

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
OCTOBER 6, 2022
10:00 AM**

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
 Joe Arrascada
 Dr. René Cantú
 Malia Poblete
 Dr. Katherine Dockweiler
 Katie Coombs
 Tamara Hudson
 Tim Hughes
 Dr. Summer Stephens
 Mike Walker

DEPARTMENT STAFF PRESENT

Jhone M. Ebert, Superintendent of Public Instruction
 Dr. Jonathan Moore, Deputy Superintendent of Public Instruction
 Craig Statucki, Interim Deputy Superintendent for Educator Effectiveness and Family Engagement
 Heidi Haartz, Deputy Superintendent for Student Investment
 Jose Silva, Chief Strategy Officer
 Peter Zutz, Administrator, Office of Assessment, Data, and Accountability Management (ADAM)
 Mike Pacheco, Education Programs Supervisor, ADAM
 Dave Brancamp, Director, Office of Standards and Instructional Support
 Amber Reid, Administrative Services Officer III, Student Investment Division
 Beau Bennett, State Education Funding Specialist
 Dr. Keven Marie Laxalt, Education Programs Professional, Office of Standards and Instructional Support
 Amelia Thibault, Director, Office of Division Compliance

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE IN ATTENDANCE

Irene Bustamante Adams, Deputy & Chief Strategy Officer, Workforce Connections

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

Meeting called to order at 10:01 A.M. by President Felicia Ortiz. Quorum was established. President Ortiz led the Pledge of Allegiance and provided a land acknowledgement.

2. PUBLIC COMMENT #1

No public comment.

3. 10:00 A.M. PUBLIC HEARING FOR REGULATION #R132-22

President Ortiz called the hearing for R132-22 to order at 10:06 A.M.

Amber Reid, Administrative Services Officer III, Student Investment Division, provided an overview of the proposed regulation [R132-22](#).

Trent Brenkus, Bishop Gorman High School Graduate, provided public comment regarding agenda item 3. *(A complete copy of the statement is available in Appendix A.)*

Member René Cantú asked if the child welfare agency request that a student automatically be enrolled. Ms. Reid responds that the State requires that students are enrolled in schools. There are compulsory laws attendance laws so once the child goes into the custody of the child welfare agency, they assume the role of the parent in ensuring that the child is enrolled in schools. If the agency has a student that comes into their caseloads and that child was not previously enrolled in a school district, it happens automatically.

Member Tim Hughes asked for clarification on the county size. Ms. Reid responded that if the child welfare agency is in a county that has 100,000 people or more, then that child will be enrolled in the school district for that county. In Nevada, counties with 100,000 people or more are Washoe and Clark County. For students in the custody of a child welfare agency in a county that has less than 100,000 people, frequently that child may be placed in residential treatment in a center that is outside of those rural counties. This allows flexibility for the capacity of the school district and the school to meet the requirements of that student's placement in terms of what the school district is able to provide in terms of support depending on if that placement is outside one of the smaller counties.

Member Katherine Dockweiler asked how the treatment facility receives funds or how they provide the services to the student. Ms. Reid responded that through the pupil-centered funding plan hospitals or facilities which seek to receive reimbursement for the provision of educational services have to apply to become a private school. The Board approves those licenses, and once they have been approved as a private school, they go through a process established by the Department and that will be codified in regulation R133-22 in terms of submitting the necessary paperwork and application at the level of the student. Once those metrics have been met, the Department provides a reimbursement workbook to each hospital or facility, they submit those to the Department each month by the 15th for the previous months' worth of educational services. Those reimbursement dollars are factored into the monthly pupil-centered funding planned payments that are sent out on the first of each month.

Vice President Mark Newburn moved to approve regulation R132-22. Member Katherine Dockweiler seconded. Motion passed unanimously.

4. 10:05 A.M. PUBLIC HEARING FOR REGULATION #R136-22

President Ortiz called the hearing for R136-22 to order at 10:25 A.M.

Amelia Thibault, Director, Office of Division Compliance, and Peter Zutz, Administrator, ADAM, provided an overview of the proposed regulation [R136-22](#).

No public comment.

Member Hughes noted that most of the updates were made to comply with changes to other laws or policies and asked the Department to highlight which updates are not required because of the other changes and are rather a preference of the Department. Mr. Zutz responded that some of the regulations that are brought here today are based on old archaic processes that no longer are in play at the Department and no longer fit current technology. Mr. Zutz noted that he will not be able to fulfil the request in real time but noted that the changes around attendance and enrollment simply align current practices, criteria protocols, and business rules that are employed by the Department and bring them up to current views. Mr. Zutz noted that these changes were requested by stakeholders. This work began over two years ago with extensive representation from all Nevada school districts to clarify archaic rules that were causing confusion in the tracking of enrollment and attendance. Ms. Thibault noted that the sections related to interlocal student's supplemental reports for out of State students attending in Nevada, Nevada students attending out of State, and for students in adjoining districts are clarifications that the Department ultimately implemented for the sake of auditing purposes and being able to track each student. These sections were introduced by the Department, but the remainder were responsive to stakeholder engagement from the beginning and or responsive to various bills or updates in alignment with other changes in NRS that came out of session.

