

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
JANUARY 20, 2022
2:00 PM**

Office	Address	City	Meeting
Department of Education	2080 E. Flamingo	Las Vegas	Room 114
Department of Education	700 E. Fifth St.	Carson	Board Room
Department of Education	Virtual/Livestream	n/a	n/a

SUMMARY MINUTES OF THE BOARD MEETING

BOARD MEMBERS PRESENT

Felicia Ortiz, President
Mark Newburn, Vice President
Katie Coombs
Dr. Katherine Dockweiler
Russell Fecht
Tamara Hudson
Tim Hughes
Cathy McAdoo
Christina Nguyen
Mike Walker

DEPARTMENT STAFF PRESENT

Heidi Haartz, Deputy Superintendent for Student Investment
Dr. Jonathan Moore, Deputy Superintendent for Student Achievement
Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement
Dr. Seng-Dao Keo, Director, Office of Student and School Supports (OSSS)
Dave Brancamp, Director, Office of Standards and Instructional Support (SIS)
Sarah Nick, Education Programs Supervisor for COVID-19 Recovery and Renewal
Maria Sauter, Education Programs Supervisor, OSSS
Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options (CRALEO)
Peter Zutz, Administrator, Office of Assessment, Data, and Accountability Management (ADAM)

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE

Via videoconference

1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE

Meeting called to order at 2:02 P.M. by President Felicia Ortiz. Quorum was established. President Ortiz led the Pledge of Allegiance and provided a land acknowledgement.

2. PUBLIC COMMENT #1

Hawah Ahmad, Clark County Education Association, provided public comment regarding agenda item 9. (*A complete copy of the statement is available in Appendix A.*)

Irene Cepeda, President, Clark County School District (CCSD) Board of Trustees, provided public comment regarding agenda item 9. (*A complete copy of the statement is available in Appendix A.*)

3. APPROVAL OF FLEXIBLE AGENDA

Vice President Mark Newburn moved to approve a flexible agenda. Member Katherine Dockweiler seconded. Motion passed.

4. PRESIDENT'S REPORT

President Ortiz acknowledged Sharon Beatty for her Certificate of Recognition from the Office of the Governor. Ms. Beatty was recognized for her 18 years of dedicated service on the Nevada Department of Education, Council to Establish Academic Standards. Ms. Beatty provided a statement on her time on the Council.

5. SUPERINTENDENT'S REPORT

Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement, provided an update on the implementation of the Pupil-Centered Funding Plan (PCFP) and the work of the Commission on School Funding. The Commission's focus areas going forward include reviewing, reporting, and monitoring expectations relative to the implementation of the PCFP, revenue sources to support optimal funding for education, as well as messaging related to the need for additional funding. The Commission reviewed and reaffirmed their support for the At-Risk definition as previously adopted by the Board. The Commission continues to review the Nevada Cost of Education Index, and the potential removal of a 1.0 floor implemented as the hold harmless provision.

Deputy Superintendent Todtman reported that, at the Board's request, the Department has been providing details related to the use of the 10% set-aside for statewide activities under the federal COVID relief funds. The Department established four focus areas to leverage federal relief funding efficiently and effectively in response to stakeholder feedback. These focus areas include: advancing equity; teacher recruitment and retention; social emotional learning and mental health; and efficiencies for long term success. The Department provided a [handout](#) to highlight the work done with teacher recruitment and retention.

6. CONSENT AGENDA

Member Dockweiler moved to approve the consent agenda. Member Tim Hughes seconded. Motion passed.

7. INFORMATION AND DISCUSSION REGARDING THE NEVADA 2020-21 GRADUATION RATES

Peter Zutz, Administrator, ADAM, and Dr. Patrick Bell, Education Programs Supervisor, ADAM, provided a PowerPoint presentation on the [Cohort Graduation Rates for the 2020-21 School Year](#).

