

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
ASSEMBLY BILL 469 SUBCOMMITTEE MEETING
APRIL 11, 2022
3:00 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

Dr. Katherine Dockweiler, Chair
Mark Newburn, Vice President
Dr. René Cantú
Lisa Guzman
Tamara Hudson
Tim Hughes

DEPARTMENT STAFF PRESENT

Jhone M. Ebert, Superintendent of Public Instruction
Jessica Todtman, Deputy Superintendent for Educator Effectiveness and Family Engagement
Felicia Gonzales, Consultant to the State Superintendent
Tina Statucki, Education Programs Professional, Office of Educator Development, Licensure, and Family Engagement (EDLiFE)

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General (DAG)

AUDIENCE IN ATTENDANCE

Autumn Tampa, community member
Chris Daly, Nevada State Education Association (NSEA)
Clark Garner, Vice President, Education Support Employees Association (ESEA)
Kenneth Paul, Principal, W. Mack Lyon Middle School
Jeff Horn, Executive Director, Clark County Association of School Administrators and Professional-Technical Employees (CCASAPE)
Jan Giles, President, ESEA

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

Meeting called to order at 3:03 P.M. by Chair Katherine Dockweiler. Quorum was established. Chair Dockweiler led the Pledge of Allegiance.

2. PUBLIC COMMENT #1

Jan Giles, President, ESEA provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

Chris Daly, NSEA, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

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Autumn Tampa, community member, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

Jeff Horn, Executive Director, CCASAPE, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

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3. INFORMATION AND DISCUSSION REGARDING THE IMPLEMENTATION OF ASSEMBLY BILL (AB) 469 (2017)

Felicia Gonzales, Consultant to the State Superintendent, Nevada Department of Education, provided the regulatory language revisions for the [Draft Definition of “Other Staff who work under the direct supervision of the Principal.](#)

Ms. Gonzales noted that during the March 14, 2022 subcommittee meeting, a request was made by trustee Guzman on behalf of CCSD to define “other staff” who work under the direct supervision of the principal found under NRS 388G.610 subsection 2. It is the understanding of the Nevada Department of Education that the ambiguity of this term has created a barrier to the collective bargaining to achieve alignment with AB 469 which is now NRS 388G.500-810. On March 28, 2022 a draft was presented to this subcommittee. The subcommittee reviewed it and requested revisions to the language. The recommendation seeks to define other staff who work under the direct supervision of the principal and provides language that aligns with what is outlined in the Clark County School District 2018 plan for the implementation of actions to finalize compliance with Assembly Bill 469. Additionally in this revision, support staff has been replaced by employee to prevent any further ambiguity around non teacher licensed staff at the school and instead of enumerating every school employee it excludes central office employees using the language found in NRS 388G.610.

Vice President Mark Newburn asked if the proposed language meet the plain language of the law. DAG David Gardner responded that this body could approve the language that has been recommended. Vice President Newburn noted that the argument against the language is that it does not meet the plain language of the law. That it is inconsistent with the law. Member Newburn asked if the language is consistent with the law and if it meets the plain meaning of the law under NRS 388G. DAG Gardner responded that this language could meet the plain language of the law, this body has the power under NRS 388G to create regulations that will define what the law is as long as they don't override the law.

Member Guzman noted that the definition she found of direct supervision means that the employee works side by side continuously and is responsible for observing and directing the employee's activities in circumstances where the judgment of, let's say the principal, such an arrangement is warranted in the interest of safe and effective practice. Member Guzman asked if the proposed language falls under this definition. DAG Gardner responded that this body is trying to define NRS 388G.610 sub 2A3 which is other staff who work under the direct supervision of the principal. The definition provided by member Guzman is one interpretation of what direct means. There are multiple interpretations someone could make for that term. That is why the State Board would have the ability to define the term. The Board would then have deference if the item went to court.

Member Tim Hughes asked what ripple effect would occur if the proposed language were to be implemented. Ms. Gonzales responded that in this revision support staff was replaced by employee to prevent any further ambiguity around non teacher licensed staff at the school. Instead of enumerating every school employee, it excludes. The Department also included the language of excluding any central office staff member using the language found in NRS 688G.610. Anyone that is employed by central and is assigned by central on a school campus is excluded from this. By utilizing the word employee, yes it could potentially include everyone else that is assigned at a school. Member Hughes expressed concern that the revised language is inclusive of any employee. Which then is duplicative of other categories that were already named. Chair Dockweiler asked if the revised language is indeed duplicative. Ms. Gonzales responded that it would not be duplicative, as a matter of fact it would definitely capture any non-licensed employees that are possibly not thought of at this time.