President Ortiz asked who is managing the implementation of the regulation to ensure that the focus of applying for alternative schedules. Ms. Thibault responded that applications for all calendars are processed through the office of division compliance and approved by the Superintendent of Public Instruction. Every year all charter schools and districts submit applications for their calendars whether that is a regular calendar or an alternative calendar and often districts have multiple schedules or multiple calendars within the district and the office of division compliance reviews each of those items and reaches out to districts with clarifying questions. President Ortiz asked if there is an implementation timeline for the regulation after it has passed. Mr. Zutz responded that given that this percolated almost two years ago from stakeholders, the stakeholders want to implement these changes as soon as possible. The Department is looking forward to implementing the changes to NAC moving as quickly and swiftly through to completion through the final process at which time a timeline will be developed. Mr. Zutz offered to present a timeline to the Board once the regulation has been implemented.

Member Tamara Hudson moved to approve Regulation R136-22. Member Katherine Dockweiler seconded. Motion passed unanimously.

5. 10:10 A.M. PUBLIC HEARING FOR REGULATION #R143-22

President Ortiz called the hearing for R143-22 to order at 10:54 A.M.

Amber Reid, Administrative Services Officer III, Student Investment Division, provided an overview of the proposed regulation [R143-22](#).

No Public comment.

President Ortiz noted the use of the term public school in the regulatory language and asked if something happens to a student attending a private school, would the private school not be notified. Ms. Reid responded that the implementation of the safe voice program and the handle with care program is only compulsory for Nevada public schools however, both programs have the options for private schools to receive those notifications and those supports. Ms. Reid noted that there are mechanisms in place with the Office for a Safe and Respectful Learning Environment to support that implementation in Nevada's private schools. President Ortiz asked if there is data being captured that could be used to measure the effectiveness of the regulation. Ms. Reid responded that the Office for a Safe and Respectful Learning Environment keeps

track of a number of metrics regarding school safety and student mental health concerns including the number and types of Safevoice tips that are received and the number and types of Handle With Care notifications that are received in addition to the types up follow up supports that are provided to those students.

Member Katherine Dockweiler moved to approve Regulation R143-22. Member Tim Hughes seconded. Motion passed unanimously.

6. 10:15 A.M. PUBLIC HEARING FOR REGULATION #T003-22

President Ortiz called the hearing for T003-22 to order at 11:02 A.M.

Beau Bennet, State Education Funding Specialist, provided an overview of the proposed temporary regulation [T003-22](#).

Amanda Morgan, Executive Director, Educate Nevada, Now, provided public comment regarding agenda item 6. (*A complete copy of the statement is available in Appendix A.*)

Member René Cantú asked if the proposed definition is inclusive enough of a population of students who may not be economically or academically disadvantaged but are facing risks, nonetheless. Mr. Bennet responded that the definition is intended to open up the review of the risk factors that students face and include them rather than just students receiving free and reduced lunch. It does look at the factors that go towards the pupils who are at risk of dropping out of high school and includes that analysis in the deciding of who may be at risk and need additional services.

Member Hughes asked if each of the indicators listed in the regulatory language have a clear, consistent, and recognized benchmark of how the determination is made. Mr. Bennet responded that this definition will be used to distribute funds through the pupil centered funding plan to the districts. The districts will then take those funds and distribute those funds to the students who would be most impacted by the additional funds. Mr. Bennet noted that the distribution of funds is through a singular method. So, every district will be applied to that same method, grouping and count of students through infinite campus. Once the districts receive those funds, they can then disperse them to the students that it deems appropriate. President Ortiz noted that the pupil centered funding plan is intended for the dollars to follow the students and if the dollars are going to the districts and the districts then determines how to distribute those funds to which students, then the students those funds are intended for may not actually be receiving the services that the funds were intended to deliver. Mr. Bennet responded that the count of At-Risk students would occur on October 1st the year prior to the academic year. At-Risk is very fluid, students come in and drop out of At-Risk for various reasons and it might not be the same children for the following year. Therefore, when the districts receive those funds, they can review in real time to see which students need the funds rather than just a count of students from the prior year. Heidi Haartz, Deputy Superintendent for Student Investment noted that this regulation is specific to the pupil centered funding plan, and it is to support the distribution of weighted funds to provide services to students who have been identified as being At-Risk using the definition which is in essence of not graduating with their cohort. The Department fully appreciates the intent and the vision of the Board to move towards competency-based education, but today's regulation is to support the implementation of the pupil centered funding plan and to lay a foundation from which the Department continue its' work to identify vendors who can provide meaningful data not only to the Department but also to our local education agencies.

Vice President Mark Newburn moved to approve Regulation T003-22. Member Katherine Dockweiler seconded. Member Tim Hughes abstained. Motion Passed.

7. 10:20 A.M. PUBLIC HEARING FOR REGULATION #R146-22

President Ortiz called the hearing for R146-22 to order at 11:22 A.M.

Craig Statucki, Interim Deputy Superintendent of Educator Effectiveness and Family Engagement, provided an overview of the proposed regulation [R146-22](#).