Vice President Newburn asked if the reason for the decline in graduation rates is related to policy changes such as the higher graduation requirements for the standard diploma, or if it was related to the COVID-19 pandemic and the complications and challenges it has created. Deputy Superintendent Jonathan Moore

responded that his belief is that the decline is caused by the pandemic. Dr. Moore noted that as his team has been monitoring and connecting with colleagues nationally, they have noticed similar trends across the nation as states release their graduation rates.

Member Dockweiler asked if there is more longitudinal data to review graduation trends. Mr. Zutz responded that the Department will collect data and provide a presentation. President Ortiz suggested a five-year data set to correlate with the Boards goals.

President Ortiz asked if the decline in graduation rates is caused by the COVID-19 pandemic and if there is an expected increase in the five-year cohort graduation rates going forward. Mr. Zutz responded that when the cohort graduation rates are available in November, the ADAM team will develop a presentation to answer this question.

8. INFORMATION AND DISCUSSION PURSUANT TO NRS 385.040 FOCUSING ON THE GOALS AND BENCHMARKS OF THE STATE FOR IMPROVING STUDENT ACHIEVEMENT

Karl Catarata, Chairman, Nevada Commission on Mentoring (NCOM), provided a PowerPoint presentation regarding the progress of [NCOM](#).

The Board thanked Mr. Catarata for his time and no further discussion was held.

9. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE IMPLEMENTATION OF ASSEMBLY BILL 469 (2017)

Deputy Superintendent Todtman provided a PowerPoint presentation regarding the [Assembly Bill \(AB\) 469 Definition of Terms](#).

Vice President Newburn expressed that in his opinion, the Subcommittee is close to defining “In Good Standing” but needs more time to define “to the greatest extent possible.” Vice President Newburn noted that the Subcommittee is attempting to define when a principal can employ a substitute instead of a licensed teacher in good standing. Vice President Newburn noted that the district courts and the Labor Relations Board have determined the authority of principals to select teachers is not unbounded. The Subcommittee is attempting to provide limited and specific circumstances when a principal can employ a substitute over a licensed and in good standing teacher. President Ortiz agreed.

Member Cathy McAdoo asked for clarification on the definition of a large school district. President Ortiz responded that the law specifically states that the definition is a school district that has over 100,000 students. Vice President Newburn noted that AB 469 was a law passed specifically to affect Clark County only, these definitions and regulations would only affect Clark County in an attempt to decentralize and give more of the decision-making authority, and a certain amount of money went to individual schools. Deputy Superintendent Todtman noted that if another Nevada school district were to surpass 100,000 students, this law would also apply to that school district.

President Ortiz suggested allowing the Subcommittee to continue its work and return with a refined item regarding definition of terms for the Board to consider. Member McAdoo agreed.

Member Dockweiler noted that at the January 12, 2022, AB 469 Subcommittee meeting, the Subcommittee requested a presentation from NDE to be given regarding national best practices and what other States do when districts fall under these certain circumstances or situations. The Subcommittee discussed a set of hard and soft consequences for noncompliance. The hard consequences for noncompliance included the following six consequences: CCSD School Board oversight; district wide financial oversight; monitoring of the CCSD School Board Trustees and or the superintendent; placement of a monitor or distinguished

educator within the district; receivership whether that be full receivership of the entire district or partial receivership of a particular department or departments; and suspension or removal of the CCSD Superintendent and or the CCSD School Board of Trustees. Member Dockweiler noted that it was further discussed that these are only examples and additional potential consequences are welcome, and any hard consequences require a vote by the Board and must be in direct alignment with NRS 388G.500-388G.810. The Subcommittee discussed the need to define the State Superintendent's authority under NRS 388G.580. The Subcommittee believes it is a broad piece and the definition would more clearly communicate the State Superintendent's ability to deliver or enforce corrective actions related to AB469 when and as needed. Member Dockweiler noted that the soft consequences discussed earlier are not necessarily consequences but items the district needs to address regarding noncompliance. There are four soft consequences, which include: creating guardrails or a timeline for the spending of the carry over dollars; required State Superintendent approved annual trainings for many stakeholder groups including the CCSD School Board Trustees, the district Superintendent and cabinet, principals, and School Organizational Teams (SOTs); creating an appeal process for principals and SOTs; and requiring CCSD as a good faith effort to provide evidence and demonstrate that they can or cannot meet the 85-15 as required in the law. If the findings are determined to be valid, they could be used as an artifact in the next legislative session. The Subcommittee discussed the recommendation to any financial cost or burden related to the imposed consequences for noncompliance be transferred to CCSD.