Chair Dockweiler asked if there is a benefit to using the term assigned versus hired. Ms. Gonzales responded that technically all employees are hired by CCSD, and all employees are assigned to a site. This is the reason why the Department avoided the term hired because it may cause additional confusion or ambiguity.

Member Tamara Hudson asked if the employees that are assigned, are the employees that are in the strategic budget. Ms. Gonzales responded yes; they would be the employees that are in the strategic budget. The Department considered utilizing the phrase "funded by the strategic budget" but there would be a level of complication in doing so because sometimes there are positions on a campus that are partially funded by the strategic budget and partially funded by central.

Member Guzman asked if the Department consulted CCSD Chief Strategy Officer Kellie Ballard. Ms. Gonzales responded yes; this definition was carefully reviewed by Ms. Ballard.

Member Hughes noted that he believes that the proposed language is beyond the Board's purview and would be more appropriate for the Legislature to determine. Member Hughes expressed concern that on all sides of the argument folks are trying to change the intent of the law through regulation. Member Hughes recommended leaving the current language in the law and not move the proposed definition forward.

Chair Dockweiler noted that the direct supervision of the principal can be interpreted in many different ways. Chair Dockweiler believes that it would behoove the Board to offer some sort of clarity. Chair Dockweiler expressed concern that if the Board does not implement a definition, the direct supervision could be relegated or inferred to be the teachers. This would place an additional burden on teachers that is not necessarily in their scope of duties.

Member Newburn noted that if the subcommittee were to approve the draft language, it would then be presented to the full Board. Once approved by the full Board, the regulation would be sent to a regulatory workshop, then to the Legislative Council Bureau for finalized language, then to the Board once again for

public hearing, and finally to the Legislative Council Bureau for final approval and implementation. Member Hughes noted that it would behoove the subcommittee to get the language as close to passable or not, before wasting time kicking it around to the next step.

Vice President Newburn suggested implementing a draft definition that reads “Other staff who work under the direct supervision shall mean any employee that is assigned to a local precinct and is evaluated by the principal or any member of the principal’s staff and is not a member of the staff of central services” Chair Dockweiler asked if licensed staff have the ability to directly supervise. Ms. Gonzales responded that they could provide input on an employee’s rating. They do not sign off on the evaluation.

Vice President Newburn moved to approve the amended definition that reads “other staff who work under the direct supervision of the principal shall mean any employee that is assigned to a local precinct and is evaluated by the principal or any member of the principal’s staff and is not a member of the staff of the central services” to be presented to the full Board. Member Hudson seconded. Member Hughes opposed the motion. Motion passed with 4 in support and one opposed.

4. FUTURE AGENDA ITEMS

No future agenda items.

5. PUBLIC COMMENT #2

Jan Giles, President, ESEA, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

Autumn Tampa, community member, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

Kenneth Paul, Principal, W. Mack Lyon Middle School, provided public comment regarding AB 469. *(A complete copy of the statement is available in Appendix A)*

6. ADJOURNMENT

The meeting was adjourned at 4:17 P.M.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

1. Jan Giles, President, ESEA provided public comment regarding AB 469.
2. Chris Daly, NSEA, provided public comment regarding AB 469.
3. Clark Garner, Vice President, ESEA, provided public comment regarding AB 469.
4. Autumn Tampa, community member, provided public comment regarding AB 469.
5. Jeff Horn, Executive Director, CCASAPE, provided public comment regarding AB 469.
6. Kenneth Paul, Principal, W. Mack Lyon Middle School, provided public comment regarding AB 469.
7. Jan Giles, President, ESEA, provided public comment regarding AB 469.
8. Autumn Tampa, community member, provided public comment regarding AB 469.
9. Kenneth Paul, Principal, W. Mack Lyon Middle School, provided public comment regarding AB 469.

APPENDIX A, ITEM 1: JAN GILES

My name is Jan Giles, I'm the president of E S. E. A. E S. E. A. Represents education support professionals across Clark County. We work in every school, every district building every bus yard and we are here to serve every student in Clark County As education support professionals We know that words matter AB 469 used eight very specific words in describing who may select staff for a school. The law gives local school presents the right to select staff who work under the direct supervision of the principal. These words were chosen by the legislature carefully and part of a balancing act between important stakeholders The new proposed language still conflicts with these requirements The board of Education cannot adopt regulations which conflicts with the plain meaning of the law here. The only employees who are covered are those that are directly supervised, meaning at the very least, that there is no level of management between the principal and the employee. The newly proposed language is so broad, it would include every staff member regardless of whether they are directly supervised by the principal. I would respectfully Ask that the subcommittee reviewed the letter from Esa's attorney which was sent on April eight for a full legal analysis of this issue. If there are questions regarding es es position I or the executive ESEA Director Brian Lee who is in Carson City can answer them due to the issues raised in April I'm sorry due to the issues raised in es es April 8th letter, I would ask that the committee to adopt the definition proposed by E S E A which both complies with the law and allows for flexibility to ensure that we can provide an excellent education to all the CCSD students. Thank you.

