

**NEVADA DEPARTMENT OF EDUCATION
NEVADA STATE BOARD OF EDUCATION
SEPTEMBER 6, 2023
2:00 PM**

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

DRAFT SUMMARY MINUTES OF THE BOARD MEETING

BOARD MEMBERS PRESENT

Felicia Ortiz, President
Joe Arrascada
Rene Cantu
Maggie Carlton
Tamara Hudson
Tim Hughes
Michael Keyes
Tate Else
Katherine Dockweiler
Mike Walker

DEPARTMENT STAFF PRESENT

Jhone M. Ebert, Superintendent of Public Instruction
David Brancamp, Director, Office of Standards and Instructional Support (OSIS)
Craig Statucki, Director, Office of Career Readiness, Adult Learning, and Education Options

LEGAL STAFF PRESENT

David Gardner, Senior Deputy Attorney General

AUDIENCE ATTENDANCE

Patricia Haddad, Director of Government Relations for the Clark County School District
A. J. Feuling, Superintendent of Carson City School District
Luke Puschnig, General Counsel for the Clark County School District
Ed Gonzalez, President of CARES for CCSD
Gil Lopez, Charter School Association of Nevada
Kelly Carr, Nevada Department of Education Office of Early Learning and Development
Christy McGill, Deputy Superintendent of Educator Effectiveness and Family Engagement
Jeff Briskey, Director of Educator Development Licensure and Family Engagement
Assemblywoman Selena Torres
Dr. Brenda Pearson, Clark County Education Association
Marie Neisess, President of the Clark County Education Association

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

Meeting was called to order by President Felicia Ortiz. Quorum was established. President Ortiz led the Pledge of Allegiance and provided a land acknowledgement.

2. PUBLIC COMMENT #1

a. Patricia Haddad, Director of Government Relations for the Clark County School District, provided comment regarding agenda item #8.

- b. A.J. Feuling, Superintendent for Carson City School District, provided comments on agenda item #8.
- c. Luke Puschnig, General Counsel for Clark County School District, provided comments regarding agenda item #8.
- d. Ed Gonzalez, President of CARES for CCSD, provided comments regarding future agenda items.
- e. Gil Lopez, Charter School Association of Nevada, provided comments regarding agenda item #8.
- f. Written comments were read from Charlotte Hong, student at Silverado High School; Dr. Claudia Mejia; Dr. David Jensen, Superintendent of Schools for Humboldt County; and Diego Ramirez, student at Silverado High School.

(Complete copies of the statements are available in Appendix A.)

3. APPROVAL OF FLEXIBLE AGENDA

Member Maggie Carlton moved to approve a flexible agenda. Member Katherine Dockweiler seconded. Motion passed.

4. PRESIDENT’S REPORT

- **Welcome Back**

President Ortiz welcomed them back to the 2023-24 school year. She thanked the teachers and administrators for all they are doing to ensure that students are getting the best education they possibly can. She took a 30-second moment of silence for children who were lost over the summer. She gave an update regarding the National Association of Latino elected officials conference she attended in July. She stated the big topics were really around the community impacts on education.

- **Board Member Updates**

Member Hudson stated she is currently a Student Success facilitator, a new position at an elementary location, where she is focusing more on the social and emotional learning of students’ needs. She noted they created a program for kids to come and reflect. She also is incorporating restorative circles in the classroom. She stated they had attendance lessons and discussed how to communicate and address some of their social needs. She stated they got approved to open up a new charter school for performance art in elementary and middle school.

- **Nevada System of Higher Education**

Member Arrascada stated as they develop their collaborative efforts between the Nevada Department of Education (NDE) and NSHE, and steps are in the initial stages, as goals and data are going to be further examined, most importantly for future collaborations plans. He noted since their last meeting, there are four big items that have come into play where NSHE has been invited to join 21 other states to participate in the Charles N. Dana Center’s launch year initiative, and this supports the scaling of mathematic pathways from high school through post-secondary education and also into the workplace, which assists with workplace development and aligns students with goals and aspirations. He noted through the Truckee Meadows Community College, four faculty members were selected nationally to participate in the National Career Clusters Framework Industry Advisory Group, a very acclaimed title with highly recognized individuals, and were thank for all the service they provided. He stated after meeting with NDE and NSHE staff, institutional research is in the process of reconfiguring the teacher education data dashboard, which is going to go live this fall, and they will have a future update on that. He stated the data contained for the dashboard is primarily used for the implementation of AB428 which is the teacher pipeline, SB291 which is the Nevada Institute of teaching education preparation, and AB515 to incentivize pathways for teaching grant. He stated beginning tomorrow morning at the Board of Regents quarterly meeting, ARSA Academic Research and Student Affairs, their committee will receive presentations on the NSHE annual financial aid report for the foster youth waiver program, which they are highly looking forward to in order to provide everyone on the pathway for higher education.

5. SUPERINTENDENT’S REPORT

- **Nevada Department of Education Regulatory Process**

Jhone Ebert, Superintendent of Public Instruction, stated Governor Lombardo issued executive order 2023-008 which required agencies to repeal, streamline, clarify, reduce or otherwise improve the regulations that were submitted which this Board did via executive order 2023-003, and the Department has now started that process and held their first regulation hearing last week and it went well.

- **Accountability, Assembly Bill 400 and Assembly Bill 98 (82nd Session)**

Superintendent Ebert stated both Assembly Bill 400 and Assembly Bill 98 of the 82nd session had language specifically to look at accountability within their system of schools. In Senate Bill 98, it specifically asked the State Superintendent of Public Instruction to develop metrics to look at mathematics, English Language Arts, science, career and technical education as well as recruitment and retention of staff. She stated she has been working with the Governor's office, and they have asked the Department to focus specifically on different grade levels. She stated the metrics are not meant to distract from, replace or remove any processes that they already have in place but narrowing focus in specific areas that they can look back at the \$2.6 billion dollars, which was invested in K-12 education and that they see their youngest learners, their Read by Grade 3 program, that they are on track, and on grade level by grade three.

Superintendent Ebert stated they had great success prior with the funding that was made available that was competitive at that point in time. But as they know, the funding formula now has made the funding available to all of their students. She stated with grades four through eight, looking specifically at mathematics, their proficiency in that area at the middle level is not where it needs to be, and they're looking at specific metrics there. She stated at high school, they've done a great job as a state, looking at expanding their career and technical education courses, their dual credit, making sure that they maintain their AP, IB work in that area. She stated they've done it and been awarded as a state in the past for their work in those areas, and they want to continue and amplify that work.

Superintendent Ebert stated she had a meeting with Member Arrascada's new interim chancellor yesterday to talk about how they can ensure that dual credit is moving forward and that all of their students have access to that great work. She stated looking at recruitment and retention and how they can make sure that they have an effective educator in 100% of their classrooms across the state to support all of their children. She stated that work has been in conversations with the Governor's office, with superintendents iterating the process. She stated they do this quite often with their CSI and TSI schools where they have those successes to make sure they have the space to share where they're successful, and those school districts and individual schools and principals can learn from each other. She stated they should have updates at the next meeting.

President Ortiz asked if they were granted additional positions to go through all this new assessment requirements, and Superintendent Ebert replied they did not receive additional positions in relationship to these two bills, but they did receive support in other areas.

Superintendent Ebert stated they have assessments that they've been using, such as MAP for the Read by Grade 3 program, but what they haven't done as a state is create that dashboard where they can truly review and analyze not only the Department of Education or superintendents but also the community. She stated the community and parents must be involved to move from where they're at today to where they need to be and should be for all of their children. She stated they want to create that space where everyone across the entire state can see where they're at and then they can see themselves whether it is a not-for-profit, whether it is a for-profit and our educators, principals, the superintendents themselves moving in that direction. She stated she wants to reiterate this is not intended to be all new, and they're taking metrics that they've looked at and amplifying a few and focusing in those areas.

President Ortiz asked what the timeline is for implementation and if there is sufficient budget to include marketing and communications around it. She stated if they have a dashboard but don't have the money or time and the right people educating the community, then it's going to be a wasted effort.

Superintendent Ebert stated the implementation is already transpiring, and their schools and school districts have started the MAP assessment. She stated for the marketing portion, they see that rolling out over time. She stated they are using some federal dollars to support this work, but for clarity, they did not receive any additional state dollars for this work.

- **Commission on School Funding**

Megan Peterson, Deputy Superintendent of the Student Investment Division, stated the Commission on School Funding held their first meeting on August 25. She stated during that meeting, it was a refresher and an initial agenda setting meeting for the rest of the biennium, which included things such as electing their Chair and making appointments to the Commission on Innovation and Excellence as required by Senate Bill 425. She stated the Chair in both cases was Senator Joyce Woodhouse. She stated the Commission also received presentations on legislative updates that occurred, changes to the plan, as well as the pupil-centered funding model itself and expanded the scope and duties of the Commission which includes analysis and review of the accountability metrics that were previously mentioned. She stated the Commission also received a report on the Department's current accountability framework as presented in the Nevada Report Card and under the Nevada School Performance Framework, also known as the NSPF. She stated they also reviewed a letter of intent that was issued by the Nevada legislature which includes directing review of the grad score as introduced for the at-risk definition for the weighted funding within the pupil-centered funding plan.

Deputy Superintendent Peterson stated also included in the letter of intent is a request to review and make recommendations regarding the Nevada cost of education index as well as several other items which also includes a review of the English learner weight and whether or not it is within the scope of that funding to provide and operate a dual language program within the districts and charter schools. She stated the Commission will look to address these topics identified as well as other items introduced through AB400 in section 23 and SB98 in section 4 and other items the Commission identifies through their work. She stated the next meeting is currently scheduled for September 28 and tentative dates for October 20, November 9, and December 15 have been tentatively flagged. She stated to support this work, the Department did receive an appropriation from the legislature totaling \$1.5 million dollars to conduct the necessary studies to support the Commission's work. She stated the Commission is also working with the Department on requests for proposals as needed to conduct studies to support their work as they work through the biennium.

President Ortiz asked who the three letters of intent were from, and Deputy Superintendent Peterson replied those were provided to them from the legislature. President Ortiz asked if the third was a review of the ELL weight to see if it's sufficient for paying for dual language programs, and Deputy Superintendent Peterson replied that was correct, it's the request to review by the Commission for additional analysis and what that can or cannot provide.

President Ortiz stated she hopes they will invite experts to talk about that because that is two completely separate things and asked what was the second committee that Senator Joyce Woodhouse is chairing. Deputy Peterson replied Senator Joyce Woodhouse will be serving as a Commission member on the Commission for Innovations and Excellence. President Ortiz stated if she recalled correctly, she had to appoint someone to that as well, and Deputy Superintendent Peterson replied that is another requirement under the bill. President Ortiz asked when that would show up on their agenda, and Deputy Superintendent Peterson replied that is currently in the agenda making process, and she did not know the exact date. President Ortiz asked who was elected Chair of the Commission, and Deputy Superintendent Peterson replied the Commission on School Funding's Vice Chair is Senator Joyce Woodhouse, and the Chair is Guy Hobbs.

- **Nevada Department of Education Updates**

Superintendent Ebert stated on Saturday, September 9, they will have their second annual Nevada Teaching and Learning conference for all Pre-K-12 educators which will be online. She stated they have two very

exciting keynote speakers as well as over a hundred sessions and provided a handout for the National Equity Project. She stated they've been working with the group for four years now, and there are workshops that they may choose to attend or share with others. She stated she was able to visit Clark County School District and Washoe County School District on opening day as well as Carson City School District. She stated she had the pleasure of taking a team out to Pershing County School District's Back to School Night. She stated they had healthcare there which has a new department in that area. She introduced NDE's new Chief Strategy Officer, Lisa Ford and stated Ms. Ford served in the Department of Education for almost a decade and then served most recently in Nye County School District as the Director of Special Education.

