop at 5:57 p.m.

**9. Time: 5:00 p.m. WORKSHOP to solicit comments to Proposed Revisions to NAC 389.655 and 389.657 to Establish the Alternative Criteria for Students to Demonstrate Proficiency in Science**

Dr. Richard Vineyard, Assistant Director, Office of Assessment, Program Accountability and Curriculum, explained the State Board has already established alternative routes for students to receive a proficiency rating in high school writing, math and reading and that proposed revisions would establish an alternative route for Science in lieu of passing proficiency exams. He noted there was consensus on the proposed revisions by school districts at this time.

Member Ferry requested to know if students would be required to complete one of the items listed in Section 2(b). Dr. Vineyard stated a student would be required to complete items "i" and "ii" and one additional work sample.

Member Biggerstaff asked how much it would cost to score additional testing. Discussion was heard about this being a state requirement therefore the state pays the cost.

Member Cook stated he was trying to understand what alternative could be offered to a student that would determine a student has adequate knowledge of the course if the student cannot pass course tests. Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, reiterated this was not a federal requirement. The provision of an alternative exam was initiated by the State Legislature and that it was to assist students by providing an alternative route for students who could not demonstrate their knowledge of the course in a testing environment. Member Cook stated he still did not understand how a student who fails a writing test could be provided an alternative writing test.

Member Bonaventura requested to know what percentage of students this would assist with graduating high school. Ms. Crothers stated that information could not be provided until the regulations were implemented. Member Bonaventura commented that Nevada's level of education was already low when compared to other states. She asked if these revisions would make the level of education even lower. Ms. Crothers stated the challenge they faced was providing an alternative assessment aligned to Science standards and that it has been difficult. Member Ferry added the State Board had reservations about the alternative route when it was first presented to the Board, but that it was a positive for the student who could not pass in a testing environment. Ms. Crothers noted approximately half of students who participated passed therefore this was not a guaranteed passing grade.

At 6:15 p.m., President Ruggiero opened up the workshop to public comment. There were twenty-one audience members in attendance at this time.

Brenda Larsen-Mitchell, Executive Director, Clark County School District, and Dr. Bryn Lapenta, Senior Director, Washoe County School District, expressed their support for proposed revisions and thanked Dr. Vineyard for his efforts regarding this matter.

Hearing no further questions or comments, President Ruggiero closed the workshop at 6:18 p.m.

#### **10. Recognition of the 2009 Teacher of the Year Award Recipient, Steve Johnson, a chemistry teacher at Churchill County High School Churchill County School District**

President Ruggiero introduced Steve Johnson, the 2009 Teacher of the Year. Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, commented on the announcement presentation given at the school and thanked Lori Johnson for her efforts in coordinating the Teacher of the Year award. She also expressed her thanks to Steve Johnson for his efforts in the education system. President Ruggiero read background information on Steve Johnson in Board packets. He presented Mr. Johnson the 2009 Teacher of the Year plaque.

Mr. Johnson stressed the importance of preserving the integrity of the Arts and Humanities along with basic classes. He thanked Dr. Vineyard for keeping teachers and school districts involved in writing State standards.

Member Ferry requested to know Mr. Johnson's opinion regarding alternative testing. Mr. Johnson stated that was a very difficult task to undertake and that online testing along with a growth model could provide assistance in that area.

## 11. APPROVAL OF CONSENT AGENDA

- A. Approval of Minutes of January 15-16, 2009 Regular Meeting
- B. Approval of State Board Member Travel:
  - ❖ Chris Wallace to attend the National School Boards Association Conference in San Diego, California, April 4-7, 2009 – Registration is \$885
- C. Approval of Appointments to the Board of Trustees for Nevada Public Education Foundation
- D. Approval of Special Education Discretionary Units FY 09
- E. Approval of the Appointments to the Title I Committee of Practitioners
- F. Approval of the 2009-2016 Elementary and Secondary Textbook Adoption Lists for the Adoption period of March 22, 2009 to June 30, 2016
- G. Approval of the Relicensing of Kids R Kids in Reno and the Las Vegas Day School, a member of the Northwest Association of Accredited Schools. Also approval of a two year license for White Pine Boys Ranch School, a new boarding school seeking its first license

Due to the amount of paperwork for review, Member Ferry requested consent agenda item F be tabled until tomorrow's meeting for further discussion.

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

**That the State Board of Education accepts the Consent Agenda with the exception of item F that will be discussed further at tomorrow's meeting.**

Discussion followed.

Regarding consent agenda item G, Member Biggerstaff stated she heard negative reports especially about private, boarding schools for boys and requested to know what kind of follow-up was being completed to ensure the White Pine Boys Ranch School was safe. It was clarified the Department of Education ensures the educational aspect of the school including teacher background checks. Bill Arensdorf, Director, Office of Fiscal Accountability, stated the Department's recommendation was for approval of re-licensing for the school and renewal of the schools listed in consent agenda item G.

The motion carried.