No public comment.

No further questions or discussion.

Member René Cantú moved to approve Regulation R146-22. Member Tamara Hudson Seconded. Motion passed unanimously.

8. 10:25 A.M. PUBLIC HEARING FOR REGULATION #R147-22

President Ortiz called the hearing for R147-22 to order at 11:35 A.M.

Craig Statucki, Interim Deputy Superintendent of Educator Effectiveness and Family Engagement, provided an overview of the proposed regulation [R147-22](#).

Eric Gant, Executive Director of Adult Education, Clark County School District, provided public comment regarding agenda item 8. *(A complete copy of the statement is available in Appendix A.)*

Member Hughes asked if the public comment could be addressed. Mr. Statucki responded that at the time that this regulation was being developed, the Department reached out to school districts in the adult high school diploma programs regarding changes to the diploma requirements. At that time, the programs expressed concern about the change in the American Government requirements because of the number of students who are currently in their programs within adult high school diploma programs. Mr. Statucki noted that a student who enrolls in adult high school diploma may not necessarily have come from the class of 2021. They could have come from the class of 2018 or 2019 and the concern that those program directors have expressed to us at that time was that it would adversely impact students who were already existing within their adult high school diploma programs. After the regulation was submitted and the programs started looking at what is currently being implemented within school districts in regards to the half credit for American Government and half credit for Economics as required for a regular high school diploma, they have now reached out to the Department around this concern about adjusting the credit requirement from American government from one credit to one half credit and adding the one half credit of economics that is required for a standard high school diploma. President Ortiz asked if it is possible to make the adjustment now during the hearing. Mr. Statucki responded that it may be a question for DAG David Gardner. In the Department's conversations with LCB initially they thought that it would equate to a substantial change which would require that the language be sent back to LCB with a proposed amendment so that they can adjust it for one half credit. President Ortiz suggested it be adjusted to say one full credit of American Government or, one half credit of American Government and one-half credit of Economics. DAG David Gardner noted that the change would require the language be sent back to LCB as it would be a substantive change. President Ortiz recommended making the change.

The Board tabled Regulation R147-22 to allow the Department to implement the recommended changes to the language alongside LCB to be brought back at another hearing at a later date.

9. 10:30 A.M. PUBLIC HEARING FOR REGULATION #R159-22

President Ortiz called the hearing for Regulation R159-22 to order at 11:46 A.M.

Dave Brancamp, Director, Office of Standards and Instructional Support and Dr. Keven Marie Laxalt, Education Programs Professional, Office of Standards and Instructional Support provided an overview of the proposed regulation [R159-22](#).

No public comment.

President Ortiz asked if there were going to be any additional burdens placed on teachers because of these regulations. Dr. Laxalt responded no, it is her perception that this will not add additional burdens to educators. Read by grade three at NDE is already actively engaged in providing multiple layers of professional learning for teachers and literacy specialists.

Member Katherine Dockweiler moved to approve Regulation R159-22. Member Tamara Hudson seconded. Motion passed unanimously.

10. 10:35 A.M. PUBLIC HEARING FOR REGULATION #T005-22

President Ortiz called the hearing for T005-22 to order at 12:03 P.M.

Peter Zutz, Administrator, Office of Assessment, Data, and Accountability Management (ADAM) provided an overview of the proposed temporary regulation [T005-22](#).

No public comment.

Deputy Attorney General David Gardner noted that the agenda language is not sufficient to allow the Board to vote on the item at this time.

The Board tabled the item to be voted on at the November 3rd meeting.

11. PUBLIC COMMENT #2

No public comment.

12. RECESS

President Ortiz called for a recess at 12:27 P.M.

13. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND LAND ACKNOWLEDGEMENT

Meeting called to order at 2:00 P.M. by President Felicia Ortiz. Quorum was established.

14. PUBLIC COMMENT #3

Nathaniel Waugh, Government Affairs Manager, Communities in Schools of Nevada, provided public comment regarding agenda item 17. *(A complete copy of the statement is available in Appendix A.)*

15. APPROVAL OF FLEXIBLE AGENDA

Member René Cantú moved to approve the flexible agenda. Member Katherine Dockweiler seconded. Motion passed unanimously.

16. PRESIDENT'S REPORT

President Ortiz reported that the 2022 Superintendent of the Year is the Board's very own Dr. Summer Stephens of Churchill County. Dr. Stephens was selected as Superintendent by Churchill County school board in July of 2018. She previously served as superintendent of Weston County School District in Upton Wyoming. She is known regionally as the Nevada Association of School Superintendents (NASS) President

during the 2021-22 school year and currently serves as the Superintendent representative on this Board. Now in its 35th year, the national Superintendent of the Year program co-sponsored by AASA, AIG retirement services and First Student celebrates the contributions and leadership of Nevada public school superintendents. Dr. Stephens will have the opportunity to participate in the national AASA Superintendent of the Year program which is open to all U.S. superintendents who plan on continuing in the profession. This program also honors Canadian and other international school superintendents. President Ortiz invited Sue Keema, Executive Director of the Nevada Association of School Superintendents to share a bit more about this honor. Ms. Keema noted that the national superintendent of the year will be named February 16, 2022 at the National Education Conference in San Antonio Texas. The AASA sponsored national superintendent of the year program pays tribute to the talent and the vision of men and women who lead our nations public schools. This program is designed to recognize outstanding leadership of active frontline superintendents. It is not a recognition for service of retirement. Each superintendent of the year is judged on the following criteria: leadership for learning, personal and organizational communication, professionalism, and community involvement. Dr. Stephens thanked the NASS group and noted that it is a great honor to represent them and that she is thankful to be involved with everyone in Nevada and in the nation a that have been involved with making learning better for the students.