Ms. Ford thanked the Superintendent for the nice introduction and stated it is a pleasure and joy to be back at the Department.

President Ortiz opened it up for questions or comments from the Board and there were none. She stated she would highly recommend this equity training which is open to anyone that wants to attend and provided the QR code for it, and Member Hudson replied she had signed up for all four and she's on the list.

6. CONSENT AGENDA (For Possible Action)

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

7. INFORMATION, DISCUSSION AND POSSIBLE ACTION REGARDING THE RECCOMENDATION OF THE COLLEGE AND CAREER READY (CCR) ASSESSMENT REQUEST FOR PROPOSALS (RFP) SELECTION COMMITTEE

• Peter Zutz, Director of Assessment, Data and Accountability Management

Peter Zutz gave a presentation on the College and Career Readiness (CCR) assessment. He explained the Statewide Plan for the Improvement of Pupils (STIP) alignment and goals 3 and 4. He went over the CCR assessment and implementation history, statutory authority, a brief timeline of the CCR, overview of the evaluation committee, evaluation criteria and recommendation of the evaluation committee, which is to move forward with the ACT assessment. He gave an overview of the next steps in the process.

Member Hughes stated one of the concerns that the committee talked about on the previous review was around both the training and the scores were getting, and there was a big spread of scores which sometimes can indicate there's not a lot of inter-rater reliability. He asked if that felt like a stronger process and/or did they see a smaller gap between how different evaluators rated each of the different proposals. He stated he was curious more about process and what might have changed this go around.

Peter Zutz replied the training of the evaluation committee members is overseen by State Purchasing, and they were invited to participate. He stated all evaluators were given as much time as needed to ask any questions on the rubric or the scoring criteria and went into the review of these proposals applying the rubric and the weights and criteria as provided today consistently.

Member Hughes thanked the folks that volunteered for the committee and stated he knew all of them got dozens of emails and phone calls from folks who were interested in participating. President Ortiz stated they appreciated their time and effort to do that.

Member Walker stated in addition to the volunteers, they also should thank the staff for the hard work, who has taken their recommendations and ran with it, and he thinks they've met their needs.

Member Keyes asked if they got any student input with that and if they did, what was their perspective on it, and Mr. Zutz replied he believes there was at least one student on the committee; however, he wouldn't be able to provide their exact feedback nor scoring and believes the documents have been posted publicly.

Member Hudson moved to approve the recommendations. Member Dockweiler seconded. Motion passed.

8. INFORMATION, DISCUSSION, AND POSSIBLE ACTION REGARDING SCHOOL START TIME REGULATIONS

President Ortiz stated they would share information and have discussion regarding the draft regulation language for the school start times and confirmed with their DAG that they have the authority to do this. She stated they had three different workshops and two subsequent meetings to come up with this draft language. Member Cantu read the draft SBE regulation language for school start times.

Member Dockweiler asked about the survey of the school community and asked if the district is to survey the entire district or can individual schools survey their individual schools to make decisions regarding whether or not a waiver might make sense for that particular school.

President Ortiz stated the schools within CCSD that fall under the reorganization law would do that by school basis because they are partially governed by their school organizational teams. She stated for other school districts that don't fall under the school organizational reorganization law, she assumed it would be by school district. She stated this is geared toward high schools and obviously needs to be done strategically and with fidelity.

Member Dockweiler stated there needs to be some consideration for the individual flexibility within a district for each individual school and community.

President Ortiz asked Superintendent Ebert to make note of that so they can mention it to LCB when they put this language forward, to come up with the right way to state that in the regulation.

Member Keyes stated he thought 25% starting out may be a little too lenient on school districts. He stated Clark County has around 23% starting after the 8:00 a.m. start time. He asked if they have compiled something like that.

Superintendent Ebert replied they just had their last school district start this last Tuesday, and they should have accurate data which they will provide to the Board, but what was previously provided was 95% accurate at that moment in time.

President Ortiz asked if Member Keyes was saying that Clark County School District would be in compliance for this upcoming school year if they added one or two more schools, and Member Keys replied he would need to do further research but was afraid that if they just do it, then it won't make as much of an impact as they would want it to.

President Ortiz asked what he would recommend as an alternative, and Member Keys replied maybe just having the original first year be a little bit higher than 25% and then have 25% each year or something similar. President Ortiz stated she will make note of that.

Member Cantu stated he did speak with a number of students, administrators, others all of whom overwhelmingly supported the idea of later school start times from the student's perspective and their APS and principals. He stated one principle indicated there will be very different needs/results in CCSD, depending upon the area of the city, and he would fear the survey results would be heavily influenced by families in the suburban ring. He also indicated that perhaps a requirement that articulates the percentage of responses from Title I school communities must be equivalent to the percentage of Title I schools in the district. He stated certain families or communities might be more prone to responding to a survey, and they need to consider that proportionality as they move forward in section two.

President Ortiz stated she agreed and suggested combining Member Cantu's and Member Dockweiler's comments where CCSD specifically is governed by the reorganization law and each school is its own precinct can have their own survey rather than a district-wide survey so that it's really reflective of their community.

Member Dockweiler thanked Member Cantu for bringing that to light and stated if she is reading this correctly, each district or charter schools would apply for the waiver. She asked if there would be a mechanism for an individual school to be able to apply for the waiver.

President Ortiz stated this is something they're going to have DAG Gardner determine if the 388G reorg law would come into play in this so that the school individually could apply. She stated then they're opening it up for some of their other semi-large school districts to be in the same position because Washoe County School District have similar situations. She stated maybe Member Cantu could speak to this because his organization serves that community. She suggested they could say district/school just to make it possible if a district decides to do it wholeheartedly, they can. She stated if a school decides to apply for the waiver separately, they can as well and asked if that was doable.

Member Dockweiler stated she thought that also allows a district to comply with the law in maintaining that minimum 8 o'clock threshold for 90% of their schools, but they may have one school where that may not make sense and that would allow for that community's needs to be met.

President Ortiz stated if they changed this to say perhaps 40% of the schools in year one and then 25% in year two and 25% in year three, that would get them to 90% and asked if 90% was sufficient.

Member Keyes stated he liked that but the concern with him is that 10% is going to be the underfunded schools that may need the extra help of the later school start time. He stated that is kind of an equity question that they would need to address somehow. President Ortiz stated Member Keyes was amazing and that was a good point.

Member Carlton stated she thought that's where the survey will come in very handy the first year to see what schools are going and then if you need to incentivize schools or hold schools accountable. She stated they will actually be able to see what Title I schools are participating.

Member Carlton stated she was a little concerned about the 40% going from 23 to 40 in one year. She stated it's not the percentages, it's the number of students that are in that particular school, and as far as the waiver goes, her concern is if they put district slash school, they're going to have a whole bunch of individual schools coming in. She thought there needs to be some sort of threshold to where if the district is standing in their way and not allowing them to do something then they have an opportunity to come around the district. She thought they need to protect those schools and give them an option to come to this board for some type of help.

Member Else stated the district has to be in part of that decision-making process, especially when they're pertaining to resources and the main one is transportation. He thought it could be detrimental to create adversary among districts trying to figure out where the resources go. He stated each school district has their own autonomy but their outside services are all still consolidated. He stated he was very supportive of the NASS letter that was submitted at the last meeting and the NASB letter as well. He stated he is concerned about unintended consequences that could come from this. Most of the survey data that would come back in his district is probably not always representing all aspects of the district and he thought that's going to be pretty common statewide.

Member Walker stated the Nevada Association of School Boards view this as a local control issue. He thought they stand solidly with the superintendents and stated his concern is this is going to impact elementary schools. He stated when they look at a school district, transportation is a huge issue. Member Walker stated he has paraprofessionals who are transporting students to and from school because there aren't enough drivers to do a special education route. He stated he's also concerned about safety with elementary school students who would be crossing dimly lit roads in the winter. He thought unintended consequences is going to impact elementary students and stated these are very complex issues that school districts and school boards with their superintendents should tackle together.

Member Hughes stated it's interesting to consider that when they hear from public comment, there is a bifurcation where they see people who are running systems have a clear opinion and people who are recipients of the system can seem to have a different opinion. He stated what they're hearing from families and students is they want a later start time and what they're hearing from folks who run the systems is they don't want later start time because that's too complicated. He stated there's a real dilemma they have to face because they get the implications logistically, and they are also here to serve students and families and that should be all of their goals, so they have to make sure they're making decisions based on that. He stated in section two, he would just specify 8:00 a.m. because they just say early start but in the first section they talked about 8:00 a.m. He stated the start time doesn't make sense and that is the proof that they have versus saying that's an across-the-board sort of mandate. He stated there might be a way to tie those together and if he had to guess about where folks would try to go after this, it's going to be how closely or not it aligns to the rules around calendaring, which he believes is what they think this sort of applies to. He wonders if they should think about simplifying it.

President Ortiz asked if there were any additional questions or comments, and DAG Gardner replied one of the logistics they're going to run into is the way the law is typically set up. He stated it's not really State Board to school so that's going to be logistically hard. He stated besides the reorg, there is nobody at a school who could then make a decision. He stated principals run the school for the school district but in the reorg, there's an SLT so there's actually a group they could talk to. He thought allowing schools to do it would be hard, but if they're going to do a reorg school, they could put it as part of their plan of operations, and there's a process for appeals and stuff like that for the plan of operation. He stated they could try something like that but reorg schools and precincts do not have a calendaring ability in his understanding and he believes it's still a school district function. He stated transportation services have not been passed down to the precinct, so the precincts and the plan of operations would not be able to control that.

DAG Gardner addressed Member Hughes' questions and stated the calendaring section is NAC387.120, and thereafter, if they want to change from that, they can do an alternative calendar and then apply to the Superintendent to do that. He stated it is his understanding that every school district does an alternative calendar right now. He thought the waiver kind of fits where the calendaring already is, but the Department can correct him on that.

Member Hughes stated he was not familiar with the specific language around the alternative calendar and asked if that is essentially the same as a waiver and are they duplicating what potentially is already there that NDE is already sort of looking at alternative options.

DAG Gardner replied that his understanding is that school calendars have certain requirements and if a school district does not want to or cannot hit those requirements, then they would request the Superintendent of Public Instruction to approve an alternative calendar. He stated in his opinion, yes, that sounds very similar and they have their options and if they can't do that for some reason, they can ask for a waiver which would be, in this case, somewhat similar to the alternative schedule and the alternative calendar.

Member Hughes stated in theory, if they said start time and end time is a requirement of the calendar, NDE could actually say, no, they did not approve that because it is a start time that is too early, and they could also say they did not approve their alternative proposal, so it sounds like maybe there already is a mechanism, but there's not clarity on the parameters that NDE's operating. He asked if that is the right interpretation that they could technically do this already.

DAG Gardner stated they do have authority, but typically, if they're going to try and enforce something, they either need a statute or a reg they can rest their argument on. He stated there is no statute or reg currently that he knows of that says specifically anything about having schools start after 8:00 a.m., so if this body decides to go forward with this, then the Department could say they have this reg that now says they have the authority to start caring about whether a school starts before or after 8:00 a.m.

Member Hughes stated on the implementation timeline, he thinks that the percentage conversation is going to be tricky because it is going to be a moving target, so the denominator is going to be different. He asked 25% of what and stated then you take some schools out because they got a waiver. He stated he would propose some simpler way to think about that or clarity about how they measure it.

