

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

June 25, 2009

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

And

Department of Education
9890 South Maryland
Second Floor Conference Room
Las Vegas, Nevada

MINUTES OF THE REGULAR MEETING (Video Conferenced) – June 25, 2009

BOARD MEMBERS PRESENT:

Anthony Ruggerio, President
Dr. Cliff Ferry, Vice President
Christopher Wallace, Clerk
Jan Biggerstaff, Member
Gloria Bonaventura, Member
Willia Chaney, Member
Dave Cook, Member
Ken McKenna, Member
Craig Wilkinson, Member
Zhan Okuda-Lim, Student Representative

BOARD MEMBERS ABSENT:

Charlotte Hill, Member

DEPARTMENT STAFF PRESENT:

Dr. Keith Rheault, Superintendent of Public Instruction
James Wells, Deputy Superintendent, Administrative and Fiscal Services
Lori Johnson, Administrative Assistant to Deputy Superintendent of Instruction
Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services
Mike Raponi, Assistant Director, Office of Career, Technical and Adult Education
Frankie McCabe, Director, Special Education, ESEA and School Improvement

LEGAL STAFF PRESENT:

Dr. James E. Irvin, Deputy Attorney General

AUDIENCE IN ATTENDANCE:

Dr. Bryn Lapenta, Senior Director, Washoe County School District
David McElwain, Clark County School District
Brenda Chaney, Parent
Craig Stevens, NSEA
Eugene Paslov, Former Superintendent of Schools for Nevada

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

President Ruggerio called the meeting to order at 3:02 p.m., with attendance as reflected above.

1. PRESIDENT'S REPORT

President Ruggerio thanked the Board and Department staff for their efforts during the recent legislative session. He encouraged the Board to speak as "*one voice - one body*" once a consensus has been reached, all members should support the decision.

2. SUPERINTENDENT'S REPORT

- **Update of the 2009 Legislative Session** – Dr. Rheault reviewed the draft of "Summary of newly-enacted Statutes Regarding Education" which per statute must be provided to all school districts and published online by July 1, 2009. School districts are then required to disseminate the information to their schools by August 1, 2009. He discussed ACR2 with LCB fiscal research staff and learned funding would be provided for only four meetings. Committee members will be appointed by September and the first meeting will most likely in October 2009. Legislative staff will request Department staff provide material in advance so that action can be taken at the first meeting.

Member Biggerstaff asked if the Board would be allowed to make recommendations for ACR2 subcommittee. Dr. Rheault recommended that ideas from August Board Retreat could be adopted by Board during the October meeting for presentation to the subcommittee when it meets. He noted there will be fewer meetings of the Legislative Committee on Education (LCE) due to funding he expects their first meeting in November. The Chairperson will be Senate-appointed.

- **Memorandum of Agreement for Nevada to participate in Common Core Standards Initiative** – Dr. Rheault reviewed the memorandum, which is supported by both NGA, and Chief Council of State Superintendents Organization (CCSSO) and forty-six states have signed on. The intent of this initiative is to align state standards and assessments. The goal is to have fewer, clearer and rigorous and have international benchmarks standards in English, Arts and Math that are aligned with work force and University readiness. The Validation Committee will be nominated very soon; Dr Rheault will hold town hall meetings in December for public input and appropriate input. The agreement does not mean that the State must adopt. If the State does approve 85% of the approved standards, that would constitute full adoption of standards. There will then be a three-year review to allow the state to process and change to these standards. Long-range benefits of the initiative are that states would be able to use established assessment and that the cost would be shared among all states. Nevada spends \$3 million a year on those tests. Final product should be presented to the December 2009.

Member Chaney asked what will happen to current standards. She also requested to know the federal government's part in the initiative. Dr. Rheault stated the federal government would not participate because these are not to be federal standards. There is no mandate and even if we decide to go with the new standards and that states will have three years to implement the standards for English and Math, once standards were adopted. The timing for our state would look at Math first since they are next up for review. The result if accepted will be processed through the Academic Standards Council and the State Board as usual.

Member Biggerstaff requested to know how the initiative would affect other educational mandates such as textbook adoptions. Dr. Rheault stated the normal revision procedure for textbooks should be followed until the common core standards were adopted.

Member Ferry commented on the difficulty in developing a curriculum that will meet both college-bound and work-bound needs. He asked who would be funding the initiative. Dr. Rheault stated it would be funded through private donations and staff from the National Governors Association (NGA) and the CCSSO would volunteer to facilitate the process. Member Ferry commented that this initiative seemed to be a way of establishing a national curriculum.

Member Cook suggested establishing different diplomas and different curriculums for work-bound and college-bound students.

Dr. Rheault continued that since we are already compared to all the other states through NAEP, which is only a sampling. This might be the way for us to be compared across the board on all student assessments.