## 12. Review of the American Recovery and Reinvestment Act of 2009 regarding the Potential Impact of the Act on K-12 Education in Nevada

Dr. Rheault reported the American Recovery and Reinvestment Act (ARRA) or the Stimulus Act would provide approximately \$500 million to K-12 and higher education in Nevada in the following four components:

- 1) The Stabilization Fund will provide \$396 million of which 81.8% or \$324 million will be provided to K-12 and higher education. The other 18.2% would be under the Governor's authority to be spent in any way including providing additional funding for K-12 or higher education. Dr. Rheault explained a waiver from the Secretary of Education was still needed to meet requirements for maintenance of effort which was needed before stimulus funding could be distributed for K-12 and higher education. Use of funding has to be distributed through the primary or secondary school student formulas. His recommendation was to put the funding in the DSA to make up for the lack of DSA funding including salary reductions.

- 2) Title I programs will receive an additional \$70 million split over a two-year period but only for Title I eligible schools. A suggestion was made to provide professional development for all Title I schools.
- 3) Educational Technology funding would receive \$4.2 million and would be funded and run through regular federal requirements. Funding will be available to all school districts through grants and could be used for infrastructure, equipment, professional development, and technology programs.
- 4) Special Education funding will provide approximately another \$70 million to the State and distributed based on the regular special education funding formula and can be used for any currently authorized expenditure under IDEA federal funds. The original intent was to have funding used for any special education expenditure, which would free up local funds that are used to pay for special education students. Funding could also be used to meet deficits in special education funding, which \$17 million would have to be used to meet the shortfall in the maintenance of effort that was a result of budget cuts made in special education. Savings from Health and Human Services and federal money could also help to match that funding.

Dr. Rheault noted all funding would not be available until July 2009. A meeting would be held tomorrow with legislative staff to discuss how to best utilize funding for all schools.

President Ruggiero requested to know if there was any way the State Board could provide input in how funding could be disbursed. Dr. Rheault stated that the funds would be distributed by formula.

Member Biggerstaff asked who was tracking the funding. Dr. Rheault reported every agency was providing a recovery site which would provide all funding information and that would also be linked to the Governor's website. Member Biggerstaff requested to know if the Department would receive any stimulus funding. Dr. Rheault reported the Department would not receive any stimulus funding, but that there may be 1% in funding for Title I schools that could be used for administration. The Governor's Office could also be encouraged to use some of the remaining 18.8% for administrative purposes.

At 6:50 p.m., President Ruggiero called for a meeting recess to continue on Friday March 20, 2009 at 8:30 a.m.

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

March 20, 2009

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

**MINUTES OF THE REGULAR MEETING – March 20, 2009**

**BOARD MEMBERS PRESENT:**

Anthony Ruggiero, President (arrived via video conference at 11:45 a.m.)  
Dr. Cliff Ferry, Vice President  
Christopher Wallace, Clerk  
Jan Biggerstaff, Member  
Gloria Bonaventura, Member  
Willia Chaney, Member  
Dave Cook, Member  
Charlotte Hill, Member  
Ken McKenna, Member  
Craig Wilkinson, Member  
Becky Childs, Student Representative

**BOARD MEMBERS ABSENT:**

None

**DEPARTMENT STAFF PRESENT:**

Dr. Keith Rheault, Superintendent of Public Instruction  
James Wells, Deputy Superintendent, Administrative and Fiscal Services  
Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services  
Carol Crothers, Director, Assessments, Program Accountability and Curriculum  
Phyllis Dryden, Director, Office of Career, Technical and Adult Education  
Bill Arensdorf, Director, Office of Fiscal Accountability  
Frankie McCabe, Director, Special Education, ESEA and School Improvement  
Dr. Steve Canavero, Consultant, Office of Assessment, Program Accountability and Curriculum  
Dr. Richard Vineyard, Assistant Director, Office of Assessment, Program Accountability and Curriculum  
Carol Mason, Test Security Coordinator, Office of Assessment, Program Accountability and Curriculum  
Henry King, Program Manager, Office of Assessment, Program Accountability and Curriculum  
Doris Arnold, Executive Assistant to the Superintendent of Public Instruction

**LEGAL STAFF PRESENT:**

Dr. James E. Irvin, Deputy Attorney General

**AUDIENCE IN ATTENDANCE:**

Sherry Rupert, Executive Director, State of Nevada Indian Commission (NIC)  
Pam Abercrombie, Vice Chair, Indian Education Advisory Committee and Education Director, Yerington Paiute Tribe  
Ricci Rodriguez-Elkins, Charter School Liaison, ETECHS, and Executive Director, CFCS  
Dr. John Hawk, Executive Director, Nevada State High School  
Lori Pasque, Washoe Tribe  
Kymberly Laine  
Sandi Foster, Washoe County School District  
Kelly Cannon, Washoe County School District  
Nicole Rourke, Clark County School District  
Sloan Stetson  
Kim Boyle, Clark County School District  
Brenda Larsen-Mitchell, Clark County School District  
Chris Gibbons, Nevada Indian Commission  
Kari Emm, University of Nevada-Reno  
Michael Laine  
Andrew Parr, Nevada Department of Education  
Tom Macdiarmil, Nevada Department of Education  
Dr. Eugene Paslov, Member, Board of Trustees, Silver State Charter School  
Bill Strader, Nevada Department of Education, Library Learning Resources  
Leeann Jackson, Washoe County School District

**RECALL TO ORDER; ROLL CALL**

Due to the absence of President Ruggiero at this time, Vice President Ferry re-called the meeting to order at 8:35 p.m. Roll call was heard and a quorum of ten members was determined. At 1:15 p.m., Member Wilkinson left the meeting leaving a quorum of nine members present. At 11:45 a.m., President Ruggiero arrived at the meeting to form a quorum of ten members present. At 1:55 p.m., Member Wilkinson returned to the meeting forming a quorum of eleven members.