President Ortiz stated 25% of schools would mean they either have a later start time, they have provided options, or they've received a waiver. She stated if they have one of those three things, then they are considered part of the 25%. She asked what if they meet in the middle and start at 35%, then go 25, 25, 15.

Member Carlton stated technically, they have the authority to do nothing before 8:00 a.m. but it sounds like all the other options that they've been talking about, such as the waivers, and certain things along that line could actually be handled through NAC with already existing language that the Superintendent works under. She asked if she was correct or is it not that expansive.

DAG Gardner thought they could fit it in and stated he would prefer if it was added in this regulation just to be really clear about it. He stated one of the issues they run into is the less clear they are, the more likely the judge will interpret however they're going to interpret, so the clearer they are, the better. He recommended putting it in here and stated although there are some abilities already put in there for, specifically, the superintendent for alternative calendars and calendaring to put in certain requirements.

Member Carlton stated that was exactly what she needed to hear, when a statute or regulation is silent then there is no actual interpretation when it speaks and has a list, then people have a better guideline to go by. Member Carlton asked if that was correct, and DAG Gardner stated that is entirely correct.

President Ortiz stated she would entertain a motion to forward this language on to LCB to get its finessed and finalized. She stated the next step, once they provide them with final language, will be a regulation hearing where they will have yet another opportunity for public comment before they make a final vote and decision.

Member Carlton stated she still has great concerns about this and understands where they're trying to go but thinks sometimes you have to have the regulation out there to get people to pay attention.

President Ortiz stated she thought it was pretty clear in earlier comments that people weren't really reading the regulation because they are not making a sweeping decision, and they're not encouraging or forcing them to do it immediately. She stated they're providing opportunity for options and waivers, and she is hopeful this will encourage some people to take a different approach to making these decisions.

Member Else asked for clarification on where the survey falls through the regulation process, such as does the survey happen for everybody or is the survey going to happen for schools as far as their identification.

President Ortiz stated if a school district applies for a waiver, the survey can be one of the justifications that's included. She stated she would highly recommend that it is and provided an example and stated if her school community has decided that this is the right thing for them, especially for those rural school districts that have four-day school weeks, and they've done all their homework and already decided on that and that works great for them, then they have all the proof that they need to apply for the waiver. She stated that will be one of the reasons for justification, in her opinion, when they apply for a waiver.

President Ortiz stated if the school district decides not to do a survey, then they must come to the table with other justifications that make sense and are student-focused. She stated if they come to them with a bunch of adult excuses, that may be a justification for them not to approve a waiver.

Member Cantú moved to forward the language on to LCB. Member Dockweiler seconded. Motion passed.

9. INFORMATION AND DISCUSSION REGARDING TEACHER LICENSING AND TEACHER PIPELINE (For Information and Discussion)

- Christy McGill, Deputy Superintendent of Educator Effectiveness and Family Engagement
- Jeff Briske, Director for Office of Educator Development, Licensure and Family Engagement
- Craig Statucki, Director of Career Readiness, Adult Education and Learning Options
- Brenda Pearson, Director of Strategic Policy Initiatives, Clark County Education Association

Director Jeff Briske showed an illustration of the educator continuum starting with recruitment all the way through each one of their steps to the profession, all the way to students having access to effective educators. He stated the EDLiFE office supports four public bodies and provided details on the workgroups and recruitment supports. Mr. Briske gave an overview of retention reports and stated he would be back in front of this Board in November to present the scholarship opportunity along with IPT and Teach Nevada to seek approval for awards to their prep institutions.

Deputy Superintendent Christy McGill gave an overview of their educator retention, looking at the school climate, increase school safety and diversify educational funding/Medicaid funding.

Mr. Briske gave an overview of the multi-tiered systems of support, educator preparation, licensure operations and licensure applications processed. He gave a brief summary of the licensure process, license pathways (traditional, alternative route to licensure, business and industry and standard license holders) and license reciprocity. He stated applicants can view their progress in three main queues and described the intake queue, the analyst queue and the background queue. He explained the background process and fees.

Member Cantu described a situation where they hired an individual with a sub license background checked from a charter school on August 1 and stated he could not be fingerprinted by the district until September 5 and then it would be six to eight weeks after that before this person can start. He stated the person is hired before school starts but cannot be in front of students until November and asked if there's any way to uniform background checking across districts.

President Ortiz stated if they have a sub license, they've already gone through the background check at the Department of Public Safety. She asked why would the district be doing an additional background check, and Mr. Briske replied that's certainly their prerogative as employers to background check all of their employees.

President Ortiz asked if this particular individual was their employee or a service provider's employee, and Member Cantu stated this is a licensed educator, a sub hired from a charter school to work for them.

President Ortiz stated they're not working for CCSD, and Member Cantu replied he guessed they're considered contractors, but they're licensed. President Ortiz stated this sounds like it's a question for CCSD as to why they feel the need to do an additional background check on staff and stated they would have that discussion offline.

Member Hughes stated the fee funded unit is not the most logical approach they could take, which he knows is not their decision. He stated if the only way to increase efficiency, other than work people to death, is to increase fees to have more staff, it just feels like it's just revolving.

Member Hughes stated this seems like one of the things they should be investing in, that they should not have to increase efficiency at the expense of cost to a candidate. He asked how do they actually work to change and asked if they could give some guidance.

Director Craig Statucki responded in order to move them from a fee-funded unit to a state-funded unit, it would have to be brought up at session and enacted in NRS.

Member Carlton stated the debate that they've always had in the legislature for over 20 years is they have to remember they have money right now but for a lot of years they were cutting things. She stated a lot of very tough decisions were made in the first fiscal crisis, and then the next fiscal crisis, and then COVID. She stated fee-funded agencies have a security blanket wrapped around them because they know their state budget isn't going to get cut because they know the fee that they charge per person per capita will cover the cost of them doing the job that they're supposed to do every day. She stated whereas they've had fee-funded agencies come to the legislature and ask to be state-funded and ended up losing money in the long-run and losing personnel in the long-run. She stated they had a couple of governors that refused to let them increase fees, so that's why these fees are so low.

Member Hughes asked if they could think of other creative solutions and asked what if they tripled their fee but found private philanthropy to give scholarships for application fees. He stated they would have to be cautious about it, but he thinks they would want as many highly-qualified folks in the door, with minimal barriers and minimum wait time. He stated he thought whatever they can all do to rally around that feels like a worthy cause.

President Ortiz looked forward to hearing some potential solutions from their legislators and the Department of Ed and stated they oftentimes look at things as this is the way they've always done it or it says so in NAC and NRS. She stated they should look at the options and figure out what they can do.

Mr. Briske stated they did go to the Interim Finance Committee some time in 2022 asking for additional positions, and they did grant those to them in October of 22, so having just two customer service staff made this huge difference. He stated he has gotten very few requests to push people through as quickly as possible.

Member Cantu gave Mr. Briske and his team a shoutout because every time they encounter a snag, he has been so helpful in helping them get through the process and get educators in front of students in the timeliest manner as possible.

Member Else stated he understands this is definitely not something that is under their realm but as they're approaching another session and they're thinking about things, many of them in school districts are emergency substitutes, and they run out after three years. He stated he knows that it's not ideal but possible extension to that or something in that realm. He stated the 60 credits to obtain a substitute license is a challenge and possibly looking at that to tear it back down or an emergency sub license if there could be a tiered system.

Mr. Briske stated they can take action through regulation for the emergency substitutes, and he has already been in conversations with the College of Southern Nevada to design a program specifically for substitute teachers in lieu of the 60 credits brought through regulation through the Commission on Professional Standards, so they are already working toward that.

Mr. Statucki gave an overview of the CTE teaching and training program of study history and current statistics.

President Ortiz asked what they attribute the large drop of enrolled versus completers to and if there's been any research.

Mr. Statucki replied their CTE programs go through a quality program review, and over the course of five years, they get to visit every school at least once. Mr. Statucki stated those retention rates are probably on par with the majority of the CTE programs, and they're probably about middle of the road in terms of retention percentages when they compare them to all CTE programs, especially three-year sequences. He stated what they see a lot of is students placed in a course in their ninth-grade year because they have a fifth period open and that's the class that's available. He stated they see a lot of what they call participants which

is first-year programs but when they become a sophomore they have a little bit more flexibility in their schedule. He stated they get a better chance of the elective they want or the CTE program they want, and they may choose not to follow that pathway and switch to another pathway or take band or art or another elective. He stated across the board, the majority of that is a lot of scheduling of students, maybe trying something out and realizing it may not be for them. He stated when they started looking at some old data that they reviewed prior to when they changed the programs of study from three years to two years, they were on par with the majority of the program.

President Ortiz stated perhaps they need to start focusing on the growth in completers and not so much the enrollees.

Member Keys stated a lot of times the first-year students are not as motivated to do the course as a lot of the two-years and three-years. He stated he could definitely see where she's coming from with the students enrolled not being much of a teller but the course completers being more.

President Ortiz asked even if they started based on who's doing second-year, and Mr. Statucki replied they've had a conversation in the past about the Perkins five-state plan and revisions to that, and that is an area that they are focusing on in terms of what is high-quality CTE, and high-quality CTE is not necessarily enrollment, it is students completing programs and studying being successful. He encouraged them to participate in their process as they go through that over the next few months.

Member Cantu asked how is the access for low-income and historically marginalized youth into CTE programs of quality, is there a disproportionality in terms of their exclusion from it, and what does that look like, and Mr. Statucki replied they have a data dashboard on their CTE website that provides that information, and as they reduce CTE programs of study, one of the things that they do look at is enrollment relative to the student population base of the school so that the schools may not be over-enrolling or under-enrolling student demographic group compared to their student body.

Member Cantu asked if there were points and how that looks, and Mr. Statucki replied when they're looking at CTE students as a whole compared to the student body population, they have very small gaps. He stated keep in mind that one percent is a gap whether they want to admit it or not, and across the board, in terms of racial ethnicity groups, their gaps are very small. He stated their largest gaps are actually within their special education plan for students with special needs and then also their students who are English language learners. He stated but when he's seeing larger gaps, they're talking maybe 3 or 4 percent. He stated they're not creating significant gaps across the board when they're talking about student participation in CTE compared to the student body as a whole.

Member Hughes asked if they have the data systems to precisely track all, once they're at a district, their employment, how long they're at those districts. He stated he feels like they need the full set to be able to know if this is working or what points in the system is not working.

Mr. Statucki stated those were conversations that they had in terms of what data they're collecting, how their students are progressing through. He stated they're having active conversations about what data can they provide them in terms of can they identify students who've been in teaching and training, which post-secondary institution are they going to, how far are they going through that process and how are they finishing up. He stated in terms of the employment piece, that's essentially an external component that they utilize at NPower, their state longitudinal data system across all programs and essentially all occupations. He stated as employers report data to that system, they can start trying to map those things out, so that potential is there.

Assemblywoman Torres stated she is also a high school educator, and she was talking about expanding the teacher pipeline and diversifying the teacher pipeline. She stated the State of Nevada has struggled to build a continuous pipeline of educators in this state, and this has had a negative impact on class sizes and ensuring

that they have licensed professionals in the classroom, and it will continue to have an impact on Nevada's students. She stated earlier the Superintendent spoke about recruitment and AB428. She stated it is building on that notion of recruitment and really talking about how they build a continuous pipeline from Pre-K through 12 through post-secondary and on to the workforce. She stated without building that pipeline, they're not going to be able to have enough educators that are ready to be in the classrooms. She stated existing programs offer supports at different stages along the way, such as Teach Nevada scholarships, the incentivizing pathways to teaching. She stated currently, there is no statewide framework or count that is working specifically on building a pipeline of Nevada students that will enter the Nevada education fields, and that is exactly the intent of AB428. She stated there are still some teacher pipelines in select schools across the community, but she believes there are a number of gaps to their success and this will help ensure that all stakeholders are coming to the table to have one cohesive conversation about how they make that investment in the State of Nevada. She stated this piece of legislation essentially will require that the Governor's Office of Workforce Innovation, NDE, NSHE, the Nevada State Treasurer and CCSD as well as other districts that choose to opt in are held accountable to the metrics. She stated that is some of the goal of AB428, which is to have that accountability tract.