President Ortiz recommended the Subcommittee further discuss potential consequences for noncompliance and attempt to present final regulations for the Board to vote on at the March meeting.

Member Hughes noted the public comment that suggested a potential change in makeup of the AB 469 Subcommittee by adding an additional member from the CCSD Board of Trustees. President Ortiz asked Deputy Attorney General David Gardner if the Board could appoint a CCSD Board of Trustees member to the AB 469 Subcommittee. Deputy Attorney General David Gardner responded yes, the Board would need to propose and approve a motion and select the individual to be added to the Subcommittee. Vice President Newburn suggested creating a position in the Subcommittee for a CCSD Board Trustee and then allowing the CCSD Board of Trustees to select who would join the Subcommittee. President Ortiz agreed.

Vice President Newburn moved to change the makeup of the AB 469 Subcommittee to add a position for a CCSD Trustee to be selected by the CCSD Board of Trustees. Member Hughes seconded. Motion passed.

Vice President Newburn moved to allow the AB 469 Subcommittee to further refine its work developing new regulations and clarifying definitions. Member Coombs seconded. Motion passed.

Vice President Newburn moved to authorize the AB 469 Subcommittee to work with the Department of Education to develop a set of national best practices around consequences for continuing noncompliance. Member Hughes seconded. Motion passed.

10. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE STATE PLAN FOR THE IMPROVEMENT OF PUPILS

Sarah Nick, Education Programs Supervisor for COVID-19 Recovery and Renewal, provided a PowerPoint presentation regarding the [State Plan for the Improvement of Pupils \(STIP\)](#).

Member Hughes suggested an explanation of the edits to the actions to make progress towards the two State goals. President Ortiz agreed. Member Dockweiler suggested a full comprehensive agenda item to further the discussion on the STIP.

11. FUTURE AGENDA ITEMS

President Ortiz requested the 5-year cohort graduation rate presentation for November.

12. PUBLIC COMMENT #2

Linda P. Cavazos, community member, provided public comment regarding agenda item 9. *(A complete copy of the statement is available in Appendix A.)*

13. ADJOURNMENT

Meeting was adjourned at 4:49 P.M.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. Hawah Ahmad, Clark County Education Association, provided public comment regarding agenda item 9.
2. Irene Cepeda, President, CCSD Board of Trustees, provided public comment regarding agenda item 9.
3. Linda P. Cavazos, community member, provided public comment regarding agenda item 9.

APPENDIX A, ITEM 1: HAWAH AHMAD

Good afternoon, Chairwoman Ortiz, and members of the State Board of Education and CCSD Board of Trustees,

CCEA was an active participant in the drafting of AB469 (2017) and served on the technical advisory committee to ensure that the intent of the law would be carried out. As we proceed with the regulatory process for clarification of vague terms, we are very excited by the hard work of this body's Subcommittee and are eagerly awaiting the discussion that will occur under agenda item 9.

CCEA supports "in good standing" to be interpreted as an employee whose previous evaluation has a rating of "developing" or higher. CCEA also supports that an employee with good attendance can be taken into account, as long as the impacts of COVID-19 and any other federally protected disability related absence is not held against the educator. CCEA would like to suggest that instead of an employee having "no active disciplinary issues" to include pending or documented discipline in the last two years, that the language is construed to comply with previously enacted state statute and collective bargaining agreements. Disciplinary actions that are being appealed cannot be a factor in decision making, as they have not reached their final adjudication to provide educators with due process. Disciplinary issues need to be specifically stated to provide notice to all educators to ensure that they understand their employment rights.