APPENDIX A, ITEM 2: CHRIS DALY

Chris Dailey Nevada State Education Association, the voice of Nevada educators for over 120 years. Today, I'm commenting on item number three regarding the definition of other staff who work under the direct supervision of the principal supporting the testimony of the Education Support employees association Just provide a little bit of a bigger picture on the on this issue. This is the current negotiated agreement between the Clark County School District and S. E. A. In this 55 page contract eight pages hoping to those are dedicated to the issue of reassignment Either due to a surplus or reduction in force. This language is negotiated and agreed to by the parties to give the district the flexibility it needs to operate schools while also protecting the rights of workers. It may not be perfect, but it is much better than other processes which could invite unfairness, discrimination or even corruption and nepotism. This is a B469 introduced at the end of the end of March during the 2017 legislative session It is not a perfect law, but it is the product of years of political compromise. I was in Carson City during the 2017 legislative session and had many conversations with legislators about the language in the bill including its sponsor, Speaker Frierson I had conversations specifically about section 16 of the bill which we now know is n. RS 388 0.6 10. The superintendent shall transfer to each local school precinct, the authority to carry out the following responsibilities. A select for the local school precinct. The one teachers, two administrators other than the principal and three other staff who work under the direct supervision of the principal. While I understand that some parties would prefer this language to be different for other staff to stand alone in this section, just as teachers do. But it is what it is the product of the legislative process. So the other staff the school precincts have the authority to select. Our only those who work under the direct supervision of the principal And as you've heard here in public comment and from the law firm of dire Lawrence the words direct supervision have meaning in their law. While I appreciate some here maybe trying to find compromise language that is not your role. One of the purposes of this subcommittee is to help ensure the law as passed in 84 69 is followed. Please don't compound previous mistakes by adopting a definition that subverts the plain meaning of the law. This includes the new draft definition provided for this meeting. If the Legislature only wanted to exclude staff essential services from this section, it would have specifically done so. Instead the Legislature used the word direct to modify the word of supervision, which basically means only those other staff who are direct reports to the principle. In other words head custodian school office manage and building manager. Thank you very much.

APPENDIX A, ITEM 3: CLARK GARNER

My name's Clark Garner. I am vice president of E. S. C. A. I would like to just fill in some gaps or some give some additional information about 84 69 How it impacted us. I was on the negotiations team for this latest contract for E. S. E. A. And we attempted to define this direct reporting uh language to the district to find out to let them know how it would impact our folks. And basically we define those people like chris just mentioned the direct reporting to the principal versus somebody who works underneath those individuals. So um what I've also found out since then is some of our ESPN in I guess the district tried to use um this, this language for the latest reduction in force and allowed the principles to make selections. and so what they did is basically took away some of these folks that have 20 years of longevity and it was taken away from them and given the that right to the principle to make those choices and some people weren't hired that had that long of longevity. These folks are the lowest paid individuals on our pay pay scale and I just wanted to make you guys aware that it's affecting them on that level as well. Thank you.