Brenda Pearson gave the background on AB428 and noted AB428 encompasses three different career groups, healthcare, teaching and possibly clean energies. She explained the teacher pipeline; a Grow Your Own program, removing barriers and we need to have wraparound services and supports throughout. She gave an overview of the pathway for middle school, high school, higher education, Nevada public schools and outcomes.

Assemblywoman Torres stated this piece of legislation was a collaborative effort and noted they talked earlier about some of the barriers to ensuring that students are completing these tests. She stated having spoken to teachers that teach in the teaching and training program, one of the big ways they failed them is providing access to the exam with sufficient time for them to prepare students. She stated they need to be making sure that our educators have the tools and resources that they need to provide their students with a high-level instruction. She noted AB428 is a critical and part of the solution for making sure that they have enough educators in the classroom and indicated it is a long-term solution and it's going to be a slow process but will diversify the teacher workforce. She stated the grow your own program is responsive for the future needs of their community, and it reduces the unnecessary barriers for entry into the teacher profession and make sure that they're getting people accustomed to the idea of teaching at an early age, and it monitors and holds teaching and training programs accountable.

Member Keyes asked about the dual credit classes and stated in his district, Nye County pays for the classes themselves but students have to pay for the books which can be very expensive. He asked if they are accounting for additional costs like that with the dual credit classes.

Ms. Pearson stated she will have to do some research into that and noted the dual credit course credits will be paid for but she wasn't sure about the material.

Assemblywoman Torres stated she thought that should be also a part of the conversation with NSHE as they're negotiating contracts, and many of the universities have moved to online textbooks for a lot of those resources. She noted that they are more accessible which means that all students can have access to their own textbook on devices that are provided by the school. She thought that is a part of what should be considered in contracts negotiated in the MOUs for schools.

Member Cantu thought all segments of this presentation in terms of the history, the pathways and pipeline are absolutely essential and noted a lot of strides have been made in the department as well. He stated with regard to the pipeline, thinking about working with young people, teaching is one of those fields that is the gateway out of poverty and into the middle class. He noted for so long they've relied on other states to send them their educators, and when they look at the national trends, that's just not happening. He stated he looks

at young people and sees that they need to lift them up and get them to where they need to get so that they can take these jobs because it helps people who are already here. He further noted it helps families who are already here and it's a gateway out of poverty, which is teaching. He stated he is glad they were part of that Columbia study and hopes they can get more of the young people that they serve into the teacher pipeline. He asked how do they create more pipelines into advanced manufacturing apprenticeships, building trades union, healthcare and that kind of thing.

Ms. Pearson stated within AB428, they've included GOWINN as overseeing all of the different pathways. The accountability on GOWINN is evaluating the success of each pipeline. She stated they're looking at the capacity of whether the pipeline is meeting the economic and workforce needs, how many students complete and if they actually enter the profession, how long they've been in that profession and what other opportunities were utilized with work-based learning. She noted it's important to know that they've added this accountability measure because they want to make sure this is successful and they can tweak it if need be throughout the process. She asked if they're not being successful in one area, then what can they do to make it better and what supports can they give.

Member Cantu stated he remembers the Step program, then it was changed to the Step-Up program which was a grow-your-own teacher pipeline at Nevada State College. He asked has a postmortem been done about what was good there and why it didn't continue.

Assemblywoman Torres stated she didn't know that she necessarily had an answer to that specific question but could say that the Step-up program was a program that was phased out when she was in school. With that program, she's not sure that they have that data available at this moment but it would definitely be interesting. She stated part of the problem with the program is it was a small initiative that was only done for a short period of time, and the significance of this piece of legislation is that the goal is for it to be an ongoing project for the years and decades to come and not something that they just do right now this year for the next two to three years. She stated the goal is for this to start the continuum into this pipeline and hopefully, they won't have the same issue that they did with Step-Up where she thinks they had probably some great outcomes and noted she doesn't know that they have the hard data available right now.

President Ortiz stated if she wasn't mistaken, Nevada State College, while they don't have the Step-Up program by that name, continued to have teacher academies in a lot of schools, and so they have continued the program to build the pipeline.

Member Hughes stated he appreciates all the work because they really do need all of the above strategy to figure this out, and with this and other programs, it's going to collectively take all of them. He asked about the interconnectedness and do they have other states who have tried this sort of cohesion program with some success. He stated starting in middle school and continuous cycles, the slide they had with the arrows, it's usually on the arrows that lose a bunch of kids at each successive phase, and typically it's because it's like a different entity, a different staff, and there's still this pass off where it's like now they're in high school, now they're passing on to a university, and they're kind of relying on the university to do their thing. He stated his push would be for a cohesive student experience, so it doesn't feel like they're going from one institution to the next and that they have a similar set of adults who are spearheading from day one to the end can make a big difference. He noted most states where it falls off is at those intermediary points, and they see a huge drop off between each stage and then they don't yield the number they were hoping for.

Ms. Pearson stated they have actually considered that and they're beginning conversations with NSHE, whether it's UNLV or Nevada State University, or whatever entity that may be. She noted from high school into higher education, they've had the opportunity for students to be part-time paraprofessionals within schools, and that's something that a student can do as well. She stated these internships are opportunities, and GOWINN is working on some grant funding to see if they can pay those students because they don't want them to have to determine if their parents need them to work a job, and this could be the job that

they're getting money from. She stated they are trying to layer some of those supports on but then as they're going, making sure those wraparound services are there for every student.

Assemblywoman Torres stated after having spoken to the UNLV College of Education, she knows that they also have some recent developments with a teacher apprenticeship program that'll help build on that paraprofessional portion of the legislation. She stated there were additional barriers that were removed in the bill that included removing the requirement that they could not be a student, and there were some districts that basically said they could not pay a student teacher while they were doing their student teaching, and some institutions were doing that as well. She stated since implementation of the bill, that no longer is a requirement, so they can be paid during those hours while they're doing their student teaching.

President Ortiz stated the Department of Labor is doing a massive push to do more internships and apprenticeship-type programs. One of their former Nevadans, Manny Lamar, is heading up that effort for the State Department of Labor. She asked is there any connections to the Department of Labor to pull some of that funding in to help fund these apprenticeship programs.

Assemblywoman Torres stated she was not sure if there is specifically funding that could be allocated for the Pre-K through 12 portion of it. She knows that the UNLV College of Education did get a significant amount of that money for the paraprofessional program just recently, and they could probably speak more to that.

Superintendent Else stated his district is very tiny and has had a lot of discussions throughout rural Nevada, especially Superintendent Young in White Pine County, who has done some awesome things pertaining to this. He stated his 17-year-old is a teacher's aide in the preschool kindergarten classroom, and because of that experience, he is going to pursue an education to go to college to be a teacher. He stated he didn't know much about Assembly Bill 428 but wanted to throw out some things for smaller districts, especially those that are lower than 250 students and things like the dangler. He stated his district doesn't have the staff to do that, and he was trying to put kids online with Adams and White Pines so that they could earn the Intro to Ed credit, and some of those type of things. He noted they ran into barriers with that and thought they really need to get everybody in the room together. He stated he didn't know at the point the district level comes into this if there's somebody from Clark that they are working with or somebody that they could reach out to. He thought they need to make this a more collaborative effort and has concerns for the smaller districts being able to meet all the accountability pieces of it and stated he didn't want kids to lose out on opportunities in rural Nevada because they just don't have the similar staffing scenarios.

President Ortiz stated her concern is the implementation timeline and asked when is this supposed to be implemented. She further stated every high school with over 250 kids needs to have this program but they need to come up with the curriculum and standards for the teachers that are teaching the future teachers. She asked if they don't have enough of the resources, are they running the risk of implementing programs that are subpar just for the sake of checking the box that they got this in every single school with over 250 kids. She stated to Superintendent Else's point, could they potentially name and call out the programs that are working well already and create opportunities for those teachers that are doing a great job as some of their current CTE schools in the teacher academies to create to teach asynchronously to however many kids want to take their classes.

Ms. Pearson replied the law states that it needs to be in every Clark County School District school over 250, and it's open to any other high school within the state, so that's important.

President Ortiz asked what if she was in Moapa and has 275 kids, and "A" doesn't have a teacher to teach the classes and, "B" doesn't have a classroom and, "C" doesn't have more than 10 kids that want to take it. She stated then she's violating the law but also is she going to put a sub in there just for the sake of checking the box which doesn't make sense.

Ms. Pearson stated what they have built into this is a requirement to market and talk to parents and students. She noted her job has been to drive from school to school in Clark County with these programs, and they look grossly different across all schools. She stated the principal at Spring Valley told her if she was going to go to the feeder schools and middle schools to let her know she just needed some marketing materials, and she would get those kids because they don't believe that this is an opportunity for them. She stated they haven't tried this and have not told them this is an opportunity for them to have a debt-free degree as well as enter a profession. She stated she understands the concern but also believes that there are a lot more students who would be willing to do this and interested in doing this than what they're giving people credit for.

Assemblywoman Torres stated that the marketing for the program should be starting relatively soon and it's very critical that their school districts are starting that marketing earlier rather than later. She stated Clark County should have a program up and running, at least marketing that program within the next month, and she looks forward to seeing Clark County School District's development on that program.

President Ortiz stated her concern is making sure that these programs are high-quality so that they don't, in an effort to grow their own, end up with a bunch of subpar educators who for all intents and purposes were given the opportunity, and they have the program but because they didn't have the curriculum, they didn't have well-trained teachers, and they didn't have the follow-through on the baton pass. She further stated they end up not super well prepared which becomes a bad cycle of another set of kiddos that's not getting the high quality effective teacher that they deserve. She wanted to point that out and make certain that they are putting accountability measures into place that is going to ensure that whoever's sitting in those classrooms are getting the highest quality education that they can and that it's also not another avenue where they get turned off to education because they get a really bad experience.

Assemblywoman Torres stated they want highly qualified teachers in the classroom and who better qualified to teach their kids than a student who has been preparing to be an educator since high school. She stated right now, they don't have those students really available, and they have a small subset of those kids and even the students that are not completers. She stated the measurement of a good program is getting teachers to then go to college to study education and then to come back into their schools and teach. She stated that's what this program does, and there is no way that a student is going to exit this program and then be a high school teacher tomorrow. She stated they're going to have to go to college first. She stated she has faith in the various education programs that they have here in the entry system to make sure that their educators are qualified and prepared. She stated it's critical to remember that this is a scholarship to get them into college and then they still have to meet every single standard to be in the classroom. She stated this is not like a speedy ARL program or anything of that sort although there are other programs like that. She stated this is a program to get kids introduced to the idea of teaching so that they can want to be an educator.

Member Cantu stated if he was interpreting President Ortiz correctly, he would look at the true measure of success of a program as are the kids getting results in the classrooms of those teachers, not just did they enter the profession, but what are they able to do as a result. He stated just having someone enter the profession is important but it's still fairly low bar. He stated what they are able to do for kids should be the measure of a program's effectiveness.