CCEA believes that "to the greatest extent possible" must include language specifying that licensed educators will be given priority over long-term substitutes. Currently, CCSD employs 592 full-time substitutes, and we do not know whether these long-term substitutes are qualified for their positions. If we have licensed, eligible candidates to take these jobs, they should be given the ability to utilize their degrees.

CCEA would also like to raise our concerns over the incompatibility of AB469 and the Pupil-Centered Funding Plan (PCFP). It is our belief that thoughtful consideration must be given on how unused funds distributed in accordance with the PCFP's weights are reallocated as carry-over dollars and that the reallocation of those unused funds in the subsequent school year violates the intent of the PCFP and that school precincts must utilize the PCFP weighted funding to its fullest extent pursuant to SB543(2019) in the current year.

The Clark County Education Association and the over 18,000 licensed education professionals thank you for your hard work and we look forward to further participating in the regulatory process to define the parameters around our concerns in AB469 (2017). CCEA also looks forward to ensuring that the state plan for the improvement of pupils is based upon student achievement and ensuring our students can achieve their goals in post-secondary education and in the workforce to make economic diversification a reality for all of Nevada.

Respectfully,
Hawah Ahmad, Lobbyist
Clark County Education Association

APPENDIX A, ITEM 2: IRENE CEPEDA

Dear President Ortiz, State Superintendent Ebert, and esteemed members,

We write to you as the newly elected slate of officers for the Clark County School District Board of Trustees to thank you for your commitment to collaboration while resolving pending issues related to AB469. We are not able to attend your meeting because your meetings are scheduled during our work day, with two of us working on high school campuses and one of us working on a college campus. We wanted to take this opportunity to provide public comment, noting we are doing so as officers of the CCSD Board of Trustees. We can only speak on our own behalf until the remainder of the board grants us the authority to speak for the full board. We feel this nuance is required because we want this body to be reassured that the officers tasked with setting the agenda plan to remedy any concerns you may have. However, we do not want to violate our own policies by speaking on matters where we have not been designated the authority to do so.

Not that long ago our boards met collectively in an effort to form a positive and productive working relationship. As you know, it's been a hectic couple of years for local school boards across the nation. We're writing to let you know that even amongst this chaos we recognize the importance of bringing the district into compliance with AB469. We are committed to doing so in a collaborative and productive manner, as expeditiously as possible. We are currently working with our superintendent to address compliance issues related to NRS 388G, as well as identifying additional areas where improvements can be made. To assure this work moves forward, we have added an agenda item to our upcoming meeting on January 27th, 2022. This will allow the board to discuss any feedback you would like to provide to us, while we await the guardrails you previously committed to assisting us with.

We appreciate the assistance you shared during the joint meeting, which was to move forward together in a collaborative fashion. Our newly appointed clerk previously inquired about the possibility of a member of our board joining your subcommittee related to this topic. We are committed to building a bridge between our boards while ensuring the district's progress in this area meets your expectations. We look forward to this possibility as we bring the district into compliance, while also putting in additional effort to resolve challenges that fall outside the scope of the law but must be addressed to make this work as meaningful as possible.

Sincerely,

Irene Cepeda, President
Evelyn Garcia Morales, Vice President
Lola Brooks, Clerk

APENDIX A, ITEM 3: LINDA P. CAVAZOS

Dear President Ortiz, State Superintendent Ebert, and Esteemed Members,

I am commenting today as an individual, Linda P. Cavazos, speaking on my own behalf. I wish to comment on Agenda item #9, Information, Discussion, and Possible Action Regarding the Implementation of Assembly Bill 469 (2017).

I stand in support of this Board's work on ensuring that all relevant entities, such as CCSD, are in compliance with all correct and legal implementations of AB469. I also stand in support of this process being an inclusive one, with all individuals and or members of involved groups, to be informed and included in advance of actions that will directly impact said groups.

I thank you for your meticulous and thorough attention to this extremely important matter that very much will affect our students, our educators, our families, and our communities.

With gratitude and best regards,

Linda P. Cavazos