**13. Summary of the Annual Submission of the 2008 District Improvement Plans**

Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, explained the 2008 District Improvement Plan charts beginning on page 512 of Board packets that highlight the needs and activities reflected for all seventeen school district plans which are due by December 15<sup>th</sup> of each year and used to present the State plan.

Member Biggerstaff asked how needs are determined and what is provided for needs. Ms. Dopf reported the Student Achievement Gap Elimination (SAGE) process was used for all districts and requires districts to complete an analysis of data to determine needs by sub-population and establish an action plan.

Member Chaney requested clarification of the total numbers listed. Ms. Dopf stated the total numbers listed were the total number of school districts in need of assistance in a particular area.

Member Biggerstaff asked if data could pinpoint down to classroom needs. Ms. Dopf reported data can be analyzed to the school level, but not to a classroom level, which is completed at the district level. Member Biggerstaff requested clarification that a teacher's performance could be tracked at the district level. Ms. Dopf stated that was correct, but reminded the Board that they were precluded from using that information for evaluation of teachers.

Upon conclusion of her presentation, Ms. Dopf noted the following were a major focus of the majority of District Improvement Plans: Professional Development and PLC or Collaborative Professional Development; improving special education and performance of LEP students; parental involvement; and, expanding the use of technology.

In response to Member Bonaventura's question regarding how plans would affect project costs, Ms. Dopf reported school districts were required to show how existing resources were being used to meet identified needs in plans. She explained how budget cuts and Senate Bill funding would have a ripple effect on costs.

Member Biggerstaff stated she was confused that Science was not a high priority when it was newest on proficiency and asked why that was. Ms. Dopf reported an assessment program for Science was still being constructed and was not yet finalized for graduation. Science was also not used for AYP purposes.

Member Cook stated he attended the hearing regarding SB330 and that it was noted data was incomplete and did not have enough goals and strategies listed, but that Ms. Dopf's information presented another side. He asked how Ms. Dopf's information correlated. Ms. Dopf reported she presented the State Improvement Plan to the Senate Health and Education hearing last Friday where it was noted that the Plan did not have specific goals and targets. She explained the State Board has not yet set specific performance targets until data was collected and analyzed to determine the trajectory of school districts. Member Cook requested to know if the timeline could be adjusted to include current District Improvement Plan data. Ms. Dopf stated that would require a change in statute, but that there was enough data at the present time.

#### **14. Adoption of the "Nevada American Indian and Alaska Native Education Strategic Plan"**

Pam Abercrombie, Vice Chair, Indian Education Advisory Committee and Education Director, Yerington Paiute Tribe, and Sherry Rupert, Executive Director, State of Nevada Indian Commission (NIC), introduced themselves. With a PowerPoint© presentation, Ms. Rupert and Ms. Abercrombie provided a brief history of the NIC, the Indian Education Advisory Committee and the Indian Education Task Force. The strategic plan for Indian education was produced last spring. It was presented to the tribal councils in Nevada who supported the plan and provided additional input. Ms. Abercrombie commented that collaborative efforts have improved achievements of Native American students. Goals and objectives outlined in the handout provided were reviewed.

Member Chaney requested clarification that one of the goals was to have a separate district. It was clarified that was not one of the goals. Member Chaney stated she supported the goals presented, but questioned how the State Board could assist in achieving these goals. Ms. Abercrombie stated the support of the State Board would provide more leverage at the district level and strengthen Tribal Education Departments in their collaboration with school districts. Dr. Rheault added that the State Board's adoption of the goals and objectives would express its importance and provide direction to Department staff in support of the program. Ms. Rupert noted current goals were being implemented and that the request was to formalize the goals so the plan can move forward.

Member Ferry commented that this was a great plan and suggested objectives be tracked.

Member Bonaventura requested to know if there was assistance to improve graduation rates. Ms. Abercrombie reported there were adult education programs available and there were plans to improve parental involvement. Member Hill asked how AB155 regarding multi-cultural education would be in line with goals. Ms. Abercrombie reported UNR were working on having classes for Native Americans in multi-cultural education.

Member Cook made the following motion, seconded by Member Chaney:

**That the Nevada State Board of Education adopts the Nevada American Indian and Alaska Native Education Strategic Plan as presented.**

The motion carried unanimously.

**15. Time: 9:00 a.m. PUBLIC HEARING and possible Board reconsideration of the hearing held on December 6, 2008, which was a Hearing of Petition and Recommendation for Revocation of the Nevada Teacher's License for Kymberly (Tamburello) Laine**

Deputy Attorney General Irvin explained the joint recommendation would be to reconsider the revocation for Ms. Laine's license because it came to their attention that Ms. Laine did not receive notices regarding the last public hearing held on December 16, 2008 due to an address change and that Ms. Laine would have attended that hearing had she received the notices. Ms. Laine has submitted handout information regarding her case and that it was recommended to table this item until the next meeting. The Board may accept a settlement agreement in the form of a substantial suspension and possible issuance of a revisional license for Ms. Laine to be used at only one institution in secondary education, namely Nevada Job Corp, which factors of this case make this settlement agreement appropriate.