President Ortiz stated she wants to see the educators that they prepped from middle school all the way through are their most effective educators in the classroom which would be the ultimate goal. She stated if they open up the access to more students, that will get them there, but she wants to do it with fidelity.

Member Dockweiler stated she was a huge fan of the grow your own and has been privileged over the last two years to work on a dual credit grow your own from high school to graduate programming for school-based mental health professionals. She stated knowing the challenges, she asked about the bill and if there's a funding piece in there to address the increase in dual credit instructors. She stated it's a pittance and there would be more people willing to do that differently if there was some sort of incentive.

Brenda Pearson stated the bill does not include additional funding for the dual credit, and if they have dual enrollment, there's an opportunity for teachers to do this and have many teachers who are willing and able to do this. She stated it is something they should look at in the future but it's not something that was initially included within this bill. She noted that Nevada State University has done an amazing job of ensuring that there's rigor on the content as well as what's happening within the classrooms, and the students turning out are going to have three or four years of experience in and out of the classroom pedagogy, then higher education for years and along the way if they're doing the teacher residency or something along that line so that they're not doing necessarily the student teaching with six months off of making any money. She stated this is a total of eight to ten years of opportunities for these kids who are going to know how to teach. She stated Rancho had this document that shared what the teachers, parents and students are saying about the Rancho students going to CCRANO and the level of their knowledge that they have gained in their internship. She stated these students want to stay in the community, and they're able to fine-tune what's being taught. She stated they're talking about student learning goals, about the NEPF and starting that in high school. She stated that helps them to understand how to be a successful teacher. She stated she understands that it's all about student outcomes and that's something that ultimately they need to look at as a state. She stated their goal in the CTE program is exposing students to programs or helping students find a pathway to their future. She stated they have to determine that as a community, and this program will offer an opportunity for somebody's future.

Member Walker stated that the potential is great and it's certainly something that needs to be explored because it's a challenge. He stated they don't just want bodies in the seats, they want effective educators in the classrooms, and they're going to have to start building that. He noted that's bigger than what the State Board of Education can do because the reality is in almost all of their communities in this state, teachers can't afford to live off starting pay, and that's starting to change but it's still a reality. He asked why are they going to move somewhere if they can't afford to live in the community. He stated they're doing their part by training and identifying potential educators, and the legislature and community need to start doing their part by addressing the livability issues which are really affecting educators. He stated there was a big investment this last session in education, and that's going to benefit educators, but there's more that needs to be done.

Assemblywoman Torres noted it is critical that they are investing in educators and that is why the legislature passed SB231, to make sure that they are funding educators. She stated she looks forward to seeing all districts participate in teacher raises to make sure that teachers have adequate access to the pay that they deserve.

Brenda Pearson stated that although they have a structure of GOWINN kind of supporting overall these projects, NDE's role is incredibly important. She stated their job is to monitor and evaluate the progress of this and help these districts. She stated she is concerned that CCSO isn't going to do what they need to, to make this program successful. She stated they need to make sure all districts who want to tap into this are able to and held accountable for what they're doing. She asked them to consider this as they're moving forward. She stated there's ways they need to make sure they're holding everybody accountable for the outcomes for their students.

President Ortiz stated as their accountability arm, they will be paying attention and watching, making sure that this program is successful for all the good reasons that it should be. She stated that she's looking forward to hearing about the other two critical career clusters as well and noted it's important from an economic development perspective and sustainability of their local economy to make sure that they're producing as a K-12 system the employees that are their businesses need and the future of Nevada. She stated some of the roles that kids will play they don't even know about yet. She thanked them for their presentation and stated it has been super enlightening and exciting to hear that it's finally come to this level.

Member Dockweiler stated she sees in the bill there's some regulations and stuff for the State Board to do. She asked if and when that might come to them and how they can best support the development of that.

Brenda Pearson stated she is actually working with Craig Statucki, meeting every couple weeks so that will be coming to them soon. She stated they have a guidance document that they've been discussing and also some advertisements or marketing materials, but the next step would be the regulations.

Member Else asked, for districts as far as wanting to collaborate, how could they do that or how could they jump on board with that and be involved in some of this. He asked is there somebody from Clark that they contact directly and stated there's a lot of great conversations happening that needs to be collaborated together.

Brenda Pearson stated she would reach out to him tomorrow.

Member Hughes asked when they think about the teacher pipeline more generally, who at the state level is doing the math. He stated they have all these great programs and people doing important, incredible work, and if they look at demographic trends, growth and student populations, nutrition rates, there's all these statistical factors. He stated the way they would be looking at it is saying here's their projection year-over-year for teachers they need, here's the proportion they think is going to be filled by this program, and they count out the number of years it's going to take and here's the proportion that they think is going to be taken by this program. He stated he has yet to see any kind of comprehensive statewide plan and it feels really hard to know what's effective if they don't have an understanding of what they actually need and what they expect different programs to produce. He stated it's so fragmented, and the state's probably the right level to do that at so that they can actually see X-number of firm universities, and they only produce this. He stated they expect this program overproduced, but they can only do that if they have all the numbers and are doing that math and strategy work on the frontend. He asked if that is happening and to what extent that's happening. He stated he feels they could create a billion programs and not actually solve the problem unless they have a comprehensive strategy.

Brenda Pearson stated GOED and GOWINN have done 10-year projections as to what's needed within the state, and that's where these numbers are coming from. She stated they will monitor this throughout the process and that will be their role.

Member Hughes thought maybe his question is broader than that, just like from the Department of Ed perspective and asked if they have those numbers, there's a lot of programs in addition to this one, and how do they all fit together.

Superintendent Ebert stated they had heard Member Arrascada speak about the dashboard that they had with higher education in Nevada. She stated it's unfortunately not current but the meeting that Craig had last week is that dashboard will begin to spin up again, which is one piece of the puzzle. She stated the other component is they are going to have OPAL now speak with Infinite Campus so they can now know where all the substitutes are, where all the licensed educators are across the entire state, which is a third piece of the puzzle that they've been talking about today. She stated all of those pieces coming together in one strategy which she hears them asking for is still in process. She stated the data that they have been looking at most recently is the number of educators. She noted when she first came back, the data that she looked at every single year, NSHE was producing 800 educators. She stated they needed 2,300 educators and that was a three-year time period consistent. She stated they now have so many educators leaving the profession, and that piece needs to come into play because even though that they're hiring, the number of teachers leaving the profession is higher than the number that they are able to either produce or hire at this moment in time.

President Ortiz asked if they have taken into consideration this educator prep program thinking about the structure of school differently so that teachers aren't one teacher, one classroom. She stated there's a school in town that's currently piloting a program that was started out at ASU in Mesa School District where it's a cohort of teachers for a cohort of kids, and it's not just teachers but it's also wraparound services like JAG and CIS, and it's mental health professionals and counselors and nurses responsible for the cohort of kids.

She stated it flips the teaching model on its head a bit but it has proven to be very successful in these other school districts. She asked is that innovation a consideration or are they going the traditional one teacher, one classroom route always.

Brenda Pearson stated that innovation is something that they should be moving towards, and she thinks a lot of what they do is antiquated by nature, but it does take it in the same way that they were talking about the start time difference it takes adults to come to the conclusion that this is an important component. She stated she can't necessarily answer her question but can say that there have been many innovative things that have happened across the state, and they need to scale up on the successes, and she doesn't believe they've done that or shared all those wonderful things that have been happening. She guessed that's turning back to them to say how can they embrace the innovation and push districts or their state towards looking at things a little bit differently.

President Ortiz stated she would like to challenge the Department of Ed to ensure that they're including competency-based education and Portrait of a Learner work in this program that should be overlaid over all of their programs, but specifically this one, because it will most quickly impact what's happening in the classrooms.

Member Keyes stated he went to a more rural school that didn't offer this program. He asked if he would still be able to get the benefits that the higher education has, such as the tuition reimbursement and stuff like that.

Brenda Pearson stated the bill is written so that you would be included in that and then we can even build on to the innovative discussion they had and offering up perhaps another opportunity for students to do this, whether it's a virtual learning environment or something along that line. She stated they need to make sure that they're thinking broader than the four walls within their classrooms.

Deputy Superintendent Christy McGill stated they had talked about the alignment of these different strategies and how they make a greater impact. She noted that one of those ways is leaning into the new Perkins plan and suggested getting a single plan that addresses both kinds of funding so that they can really make a collective impact.

10. INFORMATION AND DISCUSSION REGARDING THE EARLY EDUCATOR OF THE YEAR AWARD (For Information and Discussion)

- **Kelly Carr, Education Programs Professional, Office of Early Learning and Development**
- **Anna Severens, Education Programs Professional, Office of Early Learning and Development**

Kelly Carr gave an overview of the early educator of the year award and named the current committee. She listed the eligibility requirements and went over the process and improvements to the process. She went over the nomination rate and explained what the winners receive. She presented the 2023 award recipients names and bios, which included Rebecca Howell and Bethany Johnson. She introduced the finalists, Amanda Fortuna, Denise Greig and Sally Morgan.

President Ortiz stated they appreciated their work and knows how much of an impact it's going to have when they hit the K-12 system, and Member Walker congratulated the finalists and awardees.

Superintendent Ebert stated it is exciting to see the energy that is created and to be here today to honor and show appreciation to the work that they do.

11. FUTURE AGENDA ITEMS (For Information and Discussion)

- **Statewide Plan for the Improvement of Pupils (STIP) Updates**
- **Transportation Update**
- **Silver State Governance**

- **NRS 388G and School Organization Team (SOT) Structure and Training**

President Ortiz stated she had four things on the list already, and they were going to be seeing the updated statewide plan for the improvement of pupils and a transportation update. She stated they are going to continue work with silver state governance so that they can set some work with the department to set some interim goals and have their guard rails completed and their calendar done. She stated they're going to circle back to the NRS 388G and school organizational team structure and training and noted last year, they had numerous discussions, a subcommittee and everything on the implementation of the reorg. She stated there has been some changes to that law over the last legislative session that they need to be briefed on and brought up to speed, and they still needed to address the funding side and budgeting.

Member Cantu stated in 2019, they had AB168, the restorative justice framework. This past session they passed AB330 which had some modifications to it. He wanted them to take a deep dive to see how that's working, are there any gaps, are there regs that are needed from our body in relation to that.

President Ortiz stated she was going to add that to the list and Clerk Hudson could, too.

Member Keyes stated he had brought up the Student Advisory Board at the last Board meeting, but it didn't get on the agenda and requested it to be on next month's agenda.

President Ortiz thanked him for holding them accountable.

Member Dockweiler stated she had educators across the state from various districts reach out in a positive sense and that part of AB400 was a Read by Grade Three revision. She stated they are working on their intervention plans for students who are identified as potentially struggling, and they are reporting that the cutoff score that they have to write the plans for is at the 40th percentile. She stated anything down to the 16th percentile is considered to be an average range, and they're using their limited human capital, their limited resources, and writing letters like reading improvement plans for students who fall in the average range. She stated if they could address that cut off score, it would help out the districts and help out all these.

President Ortiz asked Superintendent Ebert if there's an opportunity for her to address that via the Department of Ed, to look into that and let them know. She stated they will have to look into the actual language of the regulation but will add that to the list as well.

Member Carlton stated they had multiple schools not be able to have school because of some of the issues that are continually going on and thinks adult conversation needs to be had about getting people to do the right thing, so the kids can get to school.

President Ortiz stated she thinks that falls within their authority but asked DAG Gardner to confirm before they actually do get in on the agenda because schools are required to have a certain number of days.

12. PUBLIC COMMENT #2

Marie Neisess, President of Clark County Education Association, provided public comment regarding the pathway.