President Ortiz reported that the National Association of Educational Progress (NAEP) has provided new data. NAEP has provide meaningful results to improve education policy and practice since 1969. The results are available for nation States in 27 urban districts, and it provides information about student achievement and learning experiences on various subjects. It is a congressionally mandated program that is overseen and administered by the National Center for Educational Statistics within the U.S. Department of Education and the Institute of Education Science. The National Assessment Governing Board is an independent body appointed by the Secretary of Education and sets the policy. President Ortiz noted that the results were positive for Nevada.

President Ortiz reported that the Smarter Balanced Assessment Consortium works with educators to develop high quality instructional resources and innovative assessments to prepare students of diverse backgrounds and abilities for successful productive futures. Smarter Balance is the company that is responsible for the 3rd through 8th grade standardized assessment that is given in Nevada. Its results are designed to support instruction and provide educators with tools to identify learning needs, select targeted resources to meet those needs, and assess where students are in meeting their learning goals by the end of the school year quickly and easily.

President Ortiz reported that the State Public Charter School Authority Board has a vacancy and there is an application available that will close on October 20th. The vacant position was filled by member Erica Mosca who has resigned. The Board will review applications during the November meeting. President Ortiz encouraged individuals to apply.

President Ortiz invited Member Joe Arrascada to provide an update regarding the Nevada System of Higher Education (NSHE) Board of Regents. Member Arrascada reported that last academic year the system as a whole conferred over 20,000 awards which is the most in NSHE history. The academic year has begun, and students are back on all campuses in person. Enrollment is essentially flat at UNLV and UNR and have not returned to pre-pandemic levels. Enrollments have improved at the community college level somewhat, but their enrollment remains significantly down from their high point. However, Nevada State College continues to grow. Like the Department of Education, NSHE has submitted its biannual budget request for the 2023 Legislature and is seeking restoration of cuts made during the pandemic. Member Arrascada noted that other budget highlights include workforce development capacity building at the community colleges and funding for summer school for teacher preparation. NSHE firmly believes that this can accelerate the preparation of increasing the number of teachers thoughtfully and expeditiously for the current short log.

NSHE Board of Regents has an acting chancellor in place, and they will begin to discuss the search for a new chancellor at its December meeting.

17. SUPERINTENDENT'S REPORT

Superintendent of Public Instruction Jhone M. Ebert reported that the Department issued a press release with the National Blue-Ribbon Schools. The U.S. Department of Education recognize two Nevada schools as National Blue-Ribbon for 2022. Those schools were Linda Rankin Givens Elementary School in the Clark County School District and Florence Drake Elementary School in Washoe County School District. Each of those school districts had their celebrations on campus. Both of those schools are recognized for the categories of exemplary, high performing, and exemplary achievement gap closing.

Superintendent Ebert reported that the Computer Science Education Conference was two weeks ago. Superintendent Ebert noted that she was pleased to attend with Vice President Newburn as well as twelve other colleagues across the State such as Deputy Superintendent Dr. Jonathan Moore. Vice President Newburn noted that Nevada is viewed as one of the top States in the nation for K-12 computer science.

Superintendent Ebert reported that her and Deputy Superintendent Moore attended the ribbon cutting event for Communities in Schools at Von Tobel Middle School.

Superintendent Ebert reported that the Department is partnering with WestEd to launch new learning networks for central office administrators and school leadership teams in our State. As part of our overall system of support for schools, the Nevada Leadership Learning Networks (NLLN) provide opportunities for educational leaders to build supportive professional networks, learn from each other about what works for instructional leadership and principal supervision, and gain access to tools, research, and coaching to grow their practice for advancing equity and achievement in their schools. The NLLN consists of two different networks provided by WestEd. Participants will be able to choose a network that best meets their needs in their current role. Participation in NLLN is at no cost to the participant or the school district, however, participation requires a commitment to fully participating in the learning experience.

Superintendent Ebert reported that the Commission on School Funding had their final meeting of the year on September 23rd and their recommendations will be finalized and sent to the legislature in November.

18. CONSENT AGENDA

Member Katherine Dockweiler requested that item 18b be pulled for a separate vote as she will need to abstain from the vote as she was involved in the development of the item.

Member Katherine Dockweiler moved to approve the consent agenda items with the exception of item 18b and Member Tim Hughes seconded. Motion passed unanimously.

Vice President Mark Newburn moved to approve consent agenda item 18b. Member René Cantú seconded. Member Katherine Dockweiler abstained. Motion passed.