APPENDIX A, ITEM 4: AUTUMN TAMPA

Autumn Tampa speaking as an individual but in total agreement with the ESEA. As I listened to the United Nations meeting this morning, I was deeply sobered and affected by the struggles of war in Ukraine, the Russian federation said, Ukraine and others staged the *** and atrocities we are all seeing yet. I was also struck by how every other nation is coming together to support and help Ukraine survive and overcome the war with Russia. I asked, can all see CCSD employees come together to save Nevada education. Last meeting. I was upset by how after the meeting, someone said that he did not believe what I said was true, I can assure you that every word that I say was true and the words that I speak today, I have serious concerns over AB 469 implementation. Some may wonder why it's about trust, trusting that the future will be fair and equitable for CCSD employees. My faith and trust in building administrators and other administrators has been betrayed and let down way too many times. That is where the lack of trust comes from. I am currently a title one literacy and language intervention specialist for CCSD in February my school principal said he was not keeping the zoom reading center and that myself and two other zoom tutors will be losing their current position for next year. This is the second time that AB 469 has caused me to lose a position because of this I looked for open CCSD positions. There were a couple similar to mine. I applied for one close to my home and got a call from the assistant principal. She said I sounded like I would be great that she would talk to the principal and email me and um interview time, I heard absolutely nothing after that in the past month. I have applied for nine positions at CCSD and have only received one call for one interview. I have also previously applied for many CCSD positions in the past that I'm qualified for and only been called two or three times over 15 years. I have often wondered why do I get no interviews. Has it been because I speak up for the Children and for CCSD employees at CCSD board meetings. Is it because I don't turn my head and look the other way but instead call out injustices and negative actions that I see, I am grateful for us to contract and the surplus process. And I'm hoping and praying that surplus will have open positions for next year that are equal to or the same as the one I am currently in. I'm also hoping that isps will have a fair and equitable process with the implementation of the 469 moving forward that will allow for all SPS to have positions that they are qualified for and experienced in. Again, I ask how could it be that someone who is deeply committed to our Children and their education for 24 years cannot get interviews for positions. She is very qualified for. And again, I wonder is it because I speak up for Children and CCSD employees at board meetings and other times, thank you.

APPENDIX A, ITEM 5: JEFF HORN

Good afternoon, Chair Dockweiler members of the board. My name is Jeff Horn, and I am the Executive Director of the Car County Association of School administrators and professional technical employees. I want to, I appreciate the comments previously made Uh to this committee as a former principal for 11 years at a comprehensive high school. I know how hard professional sport professionals work in their job and any principle worth their salt in the Clark County School District knows that you cannot have an effective impactful school without quality uh support professionals at your school. I don't I don't think that's the issue. I think everybody agrees that they're underpaid and their benefits and pay needs to improve and be higher. I am an agreement with the draft language that's being presented here today. And the reason for that is because as a former principal, I also know that the principal wants to hire the highest quality staff that they can in order to be impactful at that school. And so that means not only support professionals, but also licensed teachers as well. The principal is responsible for the authority responsibility of everybody in that school, not just a few. And so principle can directly supervise anybody, any teacher or any support staff and that's because they're responsible for the outcomes of that school. And that's a huge responsibility that's a imposed on the on the building principles. So with that and more um, I would like to support the casa p supports the draft language that is presented here today and I hope that it moves forward with passage. Thank you.

APPENDIX A, ITEM 6: KENNETH PAUL

Defining “other staff who work under the direct supervision of the principal.”

This “new” (2017) governance model, a decentralized model, deserves that the CCSD Trustees, central leadership and collective bargaining groups “**get on-board.**”

If these key leaders were on-board, they would be doing everything in their power to make this model work.

Today is an example of NOT being on-board by Trustees, central leadership, & support staff collective bargaining, even after 5 to 6 years.

.610(3) In the context of the law, and backdrop of the lawsuit surrounding the “selection of teachers,” it should be clear that precincts have the authority to “select” [a choice] Teachers, Administrators, other than the principal, and other staff [support] who work under the direct supervision of the principal.

.610(6) Covers those support staff, remaining central, that may not be directly be supervised by the principal, but work at the precinct: “To the extent that any member of the staff or central services is assigned to provide services at a local precinct on a temporary or permanent basis, the decision regarding the assignment and any subsequent reassignment of the member of the staff must be made in consultation with the principal of the local school precinct and the school associate superintendent.”

Between the two, .610(3 & 6), that covers teachers, administrators, and support staff working at a school/precinct: “Precincts have the authority to select teachers, administrators, other than principal, and support staff. If there are support staff **not hired by, but “assigned”** to precinct, the “decision must be made in consultation with the principal of the local school precinct and the school associate superintendent.”

If Trustees, central leadership, and all of the collective bargaining groups would let go of the centralized model, **where is the confusion?**

At public comment, at the end of this meeting, I will give a prime example.

Thank you.

Ken

APPENDIX A, ITEM 7: JAN GILES

Jan Giles, E. S. C. A President for the record Chair Dockweiler the email was sent to you and it was um asked that you share the email with the board. Um the subcommittee so I'm not sure why it wasn't forwarded um but it was sent on April eight directly to you. So I apologize that the rest of the subcommittee was not able to read the letter before today's meeting. Um and also I just want to let you guys know that um support professionals as you know, at the bottom of the food chain, you cannot run a district without support professionals and the way that you guys are um considering our future, you're not even taking into consideration what we are saying is going to affect the workers in the workplace. We have a recruitment and retention problem and it's just going to get worse at the last see CSD board meeting 144 support professionals resigned. I am getting daily emails daily phone calls, they are leaving in droves. It isn't just a teacher problem, it is an education support problem. You're not going to have people driving the students to school food service to feed them the S. P. T. A. Is in the classroom to help with the students. You're taking away the last um benefit that they have of seniority. They're not gonna want to come to work for the school district and that's the bottom line of it. Thank you.