Written comments were read from Dr. Seng-Dao Keo, Deputy Superintendent of Washoe County, regarding agenda item #8; Anna Marie Binder regarding future agenda item for 388G/SOT training; Penny Eccles regarding agenda item 9; Clayton Anderson, Superintendent of Elko County School District regarding agenda item #8; and Sylvia Lazos regarding AB285/330.

(Complete copies of the statements are available in Appendix A.)

13. ADJOURNMENT

Meeting was adjourned at 6:09 p.m.

APPENDIX A: STATEMENTS GIVEN DURING PUBLIC COMMENT

APPENDIX A, ITEM 1: PATRICIA HADDAD – PUBLIC COMMENT #1

Patricia Haddad, Director of Government Relations for Clark County School District, provided the following in-person public comment on agenda item# 8 in relation to the regulation for school start times:

I would like to respectfully offer some perspectives on why the proposed regulation to limit school start times has some problematic components to it.

First, the proposed regulation components fail to account for operational and practical challenges faced by the school district and the families that we represent. The guardrails that are set forth in the proposed regulation will lead to significant disruptions as they're unfeasible for the daily lives of students, families and significantly burdened district operations. We know that proponents of the statewide limit on school start times have stated that this is a strategy that's supported by research. However, the research claimed to support this argument actually lacks adequate evidence in conducting a thorough review of the existing peer-reviewed studies on the impact of school start times on student outcomes, we found that results are inconclusive with no consistent evidence linking delayed start times to improved academic achievement. In some cases, such changes were even found to have a detrimental effect.

Moreover, there is a significant gap in the literature regarding the effects of delayed start times on school district resources and various community factors. These factors include safety concerns for young children, limited time for athletic and extracurricular activities, adjustments to afterschool work hours, childcare arrangements, and scheduling for parents and families. Yet the efforts of the State Board to understand whether students and families here in Nevada actually want this sweeping change to occur, and I don't think have it reached their intended audience.

In the current draft before the Board today, districts are being asked to collect feedback from students after a change has been implemented with no pathway for amendments in response. As this proposed regulation is not required by statute, proceeding with the regulatory process without gathering input of students, families, and community members first, is problematic. As has been stated many times by members of this Board, present company included, we must prioritize the needs of students over adult problems, so we urge you to prioritize the voices of students, families and community members and better understand their needs before continuing to consider such a sweeping change. Thank you.

APPENDIX A, ITEM 2: A.J. FEULING – PUBLIC COMMENT #1

A.J. Feuling, Superintendent of Caron City School District, provided the following in-person public comment:

School Start Time

Back in 2011-2014, much of the initial research on start time My school community said, hey we'd like to talk/consider this CCSD School Start Time Committee (Fall 2014)

- After 6 months of research and deliberation with many stakeholders
- No
- First, generally no one disputed the research, but:
 - Disruption to workplaces/employers dependent on student workers
 - Disruption to families that depend on kids to either work to support the family or to watch siblings
 - Delay of already late nights for athletics and other events, & forcing kids to be up even later doing school work
 - If elementary start times were left alone, then a doubling of the transportation fleet and drivers needed (community did not want elementary to be moved to start before secondary, and did not want their start times pushed back further)
- As a part of our strategic plan, we will be revisiting this conversation with our school stakeholders soon
- A community can have this conversation without State direction, just like many rural communities have had the conversation about 4-day school weeks

Best Practice Fallacy or Research Fallacy

- Just because something is a "best practice" or "research-based" does not mean it should be implemented or can be implemented faithfully
- K-12 education policy makers often feel like these things must happen
- Local situations/resources will dictate if implementation makes sense or is even possible
- I'm sure there is research out there saying more intensive 1-on-1 time with tutors for all students leads to better outcomes.
 - We are not resourced in funds or time to make that happen
- Research supports expertly individualized instruction for students in a classroom
 - We are not resourced in time or capacity to make this happen perfectly, but we see value in it locally so we make efforts to make it happen.
- There is strong research that supports the teacher in the classroom makes the biggest difference in academic achievement in the school setting. Our local school community stakeholders would **STRONGLY AGREE** with this.
 - Let's focus on what it would take to get Tonopah High School fully staffed with certified teachers, or high schools in Vegas, or Elko.
 - Create new teacher pathways and incentives so the superintendent in White Pine doesn't have to teach music classes at White Pine High School
 - There is the reality of federal requirements for special education services, teachers and paraprofessional support, required by IEP's, that have become almost impossible to meet due to staffing shortages
 - NSHE only produced 1400 teacher candidates in 2020, Clark County School District needs nearly 2000 alone each year, let alone Washoe, and rural counties.
 - This is an area where you as a body could make a significant impact that only supports school communities, not potentially throwing them into disarray.

I implore you to please set this item aside and focus on the items that will make the biggest improvement in education. Please engage in other conversations about what this body can do to support schools in meeting their mission to best serve their communities, the way they best know how.

Thank you,
AJ Feuling

APPENDIX A, ITEM 3: CHARLOTTE HONG – PUBLIC COMMENT #1

Charlotte Hong, a student at Silverado High school, provided the following written statement:

I am a junior at Silverado High School and I am in support of having a later start time for our high schools. I believe that doing this will benefit students greatly. Not all students have the privilege of being able to stay after school to talk to their teachers and counselors about their grades, assignments, tests, etc. Many students rely on the school buses to take them home, while others only have their personal ride available for a short period. On top of that, Silverado High School, like some other schools in the district, operates on a traditional seven period day schedule. This means that students and teachers are short of time frequently. And so, most students have to either find a rare lull in the class period to discuss with their teacher or go early in the morning when teachers can be busy with meetings, preparing for the day, or still making their way to school. Having a later start time would allow students to still arrive at the same time they do currently, but now have the opportunity to talk with their teachers or counselors, punctually arrive at school, and have ample time to eat their free breakfast.

APPENDIX A, ITEM 4: DR. CLAUDIA MEJIA – PUBLIC COMMENT #1

Dr. Claudia Mejia, a licensed psychologist, provided the following written statement:

The Nevada State Board of Education has begun drafting regulation that will seek to delay school start times for high schools in the state to no earlier than 8:30 a.m. The Nevada Psychological Association (NPA) supports delaying high school start times given the psychological health benefits associated with this change. The psychological and physical health benefits of delayed start times for adolescents has been demonstrated in the

research, including observational and longitudinal studies. Based on this empirical evidence, California state legislators passed a law in 2019 requiring high schools to begin classes no earlier than 8:30 a.m., becoming the first state to mandate this change as SB328 went into effect in 2022.

NPA supports delayed high school start times for the following reasons:

- Teenagers require on average eight to 10 hours of sleep per night (American Academy of Sleep Medicine, 2023)
- There is a high prevalence of sleep problems (i.e., insomnia, sleep insufficiency, circadian rhythm disruption) among adolescents
- Insufficient sleep is associated with difficulties with mood regulation, decreased attendance, and negative student behavior and classroom conflict (American Psychological Association, 2014)
- Later school start times are associated with increased sleep for adolescents (Current Sleep Medicine Reports, 2018)
- Significant positive change for students with delayed start time include improvements in on-time attendance, academic performance, and graduation rates (National Sleep Foundation, 2017)
- Psychological benefits of delayed start time include:
 - improved mood, decreased attentional and behavioral problems (CDC, 2015)
 - improved mental health and greater psychological health among adolescents, including decreased depressive symptoms, decreased peer relational problems, and increased prosocial behaviors (Current Sleep Medicine Reports, 2018)
 - increases in emotional regulation, attention, memory, and learning (American Psychological Association, 2014)

Thank you for your consideration of our position on this issue.

Respectfully,
Claudia Mejia, PsyD
Licensed Psychologist, NV
2023/2024 President, Nevada Psychological Association

APPENDIX A, ITEM 5: DR. DAVID JENSEN – PUBLIC COMMENT #1

Dr. David Jensen, Superintendent of Humboldt County School District, provided the following written public comment:

Dear President Ortiz and Esteemed Members of the State Board of Education,

I am writing to express my deep concern as the Superintendent of Humboldt County School District regarding the proposed regulations pertaining to school start times. While I understand the research on student sleep and well-being, I maintain that decisions concerning school start times should be at the prerogative of local school districts.

Our school district, like many others, faces numerous operational constraints that significantly impact school start times. These constraints include those noted by NASS, including: the length of the instructional day, the availability of transportation, collective bargaining agreements, walk zone sizes, and the scheduling of extracurricular activities and athletics. Implementing mandated changes to school start times without the necessary additional resources to address these operational challenges would negatively affect our students and would constitute an Unfunded Mandate.

In contemplating this change, I believe the State Board is remiss in considering the impacts on rural schools and school districts. With two (2) high schools in Humboldt County, some students are traveling as far as 50 miles per day, one direction, in order to attend school. For those students that participate in extracurricular activities, this could have students returning home late into the evening, traveling long distances, creating safety concerns.

Consistent with the letter submitted by NASS, I question the State Board of Education's authority to regulate

school start times. The broad interpretation of NRS 385.075 and 385.080 overlooks the legislative intent of granting local school districts control over public education, as explicitly stated in NRS 385.005. As a former State Board of Education member, having served on the SBOE for three (3) years, I don't recall the SBOE previously seeking to override local autonomy and decision making regarding the provision of education in our communities. Were I currently on the board, I would strongly advise against taking this position and pitting the SBOE against local school districts during a time when we should be finding commonality.

Rather, I would implore the SBOE to focus on issues including: education funding, addressing staffing shortages, reducing legislative mandates on public education, and expanding Pre-Kindergarten programming.

I appreciate the opportunity to engage in this dialogue with the Board and earnestly implore that school start times remain under the purview of local school districts, guided by the informed judgment of the Board of School Trustees of our respective districts.

Sincerely,
Dr. Dave Jensen

APPENDIX A, ITEM 6: DIEGO RAMIREZ – PUBLIC COMMENT #1

Diego Ramirez, student at Silverado High School, provided the following written public comment:

My name is Diego Ramirez and I'm a junior at Silverado High School. I am voicing my support for implementing a later start time for our schools. Chronic absenteeism has been a large issue at my school, and I, alongside many of my peers, strongly believe that a solution to this is pushing back our school start times. Nationwide, the average school start time is closer to 8 A.M. This allows students more time to get a healthy amount of sleep, to eat breakfast, and to make it to school on time. A later school start time within CCSD is a very viable solution to many of these issues.

APPENDIX A, ITEM 7: LUKE PUSCHNIG – PUBLIC COMMENT #1

Luke Puschnig, General Counsel for CCSD, provided the following written public comment:

Good afternoon my name is Luke Puschnig, General Counsel for the Clark County School District and I am commenting on Item 8 on your agenda.

CCSD firmly believes that school start times must be established by each school district after taking into consideration the needs of each community and the funding allocated to each district. The Nevada Revised Statutes provide that local school boards, not the Department of Education, have the established and legislatively delegated responsibility to establish school start times.

Local school boards have been delegated, by the Nevada State Legislature, the authority necessary to maintain control over the education in and the schools "within their respective districts". This is not only logical but necessary because a one size fits all approach will not work in Nevada.

NRS 385.005 logically provides that "(T)hese rights and powers may only be limited by other specific provisions of the law". CCSD has yet to find a specific provision in the law that authorizes DOE to establish school start times. And respectfully, an overbroad interpretation of NRS 385.075 does not provide such authority. In fact, case law provides that statutes must be read together and therefore logically authorizes the local school districts to establish start times not DOE.

On August 14, 2023, I sent a letter to President Ortiz which asked for the legal arguments that the Department of Education is making to establish that the bell time regulations are not ultra vires. So far I have not received a response.