Kymberly Laine stated she has spoken with Deputy Attorney General Irvin and was in agreement to accept the possible settlement negotiation regarding her license. She stated she has a job with Nevada Job Corp and works with at-risk youth.

Member Cook made the following motion, seconded by Member Hill:

**That the Nevada State Board of Education reconsiders the revocation of the Nevada Teacher's License for Kymberly (Tamburello) Laine at the next meeting.**

The motion carried unanimously.

**16. Time: 9:30 a.m. PUBLIC HEARING and possible Board Adoption of Proposed Revision to Regulation Language for NAC 387.215 – Reason for Withdrawal of Pupil – revision of the cohort graduation rate**

Dr. Steve Canavero, Consultant, Office of Assessment, Program Accountability and Curriculum, noted the following changes that had been made since yesterday's presentation of the proposed revisions: 1) for item 3, Dropped out has been replaced with the word "Withdrawn"; and 2) items 4 (d) and (e) have become 3(f) and 3(g).

At 9:47 a.m., Acting Chair Ferry opened up the public hearing to public comment. There were sixteen audience in attendance at this time. Hearing no questions or comments, Acting Chair Ferry closed public comment at 9:48 a.m.

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

**That the Nevada State Board of Education adopts the proposed revision to regulation language for NAC 387.215.**

The motion carried.

Dr. Rheault noted these were temporary regulations that will be presented again for permanent adoption after the Legislative session concludes.

**17. Time: 9:45 a.m. PUBLIC HEARING and possible Board Adoption of Proposed Revision to Regulation Language for NAC 389.056 – Procedures for Administration; 389.0565 – Use of Calculators on Examinations; 389.057 – Eligibility for Reexamination; 389.061 – Specific Norm Referenced and Criterion Referenced Examinations Required; 389.071 – Proficiency Examinations in Writing; Eleventh Grade and Above Fifth and Eighth Grade; 389.076 – Nevada High School Proficiency Examination in Reading; 389.079 – Nevada High School Proficiency Examination in Science; 389.081 – Nevada High School Proficiency Examination in Mathematics; 389.083 – Maintenance of Results of Examinations and List of Names and Scores; and 389.655 – Passage of Proficiency Examinations NOTE: *This is the first and only public hearing and possible action to adopt may be taken.***

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, noted this item was addressed during yesterday's workshop and that there was no new information to add.

At 9:50 a.m., Acting Chair Ferry opened up the public hearing to public comment. Hearing no questions or comments, Acting Chair Ferry closed public comment at 9:50 a.m.

Member Wallace made the following motion, seconded by Member Wilkinson:

**That the Nevada State Board of Education adopts proposed revisions to regulation language for NAC 389.056; 389.0565; 389.057; 389.061; 389.071; 389.076; 389.079; 389.081; 389.083; and 389.655.**

The motion carried.

At this time, Acting Chair Ferry called for a ten-minute break. Acting Chair Ferry reconvened the meeting with agenda item 18.

**18. Time: 9:50 a.m. PUBLIC HEARING and possible Board Adoption of Proposed Revision to Regulation Language for NAC 389.051 – Times for Administration; Special Administration NOTE: *This is the first and only public hearing and possible action to adopt may be taken.***

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, provided a brief review of the workshop held during yesterday's meeting in which it was discussed to eliminate the February administering of proficiency exams; to allow 11<sup>th</sup> graders to participate in the November administration, of which they currently were not allowed; and to limit the July administration to only 12<sup>th</sup> graders who could not

pass the proficiency exam for whatever reason while in school. Ms. Crothers provided estimated costs for each administration of the proficiency exam and noted that costs would decrease when there was an increase in the number of student participation during an administration of testing. She stated she was in support of limiting the July administration which costs approximately \$22 per student. They would also examine ways to pre-register students so materials would not have to be created for students that do attend the testing. She noted the cost for the alternative HSPE writing test was approximately \$68 per student because 17 students took the exam and 10 students passed. Alternative testing for Science will be higher, but they were hoping savings this year would cover those costs.

Member Chaney asked if alternative testing for Science proficiency would be an on-going assessment. Ms. Crothers stated it would be and distributed a handout regarding this issue to be discussed during agenda item 20.

At 10:10 a.m., Acting Chair Ferry opened up the public hearing to public comment. There were twenty-one audience in attendance at this time. Hearing no further questions or comments, Acting Chair Ferry closed public comment.

Member Wallace made the following motion, seconded by Member Bonaventura:

**That the Nevada State Board of Education adopts proposed revisions to NAC 389.051.**

The motion carried unanimously.

**19. Time: 10:05 a.m. PUBLIC HEARING and possible Board Adoption of Proposed Revision to Regulation Language for NAC 389.048 – Eligibility for High School Proficiency Examinations; and 389.659 – Units Required for Promotion to Next Higher Grade Level; Waiver of Certain Requirements**  
**NOTE: *This is the first and only public hearing and possible action to adopt may be taken.***

Carol Crothers, Director, Office of Assessment, Program Accountability and Curriculum, reminded the Board the proposed revision was to recognize credits earned as a student's promotion from grades 9 to 10.