Dr. Rheault commented that this is the opportunity for the Board to set the direction to staff on how they would like to proceed with working with Higher education, there is a need for the state to develop the standards for college entrance which we currently do not. We also need standards for readiness for workforce entrance. This has been on the Board's agenda previously. AB505 was intended to do this, but the bill was not passed out.

President Ruggiero asked Member McKenna and Member Wallace as liaison to Higher Education could they please look at AB505 and be ready to make recommendations in August.

Dr. Rheault noted staff retirements. Frankie McCabe our Special Education Director is leaving and going to Lyon County and Tracy Davis the head secretary in Special Education for over 30 years is retiring they will both be missed. Donna Brothers our manager of teacher licensing for Northern Nevada is also retiring. He reported the department has begun to review applications for the State Board secretary position. The position is expected to be filled in the next couple of months.

Member Ferry requested more information regarding AYP designations. Dr. Rheault noted a draft list would be provided to schools by July 1, 2009 and the official release will be on August 1, 2009.

3. REPORT FROM THE GOVERNOR'S OFFICE – There was no one in attendance to present a report.

4. APPROVAL OF CONSENT AGENDA

A. Minutes:

- May 7, 2009, Subcommittee on K-12 Governance
- May 7-8, 2009, Regular Meeting

B. Board Travel: NASBE 2009 New State Board Members Institute, July 24-26, 2009, in Arlington, Virginia (*Note: NASBE will pay all expenses for two new members*)

C. Licensing/Relicensing of Schools

D. Special Education Discretionary Units FY09 –Clark County School District for the 2008-09 school year

E. Special Education Discretionary Units FY10

F. 2009-2016 Elementary and Secondary Textbook Adoption List for the Adoption period of June 29, 2009 to June 30, 2016

Member Wallace moved to approve the Consent Agenda. Member Cook seconded the Motion. Discussion followed.

Regarding item C, Member Biggerstaff requested to know what items are reviewed when re-licensing schools. Dr. Rheault reported financial, insurance and academic records are reviewed, as well as any prior complaints or changes to location and or building.

Regarding item E, Member Biggerstaff asked about the basis for staff's recommendation not to fund two school requests listed on page 45. Frankie McCabe, Director, Special Education, ESEA and School Improvement, explained the criteria is to consider state-sponsored charter schools before other charter schools who get funding from their own district. This year there, were requests for district-sponsored charter for funding but were denied because other discretionary funds could be provided through their respective school district.

Motion carried.

5. Recent Nevada Attorney General Open Meeting Law Opinion – Deputy Attorney General Irvin discussed newest AG opinion regarding quorum requirement for subcommittee meetings. He stated that this new opinion does not contradict rules of operations this Board has been following. Boards and Commissions can establish standing rules, but these rules cannot contradict or change Open Meeting Law requirements.

6. Approval of the 2009 Transportation Out of Service Manual - Gloria Dopf, Deputy Superintendent, Instructional Research and Evaluative Services, explained the manual was an annual update that guides the Nevada Highway Patrol in determining which school buses should no longer be in service.

Regarding item 9 on page 21 of the manual, Member Bonaventura asked if seat belts were required. Dr. Rheault reported the federal government has not mandated a requirement for seat belts because of the cost for retrofitting school buses with seat belts and the 50/50 split of public opinion regarding the use of seat belts. School districts could install seat belts for their school buses voluntarily. Member Ferry noted adding seat belts would reduce the number of seats in a school bus.

Member Okuda-Lim asked if there were regulations for the use of compartmentalization in Nevada. Dr. Rheault stated that was the argument against seat belts in school buses.

Member Cook noted research has been done regarding seat belts for bench seats in school buses and seat belts were found to be more harmful than helpful.

Member Chaney moved to approve the 2009-2010 Out-Of-Service Manual. Member Bonaventura seconded the motion. Motion carried.

7. Discussion and Possible Creation of a Subcommittee on Standing Rules and Procedures of the Board – Members Wallace, Biggerstaff, and Bonaventura volunteered to be on the subcommittee.

Member Cook moved to approve the creation of a Subcommittee on Standing Rules and Procedures with Member Wallace, Member Biggerstaff, and Member Bonaventura serving on the Subcommittee. Member Ferry seconded the Motion.

Discussion was heard, about State Board members attending future Subcommittee meetings in order to make recommendations should note for the record that they were speaking as members of the public and not as a member of the State Board.

Motion carried.

8. Approval of the request for Dual Credit Course for Nevada State High School – Dr. Rheault reported Dr. John Hawk requested the State Board hold off on action regarding this item until their Governing Board meeting was held in August and information could be provided to department staff that had been requested.