It is clear that the Nevada Legislature has not authorized DOE to make this type of sweeping changes to the education system in Nevada and CCSD will take all steps, including litigation, to prevent any ultra vires decision by the DOE, because to do otherwise would disrupt the operations of the 5th largest school district in the country.

APPENDIX A, ITEM 8: ED GONZALEZ – PUBLIC COMMENT #1

Ed Gonzalez, President of Community Alliance for Restructuring Education Systems (CARES) for CCSD, provided the following in-person public comment regarding agenda item 11:

Mr. Gonzalez spoke on NRS 388g regarding school organizational team structure and training. He stated that Member Dockweiler was President, and County Commissioner Tick Segerblom had a training with team members on the eastside as part of the process, and they've had two meetings about it. He stated the second one was on training he presented along with Linda West who was in charge of the SOTs for Clark County Education Association. He stated they learned a lot at that meeting, and they had good participation from SEA, parents and principals. He stated they just want to get information but they don't know, especially some of our newer principals, what the changes are from state law or the State Board of Education. He stated he gave a history of the reorganization, and Linda West talked about the SOTs, but when they heard feedback, it's like people are trying to piecemeal together information. He stated he knows that CCSD is working with the Department to come up with some new training as mandated under the regulation that was finalized by the Legislative Commission. He stated if they go to the website, they can tell it's a couple of years outdated, and information is just hard to find, so that's not a good sign. He stated he just wanted to highlight as they look forward to this because they have budgets coming up in the next two weeks, and he knows Member Dockweiler is waiting on those meetings as well. He stated their sole purpose is to train people for the reorganization, and he's glad they're starting on the eastside. He knows that Member Carlton appreciates that, too, because they got \$40 million in the carryover, and the recent legislation says if they don't spend it within three years, it's going to go back to the state and it will get redistributed to the pie which is not something anybody really wants to do at the schools, so they've got to figure out what they can do to help improve education and get more parental involvement. He thought people want to be engaged but they simply don't know what the training of what to do, so they look forward to the next meeting and hope to have a couple more in September and then keep training people because they can never have too much training.

President Ortiz asked if they can get some invites to those and Mr. Gonzalez replied as soon as they have those dates setup, he will make sure that the Board gets invited. He stated he thinks feedback is great because they have such a different perspective on what it is as the Board who sets the regulations.

APPENDIX A, ITEM 9: MARIE NEISESS – PUBLIC COMMENT #2

Marie Neisess, President of the Clark County Education Association, made the following in-person public comment: I'm here because I'd like to provide some insight for my personal perspective. This is my 31st year working in CCSD and the importance for me for this Teacher Pathway is addressing some of the comments that I've heard some of you made. Thirty-one years and all I've ever taught is at Title I schools. In that time, it was very rare that I would see educators who looked like the diversity of our student population, so I think what's important about this pathway, first and foremost, is that this is a program that is going to be in every high school so that it's the opportunity for multiple students throughout the valley to have a career if this is what they choose to go into. I think it will address some of the issues that we're having with not having diversity in our teaching profession because as the president, I'm able to go and visit other schools, and again, we still do not reflect the diversity of our students. When I think of my own experience, one of the issues that I had going into student teaching was I started my career with CCSD the first seven as a support professional and I was able to watch really great and strong teachers that gave me the experiences that I would then take into my classroom to be a successful teacher, so when I became a teacher, I wanted to pay that forward. There are a lot of paraprofessionals and support professionals that are currently in college to become a teacher. They would come to me and ask for advice and supports as far as how to navigate college and how I did it. I told them how to give up because it took me seven years to get a four-year degree, but it was important to me to do that. One of the issues that they face is again hitting the time when they have to student-teach. Fortunately and unfortunately, I was in an automobile accident and that was what was able to help me pay for my student-teaching for the money that I would give up with not being able to work. When I think about the support professionals that I mentioned, many of them were high school graduates from Clark County and then they went into the profession of being a support professional, so this pathway will help those students do that. They will be allowed to have a career path and also if they want to start working as a support professional as they're going to college, it will give them the experience that they need. So

again, I think it's important that we back programs that are going to not have an immediate fix on this but we are clearly in a crisis and this is a long-term solution. We have to change what we're doing. We have to address the pipeline issue because we're not getting educators coming into the profession. They're leaving in droves. We are bleeding educators, here, specifically in Clark County, and across the nation. We can't continue to use the same systems that we have trying to recruit from other states because it's not working. So while this is not an overnight fix, I truly believe in the depths of my heart that this is something that we will see long-term work out exactly the way we intended to, and so I think the work that was done by CCA as well as our legislators to ensure that this passed, and so again, I hope that this is something that we continue to see moving forward and we hold everyone accountable to ensure that this is done with fidelity that it is meant to be done. Thank you.

Marie Neisess also provided the following written public comment:

The TLC and NEPF are based on the belief that: "The evaluation system must be part of a larger professional growth system *that consistently evolves and improves to support the teachers and administrators that it serves.*" Year after year and legislative session after legislative session, the NEPF is discussed, and minor changes are made that are not reflective of the process and effectiveness of the NEPF. Based on the NEPF, 92.31% of all educators in Nevada were effective or highly effective last year. This begs the question, is the NEPF an adequate tool to measure the effectiveness of educators and provide educators the support needed to ensure student success? Effective evaluations are contingent upon recurring professional learning for administrators and educators. However, last year's evaluation process changed to reflect virtual instruction, which is not reflected in the data presented. If the evaluation was different last year, how could an administrator effectively evaluate an educator if they did not participate in professional learning? What percentage of administrators participated in the NEPF training? Only trend data is presented to this body, and we were not given the opportunity to review how the NEPF looks within our urban and rural districts. This data does not demonstrate the nuances in education to show how probationary teachers' classrooms or veteran teachers' classrooms performed, and most importantly, how they can improve. How can this level of data allow us to learn about the successes and struggles of the NEPF if the data is incomplete and only measures arbitrary trends? It is not that we don't want every educator and administrator to be deemed as "effective", but we want to ensure that every educational professional can provide students with a quality education and has an opportunity to continue to grow every year to not just be effective in the job, but effective to inspire students to become successful adults.

APPENDIX A, ITEM 10: DR. SENG-DAO KEO – PUBLIC COMMENT #2

Dr. Seng-Dao Keo, Deputy Superintendent of Washoe County School District, provided the following written public comment:

The Washoe County School District (WCSD) shares the same concerns as the Nevada Association of School Superintendents (NASS) and other districts regarding the state's involvement in determining start times for schools.

Decisions regarding school start times should be determined by local districts to meet the unique needs of our communities. While the district acknowledges the research showing that school start times impact academic outcomes for high school students, the district also has data and evidence to demonstrate that our community is not supportive of adjusting start times for schools. WCSD staff and the Board of Trustees engaged with the Washoe County community over a series of public meetings from December 2019 through November 2021 on this very topic. This included over 18,000 survey responses and hundreds of public comments. Our district analyzed this issue in a comprehensive manner and with wide input from stakeholders. Under budget-neutral scenarios, WCSD families and community members in our district were not supportive of a greater degree of schedule change to accommodate later start times. They view this change as more disruptive and generally more undesirable. That is why our Board of Trustees elected not to make any changes to the current bell schedules at that time.

Furthermore, the Nevada Legislature has determined that public education is a matter for local control, imparting the boards of trustees of local school districts with the rights and powers necessary to maintain control of the education of the children within their districts. NRS 385.005 (1); *Herrera v. Russo*, 106 F. Supp. 2d 1057, 1061 (D. Nev. 2000) ("Nevada, public schooling is a matter for local control; it is not a statewide or

central government function.”); Eason v. Clark Cnty. Sch. Dist., 303 F.3d 1137, 1143–44 (9th Cir. 2002)(“the legislature has expressly “reaffirm[ed] its intent that public education in the State of Nevada is essentially a matter for local control by local school districts.” Nev.Rev.Stat. § 385.005 (‘Declaration of legislative intent’”). NRS 385.005(1) explicitly provides that these rights and control provided to local school districts “may only be limited by other specific provisions of law.” Additionally, NRS 386.010 creates each county school district as its own political subdivision, and NRS 386.350 vests broad powers to each local school district board of trustees, including “the establishment and operation of schools and classes deemed necessary and desirable.” The setting of the academic calendar and school site bell schedules are the very operational decisions that the Nevada Legislature granted under the authority of school districts and its board of trustees. It must be noted that the Nevada Department of Education (NDE) cannot reasonably argue that NRS 385.075 provides it with authority to set mandatory bell schedules for all Nevada school districts. As an initial matter, the Nevada Department of Education’s own website concedes that regulations passed in the Nevada Administrative Code are “policies and procedures” rather than laws.

Thus, any attempt by the NDE to create an administrative regulation that establishes mandatory bell schedules for all Nevada school districts not only improperly usurps the clear and broad authority granted to local school districts and each board of trustees to oversee the operational decisions of their schools, but it effectively inhibits their authority because it requires each school district to adjust all other operational decisions related to school bell schedules, such as transportation routes, extra-curricular activities, employee scheduling, etc., based on the NDE’s unauthorized mandate.

The district urges the Nevada State Board of Education to allow each district to determine school start times.

APPENDIX A, ITEM 11: ANNA MARIE BINDER – PUBLIC COMMENT #2

Anna Marie Talbert, a community member, provided the following written public comment:

Madam President, members of the Board and Superintendent Ebert:

I’m writing in support of the notation on the agenda that advises of a potential future agenda item for 388G / SOT training. It has been some time since this board has discussed it and it is very much needed. Our communities need clear and consistent training, that will include changes that come into effect July 1, 2024. I’d like to maybe even suggest a sub-committee for this work. I appreciate all of your time and attention to this matter and look forward to the future agenda item.

APPENDIX A, ITEM 12: PENNY ECCLES – PUBLIC COMMENT #2

Penny Eccles, a member of the community, provided the following written public comment regarding agenda item 9:

I appreciate the presentation on creative solutions to teacher shortages. As a parent of a child who is deaf-blind and placed in a self-contained classroom, I want to express concern that the discussion has not been highlighted the dire need for special education teachers for teachers of the deaf and educational interpreters. Many students are receiving these services by teleconference and it is sub-optimal. It is not conducive to language development. It is especially difficult for learners like my daughter who are deaf or hard of hearing and have additional disabilities. Please consider my child and others like her who require specialized teachers to have full access to the same academic content as her typical peers. Thank you.

APPENDIX A, ITEM 13: CLAYTON ANDERSON – PUBLIC COMMENT #2

Clayton Anderson, Superintendent of Elko County School District, provided the following written public comment regarding school start times:

Dear President Ortiz and Esteemed Members of the State Board of Education,

I am writing to share my thoughts and concerns as the Superintendent of the Elko County School District regarding the proposed regulations pertaining to school start times. I do appreciate the concerns that exist regarding student sleep and well-being, as we also have made concerted efforts and dedicated time, attention, and resources to

prioritizing student well-being, which is one of the four guiding pillars in our strategic plan. This concept is ever-present in all the decisions we make, including school start and end times.

Another very important pillar of our strategic plan is productive and meaningful relationships with all stakeholders in our community. This involves intricately involving our families and partners in many decisions that have an impact on the entire community. In various parts of our community, it is clear that having flexibility of start times is not only a preference for those community members but essential to the structure of the community around those start times. Decisions concerning school start times should be at the prerogative of local school districts and the various stakeholders that comprise the greater school community.