At 10:13 a.m., Acting Chair Ferry opened up the public hearing to public comment. There were twenty-one audience in attendance at this time. Hearing no questions or comments, Acting Chair Ferry closed public comment.

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

**That the Nevada State Board of Education adopts the proposed revisions to NAC 389.048 and 389.659.**

The motion carried.

Due to the time certain for agenda item 20, Acting Chair Ferry announced agenda item 11 regarding Consent Agenda item F be heard next.

## **11. APPROVAL OF CONSENT AGENDA**

**F. Approval of the 2009-2016 Elementary and Secondary Textbook Adoption Lists for the Adoption period of March 22, 2009 to June 30, 2016**

Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, explained one of the State Board's statutory responsibilities was to adopt textbooks to carry out educational curriculum and that local school district responsibility was to review textbooks with teachers, administrators, and members of the community for overall compliance including the alignment to the standards by content areas before presenting textbooks to the State Board for adoption. She provided a history of the standards process. She noted that the textbooks listed on page 151 and 152 were the textbooks brought forth by Lyon and Washoe Counties for adoption for use in their school districts.

Discussion followed with Bill Strader, Nevada Department of Education, Library Learning Resources, and Leeann Jackson, Washoe County School District, explaining the standards process including the diversification of the Textbook Committee; how textbooks are submitted on a national on-line website; student/teacher involvement in the selection process; and school district follow-up.

Member Biggerstaff asked if the standards process would be implemented to buy new textbooks if standards change and the cycle has ended for purchasing textbooks. Ms. Jackson stated there was an adoption cycle created by the state that coincides with the revision of standards prior to the purchase of new textbooks. Mr. Strader added the adoption cycle was implemented in a seven-year rotation in fiscally challenging situations.

Member Wilkinson requested to know what other sources are provided to teachers when certain textbooks do not meet all standards. Ms. Jackson stated that, in the Washoe County School District, additional supplemental material will be sought.

Member Chaney requested to know if supplemental material could be provided when the curriculum lacked ethnic and cultural information. Dr. Rheault explained that information was provided in Social Studies standards and that school districts were bound to follow Social Studies standards first, but could provide supplemental material on a subject if there was additional time with approval by the school districts.

Member Wilkinson asked if one textbook was chosen for the entire county or if a selection of books was offered. Ms. Jackson stated that one textbook was selected for the Washoe County School District for consistency.

Member Hill requested to know textbook selection for the Clark County School District. Brenda Larsen-Mitchell, Clark County School District, reported the school district has used one textbook, but last year selected four textbooks to determine which textbooks were best for students.

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

**That the State Board of Education approves the textbook material listed on page 151 and 152.**

The motion carried unanimously.

**20. Time: 10:20 a.m. PUBLIC HEARING and possible Board Adoption of Proposed Revision to Regulation Language for NAC 389.655 – Passage of Proficiency Examinations and New Section for the Alternative Method to Demonstrate Proficiency in Science NOTE: *This is the first and only public hearing and possible action to adopt may be taken.***

Dr. Richard Vineyard, Assistant Director, Office of Assessment, Program Accountability and Curriculum, clarified for new Board members that for students to attempt the alternative for Science or writing, students had to meet requirements of paragraph B of subsection 1 of NRS 389.805 which includes failing the exam three times prior to attempting the alternative route, a grade point average of 2.75 on an un-weighted 4.0 scale; already passed exams in Math and reading; and credit sufficient to graduate with class at the end of the year. He reviewed section 2 of the proposed regulation regarding parameters for student submission.

Member Chaney asked what the difference was between a scale score and a percentage. Dr. Vineyard reported the scale score was the raw score points that a student earns on a test which is then converted into a scale score formula.

At 11:10 a.m., Acting Chair Ferry opened up the public hearing to public comment. There were seventeen audience in attendance at this time. Hearing no questions or comments, Acting Chair Ferry closed public comment.

Member Wallace made the following motion, seconded by Member Chaney:

**That the Nevada State Board of Education adopts proposed revisions to NAC 389.655.**

The motion carried unanimously.

## **21. Approval of the Dual Credit Courses for Douglas County School District**

For the benefit of the new Board members, Dr. Rheault explained dual credit courses were courses taken by students that earn them credit at the high school and college level. School districts were required to get approval from the State Board before offering college course credits. The Douglas County School District has asked to offer college course credits in the past and was requesting to add an additional nine college courses from community colleges in their area. He reviewed graduation requirements with dual credit courses and reported the Department's recommendation was approval of the request.

At this time, Member Wilkinson left the meeting.

Member Cook made the following motion, seconded by Member Hill:

**That the Nevada State Board of Education approves dual credit courses for the Douglas County School District.**

The motion carried unanimously.

At 11:20 a.m., Acting Chair Ferry called for a short break. At 11:40 a.m., Acting Chair Ferry reconvened the meeting.