19. INFORMATION AND DISCUSSION REGARDING AN UPDATE ON THE EFFORTS OF WORKFORCE CONNECTIONS

Irene Adams, Deputy Director & Chief Strategy Officer, Workforce Connections, provided a PowerPoint presentation regarding [Workforce connections Community Investment Update](#).

President Ortiz noted that she did not see Education on the list of industry partnerships and asked how it can be added to the list. Ms. Bustamante Adams responded that several other entities have called the Las Vegas global Alliance and asked why education is not on their as well. Ms. Bustamante Adams noted that she wished she had a hi-tech fancy answer for why it was not added but she does not, but the Las Vegas Global

Economic Alliance and the other partners are addressing that issue.

President Ortiz asked what the number of youths that is unemployed in Nevada. Ms. Bustamante Adams responded that unemployment is at 46,000 across the State but she does not know what percentage of that is youth. President Ortiz asked Ms. Bustamante Adams to provide the Board with that figure at a later date.

President Ortiz asked what the key performance indicators of the Employ Nevada Teen Center. Ms. Bustamante Adams responded that the metrics for the center remain the same as for the adults. It is how many go into training, how many stay in training, get their GED or post-secondary education, and how many stay employed after the fourth quarter of the year.

Vice President Newburn noted that he is very excited about the career pathways. As the STEM advocate, almost all the girls and kids of color are lost in middle school because they are self-selecting out and are just not aware of the field. Vice President Newburn noted that there is a lot of potential if it is done right to get these groups to see themselves entering this field. These fields are predominantly white and Asian males, and it happens all in middle school. There is the opportunity to long term move the needle and change diversity in some of the workforces.

20. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING THE COLLEGE AND CAREER READY (CCR) HIGH SCHOOL ASSESSMENT RFP

Deputy Superintendent Dr. Jonathan Moore provided a PowerPoint presentation regarding the [College and Career Readiness \(CCR\) Assessment Request for Proposal \(RFP\) Process](#).

Member Arrascada asked if there has been thought about the selection of statewide assessments including higher education stakeholders. Dr. Moore responded that there are a couple of opportunities where we can be inclusive. The first is public comment. Recognizing that the survey is open to all Nevadans to be able to complete. The second involves the list of entities for representation on the review committee. It was heard clearly that there should be NSHE representation.

The Board began discussing their recommendations for edits to the [Nevada's CCR Assessment Stakeholder Survey Draft](#).

Member Cantú referenced section two "Alignment and Purpose" where it talks about prediction of student preparedness for college and suggested it read "a recognized college entrance instrument that would assess the preparedness for college".

President Ortiz noted that the survey has several terms that are education specific and would like to see the survey easily consumable by everyone in the general public.

President Ortiz suggested giving the survey to each of the Board members to analyze and provide feedback and suggestions to Deputy Superintendent Moore and his team by Tuesday the 11th and the convene a group of three of the Board members to finalize the survey. The Board could then hold a special meeting to approve the survey or add it to the next meeting agenda. Members Hughes, Stephens, and Hudson volunteered to finalize the survey with Dr. Moore and his team.

21. INFORMATION AND DISCUSSION REGARDING THE 82nd LEGISLATIVE SESSION

President Ortiz presented the [State Board of Education's Position Statement for the 82nd Legislative Session Draft](#). President Ortiz opened up the discussion for changes and revisions to the Position Statement from the Board.

Vice President Newburn referenced the specific recommendations in the statement and noted that the Board completed a set of workshops to develop goals as a Board. Vice President Newburn noted that he had trouble aligning what the Board was asking the Legislature for versus what the Board's goals are. Vice President Newburn suggested a recommendation regarding expanding CTE education.

Member Hughes suggested issuing a challenge to the Legislature and say we challenge you to help us achieve these four outcomes and here is why we think those outcomes are important and not prescribe the methods how. Member Hughes suggested starting with outcomes as the lead to peak readers interest. Vice President Newburn agreed.

President Ortiz noted that one of the one of the biggest issues that residents claim around the State is that the reason we cannot attract more business and people into the State is because of the education system. Vice President Newburn suggest that argument be the lead. The lead be economic rankings and then break into three categories that go into the rankings, and then from there, go into the individual funding initiatives so that there is a clear line between the dollars the Board is asking for and the end result which is an improved ranking which helps the State in its economic development.

Member Walker suggested making a greater coalition from the start. Aligning the Board with NASS, teachers' unions, NASB, School Boards etc. and make one unified ask of the Legislature. President Ortiz agreed.

Superintendent Ebert suggested the various members that represent the different entities across the State such as NASS, NASB, NSHE etc. take the draft and make revisions and modifications. President Ortiz agreed and asked those members if they would be willing to do so. Members Walker, Stephens, Arrascada, and Coombs agreed. President Ortiz requested a more finalized draft by the November SBE meeting.