President Ruggerio noted this item will be held in abeyance until Nevada State High School requested this item be agendized.

9. PUBLIC HEARING for possible Board Adoption of Proposed Revision to Regulation Language of NAC 389.597, to State Skills Standards for Automotive Technology: Advanced Program

Mike Raponi, Assistant Director, Office of Career, Technical and Adult Education, noted there were no changes from the revisions that were presented during the May workshop.

President Ruggerio requested clarification that Nevada State Higher Education/Automotive Technology officials were involved in revising the standards. Mr. Raponi clarified colleges were represented in the writing team and standards will align the programs to the post-secondary automotive technology programs.

Member Biggerstaff asked about credit for the course. Mr. Raponi reported a student will receive one credit for Humanities. Dr. Rheault noted the Board modified Arts and Humanities to include one tech course six years ago.

At this time, President Ruggerio opened up the public hearing to public comment. There were four audience members in Carson City and four audience members in Las Vegas. Hearing no public comment requests, President Ruggerio closed public comment.

Member Cook moved that the Nevada State Board of Education adopts the proposed revision to Regulation Language of NAC 389.597. Member Wallace seconded the motion. Motion carried.

At 4:00 p.m. President Ruggiero requested a ten-minute break. At approximately 4:15 p.m., the meeting resumed.

10. Summary of Educational Bills from the 2009 Legislative Session – Dr. Rheault noted there are approximately thirty-two Bills and four Concurrent Resolutions summarized. The draft only includes Bills that were passed. He provided a brief review of Bills that did not pass and a brief summary of the following Bills that did pass:

A. B. 14 requires the department to establish a growth model for grades 3-8 to report on in 2011 school year. The model has to be adopted before July 1, 2010. Regulation to adopt that model will come before the Board this is something the districts have long sought. The model cannot be used for No Child Left Behind (NCLB) purposes because it require State of Nevada waiver. The Criterion Reference Test (CRT) is used until eighth grade but after eighth grade this State does not have a method to measure growth in high school grades.

A. B. 425 concerns teacher licensing and eliminates student teaching experience requirements for an elementary teacher to teach secondary classes. Eliminates the need to give newly licensed teachers a provisional license, because they do not have actual teaching experience, now we will be able to provide true reciprocity, which will also mean they can qualify for highly qualified. This bill also requests a review to determine if special education endorsements can be reduced in order to make recruitment of special education teachers easier. Member Wilkinson requested to know if out-of-state teachers with 20-year experience that had never previously been tested would still be required to be tested. Dr. Rheault explained out-of-state teachers would be eligible for reciprocity if they held a valid license from their prior state.

A. B. 428 addresses the special qualifications teaching license which has been issued to individuals with a Masters or a PhD in a field but no actual accreditation from a teaching institution. This revision will allow you to qualify with a Bachelors Degree in the field of expertise but must have five years of work experience in that subject area additionally, this is to help with some of the critical shortage subject areas.

Member Ferry expressed concern about the revised requirements. Dr. Rheault explained the Board could issue the license, but it would be the school districts to determine if the individual had enough experience to teach in their school district.

A. B. 487 affects policies for middle schools by adding requirements regarding middle school dropout issues by requiring education plans for sixth graders. District Board of Trustees must adopt a peer mediation plan also to include small learning communities. Dr. Rheault noted the only problem with the Bill was that no funding is attached and it will require principals to complete more annual reports regarding the new policies.

President Ruggiero asked if A. B. 487 would also apply to state-sponsored charter schools. Dr. Rheault stated we did not believe it would apply to individual charter schools.

A. B. 488 extends the hiring of retired teachers for critical shortage slots to 2015. Dr. Rheault noted he is no longer the designated authority to approve the hire. Local Boards of Trustees are now able to approve the hire, but it had to be approved in an open meeting format.

A. B. 560 reorganizes the regional training programs from four to three, which will reduce funding by 40%.

A. B. 563 regards primary funding for K-12 education. Dr. Rheault provided a review of the three-page summary regarding this Bill.

Member Ferry requested an explanation of the approximately \$700,000 for the speech pathologists national certification. Dr. Rheault stated it was different from the National Board Teaching Certification in that the State would pay the 5% salary increase if the teacher retains the license.

Member Biggerstaff asked for an explanation on why costs per student varied among school districts. James Wells, Deputy Superintendent, Administrative and Fiscal Services, explained there were three different factors that were used to adjust the costs per student among school districts. Member Biggerstaff asked if this would be a good reason to divide the Clark County School District. Mr. Wells stated those factors would have to be taken into consideration if the Clark County School District was ever to divide.

Member Ferry commented on class size in Clark County and asked if that was a factor to consider. Mr. Wells stated class size was taken into consideration under the purchasing power factor, but that teacher allocations were determined by the number of students in a school and not by class size.

ACR2 requires an interim study of the Legislative Commission and authorizes recommendations to be made to the full Legislature in 2011. Dr. Rheault noted a majority of both parties must approve recommendations submitted to the Legislature.

S. B. 62 allows school districts with special education units to use up to 15% of the allocation for early intervening services or to serve a student without a disability, who needs additional academic and behavioral support to succeed in a regular program. Dr. Rheault noted Clark County opted out of this bill because of their student population.

Member Biggerstaff asked if the Board would be supplied with a matrix for timelines for corresponding to the new regulations. Dr. Rheault stated a matrix would be provided.

S. B. 185 requires regulations to be developed by January 1, 2010 for environmentally sensitive cleaning products to be used in schools.

S. B. 389 changes accountability requirements for schools that do not make adequate yearly progress. This bill would eliminate the mandate for a school support team if a school was not making adequate yearly progress after year three.

At Member Ferry's request, Dr. Rheault reviewed S. B. 317 regarding financial literacy requirements. He stated this bill would allow school districts to determine the financial literacy requirements for their schools.

S. B. 416 suspends the Norm Reference Test (NRT) for an additional two years making the contract with McGraw-Hill terminated since testing will not occur for the next three years.

Member Chaney requested to know what the Norm Reference Test was. Dr. Rheault explained it was a test to determine how students in Nevada were doing in comparison to students in other states taking the same test.

S. B. 433 is the furlough bill for state employees and includes a review of financial thresholds to determine when furloughs would no longer be needed.

President Ruggiero asked about SCR 12 regarding physical fitness in schools if the department or Board was expected to do anything. Dr. Rheault stated SCR 12 urges school districts to promote physical fitness in their

schools to reduce obesity and urges the department to extend funding, if any, for consultation with a physical education coordinator. President Ruggerio requested to know what the State Board could do to mandate physical fitness in schools. Dr. Rheault reviewed current Board adoptions regarding physical fitness.

11. Discussion and Possible Approval of the August 2009 Board Retreat Agenda

Member Biggerstaff suggested holding the Retreat on August 14 at Channel 10 in Las Vegas. Discussion followed. Member Wallace asked about a back-up location. President Ruggerio stated the back-up location would be the location where the Board of Education normally meets.

Member Cook moved to hold the August 2009 Board Retreat at Channel 10 offsite. Member Chaney seconded the Motion. Motion carried.

President Ruggerio suggested holding a half-day meeting on August 12, 2009 for subcommittee hearings and follow with two full days of meetings on August 13-14, 2009. Discussion followed about the appointment of a facilitator for August Retreat.

Member Wallace moved to hold a two and a half day meeting with subcommittee discussion the first day and discussion of recommendations to the Legislature the next two days. Member Wilkinson seconded the Motion. Motion carried.

Further discussion continued regarding agenda item and the retreat. President Ruggerio suggested extending invitations to school districts and other entities to make a presentation on August 14, 2009. Attorney General Irvin stated there would not be a problem with further discussion of items during the Retreat but no action could be taken since the items would not be agenized. In response to Member Wallace's concerns, President Ruggerio explained stakeholders and other interested parties would be invited to attend to help the Board determine direction and better policies. Discussion followed about development of the Retreat agenda. Member McKenna suggested the Board refine positions after the August Retreat for a vote during the October meeting.

Member McKenna moved to authorize President Ruggerio to create an agenda that is broadly based around ACR2; S.B. 330; and A. B. 505 with input from stakeholders regarding items to agenize under those broad categories. Member Cook seconded the Motion.

Discussion followed.

Member McKenna amended his motion to include A. B. 181; A. B. 489; and SCR 12. Member Cook seconded the amended Motion. Motion carried.

12. Future Agenda Items - Member Biggerstaff requested an NIAAA Report regarding steroid and drug use in high school athletics.

13. Board Member/Public Comments

Member Ferry reported he attended an interactive meeting of the Nevada Public Education Foundation (NVPEF) this week and that one major item of discussion was to develop a homeless shelter for youth. He suggested NVPEF present their plan during the regular meeting before the August Retreat.

Member Biggerstaff thanked department staff for their work during the Legislative Session. She suggested the Board consider a review of technology advancements in education

Member Okuda-Lim commented on e-mails he sent to Board members regarding creating collaborative projects between student unions and the State Board.

14. Public Comments

Bryn Lapenta, Senior Director, Washoe County School District, expressed her thanks to department staff for talking school districts through the recent Legislative Session.

Craig Stevens, NSEA, echoed Ms. Lapenta's thanks to department staff for their efforts during the Legislative Session.

15. Adjournment – There being no further business, the meeting adjourned at 6:35 p.m.