## **22. Recommendation from the Subcommittee on Charter Schools for approval or denial of a Subsection 7 for the Entrepreneurial-Technical & Engineering Charter School**

Acting Chair Ferry stated that, as Chair of the Charter School Subcommittee, the Subcommittee recommended to the State Board approval of a Subsection 7 charter for ETECHS with Department conditions.

At this time, President Ruggiero attended the meeting via video conference.

Bill Arensdorf, Director, Office of Fiscal Accountability, explained ETECHS had submitted a similar application in October 2006 and had been granted a Subsection 7 Charter, but was not able to comply with finding a location for the school or had the financial backing to go forward. A new application was submitted in September 2008. The school was requesting to open in the fall 2009 with grades 9 and 10 and for an additional grade to be added each year until grades 9-12 was established. The school would provide a 1:1 ratio of student to computer technology education. Department staff learned upon review that there were a need in business to have students with more technological experience and that parental support would be an integral part of the school. Students would focus on engineering, health science, and computer technology. Higher standards would be set as students progressed to higher grade levels. Department staff recommendation was to grant a Subsection 7 charter. Mr. Arensdorf requested that the following e-mail testimonial from Tim Sweeney be included in the record:

“I’m a Reno architect who is a member of the Business Advisory Committee of E-TECHS. I would like to respectfully share with you my observation regarding E-TECHS as one who as specialized in creating learning environments for over 30 years. I am also the Chair of the Washoe County School District’s Drafting/CADD Curriculum Advisory Committee and a Member of CCATE, the Council for Career and Technical Education. I’ve worked with Mike Raponi on several of his endeavors. I have also presented before the State Board of Education’s staff on the subject of Creating Innovative Learning Environments and testified before the Board itself in opposition to a proposal by one of the former Directors of the Public Works Board, who was incorrectly proposing that one standard prototype high school model should have been adopted statewide. In truth, one size does not fit all, be it the “bricks and mortar” of a school or the curriculum delivery processes used. I have studied educational buildings and pedagogy across the United States. I have found that even with the good efforts of many, such as yourself, mediocrity is still the norm. Often, such is due to lack of funding and, too often, I have seen a lack of vision and understanding. I have worked for over a decade to support academic reform in our Northern Nevada schools, and I’ve found that creating positive change is indeed like trying to change the course of a battleship that is cruising with a full head of steam. At the same time, I have found that right here in Reno we have a superbly innovative and sophisticated charter school, E-TECHS, which in my professional opinion offers the most enlightened approval to education in the area. E-TECHS is implementing a problem-solving, integrated-discipline, hands-on, real-world approach to learning that in many ways is a working model of Breaking Ranks (NASSP, 1996) which was a watershed in the effort to make more effective and successful schools. I whole heartedly encourage your support of E-TECHS. It deserves every chance to succeed, as I know it certainly will if you support it. Where other public and charter schools often just pay lip service to educational reform, E-TECHS is indeed the “real deal”. Please understand E-TECHS’ true potential and support its creation. With such, the students and our community will benefit from E-TECHS’ superior learning approaches and environments and we will be forever have you to thank. Without your support, those same students and our community will be left to choose between the same old choices that exist today and a real opportunity for learning will have been lost. I’d be very pleased to discuss this matter with your at your convenience should you have the opportunity and desire. Thank you for your consideration of my opinions and for your support of E-TECHS.”

Member Ferry stated he was impressed with the testimonial regarding the school at yesterday’s Subcommittee on Charter School’s meeting.

Mr. Arensdorf noted the following conditions that the school must meet: the school must obtain a facility with Department inspections; meet code of occupancy for a school depending on jurisdiction; to provide additional

affidavits if there were new Committee to Form members; clarification of literary aspect on ecosystem; and, provide evidence of insurance.

For the benefit of new Board members, Member Ferry noted the applicant would need to return for State Board approval of a full charter. Mr. Arensdorf explained the Subsection 7 charter would allow the school to pre-enroll students and begin advertisement for the school and donations. They would also be eligible for an advance of the quarterly financial apportionment as a first year charter.

Discussion followed clarifying the Washoe County School District determined they no longer had the capacity to accept applications for sponsorship of charter schools and the university system does not offer sponsorship therefore the State Board was seen as the last resort for sponsorship.

Ricci Rodriguez-Elkins, Charter School Liaison, ETECHS, and Executive Director, CFCSD, commented that ETECHS would have sought State Board sponsorship even if the Washoe County School District was accepting applications for sponsorship due to the nature of the school and the growth of the State Board with regards to charter schools. She reported ETECHS was a project-based, career and practical school that focuses on math and science professions. She stated it was a public school therefore available to all students and explained it was to provide hands-on experience.

President Ruggiero requested to know if the school would be in competition with Coral Academy given the fact that the school would focus on math and science courses. Ms. Rodriguez-Elkins reported there was a school Board member who also serves on the Coral Academy Board, but that the two schools had two distinct programs in that ETECHS offer students more professional, career-based experience and Coral Academy prepares students for college.

Deputy Attorney General Irvin noted for the record that President Ruggiero was attending the meeting via telephone and that the Department did not have time to amend the agenda to include President Ruggiero's location, but that in the future the public would be allowed to attend meetings where locations were listed on the agenda.

In response to Member Biggerstaff's question regarding having more students than proposed, Ms. Rodriguez-Elkins explained they would like to cap the school's student population at 100, but have customized work stations for 116 students if there was demand and if teachers were available and that student selection would be on a first come, first serve basis.

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

**That the Nevada State Board of Education approves granting a subsection 7 charter for ETECHS.**

Discussion followed. President Ruggiero requested Member Chaney amend her motion to include Department conditions.

Member Chaney amended her motion as follows, seconded by Member Biggerstaff:

**That the Nevada State Board of Education approves a subsection 7 charter for ETECHS with Department conditions.**

The motion carried.

**23. Recommendation from the Subcommittee on Charter Schools regarding charter school bills before the 2009 Legislature for possible action as a full Board, to include, but not limited to: AB 100; AB 181; SB 164; and BDR 297** *The State Board of Education will discuss issues affecting charter schools under consideration by the 2009 Legislature, including, but not limited to, the above list of bills and bill draft requests. The Board may adopt a position regarding the issues being considered and direct staff to take such a position before the 2009 Legislature, or take similar or related actions pertaining to these issues.*

Member Ferry noted the Subcommittee on Charter Schools did not have time to discuss governance of charter schools, therefore, had requested that the State Board discuss this issue. Dr. Rheault pointed out AB100, AB181, and SB164 regarded more technical corrections and had been previously presented and supported by the Department. BDR 297 was from the Legislative Committee of Education regarding establishing a charter school institute and could be addressed under agenda item 24 because that concept was similar to SB326. A lengthy discussion followed about the State Board taking a position with regards to the issue of establishing a separate charter school institute.

Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, noted the Subcommittee on K-12 Governance had made a formal motion on the following four points regarding Senate Bill 330: 1) the elimination of the profusion of the councils; 2) the issue on performance measures; 3) the issue on tracking student achievement; and 4) the expansion of the search for a Superintendent of Education. An amendment to the motion was also made to discuss the makeup of the State Board without specifying how the State Board should be made up.

Dr. Rheault noted the last session did not create an 18<sup>th</sup> district for charter schools, but established a statute that allowed charter schools to be considered local education agencies in working with the federal government in order for charter schools to apply for federal funding that may be available. SB326 and other Bills regarding a charter school institute would include a Governing Board to oversee a charter school institute or district and set regulations, but SB326 restricts the institute from adopting regulations regarding finance or accountability, which would still remain under the State Board or the Department.

President Ruggiero requested to know what NRS statutes specifies the other seventeen school districts and how they answer to the State Board. Dr. Rheault stated that information was listed under NRS 386. Charter schools also follow the same statute. President Ruggiero requested to know if NRS 386 information regarding how school districts answer to the State Board could be integrated in the charter school institute. Dr. Rheault stated the financial structure of the state would be required to deem the charter school institute an 18<sup>th</sup> district because it's currently based on county finances of which the other seventeen districts were in line for.

Tom McCormack, Consultant, Office of Fiscal Accountability, suggested the State Board discuss whether or not they wanted to continue their sponsorship of charter schools and to sponsor new charter schools when there were other entities that could offer sponsorship.

Member McKenna suggested the Board take the following general position: to allow a separate institute for charter schools similar to school districts; to allow State Board input in the makeup of the charter school institute's Governing Board; and, for the State Board to continue their authority over charter schools similar to their authority over school districts.

Member Biggerstaff suggested recommending a consistent funding base for all charter schools.

President Ruggiero stated the primary position the Board needed to discuss was whether or not the Board wanted to continue sponsoring and overseeing charter schools. He agreed with Member Biggerstaff's suggestion that there should be a consistent funding base for all charter schools, but that it may be up to the new charter school coalition to address that issue.

Member Cook commented that he was in favor of the State Board continuing their sponsorship and administration over charter schools, but that the issue was having a lack of staff to carry out those duties and that the creation of a charter school governing board would confuse the issue.

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

**That the Nevada State Board of Education continues to sponsor charter schools at this time.**

Discussion followed regarding the establishment of a charter school institute in exchange for subcommittees and commissions to be eliminated or back under the authority of the State Board. Member Ferry rescinded his motion and stated he had reservations about establishing a separate charter school institute even if other commissions were back under the authority of the State Board.

Member Chaney stated for the record that she wanted to review the Bill further in order to make an informed decision. President Ruggiero noted for the record that he had suggested Board discussion be withheld until Bill language was presented and that he was proud of the State Board's past action with regards to charter schools including the moratorium that had been imposed, but that more information was needed with regards to the charter school institute before the State Board could take an official position on the issue.

**24. Recommendation from the Subcommittee on K-12 Governance regarding 2009 legislative bills affecting State Board responsibilities, for possible action as a full Board to include, but not limited to: ACR 2; AB 55; SB 150; BDR 34-13; BDR 170; BDR 171; BDR 232; and BDR 34-746** *The State Board of Education will discuss issues affecting K-12 Governance under consideration by the 2009 Legislature, including, but not limited to, the above list of bills and bill draft requests. The Board may adopt a position regarding the issues being considered and direct staff to take such a position before the 2009 Legislature, or take similar or related actions pertaining to these issues.*

Member McKenna summarized as Chairperson of the Subcommittee on K-12 Governance that the subcommittee had a general discussion and consensus not to request more studies for ACR 2 and to request support for the amendment to AB55 and SB150 that excess funding from the 1/3 property tax and sales tax in good years be entered into the stabilization funds up to a 15% cap.

Deputy Attorney General Irvin suggested that the recommendation made by the subcommittee be presented to the Board for discussion followed by discussion by the State Board of the general consensus of the subcommittee.

Regarding SB 330 (BDR 170-171), Member McKenna stated that the philosophy of the subcommittee was to be realistic regarding the various interests in controlling education in Nevada and to support the elimination of councils and commissions created independently through the Legislature and re-establishing that authority under the State Board of Education. He clarified the recommendation of the Subcommittee on K-12 Governance was the elimination of commissions and councils and to return authority back under the auspices of the State Board; to support a commission to oversee educational reform under the State Board of Education; to support the model achievement, performance pay, and performance evaluations. The subcommittee did not support the procedure for hiring a new Superintendent of Public Instruction and legislative-created divisions within the

Superintendent's Office. The Subcommittee did support the general concept of creating a more effective State Board, but did not make specific recommendations as to how Board members were to be appointed.

Member Ferry pointed out the subcommittee had also supported the idea of welcoming additional members of the special search committee in addition to the State Board regarding the selection of a Superintendent.

Member McKenna explained the subcommittee believed the Superintendent needed to be selected by the State Board and that separate councils and commissions should be unified under one control and that this may be achieved by allowing some State Board members to be appointed by the Governor, Senate, and Assembly.

Discussion followed clarifying that the State Board in the past was in support of ACR2 regarding an interim study of the K-12 educational system in the State of Nevada.

Member Cook made the following motion, seconded by Member Hill:

**That the Nevada State Board of Education endorses ACR2 which allows the committee to conduct an interim study of the system of K-12 public education in this state including the current governance and oversight structure of the system to return with recommended legislation proposed by the committee to the next Legislative session.**

Discussion followed clarifying the Subcommittee on K-12 Governance's decision not to recommend support for ACR2 was due to a lack of information that the State Board had requested an interim study two years ago and to allow the State Board more discussion time of SB330 regarding the makeup of the State Board.

The motion carried unanimously.

Regarding SB 330, President Ruggiero suggested enhancing the State Board to thirteen Board members by including one Governor appointed member, one Assembly-appointed member, and one Senate-appointed member.

Member Biggerstaff suggested having three appointees and three elected members from the three congressional districts.

Member Cook commented that the Legislative Committee had stated there needed to be better communication between K-12 and higher education therefore he suggested having a member of the State Board added to the Board of Regents as a non-voter if it was being suggested to have a non-voting Board of Regents member on the State Board.

Member McKenna suggested a part-time pay or salary be offered if State Board members were to be appointed given the amount of work the job would entail. Dr. Rheault noted State Board members would only receive payment for transportation costs. Member Chaney concurred with Member McKenna's suggestion.

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

**That the Nevada State Board of Education is amenable to the concept of enhancing the State Board with appointees from the Assembly, the Senate, and the Governor's Office including a non-voting Board of Regents member.**

The motion carried.

At 1:55 p.m., Member Wilkinson returned to the meeting.

Regarding the selection of a Superintendent of Education, Member McKenna made the following motion, seconded by Member Ferry:

**That the Nevada State Board of Education retains the selection of the Superintendent of Education.**

Discussion followed.

President Ruggiero suggested the State Board be amenable and compromise with legislators and allow legislators to make recommendations for a Superintendent of Education with the understanding that the final selection would be retained by the State Board of Education.

Member McKenna amended his motion as follows:

**That the Nevada State Board of Education retains the authority to select the Superintendent of Education with the proviso that the State Board of Education would accept recommendations from the Assembly, Senate, and Governor's Office.**

Member Ferry stated he would not second the amended motion. The amended motion died due to the lack of a second.

The motion carried with one opposition from President Ruggiero.

Regarding the elimination of subcommittees and commissions, Member McKenna made the following motion, seconded by Member Wallace:

**That the Nevada State Board of Education supports the concept to change the various education subcommittees and commissions so that they would be under the authority of the State Board of Education and that performance standards and goals, as delineated in the Bill, be supported by the State Board of Education.**

The motion carried.

**25. Board Member/Public Comments** There were no Board member comment requests.

## **26. Future Agenda Items**

Member Ferry requested having a discussion of alignment of standards for more information.

President Ruggiero requested the May meeting include a full agenda on Thursday and a half day on Friday to attend the Charter School Summit in Carson City. He also suggested discussing scheduling traveling arrangements of Board members at the next meeting due to the fact that more time should have been spent on agenda item 24. Member McKenna took exception to President Ruggiero's comments.

## **27. Public Comments**

**A.** Ricci Rodriguez-Elkins, Charter School Liaison, E-TECHS, and Executive Director, CFCSO, commented that there was a BDR to use stimulus funding for sponsorship of charter schools.

**B.** Steve Knight, Executive Director, Silver State High School, thanked the State Board for considering new and innovative charter schools for sponsorship.

## **28. Adjournment**

There being no further business, the meeting adjourned at 2:15 p.m.