22. FUTURE AGENDA ITEMS

President Ortiz noted the proposed 2023 Board Meeting Schedule will be approved at the November meeting. The Board will appoint a new SPCSA member at the November meeting. The Board will receive a presentation on the Commission on School Funding's report at the December meeting. The joint meeting with NSHE Board of Regents will occur in early 2023. Vice President Newburn suggested an item regarding the definition of At-Risk before the permanent regulation comes back to the Board. Superintendent Ebert noted the Stakeholder meeting in December and a presentation from NevadaWorks when they are available.

23. PUBLIC COMMENT #4

Jeff Church, Washoe County School Board Member, provided public comment. *(A complete copy of the statement is available in Appendix A.)*

24. ADJOURNMENT

Meeting was adjourned at 5:15 P.M.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. Trent Brenkus, Bishop Gorman High School Graduate, provided public comment regarding agenda item 3.
2. Amanda Morgan, Executive Director, Educate Nevada, Now, provided public comment regarding agenda item 6.
3. Eric Gant, Executive Director of Adult Education, Clark County School District, provided public comment regarding agenda item 8.
4. Nathaniel Waugh, Government Affairs Manager, Communities in Schools of Nevada, provided public comment regarding agenda item 17.
5. Jeff Church, Washoe County School Board Member, provided public comment.

APPENDIX A, ITEM 1: TRENT BRENKUS

Hello, my name is Trent Brenkus. Currently I am a student at UNLV and a graduate from Bishop Gorman High School. Thank you for allowing me the privilege of speaking today. The grading reform initiative is a step towards where we should be going, although it is not the correct way of doing so on how Nevada will improve its current rank. It allows students to retake any assignments for 100% of the credit it was originally assigned. Yes, this does give students a choice and a way to success as it should, although it is not the correct answer. A solution to this issue is still a choice for students to succeed although in a different manner. It is crucial that students are educated more about their mental health through their current education. Just as physical education is important and required for the safety and health of student. In the same attention and awareness should entertain towards mental health. As I went to high school and attended my health class, I found the material that was taught to be very outdated. There was videos being played that may have been made in the 90s or even 80s with a very brief chapter on mental health. And any obstacle of mental health is to speak up about it and then on to the next material. Looking back at that class, there was good and bad about it. Although I believe it is vital to modernize these subjects and present them in a more tolerable manner. Today kids are attached, and some might say addicted to their phone. Certain apps on it pertaining to belittle or even destroy their self-esteem. These social media apps indulge the action of comparing oneself to another and reinforce the art of envy and hate with the number of likes, followers, comments, all displayed on the post. I'm not saying to destroy these apps nor ban them instead I am here to bring awareness to you all that there are other problems here that are not being addressed in school The greatest issue in schools today is the absence of learning self-love and admiration for others. I believe it is essential that these acts of love are educated to our youth instead of punishing them for their wrongs as they do not know better. Safe spaces do not create this because it implies that there are places for safety instead of a way of thinking. I believe students even in middle school should be introduced to these aspects of life, encouraging them with the importance of the material. Making their learning environment a place where they want to be not forced to. I'm not here to criticize the CCSD, instead I am here to work alongside with to repair and reform the current teaching style and I wish to make school a place where learning and socializing coexist. I want our schools to be a place of inspiration. A place where the choice of success is desired and earned, not just available. I am here to help our youth for we are the future of Nevada and the future of this country. I am here to help. Thank you.

APPENDIX A, ITEM 2: AMANDA MORGAN

October 6, 2022

State of Nevada Board of Education
700 E. Fifth Street
Carson City, Nevada 89701-5096
NVBoardED@doe.nv.gov

VIA ELECTRONIC MAIL

Re: Interested Stakeholder Comments on Proposed Regulations Revising the
Definition of “At-Risk Pupil”

Honorable Members of the Nevada Board of Education,

Educate Nevada Now appreciates the opportunity to submit the following stakeholder comments for the record, as provided under NRS 233B.0603(3) and NRS 233B.061(1), et seq., in response to proposed regulation No. T003-22, which would revise the definition of “at-risk” pupil for purposes of NRS 387.1211.

The Pupil-Centered Funding Plan (PCFP) transitioned to weighted funding, so every student with unique needs received additional support. Previously, only about 20% of low-income and English learner (EL) students received additional state funding through Zoom, Victory, and SB 178 categorical programs. These programs were successful and demonstrated that additional money, spent effectively, can positively impact student achievement. But the problem with these programs rested in their scale – only students at certain schools received these additional resources. About 80% of students with similar needs were underserved. The PCFP aimed to correct this through a true weighted funding model, creating more equity and serving more students.

Back in 2020, ENN expressed concerns regarding the re-definition of “at-risk” for the purpose of determining eligibility for the newly created weight. We were concerned that the new definition would prioritize reducing the number of students eligible for the weight in an effort to essentially “back into” inadequate funding levels previously allocated under the limited, categorical programs.

While the proposed revisions to “at-risk” appear to be more inclusive by considering factors other than income, the proposed revisions will, in effect, reduce eligibility and drastically deprive Nevada’s students of the supports they need.

By using the most common proxy for “at-risk,” free and reduced-price lunch eligibility (FRL), about 272,000 students would qualify for the at-risk weight when excluding those that qualify for another, higher weight. This number is substantial but accurately reflects the difficult economic situation of families across the state.

However, transitioning limited categorical program dollars into a weight for all FRL students would significantly dilute the funds. It would both harm schools currently relying on categorical dollars while also making very little impact on other schools receiving the new, abysmal weight. Put simply, big investments are needed to effectively implement the weight.

The proposed revision of “at-risk” reflects the Commission on School Funding’s recommended Infinite Campus Model, which identifies select characteristics from a larger list of factors to limit eligibility for the at-risk weight. Under the proposed model, 67,000 students would be served compared to the 272,000 identified in previous models and by the APA study. This means the state will exclude 75% of students previously identified as needing support.

ENN continues to express deep concerns about any effort to exclude 75% of low-income students when, for example, only 18% of FRL students in grades three through eight are proficient in Math, and only 15% proficient by high school. Establishing a weighted funding model that excludes the obvious need is antithetical to the purpose of the PCFP and how it garnered support during its passage.

We are not opposed to transitioning to a new funding model or to revising the definition of “at-risk.” For a variety of reasons, using FRL as a proxy for “at-risk” manages to be both under and over-inclusive of the need. However, we do expect the eligibility factors used in the new model to reflect the actual needs of our state, a state where the majority of students are not proficient in core subjects.

We recommend the following:

1. The proposed revision of “at-risk” and limited application should be a flexible starting point, rather than a rigid, permanent definition. Additional or expanded factors should broaden eligibility over time, until all students that are struggling academically and not supported by another weight are served by the definition.
2. A ten-year plan to fund the incremental expansion of at-risk eligibility should be implemented. Much like the base per-pupil targets, the expansion of the definition over time and its associated costs should be developed now and acknowledged. This will help avoid legislative or public complacency around the actual need for academically at-risk students. It makes clear that the current definition is only the beginning, and our state will have to take incremental steps if it wants to realize the promises of the PCFP.

The aim should be to ensure every student that would benefit from additional support, such as those in low-income, volatile, transient, or otherwise at-risk households, and those struggling with achievement, get the additional help they need.

We sincerely appreciate your commitment to improving Nevada’s education system, and we appreciate the opportunity to offer these comments as part of the administrative record. Please feel free to contact me with any questions.

Best regards,

Amanda Morgan
Executive Director, Educate Nevada Now

APPENDIX A, ITEM 3: ERIC GRANT

Hello!

As Executive Director of Adult Education in the Clark County School District, I'd like to mention a change I would like to see in LCB File No. R147-22.

Current graduate requirements in a comprehensive high school require a student to complete 1/2 credit of government and 1/2 credit of economics for graduation. However, on page four of this proposed regulation, Adult Education is still requiring one full government credit and no economics credit.

I think it is essential that Nevada adult education programs match the credit requirements of comprehensive high schools as much as possible. This would decrease the amount of inaccurate transcripts and additional coursework that would be required for Adult Education students. Thank you for your consideration.

APPENDIX A, ITEM 4: NATHANIEL WAUGH

Thank you very much. So, my public comment is in relation to agenda number 17. Um, President Ortiz, Vice President Newburn, Superintendent Ebert, Members of the Board, for the record my name is Nathaniel Waugh the Government Affairs Manager for Communities in Schools of Nevada. Communities in Schools of Nevada is a statewide evidence-based stay in school nonprofit organization operating in the Clark, Elko, Humboldt, and Washoe County School Districts. We are happy to deliver 92% graduation rate for students enrolled in our programming, which is 13 points above the statewide average for students on free and reduced lunch. On behalf of the 160 members of the CIS team across four school districts, I wanted to express our sincerest appreciation for Superintendent Ebert and Deputy Superintendent Moore for joining us at our recent ribbon cutting in southern Nevada. This first of its kind statewide celebration was an opportunity for us to celebrate our expansion into 11 new schools this school year and our partners like the Nevada Department of Education that make our work possible. These three events were held simultaneously across Nevada at Bernice Mathews Elementary School in Reno, West Wendover High School in West Wendover, and Ed Von Tobel Middle School in Las Vegas. Communities in Schools continues to appreciate our partnership with the Nevada department of Education, and we are excited to continue being partners in serving Nevada's students. Thank you.

APPENDIX A, ITEM 5: JEFF CHURCH

TO: Nevada Department of Education/ Public Comment/ October 6, 2022

SUBJ: Membership in Non-Profits, 501C6 Organizations, Request for Legal Opinion

Summary: The question at hand is that per NRS and the Nevada Constitution, memberships in Non-Profits by the DOE and Nevada's School Districts must be carefully scrutinized and are perhaps prohibited in some cases. This is especially true with 501C6 Advocacy organization- distinct from charitable and educational non-profits. Please consult your legal advisor.

DETAILS: The bottomline is that it seems clear that a State Agencies and School Boards should not belong to a 501C6 group, at least unless statutorily authorized by law. Those non-profits that a District may join is limited by statute and those non-profits that exist for the "public Good" or "Public Benefit" are defined in NRS 82. The Nevada Constitution Articles 8 and 10 provide direction.

DETAILS: The below laws and AG Opinions seem to indicate that no tax dollars should be used to support partisan activities-501C6s. In many opinions, tax dollars may not be used to belong to non-profits at all as detailed later.

NRS 386.345 specifically lists authorized school district memberships. Overall, no tax dollars should be used to support any non-profit not authorized by law and any that advocates for political causes. School Boards are limited to "**county, state and national school board associations.**"

2015 Nevada Revised Statutes Chapter 386 - Local Administrative Organization

NRS 386.345 - Membership in county, state and national school board associations; payment of dues, travel and subsistence for attendance at meeting of association. Universal Citation: NV Rev Stat § 386.345 (2015)

1. The board of trustees of a school district may:

(a) Acquire and maintain membership in **county, state and national school board associations and pay dues to such associations.**

(b) Pay the travel expenses and per diem allowances of trustees at the same rate provided for state officers and employees generally when the trustees attend county, state or national school board association meetings.

2. Claims for dues, travel expenses and per diem allowances authorized in subsection 1 shall be presented and allowed as provided by law for other claims against the school district.

(Added to NRS by 1963, 607; A 1975, 33; 1979, 1579; 2007, 602)

Thus it is clear, see below, that these are the only legislatively authorized organizations that a district may join with tax dollars. Further that no cost of attending any others could be incurred!

Ample Nevada case law directs the clear and concise reading of statute and limitations thereon.

"When construing a statute, this court looks to the words in the statute to determine the plain meaning of the statute and this court will not look beyond the express language"

"To conclude otherwise would violate this court's well-established maxim that the expression of one thing is the exclusion of another. See Galloway v. Truesdell, 83 Nev. 13, 26, 422 P.2d 237, 246 (1967); see also State, Dep't of Taxation v. DaimlerChrysler, 121 Nev. 541, 548, 119 P.3d 135, 139 (2005) (stating that "omissions of subject matters from statutory provisions are presumed to have been intentional"). (Hernandez v. Bennett-Haron No. 59861. 2012-10-25)

As to the Constitution: Article 11 Nevada Constitution: Section Ten: No Public Money to Be Used for Sectarian Purposes

“No public funds of any kind or character whatever, State, County or Municipal, shall be used for sectarian purpose.”

*Sectarian is not limited to partisan- think partisan.

Nevada Constitution Article 8: Section 9: Gifts or Loans of Public Money to Certain Corporations Prohibited

“The State shall not donate or loan money, or its credit, subscribe to or be, interested in the Stock of any company, association, or corporation, **except corporations formed for educational or charitable purposes.**”

As Nevada is a Dillion State, that restriction would seem to apply to local school districts..

Educational and Charitable are covered in IRS 501c3 and 501c4. A 501c6 is neither, it is advocacy. To be clear, these organizations lobby and advocate for candidates and ballot measures.

NRS 82.021 also defines that only a 501C3 is deemed for Public Benefit. This is important based on many AG opinions.

NRS 281A.520 - Public officer or employee prohibited from requesting or otherwise causing governmental entity to incur expense or make expenditure to support or oppose ballot question or candidate in certain circumstances.

Consider NASS (Nevada Association of School Superintendents), a 501C6: : They state: “NASS provides extensive lobbying services before the Nevada Legislature, Office of the Governor, State Board of Education, Department of Education and state agencies that impact public education.”

Those that hire the hit man are as culpable as the hit man. Using tax dollars to hire a 501C6 to do your tax supported lobbying is equally unacceptable.

The dilemma with NASS and similar is (1) Does it comply with State School Board Association” as per NRS 386? If so, (2) Because it is a 501C6, not addressed in NRS 386 but perhaps elsewhere, does that limit such memberships to only 501C3 or 501C4 organizations?

The US Supreme Court in “Janus” has also weighed in on forced advocacy memberships that support the idea of avoiding tax dollar memberships in such.

Nationwide, Attorney Generals (AG) and the Courts have largely opined that taxpayer funds may NOT be used to join such non-profits. In some cases those opinions address the "Public Benefit" requirement, Constitutional prohibitions and the lack of statutory authority. Many examples upon request.

Texas AG Opinion Sept 11, 1974 for Beeville, Ohio AG Opinion December 30, 1952, Louisiana AG Opinion: 92-204 & 95-439, Arizona AG Opinion I00-022, Missouri AG Opinion 74-89, Georgia AG Opinion: 98-15 and more.

SUMMARY: Does the DOE belong or support and Non-Profit organizations? Do they belong to any 501C6 organizations and should they? Please obtain a legal opinion on membership in any 501C6 and ANY non-profits. NRS 82.021 seems clear on Public Benefit 501C3 restrictions. For School Boards, NRS 386 applies. As applicable, the Nevada Constitution, Articles 8 and 11 should be reviewed. NRS 281A would apply to Public Officials that support such spending. Various out of state AG Opinions are listed and while advisory, are compelling. School Districts should be aware of these issues and seek legal advice. Should the State affirm that

limits exist on non-profit membership, then the State and DOE should take steps to ensure local districts are in compliance.

Jeff Church