APPENDIX A, ITEM 8: AUTUMN TAMPA

I 100% stand behind what Jan Gehl said as my, you see a president and a fellow coworker, she is 100% true as to what everybody is feeling who are support professionals in classrooms and outside of classrooms. And I know because I was on the PSC executive board, and I talked to hundreds and hundreds support professionals and I've been in different positions. I am deeply disappointed with the fact that that letter was not given to the rest of the committee. I'm flabbergasted. I'm also disappointed in some of the conversation. I love the questions that everybody is asking and I thank you for the questions. Some of the answers I hear. Um I'm, it's hard for me not to want to jump up and holler and scream. I have been watching this bill since before it was a before 69. I went to every hearing every town hall meeting and then it kind of just lost. You know, I had other things in my life with family and different things, but I am deeply disappointed and I'm utterly quite concerned. I mean everything that Jan said was 100% true and worse, I understand all of this back and forth and supervising someone is not the same as being responsible for them Evaluating them or signing an evaluation are two different things. Anybody can sign a piece of paper, but that doesn't mean they evaluated the person. My principal spent 10 minutes in my classroom all year. So he knows nothing about me. He does now because I'm speaking up because my position is eliminated. But you guys are so far removed from the actuality of what's happening in the schools and in the classrooms and with support professionals that I'm horrified I'm, I'm afraid for our Children and I'm afraid for Clark County School district, I am and anyone who wants to reach out to me and talk in depth, I am open and available. You can find me online, you can find me anywhere. Please reach out. Thank you

APPENDIX A, ITEM 9: KENNETH PAUL

It is my opinion, that the Moapa Valley(MV) and Virgin Valley (VV) rural principals have attempted to negotiate a Landscaping Maintenance Service Level Agreement for the 2022-2023 school year in good faith. Central leadership is not on-board with this decentralized model.

#1: Chief Strategy Officer Kellie Ballard and CFO Jason Goudie have written and emphasized that **Service Level Agreements (SLAs) no longer exist** since the December 9, 2021 CCSD Trustee Meeting, not even for Rural Landscaping Maintenance.

#2: When questioned about an “actual cost” requirement that central must provide “for the procurement of equipment, services, and supplies for the local precinct,” in relation to Landscaping Maintenance, Chief Strategy Officer stated, “This ‘actual cost’ requirement has been taken out of context [by Principal Paul].”

#3: In recent conversations with the Director of Facilities Management, it became apparent that there was a general knowledge for years that the Landscaping Maintenance **cost amount** was **not accurate**, but it did not matter much because services were still paid for centrally. Originally, the formula was only based on square footage of the entire campus, **not landscaped areas**. At MV & VV’s questioning, it was recently adjusted to landscaped areas. Now, rurals are asking for the amount to be adjusted closer to actuals by compensating for remoteness (location) of rural schools. Chief Strategy Officer wrote on April 1, 2022: “The District will not be adjusting these estimates further.”

#4: Most recently, on March 20, 2022, MV & VV Principals asked specific questions such as: Will central leadership invite associate superintendents, representing both valleys, to participate in this process (i.e. landscape maintenance)? Will central leadership invite NDE Consultant Felicia Gonzales to support both sides (central & precinct) concerning the purchasing landscaping services in alignment with AB469/NRS388G? When it comes to these two key questions, it has been crickets.

MV & VV are drafting a response to Central Leadership that we will “not receive the allocation of funds for landscaping in [our] school budgets” at this time, but wait for these new or revised Nevada Administrative Code regulations to be in effect. Too many unanswered questions and/or lack of negotiating.

In the meantime, .610(5) will be asserted for this year and 2022-2023 school year: “If a large school district is **unable to provide any necessary maintenance** or repair of the buildings or **grounds** of the local school precinct **in a timely manner**, the large school district **must**, at the expense of the large school district, procure any equipment, **services** and supplies **necessary from another entity or business** to provide such maintenance or repair for the local school precinct or take any other necessary action.”

MV & VV intend to get our local SOTs, CEABS, and City and/or County, and associate superintendents behind this idea that “CCSD Central Services have **not been timely** and **have been unable to provide necessary maintenance** and **must** procure the service from another entity or business at central’s expense.

Thank you.