Our school district faces unique circumstances and challenges that significantly impact school start times. One example is our entire school district now operates on a 4-day school model which means, as a result, the length of the instructional day has increased. To push back the start of the school day means to also push back the end time, as well as all of the post-school day activities, sports, extra-curriculars, etc. This will result in students and staff being away from their families for more time in the evening hours which should be maintained for families. Another issue this will present is the complication of an already abbreviated time frame for these activities and organizations to schedule usage of their buildings and facilities. In rural counties and schools, we often only have one available gym/field which both the school and the greater community often rely on using. Shortening the time after school to use these facilities will at best displace kids and organizations and, possibly worse, require the elimination of certain teams/organizations. This problem would only be exacerbated during the fall and winter months. Another significant challenge for us relates to transportation. Due to limited availability of school buses and drivers, our route drivers must stagger the routes *every* morning to be able to get all students to school. Without double the number of school buses and drivers, we would have several schools that would have to start so late that they would be releasing from school at an unreasonable time of day that is neither safe nor conducive to normal family life and activities. Implementing mandated changes to school start times without the necessary additional resources to address these operational challenges would negatively affect our students, staff and families and would constitute an Unfunded Mandate.

I believe the State Board, in their good intentions, is neither appropriately considering the impacts on rural schools and school districts nor the wishes of the very families and students we serve. Additionally, in agreement with the letter submitted by NASS, I question the State Board of Education's authority to regulate school start times. As stated in NRS 385.005, the legislature's intent is that that public education in the State of Nevada is a matter for local control by local school districts. To remove the ability to make a decision so basic as when to begin and end the day would be a massive overreach and received as an indication that no trust *is* afforded those capable school and district leaders. Were I currently on the board, I would strongly advise against taking this position. With so many other more pressing concerns and challenges to our current educational landscape, I would encourage the board to help address those urgent needs and leave these basic decisions to the local entities. Thank you.

Sincerely,
Clayton Anderson
Superintendent, Elko County

APPENDIX A, ITEM 14: SYLVIA LAZOS – PUBLIC COMMENT #2

Sylvia Lazos, a community member, provided the following written public comment regarding implementation of Restorative Justice legislation:

Dear Superintendent of Instruction, President Ortiz and Nevada State Board of Education members,

At October's meeting, the Nevada State Board of Education will begin to consider steps that the NOE will take toward implementation of by AB285-330, the compromise law on restorative justice represented crafted between Governor Joe Lombardo and the 2023 Nevada Legislature. There are many challenges in creating a new balance between classroom safety and student-centered discipline that follows restorative justice practices. Just as compromise legislation, AB285-330 leaves gaps and it will be the task of the Nevada State Board of Education and NOE to provide guidance. Below, in my role as community leader and academic professional working on civil rights and equitable

education opportunities, I recommend that NOE consider detailed and extensive regulation to ensure faithful implementation consistent with the intent of the law,¹ consider monitoring mechanisms for successful and timely implementation, and anticipate the resources that it will take to achieve the goals of these new laws.

There was consensus in Nevada Legislature that, pre-pandemic, restorative justice legislation AB168-SB80 (2019) (NRS 392.3633 et seq.) failed because it was not well implemented. In AB285/AB330 public testimony, the largest school district, CCSD, was singled out as being particularly unsafe and many teachers testified to upsetting incidents. Racial disproportionality in discipline remains high, per the public testimony of Dr. Kyle Rogers, UNLV Instructor of Multicultural Education, analyzing 500-plus pages of CCSD public records.² Teachers testified that they received insufficient guidance and did not have access to the tools to implement restorative justice mandates.

NOE issued guidance letters under prior law, AB168-SB89(2019), that were well-reasoned, research-based and faithful to the intent of the law. ³ However, it appears that NOE guidance was taken as suggestions by some school districts. Given the importance of faithful implementation for success, this time around, NDE should consider the regulatory process to ensure school districts' faithful implementation and build systematic accountability and monitoring. The system that NDE builds will require resources and the Superintendent and Board should consider whether those currently available are sufficient to get the job done.

Suggested areas NDE should address:

1. The new law requires NDE to articulate the overall vision for the state in the area of school climate, safety and restorative justice as student centered discipline. Under AB 285-330, NDE must "develop a statewide framework for restorative justice"(NRS 388.1333} and "establish standards for a progressive discipline plan based on restorative justice to enable a public school to address the unique needs of pupils enrolled in the school" (AB285 Sec 2.5) NDE guidance documents under the old laws were a good starting point, but further detail in regulation would ensure that implementation is not inconsistent . NDE should issue regulations that "develop a statewide framework for restorative justice," establish goals, set an expected timeline and explain policy. The new law envisions that this state- wide plan pay attention to disproportionality impacts on groups protected by law.⁴ Tying this restorative justice work to the State Improvement Plan would make clear how the new laws fit into the state's education policies focused on student academic progress and attainment.
2. NDE made the connection in prior guidance between restorative justice and school "climate and culture framework" in guidance under the old law and the new law makes that link more explicit (Sec. 5(1}{d) AB285} Research shows that successful implementation in schools requires that leaders and educators understand the link between discipline and school culture as a systems challenge.⁵ Regulation and guidance can help by elaborating how to do this difficult work; specifically, Rand research views implementation will be a school-by-school process that requires professional training, leadership commitment and takes time - no less than three years. ⁶ (Please note that the administrator in charge of restorative justice of a large school district recently suggested at a symposium that sending a handful of professionals to restorative justice training and using a "train the trainer model" upon return would be sufficient training. But Rand research indicates otherwise.)
3. Definitions that should be elaborated in regulation include:
 - "restorative justice"⁷
 - "progressive discipline based on restorative justice practices"
 - "Individualized education program"
 - school district's "Plan to use disciplinary practices based on restorative justice"
 - "plan of behavior"
4. NOE and the State Board should outline a strategy for implementation.
 - a. The law is silent on HOW to implement this paradigm shift to "progressive discipline based on restorative justice," while decreasing age minimums for obligatory exclusionary discipline which must follow due process guarantees. Please note that other jurisdictions have undertaken this work with success, mainly Baltimore, Oakland and LAUSD. Nevada does not have to "reinvent the wheel" and should engage consultants from any of these jurisdictions.
 - b. Professional training will be required, as extensive public testimony lay the blame for the failure in implementing restorative justice old law on lack of educator training. Regulation needs to be specific as to

what is credit-worthy professional training and what implementation of training strategies learned should look like at the school level. Please note that the new law requires implementation irrespective of state funding provided to school districts.

- c. Timelines and implementation goals should be clear in regulation and steps that NOE will take if deadlines are ignored. AB 285 sets a deadline of September 30 of each year for a school district to adopt the "Plan to use disciplinary practices based on restorative justice" WITH input of teachers, parents and behavior professionals.⁸ In turn the principal of each school is to develop a restorative justice plan by Sept 1 of each year WITH input of SOT, behavioral professionals and teachers.⁹ The plans for each school are to be posted 14 days after submitted to board of trustees so that parents have due notice.¹⁰ Do we have any confidence that all school districts will comply with these deadlines? If not, shouldn't SBOE make clear the consequences?
5. AB330 lowers the ages that students can be excluded from school for extreme misbehavior (defined in statute) and provides for discretionary "reasonable" expulsions and suspensions "in the judgment of the principal".
 - The "reasonable" discretionary expulsion/suspension principal power may be too vague without further regulatory guidance. Regulation or guidance would ensure that principals did not overuse this power.
 - AB285 "plan of progressive discipline" to be developed for a student with behavioral issues must be in accord with restorative justice practices, detailed in law. These extra measures¹¹ allow the student to grow and change behaviors per restorative justice practices. How will NOE ensure that there is school compliance of progressive student discipline based on restorative justice?
 - NOE should revisit and detail rights of parents and students under AB330; for example, when should parents be informed and become involved, description of offenses should be detailed, clarify only repeat offenses justifies "progressive" and more harsh discipline, require prompt appeal process that ensures that minimizes the time that students are not in school. Detail is important, please note that LAUSD disciplinary process guidelines that complies with due process and restorative justice runs 40 pages.
 - Many examples given in public testimony described behaviors of students who appeared to be special education (or could possibly qualify for that status.) Regulations should ensure that the rights of special education students are preserved. Legal services attorneys specializing in IDEA and the NDE's special education advisory council could be engaged in this work.
 - Re-entry of students excluded for suspension pursuant to AB330 and "progressive discipline based on restorative justice" requires detail as to how a student is reincorporate and what support she will require. Under restorative justice, the student is given a chance to modify behavior with support of appropriate services.
 6. NDE should set up a structure so community and stakeholder input inform its work. NOE can restore stakeholders trust in how discipline is working in Nevada.
 7. AB285 directs NOE and school districts to provide "information and training ...on ... restorative justice, .. PBIS, conflict resolution and de-escalation techniques.¹² How does NOE support the development of each? How does NOE support educators on site?
 8. Racial discrimination in discipline continues to exist in Nevada schools. Data and analysis will be important that is accessible to the community and helps trustees, principals and teachers understand their roles in combatting racial discrimination. AB330 directs the Superintendent to collect disproportionality data and determine whether there is ongoing racial disproportionality.¹³ OCR and USDOJ also have issued their own legal guidance to confront racial discrimination and "best practices" that don't lay blame for discrimination but rather work towards systems that are fair for all children. ¹⁴ The Superintendent should issue Nevada guidance in this regard to clarify policies in this area.

Respectfully submitted in the spirit of helping our children,
Sylvia R. Lazos

Footnotes from Ms. Lazos' letter:

¹ See Lydia Nussbaum, Realizing Restorative Justice Legal Rules and Standards for School Discipline Reform (extensive review of laws concludes that detailed and specific legal guidance is needed for the successful implementation of restorative justice because the

concept is inherently vague and disputed).

² See also, Dr Rogers testimony before NSBOE meeting November 2022 at Appendix A

https://doe.nv.gov/uploadedFiles/ndedoenvgov/content/Boards_Commissions_Councils/State_Board_of_Education/2022/November/11_3_2022_SBE_Meeting_Minutes.pdf

³ Restorative Practices Support Document for Nevada (March 2020); Guidance Memorandum 19-08T (March 2020)

⁴ Sec. 4.5(2)(a)(4)

⁵ See Thaila Gonzalez and Rebecca Epstein, Building Foundations of Health and Wellbeing in School: A Study (2021); Rand, Can Restorative Justice Practices Improve School Climate and School Suspensions? (2018).

⁶ See Rand, *supra*.

⁷ NRS 392.472 "Restorative justice" means nonpunitive intervention and support provided by the school to a pupil to improve the behavior of the pupil and remedy any harm caused by the pupil."

⁸ AB285 Sec 5(i)2

⁹ AB285 Sec S(i)3

¹⁰ AB285 Sec S(i)S

¹¹ AB285 Sec 5(2)(a) "Authorize the use of disciplinary practices based on restorative justice which include, without limitation: (1) Holding a pupil accountable for his or her behavior; (2) Restoration or remedies related to the behavior of the pupil; (3) Relief for any victim of the pupil; and (4) Changing the behavior of the pupil;"

¹² AB285 Sec. 2.5.

¹³ AB285 Sec. 5(7).

¹⁴ In 2014, the Obama administration issued a Dear Colleague Letter (DCL) that included detailed and practical guidance for protecting students' civil rights against racial discrimination in school discipline. In 2018, the Trump administration rescinded the Obama DCL. Biden administration is reviewing Q&A on Racial Discrimination in School Discipline (<https://www2.ed.gov/about/offices/list/ocr/docs/qa-title-vi-201812.pdf>). More recently USDOJ and OCR issued Resource on Confronting Racial Discrimination in Student Discipline (May 2023) which details case studies of school district discipline practices that comply with civil rights laws or racial disparities <https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf>